

# Licensing Committee

17 September 2019

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

## Licensing Partnership Update Report 2019

<b>Final Decision-Maker</b>	Licensing Committee
<b>Portfolio Holder</b>	Portfolio Holder for Sustainability
<b>Lead Director</b>	Paul Taylor – Director of Change and Communities
<b>Head of Service</b>	Gary Stevenson - Head of Housing, Health and Environment
<b>Lead Officer/Report Author</b>	Sharon Bamborough – Head of Licensing Partnership
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

**This report makes the following recommendations to the final decision-maker:**

1. For information only

**This report relates to the following Five Year Plan Key Objectives:**

- To ensure effective partnership working

### Timetable

<b>Meeting</b>	<b>Date</b>
Council	n/a
Other committees	n/a

# Licensing Partnership Update Report 2019

## 1. INTRODUCTION AND BACKGROUND

- 1.1 The Council is a member of the Licensing Partnership with Sevenoaks District Council, Maidstone Borough Council and London Borough of Bexley, which provides line management responsibilities to their respective licensing enforcement teams and an administration team at Sevenoaks to carry out the processing of licence applications, notices, permits and representations.
- 1.2 The Licensing Partnership has completed 9 years of working together, with London Borough of Bexley becoming a partner as of 31st October 2016.
- 1.3 This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that gives resilience and capacity to deal with the fluctuating demands on the service through the year.
- 1.4 This report is an annual update on the performance and activity of the Licensing Partnership.
- 1.5 In 2009 it was agreed that both the line management and administration of the Council's licensing processes would be undertaken in partnership with Maidstone Borough Council (MBC) and Tunbridge Wells Borough Council (TWBC). It was agreed that the administrative team processing licensing application would be based at the offices of Sevenoaks District Council (SDC) with Licensing Officers continuing to be based at each council.
- 1.6 Each Council retained responsibility for setting its licensing policies, compliance strategies and decision making at Sub and Full Licensing Committees. The Licensing Partnership Manager had line management responsibility for the operation of the administration team and the Licensing Officers of the three councils.
- 1.7 In January 2010 the new Licensing Partnership took effect and the back office functions started to be transferred to the administration team based at SDC. The Licensing Partnership uses a single database to maintain the licensing records for the three authorities. The database structure enables reporting to be carried out on an individual basis and allows for the variances that still exist in the policies and procedures of the three authorities.
- 1.8 The Licensing Partnership is governed by an agreement made between the three councils and the Chief Officer/Heads of Service responsible for licensing at their respective authorities meet four times a year as a Licensing Partnership Board to oversee performance and the direction of the Partnership. John Littlemore, Head of Housing and Community Services at Maidstone Borough Council is currently the Chair of the Licensing Partnership Board.

- 1.9 In May 2017, the Licensing Partnership Manger tragically and suddenly passed away, causing an unanticipated but understandable huge impact on the management and performance of the partnership. The Admin Hub Team at Sevenoaks concentrated on trying to ensure they continued on with the day to day work, and the new Head of the Licensing partnership has been in post since 30th October 2017. The intervening period had, naturally, upset the usual performance and scrutiny, but performance is back on track.
- 1.10 The new Head of the Licensing Partnership, Sharon Bamborough, comes from a London local authority background.
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## **2. 2018-2019 PERFORMANCE**

- 2.1 The performance of the Licensing Partnership has been generally high performing despite many challenges of the past year, which included:
- Tri-annual review of gambling policy,
  - the introduction of new Animal licensing legislation (very late in the day by DEFRA) which created a considerable amount of work, and
  - staff turnover within the Hub team.

The indicators for each of the four authorities are attached as **Appendix A**.

- 2.2 The Hub team at Sevenoaks has gone through a number of staff changes (mainly due to staff leaving for promotion/progression elsewhere) which has meant that the team has had many new officers trying to learn the job which is a very demanding role in respect of the information they are expected to absorb and processes they need to learn (in the last year there have been 4 new members of staff on a team of six officers).
- 2.3 The general processing and consultation on applications within timeframe has been maintained but there will have been times when performance has slipped due to staff shortages and lack of fully trained team (annual leave etc.)
- 2.4 In respect of compliance/enforcement work, following a revision of the performance measures by the Head of the Partnership in July 2018, much more of the workload of the officers is being reported which is reflective of the total work carried out (previously only compliance visits were being reported). Now, all investigations of complaints and requests for advice/ information and other site visits are reported in addition to the number of premises compliance visits.
- 2.5 In respect of the applications outstanding more than a month after consultation – this generally occurs when the application needs to be referred to a hearing and performance on this has improved compared to the previous year.

