

Licensing Committee Report

Ward(s) affected: All Wards

Report of the Joint Strategic Director Economy, Planning & Place, Ezra Wallace

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## **Licensing Annual Update**

### **1. Executive Summary**

1.1 The Council in its role as the Licensing Authority for many leisure, entertainment, hospitality and animal activity businesses is responsible for administering and enforcing a number of pieces of legislation surrounding the Councils licensing and registration functions.

1.2 This report seeks to provide annual updates on the following licensing areas:

- Licensing Act 2003
- Gambling Act 2005
- Sexual entertainment venues and shops
- Charitable street and house to house collections
- Street trading
- Pavement licensing
- Animal activity licensing

With a separate report to be presented on the licensing of Taxi and Private Hire drivers, vehicles and operators.

1.3 The report sets out the details of the service, including:

- Council's responsibilities
- Details of service
- Statistics
- Service requests
- Future projects

## **2. Recommendation to Licensing Committee**

2.1 That the Committee notes the updates provided, which is intended to be an annual update for the Committee's information.

## **3. Reason(s) for Recommendation:**

3.1 To ensure the Committee is briefed on the Council's Licensing and Registration functions.

## **4. Exemption from publication?**

4.1 This report is not exempt from publication.

## **5. Purpose of Report**

5.1 The purpose of this report is to brief the Committee on Licensing activity updates with the intention that the report forms a basis for future annual updates.

## 6. Strategic Priorities

6.1 The Council's Licensing function contributes to our fundamental themes as follows:

- **A more sustainable borough**

The licensing process sets standards for licence holders to meet via licensing policy considering the Council's climate emergency and aims to protect the environment so as to ensure the protection and promotion of the environment via the licensing process, balancing the needs of the licensed business community with those of residents of the Borough.

- **A more prosperous borough**

The licensing process supports the local economy by assisting business to comply with the law creating a level playing field for good businesses to thrive. Licensing also ensures that any business needing a licence has one and those licensed businesses are aware of and compliant with licensing legislation and promoting the relevant licensing objectives; so as to ensure the safety and wellbeing of employees and the public in licensed establishments and vehicles.

- **A more inclusive borough**

The licensing process helps tackle inequality in communities by promoting a safe and inclusive licensed trade, ensuring customers with a disability are able to use licensed establishments and supporting the employment of local people in local businesses through complaint and prosperous licensed businesses.

- **Decent and affordable homes**

The licensing process ensures a balance between those providing a service regulated by the Council do not do so in a way which disturbs residents in their own homes, contributing positively to local residential communities. The wider regulatory service function also licences

Houses in Multiple Occupation and Mobile Home sites to ensure housing standards in these accommodations are maintained.

- **A resilient and well-managed council**

The licensing process serves our residents, businesses, and visitors where there are distinct responsibilities on the Council in its role as the 'licensing authority' under many different areas of licensing. This is not just simply relating to the processing of applications, but also includes:

- setting the local framework through a statement of licensing policy
- considering applications with a view to promoting the licensing objectives under the Licensing and Gambling Acts, or the public protection and economic growth aspects of other licensing regimes.
- undertaking inspection and enforcement activities to ensure conditions of licences are being met, and to ensure that any operator whom requires a licence has one
- maintaining the required statutory registers
- ensuring members of the licensing committee are supported to make decisions on Council Policy or individual applications.

## **7. Background**

7.1 The Guildford Borough Council licensing service is responsible for the following areas:

- Licensing Act 2003
- Gambling Act 2005
- Sexual entertainment venues and shops
- Taxi and Private Hire drivers, vehicles and operators
- Charitable street and house to house collections
- Street trading
- Pavement licensing
- Animal activity licensing

