

Notice of Meeting

Licensing and Safety Committee

Councillor Porter (Chair),
Councillor Brossard (Vice-Chair),
Councillors Allen, Atkinson, Dr Barnard, Bidwell, Brown, Brunel-Walker, Finch, Ms Gaw, Gbadebo, Mrs Ingham, Kirke, Leake and Mrs McKenzie-Boyle



Thursday 2 February 2023, 7.30 pm
Time Square, Market Street, Bracknell, RG12 1JD

Agenda

All councillors at this meeting have adopted the Mayor's Charter which fosters constructive and respectful debate.

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence. Reporting: ALL	
2.	Declarations of Interest	
	Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting. Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days. Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting. Reporting: ALL	
3.	Minutes	3 - 8
	To approve as a correct record the minutes of the meeting held on Reporting: ALL	
4.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent. Reporting: Joey Gurney	

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5.	Notice of Public Speaking	
	To note those agenda items which have received an application for public speaking Reporting: Joey Gurney	
6.	Update on Environmental Health and Trading Standards	9 - 10
	To provide the annual update on the work of the Environment Health and Trading Standards Teams. Reporting: Sean Murphy	
7.	Fees for Taxi and Private Hire Vehicles and Operators	11 - 14
	To consider any relevant matters arising from the statutory 28 day consultation period relating to variations to operators and vehicle licence fees and their impact on the proposed fees which will be recommended to full Council for approval. Reporting: Moira Fraser	
8.	New Section 182 Guidance Under the Licensing Act 2003	15 - 20
	To receive a report on new Section 182 guidance under the Licensing Act 2003. Reporting: Julia O'Brien	

Sound recording, photographing, filming and use of social media is permitted. Please contact Derek Morgan, 01344 352044, derek.morgan@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 24 January 2023

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LICENSING AND SAFETY COMMITTEE
20 OCTOBER 2022
7.30 - 8.42 PM

Present:

Councillors Porter (Chair), Brossard (Vice-Chair), Allen, Atkinson, Brown, Finch, Ms Gaw, Gbadebo, Mrs Ingham and Leake

Present Virtually:

Councillor Brunel-Walker

Apologies for absence were received from:

Councillors Dr Barnard and Kirke

12. Declarations of Interest

There were no declarations of interest.

13. Minutes

Subject to Councillor Leake's apologies being recorded, the minutes of the meeting held on 23 June 2022 were approved as a correct record.

14. Urgent Items of Business

There were no urgent items of business.

15. Notice of Public Speaking

Naheed Ejaz, a BFC Operator, asked to address the Committee.

16. Hackney Carriage and Private Hire Licensing Policy Consultation Responses

Julia O'Brien presented a report to the Committee on Hackney Carriage and Private Hire Licensing Policy Consultation Responses. The purpose of the report was to provide the Committee with the outcome of the consultation on the draft policy.

It was noted that there had not been time for legal clarification on a number of points, but legal colleagues would be consulted following the Committee meeting. This would result in the report coming to the Committee at a future meeting with legal considerations and a draft policy in its entirety.

The Public Speaker, Naheed Ejaz, spoke to the Committee about the pressure the local taxi trade was experiencing post-Covid. Naheed was speaking from a school transport perspective as this was her background. She explained how she felt the school transport license fees were too high and the need for a practical driving test regardless of experience was unnecessary. She asked for all fees and requirements to be revised due to their costs and the impact it was having on the local taxi trade.

Naheed highlighted the pressure competition with Uber drivers was putting on the local industry.

Following questions to the public speaker, the following points were noted:

- Naheed stated while the Council only required one year's driving experience, it was financially beneficial to recruit drivers over the age of 30 due to the significant difference in the costs of insurance.
- It was explained the negative impact the costs of fees was having on recruitment. A significant problem because of Covid was that many people had left the trade. Therefore, more children were having to share taxis and drivers were having to spend more time transporting children.
- In response to a question of clarification on fees, it was explained that £207 was a fee to the Council in addition to a DBS fee, first aid fee, practical driving test fee, safety and safeguarding training fee, and the cost of a medical test. It was noted some fees were paid annually but others such as the training were every 3 years.

