



Committee: LICENSING COMMITTEE
Date: THURSDAY, 14 MARCH 2024
Venue: MORECAMBE TOWN HALL
Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

To receive as a correct record the Minutes of meeting held on 4th January 2024 and 1st February 2024 (previously circulated).

3. **Items of Urgent Business authorised by the Chair**

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

5. **Review of Licensing Fees for Animal-related Licensing** (Pages 3 - 8)

Report of the Chief Officer for Housing and Property

6. **Proposed Licensing Fees 2024/25** (Pages 9 - 16)

Report of the Licensing Manager

7. **Annual Report - Licensing Service** (Pages 17 - 22)

Report of the Licensing Manager

8. **Proposed Licensing Workplan 2024** (Pages 23 - 31)

Report of the Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sally Maddocks (Chair), Margaret Pattison (Vice-Chair), Gerry Blaikie, Martin Bottoms, Phil Bradley, Claire Cozler, Andrew Gardiner, Erin Hall, Tim Hamilton-Cox and Paul Tynan

(ii) Queries regarding this Agenda

Please contact Sarah Moorghen, Democratic Support - email smoorghen@lancaster.gov.uk.

(iii) Changes to Membership, or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 6th March 2024.

LICENSING COMMITTEE

Review of Licensing Fees for Animal-related Licensing 14 March 2024.

Report of Chief Officer for Housing and Property

PURPOSE OF REPORT

To review the costs and licensing fees for animal-related licensing to enable Members to approve the level of fee for 2024/25.
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This report is public.

RECOMMENDATIONS

- (1) That the licensing fees for animal-related licences be determined for 2024/25 on consideration of the information (and options) contained within this report.**

1.0 Introduction

1.1 This report is concerned with the setting of the level of licence fees for 2024/25 for the following licensable activities introduced by The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018:-

- Selling animals as pets
- Boarding for cats or dogs in kennels or catteries
- Home boarding for dogs
- Arranging boarding for dogs or cats
- Day care for dogs
- Hiring out horses
- Dog breeding
- Keeping or training animals for exhibition

Together with the following activities licensable under pre-existing legislation:-

- Keeping dangerous wild animals (Dangerous Wild Animals Act 1976)
- Operating a zoo (Zoo Licensing Act 1981)

1.2 Animal licensing is a statutory duty for the local authority.

1.3 It is currently estimated that there will be in the region of 70 licensable activities needing

licensing during 2024/25, made up of new applicants, renewals and interim inspections.

2.0 Background.

2.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force in October 2018, and increased the volume and complexity of the work of the Animal Welfare Inspectors (formerly known as Dog Wardens). They were required to increase their duties and become qualified Animal Licensing Inspectors.

2.2 The regulations brought together the eight activities listed in 1.1 which were previously regulated by different statutes, and included the introduction of :

- A risk-based system of licensing that determines both the length of licence, which may be one, two or three years; and the star rating, which may be one to five stars.
- A set of conditions to be met by activity operators, including 'Minimum standards' which must be complied with before a licence can be issued, and optional 'Higher standards', which may lead to a higher star rating being awarded.
- The requirement for a licensing variation, renewal, and inspection programme
- An appeals procedure for businesses to challenge their star rating, including the need for a reinspection.
- The requirement from April 2023 that inspectors hold a suitable qualification, Lancaster City Council has two qualified inspectors.
- The need for Inspectors to prepare comprehensive inspection reports.
- The need for each local authority to submit an annual return to the Secretary of State.
- Licensing for 'Keeping or Training Animals for Exhibition' as a function of the district council. This replaces Performing Animals Registration which was a function of the county council.
- Licensing for 'Arranging Boarding for Cats or Dogs'. This applies for example to home boarding franchises who arrange customers for their hosts.

2.3 The number of complaints and enquiries about licensed premises and the enforcement of licensing conditions continues to increase.

3.0 Setting Fees

3.1 The regulations set out what a local authority may charge fees for:-

- a) The costs of consideration of an application, including any inspection relating to that consideration.
- b) The reasonable anticipated costs of consideration of a licence holder's compliance with the regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance.
- c) The reasonable anticipated costs of the local authority compiling and submitting the data required to the Secretary of State.

- 3.2 The council's Fees & Charges Policy states that when setting charges, the general aim is to cover the cost of the service, accurately reflecting the full cost of provision including recharges. This ensures that those benefitting from the activities permitted by holding a licence should not be subsidised by local taxpayers.

On 28th February 2024 Council approved the fees and charges policy and proposed inflationary uplift which has formed the basis of the 2024/25 draft revenue budget. Where appropriate, the inflationary uplift increase to consider is 10%, after consultation with the Principal Accountant an agreed amount of 10% on each fee is proposed.

- 3.3 The methodology used to calculate fees is to allocate officer time against each of the elements involved in processing the licence application and in monitoring and enforcing against the licensed operators. The appropriate proportion of an hourly rate (constructed from direct costs and indirect costs for all officers involved in the process) is applied and totalled to give a cost per licence.
- 3.4 The time allocations of the officers involved in animal licensing have been estimated over the period 1 April 2019 – 30 November 2022 and used in calculations described in 3.3. The cost per licence and comparison to the current licence fee is set out in **Appendix 1**.
- 3.5 During 2024/25 a full review will be done on the process of each individual licence (as described in 3.4), from the initial application to the issuing of the licence. It is hoped most of the initial application process will be transferred to online, therefore reducing the Officer time needed to process them. This may result in the reduction of fees, however the time spent by Officers investigating breaches of Licences has significantly increased, so this will also have to be considered in the review.