- 7.2 In addition, the Licensing specialism is responsible for other legislation concerning the microchipping of dogs, and antisocial behaviour involving animals. Furthermore the Licensing specialism also attends a number of stakeholder groups such as JAG (including associated sub-groups), SOCJAG, Safety Advisory Group, Business Crime Reduction Partnership, Guildford Pubwatch, Licensing Responsible Authority monthly meetings and manages the stray dog collection contract. The service previously undertook the co-ordination and submission of the Council's Purple Flag award prior to its lapse due to insufficient resource dedicated to and interest in its retention.
- 7.3 The current licensing resource, involved on a day-to-day basis with above legislation is as follows: 1 FTE Licensing Lead, 2 FTE Licensing Compliance Officer; 1 FTE Animal Welfare Officer. The figure above includes an uplift from February 2024 with an additional 1 FTE Licensing Compliance Officer following a successful growth bid for further resource. Additionally, 4 FTE Case Workers, managed by the Case Services Team Leader are responsible for the administration of applications and other work for Regulatory Services, amongst other duties across the Customer Case and Parking Service area.
- 7.4 Licensing contributes to corporate projects such as town centre regeneration where it is a key stakeholder concerning changes to taxi ranks, introduction of new licensed premises and relocation of the market. Officers are also involved in training Councillors, staff and stakeholders in licensing matters.
- 7.5 Unlike most other areas of 'regulation' there are distinct responsibilities on the Council in its role as the 'licensing authority' under many different areas of licensing. This is not just simply relating to the processing of applications, but also includes:

- setting the local framework through a statement of licensing policies for each area
- considering applications with a view to promoting the licensing objectives under the Licensing and Gambling Acts, or the public protection and economic growth aspects of other licensing regimes.
- undertaking inspection and enforcement activities to ensure conditions of licences are being met, and to ensure that any operator who requires a licence has one
- maintaining the required statutory registers

7.6 There are very clear links between the work of the Licensing Service and the aims of the Councils Corporate Plan. Furthermore, as the licensing authority under the Licensing Act 2003 the Council must conduct its functions with a view to promoting the licensing objectives. This duty is legislated under section 4(1) of the Licensing Act 2003 and consequently the Council must ensure it takes the steps necessary to contribute to preventing crime, protecting public safety, protecting children from harm and preventing public nuisance through the licensing process.

#### 7.7 Licensing Legislation

Licensing deals with a variety of licences, registrations and has compliance and enforcement responsibilities throughout the whole Borough, under several different laws. The main functions of the section are:

Licensing Act 2003 – Activities which includes sale or supply of alcohol, regulated entertainment, and late-night refreshment, in premises and in outdoor events.

In the wider Guildford Borough, the section licenses circa 600 individual premises under the Licensing Act. These include public houses,

registered members clubs, late night bars, and night clubs, off licences, late night takeaways and restaurants. Also included under this legislation are village halls, community centres, school halls and major outdoor events.

The section also administrates approximately 600 temporary events annually, 2,200 personal licences and processes many permissions to site gaming machines in alcohol licensed premises each year.

Gambling Act 2005 – Gambling facilities including bookmakers, bingo halls, amusement arcades, casinos but also permits and permissions such as society lotteries are all licensed by the Council. There are around 15 premises licensed under the Gambling Act including 8 betting shops and one family entertainment centre and approximately 60 society lotteries.

Local Government (Miscellaneous Provisions Act) 1982 – regulates Adult and sexual entertainment venues and shops. There are currently no licensed premises.

Local Government (Miscellaneous Provisions Act) 1982 – also regulates street trading activities such as mobile food vendors and markets. The Council responds to a significant number of enquiries about trading, and approximately 30 current consent holders.

Police, Factories etc. (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939 – regulates Charitable street and house to house collections. The Council administers approximately 70 street and 30 house to house collections.

Business and Planning Act 2020 – regulates Pavement Licences which allow hospitality premises place tables and chairs on the highway. This

was initially introduced as a temporary provision following the coronavirus restrictions allowing initially hospitality premises to open under social distancing measures by enabling them to place tables and chairs on the pavement more easily. The legislation proved very popular with businesses and was extended year on year until 31 March 2024 when the regime was made permanent. The Council issues approximately 40 Pavement Licences.

The Licensing of Activities Involving Animals (England) Regulations 2018 – regulate ‘Animal Activities’ which includes the boarding of cats and dogs, dog breeding, selling animals as pets, hiring out horses, and exhibiting animals. There are approximately 50 licensed animal establishments in the Borough.

## 7.8 Licensing Applications – Licensing Act 2003

The Licensing Act 2003 takes up the significant proportion of time of staff and Councillor’s sitting on the Licensing Committee.

### 7.8.1 New Premises Applications

This table shows the number of new and variation premises licence applications received under the Licensing Act 2003. For comparison purposes the figure for the previous year has been included. Due to the length of time the licensing process takes (60—90 days) the numbers of applications received, and the determinations may not match.

