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# Licensing Annual Report 2020/21

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<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	08 November 2021
<b>Portfolio Member:</b>	Councillor Hilary Cole
<b>Date Head of Service agreed report:</b> <i>(for Corporate Board)</i>	05 October 2021
<b>Date Portfolio Member agreed report:</b>	Emailed on the 12 October 2021
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	LC4044

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## 1 Purpose of the Report

- 1.1 To set out the work of the Licensing Committee and Sub-Committee in 2020/21.
- 1.2 To explain the context of providing Licensing functions through the Public Protection Partnership (PPP).

## 2 Recommendation

- 2.1 That the Committee **NOTES** the content of this report including the work of the Licensing Committee and Service related activity for 2020/21.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	The Licensing functions within the PPP operate on a cost recovery basis with respect to discretionary fees. The Committee considers discretionary fees before they are considered by Full Council as part of the budget setting process. The report shows information relating to volumes of applications, at March 31 <sup>st</sup> 2021. Due to the national lockdown Officers had already identified a financial risk associated with licensing income.
<b>Human Resource:</b>	Vacant posts are currently being held to help mitigate the loss of licensing income.

<b>Legal:</b>	<p>These are all statutory functions.</p> <p>Under the Licensing Act 2003 and the Gambling Act 2005 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>	<p>The PPP has continued to operate a risk based approach for their inspection programme. It was apparent that the implications of the national lockdown would place a risk to the hospitality and other licensed sectors such as taxi and private hire operators and drivers. The PPP has had to regularly amend its approach to maintain its services to an appropriate standard.</p>			
<b>Property:</b>	None.			
<b>Policy:</b>	<p>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</p>			
	<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?		✓		There are no decisions in this report
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		There are no decisions within this report, any policies or actions referred to will have already undergone and EIA when considered previously by committees

<b>Environmental Impact:</b>		✓		This report has no environmental impacts.
<b>Health Impact:</b>		✓		There are no health impacts
<b>ICT Impact:</b>		✓		None
<b>Digital Services Impact:</b>		✓		None
<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>	None the report is to note only.			

## 4 Supporting Information

### Introduction

- 4.1 The Public Protection Partnership (PPP) delivers all regulatory functions but Licensing is distinct in the way it is governed. Whilst all decisions related to the PPP go through the Joint Public Protection Committee, each partner retains its individual Licensing Committee's to set policy. This requires careful co-ordination and clear governance arrangements have been put in place to ensure this happens, overseen by the Principal Officer for Policy and Governance.
- 4.2 The Licensing functions carried out by the PPP can be broadly described as the consideration and issue of 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 a kennels or performances.

- 4.3 It is acknowledged by the licensed sector that an effective licensing regime, properly administered, applying sensible and effective policies creates consumer confidence which in turn is positive for licence holders. The PPP is 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 rapidly through the licensing process. The PPP therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

### The Licensing Committee

- 4.4 The Licensing Committee meets to discharge the functions of the Council as licensing authority in respect of the Licensing Act 2003 and Gambling Act 2005. The Licensing Committee comprises 12 Members appointed at the Annual Council meeting each year and the 2020/21 membership is set out below:

Conservative Group (seven Members)	Jeff Beck, Graham Bridgman, James Cole (Chairman) Rick Jones, Tony Linden, Claire Rowles, Andy Williamson
Liberal Democrat Group (four Members)	Adrian Abbs, Phil Barnett (Vice-Chairman), Billy Drummond, Martha Vickers
Green Group (one Member)	David Marsh

- 4.5 The 2021/22 Membership was amended to reflect that Councillors Graham Pask and Peter Argyle joined the Committee and Councillors James Cole and Andy Williamson left the Committee. Sadly Cllr Argyle has recently passed away.
- 4.6 Over the 2020/21 period the Licensing Committee met on 14<sup>th</sup> May 2020, 30<sup>th</sup> November 2020 and 8<sup>th</sup> February 2021. The Committee considered a number of matters including: private hire vehicle and operator fees, the implications the Statutory Taxi and Private Hire Vehicle Standards (issued by the Department for Transport) would have on local policies including the hackney carriage and private hire taxi policy which would come to the Committee during the 2021/22 financial year. The Committee also considered a response to a Council Motion on the use of Fireworks and an operational approach was subsequently agreed.
- 4.7 In terms of forward planning, in addition to the annual fees and charges cycle, a number of policies including the following are scheduled for consideration during the 2021/22 cycle:

