



Contact Officer:

Sophie Butcher, Democratic Services  
Officer

6 March 2023

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **TUESDAY 14 MARCH 2023 at 7.00 pm.**

Yours faithfully

Tom Horwood  
Joint Chief Executive

**MEMBERS OF THE COMMITTEE**

Chairman: Councillor David Goodwin  
Vice-Chairman: Councillor Catherine Young

Councillor Tim Anderson, Lead  
Councillor for Assets and Property  
The Mayor, Councillor Dennis Booth  
Councillor Gillian Harwood  
Councillor Jan Harwood  
Councillor Ted Mayne  
Councillor Ann McShee  
Councillor Bob McShee

The Deputy Mayor, Councillor Masuk  
Miah  
Councillor Marsha Moseley  
Councillor Maddy Redpath  
Councillor James Steel  
Councillor Fiona White  
Councillor Keith Witham

**QUORUM 5**

## **THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)**

### **Our Vision:**

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

### **Our Mission:**

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

### **Our Values:**

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

### **Our strategic priorities:**

#### Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

## Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

## Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

## **A G E N D A**

**1 APOLOGIES FOR ABSENCE**

**2 ELECTION OF CHAIRMAN**

**3 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

**4 MINUTES (Pages 7 - 10)**

To confirm the minutes of the meeting of the Licensing Committee held on 23 November 2023.

**5 ANNOUNCEMENTS**

To receive any announcements from the Chairman of the Committee.

**6 LICENSING COMMITTEE ITEMS**

6.1 **Licensing Committee Report - Licensing Annual Report**  
(Pages 11 - 26)

6.2 **Licensing Committee Report - Taxi Licensing Annual Report**  
(Pages 27 - 38)

6.3 **Licensing Committee Report - Purple Flag** (Pages 39 - 44)

**7 LICENSING COMMITTEE WORK PROGRAMME (Pages 45 - 50)**

**PLEASE CONTACT US TO REQUEST THIS DOCUMENT IN  
AN ALTERNATIVE FORMAT**

## LICENSING COMMITTEE

Councillor David Goodwin (Chairman)  
\* Councillor Catherine Young (Vice-Chair)

- |                                      |   |
|--------------------------------------|---|
| * Councillor Tim Anderson            | * The Deputy Mayor, Councillor Masuk Miah |
| * The Mayor, Councillor Dennis Booth | Councillor Marsha Moseley                 |
| * Councillor Gillian Harwood         | * Councillor Maddy Redpath                |
| Councillor Jan Harwood               | Councillor James Steel                    |
| * Councillor Ted Mayne               | * Councillor Fiona White                  |
| * Councillor Ann McShee              | * Councillor Keith Witham                 |
| * Councillor Bob McShee              |   |

\*Present

### L1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors David Goodwin and Marsha Moseley.

### L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest.

### L3 MINUTES

The minutes of the Licensing Committee held on 28 September 2022 were approved and signed by the Chairman.

### L4 ANNOUNCEMENTS

The Chairperson, Councillor Young wished to express her gratitude to Justine Fuller, Head of Environmental and Regulatory Services for all of her hard work as she was leaving at the end of the year and would be missed.

### L5 ANIMAL ACTIVITY LICENSING POLICY

The Committee received a report from the Senior Specialist for Licensing and Community Safety, Mike Smith. The Committee noted that on 1 October 2018 changes were made to the way in which animal boarding establishments, dog breeding establishments, pet shops and riding establishments were licensed. The Council therefore adopted a Policy on 29 May 2019 for the licensing of activities involving animals. The policy was recommended for review every three years and the Committee was therefore asked to review the updated policy. The updated policy included minor changes which were intended to allow the Council to achieve the RSPCA Gold Paw Print for Animal Licensing. The Committee was asked to recommend the policy for public consultation for a period of twelve weeks with the final policy to be approved by the Committee in early 2023.

The Committee discussed the policy and asked whether a licence was only required for dog breeders who bred litters more than three times a year. That was considered to be a lot of puppies. The Senior Specialist for Licensing and Community Safety, Mike Smith confirmed that a person did require a licence if they bred puppies three or more times a year or advertised a business to breed dogs.

The Committee also sought clarification on the scoring matrix which had a higher risk under the welfare standards for 1 and 2 stars which were the same and was that correct? The Senior

Specialist for Licensing and Community Safety, Mike Smith confirmed that the scoring matrix was set out in the guidance of the regulations. The licence duration was based upon the star rating and the star rating was governed by how compliant the business was.

The Committee having discussed the report;

RESOLVED to approve the draft Animal Welfare Licensing Policy for a 12-week public consultation.

## **L6 BEST BAR NONE UPDATE**

The Committee noted that it was receiving an update in relation to Best Bar None, not Purple Flag which had been listed incorrectly on the agenda.

The Committee received a verbal update from the Senior Specialist for Licensing and Community Safety, Mike Smith regarding Best Bar None. Following a two-year absence due to COVID. On 12 October 2022, delivered by Experience Guildford, the town centre's Business Improvement District, the nationally acclaimed awards celebrated best practice amongst the licensed trade, showcasing the hard work and commitment of Guildford's venues to create and run safe, responsible and inviting town centre evening economy businesses.

