

Report to the Cabinet

Report reference: C-058-2013/14
Date of meeting: 2 December 2013



Portfolio: Safer, Greener & Transport
Support Services

Subject: Licensing Review – Staffing and Budget Implications

Responsible Officers: Ian Willett 01992 564243
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Democratic Services Officer: Gary Woodhall 01992 564470

Recommendations:

(1) To approve, in principle, the inclusion of a growth item in the 2014/15 Continuing Services Budget in a sum of £ 54,780 in respect of:

(a) one additional permanent post of Licensing Officer at a cost of £28,810 per annum (including on costs);

(b) one additional post of Democratic Services Assistant at a cost of £21,170 per annum (including on costs); and

(c) other associated costs (allowances, printing etc and GIS expenses of £4,800 per annum;

(2) That for the purposes of 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 (127(vii)) for the purpose of a nine month trial of new licensing arrangements be made permanent;

(3) That recommendations (1) and (2) be made subject to outcome of reviews of the trial licensing arrangements as follows:

(a) by the Constitution and Member Services Scrutiny Panel and the Overview and Scrutiny Committee of member meeting arrangements for hearing licensing applications; and

(b) by the Licensing Committee of matters relating to the review that effect licensing policy; and

(4) That a further report be made to the next Cabinet meeting on the outcome of the reviews set out in the recommendations above so that a final decision on whether or not the CSB growth item is to be incorporated in the budget could be made.

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 for them ends in at the end of the financial year.

The purpose of this report is to seek a decision in principle on whether these posts are to become permanent. The results of the trial will be reviewed by the Licensing Committee and the Constitution and Member Services Scrutiny Panel. As this is effectively the last meeting at which the Cabinet is able to consider CSB growth items, the Cabinet is being asked to include the additional cost of the two additional permanent posts in next year's budget, pending a further report on the outcome of the review of this trial.

The report also updates the Cabinet on other developments affecting the case for retaining these positions.

Reasons for Proposed Decision:

To secure provisional CSB funding for these two temporary posts as permanent positions, pending further review.

Other Options for Action:

None at this stage, pending the outcome of the trial review. Options which could arise could cover:

- (a) reversion to previous licensing arrangements;
- (b) continuing of staffing support on a purely temporary basis; or
- (c) no additional staffing.

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; and
 - (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 £64,000 (approximately) 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. As indicated these two posts are temporary positions, with time limited funding up to the end of the financial year. This is because, in approving the new licensing arrangements, the Council stipulated that they should operate for 9 months and then be reviewed. The latter review is now pending and will be conducted by the Constitution and Member Services Scrutiny Panel (member meeting arrangements and review) and the Licensing Committee (licensing policy)
5. This is the last opportunity for the Cabinet to consider CSB growth bids for the 2014/15 budget. However, the position regarding whether the new licensing arrangements are to become permanent in the future is uncertain until the two bodies mentioned have reviewed the position and decide if the trial has been a success.
6. A decision in principle on the CSB growth bid in recommendation (1) is therefore sought so as to hold the position until the review is completed and the Cabinet advised of the preferred course of action. The review results will be submitted to the February 2014 Cabinet meeting so that a final decision can be made on including these posts in the permanent establishment.
7. What has become apparent during the trial is that wider considerations have emerged in regard to these positions. These are discussed in the succeeding paragraphs.

Licensing Section

8. 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. What has become apparent is that only the existing licensing officers 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 at the premises themselves. This point is illustrated by the fact that in September, 10 such applications were processed.

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

(a) Scrap Metal Dealers:

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. 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;

(b) Road Closures:

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.

(a) Staffing – a permanent post at Scale 6 (c. £28,810 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); and

Other staffing costs in respect of evening meeting attendance total £2,000.

(b) Other Costs – GIS property identifications for consultation purposes plus additional printing/stationery are estimated to have generated additional expenditure of £1,000 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 have been 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, approximately 40 to 50 meetings could be held before May 2014. The licensing of scrap metal dealers and sites has now been added by Government and could well necessitate still more meetings.

14. As a consequence of the review last year, members approved a temporary post of Democratic Services Assistant to help deal with the increase in meetings and administration. This provision ceases in May 2014. The cost is £21,170 (£10,500 for 6 months to date) for a full year including on costs. To this must be added approximately £800 for evening meeting allowance for the same period.

15. If members are to continue the current processes, the permanent retention of the post is necessary. This is 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. To this must be added the likely impact of the Directorate Restructuring Review. Although the latter has not yet been approved, two posts in Democratic Services positions are likely to be deleted from the establishment. If the temporary post of Democratic Services Assistant is not continued, a net loss to the Section of three posts may result.

Conclusions

16. These are itemised below:

- (a) there is, as expected, a substantial additional workload emerging from the trial of the new licensing arrangements;
- (b) this has manifested itself in an increase in the number of licensing 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; and
- (e) resourcing of Democratic Services is set to be reduced under the Directorate Restructuring process.

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

18. Equally important is the Council's engagement with local communities. It may be difficult to avoid adverse public reaction to changes to consultation arrangements which have been extended but which could not be reversed on financial grounds.

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. £50,000 p.a.

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

Licensing Officer: £28,810 per annum

Democratic Services Assistant: £21,170 per annum

£49,980

Evening Attendance Allowances can be expected to increase by approximately £2,800 per annum assuming that the current frequency of meetings continues.

If members decide not to continue with the trial arrangements there would be redundancy costs of approximately £1600 should redeployment not prove possible.

There are also additional costs associated with the consultation relating to GIS time and printing/envelope/postage costs of approximately £2,000.

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.