

OVERVIEW OF LICENSING 2018-19

Executive Summary

Attached as Appendix 1 is a report from the Licensing Team on the work which has taken place during the 2017/18 financial year. Section 1 of the report contains details of projects, section 2 sets out the statistics relating to taxi, licensed premises and temporary event notice activity, and section 3 contains information on the refusals, revocations and suspensions carried out in line with the Local Government (Miscellaneous Provisions) Act 1976.

Recommendations

The Committee is requested to:

RESOLVE That the report be noted.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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Section 1 : Projects Summary

The Projects that we have worked on implementing over the past year

Best Bar None

The Licensing Department continues to provide assistance in the set up and delivery of the Best Bar None Scheme currently operating in Woking. After a brief hiatus, the scheme was restarted in 2018 and is now in its second year. The aim of the scheme is to improve standards and raise the levels of professionalism in Licensed Premises in Woking Borough, thus making the night-time economy experience for the public safer and more enjoyable. Best Bar None involves joint working from the Licensing Department, Economic Development, Community Safety, Environmental Health, Surrey Police and Surrey Police Licensing.

The second year of the Scheme, Best Bar None 2019, was officially launched on the 21st of May 2019.

The review and rewriting of the Gambling Statement of Policy

Section 349 of the Gambling Act 2005 requires each Licensing Authority (in this case Woking Borough Council) in England and Wales to determine and publish its Policy Statement on the exercise of its gambling functions every three years. To comply with the legislation the Council needed to review its Policy Statement. As the Policy had been reviewed but not updated in several periods, a full overhaul was carried out and Licensing Officer Jon Herbert re-wrote it to bring it up to date with both Woking Borough, as well as in line with other Authorities and the Gambling Commissions guidelines.

The Gambling Statement of Policy was accepted at Licensing Committee on the 22nd of January 2019.

Mandatory CSE training for all drivers

At Council on 8 February 2018 elected members approved the introduction of mandatory Child Sexual Exploitation (CSE) & Safeguarding training for new and existing taxi and private hire drivers, provided by Barnardo's. This Surrey-wide requirement aims to help prevent the sexual exploitation of children and vulnerable adults by equipping licensed drivers with the skills and awareness that will enable them to spot the signs of CSE and know how to report it.

The requirement stipulates that all existing licensed taxi and private hire drivers are to undertake, and successfully complete, the training by (18 June 2019). The training is free of charge to existing licence holders.

With just under three weeks until the deadline passes we have 522 drivers who have taken and passed the training, and 153 yet to complete and pass. Final reminder letters have been sent to these drivers, with a warning that action will be taken against their licence should the deadline pass and they haven't completed the training.

The pool of Councillors changes

There are statutory deadlines by when the matters should have been determined by the Sub-committees, it was proposed that if it is difficult to secure a date for a Licensing Sub-Committee convenient to members or substitutes appointed annually each May, Democratic Services may approach any Member of the Licensing Committee to attend the Sub-Committee hearing.

This amendment was accepted at Licensing Committee on the 9th of October 2018.

The introduction of dress code guidelines

To assist drivers with what the Licensing Authority understands by the phrase “professional image” a short guidance note was produced providing a clear set of standards of dress. The guidance note is not overly prescriptive but instead provides categories of acceptable and unacceptable clothing. The Licensing Committee agreed the proposal and the guidance note is to be appended to the Handbook. The wording used is standard wording and can be found in guidance produced by numerous licensing authorities across the country.

The guidance was accepted at Licensing Committee on the 9th of October 2019

The implementation of an electric vehicles viability project

The Licensing Department have engaged Electric Blue’s EVolve Taxi Evaluation Project to provide evidence for the trade and Licensing Authority on the viability of using electric vehicles. Electric Blue are a company aiming to install and operate a national vehicle charging network, powered completely by renewable energy, in locations around the UK based on a thorough understanding of operational profiles of taxis, delivery fleets and other high mileage vehicles.

The viability project, at no cost to the drivers taking part, will take place over the course of three months. Electric Blue works to help taxi drivers gain an understanding of their fuel consumption, emissions and total journey times by installing a small data gathering device able to gather the relevant data.

