

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee
Date: 14 September 2020
Reporting officer: Mark Lees, Regulatory Services Manager
Subject: Licensing support during the Covid-19 pandemic

Purpose and summary of report:

1. To update Members on how the council has supported licence holders during the pandemic and how compliance was/will be monitored.

Recommendations:

1. Members to note the content of the report.

1. Background

- 1.1 The COVID-19 pandemic forced a rapid rethink on all areas of life, not least of which on licence holders/business owners and those tasked with their regulation, who had to adapt quickly and decisively to new rules and restrictions, and a myriad of associated guidance documents, brought in without advance notice during lockdown.
- 1.2 Local authority licensing functions are, not only statutory, but essential to:
 - 1.2.1 Enable businesses and individuals to work within the law
 - 1.2.2 Promote the licencing objectives of each regime
 - 1.2.3 Support the economy and employment at a local and national level
- 1.3 Soon after lockdown, the Institute of Licensing (IoL) helpfully published the first version of its 'Protocol for Licence Applications and Hearings under the Licensing Act 2003 During the Covid-19 Pandemic', which was intended to

"...assist licensing authorities in complying with their obligations and duties under the Licensing Act 2003 during this emergency period. It takes into account the closure of premises (including most licensed premises), restrictions on freedom of movement and social distancing strictures set out in The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, The Coronavirus Act 2020 (in so far as it impacts on licensing proceedings), The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police

and Crime Panel Meetings) (England and Wales) Regulations 2020, and Government guidance.”

1.4 Within the protocol, it stated:

“It is recognised that during this emergency period local authorities and police, in particular, will be burdened with exceptional duties that go outside the usual realms of licensing. However, that is not a reason to bring the licensing system to a complete halt for the undoubtedly long period ahead of us until the pandemic is over. The backlog of applications and hearings that would arise if that course is taken would soon become unmanageable in the long-term and further damage the public interest.

“There is a significant public interest in ensuring that licensing processes can continue and enable new and current applications to be processed - and hearings convened - where necessary. Many operators in the licensed sector face an existential threat to their businesses. The resulting job losses will cause considerable damage to our national and local economies and to the lives of workers in the public and private sectors. To some degree, the continuation of the licensing processes may assist in mitigating some of this damage by ensuring that the necessary licences are able to be issued, or modified, where required.”

1.5 Whilst this extract refers to licensing under the Licensing Act 2003, the same ethos can be equally applied to taxi and private hire, and other, licensing regimes. It is acknowledged that taxi and private hire licensing falls outside of the remit of the Licensing Committee; however it is considered important to highlight the great, supportive work of the council in relation to this regime too, to provide a more full picture of the effort that has gone in to supporting all of our licence holders during the pandemic.

1.6 Despite the challenges of lockdown and a seemingly constant stream of change and uncertainty, the Licensing Team therefore had to adapt quickly in order to continue operating the council’s licensing functions within existing statutory timescales.

2. Practical impacts and operational changes

2.1 The following practical and pragmatic operational steps were introduced in order to maintain the licensing service and enable business and licence holders to continue functioning (where permissible) whilst adhering to Government advice/requirements, protecting staff and public health, and supporting customers:

2.1.1 Staff were set up to predominantly work from home on work-issued laptops with full access to all relevant systems.

2.1.2 Where staff were not present in the office, arrangements were out in place whereby incoming calls to the team were taken and managed by Customer Services so far as possible, with messages being taken and emailed to officers to respond to accordingly where necessary.

2.1.3 Staff attended the Civic Centre, generally on a twice weekly basis, to ensure that post continued to be collected, scanned, and distributed via email to relevant staff for processing remotely.

- 2.1.4 Taxi and private hire vehicle licence plates and driver badges necessarily stopped being printed. Temporary exemptions from displaying currently plates/badges were instead emailed alongside the paper part of the licences, and licence holders were asked to continue to display their old plates/badges and keep the exemption letter(s) with them at all times.
- 2.1.5 Where taxi and private hire applicants were unable to satisfy all renewal requirements due to COVID-19 measures outside of their control, temporary licences were issued to enable them to keep working until such time as they can be replaced with full licences.
- 2.1.6 Following consultation with the Leader and Chief Executive, existing taxi and private hire licence holders were given an option at the point of renewal to defer payment of renewal fees for 3 months (initially) and given temporary licences where this option was chosen. This deferral option was later extended for a further 3 months. No impact in annual income is envisaged as a result of this.
- 2.1.7 More online application forms with online payment facilities continued to be developed and published on the council's website to progress our overall digital offering, in support of Corporate Objective #3 – Progress, and facilitate more streamlined processes that can be progressed efficiently, and remotely.
- 2.1.8 All other applications continued to be processed as normal, but with all licence parts and documentation sent via email wherever possible.
- 2.1.9 Web content was provided and published on the Gravesham website, to keep licence holders abreast of relevant changes and signpost service users appropriately.
- 2.1.10 Remote meeting facilities (in terms of Licensing Panel Hearings) were set up and associated guidance was written to enable hearings to continue to take place in an effective, transparent and compliant manner.
- 2.2 With the exception of Temporary Event Notices, despite the temporary closure of licenced premises, the administrative day to day work of the Licensing Team did not reduce.
- 2.3 Staff were nevertheless able maintain their functions and continue to meet statutory timescales throughout lockdown.
- 2.4 Gravesham's licence holders are therefore highly unlikely to have observed any reduction in licensing service provided by the council during lockdown, which is a testament to the way in which officers adapted to maintain an excellent service provision.

3. Pavement Licensing

- 3.1 In addition to the vast array of operational changes necessarily implemented, the Government introduced a new, temporary, Pavement Licensing regime and associated changes to off-sales of alcohol, under the Business and Planning Act 2020, which took effect immediately upon receiving Royal Assent on 22 July; just 4 weeks after the Bill was introduced into the House of Commons.

