

REPORT OF THE HEAD OF ENVIRONMENTAL SERVICES

LICENSING PERFORMANCE

REASON FOR REPORT

1. Effective performance management requires that performance is reported on a regular basis and this is reported annually to the Licensing Committee for the Licensing Service.

RECOMMENDATIONS

1. That this report is noted

RELATIONSHIP TO CORPORATE PLAN

1. None

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	Managing performance includes budget management
Legal	There are statutory deadlines that need to be met
Risk Assessment	Failure to meet statutory deadlines could lead to legal challenges

1.0 INTRODUCTION

- 1.1 This report is one of two looking at the performance of the Licensing Service. This report for the Licensing Committee looks at the parts of the service that fall to that Committee, which are responsibilities arising from the Licensing Act 2003 and the Gambling Act 2005 and cover the areas of alcohol, regulated entertainment and gambling. The work around this takes up nearly three-quarters of the time of the team and provides the bulk of the income. Annexe 1 lists the current licences and registrations under these two pieces of legislation.

1.2 This is a regular annual report to the Licensing Committee on how the service is performing and much of the information in the Annexes is applicable for both the Licensing and Regulatory Committees.

2.0 **SERVICE STANDARDS**

2.1 There is no National Indicator that covers the licensing function since the previous one was removed following the change of government in 2010.

2.2 Licensing has developed a set of performance standards, which are published on our website, and are attached as Annexe 2. The standards in connection with hearings under the Licensing Act 2003 and Gambling Act 2005 are statutory.

2.3 Our inspection of premises is on a risk-assessed basis but is also led by complaints and this two-pronged approach seems to work as a sensible use of our resources.

2.4 We send out customer satisfaction surveys to those who receive licences and registrations and generally gather useful feedback from that which we are able to act on to improve the service where possible.

2.5 There is the additional target of running the service within its budget, which means attaining the income without exceeding the allocated budget.

2.6 In terms of the broader picture we have policies that require regular review for both the Licensing Act 2003 and the Gambling Act 2005. We are also required to ensure the service is provided lawfully at all times and incorporate changes to legislation in our policies and procedures as appropriate.

3.0 **TARGETS AND ACTUALS**

3.1 The whole idea of measuring performance is to carry out the duties to laid-down standards as efficiently as possible. Strengths need to be built on and weaknesses challenged by using those strengths.

3.2 The target for issue of licences was set at 95% for 2011-12, a reduction of the previous target of 97% but this was done to reflect the reduced staffing within the team. We have achieved it both last year and this. Annexe 4 shows the year's results in summary with details for the different licences. The figures are actually recorded on a monthly basis and the spreadsheet links to each single licence/registration, giving an audit trail to check the accuracy. It covers the whole licensing function, as it is impractical to split it to reflect the two committee responsibilities. It does require the team to manually input every licence and registration which takes time and also means small errors sometimes creep in but in the view of Internal Audit it is reasonably accurate. We might, however, investigate an easier way of reporting on performance for the future.

3.3 This figure of 95% seems a reasonable performance target to aim at and it is not proposed to either reduce it further or raise it.

3.4 Through the year four hearings were arranged under the Licensing Act 2003, all of which were held within the statutory time limits and all of the notifications were made within the prescribed period.

3.5 One of the hearings was to determine an application for an outdoor time premises licence, which was refused. There was also a hearing to consider an Environmental

Health objection to a Temporary Event Notice (TEN) which was not upheld and the TEN was allowed. A further hearing was for a new premises licence which was granted with some additional conditions. Finally there was a review hearing following an application from licensing as a responsible authority – the licence remained but members imposed additional conditions. There were no appeals against any of the decisions.