- The Statement of Gambling Principles (November 2021)
- The Draft Hackney Carriage and Private Hire Policy (January 2022)
- Consideration of Revised Hackney Carriage Tariffs (September and November 2021)
- Amendments to the Scheme of Delegation for both the Licensing Act 2003 and the Gambling Act 2005 (November 2021).

4.8 At each meeting Committee Members are asked to consider if there are any additional items that they wish to include on the Forward Plan.

### Licensing Sub-Committees

4.9 While the Licensing Committee carries out functions relating to licensing and registration the Licensing Sub-Committee considers licensing applications where representations are received. These meeting are arranged on an ad-hoc basis. Each Sub-Committee comprises three Members drawn from the membership of the Licensing Committee. A substitute is also appointed in the event that, for whatever reason, one of the Sub-Committee Members has to withdraw from the panel.

4.10 During the 2020/21 financial year the sub-committee met on two occasions and a summary of the appeals are set out in the table below:

Type of Application	Premise	Outcome
Premise Licence under the Licensing Act 2003	Pinchington Hall	Granted
Premise Licence under the Gambling Act 2005	Merkur Slots	Granted

4.11 Four further meetings for Medicine Events, The Bottle Opener, Monksmead House (Temporary Event Notice application) and Wasing Park were cancelled following successful mediation.

4.12 The Merkur Slots decision, under the Gambling Act 2005, was originally appealed to the Magistrates Court but withdrawn on the day of the hearing.

4.13 The number of sub-committee meetings held each year remains relatively low. In 2019/20 six applications were heard, three sub-committees took place in 2018/19 and three in 2017/18.

4.14 The onset of COVID-19 and the introduction of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (“the Regulations”) which permitted meetings to take place in a virtual format brought with them challenges and the need to adapt the existing documentation provided to participants and practices adopted at hearings. The roll out of virtual Licensing and Licensing Sub-Committee was very successful in West Berkshire and reflected the work undertaken by IT, Democratic

Services, Legal Services, Licensing Services and Members, most notably Councillor Bridgman.

### **Taxi and Private Hire Liaison Group Meetings**

- 4.15 The Group was set up to provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest. The Group is also tasked with reporting back to the Licensing Committee with any recommendations for alterations to the existing or proposed licences, policies, tariffs and fees.
- 4.16 The Group comprises the Chairman and Vice Chairman of the Licensing Committee, three Members of the Licensing Committee, the Public Protection Manager, the Licensing Team Manager and representatives from the Hackney Carriage and Private Hire Trade. The number of attendees from the Trade remains relatively low. Officers continue to encourage trade representatives to attend the meetings and the minutes are circulated to the trade and Licensing Committee to keep them abreast of discussions that have taken place.
- 4.17 During the 2020/21 financial year the Group met on the 24<sup>th</sup> March 2020. A range of issues were discussed including the impact that COVID-19 had had on the trade, the impact of the Statutory Taxi and Private Hire Vehicles Standard Guidance that had been issued by Central Government, accessing Additional Restrictions Grants, electric vehicles tariffs and fees.
- 4.18 As a result of the discussions on tariffs a consultation about modifying the current table of fares, which has been in place since 2013 has just been completed. The outcome of that consultation is included as an item on this agenda.
- 4.19 Officers are also working with the Environment Delivery Team to raise awareness with the trade about the use of electric vehicles and a workshop is being set up to discuss barriers to using these vehicles on the 17 November 2021. This session will also provide an opportunity for the trade to test drive electric vehicles which might be suitable for the trade.