Number of applications	2021	2022	2023	2024
Total number of new applications	28	27	36	20



Applications with no representations	24	21	32	19
Applications granted at hearing	4	4	1	0
Applications refused at hearing	0	0	0	1
Applications withdrawn	0	2	1	0
Appeals	0	0	0	0

### 7.8.2 Temporary Event Notices

The table below shows the number of Temporary Event Notices (TEN) for the period 2021– 24. Understandably there was an impact on numbers for the year 2021 due to restrictions.

Number of Temporary Event Notices	2021	2022	2023	2024
Total number of TENs	385	613	595	563
Number of late TENS	78	94	82	84
Number accepted	355	564	574	540
Objections/withdrawn	6	6	21	19
Counter Notices issued	0	0	21	4

### 7.8.3 Other Applications

Number of applications	2021	2022	2023	2024
Transfers	21	24	28	33
Variations (full)	5	6	8	14
Variations (minor)	14	12	24	12
Variations to the Designated Premises Supervisor	72	138	114	105
Surrendered	8	15	20	12
Suspensions	2	0	14	38

### 7.8.4 Personal Licences

Number of applications	2021	2022	2023	2024
New Personal Licence Applications	64	55	71	62
Change of Details	27	28	34	31

### 7.8.5 Reviews

The Licensing Act 2003 provides for an application to review a licence which can be brought by a responsible authority or any other person where a premises is undermining one or more of the licensing objectives.

Once again, liaison is often the key to resolving problems before they reach the need for a review.

Guildford had Review applications in the period 2014 to 2023 however saw two Reviews in 2023 called by the Responsible Authorities.

The first related to the discovery of illegal workers at a countryside hotel and events venue and the second related to a serious violent assault at a late night town centre takeaway premises. The sub-committee for the latter took place in early 2024.

#### 7.9 Licensing Service Requests (non-taxi)

The table below shows the number of service requests received by type:

Service Request type	2021	2022	2023	2024
Animal Welfare Complaint	8	10	1	3
Animal Welfare Enquiry	17	17	9	20
Dog Microchip Complaint	1	0	1	0
Gambling Complaint	0	0	0	0
Gambling Enquiry	3	3	0	2
House to House Complaint	0	0	0	0
House to	0	0	0	2

House Enquiry				
Licensing Act Complaint	99	165	146	123
Licensing Act Enquiry	114	123	115	109
Street Collection Complaint	4	3	3	5
Street Collection Enquiry	2	1	3	4
Street Trading Complaint	10	9	4	6
Street Trading Enquiry	28	24	10	17
Pavement Licence Complaint	10	5	6	4
Pavement Licence Enquiry	15	7	9	7
Unlicensed Establishment	17	17	10	17
Total Service Requests	359* *including covid related requests	384	317	319

## 7.10 Current work

### 7.10.1 Member Training

Following the Licensing Specialist delivering three Member training sessions covering Licensing Act 2003, Taxi & Private Hire and 'Other Licensing' for both Guildford and Waverley Councils after the May 2023 local elections, Members were invited to an 'evening tour' of Guildford to observe the Night Time Economy (NTE) 'in action' in late May 2024. This was well attended by Licensing Committee Members and involved visiting a number of licensed premises, including late night venues speaking to staff, meeting the Chair of Pubwatch, going to see the taxi ranks and speaking to licensed drivers and visiting other 'hot spots' in the NTE. A repeat session for those unable to attend and new CLB management is being planned.

### 7.10.2 Licensing Service Improvement

The past four years has also brought about significant organisational changes through the 'Future Guildford' programme. The intention of this work has been to increase customer self-service through making applications online and the establishment of a Customer and Case team where applications and customer enquiries are dealt with. This programme originally resulted in a reduction of 2 FTE Licensing Officers.

Unfortunately, many of the ICT efficiencies and transition of work to the Caseworker team identified by Future Guildford have yet to be realised and there is currently a review of the Caseworker model which licensing have contributed to setting out ideas as to how the model could be improved for the benefit of the service and customers. However, we continue to work with colleagues to improve the efficiency and

effectiveness of our service to customers through ICT solutions and in partnership with our Case team, with 2024 seeing more applications be made available via the online application portal.

In addition the successful growth bid in late 2023 to re-establish one of the FTE posts previously lost following Future Guildford has reduced some of the risk to the service and will provide increased resilience with a new Officer taking post in February 2024.