- 3.2 The provisions were intended to assist and promote economic recovery and growth.
- 3.3 The work involved in preparing to implement a brand new licensing regime is significant, yet the council has been able, through the hard work and dedication of its officers, to put in place the necessary arrangements to facilitate this despite only having a matter of weeks to do so.
- 3.4 Further details in relation to this are contained in a separate report presented to this Committee on 14 September 2020 entitled, 'Pavement Licences and Off-Sales of Alcohol - Business and Planning Act 2020.'

4. Additional support

- 4.1 Routine food hygiene inspections were halted by the Food Standards Agency (FSA) during lockdown. The Commercial Team, within the Environmental Health service, who deal with this area of work, were therefore tasked with leading the council's compliance efforts relating to business closure requirements and have liaised with licenced premises as required to provide advice and guidance, and ensure compliance, throughout the pandemic. This work was also largely supported by other council staff, notably the Town Centre Manager.
- 4.2 The same officers are also primarily responsible for ensuring that workplaces, including licenced premises, are 'Covid-secure' upon reopening since this is essentially a matter of workplace health and safety which falls within their usual remit.
- 4.3 As part of this work, prior to restaurants, pubs, bars and takeaway services reopening on Saturday 4 July (dubbed 'Super Saturday'):
 - 4.3.1 On 25 June, an email was sent to all licenced premises, and other applicable businesses, to help them prepare for reopening by signposting them to the appropriate guidance and putting them in contact with the Commercial Team.
 - 4.3.2 Licensing and the Commercial Team teamed up to carry out a day of 'light touch' visits to licenced premises on 2 July to check compliance in readiness for reopening, and provide guidance and advice where required.
- 4.4 On 4 July, officers from the Licensing Team carried out joint visits with police during the day and, on the whole, premises were compliant and it was relatively quiet. Police continued their visits without council staff during the evening and night time economy periods and, again, did not encounter excessive issues.
- 4.5 In addition to these targeted visits, ad-hoc visits were carried out throughout lockdown in relation to assessing compliance with the matters referred to 3.1 and 3.2 as required, but generally on a re-active, intelligence-led and risk-rated basis after remote efforts have been exhausted (e.g. phone and video calls, emails, photographs, etc.), in accordance with Health and Safety Executive advice to protect the health and safety of our own employees and comply with Government guidance.
- 4.6 In addition to the practical support provided by officers, the council was responsible for administering the Government's grant for smaller businesses in Gravesham, which will have included a number of licenced premises. Although it

is not known how many of the businesses receiving grants were licenced, to give an idea of scale, the Council has distributed business grants totalling £14,525,000 to 1,187 businesses under the Government's business grant scheme. Under the discretionary grant scheme that the Council was administering, 75 grants have been awarded and paid totalling £674,000.

- 4.7 The supportive work of the council remains ongoing and, to date, officers have only had cause to serve one formal Health and Safety Improvement Notice on a licenced premises in relation to non-compliance.

5. Next steps

- 5.1 The Licensing Team are faced with a sizable tasks of:
- 5.1.1 issuing full licences to those currently issued with a temporary licence or missing an accompanying badge or plate;
 - 5.1.2 managing the collection of any deferred fees, and;
 - 5.1.3 satisfying any outstanding licence renewal requirements.
- 5.2 Whilst visits currently continue to be largely reactive and intelligence led, targeted and joined-up monitoring is/will be carried out where the need arises.
- 5.3 The Licensing Team will continue to maintain the high level of service provision expected of them in engaging with, and supporting, our licence holders whilst constantly endeavouring to find new and innovative ways to improve the service.
- 5.4 As food hygiene inspections gradually resume at licenced, and other food-based premises, inspecting officers will have the opportunity to monitor compliance with Covid-related requirements on a more frequent and ongoing basis.
- 5.5 Officers continue to maintain close working relationships with colleagues, both internally and externally, and will continue to work alongside them in a joined up way to ensure appropriate sharing of information and intervention.

6. Recommendations

- 6.1 That Members note the content of the report.

7. BACKGROUND PAPERS

- 7.1 None. Anyone wishing to inspect background papers should be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	The Coronavirus Act 2020 is the Government's main legislative change in response to the pandemic. Most of its provisions came into effect on 25 March 2020, but detailed further legislation in the form of statutory instruments, and government guidance (see Para 1.3) have been issued since that date and continue to be published.
Finance and Value for Money	The effects of the pandemic could result in a number of licenced businesses closing, resulting in a proportionate reduction in annual income through licensing fees.
Risk Assessment	<p>Additional burdens on staff arising from the pandemic will need to be continually reviewed in order to ensure they are balanced against statutory remits.</p> <p>'Catching up' on additional work arising as a result of operational changes could have a temporary adverse impact on usual levels of service, which would need to be adjusted accordingly, including in terms of managing expectations.</p> <p>The wellbeing of staff is paramount and has a direct impact on council services. This will need to continue be a primarily consideration at all stages.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? No</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk. N/A</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>

IMPLICATIONS		APPENDIX 1
Corporate Plan	Licensing links directly to Corporate Objective #1 People, and feeds into/supports Corporate Objective #3 Progress	
Crime and Disorder	Licensing regimes are, in part, designed to prevent crime and disorder. Ensuring that the licensing service is able to undertake its functions effectively is therefore crucial to this.	
Digital and website implications	Continued assistance is required from the IT and Digital to support the Licensing Services' ongoing digitation, as well for maintaining its existing online offerings.	
Safeguarding children and vulnerable adults	Licensing regimes are, in part, designed to safeguard children and vulnerable adults. Ensuring that the licensing service is able to undertake its functions effectively is therefore crucial to this.	