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26 June 2019

To: All Councillors

As a Member of the **Licensing & Appeals Committee**, please treat this as your summons to attend the meeting on **Thursday 04 July 2019 at 6.00 pm in the Council Chamber, Town Hall, Matlock DE4 3NN.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written over a faint circular stamp or watermark.

Sandra Lamb  
Head of Corporate Services

## AGENDA

### 1. APOLOGIES

Please advise the Committee Team on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence.

### 2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

### 3. MINUTES OF LAST MEETING

06 March 2019

### 4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

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|-----------|--|----------------|
| <b>5.</b> | <b>LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL PROGRESS REPORT</b>   | <b>03 – 09</b> |
|           | To consider a summary work of the Licensing Section, in relation to the Licensing Act 2003 and the Gambling Act 2005, during the past financial year and the previous two years to allow comparison to be made. Also, to approve continuation of the Licensing Team's contribution to the work of the Community Safety Violence, Alcohol and Licensing group and its work with other Responsible Authorities and national issues through the Institute of Licensing, Derbyshire Licensing Group and Gambling Commission.                         |                |
| <b>6.</b> | <b>STREET COLLECTIONS AND HOUSE TO HOUSE COLLECTIONS REVISED SCHEME OF DELEGATION</b>  | <b>10 – 11</b> |
|           | To consider approval for a revised scheme of delegation for licensing/registration of charitable Street Collections and House to House Collections, following the proposed transfer of the function from Corporate Services to Regulatory Services.  |                |
| <b>7.</b> | <b>TAXI AND PRIVATE HIRE LICENSING ANNUAL PROGRESS REPORT</b>  | <b>12 - 16</b> |
|           | To note a summary of the work relating specifically to taxi and private hire licensing, undertaken by the Licensing Team during the last financial year, in particular the actions taken following the implementation of the Council's revised Taxi and Private Hire Licensing Policy, which came into effect on 1 <sup>st</sup> May 2018. Also to consider approval (subject to legal and financial approval) for use of the national taxi register of refusals, suspensions and revocations, hosted by the National Anti-Fraud Network (NAFN). |                |

Members of the Committee: Councillors Jacqueline Allison, Paul Cruise, Tom Donnelly (Chairman), Graham Elliott, Alyson Hill, Stuart Lees, Michele Morley, Joyce Pawley, Claire Raw, Andrew Statham (Vice Chairman) Steve Wain and Mark Wakeman.

LICENSING AND APPEALS COMMITTEE  
4 JULY 2019

Report of the Head of Regulatory Services

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## **LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL PROGRESS REPORT**

### **PURPOSE OF REPORT**

This report provides a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Team during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.

The Committee is provided with details of compliance and enforcement work carried out in partnership with other statutory authorities, which contributes to the Licensing Service Plan Actions.

The report provides details of how the Licensing Team can give support to local campaigns to promote licensing issues through the Community Safety Partnership's VAL Group, and national issues through the Institute of Licensing and the Derbyshire Licensing Group.

### **RECOMMENDATION:**

- 1) That the Licensing Team continues to work with other Responsible Authorities, where possible, when carrying out the following number of planned compliance/enforcement visits in the District by 31 March 2020:
  - 20 licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal;
- 2) That the Licensing Team continues to contribute to the work of the Community Safety Partnership's VAL (Violence Alcohol and Licensing) Group, and supports initiatives promoted by the Institute of Licensing and the Gambling Commission.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

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## **1 THE LICENSING ACT 2003**

### **1.1 The Licensing Act 2003 ("the Act")**

The Licensing Act 2003 established a single integrated scheme for licensing premises which are used for the sale or supply of alcohol, and/or to provide regulated entertainment and/or to provide late night refreshment.

1.2 Each year the District Council, (in its role as the Licensing Authority), maintains in the region of 550 premises licences and club premises certificates; 1,275 personal licences; and on average (each calendar year) acknowledges some 500 to 550 temporary event notices (TENs). All of these authorisations permit one or more of the licensable activities under the provisions of the Licensing Act 2003.