A total of 34 venues gained Best Bar None accreditation across nine key categories, covering national and independent operators across the bar, pub, restaurant, late night venue and entertainment sectors. Each venue was assessed and judged by an expert panel on their delivery of four set operational criteria to select individual category winners. The assessment criteria included: Prevention of crime and disorder, Public safety, Prevention of public nuisance and Protection of children from harm. The list of winners is detailed below:

**Best Bar Restaurant/Café Independent** – Tattam's (Presented by Nick Chinn, Guildford Inspector, Surrey Fire and Rescue)

**Best Restaurant National** – Turtle Bay (Presented by Councillor Maddy Redpath)

**Best Pub Independent** – The Guildford Tup (Presented by Luke Seymore Stonegate Area Manager)

**Best Pub National** – The Star (Presented by Sylvia Oates National BBN Co-Ordinator)

**Best Entertainment Venue** – G Live (Presented by Paul Bradford Hogs Back Brewery)

**Best Bar Independent** – The Jubilee Club (Presented by Ellie Versey-Thompson Deputy PCC)

**Best Bar National** – The Rodboro Buildings (Presented by Steph Austin Prima Cura Training)

**Best Late Night Venue Small** – Alley Bar (Presented by Ben Pitt Street Angels)

**Best Late Night Venue Large** – Casino (Presented by Alison Barlow Assistant Chief Constable Surrey Police)

**Outstanding Contribution to the Evening & Late Night Economy** – Ben Pitt @ Street Angels (Presented by Pete Lambert)

**Most Improved Venue** – Alley Bar (Presented by Dennis Booth Mayor)

**Overall Winner** – Casino (Presented by Jane Lyons) – this venue goes to represent the town in the national Annual Best Bar None Awards held at the House of Lords

The Committee commended the awards given to the premises who had worked hard to achieve Best Bar None status. The Committee also noted that Street Angels had created a much safer environment in Guildford Town through their patrols whom were now just supported by the Police. The Committee noted their gratitude to Experience Guildford for hosting the event.

**L7 LICENSING COMMITTEE WORK PROGRAMME**

The Committee noted its work programme and that they would receive an update with regard to Purple Flag at its meeting potentially in January 2023 which was subject to the Council being reaccredited for its Purple Flag status by the AGCM.

Street Trading and Collections Policy was due to be reviewed as part of its three-five year review cycle.

The Pavement Licensing Policy was reviewed in September 2022, as part of the Government's Levelling Up Bill, it was hoped this policy would become a permanent feature of the Council's responsibilities rather than Highways and further updates required then.

Hackney Carriage Policy - the Department for Transport had recently reviewed its Best Practice Guidance which when available would be incorporated into an updated policy for the Committee to review.

The meeting finished at 7.20 pm

Signed .....

Chairman

Date .....

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Licensing Committee Report

Ward(s) affected: All Wards

Report of the Joint Strategic Director for Place

Author: Mike Smith

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Lead Councillor responsible: James Steel

Tel: 07518 995615

Email: james.steel@guildford.gov.uk

Date: 14 March 2023

### Licensing Annual Update

#### Executive Summary

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.

This report seeks to provide the first of an 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.

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

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

#### Recommendation to Committee

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

#### Reason(s) for Recommendation:

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

**Is the report (or part of it) exempt from publication?**

No

**1. Purpose of Report**

- 1.1 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.

**2. Strategic Priorities**

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

- **Homes and jobs** – supporting local businesses by ensuring they are aware of and compliant with licensing legislation and ensuring the safety of employees in licensed establishments.
- **Environment** – ensuring the protection and promotion of the environment via the licensing process.
- **Community** – tackling inequality in communities by ensuring customers with a disability are able to use licensed establishments.

**3. Background**

- 3.1 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

- 3.2 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 undertakes the co-ordination and submission of the Council's Purple Flag award, attends a number of stakeholder groups such as JAG (including associated sub-groups), Safety Advisory Group, Business Crime Reduction Partnership, Guildford Pubwatch, Licensing Responsible Authority monthly meetings and manages the stray dog collection contract.

- 3.3 The current licensing resource, involved on a day-to-day basis with above legislation is as follows: 1 FTE Licensing and Community Safety Specialist, 1 FTE Licensing Compliance Officer; 1 FTE Animal Welfare Officer. From November 2021 to February 2023 an additional 1 FTE temporary Licensing Compliance Officer has been in post using Covid-catch up funding, however this funding has now ceased. Additionally, 3 FTE Case Workers, managed by the

Deputy Head of Customer Case and Parking are responsible for the administration of applications and other work for Regulatory Services, amongst other duties across the Customer Case and Parking Service area.

3.4 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.

3.5 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 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 who requires a licence has one
- maintaining the required statutory registers

3.6 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.

### 3.7 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 640 temporary events annually, 2,100 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 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 huge 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 – is a temporary provision introduced 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, which has been subsequently extended due to its success. The Council issues around 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 60 licensed animal establishments in the Borough.

### 3.8 Licensing Applications – Licensing Act 2003

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

#### 3.8.1 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	2020	2021	2022
Total number of new applications	27	28	27
Applications with no representations	23	24	21
Applications	2	4	4

granted at hearing			
Applications refused at hearing	1	0	0
Applications withdrawn	1	0	2
Appeals	0	0	0

### 3.8.2 Temporary Event Notices

The table below shows the number of Temporary Event Notices (TEN) for the period 2020 – 22. Understandably there was an impact on numbers for the years 2020 and 21 due to restrictions.