## Key Achievements

- 2.6 The Partnership handled a very large amount of work in 2018/19. The performance measures should be read in conjunction with the entire volumes of work delivered. The headlines of the performance are as follows:
- In this time period, over 7700 applications, notices, permits and pieces of work were received and carried out.
  - From this total, 2215 pieces of work were for Tunbridge Wells.
  - Taking into account the different amounts of time needed for different types of applications, and the differing nature of the work carried out for some of the partners, Tunbridge Well's share accounted for almost 29% of the work of the entire partnership in 2018/19.
  - Over **20,000** emails were received in the main Licensing inbox and actioned for all four partners
- 2.7 The introduction of the new Animal Welfare Regulations 2018 legislation replaced the majority of existing animal licensing (including animal boarding, dog breeding, hiring of horses, exhibition of animals, selling animals as pets) but it also included new areas previously un-licensable (dog day care/home boarding) and tightened up the rules and standards for all. This was introduced at very short notice by DEFRA (first guidance documents were released in August 2018 for the new legislation coming in from 1st October 2018, application forms were released approximately 2 weeks before the implementation date) which lead to a rush to understand the new regulations, to set fees, create new procedures and to handle all new applications from existing licensees and new operators. This created a very large demand of enquiries and interest from public and interested bodies. The additional work caught out every local authority and was the subject of much debate and challenge (of DEFRA) at the national Institute of Licensing conference in November 2018. The impact was substantial.
- The Partnership handles animal licensing for three of the four partners and although it does not do it for Tunbridge Wells (because it sits within Environmental Health) it never the less had a large impact on the Hub team work for the rest of the partners and should be acknowledged as part of the work of the entire partnership. We have now successfully licensed over 100 premises.
- 2.8 We have been part of a successful funding bid to Government (lead by Kent CC) to give funding for the installation of electric chargers for Ultra Low Emissions Vehicles (ULEVs) used by the taxi trade. Each of the Partners Sevenoaks, Maidstone and Tunbridge Wells will be funded to install one charging point for exclusive use by the taxi trade. The purpose of this initiative is to encourage more of the taxi trade to switch over to ULEVs and thereby contribute to cleaner air in the Environment. The chargers need to be installed by end of March 2020 under the conditions of the grant.
- 2.9 In July 2017, a new online taxi knowledge test was implemented across the partnership, introducing a new form of standardised test for the three partners

dealing with taxi licensing and a raising of standards. For the first time for some, private hire drivers were required to pass the test, bringing them up to a standard with hackney carriage drivers. The application process has also been change to require successful completion of the test before an application may be submitted, thereby reducing the number of applications which could not be progressed due to failed tests.

- 2.10 Having reviewed the test results since implementation, it has become clear that pass rates are not as hoped for (though this does keep up a high standard) and the test was revised to make it clearer and easier to pass without dropping the standards, and this was implemented Autumn 2018. The pass rate has subsequently improved.
- 2.11 The Metropolitan Police and Kent Police initiative WAVE (Welfare and Vulnerability Engagement), which seeks to educate and re-train all involved in the licensing industry about being more proactive in spotting vulnerable people who should be assisted when in licensed premises, was promoted to our alcohol-licensed premises.

### **3. PERFORMANCE AGAINST SERVICE PLAN OBJECTIVES FOR 2018/19**

- 3.1 Objective 1 - *To manage the Licensing Partnership to deliver efficiency savings and achieve performance targets.*

This is ongoing and performance is monitored on a weekly and monthly basis.

1:1 meetings with staff are carried out monthly and the Licensing Partnership Board meets 4 times a year.

- 3.2 Objective 2 - *Investigate further undertaking of licensing functions for other local authorities.*

**Result:** A great deal of time was spent in talks over the year with Bromley – much work was done by the Head of Licensing to calculate quotes, model different options and liaise with their Head of Service, Finance and HR staff. After a lot of delay Bromley eventually advised they did not wish to pursue joining the partnership.