1.3 Each year a number of new premises licences are granted and a small number are surrendered, as businesses close down or move premises. New licences are granted and existing licences varied for a number of reasons, which include the start-up of new businesses, a rise in the number of one-off events. eg: small music festivals, micro-breweries, themed/luxury bed and breakfast establishments, community shops in separate areas of existing licensed premises etc.

1.4 Annual Progress Reports

The first annual progress report was presented to this Committee in 2007, providing information about the numbers of alcohol, entertainment and late night refreshment licence applications determined with effect from November 2005. Since 2007 an annual progress report has been submitted for the Committee’s information and consideration. The report is usually considered at the first meeting in the civic year

1.5 Some of these activities are no longer licensable; the Live Music Act 2012 exempted the Licensing Act 2003 requirement for a licence for the provision of facilities for music, dancing, entertainment or anything similar, and amended the need for a licence for live and recorded music, dancing, the performance of plays and the exhibition of films; but only during specific times, namely between the hours of 8am and 11pm; and at particular types of premises; usually in community premises or at those that are already licensed for the sale of alcohol.

1.6 Licence applications made under the Licensing Act 2003

Application Type	Number of Applications Processed		
	2016/17	2017/18	2018/19
New Premises Licences/Club Premises Certificates (CPCs)	15	17	16
Transfers of Premises Licences/Club Premises Certificates	25	27	22
Variations (full)	4	3	7
Minor Variations	5	3	6
Variation of (DPS)	82	74	74
Removal of DPS Condition	0	0	1 + 1 withdrawn
New Personal Licences	60	53	42
Temporary Event Notices (TENs)	369	409	454
LATE Temporary Event Notices	118	129	125
Surrendered Premises Licences	6	8	9

1.7 Licensing and Appeals Sub-Committee Hearings

During 2018-2019, applications were received for 16 new premises licences and 7 major variations to existing premises licences.

Only one of these applications attracted representations (relevant objections), that could not be resolved, and had to be referred to a meeting of the Licensing and Appeals Sub-Committee, to be determined.

The licence was granted, but with additional conditions and restrictions, to balance the needs of the business and of the local residents.

## 1.8 Applications for Minor Variations

In October 2009, the Minor Variations application process was introduced. This allowed proprietors/operators to make small changes to their premises licences, as long as the proposed changes would not undermine the licensing objectives specified in “the Act”.

The Licensing Objectives are of equal importance and are:

- The prevention of crime and disorder;
- The prevention of nuisance;
- Public safety; and
- The protection of children from harm.

Examples of permitted changes under this process include:

- Minor changes to the structure or layout of premises;
- Small adjustments to licensing hours;
- Conditions: removal of out-of-date, irrelevant or unenforceable conditions; or the volunteering of additional/revised conditions;
- Licensable activities: adding certain licensable activities.

1.9 When this procedure was introduced, the Government recommended that the decision making for Minor Variation applications should be delegated to officer level. So, there is no provision for hearings to be held to determine these applications. If relevant objections are received the applications are refused.

1.10 The Head of Regulatory Services and the Licensing Manager are both delegated to determine applications for Minor Variations.

1.11 A total of 7 Minor Variation applications were determined by Officers under delegated powers between 1<sup>st</sup> April 2018 and 31<sup>st</sup> March 2019. Two of these were in respect of the same premises.

1.12 Details of Minor Variations granted during this period are produced in the following table for the Committee’s information:

<b>Premises</b>	<b>Variation</b>
Y-NOT Festival Site, Aston Hill Farm, Aston Hill, Pikehall, Derbyshire.	Revision to licence conditions relating to monitoring the number of persons on site, searches being carried out, and revisions to the Event Safety Management Plan documents.
The Co-Operative Food, Calver Road, Baslow, Derbyshire, DE45 1RP.	Minor alterations to store layout.
Square And Compass, Main Road, Darley Bridge, Derbyshire, DE4 2EQ (2 applications).	Minor alterations to internal lay-out which did not proceed + follow-on application to revert to original plan of licensed area.

