

# Somerset West and Taunton Council

## Licensing Committee – 20 June 2022

### Licensing Update report

This matter is the responsibility of Executive Councillor Andrew Sully

Report Author: John Rendell, Licensing Manager

#### 1 Purpose of the Report

- 1.1 Somerset West and Taunton Council is required by law to establish a Licensing Committee, to discharge various licensing functions and is referred to as the 'Licensing Authority'. These functions include the regulation of alcohol and entertainment, taxis and private hire vehicles, drivers and operators, gambling, and types of animal business, amongst many others.
- 1.2 The Licensing Authority's objectives (some of which are statutory) are to:
  - Prevent crime and disorder.
  - Prevent public nuisance.
  - Keep the public safe.
  - Protect children and other vulnerable people, from harm.
  - Ensure gambling is conducted in a fair and open way.
  - Ensure businesses provide high standards of care to animals.
- 1.3 Some of functions of the Licensing Authority, such as determining individual licence applications, are discharged by Sub-committees. The main Committee is largely responsible for setting policy.
- 1.4 This report updates members of the committee on work of note, progress on any projects, changes in legislation and looks ahead to any significant events on the horizon.

#### 2 Recommendations

- 2.1 That the report be noted.

#### 3 Risk Assessment

- 3.1 The contents of this report do not relate to any of the risks identified in the Corporate Risk Register.

## 4 Background and Full details of the Report

### Numbers of licences currently in force

- 4.1 To give an idea of the variety and number of persons, premises, vehicles and activities which are currently licensed, the numbers of licences in force as of the 16<sup>th</sup> of May 2022 are shown at **Appendix 1**.
- 4.2 There has been a noticeable decline in the number of animal boarding establishments, with a number of businesses suffering during the Covid pandemic. The current number of licensed premises is currently 25, which is 52% down from the end of February. Be that as it may, the total number is expected to increase in the coming weeks, as there are currently seven applications in the process of being determined. Should all seven be granted, the total number would be 32; 16% less than February.

### Publication of guidance notes for animal inspectors

- 4.3 In order to ensure a uniform approach to the assessment of welfare standards, in 2018 the Department for Environment, Food & Rural Affairs (DEFRA) compiled a series of comprehensive 'guidance notes' for animal licensing inspectors. These guidance notes cover conditions mandated under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, outlining what sort of practices, procedures and standards are to be expected from certain types of animal licensed businesses, including catteries, doggy day care, pet shops and horse-riding instructors. While licence conditions themselves were stipulated under the 2018 regulations, the guidance notes undergo regular review with veterinarians and industry experts, to ensure that the standards outline adhere to the latest professional welfare guidance.
- 4.4 In February 2022, guidance notes for all activities covered under the 2018 regulations were updated following review. While they largely remain the same as the existing standards, changes made included new wording (for better clarity) and slight amendments to certain higher standards, in line with industry guidance. As such, animal activity licences being granted or renewed as of 1<sup>st</sup> March 2022 were assessed using the new guidance notes. In most instances this wouldn't have had a major impact, but in some instances, advice was required and some procedural changes necessary (on the part of some business owners), to ensure they were still adhering to the DEFRA highest standards.
- 4.5 Business owners must achieve the highest standards if they want to be awarded a five-star rating and the longest length of licence possible, being three years.

### Taxi and private hire policy proposals and consultation

- 4.6 The holders of taxi and private hire licences have been consulted on proposed changes to the existing licensing policies for the former Taunton Deane and West Somerset districts.
- 4.7 There are four proposals:

- Relax restrictions on the age of vehicles to be licensed as taxis and private hire vehicles.
- Change the rules on roof signs, so that they are mandatory for taxis but prohibited for private hire vehicles.
- Change the frequency of medical checks for drivers, aligning them with the point of renewing a licence rather than the person's age.
- Allow vehicles equipped for rear loading of wheelchairs in the West Somerset area (as is already the case for the Taunton Deane area).