- 3.3 Objective 3 - *Seek further efficiency savings in processes and use of online facilities.*

- Introduce electronic issue of licences for premises licensing – **result:** Introduced towards end of year.
- Update Document Retention Policy and get rid of hard copy duplicate filing system  
**result:** achieved (resulting in time savings and reduction in costs)
- Reduce the face to face interaction for Licensing Partnership staff by implementing scripts to enable customer service staff to assist licensees in their requirements

**result:** carried over to 2019/20 service plan due to project delay at Sevenoaks to include Licensing (not within our control) however we have implemented other changes to achieve this including appointment only system set up in Maidstone and Tunbridge Wells; drivers making own appointments with garages to avoid needing to call hub team

3.4 Objective 4 - *Ensure all online forms are implemented and in use by customers and explore other software solutions*

- The library of on line forms should implemented across the four partners – to include new forms for Bexley (Special Treatments) and any updates needed for existing ones  
**Result:** most forms now online and more are to be developed (e.g. special treatments)
- Arrange for purchase and installation of electronic record management system, Enterprise (from Idox)  
**Result:** this had to be put on hold due to a pre-planned server move by Idox and Sevenoaks IT (out of our control) – it is carried over to the 2019/20 service plan
- Arrange for purchase and installation of electronic enforcement software for use out and about, called Mobile App (from Idox)  
**Result:** this had to be put on hold due to a pre-planned server move by Idox and Sevenoaks IT (out of our control) – it is carried over to the 2019/20 service plan

3.5 Objective 5 - *Undertake a programme of training for Members and officers. Ensure all new Members on each Licensing Committee receive appropriate training.*

**Result:** training has been given as and when required

3.6 Objective 6 - Revision of Policies & Procedures

- Review Gambling Policies across the Partnership in readiness for January 2019 when they must come into force  
**Result:** achieved
- Review Street trading policy at Maidstone regarding designation of street trading pitches  
**Result:** carried over to 2019/20 service plan at request of Maidstone
- Review Street trading 'policy' at Sevenoaks regarding designation of street trading pitches  
**Result:** Achieved – initial discussion with Legal services and Chief Officer showed no demand for this, therefore, at this time, no need to adopt legislation or implement policy
- Investigate feasibility and implement if approved, the charging for pre-application advice to licence applicants  
**Result:** started though not achieved yet due to other work demands, but in progress – carried over to 2019/20 service plan for completion

- A minor review of Licensing Act Statement of Licensing Policy to introduce, across the partnership, a section on outdoor events.  
**Result** – not achieved in year but started in January 2019 and in progress to be adopted 2019 (at Bexley, Tunbridge Wells and Sevenoaks)
- A review of the Hub Team Admin procedures and update where necessary  
**Result:** A lot of progress has been made in streamlining and updating procedures but due to high number of procedures and practices this could not be completed in year – carried over to 2019/20 service plan for completion

**The new service plan for 2019/20 is attached as Appendix B**

#### 4. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Legal</b> including Human Rights Act	No impact. For information only.	Sharon Bamborough Head of Licensing Partnership 09.09.19
<b>Finance</b> and other resources	No impact. For information only.	Sharon Bamborough Head of Licensing Partnership 09.09.19
<b>Staffing establishment</b>	No impact. For information only.	Sharon Bamborough Head of Licensing Partnership 09.09.19
<b>Risk Management</b>	No impact. For information only.	Sharon Bamborough Head of Licensing Partnership 09.09.19

<b>Data Protection</b>	No impact. For information only.	Sharon Bamborough Head of Licensing Partnership 09.09.19
<b>Environment and Sustainability</b>	No impact. For information only.	Sharon Bamborough Head of Licensing Partnership 09.09.19
<b>Community Safety</b>	No impact. For information only.	Sharon Bamborough Head of Licensing Partnership 09.09.19
<b>Health and Safety</b>	No impact. For information only.	Sharon Bamborough Head of Licensing Partnership 09.09.19
<b>Health and Wellbeing</b>	No impact. For information only.	Sharon Bamborough Head of Licensing Partnership 09.09.19

## 5. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Licensing Performance Report
- Appendix B: Licensing Partnership – Licensing Service Plan 2019/20

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## 6. BACKGROUND PAPERS - none