

TITLE	Annual Report 2020/2021
FOR CONSIDERATION BY	Licensing and Appeals Committee 20th October 2021
WARD	Non-Specific
LEAD OFFICER	Sean Murphy (Public Protection Manager)

OUTCOME / BENEFITS TO THE COMMUNITY

The Licensing functions carried out by the PPP can be broadly described as the consideration and issue of 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 Wokingham. 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 a kennels or performances.

It is acknowledged by the licensed sector that an effective licensing regime, properly administered, applying sensible and effective policies creates consumer confidence which in turn is positive for licence holders. The PPP 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 PPP 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 including the work of the Licensing and Appeals Committee and PPP Licensing related activity for 2020/21.

SUMMARY OF REPORT

- To set out the work of the Licensing and Appeals Committee and Sub-Committee in 2020/21.
- To explain the context of providing Licensing functions through the Public Protection Partnership (PPP).

Licensing and Appeals Committee

The Licensing and Appeals 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.

The Licensing and Appeals Committee comprises 15 Members and the 2020/21 membership is set out below:

Conservative Group (nine Members)	Parry Batth, Chris Bowring (Chairman), Michael Firmager, Emma Hobbs, Abdul Loyes (Vice Chairmn), Barrie Patman, Bill Soane, Graham Howe, Malcolm Richards
Liberal Democrat Group (four Members)	Paul Fishwick, Rachele Shepherd-Dubey, Lindsay Ferris, Sarah Kerr
Labour (one Member)	Rachel Burgess
Independent (one Member)	Richard Dolinski

The 2021/22 Membership was amended to reflect that Councillors Jackie Rance, Shahid Younis, Ian Shelton and Peter Dennis joined the Committee and Councillors Emma Hobbs, Malcolm Richard, Graham Howe and Richard Dolinski left the Committee

Over the 2020/21 period the Licensing and Appeals Committee met on 06th October 2020, 10th November 2020 and the 09th March 2021. The Committee considered a number of matters including: a review of the height condition in relation to wheelchair accessibility, hackney carriage and private hire vehicle and operator fees as well as considering the implications the Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport would have on local policies.

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 Policy (January 2022)
- Street Trading Policy (March 2022)

At each meeting Committee Members are asked to consider if there are any additional items that they wish to include on the Forward Plan.

Licensing and Appeals Sub-Committees

While the Licensing and Appeals Committee carries out functions relating to licensing and registration the Licensing and Appeals Hearings Sub Committee deals with appeals against licensing decisions and registration issues such as street trading and taxi

licences where objections are raised. Each Sub-Committee comprises three Members drawn from the membership of the Licensing and Appeals Committee.

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

Type of Application	Premise	Outcome
Appeal Against Refusal of Street Trading Consent Renewal	BBQ King Street Trader	Not to grant the street trading consent
New Premise Licence	Our Lady of Peace - Earley	Granted

Two further meetings for Miah’s Restaurant in Spencers Wood and Jars Cider LTD were cancelled.

The number of sub-committee meetings held each year remains relatively low. In 2019/20 one application was heard, five sub-committees took place in 2018/19 and three in 2017/18.

Taxi Trade Liaison Group Meetings

The Taxi Liaison Group was set up to facilitate dialogue between the taxi trade (hackney carriage and private hire) Members and Officers. The Group met in September 2020 and the main areas of concern raised by the trade were around Age of Vehicles (the trade were seeking a temporary suspension in light of the Covid pandemic), Height of Vehicles, Ranks and the impact Uber was having on their businesses. The queries raised were discussed at the October 2020 Licensing and Appeals Committee

Officers have been trying to get more Members of the trade to engage with these meetings and a few additional trade representatives attended the meeting held in July 2021. The notes from these meetings are circulated to all members of the trade, whether they attend the meeting or not, and it is hoped that this might also assist with increasing attendance.

Impact of COVID- 19 on the PPP Licensing functions

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 all on an ongoing basis which included weekend contact tracing for Wokingham. The Team also carried out investigations in care homes, learning difficulty care settings and early years when asked to do so in accordance with Wokingham Borough Council’s outbreak plans.

The PPP also carried out 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. The PPP has integrated Licensing Officers with the COVID Marshalls to provide a joined up approach to achieving compliance.

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 1st April 2020 – 31st March 2021. This is a single indicator of the number of transactions that Licensing has with businesses operating within the Borough. As would be expected there was a significant drop in the number for most applications as a result of the pandemic. This also resulted in an associated drop in the number of complaints about those particular licences.

