

Regulatory Services Peer Challenge

Maidstone Borough Council

November 2013

Report

Background and scope of the peer challenge

On behalf of the team, I would like to say how much we enjoyed spending time in Maidstone to work with you on the recent regulatory services peer challenge (focused on licensing). The team very much appreciated the welcome we received and honesty with which people engaged in the process and the support provided in the lead up to, and during the course of, the challenge.

It is testimony to the council's desire for constructive external insight that Maidstone commissioned the peer challenge. Peer challenges are managed and delivered by experienced elected member and officer peers. The peers who delivered the peer challenge were:

- 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

It is important to stress that this was not an inspection. Peer challenges are improvement-orientated and tailored to meet individual council's needs. The peers used their experience and knowledge to reflect on the evidence presented to them by people they met, things they saw and material that they read. The guiding issues identified for the peer challenge by the council were to:

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

Executive summary

The licensing function has undergone a period of transition, since the creation of the Licensing Partnership with two other local authorities in 2010. Following this transition the licensing function is performing well. It is exceeding its targets across a range of key performance indicators and feedback from partner agencies and the business community is very positive.

Maidstone is a town undergoing significant growth. The key driver for the future improvement of licensing should be economic development. Whilst this is a council priority, the licensing function needs to be more consistently geared to understanding how they can support the economy of Maidstone. A key step forward will be the ability of members to set clear licensing policy, with a strategic steer by the Cabinet. This is timely as Maidstone continues to grow and change as a town and as the majority of licensing policies have not been reviewed for some time. The review will enable members to stay in control of the policy framework and create space for officers to be able to implement licensing policy within increased delegated limits. The council can better support the local economy by making it more straightforward to hold town centres events. For example, removing the requirement for individual licenses for market stall holders for seasonal events.

The council's licensing function is small. There is therefore a limit to which any future savings can be made from this small resource base. There are a number of options to improve the use of the council's existing capacity. Many councils have moved to a single licensing committee. This may streamline decision-making and also free up some officer capacity.

There is clearly potential to expand the partnership to encompass other boroughs. There is a need for the portfolio holder to work with their other borough counterparts to build a consensus on the principle of exploring the expansion of the Licensing Partnership. This then needs to be supported by developing a business case for the expansion of the partnership which can be discussed by members.

The partnership can yield greater capacity and resilience if the current pool of licensing officers across the three boroughs can be used more flexibly. The council may also wish to consider reducing service standards in some areas to create additional capacity.

The longer term question for Maidstone is to what degree does it wish to transform its licensing function? 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 and consider the value of a more radical long-term move to the creation of a single licensing committee across the three boroughs.

Maidstone's licensing function is performing well, the challenge as public sector funding reduces further is how innovative the council wishes to be to maintain a good level of service to businesses and residents.

Detailed findings in the focus areas

Licensing providing better support for council priorities

The licensing function has undergone a period of transition, since the creation of the Licensing Partnership with two other local authorities in 2010 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. There is significant potential for the licensing function to make a bigger contribution to council priorities and this is recognised by a number of officers and partner agencies.

There are a number of operational initiatives and projects which licensing support which make a contribution to council and other agencies priorities, especially the priority about making Maidstone 'a decent place to live' and for example, the Kent Police & Crime Commissioner's Crime Plan. This includes:

- 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

The key driver for the future improvement of licensing should be economic development. Whilst this is a council priority, the licensing function (which includes the operational work undertaken by officers as well as the function and operation of the Licensing Committees) needs to be more consistently geared to understanding how they can support the economy of Maidstone.