The key information recorded is:

- ⇒ time and date
- ⇒ trip length
- ⇒ start, route and stop location
- ⇒ driver efficiency

This data is then modelled to show the feasibility and business case had the driver been operating an electric vehicle during the same time period, enabling them to see how much money could be saved on taxi running costs including fuel, licence and servicing if driving an Electric Taxi.

Given that this project might lead on to further proposals that will greatly affect the trade, EVolve will engage them from the start.

Woking Borough Council wishes to look at the possibilities of moving towards a more professional looking and environmentally friendly fleet of Hackney Carriage Vehicles. EVolve will provide the information needed in order for the Council to make an informed decisions in this regard.

Woking Borough Council’s Licensing Department is currently awaiting a start date from Electric Blue for the project.

Upcoming policy changes

Changes to Private Hire Operator licensing

It is the view of the Licensing Authority that some changes are required to current licence conditions to ensure that Operators continue to be safe, accountable and trustworthy; understanding of their requirements; safely providing for their drivers; and knowledgeable of the law.

Proposal (i): Operators ‘Trading As’ Names

In order to create a clear and transparent system the Licensing Authority proposes to issue one licence per named Operator. Any “trading as” names will be issued a separate licence with a unique reference number linking back to the “parent” licence. The Licensing Authority also proposes an administrative fee of £10.50 per “trading as” company name, in line with current charges.

It is proposed that this procedural change is implemented upon renewal of each licence or upon each request to add a new “trading as” name to a licence.

A consultation is currently taking place (due to end on the 15th of July) after which the proposal will be brought before the committee.

Proposal (ii): Operators Knowledge Test

When applying for a new or renewed Private Hire Operator licence, applicants are required to sign a declaration of having read and understood the guidance. Unfortunately, despite this, some Operators are not demonstrating an understanding of their legal requirements and have failed to adhere to conditions on their licences.

In order to safeguard against this, and increase public confidence in the trade, the Licensing Authority proposes the introduction of a Private Hire Operator Knowledge Test. All new applicants would be required to pass the test prior to being issued a licence. Existing Operators will be required to pass the test prior to the next renewal of their licence.

A consultation is currently taking place and is due to end on the 15th of July, after which the proposal will be brought before the committee.

Proposal (iii): Operators Door Signage Regulations

Private Hire Operators are required to ensure that all vehicles carrying out work under their company name display the correct signage in order to be easily identifiable. It has become evident, through conversations with drivers who have failed to display door signs, that magnet based door signs are not fit for purpose. Semi-permanent vinyl stickers are highly unlikely to fall off or blow off in the wind, and are very difficult to steal.

The Licensing Authority proposes that a condition stating that all operator door signs must be of a semi-permanent vinyl sticker type, no smaller than 210mm x 297mm, be added to Private Hire Operator licences.

A consultation is currently taking place (due to end on the 15th of July) after which the proposal will be brought before the committee.

Introduction of the National Register of Taxi and Private Hire Revocations and Refusals

The Local Government Association has launched a National Register of Taxi and Private Hire Revocations and Refusals (NR3). This register will enable councils to record details of where a taxi or private hire vehicle licence has been refused or revoked in order for other local authorities to check new applicants against the register. The basic details of all drivers and applicants who have been refused or revoked will be stored for a period of time on a centralised National Anti-Fraud Network system to increase joint working between authorities.

Currently if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a council to find this information out, meaning that important information

regarding an applicant's past behaviour is missed. As a result, an individual might be able to get a new licence in another area despite having their licence taken away elsewhere. The NR3 scheme prevents this happening and will be hugely beneficial in ensuring the safety of the travelling public.

This is being proposed at the Licensing Committee meeting on the 11th of June 2019.

Introduction of Joint-Warranting

A Licensing Officer currently only has legal powers over licences issued by their own authority, meaning that on any occasion they encounter an issue with a licensed vehicle or driver that should result in enforcement of any nature, they can do very little other than report it to the relevant licensing authority. All Surrey Licensing Authorities are leading the way in the introduction of joint-warranting, effectively giving officers the powers to enforce the requirements of other licensing authorities. The implementation of this action will see vehicles or drivers no longer able to operate with relative impunity when in a borough different to their own licensing authority.

This is being proposed at the Licensing Committee meeting on the 11th of June 2019.