Number of Temporary Event Notices	2020	2021	2022
Total number of TENS	252	385	613
Number of late TENS	57	78	94
Number accepted	203	355	564
Objections/withdrawn	13	6	6
Counter Notices issued	13	0	0

### 3.8.3 Other Applications

Number of applications	2020	2021	2022
Transfers	33	21	24
Variations (full)	8	5	6
Variations (minor)	14	14	12
Variations to the Designated Premises Supervisor	66	72	138
Surrendered	10	8	15
Suspensions	36	2	0

### 3.8.4 Personal Licences

Number of applications	2020	2021	2022
New Personal Licence Applications	58	64	55
Change of Details	48	27	28

### 3.8.5 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.

Over the past 12 months there have been no reviews brought before the Licensing Committee. In fact there have not been any reviews for the past 7 years and this is testament to the proactive and partnership approach between Licensing officers, other responsible authorities and businesses.

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

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

Service Request type	2020	2021	2022
Animal Welfare Complaint	17	8	10
Animal Welfare Enquiry	14	17	17
Covid 19 Complaint	5	7	0
Covid 19 Enquiry	100	24	0
Dog Microchip Complaint	3	1	0
Gambling Complaint	1	0	0
Gambling Enquiry	5	3	3
House to House Complaint	0	0	0
House to House Enquiry	1	0	0
Licensing Act Complaint	74	99	165
Licensing Act Enquiry	84	114	123
Street Collection Complaint	2	4	3
Street Collection Enquiry	8	2	1
Street Trading Complaint	19	10	9
Street Trading Enquiry	25	28	24
Pavement Licence Complaint	2	10	5
Pavement Licence Enquiry	9	15	7
Unlicensed Establishment	17	17	17
Total Service	386	359	384

Requests			
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3.10 Current work

3.10.1 Coronavirus and Business Support

For the past three years the coronavirus pandemic followed by the cost-of-living crisis has had a dramatic impact on the events industry and hospitality sector.

For pubs, bars, and restaurants it has been a changing position; for a duration being able to operate subject to COVID secure measures and providing a table service only which later became alcohol only being served with a substantial table meal. Operators have needed to invest in their business for it to survive by installing screens to counters and tables, employment of additional staff, protective equipment, and enhanced cleaning regimes. This, set against a reduction in customer capacity, left some businesses with no other option but to remain closed.

The outdoor event industry was also severely impacted during 2020 and 2021 and many major events in Guildford did not take place, despite having started their preparations before the pandemic took hold. Similarly, several organisers who had submitted Temporary Event Notices for smaller scale events had to be contacted to revisit their plans or even cancel their events. The Safety Advisory Group has been instrumental in identifying events that cannot proceed due to COVID restrictions and providing the appropriate advice

During the covid re-opening and recovery period in 2020/21, Licensing officers joined with environmental health and police officers to carry out visits to licensed and non-licensed businesses to provide one to one advice on COVID safety measures. This piece of work was complemented between October 2020 and August 2021 by the employment of a team of dedicated COVID marshals for a temporary period, working under the direction of the Licensing specialist. The marshals provided a visible and reassuring on street presence within the town centre and outlying areas, engaging with the public and businesses ensuring compliance with guidance and restrictions. Overall, the visits have been well received by businesses and members of the public.

There have been significant legislative changes in 2021, mostly related to the restrictions placed on premises by the coronavirus pandemic. These include closure, restrictions to trading, and the requirement to serve food, social distancing, and restrictions on the numbers in groups. The legislation was passed with some urgency, which meant that both the trade and enforcement agencies had to adjust quickly to the changes.

Licensing, Environmental Health and the Surrey Police Licensing Team established regular dialogue on the implementation of the regulations. This in turn ensured that businesses were offered consistent advice and provided a joined-up response to enforcement and complaint referrals.

Licensing maintained liaison with the hospitality sector supporting virtual meetings with industry representatives and pubwatch. A newsletter via email and

social media has been a success. This has included information on grants, as well as changes to the COVID restrictions.

Legislation prevents the council from having the ability to discount or disregard annual licence fee payments, but wherever possible the section has delayed the collection of annual fees. As business reopened fully, most operators paid their annual fees, including those from the previous year.

### 3.10.2 Future Guildford Transformation

The past two 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 resulted in a reduction 1 FTE Licensing Officer.

Unfortunately, many of the ICT efficiencies identified by Future Guildford have yet to be realised and work continues to embed the proposed model.

### 3.10.3 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.

### 3.10.4 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 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.

Joint Action Group – The aim of the group is to reduce crime and disorder 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.

Purple Flag – the Licensing Specialist co-ordinates 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. 2023 will see Guildford be required to submit a full renewal application to retain the award for the 8<sup>th</sup> consecutive year.

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 represents Guildford and the Surrey 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.

### 3.11 Future Plans

#### 3.11.1 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 will keep people safe, enhancing our 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.

Licensing will be working with partner agencies and engaging with licensed businesses throughout this process.

#### 3.11.2 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.

#### 3.11.3 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.

#### 3.11.4 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.

### 3.11.5 Pavement Licensing

The success of the Pavement Licensing regime under the Business and Planning Act 2020 has meant that the government has committed to introducing new legislation from September 2023 for a new Pavement Licensing system, administered by district and boroughs.

