

Legal Services - Licensing

Business Plan 2016/17

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<u>Area of Responsibility:</u>	Legal Services
<u>Sponsor (Cabinet Member):</u>	Councillor Arwyn Woolcock

Introduction

This Business Plan covers the financial year 1st April 2016 to 31st March 2017 for the Licensing Section. A separate business plan has already been completed for the rest of Legal Services.

Principle 1 - Delivery of Priorities in 2015/16

AIM	ACTION	ACHIEVEMENT
<p>Review Licensing Act Policy in accordance with statutory timescales</p>	<p>Update existing Licensing Act 2003 Policy, undertake consultation with interested parties and seek approval from Council.</p>	<p>Completed December 2015</p>
<p>Review Gambling Act Statement of Principles in accordance with statutory timescales</p>	<p>Update existing Gambling Act 2005 Statement of Principles, undertake consultation and seek approval from Council</p>	<p>Completed December 2015</p>
<p>Implement taxi driver training in relation to safeguarding issues including child sexual exploitation</p>	<p>Liaise with Swansea Council's Taxi Licensing team to implement training across both areas.</p>	<p>Various obstacles have delayed implementation of this training. This was discussed at Policy Resources Scrutiny Committee on the 31st March 2015. This item is included on the 2016/2017 business plan.</p>

AIM	ACTION	ACHIEVEMENT
Licence fees review	Undertake a comprehensive review of all Licence fees utilising the All Wales Licensing Expert Panel's Licensing Fees Toolkit	2016 / 2017 Licensing fees approved in March 2016.
Implement risk based inspection system for licences issued under the Licensing Act 2003	Develop a risk based inspection system which will be incorporated into the Diamond Licensing Software. Officers to inspect 1/3 of licensed premises in the period 2015/2016	Risk based inspection system completed in June 2016. 89 of proposed 159 inspections completed. This was discussed at Policy Resources Scrutiny Committee on the 31 st March 2015

Principle 2 - Priorities to be delivered in 2016/17

Priority	Actions to deliver priority	Timescale	Evidence
Risk based inspections	1/3 of licensed premises to inspected in addition to the shortfall in inspections from 2015/2016.	March 2017	Details to be provided on the Licensing 2016/2017 Report Card.
Review of Street Trading Policy	Update existing street trading policy, undertake consultation with interested parties and seek approval from the Registration and Licensing Committee.	March 2017	Adoption by the Registration and Licensing Committee
Implement Online DBS checks for taxi drivers	Identify and sign up to an online DBS check provider. Communicate changes to the taxi trade and phase out paper based DBS checks.	December 2016	Implementation of Online system for DBS checks
Develop and implement a system for enabling online taxi applications	This is only possible once DBS applications are completed online. A System will need to be developed locally as online taxi licensing is not supported by GOV.UK	January 2017	Implementation of online taxi applications

Priority	Actions to deliver priority	Timescale	Evidence
Implement taxi driver training in relation to safeguarding issues including child sexual exploitation	Continue to work on removing the obstacles delaying the implementation of training, in particular funding. In the interim period, safeguarding questions are to be added to the knowledge test and safeguarding factsheets are to be added to the application pack.	September 2016 for knowledge test and factsheets. March 2017 for training	Application packs to contain relevant materials and knowledge test to be approved by the Registration and Licensing Committee. Training information to be provided on the Licensing 2016/2017 Report Card
Review of licence fees to ensure the Council recovers the cost of the Licensing Service from those that derive benefit from it	This is an ongoing task and will be included in all future business plans. The aim is to ensure that the Council recovers as much of its costs (as is legally permissible) from the licensed trade.	March 2017	Adoption of Licensing fees for the 2017/2018 period and budget monitoring.

Principle 2 continued – Why are these priorities

Priority	Reason for priority	How will the priority be achieved
Risk based inspections	In accordance with the Regulators Code, premises should be inspected based on risk to allow for better allocation of resources. To enable premises to be risk assessed, each premises will receive an initial inspection; these inspections will take place over a 3 year period which began in 2015 / 2016. The target is to inspect 1/3 of premises each year.	Review of the Licensing teams roles and responsibilities, so licensing officers are less office based.
Review of Street Trading Policy	The Street Trading Policy has been in place since Local Government reorganisation in 1996. The policy requires reviewing to take account of Council's corporate improvement plan and to better protect the public.	The policy will be drafted to take account of local needs and the Council's improvement plan, prior to an extensive consultation exercise with interested parties.
Implement Online DBS checks for taxi drivers	Moving to online DBS applications, will allow the introduction of online taxi applications. The paper based system has a high turnaround time for applications, which does not promote an efficient licensing service, in addition the paper based system is due	Options will include: 1. Upgrading existing umbrella registration with the Disclosure and Barring Service to enable online application to be submitted.

