

Committee: Statutory Licensing Committee

Date of meeting: 18th October 2021

Report Subject: Activities Report for 2020/21 and 2021/22
(Q1 and Q2)

Portfolio Holder: Statutory Licensing Committee

Report Submitted by: David Thomson, Service Manager-
Public Protection

Report Written by: Helen Jones, Senior Licensing Officer

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Statutory Licensing Committee
29.9.21	30.9.21							18/10/2021

1. Purpose of the Report

1.1 To update the Planning, Regulatory and General Licensing Committee on the work of the Licensing Team during the Covid pandemic period of April 2020 to March 2021 and April 2021 to September 2021 (quarter 1 and quarter 2).

2. Scope and Background

2.1 This report outlines the licensing work only of the Licensing Team for two periods - 1st April 2020 to 31st March 2021 and 1st April 2021 to 30th September 2021 (quarter 1 and quarter 2). Details of the activities completed during these periods are attached as **Appendix 1** although the format is slightly different to that which is normally presented to Members.

2.2 The appendix includes information on applications processed and Committee hearings, however it is presented as a full year for 2020/21 and the first two quarters of 2021/22 but not a breakdown of each quarter. The figures for previous years are

also included however figures for 2019/2020 are only available until quarter 3).

2.3 **Impact of COVID 19**

2.3.1 In order to continue to administer the statutory licensing functions during the global pandemic, staff and the licensed trade had to adapt quickly to changes in staffing and working practices.

2.3.2 This included:

Staffing and Duties

1. Officers being called upon to contact persons who were shielding and give advice and reassurance that their needs would be met, and to contact persons who had been in contact with a positive Covid case and give them advice.

2. Officers being required to provide comprehensive information of the licensed taxi trade and licensed premises trade to those teams who were heavily involved in the Covid response.

3. The Licensing Enforcement Officer being temporarily redeployed to support the Track, Trace and Protect (TTP) team and then further required to support Trading Standards Officers as part of the COVID enforcement and advice to business response.

4. A Licensing Officer being partially seconded to assist Business Support functions during this period and that post being backfilled with an Agency Officer. Two Licensing Officers also temporarily extended their working hours from part time to full time during this period.

5. Changes to the management of the team.

2.3.3 Working Practices:

1. Normal practice of submitting and processing licence applications via face to face contact was suspended at this time and applications could only be submitted during the pandemic

by email or online. This proved difficult for both staff and licensees as many licence holders did not possess email addresses or were not computer literate to be able to submit their application. The changes took some time to become fully operational but most licence holders now prefer to submit applications electronically and the process is smooth and efficient.

2. The Council's main cash desk, based in the Civic Centre, has been closed from March 2020 and has not re-opened, so the preferred method of payment is now by credit or debit card via the Council's paye.net system. Licensing staff have been using the system since approximately 2014 and use it on a regular basis. However, with the closure of the cash office and the inability for licence holders, the taxi trade in particular, to make cash payments, the majority of licence payments are now being taken by licensing officers by card on the telephone. This has increased workload for officers as a typical payment takes 15 to 20 minutes to process and update the relevant records. Whilst it is difficult to make a comparison with previous years, licensing staff processed 428 payments in 2020/21 and 302 in 2021/22.

4. Staff have for a period of time, had limited access to equipment and buildings causing some processes to be temporarily put on hold.

5. New systems such as the implementation of the electronic mail system brought challenges in respect of time sensitive correspondence and new communication methods between Officers has been challenging at times. Lack of face to face contact and the inability to attend an office base was inevitably a difficult period of the Team.

Due to the forthcoming closure of the Civic Centre, Public Protection staff have now vacated the building and all members of staff are contracted as 'Agile' workers. The Licensing Team has however been allocated a base in Anvil Court, Abertillery, in order that they can attend the office on a regular basis to print licences, taxi licence plates, driver licence badges and other items which cannot be processed and sent electronically.

Despite the significant challenges, staff have adapted and adjusted well to the new way of working, creating new filing and recording systems while dealing with their own mental health issues, supporting their families and finding a new work life balance.

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2.3.5 Despite the significant challenges, staff have adapted and adjusted well to the new way of working, creating new filing and recording systems while dealing with their own mental health issues, supporting their families and finding a new work life balance.

3. **Operational Report**

3. **Alcohol and Entertainment**

3.1 2020/21 – 51 applications were received this year in accordance with the Licensing Act 2003. Applications included new premises licence, minor variations, transfer of licences and vary the designated premises supervisor (DPS). 16 temporary event notices (TENs) and 21 personal licence applications were received.

3.2 2021/22 - 28 applications were received this year in accordance with the Licensing Act 2003. Applications included new premises licence, transfer licences and vary the DPS. 10 TENs and 16 personal licence applications were received.

3.3 In 2021/22, applications for the transfer the premises licence and vary the DPS were received in respect of a premises licence. Representations were received from Gwent Police and the application was referred to the Statutory Licensing Sub-Committee for determination. The committee considered representations made by all parties and decided to grant the applications.

