

## **Report to the Cabinet**

**Report reference:** C-068-2013/14  
**Date of meeting:** 3 February 2014



**Portfolio:** Safer, Greener & Highways

**Subject:** Licensing Review – Staffing and Budget Implications

**Responsible Officers:** Ian Willett (01992 564243)  
Alison Mitchell (01992 564017)

**Democratic Services Officer:** Gary Woodhall (01992 564470)

---

### **Recommendations:**

- (1) To note the outcome of reviews of the trial licensing arrangements as follows:**
  - (a) that the Constitution and Member Services Scrutiny Panel and the Overview and Scrutiny Committee have concluded that evening meetings of Licensing sub Committees should only be held when desirable; and**
  - (b) that the Licensing Committee has concluded licensing policy should continue to operate on the wider basis introduced as part of the trial;**
- (2) To note that additional responsibilities have fallen to the Licensing Section as result of the Council taking responsibility for scrap metal dealer licensing and temporary road closures and that the staffing situation within Democratic Services as result of the Council adopting a new Directorate structure should be taken into account in considering the proposals set out in recommendations (3) and (4);**
- (3) To approve a growth item for the 2014/15 Continuing Services Budget (CSB) in the sum of £55,000 in respect of:**
  - (a) one additional permanent post of Licensing Officer at a cost of £28,800 per annum (including on costs);**
  - (b) one additional post of Democratic Services Assistant at a cost of £21,600 per annum (including on costs); and**
  - (c) other associated costs (allowances, printing and GIS expenses) of £4,500 per annum; and**
- (4) That, pursuant to recommendation (1) above, the existing temporary positions of Licensing Officer and Democratic Services Assistant approved by the Council at its meeting on 23 April 2013 be made permanent.**

### **Executive Summary:**

A trial in respect of new licensing arrangements was approved by the Council in April 2013. This trial involved:

- (a) new processes for consulting the public on premises licences submitted to the Council involving notifications to householders within the vicinity of the premises concerned;
- (b) new member meeting arrangements so as to make licensing hearings more accessible to the public by holding them in the evening on a regular basis.

The trial period was designed to operate for a year, effective from the date on which the new arrangements came into operation, with a review after nine months.

Additional posts of Licensing Officer and Democratic Services Assistant were approved in order to cover the additional work generated by the trial. These posts are temporary and budgetary provision but only to the end of the financial year.

On 2 December 2013, the Cabinet agreed in principle to these posts becoming permanent. A provisional CSB growth item in a sum of £54,780 was included in the draft budget for 2014/5. This was subject to reviews of the trial to be undertaken by the Licensing Committee and the Constitution and Member Services Scrutiny Panel.

This report informs the Cabinet about the reviews by the Licensing Committee and the Constitution & Member Services Standing Scrutiny Panel. It also draws attention to other developments affecting staffing in the Licensing and Democratic Services sections which support the case for the recommendations in this report.

#### **Reasons for Proposed Decision:**

To consider the case for approving CSB growth funding for the two temporary posts to become permanent positions.

#### **Other Options for Action:**

Bearing in mind the results of the reviews, the following options arise could arise could cover:

- continue the post in Democratic Services for a further additional period, say of one or two years by means of a DDF growth item for 2014/5;
- to recruit to the new Licensing Officer position on a temporary basis by means of DDF growth item for 2014/5;
- to fund other incidental costs by a DDF growth item instead of as a CSB item;
- to approve no additional staffing for either Democratic Services or Licensing Sections and authorise the appropriate redundancy payment of £1,500.

#### **Report:**

1. The Council on 9 April 2013 approved recommendations of a Scrutiny Task and Finish Panel on licensing arrangements. A copy of the Panel's review report can be found as part of the agenda for that meeting.

2. The review introduced new arrangements in two main areas:
  - (a) consultation with properties within 150 metres of the application premises in respect of premises licences;
  - (b) new meeting arrangements whereby licensing meetings could be held in evenings to make hearings more accessible to working Councillors and members of the public.
3. Recognising the additional resources which would be required to support these changes, the Council approved a supplementary District Development Fund estimate of £54,000 to support the initiative. Most cost was attributed to additional staffing in the Licensing Section of the Corporate Support Services Directorate and Democratic Services in the Office of the Chief Executive. The additional posts created were:
  - (a) Licensing Officer (Salary Grade 5 cost of £24,590 (including on cost) for the trial period; and
  - (b) Democratic Services Assistant (Salary Grade 4 cost of £ 20,880 for the trial period).
4. These two posts were temporary positions, with time- limited funding up to the end of the financial year. This is because the Council stipulated that the trial licensing arrangements should operate for 9 months and then be reviewed.
5. The review has now taken place and may be summarised as follows:
  - **Meeting Arrangements for Licensing Sub Committees (Constitution Panel)**
    - (a) all licensing hearings (including those relating to scrap metal dealers) should revert to being held during the daytime, subject to (b) below;
    - (b) the Chairman of the Licensing Committee should be authorised to determine whether any hearing would be better held in the evening in view of significant public interest and should consider any representations by officers or local ward councillor(s) regarding the desirability of an evening hearing; and
    - (c) that the continuation of the wider consultation introduced in the trial be supported.
  - **Consultation Arrangements for Licensing Applications (Licensing Committee)**
    - (d) that the wider consultation procedures be continued; and
    - (e) that any applications regarding Scrap Metal Dealers Licences and any other licence to which members of the public do not have the right to make a representation are heard at a day time meeting.
6. Both the Constitution Panel and the Licensing Committee have supported the case for additional staff/budgetary provision.

#### Staffing Arrangements

7. The case for additional permanent staffing remains largely as reported to the Cabinet meeting in December, as outlined below.