Proposal

- 4.1 The proposed fees have been set to achieve full cost recovery. Fees are broken in to two categories, a "New Application" and a "Renewal Application". The length of Licence is determined by the rating given, which affects the frequency of the interim inspection and the renewal date.
- 4.4 A number of licence holders operate multiple activities from a single site, for example, dog boarding, cat boarding and dog day-care. As it takes proportionately less time to inspect multiple activities on the same site, we propose charging a full fee for the first activity plus 50% of the fees for any additional activities.

Miscellaneous Fees:

Request	24/25 Cost	23/24 Cost	Increase (%)
Pre-inspection visit (on request)	£165.00	£150	10
Appeal against a rating	£165.00	£150	10
Re-inspection	£99.00	£90	10
Variation of a Licence	£44.00	£40	10

New Licence application.

Type of Licence	Period in Years	24/25 Part A	24/25 Part B	24/25 Cost	23/24 Cost	Increase (%)
A- Selling Animals	1	£290	£112	£402	£365.50	10
HB-Home Boarding	1	£290	£112	£402	£365.50	10
DD-Dog Daycare	1	£290	£112	£402	£365.50	10
AB-Animal Boarding	1	£290	£112	£402	£365.50	10
B-Breeding Dogs	1	£302	£112	£412	£376.00	10
D-Dangerous Wild Animals	1	£313	£51	£364	£331.50	10
H-Hiring Horses	1	£290	£112	£402	£365.50	10
A- Selling Animals	2	£290	£293	£583	£530.50	10
HB-Home Boarding	2	£290	£293	£583	£530.50	10
DD-Dog Daycare	2	£290	£293	£583	£530.50	10
AB-Animal Boarding	2	£290	£293	£583	£530.50	10
B-Breeding Dogs	2	£302	£270	£572	£520.00	10
H-Hiring Horses	2	£290	£308	£598	£543.70	10
B-Breeding Dogs	3	£302	£440	£742	£674.80	10
E-Exhibiting Animals	3	£383	£262	£645	£586.80	10
Operating a Zoo	4			£1,143	£1,039.00	10

Renewal application.

Type of Licence	Period in Years	24/25 Part A	25/25 Part B	24/25 Cost	23/24 Cost	Increase (%)
A- Selling Animals	1	£216	£112	£328	£298.70	10
HB-Home Boarding	1	£193	£112	£305	£277.60	10
DD-Dog Daycare	1	£193	£112	£305	£277.60	10
AB-Animal Boarding	1	£216	£112	£328	£298.70	10
B-Breeding Dogs	1	£193	£112	£305	£298.70	10
H-Hiring Horses	1	£240	£112	£352	£319.80	10
D-Dangerous Wild Animals	1	£263	£74	£337	£306.90	10
A- Selling Animals	2	£216	£270	£482	£442.60	10
HB-Home Boarding	2	£193	£270	£463	£421.50	10
DD-Dog Daycare	2	£193	£270	£463	£421.50	10
AB-Animal Boarding	2	£216	£293	£509	£463.70	10
B-Breeding Dogs	2	£193	£290	£486	£442.60	10
H-Hiring Horses	2	£240	£327	£567	£505.90	10
A- Selling Animals	3	£216	£414	£630	£574.10	10
HB-Home Boarding	3	£193	£428	£621	£565.50	10
DD-Dog Daycare	3	£193	£428	£621	£565.50	10
AB-Animal Boarding	3	£216	£475	£691	£628.80	10
B-Breeding Dogs	3	£193	£451	£644	£586.60	10
E-Exhibiting Animals	3	£286	£336	£622	£565.50	10
H-Hiring Horses	3	£240	£412	£652	£593.20	10

Operating a Zoo	6		£1,310	£1,191.00	10
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5.0 Options Analysis (including risk assessment)

The options are:-

Option 1 Fully recover all costs by charging the fees set out in Appendix 1.

Option 2 Propose an alternative fee structure.

	Option 1: Fully recover all costs	Option 2: Propose an alternative fee structure
Advantages	Results in increased income, so no subsidising of the service by the council is required.	Members may wish to increase fees by more than inflation but below inflationary uplift, which would be more affordable for the operators.
Disadvantages	Price increase for all operators, many of whom are small businesses.	Reduced fees would not recover the cost of providing the service, leading to the council subsidising the cost of the statutory animal licensing function. Alternative options would need to be further appraised to determine full budgetary impact.
Risks	Price increase may encourage unlicensed activity, hence risk to animal welfare and additional reactive investigation work.	As Option 1 but to a lesser degree.

Option 1 is the Officer Preferred Option.

6.0 Conclusion

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 have increased the complexity and volume of work for the Animal Welfare Inspectors

Increasing the fees is necessary to cover the cost of maintaining a minimum statutory service but there are risks as outlined above.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

None applicable to this report.

LEGAL IMPLICATIONS

The legal basis for the setting of fees is contained within the report.

FINANCIAL IMPLICATIONS

Members are reminded that animal licensing is a statutory function legislated by the relevant Acts listed within the report, although it is for the Local Authority to determine the appropriate charge.

With regard to either option for the future years budget will require updating and this will be done as part of the forthcoming budget process

Should members opt for a different fee structure/percentage then this would need to be calculated accordingly and reported back at a later date.