Premises	Variation
Devonshire Arms, Market Place, Hartington, Derbyshire, SK17 0AL.	Variation to the layout and design of the premises, to relocate the toilets to the first floor with accessible toilet created on the ground floor. Reconfiguration to the bar and back of house layout, new front and rear entrance lobby and new/extended seating to trade area.
Chimes Cafe, 48 St John Street, Ashbourne, Derbyshire, DE6 1GH.	Minor amendment to plan of licensed area, and updating of licence conditions in respect of age verification policy, use of CCTV, use of 'plastic' glasses outside at Shrovetide, and display of notice asking patrons to respect needs of residents and keep noise to a minimum.
Cock Inn Public House, Cock Hill, Clifton, Derbyshire, DE6 2GJ.	To amend plan of licensed area, by removing the fixed seating.

### 1.13 Working with Partners

The Licensing Team continues to work closely with the other agencies with responsibility for dealing with applications for licensing eg through the Safer Derbyshire (Community Safety) Partnership VAL Group (Violence, Alcohol and Licensing).

- 1.14 Periodically throughout the year, visits to licensed premises are carried out jointly, where appropriate, with officers from the Police, Environmental Health, Fire Service and Trading Standards Authorities. Where problems exist or there is the potential for problems, measures to deal with these are agreed by officers and negotiated with the licence holder.
- 1.15 In 2018-19 the target for visits to licensed premises detailed in the Licensing Service Plan actions, was exceeded. 14 of the 23 visits carried out were to premises where alcohol was being sold; (9 of these visits related to premises that are licensed for gambling). A target of 20+ visits to licensed premises during 2019-20 has been agreed and published in the Licensing Service Plan.
- 1.16 During the last financial year, officers from the Council's Licensing and Community Safety Teams have participated in several joint under-age test purchase operations at alcohol-licensed premises, with officers from Derbyshire Police and Derbyshire County Council's Trading Standards. Licensed premises across the Derbyshire Dales were visited and any premises that failed the test purchase were re-visited without warning within the following 3-month period and a second test purchase was carried out. The aim of the exercise is to monitor how well licensed premises implement a Verification of Age Policy and Refusals Log, and whether staff training is being carried out robustly, to achieve this aim.
- 1.17 All newly-licensed premises for the sale of alcohol in the Derbyshire Dales District are expected to operate the Challenge 25 scheme. Premises that have been licensed for some time are being encouraged to move from the earlier Challenge 21 and Challenge 18 schemes, to Challenge 25, as this offers a more robust approach to ensuring that alcohol sales are not made to anyone under the age of 18.

## **2 THE GAMBLING ACT 2005**

### **2.1 The Gambling Act 2005 (“the Act”)**

Local licensing authorities have regulatory obligations under the Gambling Act 2005 for licensing gambling premises and issuing permits and permissions.

2.2 The Gambling Commission works closely with licensing authorities and other regulatory partners on joint initiatives and provides support through training, advice and publications.

2.3 The Commission has developed toolkits, application forms, returns forms, codes of practice, guidance, and a monthly Bulletin, to help Licensing Authorities carry out their regulatory responsibilities around gambling.

### **2.4 Local Activity**

The following numbers of premises in Derbyshire Dales are currently licensed under the 2005 Act:

- 1 Adult Gaming Centre (Matlock Bath)
- 4 Bookmakers (Betting Shops)
- 4 Family Entertainment Centres (Matlock Bath)
- 1 Occasional Use Notice (Pikehall Harness Racing)
- 180 (approx) Small Society Lotteries.

2.5 In 2018-19 the target for visits to licensed premises detailed in the Licensing Service Plan actions, was set at 20. A total of 23 visits was carried out (see paragraph 1.15 above), and 9 of these visits were made to all bookmakers, family entertainment and adult gaming centres across the District.

2.6 A target of 20 visits to licensed premises during 2019-20 has been agreed and published in the Licensing Service Plan, and it is proposed that some of these visits will be made to gambling premises to support the Gambling Commission’s Responsible Gambling Week Campaign from 7<sup>th</sup> – 13<sup>th</sup> November 2019.

### **2.7 Responsible Gambling Week 2019**

Responsible Gambling Week 2019 runs from 7<sup>th</sup> - 13<sup>th</sup> November and is a campaign led by the gambling industry that aims to create a conversation with customers, staff and the wider public about gambling responsibly.

