

Agenda Item No. 6

TO: LICENSING COMMITTEE
DATE: 26 November 2009
SUBJECT: LICENSING – SERVICE STANDARDS
BY: INTERIM HEAD OF LEGAL SERVICES
Classification: Unrestricted

Summary: To endorse the Service Standards proposed for the Licensing Service, setting the level of service customers can expect from Swale Council's Licensing Service. Once agreed, The Service Standards will be published on Swale Council's website.

Implications: Human Resources Implications - None

Finance Implications - All costs required to meet the Licensing Service's Service Standards will be covered within existing budgets.

Legal Implications – There is no legal obligation to produce or publish Service Standards

Crime & Disorder Implications (Section 17) - None

Equalities & Diversity Implications – The Service Standards include a commitment to carrying out regular consultation with residents and users of the services, in order to determine whether their needs are being met.

Sustainability Implications - None

Risk and Health and Safety Implications – None

Corporate Plan Implications: If adopted the recommendation in this report will contribute to:

- Becoming a High Performing Organisation
- Regeneration Swale, by offering efficient services to local businesses

Decision Required: **I recommend that the Licensing Committee approve the Services Standards proposed for the Licensing Services, as set out in Appendix 1.**

Introduction/Background

Background

The Licensing Team is responsible for carrying out the Council's Licensing functions including the regulation and enforcement of various Acts including the Licensing Act 2003 and the Gambling Act 2005. Licensing Act 2003 functions include: -

- Licensing premises (including clubs, halls, public houses and open air) for the sale/supply of alcohol and provision of regulated entertainment.
- Licensing persons to sell/supply or authorise the sale/supply of alcohol.

- Enforcement of the Act, as to part alone, and as to part in conjunction with other Authorities (e.g. police, fire and rescue, trade descriptions etc.)
- Maintaining statutory registers.

The Team also deal with Temporary Event Notices, Street Collections, House-to-house collections, Sex Shops and the Gambling Act 2005: The Gambling Act 2005 regulates the licensing of premises for gambling (including bookmakers, casinos, bingo, arcades, family and adult entertainment centres, gaming machines)

The Licensing Team currently work to the Corporate Service Standards and will continue to do so. Those Service Standards will be supplemented by specific details of the level of service that members of the public can expect from the Licensing Team. The draft service specific standards are set out in Appendix 1 of this report. It is proposed that this information is published on the Council's website although there is currently no legal requirement to do so.

The Service Standards will be incorporated into the Department's Service Plan and will be treated as local performance indicators and will be monitored in line with the Council's Performance Management framework.

Issue for decision

There are currently no service specific standards for the Licensing function. The service is run by a small team and has limited resources. However, members of the public should be aware of the service they can expect from the team and this information should be easy to access.

Options (where appropriate) and why they are not recommended

A large number of authorities do not publish service standards specifically for their Licensing function and it is an option for the service to work only to the corporate Service Standards.

The Council is committed to improving its performance and to regenerating the local economy. Accepting this option will be a clear statement of the level of service the Council intends to provide and by monitoring its performance against the standards should ensure that it achieves those standards and that it is aware of any difficulties in making them, if they are not met.

Recommendation

That the proposed Service Standards in Appendix 1 are agreed.

Author: Monica Blades – Chase - Ext. 7324
Date 6 November 2009
Report approved by – Monica Blades-Chase

List of background documents -

SERVICES STANDARDS FOR LICENSING

In addition to the Corporate Service Standards

Title	Description	Due Date
Offer a responsive service	95% of licence/permit application forms despatched	Within 2 working days
Efficient determination of applications	Minor variations granted	Within 16 Working days – 1 day plus 15 days statutory period.
Efficient determination of applications	95% of all Licensing applications determined as quickly as possible	Within 60 days of receipt of valid application
Efficient determination of applications	Subject to relevant checks, if there are <u>no</u> representations Licenses will be granted Personal Licenses Premises	Within 16 days - 2 days plus 14 days statutory consultation period Within 30 days – 2 days plus 28 days statutory consultation period
Efficient determination of applications	If there are any representations made during the consultation period, a hearing must be heard	Within 20 working days
Efficient determination of applications	Temporary Event notices	Within 4 days – 2 days plus 48 hours statutory consultation period,
Despatch of Licenses	90% of Licenses issued under the Licensing Act 2003 despatched as quickly as possible	Within 5 working days of determination
Enforcement action	Retrospective Breach: A retrospective complaint is logged by Customer Services and sent to the Enforcement Officer. The Officer shall call the complainant for further information. The Enforcement Officer shall make arrangements to speak directly with the Licence holder of the offending premises.	Within 4 working days <i>(Depending on the type of breach the premises will be monitored for up to 2 weeks)</i> Within 20 working days of the initial complaint.

	<p>Immediate Breach: Any breach or offence committed will be dealt with immediately. The Enforcement Officer shall visit the offending premises and obtain any evidence.</p> <p><i>(Depending on the Breach and the circumstances of the offence)</i> A formal warning letter will be sent to the Offending Premises/ An Interview under caution shall be arranged/ A report to legal will be sent/ Complainant updated.</p>	<p>On the Same day <i>(Provided the Enforcement Officer is on duty)</i></p> <p>Within 2 working days <i>(Provided the Enforcement Officer is on duty)</i></p>
Consultation	<p>Performance: From the implementation of M3, we shall consult users of our service to find out whether our performance meets their requirements.</p> <p>Statistical Information: In accordance with Data Protection all registers held by the Licensing Department will be checked for accuracy.</p> <p>Review of Licensing Policy: In accordance with the Licensing Act 2003, a review of the adopted Licensing Policy will be undertaken. This includes a consultation period including licence holders, trade members and the general public.</p>	<p>Once a month – 20% of passed applications will be sent a questionnaire.</p> <p>Personal Licenses: Checked once per year via Post/ Email.</p> <p>Premises Licenses: Checked at least once per year by arranged inspection.</p> <p>Every Three Years</p>