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no further comments to add.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Procedural guidance notes for local authorities – October 2018 - DEFRA

Contact Officer: Mark Woodhead

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Ref: LC1

LICENSING COMMITTEE**PROPOSED LICENSING FEES 2024/25****14 March 2024****Report of the Licensing Manager****PURPOSE OF REPORT**

The report provides detailed budget information for the Licensing services and sets out proposed fee levels to enable Members to consider setting fees for 2024/25.

This report is public.

RECOMMENDATIONS

That the licensing fees for Taxi, Private Hire and Miscellaneous licences be determined for 2024/25 on consideration of the information and options contained in this report.

1.0 Introduction

1.1 This report is concerned with the setting of licence fees for the following licences.

- Driver, Vehicle and Operator Licences (Taxi and Private Hire)
- Transfer of Ownership and Change of Vehicle Licences
- Scrap Metal Dealers (Mobile and Site)
- Street Cafes
- Skin Piercing Registration (Personal and Premises)
- Sexual Entertainment Venues
- Sex Shops
- Boatman and Pleasure boats
- Second-hand goods dealer/Market trader

The setting of such fees is a non-executive function and is therefore a matter for this Committee.

1.2 Licensing fees for taxi/private hire and miscellaneous licensing are considered and set under the following legislation.

- Local Government Miscellaneous Provision Act 1976
- Local Government Miscellaneous Provision Act 1982
- Scrap Metal Dealers Act 2013
- Highways Act 1980

- County of Lancashire Act 1984
- Public Health Acts amended Act 1907
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

2.0 Setting Fees

- 2.1 The Council's Fees & Charges Policy states that when setting discretionary charges, the general aim is to cover the cost of the service, accurately reflecting the full cost of provision including recharges. However, fees must be reasonable and proportionate. The fees and charges policy in relation to licensing fees offers a standard of good practice, although it is not legally binding on Licensing Committee.
- 2.2 It is also a requirement of the Council's fees & charges policy that fees be reviewed annually to ensure that costs are appropriately recovered. It is not lawful however, for the council to seek to make a profit from licence fees that are within its discretion.
- 2.3 A full and detailed review of Licensing fees and charges was undertaken in 2023, This included, time monitoring exercises, scrutiny of previous year(s) data and analysis of potential anomalies in projected figures and subsequent income. Prior to this the last full review was completed in 2019; fees were frozen after this in response to the Coronavirus pandemic and to support business recovery.
- 2.4 At a meeting of the Licensing Committee in March 2023, members resolved the following in respect of Licence fees and charges (relating to taxi/private hire and miscellaneous licences only).

That fees increase, not by the recommended amount, but by 20% (to the nearest pound) now; and to affect a further increase in the following year with a view to achieving full cost recovery in 24/25, accepting that the fee increases may again be above inflation. The reason for the two-stage increase is to smooth the impact on the trade.

- 2.5 Budgetary information provided by the service accountant did not take the 2023 resolution into account, so any proposed increase to fees and charges will be based on the current 2023 fees as a baseline.
- 2.6 The licensing service has been part of a digitalisation project; the outcome of which has identified a set of recommendations regarding the service to improve the customer experience. Many of the current work practices and processes are long standing, with a small team there has been limited capacity to address and implement the change required.

It is hoped that by introducing automation where possible, it should make the process of making/responding to enquiries and applying for a licence efficient and streamlined. This as a result may impact fees in terms of the time/task analysis conducted by the Licensing Manager.

Some of the project work has started, but the impact on application process's marginal at this stage. On that basis, the time and task analysis data from 2023 can continue to be used as a basis for fee setting for the coming year.

3.0 Method of Fee Construction

3.1 Traditionally the fees charged for licences have included the costs of the administration and issue of the licence, the costs of monitoring compliance, and the costs of enforcing against those unlicensed and licensed.

However, the case of *Hemmings v Westminster City Council* has clarified the costs that local authorities can include when setting licence fees. Local Authorities can no longer reflect costs of addressing unlicensed business activity when setting fees. They can however recover inspection costs and monitoring compliance relating to those already licensed.

Taxi and Private Hire Licences

3.2 The power to charge a fee for a driver's licence (both Hackney Carriage and Private Hire) is found in section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976, which provides that:

- *Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.*

3.3 Therefore the fee must reflect the costs for the administration and issue of hackney carriage or private hire drivers licences.

3.4 The power to levy a fee for vehicle and operator's is contained within s.70:

- *Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—*

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

Therefore, the fee must reflect the costs of providing hackney carriage stands, control and supervision of licensed vehicles operating in the district, carrying out vehicle inspections and the administration and issue of hackney carriage or private hire vehicle and operator licences.

3.5 A licensing authority is entitled to set either the same or different fee levels for different types of applications: i.e. grant, renewal, variation, alteration or transfer.

4.0 Budget analysis

- 4.1 The Licensing function had been running at an average deficit of circa £80K pa over the period 2020/21 to 2022/23. It should be noted that not all time can be recovered so there will always be an overall deficit on Licensing for this. At present the fees for Licensing Act 2003 and Gambling Act 2005 are set nationally so we are unable to recover any potential losses on these.
- 4.2 A thorough costing exercise has been undertaken on Taxi Licensing and Miscellaneous Licensing, with a view to returning to full cost recovery where possible and the table below shows the uplift in fees required. It is not proposed to seek to recover the losses from previous years.
- 4.3 The table below shows the position if the current fees were just uplifted by the proposed 10% increase, this would result in a continued deficit position. Given the Councils current financial position this is not sustainable, and the recommendation is again for a 20% uplift to move towards full cost recovery with the expectation that streamlining the service will help to reduce the deficit further.

