

# NORTH LANARKSHIRE COUNCIL

## REPORT

To: GENERAL PURPOSES COMMITTEE	Subject: CIVIC GOVERNMENT LICENSING - ENHANCEMENT OF LICENSING ENFORCEMENT RESOURCE	
From: DIRECTOR OF ADMINISTRATION		
Date: 21 May 2003	Ref: WK/AMK	

### 1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to advise the Committee of the ongoing work being undertaken by the licensing enforcement officers and to seek authority to recruit additional staff to enhance the licensing enforcement provision.

### 2. BACKGROUND

- 2.1. Members will recall that authority was granted at a meeting of this Committee held on 23 May 2001 to recruit two dedicated licensing enforcement officers, with a concurrent comprehensive view of Civic Government licensing fees to meet the costs of the provision of a licensing enforcement service.
- 2.2. Members will also recall a report to the meeting of this Committee held on 18 December 2002 confirming the commencement of employment of two licensing enforcement officers on 1 October 2001 and detailing the progress and achievements of the two officers during the first year of their operation.

### 3. REPORT

- 3.1. The close of the Council's business year on 31 March 2003 presented an opportunity to review the operational out-turn of the Council's Civic Government licensing service.
- 3.2. In relation to the principal activities licensed by the Council under the provisions of the Civic Government (Scotland) Act 1982, the number of applications processed during the year 2002-2003 were as follows:-

Taxis - New - 0

Taxis - Renewals - 219

Taxi Drivers - New - 148

Taxi Drivers - Renewals - 303

Private Hire Cars - New - 192

Private Hire Cars - Renewals - 133

Private Hire Drivers - New - 281

Private Hire Drivers - Renewals - 93

Public Entertainment - 12

Indoor Sports Entertainment - 8

Temporary Public Entertainment - 5

Market Operators - 6

Late Hours Catering - 57

Metal Dealers - 4

Second Hand Dealers - 36

Window Cleaners - 39

Static Street Trader Employers - New - 21

Mobile Street Trader Employers - New - 21

Static Street Trader Employers - Renewals - 28

Mobile Street Trader Employers - Renewals - 44

Street Trader Employees - New - 84

Street Trader Employees - Renewals - 18

In relation to trends in licensing activity, there continues to be some movement in the holders of private hire car and driver licences and taxi driver licences and also in the mobile trades such as window cleaners and ice cream vans. Traditionally there is less movement in the holding of licences in premises based activities such as late hours catering, market operators, public entertainment and static snack van locations. There is also little movement in the holding of taxi car licences.

- 3.3. In relation to the specific operations conducted by the licensing enforcement officers, a number of instances of unlicensed activity were apprehended by the licensing enforcement officers. Where an individual was identified as conducting a trade or business without the benefit of a licence the enforcement officers offered that individual an opportunity to submit to the licensing authority an application for the appropriate permission, as an alternative to the matter being referred to the relevant authorities for possible prosecution. As a consequence of these interventions by the enforcement officers the following applications were specifically received by the Council:-

Street Trader Employers - 14

Street Trader Employees - 37

Window Cleaners - 12

Second Hand Dealers - 14

Others - 1

It can also be recorded that a further 76 individuals ceased unlicensed activities following intervention from the officers.

- 3.4. In financial terms the review of the out-turn of the Civic Government licensing operation for the year 2002/2003 has indicated that licensing fee income has exceeded budget by £172,131. This over-recovery is principally attributable to two factors. Firstly, there is an increase in applications associated with the activities of the licensing enforcement officers in inviting applications from unlicensed traders. Secondly, there has been a movement in the individual holders of private hire car licences and taxi and private hire driver licences.
- 3.5. In light of the over-recovery in licensing income it is proposed to now enhance the licensing enforcement provision by the recruitment of one additional licensing enforcement officer. The duties of the additional officer would be similar to the existing officers i.e. ensuring compliance with licence conditions, detection and reporting of unlicensed activity and investigation of complaints. The recruitment of an additional officer would facilitate a more programmed approach to the monitoring of licensed activities which are mobile in their nature, particularly taxi and private hire drivers, ice cream vans and window cleaners. There would also be an opportunity to focus on an element of out of normal hours investigation of specific complaints relating to matters such as ice cream van chimes and hours of closing of late hours catering premises. If authority is granted for the recruitment of an additional enforcement officer the post would be graded at AP3.
- 3.6. As a consequence of the number of licence applications being received there is now additional pressure on the administration and clerical staff within the licensing section to ensure that applications are processed and licences granted expeditiously. Those members of Committee who have also been members of the Licensing Sub-Committee will be aware that a number of the new applications which have been generated in relation to premises - based activities have been highly contentious in their nature i.e. unlicensed sites where local residents and neighbours have been given an opportunity to submit representations and objections as a result of which hearings before the Sub-Committee have been required. There is substantial additional work associated with applications of this nature. In order to maintain this aspect of service delivery and to ensure that licences, where they are or become fit to be granted, are issued as soon as possible it is proposed to recruit at this stage an additional clerical officer to supplement the licensing administration team. The grade associated with the clerical officer post is GS3.
- 3.7. It is anticipated that the proposed service enhancements can be fully resourced if existing income trends continue. While this is clearly dependent on recent application trends being maintained it is also anticipated that additional enforcement activity will produce an exponential increase in the number of licence applications being submitted. If the present proposal is approved it is therefore anticipated that there will be no cost to the Council Tax payer and no increase in licence application fee levels (other than the annual review proposed by the Director of Finance to meet the costs of inflation).

#### **4. CORPORATE CONSIDERATIONS**

- 4.1. The proposed enhancement of the licensing enforcement regime will contribute significantly to the corporate implementation of the Enforcement Concordat throughout the Council's enforcement functions.

5. **RECOMMENDATION**

- 5.1. The Committee is asked to agree to the recruitment of one additional licensing enforcement officer within the Licensing Section of Legal Services Division at salary grade AP3;
- 5.2. The Committee is asked to agree to the recruitment of one additional clerical officer within the Licensing Section of the Legal Services Division at salary grade GS3;
- 5.3. The Committee is asked to remit this report to the Policy and Resources (Personnel) Sub-Committee for its interest.

  
**Director of Administration**

*(Members seeking further information on the contents of this report are asked to contact Mitch Kerr, Chief Solicitor (District Courts and Licensing) on extension 2371).*