

MAIDSTONE BOROUGH COUNCIL

CABINET

WEDNESDAY 12 FEBRUARY 2014

**REPORT OF DIRECTOR OF REGENERATION AND
COMMUNITIES**

Report prepared by Christian Scade

1. LICENSING PEER CHALLENGE

1.1 Issue for Decision

1.1.1 For Cabinet to agree the actions to be progressed following the recommendations made by the Regulatory Peer Challenge Team (focused on licensing).

1.2 Recommendation of the Director of Regeneration and Communities

1.2.1 That the contents of the report of the Peer Challenge Team be noted (**Appendix A**).

1.2.2 That the action plan (**Appendix B**), outlining the proposed approach for taking forward the peer team's suggestions, be agreed.

1.2.3 That the actions to implement the recommendations form part of the relevant lead officers' service plans as appropriate.

1.3 Reasons for Recommendation

1.3.1 Along with councils across the country, Maidstone Borough Council is experiencing unprecedented budgetary pressures as demands for frontline services from residents and businesses continue to grow.

1.3.2 Earlier this year, the Council invited the Local Government Association (LGA) to undertake a review looking at opportunities and challenges for licensing.

1.4 The Peer Challenge Framework

1.4.1 In response to removal of much of the previous performance framework for local government, such as the Comprehensive Area Assessment (CAA), the LGA developed a framework of self regulation /

performance improvement called "Taking the Lead". The focus of the framework was for the local government sector to regulate and challenge its own performance.

1.4.2 A key part of this new framework is the opportunity for councils to have a peer challenge, facilitated by the LGA, whereby a team of elected members and senior officers from other councils come in and assess the performance of a council in a particular area of focus in line with the priorities, outcomes and ambitions that are important locally.

1.5 Background and Focus of the Council's Peer Challenge

1.5.1 The Council's licensing function has undergone a period of transition, since the creation of the Licensing Partnership with two other local authorities, (Sevenoaks and Tunbridge Wells), in 2011 and the council undergoing wider change due to the development of a new set of council priorities, a management restructure and budget reductions in 2012 and 2013.

1.5.2 The Council, therefore, agreed that the focus of the peer challenge should be to:

- Explore how licensing can more effectively support the council's priorities;
- Review the role and effectiveness of the licensing function, to include the roles of the Cabinet Member and Licensing Committees;
- Examine the future capacity of licensing in light of anticipated future funding reductions.

1.5.3 The Challenge Team was with the Council from 31 October – 1 November 2013 with the following team:

- Paul Adams, Service Manager (Public Protection & Economic Growth), Luton Borough Council
- Councillor William Nunn, Breckland District Council
- Neil Shaw, Programme Manager, Local Government Association
- Mike Short, Senior Adviser, Local Government Association

1.5.4 During the challenge the peer team reviewed council policies, performance and customer feedback and interviewed a wide range of people including officers, elected Members and key stakeholders – including business and advisory partners. Using the information

gathered the challenge team made a number of recommendations for improvement.

1.6 Feedback from the Peer Challenge Team

1.6.1 A copy of the full report of the peer challenge team is attached at **Appendix A**. This sets out achievements and strengths along with areas for consideration. For ease of reference, the findings are summarised below.

1.6.2 Better support for council priorities:

Strengths –

- existing operational initiatives and projects make a contribution to council and other agencies' priorities. For example:
 - Safer Socialising Award
 - Urban Blue initiative
 - Kent Community Alcohol Partnership
 - Working with fast food establishments to tackle excessive littering
 - Joint working with environmental health, community safety and police on operational activity

Areas for consideration –

- Members need to set clear licensing policy, with a strategic steer by the Cabinet (through a systemic review of all policies)
- Members need to have greater trust in licensing officers to undertake their delegated role
- A 'single conversation' between the appropriate portfolio holders from the three boroughs and the Licensing Partnership Manager

1.6.3 Improving the licensing function:

Strengths –

- function has emerged from the transition following the creation of the Licensing Partnership and is currently performing well
- feedback from partner agencies/business community praise the quality of the licensing service and commend frontline staff
- widespread agreement between senior members and officers of the need for future improvement

Areas for consideration –

- clarify line management responsibilities
- better support for the local economy by, for example, making it more straightforward to hold town centre events
- reviewing the delegations
- move to a single committee

1.6.4 Future capacity:

Strengths –

- £17,500 savings made by reappportioning partnership costs
- seeking to make more efficient use of existing wider resources by using non-licensing staff to undertake some visits to premises

Areas for consideration –

- potential to expand the partnership
- greater capacity and resilience if the current pool of licensing officers across the three boroughs can be used more flexibly
- reduce service standards in some areas

1.6.5 In addition, the peer challenge team suggests that if the Licensing Partnership is to make a transformational change rather than incremental improvement, greater capacity could be freed up if the three boroughs were prepared to harmonise their licensing policies and service standards. An additional step, highlighted in the report, might be the creation of a single strategic licensing board supported by the existing three operational licensing committees across the boroughs. A further, more radical suggestion is to consider the creation of a single licensing committee across all three boroughs.

1.7 Suggested Next Steps

1.7.1 The approach to following up on the recommendations made by the peer challenge team is outlined in the attached action plan (**Appendix B**).

1.7.2 The recommendations of the peer review have in the main been incorporated into the action plan. There are actions related to improving the efficiency and resilience within the Licensing Team and

shared service; together with an action to review current licensing policies to ensure they support the council’s key priorities; and an action to enable dialogue between the relevant Cabinet Members from each local authority to explore the potential for further alignment of policy and practice.

1.8 Alternative Action and why not Recommended

1.8.1 The Council could choose not to implement the recommendations in the report. However, this would lead to a number of improvements not being made.

1.9 Impact on Corporate Objectives

1.9.1 This relates to all three corporate priorities: For Maidstone to have a growing economy; For Maidstone to be a decent place to live; and Corporate and Customer Excellence.

1.10 Risk Management

1.10.1 Reviewing the current policies, delegated authorities and the move from two committees to one committee will be undertaken with advice from Legal Services, which will ensure that any new proposed amendments to the council’s policies and decision making structure and procedures will be compliant with the relevant legislation. Consultations may be required in some cases. This is to manage the risk arising from judicial review proceedings by interested parties.

1.10.2 Improving resilience to the service through greater integration between the three partners will only commence following consultation and approval from the relevant Committee and Cabinet Member, which will reduce the risk of implementing changes that detrimentally affect the service delivery. The risks to the council are considered to be of low likelihood of occurring and not of significant impact.

1.11 Other Implications

1.11.1

1.	Financial	X
2.	Staffing	X
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	

- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.11.2 Proposed changes to the decision making structure and policies will need to be checked to ensure that they accord with legislation and guidance. This will include ensuring that Licensing Committee, Cabinet and Full Council are involved appropriately according to statutory requirements.

1.11.3 Other implications, including financial and staffing, arising from the peer challenge will be identified and assessed as part of the implementation process for each recommendation.

1.12 Relevant Documents

1.12.1 Appendices

- Appendix A – Final Report
- Appendix B – Action Plan

1.13 Background Documents

None

IS THIS A KEY DECISION REPORT?

THIS BOX MUST BE COMPLETED

Yes

No

If yes, this is a Key Decision because:

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Wards/Parishes affected:

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