

REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

LICENSING PERFORMANCE

REASON FOR REPORT

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

RECOMMENDATIONS

1. That the content of this report is noted
2. That the target for the issuing of licences is amended

RELATIONSHIP TO CORPORATE PLAN

1. Thriving Economy & Empowering our Communities

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. Annexe 1 lists the number of licences and registrations under these two pieces of legislation as of 25 November 2014.

- 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 service standards which are attached as Annexe 2. Standards in connection with hearings under the Licensing Act 2003 and Gambling Act 2005 are statutory.
- 2.3 There is the additional target of running the service within its budget, which means attaining the income without exceeding the allocated budget.
- 2.4 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.
- 3.2 The 2013-14 target for the issuing of licences was set at 95% within three working days. Looking at the overall totals, this was achieved. Annexe 3 shows the year's results in summary and the overall score was 98.3%.
- 3.3 The figures on Annexe 3 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.
- 3.4 The target was missed for the issuing of premises licences and this was because these licences can take some time to prepare. Three out of eighteen were sent after the three day target although it should be noted that this does not impact on the ability of the applicants business to operate.
- 3.5 The licences or notices we produce are themselves legal documents so it is vital they are issued correctly. Because of this it is recommended that we increase the current three working day turnaround to five working days for the 2015/16 year. We would then increase the actual target to 97%. This will allow us additional time to check the quality of licences before issuing.

- 3.6 The Licensing Team was previously audited (internally) in 2012-13 and came out as 'well controlled' at that time.
- 3.7 In terms of budget we finished the year £9,407.45 over the estimated income of £110,440.

4.0 HEARINGS HELD DURING 2013/14

- 4.1 Three hearings were held under the Licensing Act during the course of the year. All were held within the statutory time limits and all of the notifications were made within the prescribed period.
- 4.2 The first hearing was to consider an Environmental Health objection to a Temporary Event Notice (TEN) for an event held at Whitmoor Farm, Uffculme. The Sub-Committee decided to uphold the objection and subsequently issued a counter notice which prevented the event from going ahead. The applicant subsequently appealed this decision and on 24 July 2013 the Magistrates Court upheld the decision of the District Council stating that the original reasons given by the Sub Committee were sound.
- 4.3 The second hearing concerned a new premises licence application for the Kings Head, Cullompton. This followed on from a representation submitted by the Police and the licence was subsequently granted with some amendments.
- 4.4 The final hearing held was to consider an application to review the premises licence for Duvale Priory, Bampton. Conditions were subsequently added to the licence in order to address concerns raised by local residents in view of the public nuisance licensing objective.

5.0 LICENSING POLICY

- 5.1 The Licensing Act Policy was reviewed and formally adopted by full Council in December 2013 which met the statutory timescale. This Policy will now remain in force for a maximum period of five years and will then be subject to review and further consultation. Like all policies it will need to be reviewed regularly and updated in response to legislative changes.

6.0 CURRENT YEAR

- 6.1 Two hearings have been held so far this financial year. Once again both were held within the statutory time limits and all of the notifications were made within the prescribed period.
- 6.2 The first hearing concerned a new premises licence for Hanlons Brewery, Half Moon, following representations from nearby residents. The application was subsequently granted with conditions.
- 6.3 The second hearing was to consider an application for a time limited premises licence for an event to be held at East Pidsley Farm, Sandford. Representations were received from four Responsible Authorities (Police, Fire

Service, Licensing Authority and the Primary Care Trust) and an additional thirty-six from 'other' sources (nearby residents and bodies). The Licensing Sub-Committee decided to refuse the application and this decision was not appealed by the applicant.

7.0 RECOMMENDATION

- 7.1 With reference to the issuing of licences it is recommended that we increase the current three working day turnaround to five working days for the 2015/16 year and subsequently increase the actual target from 95% to 97%. This will allow us additional time to check the quality of licences before issuing. We will of course endeavour to get licences out as quickly as possible but this will allow us more time should we need it.
- 7.2 All of the data provided within this report is auditable and it is recommended that Members note the contents.

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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