### 3.11.6 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.

### 3.11.7 Stray Dog Service and Public Space Protection Order (PSPO)

The management of the Council's Stray Dog service contract also falls to Licensing. The Stray Dog Service has recently been called in for review by the Overview and Scrutiny Committee at the same time the Council is currently undertaking a joint procurement exercise with Waverley Borough Council for provision of the service.

The Council currently has one PSPO relating to dog fouling in the borough. This is due for review in December 2023 and with the recent media attention about professional dog walking following the tragic incident in nearby Caterham the Council is consulting with Surrey Police as to whether to extend the scope of the PSPO to consider this activity.

### 3.11.8 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 March 2025, which has prompted the Council to develop an alternative in-house solution that will work with the backend databases to find efficiencies.

## **4. Consultations**

- 4.1 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'.

- 4.2 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.

- 4.3 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.
- 4.4 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.
- 4.5 Furthermore Licensing respond to planning consultations which may affect licensed premises or the town centre generally.

## 5. Key Risks

- 5.1 The principle 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.
- 5.2 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.
- 5.3 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

## 6. Financial Implications

- 6.1 The Licensing service is unique compared to other teams within Environment and 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.
- 6.2 Aside from fees under the Licensing Act and Business and Planning Act which are set centrally, and under charitable collections for which no fee is payable, other fees are reviewed annually in order to recover costs.
- 6.3 The level of expenditure in providing the licensing service (not including taxes) is set out below:

<b>Cost Element</b>	<b>2021/22</b>	<b>2022/23</b>
Employee Related Expenditure	£147,848	£161,847
Supplies and Services	£30,290	£30,290
Support Services	£91,510	£74,570

including Legal Costs, Case Workers, HR, ICT, Finance		
Income	(£193,990)	(£199,890)
Service Cost	£75,658	£66,817

## 7. Legal Implications

- 7.1 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

## 8. Human Resource Implications

- 8.1 The legislative update can be managed from within the current resource and Licensing Committee are asked to note that a growth bid has been made to increase the licensing resource.

## 9. Equality and Diversity Implications

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 Licensing Policies and Licensing decisions all have regard to the Council's Equalities duties.

**10. Climate Change/Sustainability Implications**

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

**11. Summary of Options**

11.1 The report is presented to the Committee for information.

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

**12. Conclusion**

12.1 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.

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

**13. 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](#)

**14. Appendices**

None

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

<b>Service</b>	<b>Sign off date</b>
<i>Head of Service</i>	<i>23/02/2023</i>
<i>Director</i>	<i>03/03/2023</i>
<i>Finance / S.151 Officer</i>	<i>03/03/2023</i>
<i>Legal / Governance</i>	<i>01/03/2023</i>

<i>HR</i>	<i>03/03/2023</i>
<i>Equalities</i>	<i>03/03/2023</i>
<i>Lead Councillor</i>	<i>03/03/2023</i>
<i>CMT</i>	<i>03/03/2023</i>
<i>Committee Services</i>	<i>24/02/2023</i>

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Licensing Committee Report

Ward(s) affected: All Wards

Report of the Joint Strategic Director for Place

Author: Mike Smith

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Lead Councillor responsible: James Steel

Tel: 07518 995615

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Date: 14 March 2023

### **Taxi and Private Hire Licensing Annual Update**

#### **Executive Summary**

The Council in its role as the Licensing Authority for the taxi and private hire trades is responsible for administering and enforcing a number of pieces of legislation and guidance surrounding the Councils licensing and registration functions.

This report seeks to provide the first of an annual update on the on the licensing of Taxi and Private Hire drivers, vehicles and operators. A separate report will be presented for the other licensing areas.

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

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

#### **Recommendation to Committee**

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

#### Reason(s) for Recommendation:

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

#### **Is the report (or part of it) exempt from publication?**

No

**1. Purpose of Report**

- 1.1 The purpose of this report is to brief the Committee on Taxi and Private Hire Licensing activity updates with the intention that the report forms a basis for future annual updates.

**2. Strategic Priorities**

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

- **Homes and jobs** – supporting local businesses by ensuring they are aware of and compliant with licensing legislation and ensuring the safety of employees in licensed establishments.
- **Environment** – ensuring the protection and promotion of the environment via the licensing process.
- **Community** – tackling inequality in communities by ensuring customers with a disability are able to use licensed establishments.

**3. Background**

- 3.1 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

- 3.2 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 undertakes the co-ordination and submission of the Council's Purple Flag award, attends a number of stakeholder groups such as JAG (including associated sub-groups), Safety Advisory Group, Business Crime Reduction Partnership, Guildford Pubwatch, Licensing Responsible Authority monthly meetings and manages the stray dog collection contract.

- 3.3 The current licensing resource, involved on a day-to-day basis with above legislation is as follows: 1 FTE Licensing and Community Safety Specialist, 1 FTE Licensing Compliance Officer; 1 FTE Animal Welfare Officer. From November 2021 to February 2023 an additional 1 FTE temporary Licensing Compliance Officer has been in post using Covid-catch up funding, however this funding has now ceased. Additionally, 3 FTE Case Workers, managed by the Deputy Head of Customer Case and Parking are responsible for the administration of applications and other work for Regulatory Services, amongst other duties across the Customer Case and Parking Service area.