CURRENT BUDGETED POSITION (PRIOR TO PROPOSED FEE UPLIFT)

	2024/25 Forecast £	2025/26 Forecast £	2026/27 Forecast £	2027/28 Forecast £
Hackney Carriage/Private Hire				
Central Overhead (including salaries)	199,800	207,100	216,200	225,700
Direct costs	41,900	51,800	43,300	43,800
Licence Income	(125,200)	(127,100)	(128,900)	(130,700)
Other Income	(57,600)	(58,500)	(59,400)	(60,200)
Deficit/(Surplus)	58,900	73,300	71,200	78,600
Average Deficit/(Surplus)	70,500			

	2024/25 Forecast £	2025/26 Forecast £	2026/27 Forecast £	2027/28 Forecast £
Miscellaneous Licences				
Central Overhead (including salaries)	12,200	12,700	13,200	13,800
Direct costs	0	0	0	0
Licence Income	(10,200)	(13,200)	(13,500)	(10,600)
Deficit/(Surplus)	2,000	(500)	(300)	3,200
Average Deficit/(Surplus)	1,100			

- 4.4 Whilst future predicted volumes cannot be 100% accurate going forward, the proposed fees have been prepared using the latest cost information available. By implementing the proposed fee structure, it is hoped that the annual deficit will reduce by c.£35K.
- 4.5 Appendix 1 provides the current fees and charges for taxi, private hire and miscellaneous licensing along with the 10% and 20% uplift options.

5.0 Options

The options available to members are:

- a. To maintain current fees and charges
- b. Increase fees by 10%, consistent with other fees and charges of the Council.
- c. Increase fees by 20% as recommended by the Service accountant.
- d. Advertise the updated fees as required by s70 of Local Government Miscellaneous Provisions Act 1976.

6.0 Conclusions

6.1 The licensing service continues to run at a deficit, an uplift in fees and charges is therefore required to reduce the deficit and move towards the service operating on a cost recovery basis.

Licensing have been prioritised in terms of digitalisation, with projects ongoing to move applications online and address some of the long-standing lengthy procedures. It is hoped that in the coming year, with the updates taking effect that some cost savings can be made to further address the deficit.

6.2 Members are recommended to set the fees for hackney carriage, private hire and miscellaneous licences for 2024/25, in accordance with the statutory provisions on licence fees.

6.3 Should members decide to introduce a different fee structure then this will need to be proposed and agreed.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

FINANCIAL IMPLICATIONS

Financial Services have been consulted and assisted the Licensing Manager in the preparation of this report. For information, the 2024/25 budget was agreed at Budget Council on 28th February 2024, and income budgets included an across the authority 10% increase where appropriate in line with the fees and charges policy.

Again, as highlighted in the report, whilst future predicted volumes cannot be 100% accurate going forward, the proposed fees have been prepared using the latest information available. By implementing the proposed fee structure and a 20% increase, it is hoped that the annual deficit will reduce by c.£35K.

The fee income for the current year will be reviewed as part of the closure of accounts and the Council's usual monitoring arrangements with any significant variances being reported as appropriate.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no adverse comments to make regarding the content of the report.

BACKGROUND PAPERS

Contact Officer: Jennifer Curtis

None	Telephone: 01524 582732 E-mail: jcurtis@lancaster.gov.uk Ref: Fees 2024/25
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Type of Licence	2023 Fee	10% Increase	20% Increase
Taxi and Private Hire			
Dual Driver's Licence Renewal (annual)	£143.00	£157.30	£171.60
HC Driver's Licence Renewal (annual)	£143.00	£157.30	£171.60
PH Driver's Licence Renewal (annual)	£143.00	£157.30	£171.60
Dual Driver's Licence Renewal (3 yearly)	£284.00	£312.40	£340.80
HC Driver's Licence Renewal (3 yearly)	£284.00	£312.40	£340.80
PH Driver's Licence Renewal (3 yearly)	£284.00	£312.40	£340.80
Dual Driver's Licence New (annual)	£175.00	£192.50	£210.00
HC Driver's Licence New (annual)	£175.00	£192.50	£210.00
PH Driver's Licence New (annual)	£175.00	£192.50	£210.00
Dual Driver's Licence New (3 yearly)	£317.00	£348.70	£380.40
HC Driver's Licence New (3 yearly)	£317.00	£348.70	£380.40
PH Driver's Licence New (3 yearly)	£317.00	£348.70	£380.40
Duplicate Driver's Badge	£14.00	£15.40	£16.80
Hackney Carriage Vehicle Test Fee	£63.00	£64.00	£64.00
Hackney Carriage Licence (annual)	£263.00	£289.30	£315.60
Hackney Carriage Licence (6 monthly)	£132.00	£145.20	£158.40
Hackney Carriage Licence (4 monthly)	£88.00	£96.80	£105.60
Licence Plate - Hackney Carriage (each)	£8.00	£8.80	£9.60
Door Sign - Hackney Carriage (each)	£8.00	£8.80	£9.60
Private Hire Vehicle Test Fee	£63.00	£64.00	£64.00
Private Hire Vehicle Licence (annual)	£180.00	£198.00	£216.00
Private Hire Vehicle licence (6 monthly)	£90.00	£99.00	£108.00
Private Hire Vehicle Licence (4 monthly)	£60.00	£66.00	£72.00
Licence Plate - Private Hire (each)	£8.00	£8.80	£9.60
Door Sign - Private Hire (each)	£8.00	£8.80	£9.60
Change of Vehicle	£62.00	£68.20	£74.40
Transfer of Ownership	£41.00	£45.10	£49.20
Administration Fee	£41.00	£45.10	£49.20
Private Hire Operators Licence	1 year/5 year	1 year/5 year	1 year/5 year
1 Vehicle	£150.00/£643.00	£165/£707.30	£180/£771.60
2-10 Vehicles	£205.00/£797.00	£225.50/£876.70	£246/£956.40
11-25 Vehicles	£270.00/£1064.00	£297.00/£1170.40	£324.00/£1276.80
26 Vehicles and over	£376.00/£1530.00	£413.60/£1683.00	£451.20/£1836.00
Misc Licences			
Boatman's Licence	£78.00	£85.80	£93.60
Scrap Metal Dealers Mobile Licence (3 yearly)	£280.00	£308.00	£336.00
Scrap Metal Dealer Site Licence (3 yearly)	£438.00	£481.80	£525.60
Pleasure Boat Licence	£167.00	£183.70	£200.40
Registration in Skin Piercing/Tattooing (Persons)	£133.00	£146.30	£159.60

