

TO: LICENSING AND SAFETY COMMITTEE
23rd JUNE 2022

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 the Licensing Panel in 2021/22.
- 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 2021/22.

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 shared Public Protection Partnership (PPP) delivers all regulatory functions. Licensing however is distinct in the way that activities are overseen and policy is set. Whilst all decisions related to the PPP go through the Joint Public Protection Committee (JPPC), each partner authority retains its individual licensing committee to set licensing related policy and monitor performance. This requires careful co-ordination and clear governance arrangements have been put in place to ensure that this happens.
- 5.2 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 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. Good regulation, properly implemented also provides a level playing field for the licensed sector.
- 5.3 It is acknowledged by the licensed sector that an effective licensing regime, soundly 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.

- 5.4 As part of the work to streamline the service and in order to add resilience to the teams the Applications Team was merged with Licensing Operations during 2021/22. In addition Licensing Liaison Officers (LLOs) have been engaged on a temporary basis to assist all licence sectors with recovery during and after the Covid pandemic. The LLOs worked across all three authorities, whilst Wokingham BC was still in the partnership, as the first point of contact for the trade-hospitality and taxi/private hire sectors answering queries or feeding matters raised back to obtain answers as well as checking statutory notices and assisting in monitoring events.

Licensing and Safety Committee

- 5.5 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. There is also a requirement for the Council to have a Licensing Committee of between 12 and 15 Members.

- 5.6 The Licensing and Safety Committee comprises 15 Members and the 2021/22 membership is set out below:

Conservative Group	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)
Labour Group	Tricia Brown, Paul Bidwell*

* Councillor Bidwell replaced Councillor Malcolm Tullett on this Committee in January 2022.

- 5.7 Over the 2021/22 period the Licensing and Safety Committee met on the 28 April 2021 (Annual meeting), the 24 June 2021, 21 October 2021 and the 03 February 2022. The Committee considered a number of matters including:
- the annual review of fees and charges,
 - oversaw the consultation and subsequent adoption of the Statement of Gambling Principles (which was published ahead of the 31 January 2022 deadline),
 - reviewed and consulted on a revised set of Hackney Carriage Tariffs which were implemented in August 2021 following a Delegated Officer Decision;
 - agreed some minor amendments to the Scheme of Delegation in respect of the Licensing Act 2003;
 - received an update on the work in Environmental Health and Trading Standards in the Public Protection Partnership;
 - and reviewed and amended the guidance notes and conditions for hackney carriage and private hire vehicle owners, operators and drivers.

- 5.8 The Chairman, under delegated authority and in consultation with the relevant officer, also agreed an Urgent Decision taken between meetings to vary the licence condition (14.1) for six monthly taxi vehicle inspections. The decision had been taken during and because of the COVID-19 crisis. The variation was to grant a six-month extension to six-monthly inspections. This was reported to Members at the 24 June 2021 meeting.
- 5.9 In terms of forward planning, in addition to the annual fees and charges cycle, a number of policies and decisions including the following are scheduled for consideration during the 2022/23 cycle:
- The Hackney Carriage and Private Hire Licensing Policy (June 2022);
 - Changes to Hackney Carriage Tariffs (June 2022);
 - Street Trading Policy (October 2022);
 - Sex Establishment Policy (June 2023)
- 5.10 Members are asked to consider the Forward Plan at each meeting and to add any items they wish to discuss at a future meeting.

Licensing Panel

- 5.11 While the Licensing and Safety Committee carries out functions relating to policy formulation the Licensing Panel determines certain licensing applications in line with the Scheme of Delegation agreed under the Licensing Act 2003 and the Gambling Act 2005. The Licensing Panel also determines applications on other matters where the Licensing and Safety Committee has determined that a person has a right of hearing before the Panel or the Executive Director of Delivery has decided that the matter should be referred to the Panel for determination. For the purpose of determining applications under the Licensing Act 2003 and Gambling Act 2005 the legislations requires the membership of each Licensing Panel (Sub-Committee) to be three Members of the Licensing and Safety Committee.
- 5.12 During the 2021/22 financial year the Licensing Panel was not required to meet.
- 5.13 By way of comparison in 2020/21 the Panel met on three occasions, in 2019/20 seven Panel meetings took place, ten were held in 2018/19 and nine in 2017/18.

