

TITLE	Annual Report
FOR CONSIDERATION BY	Licensing and Appeals Committee 25 June 2019
WARD	Non-specific
LEAD OFFICER	Sean Murphy, Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

The Licensing Service considers and issues a range of licences and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Wokingham Borough. Legislation requiring a licence/permit for a business activity is generally enacted on health and safety grounds to protect users of a service or those that might be affected due to their proximity to the licensed premises or their interaction with a licensed person.

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.

RECOMMENDATION

That the Committee NOTES the content of this report and licensing Committee and Service related activity for 2018/19.

SUMMARY OF REPORT

To set out the work of the Licensing and Safety Committee and Sub-Committee in 2018/19 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.

Background

The Licensing Committee is responsible for setting the policy direction that sets the basis of licensing activity. 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.

Over the 2018/19 period the Licensing Committee considered a number of matters (including the Statements of Licensing Policy and Gambling Principles) and adopted a number of other matters.

The Licensing Service operates on a cost recovery basis except where statutory are set. The Committee considers discretionary fees before they are considered by Full Council as part of the budget setting process.

It is acknowledged by the trade that an effective licensing regime, effectively administered and founded on sensible and effective policies can be good for the license holder in that it creates confidence. 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.

The role played by the Committee is key to sound decision making in day to day delivery. The Committee also have a crucial in overseeing the effectiveness of the licensing regime through the setting of key policy directions and delivery related policies.

Attached as Annex A are figures for the number of applications received for the different licences, registrations, permits and consents administered by the department, for the period 1 April 2018 – 31 March 2019. This is a single indicator of the number of transactions that the Licensing Section has with businesses operating within the Borough. In addition, Annex B shows the current total of licences that were valid during on the dates stated.

The service had set itself a baseline for 2018/19 for the first time to issue licences within statutory timescales or 5 working days from receipt of a complete and valid application. The service achieved 58.7%. This will be reviewed in 2019/20, including the increase in resources required to improve this delivery percentage.

A further aspect is that of assisting businesses to grow whilst complying with the legal requirements and conditions. Officers regularly meet with applicants or licence holders to give guidance. PPP dealt with 176 complaints and requests for service relating to licensing in Wokingham Borough 2018/2019 (compared with 184 in 2017/2018 and 240 in 2016/2017). These figures do not include general telephone enquiries, only matters which have been logged for further response.

Officers use a risk based assessment programme to visit licensed premises to check compliance and provide assistance and advice for those businesses. In 2018/19 officers carried out 90 inspections (144 in 2017/2018 and 101 in 2016/2017). A number of these visits were carried out with Home Office Immigration Compliance and Enforcement, in their new role as a responsible authority under the Licensing Act 2003.

Officers initially deal with non-compliance by working with the business to raise standards and further unannounced visits may be made to verify improvement. Where non-compliance continues, officers use an Enforcement Policy which provides for a stepped process to include warnings, cautions, review, suspension or revocation of a licence or finally prosecution. In the last year officers suspended 2 licences, 58 in 2017/2018.

Over the course of the year, the following licences and applications were considered by Licensing Sub-Committees:

- May 2018 – premises licences transfer – granted

- May 2018 – premises licence review – conditions added to licence
- October 2018 – new premises licence – granted
- October 2018 – new premises licence – granted
- October 2018 – premises licence review – licence revoked
- March 2019 – new premises licence – granted
- 7 driver appeals - 6 were allowed to keep the licence until its expiry date (1 of these was a fresh appeal following a complaint to the Local government Ombudsman) and 1 allowed to keep their licence with conditions

One other area of work not covered within the above is monitoring for compliance with licence conditions at a number of licensed events, such as Rewind and Henley Regatta.

Analysis of Issues

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

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

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

List of Background Papers

None

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Date 24 April 2019	Version No. 1.1

Numbers of applications per year

Licence Type	2018/2019	2017/2018	2016/2017	2015/2016
Animal Boarding Establishment	3	7	1	5
Home Boarding Licence	3	35	5	1
Pet Shop Licence	30	14	1	0
Riding Establishment	3	4	0	3
Dermal Personal Registration	1	15	9	25
House to House Collections	24	9	9	18
Street Collections	0	59	62	98
Street Trading Consent	0	21	3	0
Licensed Premises Gaming Machine Permit	0	4	5	1
Notification of 2 or less gaming machines	0	3	3	4
Club Gaming Permits (Non-fast track)	27	0	1	0
Club Machine Permits (Non-fast track)	83	0	1	0
Small Society Lottery	0	71	38	17
Gambling Premises	0	0	1	2
Personal Licence	18	100	92	161
Scrap Metal Dealer - Site	3	3	3	1
Scrap Metal Dealer - Mobile	0	0	4	0
Premises Licence	27	84	52	42
Premises Licence Application (No alcohol)	24	3	2	3
Club Premises Certificate	10	3	0	3
Dual Driver	48	26	25	138
Private Hire Driver	101	28	19	120
Private Hire Operator	8	15	19	21
Hackney Carriage Vehicle	42	70	14	16
Private Hire Vehicle Licence	0	118	61	53
School And Community Services Driver	47	7	8	32
School And Community Services Vehicle	0	43	13	14
School And Community Services Operator	18	0	2	2
Private Hire Vehicle	3	35	14	8
Temporary Event Notice	3	429	392	384
GRAND TOTALS:	520	1206	859	1172

Total number of licences current

Licence Type	31/03/2019	31/03/2018
Animal Boarding Establishment and Dog Breeding	14	8
Home Boarding Licence	32	30
Pet Shop Licence	14	13
Riding Establishment Licence	5	6
Dermal Personal and Premises Registration	103	61
House to House Collections	18	15
Street Collections	47	35
Street Trading Consent	23	34
Club Gaming Permits	2	1
Club Machine Permits	5	7
Licensed Premises Gaming Machine Permit	15	17
Notification of 2 or less gaming machines	61	61
Small Society Lottery	76	150
Gambling Premises	8	8
Personal Licence	1553	1519
Scrap Metal Dealer - Site	10	10
Scrap Metal Dealer - Mobile	6	6
Premises Licence	327	324
Premises Licence Application (No alcohol)	71	70
Club Premises Certificate	36	36
Dual Driver	185	200
Private Hire Driver	156	158
Private Hire Operator	40	40
Hackney Carriage Vehicle	88	92
Private Hire Vehicle Licence	129	138
School And Community Services Driver	46	47
School And Community Services Vehicle	63	63
School And Community Services Operator	3	3
Private Hire Vehicle	59	59
Temporary Event Notice	58	47
GRAND TOTALS:	3260	3258

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