Registration in Skin Piercing/Tattooing (Premises)	£193.00	£212.30	£231.60
Registration of dealer in second-hand goods	£59.00	£64.90	£70.80
Registration of dealer in second-hand goods - market stalls	£59.00	£64.90	£70.80
Sex Shop	£210.00	£231.00	£252.00
Sex Shop renewal	£210.00	£231.00	£252.00
Sexual Entertainment Venue	£376.00	£413.60	£451.20
Street Café Licence	£190.00	£209.00	£228.00
Pavement Licence	£100.00	£100.00	£100.00

LICENSING COMMITTEE**Annual Report – Licensing Service****14 March 2024****Report of Licensing Manager****Annual Report****PURPOSE OF REPORT**

To provide an annual report to members of Licensing Committee on private hire/hackney carriage related matters, including volume of applications, complaints, and enforcement activity.

This report is public.

RECOMMENDATIONS

(1) That members note the contents of the report.

1.0 Introduction

1.1 At the meeting of Licensing Committee on 3rd February 2022 members approved the Private Hire and Hackney Carriage Licensing Policy. Point 3.13 of the policy states the following in terms of reporting on Licensing Authority performance.

Licensing Officers will provide an annual report to the Licensing Committee outlining the number of private hire/ hackney carriage related applications received, the determination of those applications, and highlighting the number of applications where the decisions were made not in accordance with the Councils policy.

The report will also provide details of the number of complaints received in respect of drivers/ vehicles and operators and an overview of the nature of complaints and how the complaints were dealt with.

The annual report will also include an overview of any legal cases and appeals.

2.0 Applications

2.1 The Licensing service deals with a variety of Hackney Carriage and Private Hire applications, many of which are determined by Officers under delegated powers. Members are only party to decision-making in certain circumstances, it is therefore important to highlight the volume of applications received, the outcomes and highlight

any exceptional cases. This will assist when reviewing application standards and the hackney carriage and private hire licensing policy.

- 2.2 The table below shows the type of licences currently issued by Lancaster City Council and administered by the Licensing service; it equates currently to 787 active hackney carriage and private hire related licences in the Lancaster district.

Type Of Licence	Total no. active licences (2023 figures)	Duration (licence length)
Private Hire Drivers	(41) 23	1 or 3 Years
Hackney Carriage Drivers	(26) 21	1 or 3 Years
Dual Licensed Drivers (HC and PH)	(427) 382	1 or 3 Years
Private Hire Vehicles	(225) 212	4/6/12 Months
Hackney Carriages	(108) 107	4/6/12 Months
Private Hire Operators	(51) 42	1 or 5 Years

- 2.3 There has been 40 new drivers', 29 vehicles and 7 new operator licences issued in the last calendar year.

- 2.4 Licences are subject to renewals, if a matter arises upon application to renew a driver's licence that may call into question the driver's fitness, e.g. a relevant conviction or motoring offence; this decision is delegated to Licensing Committee. If the renewal application meets the required standard, officers administer and issue the licence. A total of 175 drivers renewed their licence in 2023. (Hackney carriage, private-hire and dual)

On 3 occasions during that time members were required to determine driver renewal applications. In all 3 occasions members departed from Council policy (as permitted) and the licence was granted.

The first case was due to a driver receiving 6 points for driving whilst using a mobile phone. Members made the decision to depart from policy, as the driver had a clean history that members understood the circumstances leading to the endorsement, and felt he remained fit and proper.

The second case was also a driver with a driving endorsement, driving without due care and attention, along with complaints made to the service and 2 previous appearances at Licensing Committee. Members made the decision to depart from policy as they were satisfied, on balance that the driver remained fit and proper.

The third case related to a driver accumulating 9 points on their DVLA licence, a complaint on record and a previous appearance at Licensing Committee to assess fitness. Members made the decision to depart from policy as they were satisfied, on balance that the driver remained fit and proper. A warning was also issued as to future conduct and any further appearances at Licensing Committee.

- 2.6 Members were required to review the suitability of 4 licensed drivers. One resulted in an immediate revocation, 2 were issued with a period of suspension pending a remedial course and one was issued with a warning. Usually, these cases are referred to Licensing Committee following a series of complaints or significant events that question an individual fitness to remain licensed.

- 2.5 Vehicle licences are renewed at 4/6/12 monthly periods depending on the age of the

vehicle, therefore each of the 363 licenced vehicles have renewed their licence at least once within the 12-month period.

