

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 COMMITTEE

4 AUGUST 2014

**REPORT OF DIRECTOR OF REGENERATION AND
COMMUNITIES**

Report prepared by John Littlemore

1. FUTURE ROLE OF THE LICENSING ACT 2003 COMMITTEE

1.1 Issue for Consideration

1.1.1 Following the review of the council's licensing function undertaken by the Local Government Association peer review; this report asks the Committee to consider recommending to Council reducing the number of Committees from two to one to enable a more efficient use of Member and officer resources and improved service to the public.

1.2 Recommendation of the Head of Housing and Community Services

1.2.1 The Licensing Act 2003 Committee recommends Council agrees to combine the Licensing Act 2003 Committee and the Licensing Committee into one functioning committee called the Licensing Committee.

1.2.2 The Licensing Act 2003 Committee recommends Council delegate all permitted licensing functions to the new Licensing Committee.

1.3 Reasons for Recommendation

1.3.1 In October 2013 the council invited the Local Government Association to conduct a peer review of the Licensing function in order 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.

1.3.2 The Peer Review Team was with the Council from 31 October – 1 November 2013 and during the challenge the 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 peer review team made a number of recommendations for improvement.

1.4 Feedback from the Peer Review Team

1.4.1 The report provided by the LGA was very complimentary of the Licensing function and the report set out a range of achievements and strengths along with areas for consideration. For ease of reference, the findings are summarised below.

1.4.2 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

1.4.3 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 (this has now been completed)
- 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

1.5 Next Steps

1.5.1 Following feedback from the Peer Review Team to an informal meeting of the relevant Cabinet Member and Members from both Licensing Committees, a report was presented to Cabinet on the 12 February 2014 that considered and agreed a list of recommendations made by the peer review team. The recommendations are outlined in the attached action plan (Appendix A).

1.5.2 An action plan has been developed to enable the peer review recommendations, where appropriate, to be delivered. The action plan provides a timetable for those policies that are either required e.g. a Hackney Carriage & Private Hire Policy, or will be reviewed e.g. the Gambling Act Policy. It is proposed that the delegated authorities relating to these policies are reviewed at the same time to enable a manageable process to update all such delegations. The only exception to this being the Street Trading Policy, as this can be dealt with at an earlier stage by the end of December 2014.

1.5.3 The main purpose of this report is to proceed with the next step to moving to one Licensing Committee by making recommendation to Council to reduce the number of committees from two to one and to delegate all permitted licensing functions to the proposed new Licensing Committee. This will create a new Licensing Committee of 10 – 15 seats which will then decide on further delegations from it to sub committees and officers. A report on that will be presented to the 18th September Committee so that there is no gap in the scheme of delegations in operation.

1.6 Alternative Action and why not Recommended

1.6.1 The Committee could choose not to recommend the proposals contained in the report. However, this would lead to a number of improvements not being made.

1.7 Impact on Corporate Objectives

1.7.1 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.

1.8 Risk Management

1.8.1 The proposed move from two committees to one committee and the review of delegated authorities will be undertaken with advice from Legal Services, which will ensure that any proposed amendments to the council's decision making structure and procedures will be compliant with the relevant legislation.

1.9 Other Implications

1.9.1

1. Financial	X
2. Staffing	
3. Legal	X
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.9.2 Financial

It is expected that combining the two committees into one will enable modest savings to be delivered through staff time being utilized more efficiently, savings in the reduction of printing and related resources. Only one Chairman will be required and their allowance will need to be

considered by the Joint Independent Remuneration Committee, which will then make a recommendation to Council.

1.9.3 Legal

There is no restriction in law to reducing from two committees to one. However, the statutory framework requires that the committee carrying out Licensing Act 2003 and Gambling Act 2005 functions should be constituted of at least 10 and no more than 15 members of the Council.

1.9.4 The Committee is required to deal with matters in relation to the various functions in accordance with statutory procedures. Policy approval will remain the function of Council together with certain statutory matters such as the adoption of a Late Night Levy or no casino resolutions.

1.10 Relevant Documents

1.10.1 Appendices

Appendix A. The action plan agreed by Cabinet 12 February 2014, updated to include current timetable

1.10.2 Background Documents

1.10.3 Cabinet report 12 February 2014 "Licensing Peer Challenge"

<u>IS THIS A KEY DECISION REPORT?</u>		<u>THIS BOX MUST BE COMPLETED</u>	
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If yes, this is a Key Decision because:			
.....			
Wards/Parishes affected:			
.....			

Appendix A

Action	Recommendation from Peer Review	Commentary on progress	Responsible Officer	Date for completion
Improve the functionality of the Maidstone Licensing Team	<p>Clarify the management lines of responsibility so that staff understand reporting lines and scope of roles</p> <p>Move the Licensing Team into the Community Safety Unit to provide better opportunity for integration with complementary services.</p> <p>Steps to ensure appropriate separation in cases where any conflict of interest may arise.</p>	<p>Completed. Meeting held with staff and arrangements clarified</p> <p>Completed. Staff now situated in the CSU.</p> <p>Protocol for potential conflict of interest completed</p>	<p>John Littlemore</p> <p>John Littlemore</p>	<p>Completed</p> <p>Completed</p>
Provide a more efficient decision making process (Officer)	Review the existing delegated powers and clarify the functions that are delegated to officers for decision and ensure policy documents and practice reflects this.	In progress. Report to Committee 18 September 2014 and as policies are reviewed.	John Littlemore	18 September 2014 and ongoing.
Provide a more efficient decision making process (Committee)	<p>Draft report to enable one Committee to perform the functions currently undertaken by the Licensing Committee and Licensing Committee 2003 and to delegate all permitted functions to that Committee.</p> <p>Draft report for Committee to delegate functions to sub committees.</p>	<p>Extra Ordinary meeting arranged for 4 August to make recommendation to Full Council 17 September for adoption</p>	As above	17 and 18 September 2014.
Provide greater resilience across the Licensing Partnership's three areas	Discussion with the three relevant Heads of Service from Maidstone, Tunbridge Wells and Sevenoaks Councils to identify the opportunities for better support to be provided to each other across the enforcement processes and to cover sickness, leave etc.	Work in progress. Item discussed at Partnership Board and agreement to enable greater support across the 3 Districts	John Littlemore	31 March 2015

	Recommendations to be provided to relevant CLTs.			
Explore the possibility for greater partner alignment in connection with licensing policies and procedures	Cabinet Members from each of the local authority partners to meet and discuss the appetite and capacity for aligning licensing policies.	Agreement for the Portfolio Holders from each District to meet regularly. First meeting held and next meeting to be arranged for the Autumn	Claire Perry	Before end October 2014
Review our Licensing Policies to ensure they support our key priorities wherever possible.	Review existing policies; Consult with the Licensing Committee/Cabinet Member; Make recommendations to the Committee/Cabinet Member/Council.. (NB different routes for different policies).	Review of policies completed. Taxi policy to be revised first in conjunction with the review of taxi ranks. Consultation on ranks with Taxi representatives completed; internal consultation in progress and due to complete end of July 2014; external consultation to take place in August. Sexual Entertainment License Policy – was only recently adopted. Licensing Act 2003 – review once progress of Private Member Bill to introduce a health requirement has progressed Other licensing policies – review a range of policy decisions and minor statutory requirements to bring into one consolidated policy (Currently these are held in various Committee report decisions as well as policy documents)	John Littlemore Lorraine Neale Lorraine Neale Lorraine Neale Lorraine Neale	Completed December 2015 Statutory requirement new LA03 policy by Jan 2016 and GA05 by Jan 2016 September 2015.