

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

28 June 2010

Report of the Director of Central Services

Part 1- Public

Delegated

1 LICENSING SERVICES

Summary

This report sets out an initial review of the Licensing Service arrangements and seeks approval to investigate options for future service delivery arrangements.

1.1 Background

1.1.1 Licensing Services is a section of Central Services. Reporting to the Chief Solicitor until April 2009, and then the Central Services Director until September 2009, the Licensing Manager now reports to the Estates Services Manager. The Licensing Team deals with a wide variety of licences ranging from the new Premises and Personal Licences under the Licensing Act 2003 to Hackney Carriage and Private Hire Vehicles. Set out below is a comprehensive list of all licences dealt with by the licensing section.

- Acupuncture
- Adult Gaming Centres (Gambling Act 2005)
- Animal Boarding
- Betting Shops (Gambling Act 2005)
- Bingo Halls (Gambling Act 2005)
- Breeding Of Dogs
- Boatmen and Boat Licence
- Club Gaming Permits/Club Machine Permits (Gambling Act 2005)
- Club Premises Certificate (Licensing Act 2003)
- Ear Piercing

- Electrolysis
- Family Entertainment Centres (Gambling Act 2005)
- Hackney Carriage Drivers/Vehicles
- Horse Riding Establishments
- Occasional Use Notices (Gambling Act 2005)
- Personal (Licensing Act 2003)
- Pet Shops
- Premises (Licensing Act 2003)
- Private Hire Drivers/Vehicles/Operators
- Prize Gaming Permits (Gambling Act 2005)
- Sex Shops
- Small Society Lotteries (Gambling Act 2005)
- Street Collections
- Street Trading
- Tattooing
- Temporary Event Notices (Licensing Act 2003)
- Temporary Use Notices (Gambling Act 2005)
- Zoo Licences

1.1.2 The established posts within the team are Licensing Manager (Full time), a Licensing Inspector (Part time/ vacant), Investigation Officer (Part time) and Licensing Assistant (Part time). Both posts other than the manager are working additional hours to cover the vacant post.

1.2 Present Position

1.2.1 Over recent years there have been significant legislative changes which impact on this service including the Licensing Act 2003, The Policing and Crime Act 2003, The Gambling Act 2005 and the Taxi and Private Hire Licensing Guidance March 2010 and the staff have undertaken training to facilitate the implementation of these new requirements.

- 1.2.2 However it is not only the legislative framework that has changed. A number of other demands are having an impact on service delivery.
- 1.2.3 At a Borough level the changing profile of the Hop Farm has led to many more licensing challenges as the range of events develops. Members will be aware of the recent Licence granted which allows large scale events to take place throughout the year. This involves close working between the Responsible Authorities and our Licensing Team, with the control and lead of discussions being in our capacity as Licensing Authority.
- 1.2.4 We do not have the experience in-house of dealing with such large events, and as such have commissioned the services of the Manager of the Licensing Partnership for Sevenoaks, Tunbridge Wells and Maidstone. His skills and experience have been invaluable in the ongoing discussions between the Hop Farm and the Responsible Authorities and he has in fact chaired the monthly meetings of the Safety Advisory Group (SAG). This is the mechanism for ensuring the licensing conditions are met to the satisfaction of all Responsible Authorities.
- 1.2.5 However it is not just change at a local level that is presenting new challenges. The use of IT systems has grown and the need to deliver services electronically to improve efficiency, achieve cost reduction and meet public demand and to meet the on-line requirements of the EU Licensing Directive. There are potential opportunities to streamline systems to achieve different balance between administrative tasks, enforcement and planned management of events in the borough.
- 1.2.6 The economic climate has changed and this is having an impact on a number of industries and businesses within the licensing regime as competition between providers becomes more rigorous, and economic challenges stretch the financial resources of those operating businesses.

1.3 The Way Forward

- 1.3.1 Our Licensing Service has been well placed in the past to deliver this important regulatory function. It is now important to look to the future and ensure that we have the appropriate resources, skills and structure to allow the service to develop in the most effective way to meet the needs of the changing environment
- 1.3.2 It is therefore proposed that a full review of the service requirements be undertaken along with an options analysis on how this service might best be delivered including consideration of partnership opportunities.
- 1.3.3 The staff are aware of this proposed review and will be consulted on the options.

1.4 Legal Implications

1.4.1 There are no legal implications in undertaking the review of the service. Legal implications arising from any options being considered will be reflected in the analysis.

1.5 Financial and Value for Money Considerations

1.5.1 None at this stage but these will be significant factors in the options analysis.

1.6 Risk Assessment

1.6.1 None in undertaking the review. The risk arises if we do not review the function to ensure we are delivering an effective service that is fit for current purpose.

1.7 Policy Considerations

1.7.1 Business Continuity/Resilience

1.7.2 Community

1.7.3 Crime & Disorder Reduction

1.7.4 Healthy Lifestyles

1.7.5 Human Resources

1.7.6 Safeguarding Children Framework

1.8 Recommendations

1.8.1 It is timely to consider a review of the licensing service and it is **RECOMMENDED** that

- 1) A full review of the service requirements be undertaken along with an options analysis on how this service might best be delivered including consideration of partnership opportunities.
- 2) The review report be submitted to a future meeting of this Committee

Background papers:

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Nil

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