



**Licensing and
Regulatory Committee**

**Thursday, 10 March
2022**

**Matter for
Information**

Report Title:

Regulatory Services Update (Q3 2021/22)

Report Author(s):

David Gill (Head of Law & Democracy / Monitoring Officer)

Purpose of Report:	This report provides an overview of the work undertaken by the Licensing Section for the third quarter of 2021.
Report Summary:	This report covers the standard quarterly reporting items in relation to taxi and private hire licensing, applications under the Licensing Act 2003 and Gambling Act 2005 and any notable enforcement activity. An update is also provided in respect of other concurrent matters.
Recommendation(s):	That the contents of the report be noted.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Jon Wells, Senior Strategic Development Manager (0116) 257 2692 jon.wells@oadby-wigston.gov.uk
Corporate Objectives:	Providing Excellent Services (CO3)
Vision and Values:	Accountability (V1) Teamwork (V3) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	No corporate risk(s) identified
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Click to select EA screening. EA not applicable
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.

Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	None.

1. **Taxi Licensing Update**

- 1.1 The Licensing Team are progressing all applications and have re-introduced competency tests for taxi drivers.
- 1.2 Key work areas have been working with our external auditors after implementation of the new licensing system, commenced preparatory work for the future implementation of HMRC requirements for drivers post 04 April 2022, arranging an Operators Meeting for the New Year, carried out a comprehensive review of all our fees and charges and collecting annual fees.

2. **Highway Code Update (Effective from 29 January 2022)**

- 2.1 On 29 January 2022 the new Highway Code became effective. There were eight major changes, those being:-

- a) Hierarchy of road users
- b) People crossing the road at junctions
- c) Walking, cycling, or riding in shared spaces
- d) Positioning in the road when cycling
- e) Overtaking when driving or cycling
- f) People cycling at junctions
- g) People cycling, riding a horse and driving horse-drawn vehicles on roundabouts
- h) Parking, charging and leaving vehicles

The overriding message is **"Those who do greatest harm have a higher level of responsibility"**

- 2.2 As a result of the Highway Code changing, the competency test for persons wishing to become a driver with the Authority has been updated to include the new Highway Code 2022.
- 2.3 All new and renewal vehicles will be allocated stickers promoting "The Dutch Reach" (previously known as Sam Says) as this is now included in the parking, charging and leaving vehicles section of the Highway Code.

3. **Taxi Licences as of 01 March 2022**

Type of Licence	Number of Licence Holders
PHV Operators	13
Combined Drivers Licence	422
Private Hire Vehicles	14
Hackney Carriage Vehicle	338

4. Licensing Policies Under Review

Policy	Dates	Action
Scrap Metal	July 2019	Under Review – HMRC requirements
Street Trading	2023	To be reviewed
Special Treatments	October 2019	Under Review
Animal Welfare	2020	Under Review – Registered Vets

5. Selective Licensing

Total Scheme Engagement	
No. of Rented Properties	814
No. of Applications Received	714
No. of Exemptions	2
No. of Empty Properties/Undergoing Major Works	18
Total Percentage Engagement	90%
Total Percentage Applications	87%

- 5.1 The Council is now making steady progress towards 100% engagement with the Scheme and have received contact from a number of landlords that are looking to purchase in the area with queries. To ensure ongoing compliance, we have engaged with over 135 Estate Agents across the City and County to ensure that they are all aware of the Scheme and have signed up to online marketing platforms (e.g. Gumtree) to be notified when properties are advertised on their platform within the designated area.
- 5.2 Along with this, the Council have also engaged with our local land charges search providers, Blaby District Council, to ensure that when a conveyance for a property in South Wigston is undertaken, the Selective Licensing designation will be noted on the search. This should mean that any new purchasers are made aware of the scheme at the point of a search being conducted if they are not already aware. The team is also working with IT and Systems Support to try and find easier ways for landlords to engage with us, including the introduction of a dedicated contact number for Selective Licensing and also introducing on-line enquiry forms accessible directly from the website.

Licences Issued	
Pending	180
Issued	521
Withdrawn	13

- 5.3 There has been a significant effort made to issue licences as quickly as possible, and a full review of pending licences is being undertaken and landlords contacted by phone to request any outstanding documents. If the landlords still do not provide these documents, they will then be issued with Notices of Intent to serve a financial penalty to the value of £1,500 for failing to make a due application.

5.4 There have been a few applications withdrawn. This is due to the landlords selling the property during the term of the licence. Where a licence has been issued but the enforcement fee is yet to be paid, the Authority has retained the application fee and have waived the enforcement fee. These landlords have been advised to retain the licence document they were issued to protect them against retrospective rent repayment order applications. Where properties are being sold, we are following up to confirm if the property is being occupied by the owner or is being re-let. An inspection schedule is being developed ready for the end of March 2022 with the general outline being that we will prioritise properties where we have existing cases and with a lower EPC to target a worst first approach.