In addition, Annex B shows the current total of licences that were valid on the dates stated. The service has a baseline target from receipt of a complete and valid application to issue of five working days. In 2020/21 this work was impacted by vacancies and long term absence as well as dealing with changes in processes due to the lockdown and Covid compliance constraints and the figure achieved was 79.3% overall. While there is still more work to be done this was a significant improvement on the 62% achieved in the 2019/20 financial year.

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 66 complaints and requests for service relating to licensing in Wokingham Borough 2020/21 (compared with 134 in 2019/20, 176 in 2018/19, 184 in 2017/18 and 240 in 2016/17). These figures do not include general telephone enquiries, only matters which have been logged for further response. A more detailed breakdown of the split of the types of complains and concerning which areas of licencing are detailed in Annex C. We have continued to add more information, advice and forms to the PPP website and the launch of the social media Facebook and twitter accounts during the year has assisted with the dissemination of information and advice.

Officers use a risk based assessment programme to visit licensed premises to check compliance and provide assistance and advice for those businesses. In 2020/21 the ability to carry out inspections was significantly impacted by the various Covid lockdown and Tier arrangements. Despite this 46 inspections were carried out, these were a combination of remote and on site. This is compared to 2019/20 when officers carried out 107 inspections (compared with 90 in 2018/19, 144 in 2017/18 and 101 in 2016/17). A number of these visits were carried out with Home Office Immigration Compliance and Enforcement, as a responsible authority under the Licensing Act 2003. In the last month of the year the effect of Covid 19 pandemic and the commencement of lockdown affected our licensing work. The inspection work had to be ceased therefore the inspection programme could not be completed.

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 38 private hire vehicle licences (compared with 15 in 2019/20, 2 in 2018/19 and 58 in 2017/2018).

The Effect of COVID-19 on the Licensed Sector

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.

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.

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.

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 PPP income levels and licensing budgets will need to adjust to this.

Development of Single Case Management System

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. The objectives are improved customer management processes and less bureaucracy and will have benefits through the new traded services arrangements that have been approved. This project is referred to as the Tascomi project due to the new software that will be online from April 2022.

Communication

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.

Customer Feedback

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. The results for 2020/21 are shown below:

Title	Target 2020/2021	Q1	Q2	Q3	Q4	Year End Outturn	RAG status
% of service users satisfied with the Public Protection Partnership (proactive telephone campaign to wider customer base for Q4)	75%	50.0%	52.8%	43.5%	88.0%	78.9%	G
% of service users satisfied with the Public Protection Partnership business webinars	75%	New measure added Q3 2020/21	New measure added Q3 2020/21	100.0%	100.0%	100.0%	G

Looking Ahead

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 PPP 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.

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.

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.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	n/a		
Next Financial Year (Year 2)	n/a		
Following Financial Year (Year 3)	n/a		

Other financial information relevant to the Recommendation/Decision
N/A

Cross-Council Implications
N/A

Public Sector Equality Duty
Please confirm that due regard to the Public Sector Equality Duty has been taken and if an equalities assessment has been completed or explain why an equalities assessment is not required.
N/A

List of Background Papers
Climate Emergency – <i>This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030</i>
No impact

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Annex A

Licence Type	2020/2021	2019/2020	2018/2019	2017/2018
Animal Boarding Establishment	5	2	7	3
Home Boarding Licence	18	22	36	32
Dog Breeding Licence	2			
Pet Shop Licence	3	1	4	2
Riding Establishment	0	0	1	2
Dangerous Wild Animal	1			
Dermal Personal/Premises Registration	24	26	10	12
House to House Collections	12	21	16	9
Street Collections	14	55	63	97
Street Trading Consent	27	28	40	32
Licensed Premises Gaming Machine Permit	0	1	2	6
Notification of 2 or less gaming machines	0	4	5	3
Club Gaming Permits (Non-fast track)	1	0	0	0
Club Machine Permits (Non-fast track)	0	0	0	0
Small Society Lottery	21	27	35	22
Gambling Premises	2	3	0	0
Personal Licence	73	92	103	104
Scrap Metal Dealer - Site	3	2	0	3
Scrap Metal Dealer - Mobile	0	2	0	0
Premises Licence	103	64	91	68
Premises Licence Application (No alcohol)	2	4	5	4
Club Premises Certificate	1	0	0	1
Dual Driver	6	21	162	28
Private Hire Driver	16	28	111	27
Private Hire Operator	12	3	12	14
Hackney Carriage Vehicle	69	92	99	120
Private Hire Vehicle	78	141	154	182
Private Hire Vehicle Application (with Dispensation)	34			
School And Community Services Driver	8	11	25	7
School And Community Services Vehicle	56	52	55	48
School And Community Services Operator	3	0	0	2
Temporary Event Notice	64	497	494	429
GRAND TOTALS:	658	1199	1530	1257