4.8 Full details of the proposals are attached at **Appendix 2**.

4.9 The return of the Taxi and Private Hire Trade Forum meetings has generated a number of questions and discussion around certain aspects of the policies, resulting in three of the four proposals listed above.

4.10 Licence holders have until the 12<sup>th</sup> of June to make comment.

#### Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

4.11 On the 28<sup>th</sup> of June, the aforementioned Act will amend the Equalities Act 2010 new, and amend existing, duties for local authorities and taxi and private hire vehicle drivers and operators alike.

4.12 It will be mandatory for Licensing Authorities to maintain and publish a list of licensed taxis and private hire vehicles they designate as being wheelchair accessible. This will identify the vehicles whose drivers are subject to the duties at section 165 of the Equality Act 2010 on providing assistance to wheelchair users and refraining from charging extra for this. The publishing of such a list is currently discretionary.

#### Pavement licensing

4.13 The Government is proposing to make permanent the pavement licensing scheme, introduced during the early stages of the Covid pandemic to support hospitality businesses by simplifying and speeding up the process of getting permission to use tables and chairs on the highway.

4.14 Under the Levelling-up and Regeneration Bill, businesses will be able to renew pavement licences they had been issued and are set to expire on the 30<sup>th</sup> of September 2022, when the Business and Planning Act 2022, that introduced the scheme, expires. The Bill proposes making slight amendments to the current provisions, summarised as follows:

- Amend the fee councils can charge applicants, increasing it from £100 to £350 for premises which already hold a pavement licence, and £500 for new applicants.

- Extend the public consultation period and council determination period from 7 days to 14 days.
- Extend the maximum duration of pavement licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority.
- Provide that pavement Licences can also be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met.
- Insert a new enforcement schedule providing powers to the local authority to remove furniture if a premise is not abiding by its pavement licence conditions and hours.

4.15 When calculating licensing fees for 2022/23, it was worked out that a pavement licence application fee ought to be £167 were it to become discretionary. Such a fee would, following established fee setting principles, allow for full cost recovery, except for enforcement against unauthorised activities (unlawful unless stated). The Bill proposes a facility to renew a licence and, since the process is expected to be similar, the intention would be to charge a £167 fee. An officer decision form will be prepared ready to seek approval for the fees from the s.151 Officer should the Bill be enacted.

## **5 Links to Corporate Strategy**

5.1 The Council has a statutory duty to issues licences for various activities, as outlined in **Appendix 1**. By providing advice to the public, helping them to understand and meet regulatory requirements and responding proportionately where breaches of legislation occur, the service can support the following corporate aims:

- Support the town centres throughout the district to meet the challenge of changing shopping habits.
- Support the enhancement of arts and culture provision within the district.

## **6 Finance / Resource Implications**

6.1 There are no financial implications.

## **7 Legal Implications**

7.1 No legal implications identified.

## **8 Climate and Sustainability Implications**

8.1 There are no climate and sustainability implications.

## **9 Safeguarding and/or Community Safety Implications**

9.1 The four licensing objectives under the Licensing Act 2003 are:

- Prevention of crime and disorder
- Public safety

- Prevention of public nuisance
- Protection of children from harm

9.2 The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring community safety.

## **10 Equality and Diversity Implications**

10.1 There are several protected characteristics identified in the Equality Act 2010, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision-making process. The three aims the authority must have due regard for are:

- The eliminate of discrimination, harassment, victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share them.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share them.

10.2 No equality and diversity implications were identified.

## **11 Social Value Implications**

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

## **12 Partnership Implications**

12.1 No partnership implications were identified.

## **13 Health and Wellbeing Implications**

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

## **14 Asset Management Implications**

14.1 No asset management implications were identified.

## **15 Data Protection Implications**

15.1 No data protection implications were identified.

## **16 Consultation Implications**

16.1 As this is an update report, consultation has not been necessary.

## **17 Scrutiny Comments / Recommendation(s)**