### **Impact of COVID- 19 on the PPP Licensing functions**

- 4.20 The PPP, including officers from Licensing, has had a significant role to play in investigating, managing and preventing outbreaks during the 2020/21 financial year. This included providing support monitoring outbreaks on an ongoing basis, local contact tracing as well as a seven day Service in West Berkshire, outbreak tracing and isolation calls. Officers have also carried out investigations in care homes, learning difficulty care settings and early years when asked to do so in accordance with the Council's outbreak plans.
- 4.21 The PPP provided targeted pro-active advisory calls and visits to settings which saw increases in cases to look at how outbreaks were occurring and provide advice on how they could be reduced and contained. Officers also carried out both daytime and evening visits to businesses to ensure compliance with relevant restrictions affecting hospitality and other retail and business settings. A small number of prohibition notices

were issued to businesses that should not have been operating. In other cases where improvements were needed advice was offered and follow up visits undertaken. The PPP has engaged Licensing Liaison Officers as part of the approach to regulating and assisting the licenced sector with advice and support including Covid mitigations.

- 4.22 Officers use a risk based assessment programme to visit licensed premises to check compliance, provide assistance and advice for those businesses. In 2019/2020 PPP officers carried out 158 inspections (and a further 40 conducted on behalf of the authority) compared to 172 in 2018/2019 and 202 in 2017/2018. The figures are similar to previous years. It should also be noted that there is increased information and advice available to businesses as well as acknowledging that some licences do not require an annual inspection and therefore we would expect lower numbers. COVID lockdown also meant that many businesses were closed for periods of time hence less time to carry out visits.
- 4.23 Information about the number of active licences are set out in Appendix A. Appendix B provides details around the number of applications received and the outcome of those applications. The performance data is set out in Appendix C. In essence this shows that fewer complaints have been received and this is likely to be ascribed to reduced activity as a result of the pandemic. This has however resulted in more inquiries and requests for advice. There has been a reduction in the number of some applications and are also related to the impact COVID-19 has had on a range of businesses.

### **The Effect of COVID-19 on the Licensed Sector**

- 4.24 This has been an extremely difficult and challenging year for many aspects of the licensed sector. The three lockdowns saw hospitality and non-essential retail completely closed down and reduced taxi and private hire trade to around 10% of normal levels. Other sectors were significantly affected by the 'stay home' legislation and bans on travel. These included home day care dog boarding and corporate and travel related private hire providers.
- 4.25 For those periods when the licenced sector in its various guises were able to trade they have done so under a range of regulations and guidance covering everything from face coverings to QR codes and contact tracing information. During this period the hospitality trade went through at least five sets of changes to legislation and/or guidance. As a service we have worked with them every step of the way.
- 4.26 Event activity was also very badly hit and most events in 2019/20 were cancelled although some events did take place under strict COVID controls and monitoring by the PPP. Officers sought to help organisers run the safest possible events within the legislative framework and the context of local infection levels.
- 4.27 Invariably some businesses did not survive the financial strains caused by the pandemic. In the case of other sectors such as betting shops the pandemic has quite likely hastened the planned closure programme of some high street settings. This has affected PPP income levels as mentioned elsewhere in this report and licensing budgets will need to adjust to this.

## Development of Single Case Management System

4.28 During the 2020/21 period officers have also been heavily involved in the work to streamline online interactions and reduce delivery costs to be able to pass on efficiency savings to the Licensing trades. For the first time data from West Berkshire and Bracknell will be stored in the same place, with improved customer management processes and less bureaucracy. This project is referred to as the single system project and will be online from April 2022.

## Communication

4.29 A further aspect of the Committee's role, supported by officers, is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The PPP provides a range of advice and information sheets via its [website](#) and Council's website. We have also expanded our social media presence with active Facebook and Twitter feeds. Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, and meeting private hire operators at their offices and taxi drivers at the ranks.

4.30 PPP Licensing data shows that it dealt with 272 complaints and requests for service in 2020/21 (compared with 168 in 2019/20, 199 in 2018/19 and 210 in 2017/18). These figures include some general telephone enquiries, due to the adaptations which have had to be made due to the remote home working of many staff due to COVID-19. The majority as shown have been logged for further response.