2.8 The campaign will focus on driving awareness of:

- how to gamble responsibly;
- the tools that are available to help people gamble safely all year round;
- sources of more advice and support.

2.9 The Council’s Licensing Team will be supporting our licensed gambling premises to promote Responsible Gambling Week. Support will also be available from organisations such as the National Gambling Helpline, GamCare and GambleAware. A range of resource materials are available for those wishing to support the week, to keep gambling fun, and to ensure that players across all types of gambling can gamble safely.

## 2.10 Changes to Gambling Legislation

During 2018-19 there were no changes in legislation affecting the licensing of these premises, however the 1<sup>st</sup> April 2019 saw a significant change introduced with B2 gaming machines (Fixed Odds Betting Terminals [FOBTs]) having the maximum stake per spin reduced from £100 to £2.

2.11 The 4 Bookmakers (Betting Shops) in the Derbyshire Dales all have these machines and this will be a primary focus for compliance visits during 2019-20.

## 2.12 Licensing Authority Statistics Published by Gambling Commission

Licensing authorities (LAs) have a statutory duty to provide the Gambling Commission with specific information about gambling regulation in their area. The Commission collates and analyses the information to help Licensing Authorities, and the Government, understand the local and national landscape of gambling regulation.

2.13 Every September, the Commission publishes the licensing authority statistics for all authorities in England and Wales. An Excel version of the statistics is usually uploaded to the Gambling Commission's website and provides more transparency and an element of interactivity with the figures. This enables a Licensing Authority to compare its own activity with that of other Licensing Authorities.

2.14 The statistics report for 2018-2019 is awaited and will be reported to a future meeting of this committee.

## 2.15 3-Yearly Review of Statement of Principles – Gambling Policy

Under section 349 of the Gambling Act 2005 (the Act) each licensing authority must prepare and publish a statement of principles which sets out how gambling is to be managed across the local authority area taking account of local issues, priorities and risks that underpin its approach to regulation.

2.16 The Policy provides the opportunity for licensing authorities to agree and set out how gambling is to be managed in different parts of its area, and to provide clarity of expectation for licence holders and prospective licence holders about how their businesses are likely to be treated depending on where they are located.

2.17 A clear statement of policy will provide greater scope for licensing authorities to work in partnership with local businesses, communities and responsible authorities to identify and mitigate local risks to the licensing objectives.

2.18 The Policy must be reviewed and approved by the full Council at least once every 3 years.

2.19 The Council's Statement of Principles for Gambling was approved by the full Council in November 2018 following a consultation exercise and was re-published for a further 3-year period with effect from 31 January 2019 - 30 January 2022.

## **3 RISK ASSESSMENT**

### 3.1 Legal

It is the duty of the Council to licence and monitor gambling and licensable activities in the District. This report provides the Committee with information on how the

Council is continuing to implement the Licensing Act 2003 and the Gambling Act 2005 in practical terms.

This report shows that practical steps are taken to make sure premises are complying with the relevant legislation and the risk to the council of a legal challenge due to its licensing functions is relatively low.

### 3.2 Financial

The direct costs and income of administering the Licensing Act 2003 and the Gambling Act 2005 during the last 3 financial years, are shown in the following table:

<b>Licensed Premises Cost Centre 181</b>	<b>2016/17 Actual</b>	<b>2017/18 Actual</b>	<b>2018/19 Actual</b>
Direct Costs	67,035	86,538	85,915
Support Services	29,158	29,423	29,211
Total Income	116,340	127,932	121,189
Net Income	20,147	11,971	6,063

NB: support services were allocated centrally as part of the accounting process for 2016/17. However, from 2017/18 these accountancy conventions were changed and support services have been estimated as a proportion of direct costs using a multiplier of 34%.

It is considered that this budget is adequate for the provision of the service at the moment, and therefore the financial risk is low.

