

Report to	-	Licensing and General Purposes Committee
Date	-	10 April 2017
Report of the	-	Councillor Mrs Sally-Ann Hart
Subject	-	Local Government Association Licensing Conference

---

**Recommendation:** It be **RESOLVED:** That the report be noted.

---

### **LGA Licensing Conference 7 February 2017**

1. Rother very kindly paid for me to attend the Local Government Association (LGA) Licensing Conference in February. I thought it might be helpful if I gave some feedback.
2. Several topics were covered at the Conference, but I do not intend to highlight them all here - only the ones I found the most interesting!

Several pertinent points arose which are of note:

- The Licensing Act 2003 liberalised alcohol licensing and this has had a negative impact on issues associated with alcohol consumption within our communities, such as crime, family life and looked after children, domestic violence, mental health, unemployment and addiction. Excess alcohol is costing the NHS huge amounts of money and the House of Lord's Select Committee's findings on the Licensing Act 2003, and the future of alcohol licensing, is due to be published this month. For example, it has been mooted that VAT may need to rise to help cover the widespread cost of alcohol consumption, and that we need to look at ways to encourage people, including producers and retailers, to be more responsible with regard to alcohol consumption.
- It is important when considering the grant of such licences to balance business needs with the impact to our local communities.
- Alcohol licensing is about safer communities through regulation - not just bureaucratic action. Innovative licensing can make communities safer.
- From a local government perspective, more powers should be devolved in order for local authorities to have more control over licensing - a more localised approach to licensing is required.
- Similar problems arising from alcohol consumption are also associated with gambling, which is another form of addiction. This can also have an impact on family life, employment, mental health, criminal behaviour etc.
- Much of the alcohol licensing and taxi licensing legislation needs updating and amending.

- Local authorities can do much more to better taxi services as well as alcohol licensing.

### Identifying safeguarding loopholes in taxi licensing

3. Tim Briton highlighted how drivers, who are refused a licence in the place they want to work, are working there anyway. He also highlighted how drivers who have had their licences revoked continue to work in the same area for often the same company.
4. It is important that licensing authorities carry out regular, thorough and consistent checks on, for example, enhanced DBS, criminal record check if applicant has lived overseas, CSE, awareness training etc. The driver must be fit and proper. Safeguarding loopholes arise because not all councils require all of the checks that should be carried out or to a consistent standard. So, a driver can lawfully get a licence in one area where s/he would not meet the eligibility criteria elsewhere. That driver can then work in an area where he would not get a licence - under a Private Hire subcontract or using a Hackney carriage for pre-booked work.
5. Therefore, it is important that local authorities ensure that operators of Private Hire Vehicles do so from their area, using only vehicles and drivers licensed by them. Licensing authorities must not allow Private Hire operators to use Hackney Carriage and Public Service Vehicles (9-16 seats and licensed by the DVLA) interchangeably with Private Hire Vehicles - even though many councils allow this under S. 80 Local Government (Miscellaneous Provisions) Act 1976. This provision excludes Hackney Carriages and Public Service Vehicles from the scope of the Private Hire operator. Note that Hackney Carriages and Public Service Vehicles can be used for pre-booked journeys anywhere in England and Wales.
6. By authorising, for example, cross border enforcement, harmonising licence conditions and allowing Private Hire operators to only invite and accept bookings for Private Hire Vehicles, local authorities can prevent Private Hire operators using Hackney Carriages and Public Service Vehicles where doing so defeats the safeguards in the operator's licence.
7. Stephen Fidler (Head of Buses and Taxis, Department of Transport) gave a **Policy update on Taxi and Private Hire Licensing**. He highlighted the safeguarding loophole outlined above and suggested that this could be addressed by attaching conditions to Private Hire Vehicle operators licences; that all Private Hire Vehicle bookings can only be fulfilled by a Private Hire licensed driver; where a Private Hire operator also holds a Public Service Vehicle operator's licence, Public Service Vehicles should not be used without the hirer's informed consent.
8. There was a series of fascinating talks on '**Licensing Mapping**', by using health data in licensing. Wigan Council has carried out a successful licensing map using the public health 'support toolkit' (HALO). This is essentially to do with public safety and looks at applying public health data, such as criminal incidents and road traffic collisions and hospital admissions, to assess the risks associated with alcohol consumption in a given area. Alcohol related disruption within any particular area can be mapped, which gives an

insight into problem areas, and may influence whether or not a licensing panel grants a licence in a particular area. However, it does not give any information on what the difference would be if a premises extended its licensing hours. It would be quite an interesting exercise for Rother if we 'licence mapped' our area!

9. It is worth Members having a copy of the talk on '**Licensing Committees: Decision Making and Rules of Natural Justice**'.
10. **Disability Equality** is a subject which was discussed in some depth. It was quite shocking to hear from Dave Kent (Guide Dog owner), how many taxis would not take assistance dogs or wheelchairs. Taxis should take assistance dogs, unless the driver has an exemption certificate, and cannot charge for such dogs. Calls were made for local authorities to require driver disability equality training (only 1/3 of licensing authorities currently require this), to implement taxi and Private Hire Vehicle policy on assistance dogs and to make exemption certificates tactile.
11. I have email copies of the talks should anyone wish to have them.

Councillor Mrs S. Hart  
Rother District Councillor – Eastern Rother