



BUSINESS SUPPORT OVERVIEW & SCRUTINY COMMITTEE

26 JUNE 2018

SHARED LICENSING SERVICE BETWEEN GRAVESHAM BOROUGH COUNCIL AND MEDWAY COUNCIL - ADDENDUM REPORT

Report from: Perry Holmes, Chief Legal Officer
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Summary

This addendum report provides Members with the record of the Licensing and Safety Committee meeting held on 26 June 2018, when it considered this matter.

1. Background

- 1.1 At its meeting held on 26 June 2018, the Licensing and Safety Committee considered a report on the shared service between Gravesham Borough Council and Medway Council. The record of that item of business is as follows:

Discussion

Members considered a report on a proposal for Medway Council to delegate the Council's licensing functions to Gravesham Borough Council whereby Gravesham Borough Council would assume responsibility for the discharge of Medway Council's licensing functions.

The Chief Legal Officer advised the Committee that this would be the third shared service between the two Councils but would be the first time where Gravesham would be the lead Council. Following the retirement of Medway's Licensing Manager at the end of April 2018, Gravesham Borough Council's Licensing Manager was providing management support to Medway's Licensing Team on an interim basis. It was envisaged that the new shared service arrangements would build resilience into the team and provide an opportunity to consider potential new ways of working which might lead to savings. The shared service business case was appended to the report and

set out the case for the proposed option, Option 1 – the establishment of a shared licensing service.

With reference to the Addendum report, the Chief Legal Officer advised the Committee that, although a majority of licensing functions were non-executive functions, the licensing of scrap metal dealers was an executive function. It would therefore be necessary to seek the agreement of Cabinet to delegate responsibility for the discharge of this function to Gravesham Borough Council. The Addendum report included additional recommendations to reflect this distinction between the delegation authority of executive and non-executive functions.

The Committee discussed the proposal and a Member expressed concern that Gravesham Borough Council would be the lead Council for a shared licensing service. Citing examples of issues with taxi licensing, and the non-availability of Gravesham Borough Council statistics for taxi related compliance inspections and checks, he expressed the view that it would be more appropriate for Medway, as the larger service, to be the lead Council. Another Member sought reassurance that the risks had been assessed and the current high level of Medway Council's licensing service would be maintained.

The Chief Legal Officer responded that, through the current shared arrangements for other services, strong partnership working between the two Councils had already been established. Gravesham's Licensing Manager was already providing effective management on an interim basis and this had enabled the provision of a seamless service following the retirement of Medway's Licensing Manager. The effectiveness of the current shared legal service, with staff from each Council working within both locations, demonstrated the resilience that had been built up. The risks had been considered and it was expected that the same level of success would be achieved through a shared licensing service.

In response to a question regarding the legal qualifications of Gravesham's Assistant Director who would have delegated authority to exercise licensing delegations under the employee delegation scheme, the Chief Legal Officer explained that it was not necessary for the officer discharging licensing functions to be legally qualified. In response to a further question regarding a service level agreement to provide assurance that the level of service would not be diminished, the Chief Legal Officer undertook to circulate a draft service level agreement to members of the Committee and members of the Business Support Overview and Scrutiny Committee and Cabinet.

The Chairman said that she and the Vice Chairman had sought clarification when the option for Gravesham to be the lead Council for a shared licensing service had first been proposed, and had been reassured that it was not simply a cost cutting measure. The licensing policies of each Council would remain in place and the shared service would be properly monitored to ensure that service standards were maintained.

Decision:

The Committee agreed to:

- a) recommend to Full Council that option one set out in paragraph 5.1 of the agenda report is agreed whereby Medway Council shall delegate responsibility for the discharge of its Licensing Service non-executive functions to Gravesham Borough Council;
- b) recommend to Full Council that all non-executive licensing delegations currently with the Chief Legal Officer can also be exercised by Gravesham Borough Council's Assistant Director (Communities);
- c) recommend that Cabinet agree to delegate authority to Chief Legal Officer of Medway Council to enter into a legally binding contract between both local authorities setting out the detail of the arrangements for a fully shared Licensing Service;
- d) recommend to Cabinet that option one set out in paragraph 5.1 of the agenda report is agreed whereby Medway Council shall delegate responsibility for the discharge of its Licensing Service executive functions to Gravesham Borough Council; and
- e) recommend to the Leader and Cabinet that all executive licensing delegations currently with the Chief Legal Officer can also be exercised by Gravesham Borough Council's Assistant Director (Communities).

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Appendices

None

Background Papers:

None