

**TO: LICENSING AND SAFETY COMMITTEE**  
**21<sup>st</sup> OCTOBER 2021**

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**ANNUAL REPORT OF THE LICENSING AND SAFETY COMMITTEE**  
**Public Protection Manager**

**1 Purpose of Report**

- 1.1 To set out the work of the Licensing and Safety 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 and Safety Committee and PPP Licensing related activity for 2020/21.

**3 Reasons for Recommendation**

- 3.1 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.

**4 Alternative Options Considered**

- 4.1 None.

**5 Supporting Information**

**Introduction**

- 5.1 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.
- 5.2 As part of the PPP, Licensing 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 Bracknell. 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.
- 5.3 It is acknowledged by the licensed sector that an effective licensing regime, effectively administered and founded on sensible and effective policies creates consumer confidence which in turn is positive for licence holders. The service 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 service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

### Licensing and Safety Committee

5.4 The [Licensing and Safety Committee](#) is responsible for setting the policy direction that forms the basis of licensing activity in the Borough. 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.

5.5 The Licensing and Safety Committee comprises 15 Members and the 2020/21 and 2021/22 membership is set out below:

Conservative Group (fourteen Members)	Nick Allen, Nigel Atkinson, Dr Gareth Barnard, Michael Brossard (Vice Chairman), Marc Brunel-Walker, Alvin Finch, Moira Gaw, Michael Gbadebo, Sandra Ingham, Ian Kirke, Ian Leake, Tina McKenzie-Boyle, John Porter (Chairman), Malcolm Tullett
Labour Group (one Member)	Tricia Brown

5.6 Over the 2020/21 period the Licensing and Safety Committee met on 22<sup>nd</sup> October 2020 and the 16<sup>th</sup> December 2021. The Committee considered a number of matters including the annual review of fees and charges, an initial consideration of the impact of the Statutory Taxi and Private Hire Vehicle Standards (which have been incorporated into the Hackney Carriage and Private Hire Licensing Policy which will be included on next meeting agenda) and revisions to the Statement of Licencing Policy which was adopted at the Full Council meeting on the 13<sup>th</sup> January 2021.

5.7 The Chairman, under delegated authority and consultation with the relevant officer, also agreed an Urgent Decision taken between meetings to vary the licence condition (14.1) for 6 monthly taxi vehicle inspections. The decision had been taken during and because of the COVID-19 crisis, and in the absence of a Committee meeting. The variation was to grant a 6-month extension to 6-monthly inspections due between 24<sup>th</sup> March 2020 and 31<sup>st</sup> March 2021 where the set conditions of the scheme are satisfied. The urgent delegated decision was made as a result of a direct request from the trade as most taxis had done little mileage during COVID lockdown. This was reported to Members at the 22<sup>nd</sup> October 2020 meeting.

5.8 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 (October 2021)
- The Hackney Carriage and Private Hire Licensing Policy (February 2022)
- Review of Hackney Carriage Tariffs (June 2021)

5.9 It is also proposed that the next Annual Report will be brought to the June 2022 meeting to assist with forward planning.

**Licensing Panel**

5.10 While the Licensing and Safety Committee carries out functions relating to policy formulation the Licensing Panel determines appeals in relation to licence applications (with the exception of licence applications made under the Licensing Act 2003) where there is no statutory right of appeal. The Licencing Panel also determines applications and other matters (with the exception of functions under the Licensing Act 2003), where the Licensing and Safety Committee has determined that a person has a right of hearing before the Panel or the Director of Environment has decided that the matter should be referred to the Panel for determination. The membership of each Licencing Panel is normally three, drawn from the members of the Licensing and Safety Committee.

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

Type of Application	Premise	Outcome
New Premise Licence	Hall and Woodhouse, Crowthorne	Granted
Vary Street Trading Consent	Kings Kebabs, Bagshot	Granted
New Club Premises Licence	Crowthorne Rugby Football Club	Granted

5.12 The number of Licensing Panels held in 2020/21 was lower than in previous years. In 2019/20 seven Panel meetings took place, ten were held in 2018/19 and nine in 2017/18.

**Taxi Trade Meetings (TTM)**

5.13 The Taxi Trade Meetings have been arranged 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 outcome of these discussions is reported back to the Licensing and Safety Committee with any recommendations for alterations to the existing or proposed licences, policies, tariffs and fees.

5.14 The TTM is formed from the following and is be chaired by the Chairman of the Licensing and Safety Committee or in their absence the Vice Chairman of the Committee:

1. The Chairman of the Licencing and Safety Committee (or their nominated representative)
2. The Vice Chairman of the Licensing and Safety Committee (or their nominated representative)
3. Members of the Licensing Committee
4. The Public Protection Manager (or their nominated representative)
5. The Licensing Team Manager (or their nominated representative)
6. The PPP Licensing Officer (or their nominated representative)
7. The Team Manager - Operations Support (or their nominated representative)
8. Representatives from the Hackney Carriage Trade

9. Representatives from Private Hire Trade.

- 5.15 During 2020/21 two meetings of the TTM took place one on the 27<sup>th</sup> July 2020 and the second meeting on the 14<sup>th</sup> August 2020. The trade had requested that consideration be given to increasing the fares at these meetings. Officers worked with the trade to agree a proposal and a set of revised fares were adopted post consultation on the 01 August 2022.

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

- 5.16 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. The team provided support monitoring outbreaks on an ongoing basis. The Team also carried out investigations in care homes, learning difficulty care settings and early years when asked to do so in accordance with Bracknell Forest Council's outbreak plans.
- 5.17 The Service 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. They 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 on businesses that should not have been operating. In other cases where improvements were needed advice was offered and follow up visits undertaken.
- 5.18 Officers use a risk based assessment programme to visit licensed premises to check compliance and provide assistance and advice for those businesses.
- 5.19 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 D. 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**

- 5.20 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 under 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.
- 5.21 For those periods when the licenced sector in its various guises were able to trade they have done so under a raft 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. As a service we have worked with them every step of the way.
- 5.22 Event activity 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 Public Protection Service. Again we sought to help organisers run the safest possible events within the prevailing legislative framework and infection levels.

- 5.23 Invariably some businesses did not survive the pandemic despite various funding streams for which some were not eligible. 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 income levels as mentioned elsewhere in this report and the licensing service itself will need to adjust to this.

### **Development of Single Case Management System**

- 5.24 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 Tascomi project due to the new software that will be online from April 2022.

### **Communication**

- 5.25 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 pages. 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.
- 5.26 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.
- 5.27 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.
- 5.28 The outturn position for 2020/21 is 79% of service users were satisfied with the Public Protection Service and a 100% of service users were satisfied with the Public Protection Service's business webinars.

### **Looking Ahead**

- 5.29 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 Service 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.
- 5.30 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 no 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 proliferation of online meetings, will impact those involved in corporate private hire and taxi services as well as those in the home boarding day care for dogs.

- 5.31 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.

Background Papers

None

Appendices

Appendix A - Number of licence valid at date stated

Appendix B - Number of applications received by year, with application outcome

Appendix C - penalty points issued by year

Appendix D - Licensing Service KPI and key information

Contact for further information

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