Training

- 5.14 Joint Licensing Act training for Members from all three partner authorities, prior to Wokingham's exit from the Partnership, was undertaken on the 25th and 26th May 2021 via Zoom. The training was delivered by PPP staff and Legal and Democratic Services Officers from all partner authorities. The aim of the sessions was to help Members identify licence types and authorisation processes, note the legal framework that underpins the licensing regime; grasp the licensing objectives; understand the licensing process and the councillors' role in it; recognise valid representations and who can make them and be informed about the way hearings are conducted in each authority.
- 5.15 The sessions were held in two parts: firstly a general session on Licensing for all Members and then Members were placed in individual break out rooms for each authority with their own solicitor to cover Sub-Committee/hearing procedures.

- 5.16 Training on the Gambling Act 2005 was undertaken by an external provider in June 2021. The training was again attended by Members from all partner organisations.
- 5.17 A very successful Member engagement session was held with Bracknell Forest Council Members in October 2021 to assist the PPP with identifying priorities, including those for the licensing regime, for the forthcoming municipal year.

Taxi Trade Meetings (TTM)

- 5.18 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 next Licensing and Safety Committee along with any recommendations for alterations to the existing or proposed licences, policies, tariffs and fees.
- 5.19 The TTM is formed from the following and is chaired by the Chairman of the Licensing and Safety Committee or in their absence the Vice Chairman of the Committee:
1. The Chairman and Vice Chairman of the Licensing and Safety Committee (or their nominated representatives)
 2. The Public Protection Manager (or their nominated representative)
 3. The Licensing Service Manager (or their nominated representative)
 4. The PPP Licensing Officer (or their nominated representative)
 5. The Principle Officer Policy and Governance.
 6. Representatives from the Hackney Carriage Trade
 7. Representatives from Private Hire Trade.
 8. Representatives from the School Transport Trade.
- 5.20 During 2021/22 four meetings of the TTM took place on the 14 April 2021, 09 June 2021 (Workshop), 04 October 2021 and 24 January 2022.

Impact of COVID- 19 on the PPP Licensing functions

- 5.21 The PPP, including officers from the Licensing Service, have had a significant role to play in investigating, managing and preventing outbreaks during the 2021/22 financial year. This work came to an end in March 2022.
- 5.22 The Licensing Service has engaged with the trade throughout Covid and has responded to suggestions, in particular from the taxi trade, for suspensions of licences to be allowed as well as extensions to vehicle ages/checks as well as helping in the allocation of grant moneys by providing other Bracknell Forest services with information.
- 5.23 The Licensing Service provided information to go onto the PPP website that the licensed trade could access in respect of Covid matters and set out the help available as well as conducting visits to advise businesses and undertook various webinars with the trade.

- 5.24 The applications team have been resourceful in finding ways that licences could be issued in a timely manner despite having to find new ways of working as the trade were no longer able to access the offices as a matter of course.

The Effect of COVID-19 on the Licensed Sector

- 5.25 The impact of Covid continued to be felt by the licensed trade during the 2021/22 financial year. This is evidenced by the data in Appendix A to the report where the reductions in the number of valid taxi trade licences as at the 01 April for each of the past four years is set out. There are however signs of a slight upturn in numbers when compared to the previous year.
- 5.26 The number of animal boarding establishments and dog breeders doubled in 2020/21 but there has been a 20% reduction in the number of valid licences in 2021/22 albeit that the numbers are still higher than in 2019/20.
- 5.27 The number of personal and premises licences as at the 01 April 2022 is higher than it has been in the past four years. The number of temporary events licences issued in 2020/21 understandably dropped off significantly from 294 to just 26. The numbers increased again in 2021/22 to 138.
- 5.28 Licences issued under the Gambling Act 2005 have remained relatively stable.
- 5.27 The impact on the licensed trade cannot be underestimated. The hospitality industry has had to cope with periods of closure whilst the taxi trade has been dealing with relatively few people being in our towns and needing vehicles to get about along with the down turn in airline travel as that itself was severely impacted.
- 5.28 This led to ingenuity from the trade and a massive diversification in their business- some have left their industry altogether while others have been able to survive due to their resourcefulness and hopefully things will continue on a more positive note in the future.