Priority	Reason for priority	How will the priority be achieved
	to be phased out by the Disclosure and Barring Service.	<p>2. Entering into a contract with a 3rd party provider.</p> <p>3. Entering into a contract with Powys County Council, who already provide the DBS service for the NPT Human Resources Department.</p> <p>Option 3 being the preferred option.</p>
Develop and implement a system for enabling online taxi applications	In line with the Council's Digital By Choice policy, work is being undertaken to ensure that all relevant services are available digitally. The EU Services Directive introduced in 2009 required the majority of licences to be made available online. As a consequence, the Government introduced a free national online system, which Local Authorities could use without charge; this system is now GOV.UK. Taxi Licensing however was not included within the regulations and	Taxi driver applications currently require a paper based DBS check. Entering into a contract with an online provider of DBS checks will pave the way for an online system to be created locally, working with I.T and the Digital by Choice team.

Priority	Reason for priority	How will the priority be achieved
	therefore has not been made available digitally.	
Implement taxi driver training in relation to safeguarding issues including child sexual exploitation	Taxi drivers are the eyes and ears of the community, they will come into contact with many vulnerable people and without adequate training, they may not recognise the signs that someone needs help. Training taxi drivers to identify issues and report their concerns could uncover instances of CSE and other safeguarding issues.	By overcoming the various obstacles, particularly with funding. Working in collaboration with Swansea Taxi licensing and the Western Bay Partnership.
Review of licence fees to ensure the Council recovers the cost of the Licensing Service from those that derive benefit from it	It is essential that the Council sets legal licensing fees, which recover the cost of the service, but do not make a profit. The legal implications of getting this wrong can result in Local Authorities having to pay back thousands if not millions of pounds.	Utilising the All Wales Licensing Expert Panel's Fees Toolkit which sets out clearly how licensing fees should be calculated in order to withstand any legal challenge.

Principle 3 – Workforce Planning

<p>What are the key workforce challenges for the Service?</p>	<p>The Licensing Section recovers its costs from those that derive benefit from it, but legislation dictates that it must not make a profit; the Section therefore attempts to be as close to cost neutral as possible. The Section however can never be completely cost neutral, as there are certain licensing functions where a fee is not permitted to be levied and other functions where the fee is set by statute, which does not necessarily reflect the actual cost.</p> <p>The Section recovers at least all its above line costs, and an attempts to recover as much of its below line costs (central recharges) as possible, by ensuring that Licensing fees are calculated accurately based on actual costs and officer time monitoring systems.</p> <p>There has been a shift in government policy towards deregulation and cutting red tape for business, which ultimately may lead to a reduction in the number of licences being issued and consequently a reduction in the section’s workload. There has already been some deregulation, however this has not significantly affected the workload.</p>
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<p>What are the longer term workforce challenges for this Service?</p>	<p>If this trend of deregulation continues it could inevitably lead to a significant reduction in the number of licences being issued, which would in turn lead to significant reduction in income. Staffing levels as a consequence would need to be reduced in order to maintain a balanced budget. There is however no indication of major changes in the short to medium term.</p> <p>The Licensing Section also has 3 members of staff who will reach retirement age within the next 4-6 years. It will be essential to ensure that team have the appropriate skills in place in order for the section to continuing operating efficiently.</p>
<p>What options can be taken to address these challenges?</p>	<p>The actions are:-</p> <ul style="list-style-type: none"> • Working with the WLGA, Wales Licensing Expert Panel and Institute of Licensing to ensure that Local Authority views on deregulation are considered as part of government policy. • Effective communication with staff • Effective training of junior team members.
<p>Property Management What are the property consequences of delivering the priorities outlined in this business plan?</p>	<p>There are none</p>

Mandatory Corporate Measures Table

Mandatory Corporate Measures (2016/17)	2014/15 Performance	2015/16 Performance	2016/17 Performance Target
Number of transactional services:			
a) Fully web enabled	13	8	9
b) Partially web enabled	0	0	0
% of revenue expenditure within budget	100%	100%	100%
Amount of FFP savings at risk	Nil	Nil	Nil
Average FTE days lost due to sickness	2.3	7	6
% (No.) of staff performance appraisals to be completed during 2016/17	0%	0%	100%
Number of employees who left due to unplanned departures	Nil	Nil	Nil This target however is outside the control of the Head of Service and assumes that no staff will leave for employment elsewhere.

Mandatory Corporate Measures (2016/17)	2014/15 Performance	2015/16 Performance	2016/17 Performance Target
Total number of complaints: Internal / External	Nil	Nil	Nil
Total number of compliments: Internal External	Nil	Nil	The number of compliments received is outside the control of the Head of Service
% (No) of services measuring customer satisfaction	Nil	Nil	Nil
% (No) of service report cards to be produced by 31.3.17		100% (1 service card for Licensing)	100% (1 service card for Licensing)