Future projects

Requirement for all drivers to register with the DBS Update service

Local Government Association guidance recommends that Disclosure Barring Service (DBS) checks be carried out every six months. This would cost every driver £88 per year, rather than the £44 every three years that they currently pay as a part of every driver's licence renewal. Applicants are currently required to complete a DBS check for every authority they are licenced with i.e. a Woking Borough Council licenced driver will complete a check countersigned by Woking Borough Council, and a separate check countersigned by Surrey County Council should they be carrying out school transport work.

The DBS Update Service provides a quick and easy way for authorities to check an applicant's history, with the permission of the applicant in advance, without the need for multiple DBS application processes to be completed and paid for. The service also enables regular checks to be carried out, potentially improving the safety of the travelling public. Furthermore, the Update service is currently being looked at by the DfT to be made into a statutory requirement.

Requirement for all drivers and applicants to undertake a Language Proficiency test

The Department for Transport are currently in the process of a nationwide consultation that includes giving consideration to introducing a language proficiency test for all drivers as a statutory requirement in order to ensure a minimum national standard.

Change in the design of the drivers ID badge

The Licensing Department are, at some point, intending to look at modifying the current Taxi and Private Hire badges. The intention is to look at how we can introduce badges that are of a more convenient size for the drivers, while also providing clear identification for passengers.

Introduction of a penalty points scheme

The intention of a penalty points scheme would be to provide transparency offences or breaches committed by drivers, and to reduce the element of “officer discretion” from the process in order to provide a standardised method to be applied to all drivers.

Section 2: Annual Statistics

The following figures are taken for the financial year, 1 April 2018 to the 31 March 2019.

	Last Year	This Year
Current number of licenced drivers	749	713
Current number of licenced vehicles	723	625
Number of Driver applications received:	316	343
Number of Driver Licences issued:	277	314
Number of Vehicle Applications received:	820	773
Number of Vehicle Licences issued:	816	772
Number of Operator Applications received:	76	69
Number of Operator Applications issued:	75	68
Current number of Licenced Premises (inc. Clubs)	300	292
Current number of Personal Licences issued	1176	1235
Number of Personal Licences issued:	65	59
Percentage of Personal Licences issued within the statutory timeframe:	100%	100%
Number of new Premises Licences issued:	13	12
Percentage of Premises Licences issued within the statutory timeframe:	100%	100%
Number of Premises Licence variations and transfers:	84	95
Percentage of Premises Licence variations and transfers issued within the statutory timeframe:	100%	100%
Number of Temporary Event Notices' received:	272	216
Percentage of Temporary Event Notices issued within the statutory timeframe:	100%	100%

Section 3: Refusals, revocations and suspension

21/03/18 – Case 003463

Drivers licence revoked on the grounds that

- i) they had been arrested by Surrey Police for Child Abduction
- ii) they had previously been arrested, cautioned and had their licence suspended carrying a bladed article in their licenced vehicle
- iii) they had a record of historical convictions, such as handling stolen goods, possession of a controlled drug and a caution for resisting or obstructing a constable.
- iv) Surrey Police had expressed concerns as on three separate occasions the driver had been caught using or carrying cannabis which suggested a pattern
- v) Surrey police had also expressed concerns as a stop and search of his vehicle had found a wash kit in the central console containing wet wipes, condoms etc – which we were informed by the Police is a common accoutrement for those involved in the control of prostitution.

26/03/18 – Case 004048

Applicant's renewal was refused on the grounds that

- i) they had failed to disclose a previous licence refusal (which is a requirement of the application form)
- ii) they had failed to notify us of an address change (whilst licenced)
- iii) on more than one occasion they had provided us with false addresses on official application forms
- iv) they had provided false information on a Disclosure and Barring Service (DBS, formerly the CRB check) application form.
- v) They had failed to update their DVLA licence in contravention of DVLA requirements.

29/05/18 – Case 004966

Applicant's renewal was refused on the grounds that their DBS Certificate showed "Theft by an employee" which is in contravention of Woking Borough Councils Criminal Convictions Policy.