## 4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property.

## 5 CONTACT INFORMATION

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## 6 BACKGROUND PAPERS

<b>Description</b>	<b>Date</b>	<b>File</b>
Records of applications stored in Licensing Software Systems – LaIPac (archived) & M3 (NB: some licence types are currently paper format only)	2005 - on going	RS/LN/M3/LaIPac
Gambling Commission website – Advice for Local Authorities.	<a href="https://www.gamblingcommission.gov.uk/for-licensing-authorities/for-licensing-authorities.aspx">https://www.gamblingcommission.gov.uk/for-licensing-authorities/for-licensing-authorities.aspx</a>	
Responsible Gambling Week	<a href="https://responsiblegamblingweek.org/about/">https://responsiblegamblingweek.org/about/</a>	

LICENSING AND APPEALS COMMITTEE  
4 JULY 2019

Report of the Head of Regulatory Services

**STREET COLLECTIONS AND HOUSE TO HOUSE COLLECTIONS  
REVISED SCHEME OF DELEGATION**

**PURPOSE OF REPORT**

This report sets out a revised scheme of delegation for licensing/registration of charitable Street Collections and House to House Collections, following the proposed transfer of the function from Corporate Services to Regulatory Services.

**RECOMMENDATION**

That the scheme of delegation in respect of Street Collections and House to House Collections, as shown in paragraph 1.8 of the report, is amended.

**WARDS AFFECTED**

All

**STRATEGIC LINK**

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

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**1 BACKGROUND**

**1.1 Street Collections and House to House Collections**

The District Council is the Licensing Authority for Charitable Street Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and Charitable House to House Collections under the House to House Collections Act 1939.

1.2 The Council has made regulations, which require the promoter to obtain a permit from the Council before a collection can take place.

1.3 The Council usually limits collections to one per day in the same location/area, so that the public are not inundated with requests for donations, and to ensure that as many charities as possible have a reasonable opportunity to raise funds.

1.4 The Council is entitled to refuse an application for a house to house collection if the percentage of proceeds donated to a charitable cause, after paying expenses, is considered to be insufficient.

1.5 Generally, a minimum of 80% of the value of the proceeds of a collection should be donated to the charitable cause. The Promoter has to complete an income/expenditure statement after a collection.

1.6 Transfer of Function

The responsibility for dealing with these applications currently sits in Corporate Services. They deal with approximately 120 registrations and licences each year. The proposal is to transfer the function to the Licensing Team in Regulatory Services as soon as practicably possible.

1.7 The functions are currently delegated to the Head of Corporate Services.

1.8 To enable a seamless transfer of the function from Corporate Services to Regulatory Services, it is necessary to amend the list of officers delegated to approve the applications received. A revised scheme of delegation is recommended below:

Subject	Act	Functions Delegated	Officer
House-to-House Collections	House-to-House Collection Act 1939	To approve applications for house to house collections.	Head of Regulatory Services/Licensing Manager
Street Collections	Police, Factories and Miscellaneous Provisions Act 1916	Issue of permit in accordance with recommendations of Parish Councils.	Head of Regulatory Services/Licensing Manager

**2 RISK ASSESSMENT**

2.1 Legal

As the function is already being carried out by the Council a transfer to a different service should not present any additional risks. Therefore the legal risk is low.

2.2 Financial

As the Council cannot make a charge for the issue of Street Collection permits or House to House Collection licences, the full cost of administering the scheme cannot be recovered. It will continue to be administered from existing resources and the financial risk is therefore low.

**3 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

**4 CONTACT INFORMATION**

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**5 BACKGROUND PAPERS**

None

LICENSING AND APPEALS COMMITTEE  
4 JULY 2019

Report of the Head of Regulatory Services

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## **TAXI AND PRIVATE HIRE LICENSING ANNUAL PROGRESS REPORT**

### **PURPOSE OF REPORT**

This report provides the Committee with a summary of the work relating specifically to taxi and private hire licensing, undertaken by the Licensing Team during the last financial year.

Particular attention is paid to actions taken following the implementation of the Council's revised Taxi and Private Hire Licensing Policy, which came into effect on 1<sup>st</sup> May 2018, when mandatory requirements relating to safeguarding awareness training and annual subscriptions to criminal record check update service were introduced.

In addition, the report informs the Committee of the introduction of a National Register of Taxi and Private Hire Licence Revocations and Refusals, which is known as the NR3 Register. The Register has been launched by the Local Government Association (LGA) and is hosted by the National Anti-Fraud Network (NAFN).