## Customer Feedback

4.31 The role of Licensing has always been a feature of the overall PPP customer satisfaction performance. Where issues have arisen there is a procedure for following these up (as on many occasions it has been interactions with other services that has resulted in a negative response). Service improvements are managed through the Quality Management System and recorded within our Improvement Action Logs. The outturn position for 2020/21 is 79% of service users were satisfied / very satisfied with the Public Protection Service and a 100% of service users were satisfied with the Public Protection Service's business webinars.

## Looking Ahead

4.32 This summer has seen the return of events and numbers are greater than pre-COVID-19 levels with notification and applications being received for a raft of events. The PPP has also seen a significant increase in applications for Temporary Event Notices more generally. In terms of taxi and private sector a number of new drivers have licenced and a number of vehicles have returned to the fleet.

4.33 What is less obvious (as we go through recovery) is what the future will look like for aspects of the licenced sector. Parts of hospitality are seeing sluggish return to pre-pandemic levels and the taxi and private hire fleets have all been scaled back. New ways of working, with many people working at home and the move to online meetings, may well impact those involved in corporate private hire and taxi services as well as those in the home boarding day care for dogs.



4.34 By the time of the next annual report we should be able to give the Committee a clearer idea of the long-term impacts. It should be noted that future iterations of this report will be presented to members at the June/July meeting.

## 5 Other options considered

5.1 None the report is to note only

## 6 Conclusion

6.1 The Licensing Committee has continued to meet throughout 2020/21 and held Sub-Committee hearings, albeit it in remote and latterly hybrid formats. They have met their requirements and discharged their duties appropriately and in accordance with the Constitution. Officers have reported issues to the Committee and worked to implement decisions alongside maintaining a high standard of service to the licensed trade. This sets out the ways in which these objectives have been met.

## 7 Appendices

7.1 Appendix A – Number of Licences in the West Berkshire Area

7.2 Appendix B – Number of Applications Received

7.3 Appendix C – Licensing Service KPIs

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### Corporate Board's recommendation

Corporate Board approved the report.

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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

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Item is Urgent Key Decision   
Report is to note only

**Wards affected:** All

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## Appendix A

### Number of active licences within the West Berkshire Council area

Licence Type	At 31/03/2021	At 31/03/2020	At 31/03/2019
Animal Boarding Establishment and Dog Breeding	11	20	19
Home Boarding Licence	26	31	31
Pet Shop Licence	4	3	2
Riding Establishment Licence	5	6	8
Dermal Personal and Premises Registration	334	242	313
House to House Collections*	17	39	9
Street Collections*	10	82	20
Street Trading Consent	20	24	26
Club Gaming Permits	0	0	1
Club Machine Permits	6	8	9
Licensed Premises Gaming Machine Permit	9	10	8
Notification of 2 or less gaming machines	83	84	85
Small Society Lottery	108	108	148
Gambling Premises	12	14	16
Personal Licence	2207	2157	2077
Scrap Metal Dealer - Site	5	5	7
Scrap Metal Dealer - Mobile	5	4	7
Premises Licence	465	458	497
Premises Licence Application (No alcohol)	73	75	
Club Premises Certificate	40	40	40
Dual Driver	193	247	239
Private Hire Driver	106	130	117
Private Hire Operator	56	61	58
Hackney Carriage Vehicle	133	153	159
Private Hire Vehicle Licence	127	163	156
Temporary Event Notice (total issued)*	71	610	559