### 7.10.3 Enforcement

The Licensing Act contains measures to ensure that the council, and responsible authorities, can deal with premises that wilfully and persistently undermine the licensing objectives. The Regulatory Services team (which includes licensing) operate under an Enforcement Protocol which was developed with the bodies that are designated as responsible authorities under the legislation. As such complaints about licensed premises are dealt with under this protocol which ensures a reasonable and proportionate response.

The Council has adopted an Enforcement Policy containing the principles of the Hampton Report (on effective inspection and enforcement, published in 2005) in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained. The service has regard to the Regulators' Code when setting standards or giving guidance, which includes basing regulatory activities on risk.

The Councils Statement of Licensing Policy has adopted a 'risk based' inspection approach. The approach of inspecting licensed premises

according to their risk is one laid out in the s.182 guidance, with aim of the licensing function being to protect the public with proactive enforcement work, rather than reacting to complaints, seen as being key to this aim. However, proactive inspections have only begun to recommence in 2024 due to the previous demands on the service with 80 standalone visits completed this year, in addition to other partnership visits.

In respect of Animal Activity Licensing, 2024 saw the successful prosecution of an unlicensed dog day care centre and demand on other investigations into unlicensed activity remains high. We continue to raise the profile of our service with would-be operators and the public to ensure that animal welfare premises are regulated.

#### 7.10.4 Multiagency Groups

Licensing is currently involved in a number of multiagency groups to support the promotion of the licensing objectives by working in partnership with others to achieve this aim.

Guildford Licensing Responsible Authority Group – The purpose of the group is to facilitate closer partnership working between agencies in the promotion of the Licensing Act and the four mandatory licensing objectives. The group is chaired by Licensing and meets monthly involving various agencies, including those designated as responsible authorities under the Licensing Act. It provides a forum for partners to discuss concerns and to agree a course of action, using all available powers/resources available to address any premises or areas of concern. Members include Surrey Police, Environmental Health Services – Environmental Protection, Food and Safety and Private Sector Housing, Surrey Fire & Rescue and the Immigration Service at the Home Office.

Guildford Pubwatch – Pubwatch schemes are local, independent groups formed of people working in licensed premises with the objectives of tackling and preventing anti-social behaviour and criminal activity, promoting a safe drinking environment for customers and secure working environments for staff, and improving communication and sharing information between licensees. Guildford has a very active Pubwatch which organises a number of safety/awareness campaigns and supports other initiatives to improve safety in licensed premises. Pubwatch meet monthly and in turn are supported by Licensing who provide updates and advice. It is perhaps worth noting that Jane Lyons, the long serving Chair of Guildford Pubwatch is stepping down after 25 years due to relocating premises away from Guildford. This will be a huge loss to both Pubwatch and Guildford as a whole as her hard work, passion and commitment will be hard to replace. Licensing would like to formally thank Jane for her excellent work.

Joint Action Group – The aim of the group is to reduce crime and disorder associated with places in the Borough and to help people feel safe in their communities, concentrating on anti-social behaviour, safeguarding, localities working, partnership arrangements and Intelligence sharing.

Safety Advisory Groups – The Council desires to work with even organisers to uphold reasonable standards of public safety at events and to encourage the wellbeing of the public, officials, event organisers and performers. The SAG acts as a conduit for organisers to share their event plans and to receive agency feedback.

Surrey Licensing Forums – Guildford officers attend and lead both the Surrey Licensing Leads and Animal Licensing Forum Groups. These groups seek to develop consistency and best practice in licensing across Surrey.



LGA Licensing Policy Forum – the Licensing specialist both Chairs and represents Guildford and the South East region at the Local Government Association Licensing Policy Forum which looks at national issues and upcoming changes to legislation. This group provides a valuable link between Government departments and local authorities and has been able to provide a local authority view in several key legislative changes.

Institute of Licensing – The professional body for licensing matters has been instrumental in providing access to case law and legislation updates, training, and information sharing. The Licensing specialist represents Guildford as an authority with considerable taxi case law on the IoL Taxi Consultation Panel which looks at national issues and upcoming changes to legislation again providing a local authority view in several key legislative changes.