- 3.4 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.
- 3.5 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 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 who requires a licence has one
  - maintaining the required statutory registers
- 3.6 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.
- 3.7 The Council in its role as the Licensing Authority for the hackney carriage and private hire vehicle trades has a paramount obligation to ensure the safety of the public. The current Hackney Carriage and Private Hire Licensing Policy approved in April 2021, reflecting Guidance issued by the Department of Transport in July 2020, introduced positive changes to the licensing function reflecting this obligation.
- 3.8 Licensing Legislation

The Taxi and Private Hire trades are regulated under two principal pieces of law; The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. There are 5 different types of licence regulated:

- Hackney Carriage Vehicles – the teal-coloured liveried vehicles which can 'ply for hire' in the Borough.
- Private Hire Vehicles – or minicabs which must be pre-booked via a Private Hire Operator.
- Hackney Carriage Drivers – drivers entitled to drive a hackney carriage or private hire vehicle.
- Private Hire Drivers – drivers entitled to drive a private hire vehicle only

- Private Hire Operators – a licence to make provision for inviting and accepting bookings for private hire vehicle journeys.

### 3.9 Taxi and Private Hire Applications

The Taxi and Private Hire Licensing function takes up the significant portion of staff and Councillors sitting on the Licensing Committee's time.

This table shows the number of new and renewal applications for the past 3 years. Whilst the covid pandemic has undoubtedly affected the trade with a number of drivers leaving to search for other opportunities due to the downturn, Guildford has somewhat bucked the national trend of driver shortages by having more new drivers over the period.

Number of applications	2020	2021	2022
New HCD	1	57	107
Renew HCD	44	60	69
Convert from PHD to HCD	5	46	32
New PHD	9	16	21
Renew PHD	71	48	46
New HCV	5	10	14
Renew HCV	128	110	115
New PHV	11	28	45
Renew PHV	204	159	140
New PHO	1	3	5
Renew PHO	0	13	12
Total new/renewal applications	479	550	606

#### Other Applications

Number of applications	2020	2021	2022
Driver Revocation	1	0	1
Driver Surrendered	2	3	1
Driver Suspension	13	14	13
Vehicle Revocation	0	0	0
Vehicle Surrendered	31	21	7
Vehicle Suspension	28	20	20
Vehicle Change	7	9	8
Vehicle Transfer	10	14	10
Replacement PHV Signage	27	36	36
PHV Plate Exemption	35	23	20
Operator Revocation	0	0	0
Operator Surrendered	2	2	2

Cases considered by the Licensing and Regulatory Sub-Committee

The Licensing and Regulatory Sub-Committee hears a number of matters relating to new and existing licence holders, mainly determinations as to whether an applicant or current driver is a 'fit and proper person'. There was reduced activity in 2020 and 2021 likely due to restrictions affecting the trade, whereas 2022 has seen 13 referrals to the Sub-Committee, caused by an increase in new applications.

Number of Sub-Committee Decisions	2020	2021	2022
New Driver	0	0	9
Existing Driver	3	0	3
Vehicle	0	0	1
Operator	0	0	0
Appeals	3	0	1

3.9 Licensing Service Requests (taxi related)

In total, 291 complaints were made to the council about the taxi and private hire trade in 2022. The number of complaints is higher than the previous two years, which is not surprising, given the reopening of the day and night-time economy.

Complaints reported to the council relate to driver conduct, licence breaches and possible traffic offences. In most of these cases licensed drivers are given verbal or written warnings, a record of which is placed on their licensing file. If a driver continues to receive complaints, they may be referred to the Licensing Committee.

Each complaint is dealt with on its own merits. Many complaints relate to the key aspect of the licensing scheme, namely the safety and comfort of the travelling public. Many relate to whether the driver is honest, reliable, and trustworthy i.e., 'fit and proper' to hold a licence.

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

Service Request type	2020	2021	2022
Taxi/PH Complaint	63	43	133
Taxi/PH Enquiry	85	107	132
Accident report	15	17	26
Total Taxi/PH Service Requests	163	167	291

3.10 Current work

3.10.1 Coronavirus and Business Support

For the past three years the coronavirus pandemic followed by the cost-of-living crisis has had a dramatic impact on the taxi and private hire sector.

Whilst taxi and private hire vehicles were not legally obliged to stop working as they provide an essential transport service, as other sectors closed they experienced a considerable downturn in demand. As the economy began to re-open, the taxi sector had to adjust by taking precautionary measures, such as ensuring customers wore a face covering, with some drivers installing protective screens.

There were significant legislative changes in 2021, mostly related to the restrictions placed on premises by the coronavirus pandemic. These include closure, restrictions to trading, and the requirement to serve food, social distancing, and restrictions on the numbers in groups. The legislation was passed with some urgency, which meant that both the trade and enforcement agencies had to adjust quickly to the changes.

Licensing, Environmental Health and the Surrey Police Licensing Team established regular dialogue on the implementation of the regulations. This in turn ensured that businesses were offered consistent advice and provided a joined-up response to enforcement and complaint referrals.

Licensing maintained liaison with the taxi sector supporting with a regular newsletter via email and social media which has been a success. This has included information on grants, as well as changes to the COVID restrictions.