- 3.6 The customer satisfaction surveys that have been sent out through the year have given some good results (questionnaire at Annexe 3). We sent out approximately 300 forms (we have not been sending them out for repeat transactions) and have had 111 back, giving a 37% response rate.
- 3.8 Our results have been very good with 100% of all respondents saying we were either very good (76%); good (21%); or fair (3%) but is a drop from last year when 83% said we were very good and 17% said we were good with no rating lower than these. We asked if we could improve parts of the service and 15% thought we could but generally those suggestions were about the prescribed forms over which we have no control. 67.5% of applicants used the website and we had favourable responses about how useful it was, although one respondent felt we should inform online applicants that the forms did not work with 'cut and paste'. 49.5% of applicants contacted the Licensing Team and when asked if that contact was helpful gave very positive replies with the word 'very' being used by most. We will continue to use the forms and endeavour to restore the numbers who think the service is 'very good' rather than just 'good'.
- 3.9 In terms of budget we finished the year £10,079 over the estimated income of £106,590.
- 3.10 The Gambling Act statement of principles was reviewed and formally adopted by full Council in December 2012 which met the statutory timescale.
- 3.11 The Licensing Team was subjected to an internal audit and came out as 'well controlled', which reflects well on how the team functions.
- 3.11 The financial information and the data in this report have been verified by the relevant sections in the Council.

4.0 **CURRENT YEAR**

- 4.1 In the current year we have brought in most of the major changes that brought about to the Licensing Act 2003 by the Police Reform and Social Responsibility Act.
- 4.2 We do not know if the Government will bring in any new indicators but we are maintaining records and time recording, which will be necessary when we get the fee setting powers for the Licensing Act 2003 that the legislative changes have brought about. The secondary legislation that will bring this in is currently delayed, probably because some very recent case law stemming from the EU Services legislation makes it difficult to charge fees for the enforcement part of the work.
- 4.3 We are currently putting together a draft Licensing Policy with a view to it being adopted in December this year by full Council with effect from January 2014. That policy will then be in place for five years, rather than the previous three year shelf life.

5.0 RECOMMENDATION

5.1 All of the data provided for this report is auditable and it is recommended that Members note the report.

Contact for any more information	Mrs Marjory Parish (01884) 244619 Licensing & Community Safety Manager
Background Papers	Licensing Performance info, Lic Sub Cttee reports and minutes, MDDC budget
File Reference	Licensing/Performance Information
Circulation of the Report	Licensing and Regulatory Committees

Licences and Registrations to date – 3 July 2013**Alcohol and Entertainment**

Personal licences	880
Premises with alcohol (includes a vessel)	260
Premises no alcohol (includes village halls etc and takeaways)	63
Clubs	46
TENs since 24 November 2005	3091
TENs 1 April 2012- 31 March 2013	410
TENs from 1 April 2013 to 3 July 2013	138

Gambling

Adult gaming centres	3
Unlicensed family entertainment centre permits	2
Betting premises	5
Club gaming permits (closed)	2 (but 1 is now closed)
Club machine permits	9
Alcohol licensed premises permits	3
Alcohol licensed premises notifications	65
Small society lottery registrations	115

Hearings

Hearings from 1 April 2012 – 31 March 2013 (no appeals against any of the decisions)	4
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Annexe 2 LICENSING SERVICE STANDARDS

What we do:

Provide information for each licence comprising:

Procedure
Forms
Fees

This information is available in the office and on our website. Forms on the website are downloadable and, where appropriate, interactive. Where practicable fees may also be paid online. If anyone needs further information we will assist on the telephone, by email or you may make an appointment and come in and see a member of the team.

On receipt of applications we follow the procedure in line with whatever licence it is. If the application is incomplete or faulty we advise the applicant forthwith.

When we have heard from all consultees/referees/DBS and received all necessary documentation the licences are issued within three working days.

We monitor responses from consultees/referees/DBS, where appropriate, and will chase them up if a response is not received within 10 working days or 20 working days in the case of the DBS.

If there is a need for a committee hearing we inform the applicant of the date as soon as it is arranged. We provide them with the necessary information 10 working days before the hearing for hearings under the Licensing Act 2003 and 5 working days before the hearing in all other cases. The necessary information includes the hearing procedure, their rights of representation and of appeal.

When the hearing is ended we inform the applicant of the decision formally as soon as the minutes are received (generally within two working days) and let them have details of the appeal procedure.

If you have any complaints about the way you are dealt with by the Licensing Team they will be dealt with in accordance with the Council's complaints procedure. The link is on the Licensing Home Page.

If you have a complaint about premises we licence or an activity we licence then please contact us and your complaint will be dealt with as set out below.

