

Somerset West and Taunton Council

Licensing Committee – 24 of June 2019

Licensing Quarterly Update Report

This matter is the responsibility of Executive Councillor Alan Wedderkopp

Report Author: John Rendell, Specialist: Licensing & Parking

1 Purpose of the Report

- 1.1 This report provides an update on the activities of the council's licensing service, changes in licensing legislation and other licensing related matters.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
If the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy.	4	4	16
Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service.	3	4	12

Risk scoring matrix on next page.

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

Introduction to the licensing service

4.1 Staff in the licensing service/function perform a range of tasks and functions. These can be broadly categorised as:

- Acknowledge, log and respond to licensing related queries, be that via telephone, email or 'general enquiries' submitted through the website;
- Log and process licence applications and then issue notices and licences in various forms, including taxi vehicle plates;

- Investigate reports and complaints against people, premises and vehicles which are licensed and reports of illegal activity. This includes gathering evidence, carrying out visits and interviewing witnesses etc.;
- Formulate responses to Freedom of Information Act requests;
- Submit periodic statistical returns to various government departments;
- Work with the council's finance function to ensure, where appropriate, invoices are issued to licence holders;
- Carry out inspections and visits to licensed premises to check compliance with legislation and/or licence rules;
- Write, review and update the various licensing policies and procedures.

4.2 Before the council's transformation programme and restructure, the licensing service was represented by a 'Licensing Team', with the following dedicated numbers of staff:

- Licensing Assistant: 1.8 full time equivalent (FTE) at pay grade D, responsible for taking phone calls, responding to simple email enquiries, processing basic licence applications, invoicing etc. Previous post holders were Jane Carpenter and Joanna Kalwaszewska.
- Licensing Officer: 3 FTE at grade F, responsible for investigating complaints/reports about licence holders, processing licence applications, policy and procedure review/writing etc. Previous post holders were Alison Evens, Fern Avis, Mark Banczyk-Gee and Brad Fear.
- Licensing Manager: 1 FTE at grade H, responsible for managing/leading the team in all aspects, delegated decisions, handling complaints about the licensing service itself, complex policy and procedure review/writing, etc. Previous post holder was John Rendell.

4.3 Following the restructure, there is no formally recognised 'Licensing Team' within the operating model. Instead there a number of staff coming together to deliver the licensing service from a number of job 'families', all within the Customer function. The resource allocated to the service following the restructure recruitment exercise was:

- Case Manager: 1 full time equivalent (FTE) at pay grade D, responsible for taking phone calls, responding to simple email enquiries, processing basic licence applications, invoicing etc.
- Case Manager: 2 FTE at grade F, responsible for investigating complaints/reports about licence holders, processing licence applications, policy and procedure review/writing etc.

- Specialist: 1 FTE at grade H but split across other functions, responsible for providing expert advice, delegated decisions, handling complaints about the licensing service itself, complex policy and procedure review/writing, etc.
- Case Management Lead: 0.6 FTE at grade H but split across other functions, responsible for performance management, recruitment etc.

4.4 At the point of the new structure being implemented (1st April 2019), the actual resource was slightly less than above, with there being 0.8 FTE Case Manager at grade D and 1.8 Case Manager at grade F.

4.5 Since the beginning of June, the service has been further bolstered by the temporary employment of another 1 FTE Case Manager at grade D, through an agency. This is a transitional resource.

4.6 A complete 'Who's who' of current licensing staff is attached at **Appendix 1**.

4.7 Where customers are unable to find the whatever information they desire on the council website, they can contact licensing by phoning the Customer Contact Centre on 0300 304 8000, or by using the '[General Enquiries' online form on the website](#). Members can use these methods or go through the Member Case Manager, Jess McVie, via membercm@somersetwestandtaunton.gov.uk

Performance of the service

4.8 The service has a statutory duty to process various application types. In some cases, there are even prescribed time periods within which these applications should be completed.

4.9 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined. In essence, this is when the council is in possession of all the information it needs and has made its decision to grant a licence or not. In some cases, an application is 'determined' immediately upon receipt and this might be because the form is judged to have been filled in correctly and the relevant fee has been paid. In other, more complex cases, a consultation may need to be carried out and the determination cannot not be made until after the consultation period has finished. The target for the service is that, for all applications that are completed within a set quarter, 95% must be completed within 14 days of that application having been determined.