In response to the public speaker the officers stated the following:

- The safeguarding and disability awareness training had been bought in-house and were included in the licensing fee which also covered the initial tests.
- Officers were exploring the possibility of stopping the first aid training as part of the revised policy. Officers were also looking at removing the geographical element of the knowledge test given the prevalence of satellite navigation devices. Officers were also looking at moving refresher training online to ensure it was easier and more time efficient and could be undertaken by the drivers at times that suited them
- Public safety was paramount within the taxi industry and so a DBS and a medical were required to ensure a driver was a fit and proper person. The initial DBS needed to be completed by the licensing team because that was the only way the team could be confident that all the records had been checked properly. Drivers were able to subscribe to the online service once the initial check had been done which was a lot more cost efficient
- The initial application fee now covered a three-year license. In 2019, those fees were £45 cheaper but only covered a year. Vehicle fees were proposed to increase slightly by £13 over the last 5 years.
- In relation to Uber, the officers explained how Uber operated on a regional basis and Bracknell fell under the Transport for London area. Therefore, Uber drivers could operate legally in Bracknell Forest. Officers did ensure complaints against Uber drivers (for operating illegally) were followed up.

Following questions to officers, the following points were noted:

- Uber drivers were not regulated by Bracknell Forest Council but by Transport for London. While some Councils would have their own methods, drivers had to be seen as fit and able, and the vehicles had to be mechanically safe. Therefore, DBS, medicals, safeguarding courses, and driving courses were usually standard practices.
- It was agreed that more clarification was needed within the policy about a vehicle involved in an accident having to pass further inspection.
- It was agreed within the policy the wording within section 24, page 56 would be reworded to include both novelty and specialist vehicles, and the information on local education authority contracts would be removed.
- In response to how the policy was produced the officers explained it was put together by a solicitor and expert within the taxi industry who considered terms of best practices, guidance notes, and previous reports.

- In response to a question on local trade losing business to Uber and best practices from other neighbouring Local Authorities, it was explained that Reading did not fall under Transport for London (TfL) but was within the Southampton area which had mostly deterred Uber drivers from visiting Reading. Officers had written to the local MP, TfL, and the Minister of State for Transport to lobby them to introduce a more beneficial system but had so far failed to receive a response. If Uber were not operating in Bracknell illegally, then officers were powerless to stop them. It was added Uber drivers were not designated parking ranks in Bracknell.
- It was noted in response to the consultation feedback, the Vice Chair of the Committee chaired a local taxi liaison meeting.
- Concerns of overregulation were raised by several members of the Committee.

It was agreed the officers would consider the following points before bringing the report back to the Committee:

- The age of vehicle inspection in the proposed policy should not be changed to every four months but remain every six months.
- Re-consider the logo on the side of the taxis as they were already clearly marked that they are taxis.
- The proposed policy should not include the introduction of armbands.
- The report should be presented in a way that clearly demonstrated the changes made and a draft would be emailed out to Committee members in January, ahead of the next meeting in February.

RESOLVED that

- 1 Changes arising from the consultation be incorporated into the second iteration of this report.
- 2 A further report be presented to Committee at its meeting on 2 February 2023 prior to a recommendation being made to Full Council that the policy be adopted

17. Fees and Charges 2023/24

Moira Fraser introduced the report on Fees and Charges 2023/24. It was proposed within the report to increase the discretionary element of the fees and charges by circa 8.5%. All fees were set on a full cost recovery basis which had meant that for the first time in three years the hourly rate had increased from £59 to £64. All fees were calculated using the time taken multiplied by the hourly rate.

The Statutory Fees were marked with Pale Gold and Class B Discretionary Fees were headed with blue text in Appendix A of the report.

The fees across both authorities had been standardised and had retained the additional options around street trading consents that had been agreed the previous year.

The Committee did however request that four fees were revisited. Officers explored this and proposed the following:

1. The change of address fee for taxi licences be set at £11.50.
2. In terms of Ice Cream Vans it was the intention for the BFC fees to be aligned with those in West Berks over the next two years. There were currently three ice cream van licences in Bracknell.