The recent LGA corporate peer challenge is triggering the council to take a fresh look at its work on economic development. This creates opportunities for licensing to play a more involved role, for example, sitting on a town centre management group (or being more involved in collective discussions about the night time economy). A key step forward will be the ability of members to set clear licensing policy, with a strategic steer by the Cabinet. This is timely as Maidstone continues to grow and change as a town and as the majority of licensing policies have not been reviewed for some time. A review of licensing policy is required by January 2016. A systematic review of all licensing policy will ensure:

- members stay in control of the policy framework for licensing and provide clear leadership
- the linkages between licensing and economic development are explored and then consistently understood
- the space is created for officers to be able to implement licensing policy within increased delegated limits

This process could be supported by officers using informal development sessions with members (including members who have responsibility for licensing and economic development) to explore options for the shape of future policies. Members can then make clear decisions based on informed choice, on which policies to pursue. There is an

opportunity to support this development process using an LGA member peer mentor. Members need to have greater trust in licensing officers to undertake their delegated role within an updated policy framework. Officers have a high level of experience and ability and members need to trust officers to implement the agreed revised policies.

There is likely to be a benefit in the environment portfolio holder building a closer relationship across the three authorities in the licensing partnership at member level. A 'single conversation' between the appropriate portfolio holders from the three boroughs and the Licensing Partnership Manager (as occurred with the waste review) will ensure a clearer political steer on licensing issues.

Licensing enforcement activity is a significant point of contact with a large number of businesses in the borough and could do more to support local businesses, for example, taking ownership of issues businesses raise on topics such as business rates, regulatory issues, training etc.

Improving the licensing function

The licensing function has emerged from the transition following the creation of the Licensing Partnership and currently is performing well. It is exceeding its targets across a range of key performance indicators and its transactional work (processing licences, dealing with enforcement activity etc) is sound.

Feedback from representatives of partner agencies and the business community have praised the quality of the licensing services and commended the performance of frontline staff. The current Licensing Partnership Manager has provided good leadership in addressing the transition problems with the partnership. Working relationships with Kent Police, Trading Standards, Kent County Council, town centre management and Kent Fire and Rescue Service are very positive.

The council and its partners have identified licensing challenges around the night time economy. However, drink related crime for Maidstone is relatively low for a town attracting over 7,000 visitors on a Friday/Saturday night, with an average of 10 arrests per weekend.

There is widespread agreement between senior members and officers of the need for future improvement of licensing building on the current solid performance of the function. The quality of statutory training on licensing for elected members is good. The committees receive consistent and sound legal advice which the council accesses through Mid Kent Legal Services. This legal partnership also enables the licensing function to call on additional legal support should the circumstance arise.

However, the recent council restructure has left some middle managers not exactly clear where their line management responsibilities lie in relation to licensing. This should be relatively easy to tidy up and the council should clarify this as a priority. The council can better support the local economy by making it more straightforward to hold town centre events. For example, removing the requirement for individual licenses for market stall holders for seasonal events (and considering a modest single licence for the event), would be a simple way to be more enabling and support a more vibrant town centre.

Following the recent officer restructure there is now an opportunity to ensure licensing decisions are taken at the appropriate level (following the council's agreed powers of delegation). This will make more effective use of both member and officer time. There is an opportunity to expand the range of decisions that can be made at officer level to make better use of member time, enabling members to focus on more contentious issues in more depth.

Many councils have moved to a single licensing committee. This may streamline decision-making and also free up some officer capacity. If nothing else, it will simplify the process and may well yield an efficiency saving. The officer support for the two licensing committees is notable. Although the peer team were not able to identify the cost in the time available, this is likely to be significant. The council will benefit from costing the support for each meeting which is likely to identify options for reducing this cost. Members of the committee(s) need to ensure they are supporting the council's priorities particularly around economic development, community safety and public health. This ensures the business of the committee(s) are focused on enabling licenses in line with agreed council policies.

Future capacity

The creation of the Licensing Partnership has helped to manage the capacity of the licensing function and generated financial savings. This has been achieved by the cost reduction for the Head of Service post and identifying opportunities for a further £17,500 savings by reapportioning partnership costs between the three authorities.

The council's licensing function is small (around 2.5 FTE). There is therefore a limit to which any future savings can be made from this small resource base. The council is seeking to make more efficient use of existing wider resources by using non-licensing staff to undertake some visits to premises.

