

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	20th APRIL 2017
SUBJECT:	OPERATIONAL REPORT
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	M BRIDGE
TYPE OF DECISION:	N/A – Report for information only
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	A report to advise members on operational issues within the licensing service.
IMPLICATIONS:	
Wards Affected:	N/A
Scrutiny Interest:	Internal Scrutiny Panel

1.0 BACKGROUND

- 1.1 The report advises Members on operational issues within the licensing service.

2.0 PRE-APPLICATION ASSESSMENTS

- 2.1 Further to the last meeting of the Licensing and Safety Panel. The Licensing Service can confirm that the assessments are continuing to be undertaken by the adult learning team. From the 17th February 2017 until the 31st March 2017 there has been 31 assessments carried out. Of the 31 assessments that were booked, 27 passed, 4 failed and no-one failed to attend.

3.0 PURPLE FLAG EXTERNAL ASSESSMENT

- 3.1 On the 18th March 2017, Officers of the Council including licensing staff took part in the external Purple Flag renewal assessment with two assessors from ATCM (Association of Town Centre Managers). The Council will be notified in May 2017 of the decision for the renewal application.

4.0 HACKNEY CARRIAGE – TRANSITIONAL ARRANGEMENTS

- 4.1 Members will recall that at the meeting of the Licensing and Safety Panel on the 8th May 2014 regarding the Review of current policies relating to the licensing and testing of Hackney Carriages and Private Hire vehicles. One of the issues considered was the '5 fault rule' it was reported that complaints had been received from the Hackney Carriage Drivers' Association stating that the current policy was unfair and discriminatory because it does not also apply to Private Hire vehicles of the same age. Members resolved the following:-

Delegated decision:

- That the "exceptional condition" criteria be re-introduced for Hackney Carriages at 10 years and as an incentive to encourage proactive maintenance and provide for additional testing requirements where vehicles fall below acceptable standards.
- That further to (1) above, existing licence holders be allowed a 3 year transitional period should they have made financial plans in respect of their vehicle to allow them to be licensed subject to the "5 fault rule"

The transitional arrangements for the Hackney Carriage fleet come to an end on the 1st June 2017.

5.0 IMMIGRATION ACT 2016 – IMPLICATIONS ON THE LICENSING ACT 2003

- 5.1 The Immigration Act 2016 has introduced measures to prevent illegal working in the alcohol and late night refreshment sector. The provisions commence in England and Wales on the 6th April 2017. A Summary of the new measures are as follows:

- Personal & premises licences cannot be issued to those **disqualified** by their immigration status.
- Licences issued on or after 6 April 2017 will **lapse** if the holder's lawful leave or permission to work ends.
- The Home Office's Secretary of State will be added to the list of **responsible authorities**.
- Immigration Officers will have **powers to enter** premises to investigate whether immigration offences are being committed in connection with licensable activities.

- 5.2 From the 6 April 2017, licensing authorities will be required to check the eligibility to work for all those applying for personal licences and premises licensed for the sale of alcohol and late night refreshment.

The new provisions mean that licences must not be issued to disqualified persons, who are:

- Unlawfully present in the UK,
- Not permitted to work, or
- Permitted to work, but not in this licensable activity.

An application from a person disqualified on these grounds is **invalid** and must be **rejected**.

- 5.3 For all **personal & premises** licence applications made on or after **6 April 2017**, you **must** be satisfied that the applicant's immigration status does **not disqualify** them from holding a licence **before** the licence is issued.

Key Points

- Licence application **forms** have been updated to allow the applicant to provide their **date of birth, nationality** and evidence of **eligibility to work**.
- A list of **acceptable documents** to demonstrate eligibility to work has been included within the forms.
- The applicant must submit **copies** of their acceptable documents within the application.
- The Licensing Authority will need to **check** that the documents provided demonstrate that the applicant is eligible to work in the licensable activity.

The Licensing Service received the Home Office Guidance on the 5th April. Licensing Staff have now implemented the requirements relating to the Immigration Act 2016.

6.0 Equality Act 2010

- 6.1 The Equality Act 2010, sections 165 and 167 come into effect on the 6th April 2017. The Licensing Service are currently working on the implementation of the requirements, further updates to the panel may come in due course.
- 6.2 Section 165 requires drivers of wheelchair accessible vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra. The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice. Exemption certificates will be issued to those drivers who on medical grounds or because of the drivers physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 6.3 Section 167 provides Local Authorities the power to make lists of wheelchair accessible vehicles. The Act refers to them as "designated vehicles".

7.0 Statistics of the Licensing Service

7.1 The Licensing Service during the financial year 15/16 have dealt with the following:-

Type of Work	Number
Number of Licences/Registrations/Consents/Permits processed	5969 – Increase of 277 on last year.
Number of applicants/Licence holders considered by the Licensing and Safety Panel Suspension / Revocation / Admonishment - 6 New Applicants – 11 Granted 11 Refused	28
Number of applications considered by Licensing Hearing Panels Of these:- Variation application - 1 Review application – 1 local resident Reviews – 4 Greater Manchester Police Reviews – 1 Trading Standards Expedited Reviews – 1 (two hearings interim steps and full review)	9

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