

TO: LICENSING AND SAFETY COMMITTEE
22nd JUNE 2023

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, Licensing Panel and Licensing Service in 2022/23.
- 1.2 To explain the context of providing Licensing functions through the Public Protection Partnership (PPP).
- 1.3 To consider the funding gap and impact on the Service arising from the diminution in the number of licenses being issued.

2 Recommendations

That the Committee

- 2.1 **NOTES** the content of this report including the work of the Licensing and Safety Committee and Service related activity for 2022/23.
- 2.2 **NOTES** the funding gap and the work that is being done to mitigate this loss of income.

3 Reasons for Recommendations

- 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 – this report is to note only and has been produced at the request of the Committee. It is also considered to be good practice.

5 Supporting Information

Introduction

- 5.1 The shared Public Protection Partnership (PPP) delivers a range of 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 and sets licensing related policy and monitors performance. This requires careful co-ordination and clear governance arrangements have been put in place to ensure that this happens.
- 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 Forest. 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 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. The Team establishment comprises around 10.3 FTE posts albeit there are number of vacancies. It is hoped all vacancies will be filled in the next three months. This has meant that the service has had to engage agency licensing officers to provide cover which has had a budgetary impact. The Service has recently successfully recruited a licensing officer and the applications team is at full strength.
- 5.5 There is also around 0.3FTE in terms of policy and governance work to support the Committee and assist with policy development.
- 5.6 Despite the recent recruitments, more generally recruitment of experienced and or suitably qualified Licensing Officers has proved to be very challenging. In the longer term it is anticipated that this issue will be mitigated by the implementation of the Workforce Planning Strategy. The Strategy seeks to develop our existing staff by ensuring that they have access to appropriate training and also the appointment of Trainee Regulatory Compliance Officers whose training is funded through the Apprenticeship Levy. Trainees are being allocated to the Licensing Service and are now able to provide practical delivery of aspects of the Service.

Licensing and Safety Committee

- 5.7 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.
- 5.8 The Licensing and Safety Committee comprises 15 Members and the 2022/23 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

5.9 Following the annual Council meeting on the 24 May 2023 the 2023/24 membership of the Committee is as follows:

Labour Group	Paul Bidwell, Janet Cochrane, Peter Frewer, Ryan Frost, Guy Gilbe (Chairman), Stephen O'Regan (Vice Chairman), Helen Purnell, Cath Thompson
Conservative Group	Nick Allen, Gareth Barnard, Moira Gaw, Ray Mossom
Green Group	Sheila Collings
Liberal Democrat Group	Patrick Smith, Vacancy

5.10 Over the 2022/23 period the Licensing and Safety Committee met on the 12 May 2022 (Extraordinary Meeting), 18 May 2022 (Annual Meeting), the 23 June 2022, 20 October 2022 and the 02 February 2023. The Committee considered a number of matters including:

- the annual review of fees and charges,
- reviewed and consulted on a revised set of Hackney Carriage Tariffs which were implemented in June 2022;
- Initial discussions took place on the Hackney Carriage and Private Hire Licensing Policy;
- Reviewed the changes to the revised Section 182 Guidance Issued under the Licensing Act 2003;
- received an update on the work in Environmental Health and Trading Standards in the Public Protection Partnership.

5.11 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 2023/24 cycle:

- The Hackney Carriage and Private Hire Licensing Policy ;
- Changes to Hackney Carriage Tariffs if the trade submit a business case to do so;
- Street Trading Policy;
- Annual Update on Environment Health and Trading Standards.

5.12 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

5.13 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.

5.14 During the 2022/23 financial year the Licensing Panel met on two occasions.

Type of Application	Premise	Outcome
15 June 2022 Appeal against the refusal of a Home to School Transport Driver's Licence	Confidential Information	Refused the applicants request of a Home to School Transport Driver's Licence. Appealed to Magistrates Court. APPEAL REFUSED
30 January 2023 Application to renew street trading consent	Street Trader Crowthorne Road North	Granted a new 6-month Street Trading Consent, to run from the date when the currently closed layby pitch, from which the business traded, was re-opened and available to use.

5.15 By way of comparison in 2021/22 the Panel did not meet, 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

5.16 As this was the final year of the electoral cycle and the membership of the Licensing and Safety Committee was relatively stable only one training session was put in place for Members.

5.17 A cross authority Member Development Session to discuss the revised Draft Hackney Carriage and Private Hire Licensing Policy was held on the 17 May 2022 which received positive feedback from those Members that attended from both West Berkshire Council and Bracknell Forest Council.

5.18 Induction training for Licensing and Safety Committee Members post the 2023 election is being arranged,

5.19 Additional training sessions will be arranged during the year, if needed, following discussions between the Chairman and PPP and Legal Services Officers.

Taxi Trade Meetings (TTM)

5.20 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.