3. Knowledge Test fee was only payable if a driver had to resit the test as it was included in the initial fee otherwise. Proposals around the fees for testing would be included in the Annual report to committee in June 2023 ahead of the next budget setting cycle. The proposals were likely to include changes in respect of the removal of geographical testing and revisions to the way tests were conducted.
4. DBS fee would comprise £38 government fee plus half hour admin fee so a total of £70, a reduction from £79 this year.

Following questions to officers, the following points were noted:

- In response to a question raising concern on the increase in fees it was noted that the increase over the last five years had been very minimal. For instance, the vehicle license fee was only £6 more than what it was in 2019/20. Moreover, it was noted the hourly rate had not increased for the previous three years and was only being increased this year due to an increase in costs.
- It was explained West Berkshire Council did not issue home-to-school transport licenses, but BFC did. The reason BFC intended to keep the home-to-school transport licenses was because it was more cost efficient.

RECOMMENDED to the Executive and Council that

- 1 Save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the 2023/24 fees and charges detailed in Appendix A of the report be approved for public consultation.
- 2 The charges for operators and hackney carriage and private hire vehicle licence fees be subject to a twenty eight day statutory consultation period from 9 November 2022 to 7 December 2022.
- 3 A public notice pertaining to the hackney carriage and private hire vehicles and private hire operator's fees be placed in the Bracknell News.
- 4 A consultation letter be posted to all hackney carriage and private hire vehicle owners and private hire operators in the Borough and that a copy of the consultation be posted on the Public Protection Partnership website and at Time Square.
- 5 If no objections were received, the charges for operators and vehicle licence fees be included in the February 2023 Executive and Council papers for approval; or if objections are received, they be considered by the Licensing and Safety Committee at its meeting on 2 February 2023 and any changes be recommended to full Council for approval.

18. **Hackney Carriage and Private Hire Trade Meeting Update**

Moira Fraser introduced the report on Hackney Carriage and Private Hire. The Licensing Liaison Officer contract had come to an end, but officers were looking to replicate this type of role in a new model for the service. Two apprentices would be starting in November and as part of their role they would be tasked with lower-level inspections.

Following questions from members of the Committee the following points were noted:

- In response to a query whether meetings were the best method to facilitate engagement from the local trade it was detailed how meetings could be well attended and often overrun to allow as much feedback as possible. It was

also mentioned by various members of the Committee how the existing relationship between the Committee and the local trade had improved. It was stated the relationship with the local trade representatives were productive because discussions with them easily facilitated a two-way dialogue.

The Committee noted the report.

CHAIRMAN

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To: **Licensing and Safety Committee**
23 February 2023

Update on Environmental Health and Trading Standards Public Protection Manager

1 Introduction

- 1.1 It was agreed that at the 03 February 2022 Licensing and Safety Committee meeting that Officers would provide Members with a verbal update on the work of the Environment Health and Trading Standards Teams annually.

2 Supporting Information

- 2.1 The Inter Authority Agreement (IAA) at Schedule 5 sets out the initial priorities identified by the councils namely:
1. community protection;
 2. protection and improving health;
 3. protection of the environment;
 4. supporting prosperity and economic growth; and
 5. the delivery of effective and improving service.
- 2.2 The [Strategic Assessment](#) (approved by the Joint Public Protection Committee September 2021 and updated in May 2022) and [Delivery Plan](#) set out how the priorities will be delivered on a practical level.
- 2.3 The National Intelligence Model is used to identify the key areas of delivery against the identified priorities and we also work with key partner, including members, to help identify areas to focus on.
- 2.4 Sean Murphy, Public Protection Manager will present an update on the work in Environmental Health and Trading Standards in the PPP and set out the key areas the teams will be focussing on in the forthcoming financial year.

3 Equalities Impact Assessment

- 3.1 None Required

4 Strategic Risk Management Issues

- 4.1 None identified

Background Papers

None

Contact for further information

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TO: LICENSING AND SAFETY COMMITTEE
2 February 2023

**Fees for Taxi and Private Hire Vehicles and Operators
(Public Protection Manager)**

1 PURPOSE OF REPORT

- 1.1 To consider any relevant matters arising from the statutory 28 day consultation period relating to variations to operators and vehicle licence fees and their impact on the proposed fees which will be recommended to full Council for approval.