Development of Single Case Management System

- 5.29 During the 2021/22 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 and the new software is due to be implemented by the summer of 2022.

Communication and Engagement

- 5.30 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 Service provides a range of advice and information sheets via its [website](#). The Bracknell website has appropriate links to relevant pages on the PPP website. The PPP has also expanded its social media presence with active Facebook and Twitter pages.

Facebook: [@PublicProtectionPartnershipUK](#)

Twitter: [@PublicPP_UK](#)

- 5.31 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.
- 5.32 A successful major joint initiative with Thames Valley Police and Community Safety partners to reduce the risk of harm to people through drink spiking was run over the Christmas period. The Service also continues to support the safer streets initiative with these partners.
- 5.33 The Licensing Service also meets and works closely with partner authority home to school transport teams to ensure closer working relationships to protect the safety of vulnerable children.
- 5.34 PPP Licensing data shows that it dealt with 260 requests for service in 2021/22 (compared with 272 in 2020/21, 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.
- 5.35 The work of the Licensing Service has always been a feature of the overall PPP customer satisfaction performance. Where issues have arisen there is a procedure for following these up. Service improvements are managed through the Quality Management System and recorded within our Improvement Action Logs.

Looking Ahead

- 5.36 Recruitment and retention of staff will be a priority for the Service during the first half of 2022/23. It is anticipated that the implementation of the new IT system in the summer will start to deliver efficiencies for the service and provide a better experience for our businesses.
- 5.37 There are also a number of legislative changes which will have an impact on both the taxi trade and hospitality sector. Some examples are set out below.
- 5.38 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (the act) received Royal Assent on 31 March 2022 (aka Sian's Law). The Act places a legal duty on licensing authorities to record certain information in a national database including decisions to refuse, refuse to renew, suspend and revoke licences of taxi and private hire drivers. This will be a major safeguard in stopping those, who for an adverse determination for safeguarding reasons, simply licensing in another local authority area.
- 5.39 In addition as of 04th April 2022, when renewing a taxi, private hire or scrap metal licence in England and Wales a 'tax check' must be completed first and the PPP are obligated as part of the licensing process to ensure it has been done. Information has been circulated to the trade, press releases and social media campaign information issued and information on the website has been updated to highlight this change.
- 5.40 On 28 June, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 ("The 2022 Act") will take effect in England, Scotland, and Wales. It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against. It will become a requirement for all authorities to publish a list of licenced taxis and PHVs they designate as being wheelchair accessible. It

should be noted that the PPP already does this but we will need to ensure that the content is 'accessible to disabled users and is easily discoverable.' We will also ensure that the trade is made aware of these changes and the procedures and criteria they will need to follow to apply for an exemption.

- 5.41 The enactment of this legislation will require taxi and PHV drivers to:
- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
 - Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.
- 5.42 In addition PHV operators will be required to accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.
- 5.43 The Business and Planning Act 2020 introduced during the Covid pandemic modified provisions in the Licensing Act 2003 to provide automatic extensions to premises licences that only permitted sales of alcohol for consumption on the premises ("on-sales") to allow sales of alcohol for consumption off the premises ("off-sales"). This legislation was extended under the Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 until the 30 September 2022 when it will lapse. This could impact on applications to vary existing premises licences later in the year where businesses might wish to continue to make use of this operating model.
- 5.44 Clause 184 of the Levelling Up and Regeneration Bill which is currently making its way through parliamentary processes is seeking to introduce provisions for making pavement licensing permanent. It also seeks to introduce two new fee caps under which the local authority can charge a fee for a pavement licence, £350 in the case of a renewal application and £500 in the case of any other application. This replaces the previous fee cap of £100.
- 5.45 The Environment Bill enacted in November 2021 has implications for the hospitality sector which will require clearer labelling of products, reducing plastic use and requirements around separating food waste.

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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