We will ask you to let us have as much information as possible about the nature of the complaint and we might ask you to let us have a written statement of the event.

Once we receive this information the Licensing Team will investigate your complaint. Initially, you will receive a response within 5 working days which will either be a full response to your complaint, or, if it is more complex, an acknowledgement with an indication of how long it is likely to be before you hear further. Our acknowledgement letter will also give you the name and telephone number of the officer dealing with your complaint.

In normal circumstances we will aim to deal with your complaint within 15 working days of receipt. Sometimes, however, more complex issues may take longer but we will keep you informed of progress and will inform you in writing (which could mean email) of any delays in our response.

We will send out a complainant feedback form to you when the complaint is closed which will be used to help us improve our service. If you are unhappy about how we deal with your complaint you may, of course, use the Council's formal complaints procedure referred to above.

Our contact numbers here are 01884 244617/8/9 or 244646 or you may email us at licensing@middevon.gov.uk.

Customer Service Questionnaire - Licensing

We would be grateful if you could complete the following questionnaire and return it to us in the pre paid envelope included. We value the feedback you provide us with and our aim is to use it to continually try and improve the service we offer.

How would you rate the level of service provided by the licensing department? (Please circle one of the following)

Very Good Good Fair Poor Very Poor

Please use the space below to explain why you have circled that option.

Do you think the licensing department could improve parts of its service? (Please circle one of the following)

Yes / No

If yes, please say what and how you think we could do this.

Was the application form easy to follow? (Please circle one of the following)

Yes / No

If not, please explain why.

Did you use our licensing website? (Please circle one of the following)

Yes / No

If so, did you find it useful?

Did you contact us directly for information or help? (Please circle one of the following)

Yes / No

If so, was the contact useful?

Do you require any further information on licensing matters?

Name: _____

Telephone number: _____

Thank you for taking part in this survey.

Licensing Performance Records

Year: 2012-2013

Licence Type	Applications Received	Issue of Licence Within Timescale	Issue of Licence Outside of Timescale	% Issued Within Timescale	% Issued Outside Timescale	Target Met of 95% Within Timescale	Income
Premises Licence	22	21	4	84.0%	16.0%	X	£ 50,420.11
Club Certificate	0	0	0				£ 6,780.00
Personal Licence	58	55	3	94.8%	5.2%	X	£ 2,167.00
Premises/Personal Transfer	78	76	5	93.8%	6.2%	X	£ 1,326.00
Temporary Event Notice	379	357	17	95.5%	4.5%	✓	£ 8,126.00
Interim Notice	0	0	0				£ -
Hackney/Private Hire Driver	97	96	5	95.0%	5.0%	✓	£ 12,966.00
Hackney Carriage Vehicle	75	72	4	94.7%	5.3%	X	£ 9,090.00
Private Hire Vehicle	62	62	0	100.0%	0.0%	✓	£ 8,225.00
Operator Licence	13	12	1	92.3%	7.7%	X	£ 2,080.00
Animal Boarding	12	13	0	100.0%	0.0%	✓	£ 1,290.00
Animal Breeding	0	0	0				£ -
Pet Shops	3	3	0	100.0%	0.0%	✓	£ 380.00
Riding Establishments	3	2	1	66.7%	33.3%	X	£ 255.00
Dangerous Wild Animals	0	0	0				£ -
MSO & SMD	10	11	0	100.0%	0.0%	✓	£ -
Street Collection	58	58	1	98.3%	1.7%	✓	£ -
House to House Collection	19	18	1	94.7%	5.3%	X	£ -
Caravans	1	2	0	100.0%	0.0%	✓	£ -
Beauty Registration	7	6	0	100.0%	0.0%	✓	£ 610.50
Society Lotteries	118	116	3	97.5%	2.5%	✓	£ 2,210.50
Betting Premises	0	0	0				£ 1,500.00
Adult Gaming Centre	0	3	0	100.0%	0.0%	✓	£ 1,150.00
Gaming Machines	6	5	1	83.3%	16.7%	X	£ 950.00
Total	1021	988	46	95.6%	4.4%	✓	£ 109,526.11