The Council have made some pro-active visits to large block properties within the designated area that we are aware have had issues in the past and we have engaged with the owners and have an ongoing narrative with them.

5.5 **Enforcement Action**

The Council currently have 80 Notices of Intent for failure to licence issued. Once the final notice is issued these will carry a penalty of £30,000 for failure to licence, once the notices for failure to make a due application begin to be issued, these will be noted separately.

Enforcement Action	
Total Notices of Intent Issued	80
Failure to Licence	80

5.6 **Income**

Total Income: £516,149.01

6. **Environmental Health Update**

6.1 Business support continues, particularly with risk assessments and advice for businesses as part of our roadmap for recovery following the pandemic.

6.2 Day to day work is varied and busy with duties wide ranging. These included attending an exhumation of a body to ensure respect for the deceased person is maintained and that public health is protected, investigating and processing welfare burials, pursuing a significant industrial noise complaint one where considerable mitigation work has been negotiated and where the situation has vastly improved and progressing a large fly tip of confidential waste to a PACE caution interview.

6.3 Advice is being given for the safe use of Council owned buildings/assets and for those Committee meetings where public attendance is anticipated. Work continues with our Health Improvement Team to promote the importance and uptake of vaccines with our hard to reach communities. We support our work in communities to promote active travel.

6.4 **Air Quality**

6.4.1 Monitoring of air quality continues in the Borough using passive diffusion tubes (used as a benchmark to indicate whether air pollution is getting better or worse) and real time analysers. The data is showing common seasonal variation (autumn/winter increases) with peaks of note along the A6 and Blaby Road, South Wigston. All mean levels for nitrogen

dioxide are still below the national objective of 40µg/m³ (annual mean) meaning there is currently no requirement to award an AQMA.

- 6.4.2 During lockdown, particularly in 2020, levels fell by half because of reduced traffic movements.
- 6.4.3 The Council continues to work with Leicester City Council on monitoring small particulates (those of less than 10- and 2.5-microns diameter) along the A6.
- 6.4.4 When new developments are proposed there is a process in place to discuss this with the planning officers. Developer contributions are sought where air quality is a consideration.

7. Food Safety Update

- 7.1 The Council are continuing to follow The Food Standards Agency (FSA) COVID recovery framework plan. In the plan it sets out the minimum expectations for us to achieve. Since October 2021, we have moved onto phase 2 of the plan which runs to 2022-2023.
- 7.2 A grant of £1,793 was successfully bid for and obtained from the Food Standards Agency to triage all our new 96 food businesses established since the first lockdown.
- 7.3 The work was required to ensure all new businesses could be programmed into our Routine Inspection Schedule on the basis of risk. Inspections have commenced according to the Food Service Delivery Plan and are on track with support being provided to ensure this can continue pending the recruitment to the vacant Environmental Health Officer post.
- 7.4 The key priorities for phase 2 are to achieve high risk inspections, to undertake triage of all newly registered food businesses, and to deal with any reactive work. It is risk based to safeguard public health.
- 7.5 Since April 2021, the Council received 115 new registrations. To date 110 have been Triaged and 56 have also been inspected, exceeding the minimum expectations of the FSA. This has only been possible by the added resources of two local EHO's who have been undertaking physical inspections.

7.6 High Risk Businesses

(In the framework A's are classed as high risk, however we have classed our B's into this as some are Care Homes or have a Food Hygiene Score of 3 or below)

- A) Inspected every 6 months: 0
- B) Inspected every 12 months: 11 (9 have been inspected)
- C) Outstanding and to be completed by 31/03/2022

- The 2 high risk businesses (B'S).
- The 5 outstanding new businesses to be triaged.
- The outstanding new businesses, 20 have been allocated to the two local EHO's.
- The remaining 34 new businesses inspections will continue to be reduced, to try and reduce the number to below 10, however this will depend on any reactive work.

8. Dog Contract Update

- 8.1 The contract for providing the dog control service has been extended until March 2023 with

no increase in charges. In 2020-21, 5 dogs were seized as strays and taken to the kennels. This is a reduction on previous years due to the Covid Pandemic 'lock downs' with more members of the public working from home. Also, as a consequence of the various lock downs, routine patrolling of the Borough was not possible and has only recently been fully restored.

- 8.2 No FPN's were issued for dog fouling during this period and 36 requests were made for footpath stencilling across the Borough.
- 8.3 Going forward, the team is working with the contract provider to facilitate a free micro chipping event during the summer.