Wherever possible the section provided support to the trade throughout the Covid restrictions, for example by treating applications pragmatically.

### 3.10.2 Future Guildford Transformation

The past two 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 resulted in a reduction 1 FTE Licensing Officer.

Unfortunately, many of the ICT efficiencies identified by Future Guildford have yet to be realised and work continues to embed the proposed model.

### 3.10.3 Enforcement

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 aim of taxi and private hire licensing is to protect the public with proactive enforcement work, rather than reacting to complaints, seen as being key to this aim.

#### 3.10.4 Taxi Policy Review and Implementation

Following publication of the Statutory Taxi and Private Hire Standards in July 2020, the Council's Licensing Policy was reviewed and an updated version approved following consultation in April 2021.

The Policy included a number of updates including a requirement for all vehicles to be fitted with approved CCTV by April 2023 and requiring that all drivers sign up to the DBS update service.

Since approval, officers have undertaken procurement for CCTV suppliers and a new DBS provider and work continues to implement these measures.

#### 3.10.5 Taxi Legislation Update

2022 also saw the enactment of two new pieces of Taxi Legislation:

The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which placed a duty on Local Authorities to report and act up certain road safety concerns and The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which enhanced the protections available to customers with a disability. A full update on these laws was provided to Licensing Committee on 20 July 2022.

#### 3.10.6 Best Practice Consultation

In March 2022 the Department for Transport issued a draft version of its Taxi and Private Hire Licensing, Best Practice Guidance for consultation. Officers have disseminated this information to the trade for comment, together with providing a consultation response which was shared with Licensing Committee members at the time.

#### 3.10.7 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 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.

Joint Action Group – The aim of the group is to reduce crime and disorder 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.

Purple Flag – the Licensing Specialist co-ordinates 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. 2023 will see Guildford be required to submit a full renewal application to retain the award for the 8<sup>th</sup> consecutive year.

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 represents Guildford and the Surrey 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.

### 3.11 Future Plans

#### 3.11.1 Taxi Policy



Significant work is still taking place to implement the previously approved CCTV Policy, which will drastically alter the way in which certain complaints may be investigated. This has also required Officers to work with the providers to both encourage uptake and have systems in place to access data.

Work is also taking place to update the Council's Vehicle Licence Plates to a more efficient and sustainable option.

The Taxi Knowledge Test is also scheduled for review, with Officers wishing this to be completed on IT 'in house' to ensure the integrity of the process.

The current policy will be reviewed again when the updated 'Best Practice' Guidance is published by the Department for Transport, and it will also be interesting to see how the proposals affecting taxis in the Levelling Up White Paper progress, as well as the Governments previous commitments to national minimum standards and enforcement powers.

### 3.11.2 Licence Fees

Licence fees were last reviewed in late 2022 and a further review will take place.

### 3.11.3 Hackney Carriage Fares

The annual review of taxi fares is scheduled to take place between April and June. This will involve a survey to the trade of running cost prior to following the approved methodology.

### 3.11.4 Online Applications

Licensed vehicles are one of the few applications which are available online and it is the long term intention to provide all applications online to improve efficiency and customer access to the service.

## 4. **Consultations**

- 4.1 The taxi and private hire trade are always consulted upon decisions which affect their industry. Furthermore a regular newsletter highlighting local and national issues is produced, and trade forums also regularly take place.

## 5. **Key Risks**

- 5.1 The principle 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.
- 5.2 Furthermore matters must often be dealt with within strict timescales with a clear separation of duties between the officer investigating a complaint and the officer

making a licensing decision, with a view to avoiding corporate risk or more importantly protecting the public.

- 5.3 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.

## 6. Financial Implications

- 6.1 The Licensing service is unique compared to other teams within Environment and 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.
- 6.2 Taxi and Private Hire Licensing fees are reviewed annually in order to recover costs.
- 6.3 The level of expenditure in providing the taxi licensing service is set out below:

<b>Cost Element</b>	<b>2021/22</b>	<b>2022/23</b>
Employee Related Expenditure	£53,568	£56,866
Supplies and Services	£20,350	£20,240
Support Services including Legal Costs, Case Workers, HR, ICT, Finance	£64,420	£68,621
Income	(£127, 751)	(£128,523)
Service Cost	£10,587	£17,204

## 7. Legal Implications

- 7.1 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

## 8. Human Resource Implications

- 8.1 The legislative update can be managed from within the current resource and Licensing Committee are asked to note that a growth bid has been made to increase the licensing resource.

## **9. Equality and Diversity Implications**

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 Licensing Policies and Licensing decisions all have regard to the Council's Equalities duties.

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

- 10.1 The Council's Taxi Licensing Policy is drafted recognising that the Council has declared a climate change emergency.

## **11. Summary of Options**

- 11.1 The report is presented to the Committee for information.
- 11.2 As the Annual Report is presented for information only there are no further options available to Council as no further action is necessary.

## **12. Conclusion**

- 12.1 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, enforcement action including suspensions and revocations, and future work planned by the licensing area.
- 12.2 This information enables Members to be informed and to aid decision making in the future.

