

# West Berkshire Council Licensing Annual Report 2023/24

<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	08 July 2024
<b>Portfolio Member:</b>	Councillor Lee Dillon
<b>Report Author:</b>	Moira Fraser
<b>Forward Plan Ref:</b>	LC4389

## 1 Purpose of the Report

- 1.1 To set out the work of the Licensing Committee, Licensing Sub-Committee and Licensing Service in 2023/24.
- 1.2 To explain the context of providing Licensing functions through the Public Protection Partnership (PPP).
- 1.3 To provide an update on the electric taxi vehicle remittance scheme.

## 2 Recommendations

That the Committee:

- 2.1 Approve the Annual Report 2023/24 as set out in Appendix A.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>For the financial year 2023/24 the shared licensing service saw a shortfall in income of £98K. The shortfall is primarily due to falling licensing income. Addressing the licensing income shortfall was identified as a priority for 2023/24 in the Service Plan which was agreed at the <a href="#">January 2023 Joint Public Protection Committee meeting</a>.</p> <p>The shortfall was mitigated by vacancies in licensing and other areas of the service combined with reduced spend on agency/casual staff.</p> <p>One of the other most significant contributory factors is that the majority of statutory licensing fees have not been uplifted since circa 2011 and since 2005 for the Licensing Act fees.</p>

<b>Human Resource:</b>	There are no staffing implications associated with this report.			
<b>Legal:</b>	<p>These are all statutory functions.</p> <p>Under <a href="#">the Licensing Act 2003</a> and the <a href="#">Gambling Act 2005</a> there is a legal obligation for the Council to set key policies. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions.</p>			
<b>Risk Management:</b>	The most significant risk for the Licensing Team is the failure to meet income targets and the loss of key members of staff.			
<b>Property:</b>	None.			
<b>Policy:</b>	The Licensing regime is covered by the policies arising from the Licensing Act 2003 and the Gambling Act 2005. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		
<b>Environmental Impact:</b>		✓		

<b>Health Impact:</b>		✓		
<b>ICT Impact:</b>		✓		
<b>Digital Services Impact:</b>		✓		
<b>Council Strategy Priorities:</b>		✓		This report covers the business as usual work of the Licensing Committee, Licensing Sub-Committee and the Licensing functions provided by the PPP.
<b>Core Business:</b>		✓		This report covers the business as usual work of the Licensing Committee and the Licensing functions provided by the PPP.
<b>Data Impact:</b>		✓		All data reported is open data and any addresses detailed are in the public domain following hearings open to the public.
<b>Consultation and Engagement:</b>	It has been requested through previous Committee meetings that an Annual Report is provided to assist Members of the Committee to oversee the activity undertaken in the previous year and to provide direction for future activity. No additional consultation will be undertaken.			

## 4 Supporting Information

- 4.1 The shared Public Protection Partnership (PPP) delivers a range of regulatory functions on behalf of the partner authorities. The environmental health and licensing functions are a shared service between Bracknell Forest and West Berkshire, whilst the trading standards, investigations, intelligence and case management functions are shared between Bracknell Forest, West Berkshire and Wokingham.
- 4.2 Whilst all decisions and oversight relating to environmental health and trading standards are overseen by the Joint Public Protection Committee (JPPC), each partner authority retains its individual Licensing Committee and sets licensing related policy and monitors performance. This requires careful co-ordination and clear governance arrangements have been put in place to ensure that this happens.
- 4.3 The role of the Committee and the licensing service is a major contributor to key Council and PPP priorities including safer communities, the environment and economic development. These are managed through the application of a significant legislative framework enhanced by locally developed policy that meets the needs of the local community. In essence the Committee and Council create and have oversight of policy and the service delivers it at an operational level.

- 4.4 The shared Licensing Service considers and issues a range of licences, consents, notices and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to West Berkshire. Legislation requiring a licence/consent/notice/permit for a business activity is generally enacted in order to protect users of a service or the wider community such as those that might be affected due to their proximity to the licensed premises or their interaction with an individual licence holder. Animal Welfare licensing provisions are there to protect the health and wellbeing of animals in regulated settings such as kennels or performances.
- 4.5 It is a fact the good regulation serves a clear purpose. The proper implementation of legislation combined with well thought out policy also provides a clear framework for the licensed sector whilst protecting the interests and safety of individuals and the community and providing a level playing field for legitimate business.
- 4.6 It is acknowledged by the licensed sector that an effective licensing regime, soundly administered and founded on sensible and effective policies and legislative framework creates consumer confidence which in turn is positive for licence holders. Conversely that lack of consumer confidence can undermine both operators and the sector e.g. taxis and private hire.
- 4.7 The service is acutely aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress through the licensing process. The service therefore has sight of this through the delivery of its functions and is always willing to provide advice.
- 4.8 As the body tasked through the constitution to set direction and have oversight of the licensing functions the Committee receives an annual report at its July meeting. The full Annual Report 2023/24 is set out at Appendix A to the report. This report covers the following areas including data relating to activity:
- Governance
  - Resourcing
  - Licensing Act 2003
  - Gambling Act 2005
  - Licensed Drivers, Operators and Vehicles
  - Other Licences
  - Communication and Engagement
  - Joint Working
  - Horizon Scanning

## **5 Other options considered**

- 5.1 None – this report has been produced at the request of the Committee. It is also considered to be good practice.

## **6 Conclusion**

- 6.1 Members will see from the Annual Report the range of functions overseen by the Committee along with an indication of the volume of work and resource required to deliver this function.

- 6.2 The Service has struggled for some time with recruitment challenges but as can be seen from the report the outlook is significantly more optimistic. The priorities going forward will be to continue policy review activity starting with the Statement of Gambling Policy. Operationally we are looking to embed the new single IT system to allow for a much more user friendly one stop application process along with reviews of all processes and procedures. From an enforcement perspective a comprehensive enforcement programme is being developed that reflects the priorities of the Council with a strong emphasis on community protection, crime reduction and partnership working.
- 6.3 Licensing is arguable one of the purest forms of public protection. The role of the Committee is pivotal to the delivery of these functions. We commend the annual report to the Committee.

## 7 Appendices

### 7.1 Appendix A – Annual Report 2023/24

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#### Background Papers:

None.

#### Subject to Call-In:

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** All

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