- 3.4 An application for a new premises licence was received and representations were received from interested parties and the application was referred to the Statutory Licensing Sub-Committee for determination. The committee considered representations made by all parties and decided to grant the application with modifications made to the original application.
- 3.5 One complaint was received in respect of an off licensed premises and the matter was referred to Gwent Police due to the nature of the complaint. No further action was taken although advice was given to the licence holder.
- 3.6 In 2021/22, five complaints were received in respect of noise emanating from licensed premises, one included anti-social behaviour. Joint visits with the Licensing Enforcement officer Gwent Police and Environmental Health officers have been made to four of the premises and ongoing monitoring measures are in place. One premises is subject to a noise abatement notice.
- 3.7 Allegations of underage sales at one on licensed premises and one off licensed premises were received in 2021/22. Joint visits were made to each premises and following investigations, it was agreed that no further action was required.
- 3.8 A test purchasing exercise was carried out in 2021/22 using an 18 year old volunteer to test ID systems and gather intelligence of failures. 10 premises were visited and 8 sales were made with no challenge to the volunteer. Appropriate authorisations are now being considered to take forward under-age sale test purchases where appropriate and this will be reported to the Committee in due course.

4. **Gambling, Gaming and Lotteries**

- 4.1 No applications were received in respect of gambling premises licences however, most annual fees requested have been paid and are up to date. One annual fee remains outstanding due to ongoing enquiries. Three small society lottery registration applications were received in 2020/21 and all annual fees are up to date. One application for a gaming machines were issued to public houses in each period . No complaints were received.

5. **Inspection and Enforcement Activities**

5.1 During both 2020/21 and the first half of 2021/22, no compliance or enforcement checks were carried out in respect of the Licensing Act 2003 or the Gambling Act 2005 as officers were restricted in doing face to face visits due to the Covid 19 pandemic.

5.2 No multi-agency operations were carried out in 2020/21, for the same reasons, however officers continued to work very closely with Gwent Police Licensing Officers. Recently, some Licensing Act 2003 non-Covid related joint visits have commenced mainly following receipt of enquiries and/or complaints. Officers have also recently attended two active pub watch groups in the borough.

5.3 Few Licensing Act 2003 premises licences were suspended due to non-payment of annual fee in 2020/21 as many licensing authorities delayed requesting the fees due to premises being closed and unable to trade for various periods throughout the year. However, since the beginning of 2021/22, the Covid restrictions have continued to be relaxed and action has been taken in respect of a number of premises to successfully recover annual fees and some licences have also been suspended. To date, six licences and three club premises certificates remain suspended.

6. **Management Report**

6.1 **Policies**

6.2 The five Gwent Licensing Authorities have historically, and currently, maintained the same Licensing Act 2003 Statement of Licensing Policy, save for slight variations to account for relevant local information. As the Responsible Authorities named in the Act, e.g., Police, Fire Service, Health Authority etc. are the same organisations for all five licensing authorities; this decision was made for ease of procedures and practices. The Policy must be reviewed every five years

6.3 In the early part of the first quarter of 2021/22, the Blaenau Gwent policy was reviewed and consulted on in accordance with

the Act. In June 2021, the final draft version was reported to the Statutory Licensing Committee for approval and ratified by the Council in July. The new policy will take effect from 1st October 2021.

6.4 The Council's current Gambling Act 2005 Statement of Licensing Policy must be reviewed and published before 31st January 2022. As above, in respect of the Licensing Act 2003 policy, all five Gwent Licensing Authorities have a similar policy and procedures for review are similar, although the gambling policy must be reviewed every three years.

6.5 The gambling policy is currently in the consultation stage and the results of the consultation will be reported to this committee and the Council in due course.

7. **Fees**

7.1 Prior to the Covid pandemic, gambling licence fees were reviewed in the third quarter of 2019/20 with a view to reporting the proposals to the Committee in March 2020 and the review identified an increase in fees for 2020/21. However, the meeting was cancelled due to the national lockdown and a decision was later made not to increase any licence fees for 2020/21.

7.2 In January 2021, the fees were again reviewed and a potential increase for 2021/22 was calculated for consideration of full cost recovery. This was reported to the Committee in February 2021 but it was agreed that no increase would be made for 2021/22.

7.3 Before the end of 2021, all licence fees for 2022/23 will be reviewed, recalculated and subsequently reported to the relevant committee in due course.

7.4 Licensing Act 2003 related licence fees are reviewed nationally by the UK government, no known amendment to these fees are planned at present.

8. **Complaints**

8.1 There have been no formal complaints about the work of the team in any period.

9. **Freedom of Information Requests (FOI)**

9.1 Two FOIs were received 2020/21 and two in 2021/22, all in relation to general information in respect of premises licensed in accordance with the Licensing Act 2003.

10. **Options for Recommendation**

10.1 **Option 1**

That the committee note and comment on the contents of this report, or;

Option 2

That the committee note the activity report.

11. **Evidence of how does this topic supports the achievement of the Corporate Plan/Statutory Responsibilities/Blaenau Gwent Well-being Plan**

11.1 This report relates to the statutory duties and responsibilities of the Authority.

Links to the Corporate Plan and the Well-being Plan are covered in any reports implementing or varying any area of work delivered by the Licensing Team. Whilst this report is predominantly for information, aspects link to the Corporate Plan specifically in relation to “Efficient Council”.

12. **Implications Against Each Option**

12.1 This report reflects work carried out by the Licensing team within existing resources, and there are therefore no financial implications.

12.2 The main risk to the Authority is reputational should efficient and effective licensing enforcement not be delivered.

12.3 This report relates to the statutory powers and responsibilities of the authority, and there are therefore no significant legal impact is identified.

12.4 This report reflects work carried out by the Licensing team within existing resources, and there are therefore no staffing/workforce implications .

7. **Supporting Evidence**

7.1 Details of the activities completed 2020/21 and the first half of 2021/22 are attached as **Appendix 1**.

8. **Monitoring Arrangements**

8.1 The Licensing team will continue to monitor workloads and report to future committees.

Background Documents /Electronic Links

- Appendix 1 – comparison table