2 RECOMMENDATIONS

The Licensing and Safety Committee is asked to:

- 2.1 **NOTE** the comments received during the statutory consultation on variations to operators and vehicle licence fees as set out in Annex B to this report.
- 2.2 **CONSIDER** any amendments to the proposed operators and vehicle licence fees, as set out in Annex A, arising from the consultation.
- 2.3 **RECOMMEND** that Full Council adopt the fees, with or without modification, as part of the annual fee setting process and that these fees come into effect as of the 01 April 2023.

3 REASONS FOR RECOMMENDATIONS

- 3.1 A revised set of fees were presented to the Licensing and Safety Committee at the 20 October 2022 meeting. The Committee agreed that the fees for Taxi and Private Hire Vehicles and Private Hire Operators be subjected to a twenty eight day statutory consultation period. The Committee also agreed that if objections were received they be considered by the Licensing and Safety Committee at this meeting and that any changes be recommended to full Council for approval.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 It is open to Members to propose an alternative approach to fee setting.

5 SUPPORTING INFORMATION

- 5.1 In accordance with Section 70 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to undertake a statutory 28 day consultation when variations to hackney carriage and private hire operators and vehicle licence fees are proposed.
- 5.2 The proposed fees for 2023/24 were discussed at the Joint Public Protection Committee meeting held on the 05 October 2022. The Joint Public Protection Committee (JPPC) is required by the Inter-Authority Agreement (IAA) that set up the Public Protection Partnership (PPP) shared service to recommend a draft set of fees and charges to each of the member Councils. The individual authorities are then required to make their own decisions in relation to the fees.

- 5.3 At the meeting of the Joint Public Protection Committee in December 2017 it was agreed that as a matter of principle that all fees and charges should be set on the basis of full cost recovery. For 2021/22 the full cost of the service, including internal support service re-charges and the current establishment lists were updated which resulted in a rate of £59 p/h. These rates were retained for 2022/23. In light of the current inflation rate it was proposed to increase the hourly rate from £59p/h to £64p/h for 2023/24 (an increase of 8.47%). This is the first time the hourly rate has been increased in three years.
- 5.4 In calculating the fees and charges officers have considered how much time is spent dealing with matters related to each type of licence. This means that the charges reflect the actual resources being used by each licence type. A further review will be undertaken to consider the impact of the introduction of the new IT system ahead of next year's fee setting process. The anticipated savings were factored into the 2022/23 fees.
- 5.5 Bracknell Forest Council's Licensing and Safety Committee considered all the draft fees relating to Licensing at a meeting held on the 20 October 2022. It was agreed in particular that:
- the content of the knowledge test and the associated fee would be reviewed ahead of the 2024/25 budget setting cycle;
 - the cost of DBS checks would be reduced from £79 to £70;
 - In terms of ice cream vans it was the intention for the BFC fees to be aligned with those in West Berks over the next two years; and
 - the change of address fee for taxi licences be set at £11.50.
- 5.5 The fees are usually discussed with the trade at the October liaison meeting. At the meeting which took place on the 03 October 2022 the trade commented that:
- they had concerns about the cost of the DBS checks which the trade were really concerned about.
 - the trade had not yet recovered from the pandemic, footfall was down and that they could not absorb higher fees.
- 5.7 The fees set out above fall outside of the statutory consultation requirements but were included in a separate consultation undertaken by the Executive.
- 5.8 In respect of the statutory consultation process the Committee agreed that the fees for hackney carriage and private hire operators and vehicle licence fees be subjected to a twenty eight day statutory consultation period. The consultation took place between the 09 November 2022 and the 07 December 2022. A public notice was placed in the Bracknell News on the 09 November 2022. The consultation was published on the PPP website and a letter was emailed to all hackney carriage and private hire proprietors advising them of the consultation.
- 5.9 The statutory public consultation that the PPP undertook pertained to the following fees only:

Hackney carriage vehicle new / renewal
Private hire vehicle new / renewal
Home to School vehicle new / renewal
Private hire vehicle with dispensation new/ renewal
Temporary Vehicle Licence (issued up to 3 months Maximum)
Private hire operator licence new/renewal

- 5.10 The Council received a response submitted on behalf of the Bracknell Hackney Carriage Drivers Association which was signed by 48 of the 53 Drivers as well as two other responses from operators.. The letter from the Drivers Association also made reference to some of the fees that fell outside of this statutory consultation and we wrote to them to advise them how to respond to the general consultation on fees undertaken by the Executive.
- 5.10 As objections have been received in respect of the statutory consultation, in accordance with the Act the Council is required to consider relevant objections and set a date on which any variation to the fees, with or without modification, shall come into force.
- 5.11 The Licensing and Safety Committee is asked to note that some of the comments received from the Drivers' Association related to matters which fall outside of the scope of the statutory consultation. The Licensing and Safety Committee has already considered these fees at the October meeting and agreed to recommend them to the Executive.
- 5.12 The Executive discussed the budget proposals at their meeting on the 13 December 2022 and agreed to formally consult on those proposals. The Drivers Association was informed that they needed to direct their comments to this consultation and were told how to do so.
- 5.13 The Executive consultation ran from the 14 December 2022 to the 24 January 2023. The responses to that consultation will be summarised in a report to the council's Executive on 7 February 2023. Having considered the responses to the consultation, the Executive will recommend a budget package to Full Council, who meet on 22 February 2023 to agree the final budget and council tax for 2023/24.
- 5.14 In order to consider the comments received in relation to the fees set out in paragraph 5.9 Officers believe that Members need to consider the overall context in which they have been set. The cost of renewing a vehicle licence over the last five years are set out below:
- 2019 - £282
2020 - £288
2021 - £290
2022 - £236
2023 - £256 (proposed)
- 5.15 Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The council cannot make a profit from the licence fees and the act does permit the recovery of any deficit.
- 5.16 Officers recommend that the objections and comments received are considered, however if Members are minded to amend the fees any reduction would need to be met from a subsidy from the Council.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the body of the report.

Borough Treasurer

- 6.2 The financial implications are included within the body of the report and there is nothing to add.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Statutory consultation on Taxi and Private Hire Vehicles and Private Hire Operators was conducted following the decisions of this Committee.

Background Papers

The Consultation Document

Reports and Minutes from the 20 October 2022 Licensing and Safety Committee

Contact for further information:

Moira Fraser

Policy and Governance Officer

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To: **Licensing and Safety Committee**
02 February 2023

New Section 182 Guidance Under the Licensing Act 2003 Public Protection Manager

1 Introduction

- 1.1 Under Section 182 of the Licensing Act 2003, the Secretary of State is empowered to issue Guidance to licensing authorities on the discharge of their functions under that Act.
- 1.2 Section 4 of the Licensing Act 2003 stresses that in carrying out its functions, a Licensing Authority must “have regard to” guidance issued by the Secretary of State under Section 182. To this effect, the guidance is binding on all Licensing Authorities and to depart from the guidance could give rise to an appeal or judicial review. Therefore any reasons for departure need to be given clearly.
- 1.3 The Secretary of State issued revised guidance in December 2022 and this report highlights the key changes to the April 2018 version.

2 Supporting Information

- 2.1 Revision to the Section 182 Guidance document was issued by the Home Office just before Christmas. The previous guidance was issued in [April 2018](#). It is important that Members are kept abreast of these changes as Section 4 of the Licensing Act 2003 stresses that in carrying out its functions, a Licensing Authority must “have regard to” guidance issued by the Secretary of State under Section 182.
- 2.2 To this effect, the guidance is binding on all Licensing Authorities.
- 2.3 The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. However, so long as licensing authorities have properly understood the Guidance, they may depart from it but only if they have good reason to do so and can provide full reasons. As any departure from the Guidance could give rise to an appeal or judicial review, the reasons given for any departure from the Guidance will be a key consideration for any Appellant or the Courts when considering the lawfulness and merits of any decision taken.