#### 7.10.5 Animal Welfare/Stray Dog Service and Dog Fouling Public Space Protection Order (PSPO)

The management of the Council's Stray Dog service contract also falls to Licensing. 2023 saw the Council undertake a joint procurement exercise with Waverley Borough Council for provision of the service resulting in the appointment of SDK as the Council's new contractor in August. In early 2024 the Licensing Specialist and Animal Welfare Officer visited SDK facilities to see the accommodations and arrangements on offer for stray dogs found in the Borough.

2024 also saw the Council be awarded the prestigious RSPCA Paw Print Award for Animal Activity Licensing. The service was awarded 'Platinum' standard, having held 'gold' level consistently for a number of years.

The Council currently has one PSPO relating to dog fouling in the borough. This was reviewed in late 2023 and extended for a further 3 year period.

In addition, the ban on XL Bully breeds effective in late 2023, together with the cost of living crisis has seen an increase in the demand for the stray dog service as owners abandon their dogs as strays. We continue to promote the Stray Dog Service to our residents as well as encouraging them to use licensed animal boarding establishments.

#### 7.10.6 Safer Streets Fund

The Safer Street Fund launched in 2020 to allow Local Authorities and Police forces to bid for funding to provide measures proven to prevent neighbourhood crime, including CCTV, street lighting, alleygating and improving the security of properties at risk of neighbourhood crime.

Funding was also available to schemes delivering other interventions aimed at changing attitudes and behaviours in relation to Violence Against Women and Girls (VAWG) in the public domain through educational activities and behavioural change programmes. The focus will also be on the night-time economy and working with local businesses to keep women safe and raise awareness of VAWG in local pubs and bars.

In September 2023 Surrey Police were successful in securing funding for initiatives for delivering a range of interventions in Guildford to tackle Anti-Social Behaviour and VAWG over the period from 1 October 2023 to 31 March 2025 through public realm improvements and the provisions of a Street Marshalling Service.

In December 2023 the Police asked Regulatory Services to secure the Street Marshalling Service as they wished to separate the service from Policing. This project was taken on by the Licensing Specialist and a considerable part of early 2024 was spent procuring and working to set up the Marshalling Service to provide a visible and reassuring presence in Guildford at weekends. The Police will formally report at the end of the project however anecdotal evidence shows that the level of Anti-Social Behaviour, particularly from groups of youths at weekends has decreased.

#### 7.10.7 Pavement Licensing

The success of the Pavement Licensing regime under the Business and Planning Act 2020 has meant that the government has introduced new legislation for a permanent system. In September 2024 Licensing Committee approved an updated Policy reflecting changes to legislation and guidance.

#### 7.10.8 Gambling Act 2005 Statement of Licensing Policy Review

The Gambling Act 2005 requires licensing authorities to establish a statement of the principles it will apply in licence determinations under that Act. The Statement of Licensing Policy has a three-year review timetable and was reviewed in 2021. The reviewed policy was presented to Council for adoption in November 2021 and came into effect in January 2022. In September 2024 Licensing Committee approved an updated draft Statement for public consultation with the consultation responses due to be presented to Licensing Committee for consideration.

### 7.11 Future Plans

#### 7.11.1 New Government

July 2024 saw a general election with a new Labour Government elected. The new Government has set out priorities including health (including alcohol and tobacco related health), opportunities, growth, safety and a cleaner environment, with a particular focus on safer streets including targets to halving crimes relating to knives and VAWG. Clearly, the licensing system is incredibly relevant to all these priorities and it is anticipated that there will be further demands on the service as this agenda unfolds into new legislation and guidance, most of which is still to be established however some of which is currently known will be discussed later in this section.

Additionally, the Budget in late October also committed to exploring how the licensing system could be used to expand tax conditionality to other sectors in order to reduce the tax gap from the 'hidden economy'. The existing tax conditionality requirements affect the taxi and scrap metal trades and mandate the Licensing Authority to check that the applicant has registered for their tax responsibilities before an application can be accepted. Expanding this duty to other local licence types will doubtless increase demand on the service.

#### 7.11.2 Protect Duty

In December 2022, the Government announced details for the Protect Duty, now to be known as 'Martyn's Law' in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017. Martyn's Law aims to keep people safe, enhancing national security and reducing the risk to the public from terrorism by the protection of public venues.

It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.