**13. Background Papers**

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

[Local Government Association – Councillor Handbook: Taxi and PHV Licensing](#)

[Department for Transport – Statutory Taxi and PHV Standards](#)

[Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance](#)

**14. Appendices**

None

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

<b>Service</b>	<b>Sign off date</b>
<i>Head of Service</i>	<i>23/02/2023</i>
<i>Director</i>	<i>03/03/2023</i>
<i>Finance / S.151 Officer</i>	<i>03/03/2023</i>
<i>Legal / Governance</i>	<i>01/03/2023</i>
<i>HR</i>	<i>03/03/2023</i>
<i>Equalities</i>	<i>03/03/2023</i>
<i>Lead Councillor</i>	<i>03/03/2023</i>
<i>CMT</i>	<i>03/03/2023</i>
<i>Committee Services</i>	<i>24/02/2023</i>

Licensing Committee Report

Ward(s) affected: All Wards

Report of the Joint Strategic Director for Place

Author: Mike Smith

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Lead Councillor responsible: James Steel

Tel: 07518 995615

Email: james.steel@guildford.gov.uk

Date: 14 March 2023

### **Guildford Purple Flag Accreditation**

#### **Executive Summary**

The Purple Flag is an award celebrating safety, diversity and partnership working to create a vibrant well managed night-time economy.

Guildford initially received this accreditation in 2015 and has worked hard in partnership with stakeholders to successfully retain its Purple Flag status for an 8<sup>th</sup> consecutive year.

This report seeks to provide an overview of this work to the licensing committee and an update on the current position. Previously this has been provided as a verbal update.

#### **Recommendation to Committee**

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

#### Reason(s) for Recommendation:

To ensure the Committee is briefed on the Council's involvement in Purple Flag to the benefit of the Borough.

#### **Is the report (or part of it) exempt from publication?**

No

#### **1. Purpose of Report**

1.1 The purpose of this report is to brief the Committee on the Guildford Purple Flag Award.

#### **2. Strategic Priorities**

The Purple Flag contributes to our fundamental themes as follows:

- **Homes and jobs** – reviving Guildford town centre through retention of an internationally recognised award making Guildford a great choice for a night out; and encouraging investment in Guildford through the award and supporting local businesses by involving them in the accreditation process.
- **Environment** – ensuring the protection and promotion of the environment via the Purple Flag process which includes waste disposal, transportation, car parking, lighting and cleanliness.
- **Community** – working with partners to create strong and safe communities that come together to support the night-time economy.

### **3. Background**

- 3.1 The Purple Flag programme was developed following the Civic Trust's "Night Vision" report in 2006 and is now managed by the Association of Town & City Management. Purple Flag is an accreditation process similar to Green Flag Award for parks and Blue Flag for beaches.
- 3.2 Towns and cities which adopt a comprehensive set of standards, management processes and good practice examples designed to help transform town and city centres at night may apply for Purple Flag status to demonstrate and promote their standards of excellence in managing the evening and night-time economy.
- 3.3 Guildford originally received Purple Flag accreditation in 2015 and has maintained the award annually ever since, with assessors recognising Guildford for providing evenings and nights out that are safe, vibrant and varied. Guildford remains the only town in the county and one of around 70 in the UK to hold the award. This has considerable benefits to many Council services in the Council, town centre businesses and the wider community.
- 3.4 The Guildford Town Purple Flag Partnership Group (GTPFP) is led by Guildford Borough Council and Experience Guildford (the town's Business Improvement District), includes a broad range of town and county organisations including Surrey Police, the Safer Guildford Partnership, Street Angels and Guildford Pubwatch.
- 3.5 There are very clear links between the Purple Flag and the aims of the Councils Corporate Plan. The award covers categories examining the wider areas of wellbeing, movement, appeal, place and policy; with the application having to demonstrate Guildford's commitment to managing these aspects of the night-time economy.
- 3.6 Purple Flag is awarded to each destination annually, alternating between a full application and assessment followed by an interim application.

### **4. Consultations**

- 4.1 The Guildford Town Purple Flag Partnership Group (GTPFP) is a strong coalition of stakeholders who work together and link with others to improve outcomes in the night-time economy.

- 4.2 In 2018 and 2019 a comprehensive Purple Flag specific perception study was conducted in partnership with Experience Guildford which examined how safe respondents felt on a night out in Guildford, together with collecting other relevant data about perceptions of the night-time economy
- 4.3 The study was adjusted for 2021 to find out how residents and visitors felt about returning to the town centre as restrictions were easing, including perceptions of safety. This would in turn enable us to bring residents and visitors back to enjoy and support our hospitality, leisure and retail businesses safely. The survey was open April 1 until end of May 2021 (Government restrictions were starting to lift for non-essential retail from mid-April) survey had 482 responses.
- 4.4 Guildford is proud that despite the uncertainty caused by the pandemic 84% of responders stated they felt safe in Guildford town centre.
- 4.5 The perception study identified nearly 30% of respondents had heard of the Purple Flag which is a slight decrease on the previous survey. The communications toolkit will be continued to be utilised to increase this to the target of 50%.
- 4.6 The perception study is planned to be repeated for Guildford's full renewal in 2023.

## **5. Key Risks**

- 5.1 The co-ordination of the night-time economy through the Purple Flag Award results in high safety standards and a positive partnership approach towards achieving this aim in Guildford. This in turn helps demonstrate the Council's corporate aims of supporting both stakeholders and businesses in this important sector.
- 5.2 The work to retain the Purple Flag Award is principally carried out by the Senior Specialist for Licensing and Community Safety.