4.10 It has been the norm, for a number of years, for the committee to be provided with the performance figures for the previous quarter. For quarter 4 of 2018/19, which is January to March, the service completed 97% of applications (393 of 405) within 14 days of them being determined, meaning the target was achieved. Having looked more closely at the results, 81% of applications (328 of 405) was completed within seven days. Comparing quarter 4 with quarter 3 (October to December), there has been a slight dip in performance of 1.9%. This is a difference of 9 more applications

completed after 14 days. Given the significant changes which have occurred within the organisation since the turn of the year, most notably those in terms of staffing, the small dip in performance is not a concern.

4.11 Looking at more recent performance, the service completed 97.1% (166 of 171) applications within 14 days and 82% within 7 days for April. For May, 99.4% (165 of 166) were completed within 14 days and 82.5% (137 of 166) within 7 days. The average for the current quarter, with 1 month left to go, is therefore 98.3%. It is expected the service will achieve a similar level of performance for June and therefore its performance target, for quarter 1 of 2019/20.

4.12 Throughout the transformation programme, the processing of applications has been the main focus and therefore in this regard, the team/service has, going by the aforementioned statistics, performed well. However, the need to support the organisational change has added significant pressure to the team and other areas of work has suffered. The following areas of work have all stalled in recent months:

- review of Licensing Act 2003 policy;
- review of the Gambling Act 2005 policy;
- delivery of an improved knowledge test for taxi drivers;
- integration of the use of the national register of revoked/refused taxi licences (known as 'NR3') into working practices;
- proactive compliance and enforcement inspections.

4.13 The implementation of new systems of working within the organisation has not been without its teething problems and licensing has been no exception. There have been delays which have naturally caused customers to become frustrated at times. The team is, however, working hard, with others, to identify the causes of issues, when made aware and, where necessary, are adapting working practices to ensure further problems are avoided.

4.14 The progress of the service is also being hampered by the delayed delivery of a single back office system. Case Managers must currently log applications, services requests and so on, onto two separate databases, with Civica APP being used for Taunton Deane licences and Northgate M3 being used for West Somerset. This proves especially challenging when training new members of staff. It is hoped this project will restart around October.

Applications received and licences in force

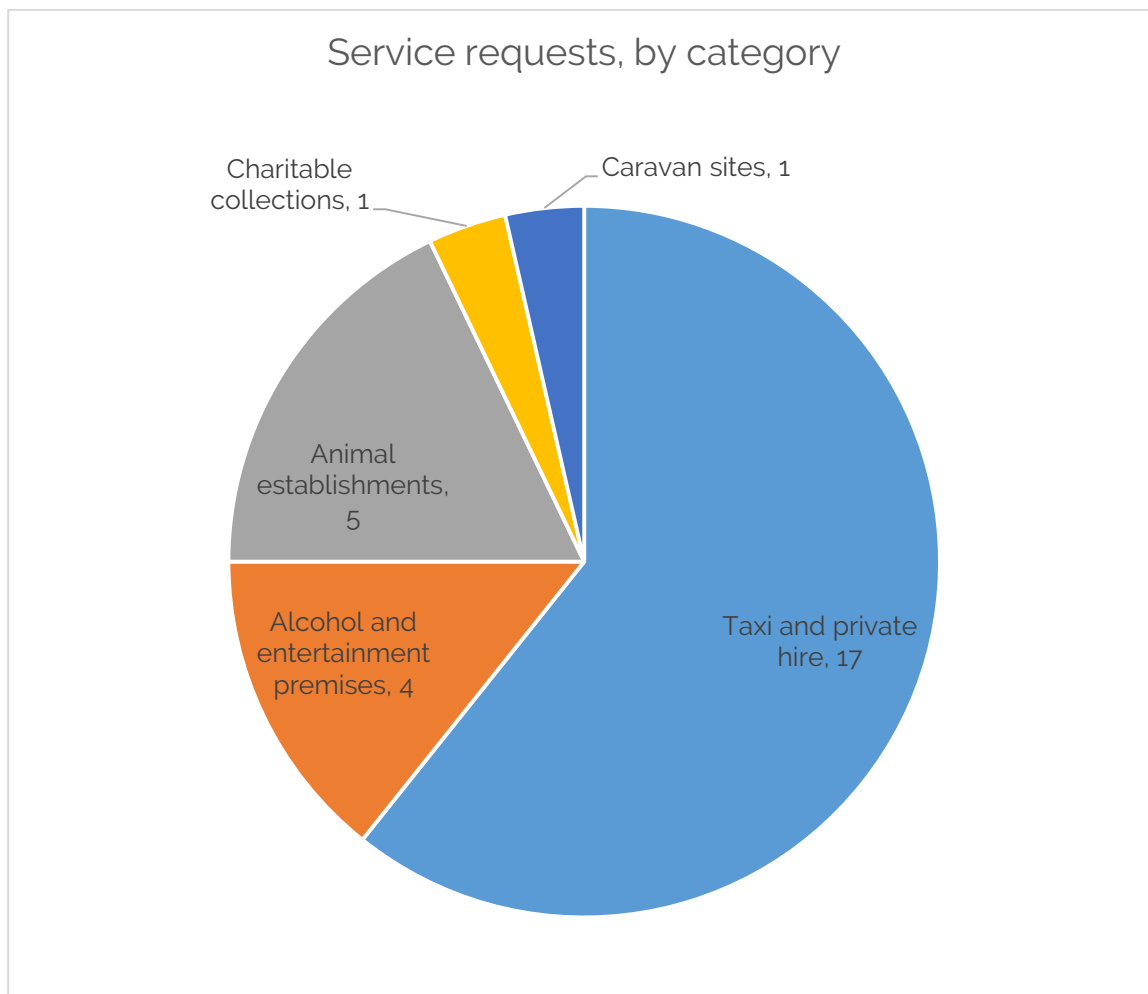
4.15 To give an idea of the variety and number of persons, premises, vehicles and activities licensed, the numbers of licences in force as of the 13th June 2019 and numbers of notices given, are shown at **Appendix 2**.