Vehicles are tested prior to licensing by the Councils Vehicle Maintenance Unit. The total number of vehicle tests carried out, including retests, tests following an accident and standard testing in relation to age of vehicle is 733.

3.0 Summary of Complaints

3.1 There has been a total of 44 complaints reported to the Licensing team in the last 12 months. (01 January 2023-31 December 2024).

The type of complaints typically falls into the following categories and the numbers represent how many complaints per subcategory. Complaints have mostly been made by members of the public however there are occasions when operators raise concerns and complaints in reference to other operators.

Other (14) some examples have included an operator involved in the hit and run of a domestic pet, taxis parking on double yellow lines, taxis obstructing persons driveway, incorrect signage, one instance of a lack of wheelchair access, a vulnerable person not picked up from a specific location and vehicles left unattended on ranks, one welfare concern was raised as an operator was receiving money from a vulnerable person, this was voluntary and the assigned officer investigated the complaint and Lancaster Police were notified, the accused operator was interviewed and it was discovered that a friendship had evolved between the two and the operator was paying the monies back, the operator was found not to be contravening the taxi policy nor was he breaking the law.

Public Safety (6) examples have included parking obstruction, one operator mounting a kerb and speeding to avoid a road obstruction, speeding through a junction (driver suspended), and other instances of speeding.

Illegal ranking (6) uber/ train station/ university rank

Lack of customer care (5)

Violence and Aggression (3) there was an accusation of intimidating behaviour from one operator to another reference over taking his job, another complaint was again between two operators disagreeing with a job number and then throwing drinks over one another, the third complaint was regarding a member of public.

Driving a licensed vehicle without due care and attention (3) all complaints were for speeding.

Overcharging (3)

Plying for hire (3)

Not displaying badge/tariff (1)

The time to resolve complaints has varied in range from 1 day to 28 days. The average time to investigate and resolve complaints is 8 days. This was calculated by adding the number of days between each complaint from receipt to close out and then dividing this by the number of complaints. (358 days taken divided by 44 complaints).

- 3.2 When the licensing service receives a complaint, it is allocated to an investigating officer. That officer then collates all relevant information, which can include obtaining CCTV, statements from witnesses, liaison with Police and checking booking records etc. Part of the process is to also inspect the internal client records of the licensed driver/operator. This may show the complaint as a one-off incident or highlight a pattern of behaviour which is of concern. It is those cases that are presented to Licensing Committee.
- 3.3 Licence holders are notified of any complaint made against them and given the opportunity to respond to any allegation made, in addition, witnesses are often sought; in most reported complaints, it is one parties word against another and difficult to prove/disprove any wrongdoing. That is the importance of up to date, thorough record-keeping, so trends or pattern of behaviour can be identified, and the appropriate course of action swiftly taken.
- 3.4 As part of the updated licence conditions for Private hire operators (PHO), they must adopt, implement, review, and update their customer service and complaints policy which includes managing the conduct of drivers and the timeframe for responding to complaints. Listed in the conditions are specific requirements in relation to the handling of complaints and the operator responsibilities. At least every 6 months, the PHO must submit the complaint log to the licensing service.

This will assist the Licensing Authority in ensuring all relevant matters are recorded on the client (driver) records and discussed with the operator to ensure complaints are handled in a consistent, fair manner.

4.0 Enforcement/Compliance Activity

- 4.1 The licensing team undertake a variety of enforcement duties, of both a proactive and reactive manner. Activity is carried out by Council Officers but can involve other agencies such as the local Police, DVSA and Lancashire County Council.

The main purpose of licensing enforcement is to:

- Secure the health, safety and welfare of members of the public who either make use of the licensed activity or who are affected by it in some way.
- Deal immediately with serious risks.
- Promote and achieve sustained compliance with the law.

- 4.2 Proactive inspections have been carried out on licensed vehicles, the vast majority of which have been satisfactory. A handful of vehicles have been issued with defect notices; the notice gives the vehicle proprietor a fixed period of time to ensure repair to the vehicle is made. Defects have included, bodywork damage, incorrect signage/positioning of licence plates and cleanliness of vehicle. Very few vehicles have been suspended, all were due to not having a valid insurance certificate, vehicles being off road due to accident damage and poor vehicle standards.

5.0 Appeals and Hearings

- 5.1 In 2023, only one driver had their licence revoked. The driver appeared before Licensing Committee to have their suitability in terms of fitness and propriety reviewed. This was in light of driving offences/disqualification and complaints regarding inappropriate behaviour.

5.2 Members will be aware that any driver aggrieved by the decision of the Licensing Authority can appeal to the Magistrates Court within 21 days of receiving the decision notice. There have been no appeals in 2023 to any decision of the Licensing Authority.

6.0 Conclusion

6.1 There are 787 active hackney carriage and private hire licences operating in the Lancaster district. The Licensing service are responsible for the administration, compliance and enforcement associated within the relevant licensing regime and legislation for each of those licences.

6.2 The private hire and hackney carriage licensing policy became effective on 1st April 2022, since then the licensing service has worked alongside the local trade to ensure compliance, with awareness and education being a priority. Investigations and inspections are important to ensure compliance from licence holders, Licensing officers are proactively and reactively responding to reports and complaints to ensure public safety is maintained.

6.3 Driver application procedures have been reviewed and updated, which is having a positive impact on the numbers of new drivers entering the trade. The free Lancaster and Morecambe College training course (January and February) was fully booked and had a 100% pass rate of those attending, 15 of those applicants have been issued with a licence.