Approval is sought, in principle at this stage, to adopt the NR3 Register and Guidance.

### **RECOMMENDATION:**

- 1) That the progress report on taxi licensing related matters is noted and future reports are submitted to the first committee in the civic year, providing data for the previous 2 year period, for comparison.
- 2) That approval is given for use of the national taxi register of refusals, suspensions and revocations, hosted by the National Anti-Fraud Network (NAFN), subject to legal and financial approval.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

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## **1 TAXI AND PRIVATE HIRE LICENSING POLICY**

### **1.1 Progress Report**

This is the first annual progress report detailing taxi and private hire licensing activity, following the implementation of the revised Taxi and Private Hire Vehicle Policy on 1st May 2018.

1.2 The Policy raised existing standards and introduced greater consistency in dealing with applications. All applications are still considered individually on their own merits; but this is done in accordance with the Policy. The Policy guides decision makers, who may depart from it where appropriate, as long as when they do so, full reasons for doing so are given.

1.3 The revised Policy introduced mandatory requirements for Licensed Drivers, which include:

**Mandatory Safeguarding Awareness Training** – Training to be attended by existing licensed drivers before 30th April 2019 and any new drivers no later than 6 months after being granted a licence. Refresher training is required every 3 years.

**Mandatory Subscription to the DBS** (Disclosure and Barring Service) – On Line Update Service for checking criminal records – all drivers must subscribe to the on-line update service when it is time for their criminal record check to be carried out.

**Introduction of a Penalty Points Scheme for Licensed Drivers** – The two objectives of the penalty point scheme are to improve the standards, safety and protection of the travelling public and to ensure that drivers are treated fairly and proportionately when they breach licence conditions.

**Driver Knowledge Test** – Applicants will be allowed 3 attempts at the Council’s Knowledge Test. Failure to pass after 3 tests will result in the applicant not being allowed to sit another test for at least 6 months after the date of the last failed test.

1.4 Local Licensing Activity

Application Type	Number of Applications Processed	
	2018/2019	
	New	Renew
Hackney Carriage Vehicle Licence	33 (includes replacements)	73
Private Hire Vehicle Licence	3	19
Combined Hackney/PHV Driver Licence	5	69
Private Hire Operator Licence	1	4
Driver Knowledge Tests Attendance	38	n/a
Hackney Vehicle Suspension Notices	69	n/a
PHV Suspension Notices	9	n/a
Driver Licence Suspension Notices	4 - pending satisfactory medical certs	
Drivers attending Safeguarding Awareness Training Sessions	117 drivers (12 sessions)	n/a

1.5 Licensing and Appeals Sub-Committee – Taxi Hearings

During 2018-2019, only 1 existing licensed driver was referred to a meeting of the Licensing and Appeals Sub-Committee, to determine whether he/she remained a fit and proper person to hold a Driver’s Licence (Badge), following a breach of licence conditions. The driver retained his licence but did so with a warning regarding future behaviour.

## 1.6 Licensing Service Plan Target

In 2018-19 one of the target in the Licensing Service Plan actions, was to Undertake 2 taxi enforcement operations. One operation was carried out over the weekend of the Y-NOT Festival. A second operation took place late at night in the Dale Road area of Matlock, the focus of the Town's late night economy. A similar target is planned for 2019/2020.

## 2 **NATIONAL REGISTER FOR REFUSALS, SUSPENSIONS AND REVOCATIONS OF TAXI AND PRIVATE HIRE LICENCES**

2.1 In July 2018, the Local Government Association (LGA) launched a national register of taxi and PHV licence refusals and revocations – known as the NR3. The new register will allow councils to record details of where a Taxi or Private Hire related licence has been refused or revoked, and it allows local authorities to check new applicants against the register.

2.2 The LGA commissioned the National Anti-Fraud Network (NAFN) to develop and host the register. NAFN is a shared service, hosted by Tameside council, which supports public authorities to tackle fraud and share intelligence. NAFN worked with the LGA and a user group comprised of licensing officers from a number of local authorities to develop the register.

2.3 The Council has been notified by the LGA, NAFN and the Institute of Licensing (IoL) to encourage participation in the scheme.