The key changes are set out below:

- 2.4 Change 1 - Entitlement to work in the UK for personal license holders. Changes from paragraphs 4.8 through to 4.49 (was 4.19) Criminal Record. Clarifying post Brexit right to work arrangements and how the Licensing authority check the individual has a right to work in the UK using a weblink.
- 2.5 Change 2 – Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which needs to be licensed e.g. a warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser, would need to be licensed. Those premises licenses will be subject to mandatory licence conditions and, potentially, additional conditions as may be determined, including conditions as to the times of day when alcohol may be sold. The revised guidance advises that “Persons who run premises providing ‘alcohol delivery services’ should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can

properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, may consider contacting their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required”.

- 2.6 Change 3 – Paragraphs 4.82 - 4.84 are new and clarify the circumstances when a closure notice may be served and when an application may be made to a court to close the premises.
- 2.7 Change 4 – Paragraph 6.11 now has an additional sentence to clarify that Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates.
- 2.8 Change 5 – Paragraph 7.15 updating the TENS statutory limits. An increase in the number of TENS applied for by a premises increases from 15 to 20 and the maximum total duration of the events increases from 21 days per calendar year to 26 days in the 2022 to 2023 calendar years.
- 2.9 Change 6 – Paragraph 7.34 clarifying that there is no right to appeal if a late TENS application has an objection from the police or Environmental Health. In this case the event is invalid and cannot go ahead.
- 2.10 Change 7 – Paragraph 8.76 stating that full variations should not be used to vary substantially the premises to which the license relates. If there is a substantial change to the premises there should be a new license rather than use a variation.
- 2.11 Change 8 – Paragraph 10.5 a change in wording to clarify that conditions should be interpreted in accordance with the applicant’s intentions and should be appropriate and proportionate for the promotion of the licensing objectives.
- 2.12 Change 9 – Paragraph 14.66 has been added to bring licensing more in line with planning and refers to the agent of change. This means that someone responsible for a change in a vicinity, for example a developer, is also responsible for the impact of that change. This principle, which exists to a degree in planning policy already, is relevant to existing pubs, bars and other venues that host and play music but find themselves subject to complaints by residents who have moved in to residential developments that were built since the licensed premises was established.
- 2.13 Change 10 – Removal of Annex A – documents that demonstrate entitlement to work in the UK. This has now been covered in change 1 by using embedded links to government websites.

3 Equalities Impact Assessment

- 3.1 The council has a statutory duty to have regard to this guidance. Equality Impact Assessments will be undertaken on any policy decisions relating to these changes. Individual appeals under the Act will all be considered on their own merits.

4 Strategic Risk Management Issues

- 4.1 There are no risk management issues associated with this report albeit that to depart from the guidance could give rise to an appeal or judicial review.

Background Papers

- 5.1 A link to the full Revised Guidance can be found here- [December 2022 Section 182 Revised Guidance](#)
- 5.2 Appendix A - Revised Section 182 Guidance Summary produced by the Institute of Licensing

Contact for further information

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Appendix A

Revised Section 182 Guidance Summary produced by the Institute of Licensing

1. In terms of right to work and entitlement, the revised guidance substantially changed 4.21 onwards
2. Lessening the burden on persons operating an alcohol delivery service to suggest they "may consider contacting their licensing authority" (previously "should") under paragraph 3.10
3. New section on "Closure Notices" at paragraph 4.83
4. Clarifying that Home Office Immigration Enforcement is not responsible for Clubs (para 6.11)
5. Updates to TENs statutory limits (para 7.15)
6. Clarifying that there is no right of appeal in respect of late TENs following objection by the police or EHOs (para 7.34)
7. Clarifying that full variations should not be used to "vary substantially the premises to which the licence relates" at paragraph 8.76
8. Paragraph 10.5 added clarification that operating schedules should be converted to conditions which must be "appropriate and proportionate for the promotion of the licensing objectives."
9. Inclusion of the "Agent of Change" principle in 14.66
10. Removal of "Annex A – documents which demonstrate entitlement to work in the UK"

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