**CONCLUSION OF IMPACT ASSESSMENT
(Including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

None identified

LEGAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

None identified

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

None identified

SECTION 151 OFFICER'S COMMENTS

The report is for noting, no comments required.

MONITORING OFFICER'S COMMENTS

The report is for noting, no comments required.

BACKGROUND PAPERS

Contact Officer: Miss Jennifer Curtis
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Ref: AR2023

LICENSING COMMITTEE**Proposed Licensing Work Plan 2024****16 March 2024****Report of Licensing Manager****PURPOSE OF REPORT**

To seek members approval (with or without modification) of the proposed Licensing work plan for 2024.

The report is public

RECOMMENDATIONS

- (1) **That the attached draft Licensing work plan for 2024 be approved by the Committee with or without modification.**

1.0 Introduction

- 1.1 The proposed work plan attached at **Appendix 1** provides an overview of planned project work for the year 2024. The work plan does not deal with the day-to-day routine activities of the team which would have to take priority over planned reviews and developments.
- 1.2 The work plan contains project work, service and policy reviews that have been identified over the last few years as areas that will need scrutiny and review. The committee may already be familiar with a substantial number of the elements identified in the work plan as matters previously raised by or discussed by this committee or require annual consideration.
- 1.3 The committee may wish to add to, remove or otherwise modify the workplan.

2.0 Proposal Details

- 2.1 The proposals detail planned project type work in relation to Licensing Act activities, taxi licensing and street trading. Additional projects may be required dependent upon any changes to national guidance, legislation, case law or other relevant considerations.

3.0 Details of Consultation

- 3.1 There is no plans to undertake any formal consultation regarding the proposed work

plan, other than to seek committees' approval with or without amendment to the draft work plan outlined at **Appendix 1**.

4.0 Officer Preferred Option

4.1 For committee to agree the attached work plan noting the indicated priorities given for each of the items it contains.

5.0 Conclusion

5.1 The work plan as proposed contains key reviews and developments that the Licensing Manager considers to be key priorities and deliverable within the timeframe set.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

The work plan identifies a number of policy reviews which will be subject to impact assessments as appropriate.

LEGAL IMPLICATIONS

Each policy review will be conducted within the appropriate legal framework and compliance with best practice guidance where appropriate.

FINANCIAL IMPLICATIONS

Any financial implications arising from individual elements of the work plan will be detailed in the specific reports.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

SECTION 151 OFFICER'S COMMENTS

MONITORING OFFICER'S COMMENTS

BACKGROUND PAPERS

None

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Licensing Team

Updated and Proposed Workplan 2024/25

Project	Scope	Reason	Risks	Timeline	Update March 2024
Promote Commercial Services	To promote paid service “Licensing Direct” and Personal licensing training courses.	<p>To assist business start-ups and existing licence holders.</p> <p>Ensure valid applications are applied for every time.</p> <p>Reduce time spent by Officers amending applications and liaising with applicants.</p> <p>Provide an opportunity to generate income.</p>	<p>Reduced capacity in team to meet demand (Staffing Levels/Sickness/Annual Leave)</p> <p>Sourcing Trainers</p>	Ongoing	<ul style="list-style-type: none"> • LCC Communications have promoted the services available, little uptake so far. • Licensing Officers have attended local Pubwatch to promote services. • Trainer sourced (internal LCC Employee)
To review the Councils Statement of Licensing Policy	Review content and aspirations of the Council in terms of how it will deal with Licensing Act 2003 matters, including	Statutory Requirement	Legal Challenge	Complete	<ul style="list-style-type: none"> • Full Council – April 2024

(Valid for 5 years)	applications, hearings, reviews and enforcement.				
To produce model Licensing conditions for use with Licensing Act applications, variations and reviews	<p>To assist applicants, responsible authorities, Committee and other persons in proposing licensing conditions relevant to individual licensing applications, variations and reviews.</p> <p>The availability of a pool of conditions which all parties have access to will promote consistency and will assist enforcement. To produce a pool of Licensing conditions which are clear, appropriate and enforceable.</p>	<ul style="list-style-type: none"> • Efficiency • Consistency • Support for Licensing Direct commercial service 	None identified. Use of model standards would not prevent use of bespoke conditions if required.	Complete – Forms part of the Statement of Licensing Policy	<ul style="list-style-type: none"> • Full Council – April 2024
<p>Hackney Carriage Fare Review 2024/25</p> <p>Annual Requirement</p>	<p>Methodology and frequency of fare reviews was determined by the Council Cabinet in April 2022.</p> <p>Trade consulted on options for coming year, general opinion was to maintain fares; any increase could be detrimental to the public.</p>	To ensure fares reflect the cost of living.	Further decrease in availability of drivers/vehicle in the District – licensed trade becomes unsustainable.	Imminent - Fares for 2024/25 advertised.	<ul style="list-style-type: none"> • Current review ongoing, advertisement is live; if no objections, current table of fares will be maintained as of 15/3/24.
Licensing Fees Review	Licensing Manager to conduct a full Licensing fee review based on full cost recovery.	Licensing Fees should allow for full cost recovery, it is important to regularly review fees on that basis.	Members did not approve fees at full cost recovery in 2023, rather by 20%. They resolved to futher increase in 2024 to reflect cost recovery, understanding this	To implement new fees from April 2024	<ul style="list-style-type: none"> • Task Analysis and Costing exercise completed with service accountant. • Report on Licensing