The council have already identified that moving onto online licensing applications will have a positive impact in terms of reducing duplication of data entry and freeing up administrative capacity. The council has plans to introduce the online facility for TENs, taxi applications and scrap metal dealers by the end of January 2014. The remaining applications will be added at a rate of 3 -4 per month following testing and the building of the payment integration component. Members should monitor this progress to ensure the online facility is delivered on this timescale and begins to lead to a better use of capacity.

There is clearly potential to expand the partnership to encompass other boroughs. Including authorities like Swale seems like a logical and rationale next step. Although this has been mooted there is a need for the portfolio holder to work with their Tunbridge Wells, Sevenoaks and Swale counterparts to build a consensus on the principle of exploring the expansion of the Licensing Partnership. This then needs to be supported by the Partnership Manager developing a business case for the expansion of the partnership which can be discussed by members. The business case should clearly identify the benefits likely to accrue from the expansion and how the risks will be managed learning the lessons from the creation of the partnership (and other partnerships established through the Mid Kent Improvement Partnership).

The partnership can yield greater capacity and resilience in the licensing function if the current pool of licensing officers across the three boroughs can be used more flexibly. The current lack of flexibility creates a lack of resilience. Using staff more flexibly in times of staff sickness, leave or other absence is important if the three authorities are to yield more benefits from the partnership. Pooling of staff would also enable the council to concentrate the partnership's resource on known problems, using an intelligence driven approach resulting in a likely bigger impact on focused campaigns. For example, this could mean targeting plying for hire activity in Maidstone town centre on one occasion and compliance with licensing act conditions in Sevenoaks on another occasion etc.

One option the council can consider to improve the use of its existing capacity is to reduce service standards in some areas. For example, reducing enforcement activity. This would create additional capacity to be redeployed within the licensing function. The peer team recognise that this can be a sensitive issue and is something the council should consider during the revising of its licensing policies.

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. This is likely to create a better experience for some service users who work across more than one borough, like private hire taxi firms. The harmonisation of licensing policies and service standards would make better use of officer time across the partnership. Although the three boroughs perceive themselves to be significantly different, it is likely that there is a consistent policy view and service standards on a large proportion of issues. The partnership should build on this position of strength.

An additional step might be the creation of a single strategic licensing board supported by the existing three operational licensing committees across the boroughs. This maintains the sovereignty of the three licensing committees.

A further more radical step would be the creation of a single licensing committee across the three boroughs. Anecdotally there is likely to be significant resistance to this, particularly from members. Future financial pressure might make this more of a necessity. Currently, this change is likely to create more disruption for relatively little perceived gain (and a perceived loss of local determination of licensing decisions). However, if more licensing policies are harmonised and partnership staff are used more flexibly, the case for a single licensing committee is likely to strengthen, making more efficient use of officer time.

Finally, we would like to thank colleagues and members at Maidstone, especially Angela Woodhouse and Christian Scade for their support in the lead up to the peer challenge and during the challenge itself. The council embraced the challenge positively and supported the process very well.

We have offered further peer support for members and/or officers to help the council in facilitating some of the further improvement identified in this report if that would be helpful. This would be aimed at building on the outcomes from the peer challenge and possibly in supporting members in their work to set/review the council's licensing policies. The council

is still in the process of determining the need or focus of any follow up support and we will explore this over the coming months.

How the peer challenge aims to add value

The LGA is keen to understand how peer challenge can add real benefits for the council. We will evaluate the peer challenge, but we are also keen to track the benefits the council have derived from the work. The benefits will be explored sometime after the peer challenge. However, the peer team have identified the following likely significant benefits from this peer challenge:

- **Providing reassurance on the performance of the licensing function** – the peer team has been able to assess the performance of the Licensing Partnership after its difficult transition over the last couple of years. The team identified that the function was performing well and this provides reassurance to the council.
- **Identifying thought provoking options for improving the long-term capacity of the function** – the team explored a number of options for the Partnership to expand and transform over the medium to longer-term. Some of these more radical options may not be palatable, but it is important to discuss the long-term vision and to emphasise the need to develop a coherent business case for any longer term improvements.
- **Improving the licensing governance structures and political leadership** – the team proposed the move to a single licensing committee and also for members to take a more visible and clear policy lead on licensing.