

LICENSING AND SAFETY COMMITTEE

3 MARCH 2009

LICENSING ACT 2003

CHANGES TO STAFFING STRUCTURE

Report from: Deborah Upton, Assistant Director, (Housing & Corporate Services)

Author: Peter J Tonge. Head of Public Protection & Regulation

Summary

The purpose of this report is to inform the Committee of the new operational structure of the Licensing Team and the merging of the team under a new manager as a result of the retirement of the Licensing Manager

1. Budget and Policy Framework

- 1.1 The Council's statement of licensing policy in respect of its functions under the Licensing Act 2003 refers to the licensing objective of the prevention of crime and disorder and associated enforcement.
- 1.2 Changes to the staffing structure will be progressed in accordance with the Council's constitution and HR policies and procedures.

2. Background

- 2.1 The Licensing Act 2003 placed new responsibilities on the Council which meant that a new licensing team needed to be created to fulfil the new responsibilities. The Licensing team under the guidance of the Licensing Manager oversaw the implementation of the Licensing Act and the Gambling Act 2005 successfully. However time has moved on and there is an opportunity for a review of the structure. The retirement of the Licensing Manager in May 2009 has provided an opportunity to make both a financial saving and add capacity to the Licensing team.
- 2.2 There are some concerns that the enforcement part of licensing and the administration of the licensing functions are too close. This could lead to criticism if the enforcement officers were wanting to take enforcement action against a premises under the Licensing Act, an example of this is where an offence has been committed and witnessed by an enforcement officer who wishes to take enforcement action that needs to be referred to a hearing panel, a position could then occur

whereby the Licensing Manager is providing impartial advice to the panel where he knows that his member of staff has witnessed an offence. Because of this some council's have preferred to keep the administration of the licensing functions and enforcement functions totally separated. Whilst this has been managed in the past by the professionalism of the officers it is preferred not to put them in this position. Therefore it is proposed to place a degree of separation between these two areas of the licensing work.

3. Proposals

- 3.1 Merge the licensing and Local Land Charges team under one manager (Business Development Manager). This would ensure that the management support needed for the team remains in place in light of the retirement of the Licensing Manager.
- 3.2 Create an additional senior Licensing Officer post to manage, on a day-to-day basis, the administration of the licensing functions i.e. issuing licenses, preparation of committee reports, attending hearing panels etc. This post would manage the two licensing officers whilst the existing Senior Licensing and Enforcement Officer would continue to manage the two Licensing Enforcement Officers.

4. Comments of the Head of Public Protection & Regulation

- 4.1 The above proposal will not only realise a small cost saving it will also allow career progression for the Business Development Manager and most importantly provide some much needed additional capacity in the Licensing Team. In addition to this it will provide a degree of separation between the enforcement functions and the administrative functions of the licensing unit thus demonstrating full transparency. It will also provide better administrative support for the licensing team who do not currently have any administrative support.
- 4.2 It is not expected that this proposal will result in any staff currently in post facing redundancy or a decrease in salary scale.
- 4.3 Current and proposed structures are shown at appendix A.

5. Legal Implications

- 5.1 The structure of licensing teams are not stipulated anywhere in legislation and it is up to individual Councils to decide on the structure that they see fit to deliver the function. In order to protect officers from allegations of not being impartial and to ensure that licensing decisions are made in a fair and robust fashion, it would be sensible to add a level of separation between the administrative and enforcement sections of the team.

6. Financial Implications

- 6.1 There are no direct negative financial implications for Medway Council concerning the retirement of the licensing manager. The new structure will result in very small saving (£2-3,000) in the salary budget. However as the Senior Licensing and Enforcement Officer will be released to spend more time on operational matters it is likely that they will qualify for essential user car allowance which will use part of the saving.

6. Recommendation

- 6.1 That the Committee notes the report.