In 2024 the draft Terrorism (Protection of Premises) Bill was published providing an update on the capacity thresholds for the 'standard' and 'enhanced' duties as well as identifying the Security Industry Authority (SIA) which currently delivers security licensing as the new national regulator responsible for enforcing the new law. Whilst it is understandable to want to have a single regulator applying one set of standards, Local Authority Licensing and Environmental Health services, as well as Safety Advisory Groups, already undertake a huge amount of work to protect public safety at venues and events and the appointment of the SIA as the body responsible has created some concerns. However, more detail as to how the law will work will emerge and it clear that there will still be a huge responsibility created by the new law placed upon the licensing service through potentially working with the SIA to identify affected premises and to tie together the licensing process and protect duty.

The Terrorism (Protection of Premises) Bill does however create a specific duty upon licensing with regard to Sensitive Information and Licence Applications (SILA). The SILA duty will require the licensing authority to deal with two sets of plans for any new application. A detailed plan, as required currently showing premises layout and safety features which will be available to all responsible authorities for information and comment as

currently, but applicants will be also required to provide a limited plan with each application which will be available publicly. This is to reduce the opportunity for hostile reconnaissance from publicly available sources of information.

Licensing will be working with partner agencies and engaging with licensed businesses as more details of the new laws emerge.

#### 7.11.3 Licensing Act 2003 Statement of Licensing Policy

The Act places a responsibility on licensing authorities to establish a Statement of Licensing Policy which must set out how the authority intends to promote the licensing objectives. The Statement of Licensing Policy must be reviewed every five years and was last reviewed in 2021. A further review will commence in 2025.

#### 7.11.4 Cumulative Impact Assessments

The Statement of Licensing Policy may provide for cumulative impact areas (CIAs) where it is identified that any of the licensing objectives are being undermined due to the concentration of licensed premises. Guildford has no areas to which the cumulative impact policy applies, having removed the Bridge Street/Onslow Street area from its Policy in 2016. This however is always subject to the data and evidence presented, together with concerns from relevant agencies.

#### 7.11.5 Street Trading and Charitable Collections Policies

These policies were both approved for the first time in 2018 and are due for an initial review and approval by Licensing Committee. These are non-

statutory policies and were intended to be reviewed after 5 years however this has not been possible due to the demands on the service.

Additionally, the increase in Street Trading Fee for 2024/25 has resulted in a number of complaints from consent holders. Concern has also been raised by Surrey County Council Countryside Service where a number of Consent holders trade, with traders having to obtain both a Street Trading Consent and Permission from SCC Countryside with fees payable for both. A possible review of the Street Trading designation to remove this duplication is also suggested.

#### 7.11.6 Online Applications

Many applications are available through the Government Digital Service portal, and it has long been the intention to provide all applications online to improve efficiency and customer access to the service. However the Cabinet Digital Office have announced a removal of online applications from GOV.UK from 2026, which has prompted the Council to develop an alternative in-house solution that will work with the backend databases to find efficiencies.

#### 7.11.7 Town Centre PSPO

The current Town Centre PSPO tackling persistent Anti-Social Behaviour is due for review by March 2025. Licensing were heavily involved in the creation of this PSPO and with the current Community Safety Service staffed by temporary arrangements the Compliance Lead will be leading on this important piece of work. Recent concerns around parking in the town centre, from both taxis and delivery drivers may result in these behaviours being included which will again heavily involve the Licensing

service due to interactions with licensed taxis and licensed premises supplying deliveries.

#### 7.11.8 Dog Walking PSPO

One potential further avenue to explore is the creation of a new 'Dog Walking' PSPO following the tragic death of a professional dog walker in Caterham in January 2023. The Coroner has recently reported on this death and stated that "action is needed within 56 days (from Surrey County Council and the Secretary of State) to prevent further deaths". It will be interesting to see what action is proposed nationally and Guildford should be on high alert for new regulations or new pressures on local councils to use a PSPO to restrict the numbers of dog's walked per person and will respond positively to any guidance or regulation that come as a result of this review.

#### 7.11.9 Licensing Act 2003 Changes

2024 saw two consultations on potential changes to the Licensing Act 2003 around Digital Age Verification and Off sales/Pavement Licensing easements.

The Act is currently quite prescriptive about the forms of acceptable identification when it comes to age verification and the consultation in 2024 looked at whether, in light of improved technology and changes to consumer habits, digital age verification could be used. Similarly, the Off Sales entitlement brought in under the Business and Planning Act providing 'ON' licensed premises an automatic right to conduct 'OFF' sales following the pandemic is due to end in March 2025 and in 2024 the Home Office consulted on potential retention, changes or lapse of these



provisions. The responses to both of these consultations and potential changes are currently awaited.

