

Licensing Committee Report

Ward(s) affected: All Wards

Report of the Joint Strategic Director for Place

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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 8th 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:

Cost Element	2021/22	2022/23
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

Service	Sign off date
<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>