### 2.4 Why is a register needed?

A National Register is considered to be an important step in tackling the issue of persons making applications to different licensing authorities following a refusal or revocation. 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, other than relying on information supplied by them in the application form. This means that vital intelligence about an applicant's past behaviour may be missed and an individual might be able to get a new licence in another Council's area, despite being refused or having had their licence revoked in another area.

### 2.5 How will it work?

To access the register authorities are required to be members of NAFN. Currently the Council is not a member of NAFN and if the Committee is minded to support participation in the scheme, funding of £1,500 per year will be required.

2.6 Under the scheme licensing authorities will be responsible for adding basic details of drivers who have had applications for a licence refused, or a licence suspended or revoked. When a licensing authority receives an application for a taxi-related licence, the applicant's details will be run through the register to confirm that there is no record of them having had a licence refused or revoked elsewhere in the country.

2.7 Details contained on the register will be limited to information that will help identify an individual to a certain degree of accuracy, but will not give a reason why actions were taken. It will be up to individual authorities to follow up any searches which come back with a match.

## 2.8 Things to Consider

The scheme is voluntary, however, officers recommend that serious consideration is given to participating. The Council's primary concern when licensing taxi and private hire drivers must be the protection of the public, having particular regard to safeguarding vulnerable adults and children.

- 2.9 Participation in the new register is also in line with the recommendation of the recently published report of the Parliamentary Task and Finish Group on Taxi and Private Hire Vehicle Licensing which states:

*“All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All refusals and revocations must be recorded, and the register checked for all licence applications and renewals. Licensing authorities must retain the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database.”*

- 2.10 Access to the national register is conditional upon the Council agreeing to a data processing and data sharing agreement with NAFN to comply with the Data Protection Act and General Data Protection Regulations which came into force in May 2018. Historical data can be uploaded to the register and data will be held for up to 25 years from the date of the decision.
- 2.11 The local Taxi and Private Hire Trade will need to be informed of the requirements with regard to requesting and recording personal data.
- 2.12 The Council will have to take out membership of NAFN, and the cost is currently £1,500 per annum. If participation in the scheme is approved this cost will be incorporated in the annual budget setting process. There are other benefits to the Council for accessing NAFN's services, particularly with regard to fraud investigation.
- 2.13 The Council's Taxi Licensing Policy will need to be revised to make reference to the scheme.
- 2.14 Procedures for dealing with requests for data, and for dealing with complaints will need to be put in place.
- 2.15 There are risks to the Council should it be decided not to participate in the register which would include issuing licences to drivers who have been refused or revoked at other authorities. In addition, non-participation may increase driver applications to the Council from those individuals that are listed on the register. On balance, participating in the new national register is considered beneficial in ensuring the Council addresses its responsibilities in achieving public safety.
- 2.16 The register went live in July 2018 and guidance has been developed that sets out the steps authorities will need to take to use the register in a way that complies with the new data protection requirements, as well as with human rights law.

### 3 RISK ASSESSMENT

#### 3.1 Legal

That the Council has an obligation to protect the public and safeguard vulnerable adults and children and participation in NAFN (NR3) will assist the Council in meeting its statutory obligations.

#### 3.2 Financial

The District Council Taxi Licensing service is not permitted to make a profit and based on full cost has in fact been shown as making a loss in the Council's accounts for a number of years. The review of Licensing undertaken in 2016 recommended a series of 5% increases in taxi licensing fees over a period of 3 years, intended to enable the service to be cost neutral, with 2019/20 being the last year of these increases. A full review of the impact of these increases will be undertaken when the accounts for 2019/20 are available.

### 4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property.

### 5 CONTACT INFORMATION

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### 6 BACKGROUND PAPERS

Description	Date / File
Records of applications stored in Licensing Software Systems – LalPac (archived) & M3 (NB: some licence types are currently paper format only)	RS/LN/M3/LalPac 2005 - on going
(Local Government Act 1972 Section 100D) Guidance on adopting the National Register of Taxi Licence Revocations and Refusals (NR3) issued by the LGA and NAFN.	

**BACK TO AGENDA**