

Somerset West and Taunton Council

Licensing Committee – 18 January 2021

Licensing Quarterly Update Report

This matter is the responsibility of Executive Councillor Sarah Wakefield

Report Author: John Rendell, Specialist (Licensing)

1 Purpose of the Report

- 1.1 Somerset West and Taunton is required by law to establish a Licensing Committee, in order 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 gives officers the opportunity to update members of the committee on work of note, progress on any projects, changes in legislation and look ahead to any significant events that lie ahead.

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

West Bay residential caravan site enforcement notice

- 4.1 The compliance notice issued against West Bay, Watchet has been lifted, following confirmation in August that the site owners had successfully removed the home which was left perilously close to a cliff edge, following a landslip earlier in the year.

Pavement licensing

- 4.2 'Pavement licensing' was one of a number of schemes introduced by the Business and Planning Act 2020, in order to restart the British economy during the tough months of the Covid19 lockdown.
- 4.3 Officers already had experience licensing café and pub pavement furniture on the street, having for some years been issuing permits under section 115E of Part VIIA of the Highways Act 1980; Execution of works and use of objects etc. by persons other than councils. That scheme involves a 28 day consultation, during which the County Council Highways department are consulted, with the fees to apply for the grant of and renew a permit £358 and £345 respectively.
- 4.4 The new 'pavement licence' scheme has a much quicker turnaround; 14 days in total, which comprises of a 7 day consultation to various bodies, including the highway authority, Environment Health, the police and town and parish councils, and 7 days within which officers must decide whether to grant a licence or not. These applications receive tacit consent which, in this case, means a licence is automatically granted, without any conditions, at the end of the 7 day determination period if a formal decision has not yet been reached. The other significant differences with this scheme and the existing one, are the capping of the application fee at £100 and the ability to revoke a licence where conditions are not being met or the furniture layout is giving rise to issues.
- 4.5 Back in February this year, there were 7 premises to whom s.115E permits had been granted. As of the 8th of December, there are now 5 s.115E permits and 10 pavement licences.
- 4.6 None of the 10 pavement licence applications submitted since the introduction of the Business and Planning Act 2020 received tacit consent. All were granted by officers within the 7 day window (after the initial consultation,) meaning all are subject to licence conditions, the majority of which will be standard; see **Appendix 1**.

Service plan

- 4.7 The Covid19 pandemic has had such a huge impact that it has forced us to reflect and review what we believe are the priorities for the service in the short to medium term future.

- 4.8 Attached at **Appendix 2** is a truncated service plan, which outlines the policies and arrangements that we plan to review and/or update next 12 to 18 months as a matter of priority. This is all work outside of 'business as usual' e.g. processing licence applications, investigating complaints and so forth.
- 4.9 Taxi and private hire licensing features heavily on this plan. There has been a pressing need to harmonise/combine the two taxi licensing policies since the formation of the new council but the publishing of the Department for Transport's statutory standards and declaration of a climate emergency has only strengthened the need to bring these licensing arrangements up to date. There are likely to be significant changes, thus there will be extensive consultation with the taxi and private hire trade, key stakeholders and we will establish a policy development working group for elected members.

Numbers of licences currently in force

- 4.10 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 11th of December 2020 are shown at **Appendix 3**.
- 4.11 Unfortunately and as one would expect with the economy taking a knock during the pandemic, there are reductions across a number of licence types.
- 4.12 Although street trading consents has come down, we would expect this to rise over the coming months as the service has been contacted by a number of parties who are keen to begin trading in both Taunton and Minehead. Such is the level of interest and as available space is limited, customers are being encouraged to submit expressions of interest rather than applications, in order to avoid forms being completed and payments made in vain.

5 Links to Corporate Strategy

- 5.1 The council has a statutory duty to issues licences for various activities, as outlined in **Appendix 2**. 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 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 Climate and Sustainability Implications

8.1 There are no direct carbon/environmental impacts arising from 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

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 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 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)

17.1 As a quarterly report just for the Licensing Committee, 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 1	Pavement licence conditions
Appendix 2	Licensing service plan: priorities in 2021/22
Appendix 3	Licences in force

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