## Licensing Section

8. Although an additional temporary member of staff has been employed, experience has shown that the complexity of this work is such that the temporary member of staff was not able to undertake all the duties envisaged. It has become apparent is that only a trained/experienced licensing officer would have the experience to undertake the full range of these duties.

9. Although the temporary member of staff has been a very valuable resource for the Licensing Section, one impact is that the Licensing Officers have become progressively more office-based dealing with the complexities of licensing applications and less on compliance visits to the premises themselves.

10. Further impacts on the Section have been felt from two other sources:

- **Scrap Metal Dealers**

(a) The Council has recently taken on the responsibility for licensing scrap metal dealers. Prior to the change in Regulations by the Government dealers were required to register themselves and only limited information needed to be obtained and entered onto a public register; and

(b) The Council had 10 applications on the register and it was uncertain as to how many new applications would be received. Currently 10 applications are being dealt with but more are expected as dealers become aware of the legislation. In addition, the Licensing Committee have correctly required officers to carry out compliance visits for each of these premises, twice yearly;

- **Road Closures**

(c) Essex County Council has until recently undertaken temporary road closures to allow street parties etc. to take place. The County Council has now decided that it will not undertake this and are referring applicants to the District Council's Licensing Section. This was reported to the last meeting of the Licensing Committee which decided that they could not make a decision on the District Council exercising these powers without further information. If adopted this process will add to the workload for the Section.

11. An overview of costs is given below if these temporary arrangements become permanent:

- **Staffing**

(a) a permanent post at Scale 6 (c. £28,800 p.a. inc on cost) would be necessary. This would be a Licensing Officer to reflect the need for knowledge and experience of licensing procedures. The existing temporary member of staff represents spending of c £11,000 (six months of the trial). Other staffing costs in respect of evening meeting attendance total £1,670.

- **Other Costs**

(b) GIS property identifications (mapping) for consultation purposes plus additional printing/stationery are estimated to have generated additional expenditure

of £2,000 over the first six months of trial.

### Democratic Services

12. The new system of Licensing Sub Committee meetings began from the new municipal year (June 2013). During the period it was envisaged that there would be one day time and one evening meeting per month: 24 meetings per year.

13. During the period 1 June – 1 November (5 months) there were a total of 19 meetings. There have also been two meetings of the full Licensing Committee with an additional meeting planned for December. If the same frequency of meetings continues during the rest of the year, it was estimated that approximately 40 to 50 meetings might be held before May 2014. The licensing of scrap metal dealers and sites has now been added by Government and may necessitate still more meetings.

14. The temporary post of Democratic Services Assistant to help the section deal with the increase in meetings and administration. The cost is £21,600 (£10,500 for 6 months to date) for a full year including on costs. To this must be added approximately £870 for evening meeting allowance for the same period.

15. Now that members wish to continue with the trial arrangements on a permanent retention of the post is still necessary, notwithstanding that the evening meetings of the Licensing Sub Committees are unlikely to be frequent.

16. As most member licensing hearings are going to be held in the daytime, this creates a greater drain on the section's resources because at least one member of staff will be absent during part of the working day. This must be seen against the background of steadily increasing levels of meetings supported by Democratic Services which, with internal meetings and webcasting, has risen to 390 supported meetings and events in the last year and the likely impact of the Directorate Restructuring which has now been agreed by the Council. Under this, two posts in Democratic Services will disappear from the establishment. If the temporary Democratic Services Assistant does not remain in place, a net loss to the Section of three posts will result.

### Conclusions

17. These are itemised below:

- (a) there is, as expected, additional workload emerging from the trial of the new licensing arrangements;
- (b) there is an increase in the number of meetings and more pressure on the Council's resources to deal with the volume of work from licensing applications;
- (c) additional risks can be identified in the maintenance of the required programme of compliance visits to licensed premises;
- (d) the growth in the number of meetings for licensing has contributed to a congested calendar and meeting "overload" for officers and members;
- (e) resourcing of Democratic Services will be reduced under Directorate Restructuring.

18. The outcome of the current reviews will be designed to explore the reaction to these issues.

19. The Council's engagement with local communities is important. As members have remarked during the review of this trial it will be difficult to avoid adverse public reaction to changes to consultation arrangements.

**Resource Implications:**

The licensing arrangements trial is supported by funding for two temporary posts which is time limited to May 2014. The cost is c. £55,000 per annum.

If the trial arrangements become permanent in their present form two posts are thought to be necessary:

Licensing Officer:	£28,800 per annum
Democratic Services Assistant:	<u>£21,600</u> per annum
	£50,400

Evening Attendance Allowances (for Democratic Services and Licensing Sections) can be expected to increase by approximately £2,500 per annum assuming that the current frequency of meetings continues. Although evening licensing meetings will be less regular than originally planned, nevertheless additional costs will still apply for those meetings which may well have to be held in the evenings. This will also address the growth in the number of meetings generally.

There are also additional costs of approximately £2,000 associated with consultation, including GIS mapping, printing, envelopes and postage. The overall additional cost is therefore £55,000 per annum.

**Legal and Governance Implications:**

The licensing process is subject to the statutory and constitutional framework within which the Council operates.

In terms of hearings held by Licensing Sub Committees, these are subject to constitutional rules provided for the purpose. All meetings are subject to the legal requirements set out in the Local Government Acts 1972, 2000 and 2007 together with the Localism Act 2011.

**Safer, Cleaner and Greener Implications:**

None.

**Consultation Undertaken:**

Licensing Committee  
Constitution and Member Services Scrutiny Panel

**Background Papers:**

None.

**Impact Assessments:**

Risk Management

Risks arising from absence of compliance visits to licensed premises could arise.

Equality and Diversity:

See attached "due regard" assessment.