			may lead to a further increase. Legal Challenge - Judicial review		Committee agenda March 2024.
Multi-Agency Vehicle Operation	<p>Planned Operation with partner agencies, Lancashire Constabulary/DVLA/VOSA .</p> <p>Provides an opportunity to complete a high number of vehicle inspections, check compliance with licence conditions.</p> <p>The trade will not be notified of when the operation will be conducted, if requested they will be required to present their vehicle for inspection.</p>	<p>To ensure the licensed fleet of HC/PHVs are mechanically fit and roadworthy.</p> <p>Additionally, that condition/signage requirements are met.</p>	Members of the trade become complacent regarding compliance with licence conditions, leading to a poorly maintained fleet.	Complete	<ul style="list-style-type: none"> Outcomes reported to Licensing Committee June 2023
Digitalisation of Licensing Service	<p>The Licensing service were part of an OBR/People 2 project to look at digitalisation.</p> <p>The outcome of the project was reported to the Councils Cabinet.</p> <p>A set of recommendations have drafted and working groups set up to address the actions required.</p>	The streamline application processes, making a positive customer experience, with streamlined, clear instructions and information available.	The service will not meet the needs of its licence-holders/users.	Ongoing throughout 2024-25	<ul style="list-style-type: none"> Website Information updated. Process mapping for applications/IC T being drafted to move applications online. Taxi/PH apps been highlighted as a priority.

<p>Review of Hackney Carriage Rank Provision</p>	<p>A full Hackney Carriage stand review has been required for a number of years and has been highlighted as part of the most recent unmet demand survey.</p> <p>That the taxi working party invite suggestions by the local trade for redundant/suitable, updated locations; to meet public demand.</p>	<p>To improve availability of Hackney carriages to the public</p> <p>To prevent misuse of current stands by members of the public.</p>	<p>Failure to review ranks regularly will lead to issues of non-compliance and or out of date signs and lines.</p> <p>The trade requires ranks in suitable locations.</p>		<ul style="list-style-type: none"> • Contact has been established with Highways Officer. It has been advised that the costs of the review would have to be met by LCC, they are significant, roughly 12k. • It is thought a staged approach, firstly reviewing current provision and correct signs lines. Before moving on to alternative locations etc.
<p>Scrap Metal Compliance and Enforcement Activity</p>	<p>Ensure all those operating in/around the District have the relevant licences</p> <p>To improve compliance and standards in the District.</p>	<p>It has been highlighted that the number of licensed Scrap Metal Dealers has reduced since legislation/licensing requirements in 2013.</p>	<p>Illegal activity in the District increases, putted added pressure on colleagues in other departments and</p>	<p>Increased priority since 2023</p>	<ul style="list-style-type: none"> • All previous licence holders contacted and asked to re-apply if still undertaking

	Facilitate a multi-agency approach, involving internal and external partners.	Compliance visits and spot checks have not been conducted in previous years due to other service priorities	external partners eg. Police		<p>scrap metal work.</p> <ul style="list-style-type: none"> Licensing Officers tasked with action plan. Staged approach to enforcement.
To Review the Councils Statement of Gambling Policy (Valid for 3 years)	Review content and aspirations of the Council in terms of how it will deal with Gambling Act 2005 matters, including applications and enforcement.	Statutory Requirement	Legal Challenge	April 2024 – December 2024	<ul style="list-style-type: none"> Urgent Review Required.
Review of Street Trading Policy	<p>To liaise with colleagues in Economic Development, Public Realm and Food Safety Team regarding potential improvements to the current street trading policy in respect of consent/licence and prohibited streets for street trading.</p> <p>Ensure that permitted street traders are subject to appropriate public safety checks</p> <p>Formal consultation regarding any proposed changes</p>	<p>The current policy does not take account of where on permitted streets trading can take place</p> <p>To help ensure a balanced and level playing field approach between high street businesses and mobile street traders</p> <p>To help avoid mobile traders locating outside inappropriate locations e.g. schools</p>	<p>Some mobile traders may lose income and become unsustainable.</p> <p>Enquiries receive conflicting information/unclear application process etc.</p>	Increased Priority since 2023 – Resource intensive	<ul style="list-style-type: none"> Licensing Manager pulling together info from relevant departments available to the public and aligning with legislation. Task group contacts formed – Feb 2024

		Options to introduce a charging policy and increase revenue			
Review Private Hire and Hackney Carriage Licensing Policy	The policy was implemented by Licensing committee in April 2022. It brought together all existing policies, application standards, specifications and expectations of licence-holders of Private Hire and Hackney Carriage Licensing into one document.	Policies require regular reviews, particularly in light of significant changes to process/applications.	Information provided is out of date and incorrect.	Will need to align with digitalisation project	<ul style="list-style-type: none"> Licensing Manager maintains a running list of matters requiring review or attention as part of the review.
Private Hire Operator Compliance Activity	Compliance checks will be made on each private hire operator licensed with Lancaster City Council, ensuring all relevant booking/vehicle/driver records are maintained and licence conditions adhered too. Licence conditions changed when the PH/HC policy was introduced in 2022, many PHOs will be bound by old conditions (5 year licences), so it is opportunity to inform operators of the changes ahead of renewal.	To ensure private hire operators are aware of their responsibilities.	Non-compliant operators.	Report to Licensing Committee in June 2024	<ul style="list-style-type: none"> Licensing Officers undertaking compliance checks and updating records March/April 2024.

Colour coding Key (priority)

	Lowest Priority
	Medium Priority
	Highest Priority

Colour coding Key (Progress)

	On track or completed
	Behind schedule but progressing ok
	Significantly behind schedule, delayed, at risk or no progress