- 5.21 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 and Vice Chairman of the Licensing and Safety Committee (or their nominated representatives)
 2. The Licensing Service Manager (or their nominated representative)
 3. PPP Licensing Officers (or their nominated representative)
 4. The Principle Officer Policy and Governance.
 5. Representatives from the Hackney Carriage Trade
 6. Representatives from Private Hire Trade.
 7. Representatives from the Hone to School Transport Trade.
- 5.22 During 2022/23 three meetings of the TTM took place on the 25 July 2022, 08 August 2022 and 03 October 2022. These meetings were primarily set up to discuss the Draft Hackney Carriage and Private Hire Licensing Policy.
- 5.23 Two scheduled meetings usually take place each year. The October meeting usually includes a discussion on the fees proposed by the Joint Public Protection Committee and sets out the consultation process for both the statutory consultation (for the Taxi and Private Hire Vehicles, Drivers and Operators fees) and the budget consultation on the wider licensing fees that pertain to the trade.
- 5.24 The January meeting considers the feedback from the consultations and an initial discussion also takes place with the trade to consider their thoughts on the tariffs for the forthcoming year prior to them submitting a business case if they wish to propose any modifications to the tariffs that year.
- 5.25 The Terms of Reference of the TTM are attached as Appendix B to this report.

Resourcing and Income

- 5.26 For the financial year 2022/23 the shared licensing service saw a shortfall in income of £98K from pre-pandemic levels. Some of this decline had already started pre-Covid, such as gambling premises which have been closing for a number of years through to taxi and private hire vehicles who are facing competition from operators such as Uber. Covid saw a number leave the sector and there is no indication that many of these will return due to corporate use of private hire declining and competition increasing. The Public Protection Manager is reviewing this as part of a wider budget review.
- 5.27 The service will undertake a fundamental review in 2023/24 to deliver an officer structure that takes account of the new income levels and the use of new technology through the cloud based IT system once it is fully operational. We also need to move to delivering a lot more in-house functionality such as animal welfare inspections and safeguarding and disability awareness training. This will be done through implementation of the Workforce Strategy.
- 5.28 Finally we will also need to review our discretionary fee base in the context of the reduced cohort of licence holders that provide the income base to deliver the service as well as the effects of inflation on the service cost base.

- 5.29 A great deal of work is going on to rebalance the service through the delivery of a workforce strategy focussed on a 'grow our own' where we are investing in apprenticeships, post graduate professional qualifications and post-entry training for both new and existing officers.

Development of Single Case Management System

- 5.30 The service has been transitioning to a new single case management system over the last year. Whilst this is largely complete there are still areas where further work is needed. Once completed the new system will allow licensing applicants to apply and pay on line and will send out automatic renewal reminders.

Communication and Engagement

- 5.31 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](#)

- 5.32 Additionally officers regularly meet with applicants or licence holders to give guidance, such as visiting private hire operators at their offices and taxi drivers at the ranks and inspecting licensed premises. They also attend meetings such as the local pubwatch group.
- 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 312 service requests in 2022/23 a 20% increase compared to 260 in 2021/22. For additional context 272 were received in 2020/21, 168 in 2019/20, 199 in 2018/19 and 210 in 2017/18. These are primarily requests for advice etc. This figure does not include licensing applications.
- 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.

Legislative Changes

- 5.36 There are a number of legislative changes which will have an impact on both the taxi trade and hospitality sector. Some examples are set out below.
- 5.37 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. The implementation of this Act has placed a number of new duties on the licensing and these are set out in a separate report to the Committee at this meeting.

- 5.38 On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 (“The 2022 Act”) took effect in England, Scotland, and Wales. It amended 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 do not face discrimination. It is now a requirement for all authorities to publish a list of licenced taxis and PHVs they designate as being [wheelchair accessible](#).
- 5.39 The enactment of this legislation requires 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.
- 5.40 In addition PHV operators must accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.
- 5.41 Prepare and Protect Duty - Following the Manchester Arena atrocity and the development of Martyn’s Law, all business settings will have a duty to protect the public. It is anticipated that the ‘Protect Duty’ will be implemented in the next twelve months. The Licensing Team will be working with partner agencies and engaging with licensed businesses throughout this process.
- 5.42 Nationally there has been a significant increase in the number of complaints about non- surgical body enhancements. The Department for Health and Social Care has stated that it is taking forward work to “Introduce a licensing scheme for non-surgical cosmetic procedures in England, which will strengthen oversight of practitioners and businesses providing these treatments, and make it an offence for anyone to carry out specified non-surgical procedures without a licence”.

Looking Ahead

- 5.43 Recruitment and development of staff will be a priority for the Service in 2023/24. It is anticipated that the implementation of the new IT system once fully operational will start to deliver efficiencies for the Service and provide a better experience for our customers including those applying for and holding licences with us.
- 5.44 Alongside this we have the policy reviews set out in this report and the fee review in the context of the changed licensing landscape and new duties.

Background Papers

None

Appendices

Appendix A - Number of licence valid at date stated

Appendix B – Taxi Trade Meeting Terms of Reference

Contact for further information

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