21/06/18 – Case 003802

Drivers licence was revoked on the grounds that

- i) they had been arrested by Surrey Police on suspicion of being concerned in the supply of a Class A Drug and possession of a controlled drug of Class B after a warrant was executed at their home address.
- ii) The applicant had a substantial criminal history of similar incidents including affray, allowing a dog to be dangerously out of control and causing injury, using racially threatening and abusive language intended to cause distress, two convictions for possessing cannabis, three convictions for possessing cannabis with intent to supply and one conviction for possessing cocaine with intent to supply.
- iii) they had been involved in an incident whereupon they had physically assaulted another driver whilst in the reception of the Civic Offices at Woking Borough Council.

20/07/18 – Case 003253

Applicant's renewal was refused on the grounds that an independent medical advisor had deemed them to be 'not medically fit to drive a vehicle for hire and reward,' in line with the DVLA standards.

20/07/18 – Case 003461

Applicant's renewal was refused on the grounds that an independent medical advisor had deemed them to be 'not medically fit to drive a vehicle for hire and reward, in line with the DVLA standards.

25/07/19 – Case 004201

Drivers licence was revoked after they were caught illegally plying for hire in Guildford. The applicant had been caught by Guildford Council Officers and had been found guilty of the offence both at the Magistrates Court and the Crown Court.

25/09/18 - Case 003885

Applicants renewal was refused on the grounds that

- i) it transpired as part of the renewal that they had been caught driving a vehicle without insurance
- ii) they had failed to notify the Licensing Authority of the DVLA endorsement, in contravention of Condition 1b of their licence
- iii) they had provided false information on the renewal form (choosing to state they had never had a licence refused or revoked, when in reality in 2011 they had their licence revoked for illegally plying for hire)

12/12/18 – Case 003465

Drivers licence was revoked on the grounds that

- i) In September 2018 they had had been caught and convicted by Surrey Police of driving a licenced vehicle whilst there was no valid insurance in place,
- ii) In December 2018 they had been caught again by Surrey Police driving a licenced vehicle whilst there was no valid insurance in place,
- iii) they had failed to notify the Licensing Authority of the conviction or the endorsement, in contravention of Condition 1 and Condition 2 of their licence.

14/12/18 – Case 003464

Applicants renewal was refused on the grounds that

- i) they had been disqualified from driving for 'totting up,'
- ii) they had failed to notify the Licensing Authority of the conviction or the endorsement, in contravention of Condition 2 of their licence,
- iii) they had continued to hold a Hackney Carriage Drivers licence whilst not in possession of a valid DVLA Driving Licence.

03/01/19 – Case 003444

Drivers licence was suspended in August 2018 because they had been arrested and charged for a violent domestic incident and a child protection incident. On the 17th of December 2018 the driver attended court, pleaded guilty, and was convicted for common assault. The Criminal Convictions Policy states that a conviction for Common Assault will prevent a licence being issued until 10 years have passed since the completion of the sentence, and as such the suspension was replaced with a revocation.

05/03/19 – Case 003761

Drivers licence was revoked on the grounds that information had been received from Surrey Police regarding an incident whereupon the driver had purchased a controlled substance (Class A, Cocaine) and proceeded to take that drug in their licenced vehicle along with two vulnerable female youths. Having taken the drug they then proceeded to drive the licenced vehicle whilst under the influence of drugs.

01/04/19 – Case 003594

Drivers licence was revoked on the grounds that

- i) during a previous renewal, it was discovered they had failed to declare DVLA points/endorsements (in contravention of Condition 1 of their licence) and received both a verbal and a written warning about it.

- ii) they had received a six month driving ban/disqualification and failed to notify the Licensing Authority in contravention of Condition 1 of their licence.
- iii) they had continued to hold a Private Hire Drivers licence whilst not in possession of a valid DVLA Driving Licence.

01/04/19 – Case 003877

Applicants renewal was refused on the grounds that

- i) they had received a six month driving ban/disqualification and failed to notify the Licensing Authority in contravention of Condition 1 of their licence
- ii) they had continued to hold a Private Hire Drivers licence whilst not in possession of a valid DVLA Driving Licence.

16/04/19 – Case 003528

Applicant's renewal was refused on the grounds that an independent medical advisor had deemed them to be 'not medically fit to drive a vehicle for hire and reward,' in line with the DVLA standards.