Total number of current licenses

Licence Type	31/03/21	31/03/20	31/03/19	31/03/18
Animal Boarding Establishment and Dog Breeding	9	10	9	8
Home Boarding Licence	33	34	32	30
Pet Shop Licence	12	14	14	13
Riding Establishment Licence	4	4	5	6
Dermal Personal and Premises Registration	167	144	103	94
House to House Collections	14	21	18	15
Street Collections	15	55	47	35
Street Trading Consent	31	24	23	34
Club Gaming Permits	1	1	2	1
Club Machine Permits	4	6	5	7
Licensed Premises Gaming Machine Permit	13	15	15	17
Notification of 2 or less gaming machines	64	64	61	61
Small Society Lottery	112	98	76	84
Gambling Premises	6	8	8	8
Personal Licence	1673	1515	1553	1519
Scrap Metal Dealer - Site	4	8	10	10
Scrap Metal Dealer - Mobile	2	4	6	6
Premises Licence	336	335	327	324
Premises Licence Application (No alcohol)	69	71	71	70
Club Premises Certificate	35	36	36	36
Dual Driver	164	175	185	200
Private Hire Driver	120	132	156	158
Private Hire Operator	31	40	39	40
Hackney Carriage Vehicle	69	86	88	92
Private Hire Vehicle Licence	87	149	129	138
School And Community Services Driver	38	40	46	47
School And Community Services Vehicle	54	61	63	63
School And Community Services Operator	3	3	3	3
Private Hire Vehicle with dispensation	39	76	59	59
Temporary Event Notice	15	497	494	429
GRAND TOTALS:	3231	3726	3683	3607

Annex C

KPI	Target	Q1	Q2	Q3	Q4	2020/21	Notes (Comments)
% of premises that have applied for a designated premise supervisor (DPS) variation visited within 28 days of application	75%	0%	95%	35%	32%	39.8%	
% of licensing applications processed within statutory timescales or 5 days	Base	79/97 81.4%	136/165 82.4%	116/171 67.8%	113/127 89%	444/560 79.3%	
% of Temporary Event Notices processed within statutory timescales (3 days)	Base	10/14 71.4%	13/13/ 100%	6/7 85.7%	2/10 20%	31/44 70.4%	There were several applications in Q4 relating to one premise which raised questions and delay.
% of licensing complaints/requests for advice dealt with appropriately within 10 working days (Whole service KPI)	90%	175/200 87.5%	196/200 98%	154/158 97.5%	184/191 96.3%	709/749 94.7%	Q1 was in the very first lockdown period when the service was adjusting to new regulations and restructure to manage the responses across the 3 authorities.

Measure of Volume	Target	Q1	Q2	Q3	Q4	2020/21	Notes (Comments)
Number of licences Revoked/Suspended	N/A						11 related to drivers, two operators and one licenced premise
Number of Licensing – General Inquiries	N/A	56	60	49	39	204	Range for inquiries if a licence is required to when is a badge/plate ready
Number of Complaints made about those licenced (or unlicensed) by the authority	N/A	17	15	9	25	66	May be whistleblowing on unlicensed activities, drivers use of language to breaches of licence conditions
Number of Contacts directly attributable to the trade making contact	N/A	10	25	12	8	48	May include errors on the website, request for meeting
Number of Covid related inquiries	N/A	2	7	6	3	18	There are licence related Covid complaints incorporated into the overall Covid Complaints

Policy Decisions by Committee	Update on progress

Detailed Breakdown

Licensing Area	Recorded Licensing interactions		Covid Advice/Enforcement		General Advice/Inquiries and Requests (e.g. do I need a licence)		Requests from the trade for information, meetings, updates, chasing licences and issues around renewals		Complaints about licence holders/premises, non-compliance or unlicensed activities	
	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21
L - Animal	17	44		2	7	14		7	10	15
L - Premises	43	88	2	5	31	33		6	10	14
L - Street Trading	8	53		5	5	18		8	3	12
L - Taxi	60	113		5	10	23	4	28	46	22
L - TEN		9		1	4	3		1		0
Licensing	6	33				36		2	2	3
Total	134	340	2	18	57	127	4	33	71	66

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