\*data shows total received for the year

## Number of applications received by year, with application outcome – West Berkshire Council

Type	2020/21					2019/2020				
	Total	I	W	R	P	Total	I	W	R	P
Private Hire Operators	17	17				8	6	1		1
Private Hire Vehicles	139	138			1	200	197	1		2
Private Hire Drivers	28	26			2	50	46	3		1
Dual (Hackney Carriage and Private Hire) Drivers	95	88			7	66	61	1		4
Hackney Carriage Vehicles	140	140				181	180	1		
Animal Boarding Establishments	11	3	1		7	6	6			
Home Boarders of Dogs	15	1	2		12	20	16			4
Dog Breeder	2				2	2	2			
Dangerous Wild Animal	1	1				0	0			
Riding Establishments	0					6	5	1		
Performing Animals	0					1	1			
Pet Shops	3	2			1	0	0			
Zoo Licence	0					1				1
Scrap Metal Site	0					5	5			
Scrap Metal Mobile Collectors	2	2				1	1			
Hairdressers	4	4				2	2			
Personal Licences	53	50		2	1	82	81			1
Premises licence - variation/vary DPS	77	76		1		127	120	2		5
Premises licence - minor variation	8	7		1		21	19	1		1
Premises licence - transfer	23	23				24	22			2
Premises licence - new	21	16			5	27	21	1		5
Temporary Event Notices	72	68	1		3	610	593	9	1	7
Club Premises Certificates - new	1	1				1	1			
Street Traders - mobile	17	16		1		9	9			
Street Traders - site	27	22			5	33	31		1	1
Street Collections	10	10				81	80			1
House to House Collections	17	17				39	38		1	
Lotteries	18	18				23	23			
Licensed Premises Gaming Machine Permits	2	2				1	1			
Gaming Machine Notifications						5	5			
Skin Piercing - individual	8	5	1		2	8	8			
Skin Piercing - premises	9	6			3	4	4			
Club Machine Permits						1	1			

Key: I = licences issued, W = applications withdrawn, R = applications refused or rejected, P = applications pending decision, e.g. awaiting documentation before licence issue

### Licensing Service KPI and key information

KPI	Target	Q1	Q2	Q3	Q4	2020/21	Notes (Comments)
% of premises that have applied for a designated premise supervisor (DPS) variation visited within 28 days of application (reported cumulatively)	75%	1/2 50%	9/16 56%	30/40 75%	22/56 39%	62/114 54.4%	Some inspections were virtual with information shad
% of licensing applications processed within statutory timescales or 5 days	Base	122/162 75.3%	129/168 76.8%	154/225 68.4%	128/164 78%	533/719 74.1%	
% of Temporary Event Notices processed within statutory timescales (3 days)	Base	6/6 100%	26/33 78.8%	23/23 100%	3/4 75%	58/66 87.9%	
% of licensing complaints/requests for advice dealt with appropriately within 10 working days (Whole service KPI)	90%	175/200 87.5%	196/200 98%	154/158 97.5%	184/191 96.3%	709/749 94.7%	Q1 was in the very first lockdown period when the service was adjusting to new regulations and restructure to manage the responses across the 3 authorities.

Measure of Volume	Target	Q1	Q2	Q3	Q4	2019/20	Notes (Comments)
Number of licences Revoked/Suspended	N/A	2	3	1	13	19	These were related to COVID and some authorised "suspension"
Number of Licensing – General Inquiries/advice	N/A	50	61	30	25	166	Initial lock down then information being sought over summer reopening and potential events
Number of Complaints made about those licenced (or unlicensed) by the authority	N/A	10	24	25	16	75	Lower numbers than previous years due to reduced activities
Number of Contacts directly attributable to the trade making contact	N/A	6	6	2	10	24	Some of these were requests about our processes during lockdown with some chasing queries
Number of COVID related inquiries	N/A	1	2	1	3	7	There were COVID related complaints outside of those recorded specifically as COVID (enforcement or advice)
Total Inquiries	N/A	67	93	58	54	272	

**Detailed Breakdown of the types of demands on the service in 2020/21 compared to 2019/**

Licensing Area	Recorded Licensing interactions		General Enquiries and Requests		Requests from the trade for information, meetings, updates		Complaints about licence holders/premises, non-compliance or unlicensed activities	
	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21
L - Animal	14	36	6	20		5	8	11
L - Premises	84	76	26	52		1	57	20
L - Street Trading	9	25	4	12		2	5	11
L - Taxi	50	89	14	45	1	14	35	27
L - TEN	2	3	1	3		0	1	0
Licensing	9	43	9	34		2		6
<b>Total</b>	<b>168</b>	<b>272</b>	<b>60</b>	<b>166</b>	<b>1</b>	<b>24</b>	<b>106</b>	<b>75</b>

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