## **6. Financial Implications**

- 6.1 There is are no financial implications to the Purple Flag update.

## **7. Legal Implications**

- 7.1 Under the Licensing Act 2003, the Council has a statutory duty to promote the Licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm). The Purple Flag Award helps contribute to this aim.

## **8. Human Resource Implications**

- 8.1 The Purple Flag update report can be managed from within the current resource.
- 8.2 Officers leading the Purple Flag are well connected to bodies such as the Local Government Association, Institute of Licensing and the ATCM. These specialist

networks give the individuals and the Purple Flag group as a whole access to highly experienced professionals who can provide support when required.

## **9. Equality and Diversity Implications**

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 The Purple Flag is an award celebrating diversity and safety for all in the night time economy and retaining this award helps contribute to the Equality aim.

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

- 10.1 A number of sustainability initiatives, including public transport and cleanliness are assessed under Purple Flag criteria.

## **11. Summary of Options**

- 11.1 The annual Purple Flag report is presented to the Committee for information.
- 11.2 As the Annual Report is presented for information only there are no further options available to Council as no further action is necessary.

## **12. Conclusion**

- 12.1 It is good practice to provide an overview of information to Committee members, which will thus enable Members to be informed about the Council's Purple Flag status.
- 12.2 This information enables Members to be informed and to aid decision making in the future.

## **13. Background Papers**

[Local Government Association; Approaches to managing the night-time economy](#)



[ATCM – Purple Flag](#)

**14. Appendices**

None

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

<b>Service</b>	<b>Sign off date</b>
<i>Head of Service</i>	<i>23/02/2023</i>
<i>Director</i>	<i>03/03/2023</i>
<i>Finance / S.151 Officer</i>	<i>03/03/2023</i>
<i>Legal / Governance</i>	<i>01/03/2023</i>
<i>HR</i>	<i>03/03/2023</i>
<i>Equalities</i>	<i>03/03/2023</i>
<i>Lead Councillor</i>	<i>03/03/2023</i>
<i>CMT</i>	<i>03/03/2023</i>
<i>Committee Services</i>	<i>24/02/2023</i>

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Licensing Committee Report

Report of Dawn Hudd, Joint Strategic Director, Place

Author: Mike Smith, Senior Specialist for Licensing and Community Safety  
/Sophie Butcher, Democratic Services Officer

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Email: mike.smith@guildford.gov.uk/sophie.butcher@guildford.gov.uk

Date: Tuesday 14 March 2023

## Licensing Committee work programme: 2023-24

### Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2023-24 municipal year.

Reason for Recommendation:

To ensure that the Licensing Committee has an opportunity to review its work programme.

### 1. Purpose of Report

- 1.1 The work programme is presented to enable necessary changes to be made and to provide updated information on items for future meetings. Appendix 1 to this report sets out the Committee's work programme to date, including any items currently unscheduled.

### 2. Financial Implications

- 2.1 There are no specific financial implications arising from this report.

### 3. Human Resource Implications

- 3.1 There are no specific human resources implications arising from this report.

### 4. Legal Implications

- 4.1 There are no specific legal implications arising from this report.

### 5. Background papers

None

### 6. Appendices

Appendix 1: Licensing Committee - Draft Work Programme: 2023-24

**Licensing Committee**  
**Draft Work Programme 2023-24**

<b>March 2023</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Licensing Annual Report	The Committee to note the Licensing Annual Report	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Taxi Licensing Annual Report	The Committee to note the Taxi Licensing Annual Report	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Purple Flag 2022	The Committee to note the Purple Flag Update	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387

<b>July 2023</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
N/A		Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387

<b>September 2023</b>		
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<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>

<b>November 2023</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Animal Activities Licensing Policy	The Committee to review the Animal Activity Licensing Policy following public consultation.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387

<b>January 2024</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Licensing Annual Report	The Committee to note the Licensing Annual Report	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Taxi Licensing Annual Report	The Committee to note the Taxi Licensing Annual Report	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387

<b>March 2024</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Gambling Act 2005	The Committee to review the Gambling Act Statement of Principles in line with the statutory 3 year review period.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387

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<b>UNSCHEDULED ITEMS</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Best Bar None Update	The Committee to receive an update in relation to Best Bar None.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Street Trading Policy	The Committee to consider an updated draft Street Trading Policy and approve public consultation.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Charity Collections Policy	The Committee to consider an updated draft Charitable Collections Policy and approve public consultation.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Hackney Carriage and Private Hire Licensing Policy	The Committee to review the Hackney Carriage and Private Hire Licensing Policy following updates to the Department for Transport Best Practice Guidance	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Pavement Licensing Policy	The Committee to review the Pavement Licensing Policy following legislative changes under the Levelling Up Bill.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Hackney Carriage and Private Hire Licence Fees	The Committee to review the fees and charges for Hackney Carriage and Private Hire Licence fees	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Hackney Carriage Fares	The Committee to review the fares for Hackney Carriage journeys	Mike Smith, Senior Specialist for Licensing and Community Safety

**UNSCHEDULED ITEMS**

<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
		01483 444387
Purple Flag 2023	The Committee to note the Purple Flag Update	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387

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