Finally, the Government is still grappling with the House of Lord's Select Committee recommendations on bringing Licensing and Planning closer together. With a new Government with a new agenda this again may be something explored again.

#### 7.11.10 Tobacco and Vapes Bill

One of the intentions of the new Government is to try and limit the sale and purchase of tobacco and vape products with a locally administered but national licensing scheme set to be introduced under the Tobacco and Vapes Bill. This new licensing duty is likely to fall to Licensing Authorities to administer and will require any person and premises selling tobacco and vape products to obtain a licence, otherwise a criminal offence will be committed. Guildford, like many other towns, has seen a proliferation of vape shops over the past few years with anecdotal concerns reported relating to underage sales. There can be no doubt that this will create significant additional work for the service although full details of the legislation are not yet known.

#### 7.11.11 SIA Tax Status and Licensing Changes

The Security Industry Authority (SIA) responsible for licensing of door supervisors supplied to the licensed trade are taking a 'top down' approach with regard to employment status and from April 2025 are likely to require all door supervisors to be working on a PAYE basis. Currently there is a mix of status within the industry although self-employed is the prevalent majority. This is likely to lead to both higher prices for the provision of door staff and many companies supplying staff to leave the

industry as they do not wish to contract on this basis or have the associated tax implications, leading to potential shortages in supply.

Additionally, currently the Private Security Act only requires the licensing of individual door staff. Operators providing staff are not required to be licensed although the SIA runs a voluntary accreditation scheme, this is taken up by less than 20% of companies. In order to close the tax gap, as well as the wider Protect Duties likely to be placed on security staff at venues, there is also a possibility legislation will introduce a requirement for security companies to be licensed with the SIA.

This will have a knock-on impact to the licensing service through increased requests for joint working with the SIA, a potential increase of applications from premises looking to change their conditions relating to security staff numbers if they are unable to get door staff, and an increase in enforcement if conditions are not being complied with.

#### 7.11.12 Primate Licensing

In March measures were introduced to ban the keeping of primates as pets. The legislation brings in a licensing scheme setting strict rules to ensure that only private keepers who meet new welfare and licensing standards will be able to keep primates, to provide primates with improved conditions and greater protections.

The measures come into force in April 2026 when all primates in England will need to be kept to these zoo-level standards - in effect banning the practice of keeping primates as pets.

It is estimated that up to 5,000 primates are currently kept in domestic settings as pets in the UK. These wild animals have complex welfare and

social needs and, according to most experts, cannot be properly cared for in these environments. The new measures will improve the welfare of potentially thousands of these intelligent animals. It is unclear how many potential applications Guildford can expect however Officers will need to set up procedures for the new regime and carry out comms to raise awareness.

7.11.13 Purple Flag – the Licensing Specialist previously co-ordinated the Purple Flag award, an award celebrating safety, partnership and diversity in the night-time economy. This award has considerable benefits to many services in the Council and wider community. Unfortunately in 2023 when Guildford was required to submit a full renewal application to retain the award for the 8th consecutive year, a decision was made by the Council and Experience Guildford that the current demands on both services meant that an application to retain the award was not possible. However, with the themes of the Purple Flag reflected in the new Corporate Plan and many other areas providing increased support to their night-time economies it is hoped that this may be revisited.

## **8. Consultations**

8.1 The Licensing Act 2003 and Gambling Act 2005 prescribe responsible authorities that must be consulted and may submit representation against a licence application. Such authorities include the police, environmental health, planning, and the licensing authority.

Applicants must also place notices on site and advertise the application in the local paper where applications may attract representations from 'other persons'.

- 8.2 The Licensing Authority itself acts as a consultee in its capacity as a Responsible Authority. It is however essential that the duties of being a responsible authority and the licensing authority administering an application are kept completely separate.
- 8.3 Other applications such as Pavement Licences, Sexual Entertainment Venues and Street Trading Consents are subject of consultation with the stakeholders defined in the Council's Policies.
- 8.4 Officers maintain strong links with Guildford Pubwatch and Experience Guildford BID and provide regular updates on changes to legislation, guidance together with details of consultations to business groups.
- 8.5 Furthermore Licensing respond to planning consultations which may affect licensed premises or the town centre generally.