Service requests

4.16 Complaints about licensed premises, persons and vehicles and reports of

unauthorised activities are recorded on the database as 'service requests' (often abbreviated to 'SR').

- 4.17 Between January and March, 28 complaints/reports were made to the licensing service. The split, in terms of categories, is:



Current continuation of separate taxi licensing areas

- 4.18 Although the new council has been formed, the two separate taxi and private hire licensing districts of Taunton Deane and West Somerset are being maintained, for the time being. Once the two sets of policies, licence rules and taxi fare tariffs can be reviewed, consolidated and updated, the process of consulting with the public and licensed trade will begin, with the ultimate aim being to ask the Licensing Committee to consider whether there should be a single taxi licensing district. It is hoped this will happen sometime in 2020.
- 4.19 This is a massive piece of work, to be led by the Specialist, and will have to be phased over many months.
- 4.20 In order to be able to distinguish which drivers and vehicles are authorised to operate in either the Taunton Deane area or West Somerset area, licence badges and plates bearing the old council logos and colour schemes are still being used. There is

[advice and information for taxi passengers on the council website](#) which explains the current position and different fare tariffs.

Appeal against decision to refuse to grant a hackney carriage vehicle licence

- 4.21 A taxi business proprietor who was refused a hackney carriage vehicle licence has appealed the decision. The case is scheduled to be heard on the 3rd of September 2019 at North Somerset Magistrate's Court by the District Judge.
- 4.22 Although the matter is being heard at the Magistrate's Court, the District Judge will actually be acting in the capacity of the Crown Court, to whom appeals of this nature have to be lodged.
- 4.23 The committee will be provided with an update after the matter has been concluded.

5 Links to Corporate Aims and Priorities

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation, in order to support new and existing businesses and enable cultural and leisure activities, thereby supporting the Council's growth agenda.

6 Finance / Resource Implications

- 6.1 Where legislation allows for cost recovery, licence fees are levied against the administration of the regime and the supervision of licences issued. It would be unlawful to deliberately set the fees to make a profit and any over (or under) recovery is redressed in future fee levels.

7 Legal Implications

- 7.1 No legal implications identified.

8 Environmental Impact Implications

- 8.1 There are no specific environmental impact implications identified as a result of this report.

9 Safeguarding and/or Community Safety Implications

- 9.1 The four licensing objectives under the Licensing Act 2003 are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 9.2 With the addition of securing the welfare of animals, these are the main aims of the Licensing Service. The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring community safety.

10 Equality and Diversity Implications

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

11 Social Value Implications

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

12 Partnership Implications

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

14 Asset Management Implications

14.1 No asset management implications were identified.

15 Data Protection Implications

15.1 No data protection implications were identified.

16 Consultation Implications

16.1 As this is an update report, consultation has not been necessary.

17 Scrutiny Comments / Recommendation(s)

17.1 As a quarterly report just for the Licensing Committee, there are no scrutiny comments or recommendations.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council –No**

Reporting Frequency: Quarterly

List of Appendices (delete if not applicable)

Appendix 1	Who's who in licensing
Appendix 2	Licences issued and notices given

Contact Officers

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