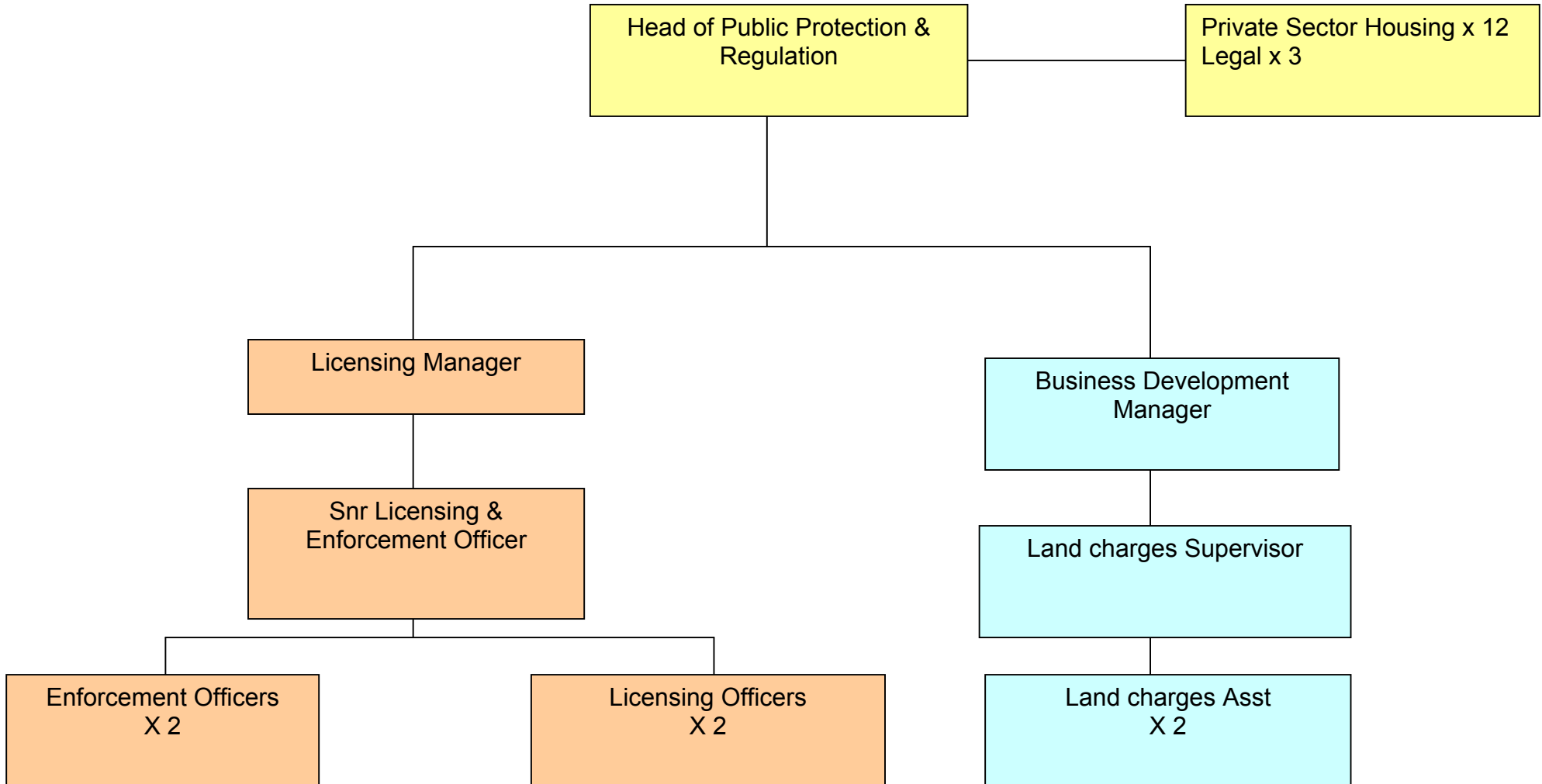
Lead officer contact

Peter J Tonge. Head of Public Protection & Regulation
Gun Wharf, Chatham, Kent ME4 4TR
Telephone (01634) 332284
E mail peter.tonge@medway.gov.uk

Background Papers: None

APPENDIX A

Current Structure



Proposed Licensing & Land Charges Structure