## **9. Key Risks**

- 9.1 The principal work areas, the Licensing Act and Taxi and Private hire regimes set out very clearly a legislated obligation for the Council to carry out its duties to promote the licensing objectives (preventing crime and disorder, preventing nuisance, public safety and protecting children). The statutory guidance also requires that the Council be sufficiently resourced to achieve this aim.
- 9.2 Furthermore matters must be dealt with within strict, statutory timescales with a clear separation of duties between the officer 'administering' an application and the officer acting as the responsible authority, with a view to avoiding corporate risk or more importantly protecting the public.

9.3 Late 2022 saw the creation of a shared Executive Head of Regulatory Services for Waverley Borough Council and Guildford Borough Council, with a mandate to explore opportunities for further efficiency through collaboration. As part of that process there is potential opportunity for joint working on Licensing issues which could bring economies of scale and improved efficiency.

## 10. Financial Implications

10.1 The Licensing service is fairly unique compared to other teams within Regulatory Services in that the service charges fees for the various permissions administered with the aim for the Council to be able to recover its costs.

10.2 Aside from fees under the Licensing Act 2003 which are set centrally, and under charitable collections for which no fee is payable, other fees are reviewed annually in order to recover costs.

10.3 It is however also worth noting that fees under the Licensing Act have not been updated by Government since creation of the Act nearly 20 years ago whereas demands and costs have increased significantly since. This results in the Council subsidising licence holders from central funds as the Council cannot subsidise fees from other areas to cover this deficit.

10.4 The level of expenditure in providing the licensing service (not including taxis) is set out below:

Cost Element	2022/23	2023/24	2024/25
Employee Related Expenditure	£161,847	£124,065	£134,962

Supplies and Services	£30,290	£39,235	£36,974
Support Services including Legal Costs, Case Workers, HR, ICT, Finance	£74,570	£65,857	£65,857
Income	(£199,890)	(£204,430)	(£202,873)
Service Cost	£66,817	£24,727	£34,920

10.5 However please note that 24/25 figures are budgeted as the financial year has not finished.

## **11. Legal Implications**

11.1 Unlike most other areas of 'regulation' there are distinct responsibilities on the Council in its role as the 'licensing authority' under many different areas of licensing. This is not just simply relating to the processing of applications, but also includes:

- setting the local framework through a statement of licensing policy
- considering applications with a view to promoting the licensing objectives under the Licensing and Gambling Acts, or the public protection and economic growth aspects of other licensing regimes.
- undertaking inspection and enforcement activities to ensure conditions of licences are being met, and to ensure that any operator whom requires a licence has one
- maintaining the required statutory registers

## **12. Human Resource Implications**

12.1 The legislative update can be managed from within the current resource although the Licensing Committee are asked to note the number of

potential future projects, many of which are coming from Government and the current capacity of the service.

### **13. Equality and Diversity Implications**

13.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.

13.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

13.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.

13.4 Licensing Policies and Licensing decisions all have regard to the Council's Equalities duties.

### **14. Climate Change/Sustainability Implications**

14.1 The Council's Licensing Policies are all drafted, or will be updated, to recognise that the Council has declared a climate change emergency.

## **15. Summary of Options**

15.1 As the Annual Report is presented for information only there are no further options available to Council as no further action is necessary.

## **16. Conclusion**

16.1 It is good practice to provide an overview of information to Committee members, which will thus enable Members to be informed about licence applications, decisions made by Licensing Committee hearings, automatic grants, enforcement action including suspensions and revocations, and future work planned by the licensing area.

16.2 This information enables Members to be informed and to aid decision making in the future.

## **17. Background Papers**

[Local Government Association; Public Protection Services: Councillor Handbook](#)

[Local Government Association; Gambling Regulation: Councillor Handbook](#)

[Local Government Association; Licensing Act 2003: Councillor Handbook](#)

[Guildford Borough Council Licensing Policies: Available Publicly online](#)

## **18. Appendices**

None



Please ensure the following service areas have signed off your report. Please complete this box

Service	Sign off date
Director	19/12/2024
Finance / S.151 Officer	19/12/2024
Legal / Governance	16/12/2024
HR	19/12/2024
Equalities	19/12/2024
Lead Councillor	19/12/2024
CMB	19/12/2024
Committee Services	11/12/2024