

West Somerset Council

Licensing Committee – 27 November 2018

Licensing Update report

This matter is the responsibility of Cabinet Member Keith Turner

Report Author : John Rendell, Licensing Manager

1 Executive Summary

- 1.1 This report provides an update on the activities of the council's licensing service, changes to legislation, current consultations and other general licensing matters.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
If the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy.	4	4	16
Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service.	3	4	12

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

Performance of the service

- 4.1 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined i.e. decision as to whether to grant the licence or not, has been reached. The target for the service is that, for all applications that are completed within a set quarter, 90% must be completed within 14 days of them being determined.
- 4.2 98.5% (200 out of 203) of all applications completed between the 1st of July and 30th of September 2018 were completed within the 14 day timescale. This is an increase of 1.3% from the previous quarter.

Applications received and licences in force

- 4.3 The numbers of applications received for each of the regimes administered by the licensing service, between July and September 2018, are shown in comparison with

those received for the period in the preceding two years at **Appendix A**. The numbers of licences in force and notices given as of the 16th November 2018 are shown at **Appendix B**.

Changes to animal licensing

- 4.4 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into effect as of the 1st October. The Regulations repealed a number of Acts responsible for regulating animal boarders, riding establishments (now referred to as 'hiring of horses'), pet shops, and dog breeders.
- 4.5 Amongst some of the changes, a new licensable activity has been created; 'the keeping or training of animals for exhibition'. The following activities would typically be included within the definition for this activity:
- Mobile animal exhibits which visit schools, weddings, private parties, fairs etc.;
 - Animals kept for use in films, TV and other media;
 - Domestic animals used in circuses.
- 4.6 Animals kept and used by the police and military or in sport and wild animals used in travelling circuses are excluded from the above.
- 4.7 Licensed premises now receive a star rating (out of 5) once they have been inspected, which represents their ability to comply with certain standards which are set out in the regulations. These relate to areas such as the cleanliness of the premises, level of supervision and enrichment the animals receive and standard of the environment the animals are kept in and controls in place to prevent the spread of infectious disease. There are minimum standards which must be met in order for a licence to be granted and higher standards which, if achieved, allows for a 4 or 5 star rating. Besides from the obvious kudos and commercial advantage a business owner will have from achieving a 4 or 5 star rating, they will also qualify for a longer licence (e.g. two or three years as opposed to a one-year licence), which effectively means they pay less in licence fees.
- 4.8 Zoo and dangerous wild animal licensing will continue to be controlled by the licensing authority but under existing legislation.
- 4.9 The team is experiencing an increase in the volume of enquiries related to animal licensing as a result of the changes, most of which are made by telephone. With rules governing dog breeding having been tightened as a result of national concerns regarding puppy farming, there are now more dog breeders in scope. A large proportion of contact is either from breeders looking to clarify if they need a licence or members of the public wanting to report people who they believe are breeding without a licence.
- 4.10 Officers have begun carrying out the first few inspections. Given that, within the regulations there are a greater number of and more stringent licence conditions that applicants are required to comply with, inspections are now double the length in time than before. Due to restrictions under the previous legislation, the majority of licences have been fixed to calendar years, meaning there has in the past been difficulty completing inspections prior to Christmas, as and when renewal applications have been received. Given that inspections are taking longer to complete and in order to avoid difficulties which might be to the detriment of businesses, the Licensing Manager has

agreed to extend any licences due to expire in December and January for an extra two months, at no extra cost.

Delay in reviewing licensing policies

- 4.11 The review of the statements of licensing policy for both the gambling and alcohol, entertainment and late night refreshment licensing regimes has been delayed, owing to predominantly to an increase in work pressures due to the organisational restructure and the complication of the formation of a new council.
- 4.12 It had been mentioned in the update report presented to the committee in March that the intention was to write a joint policy for both Taunton Deane and West Somerset. Given the new council will be formed in April next year, the Licensing Manager believes it would better to concentrate efforts on writing the policy for the new council, which then means a more straight forward democratic route.

5 Links to Corporate Aims / Priorities

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation, in order to support new and existing businesses and enable cultural and leisure activities, thereby supporting the Council's growth agenda.

6 Finance / Resource Implications

- 6.1 Where legislation allows for cost recovery, licence fees are levied against the administration of the regime and the supervision of licences issued. It would be unlawful to deliberately set the fees to make a profit and any over (or under) recovery is redressed in future fee levels.

7 Legal Implications

- 7.1 No legal implications identified.

8 Environmental Impact Implications (if any)

- 8.1 There are no specific environmental impact implications identified as a result of this report.

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

With the addition of securing the welfare of animals, these are the main aims of the Licensing Service. 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 a number of 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:

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

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 Consultation Implications

15.1 No consultation implications were identified.

16 Scrutiny Comments

16.1 There are no scrutiny comments or recommendations.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency : **Once only** **Ad-hoc** **Quarterly**

Twice-yearly

Annually

List of Appendices

Appendix A	Applications received, notices given, service requests and complaints
Appendix B	Licences issued and notices given

Contact Officers

Name	John Rendell
Direct Dial	01823 219491
Email	j.rendell@tauntondeane.gov.uk