



CABINET

10 JULY 2018

SHARED LICENSING SERVICE BETWEEN GRAVESHAM BOROUGH COUNCIL AND MEDWAY COUNCIL

ADDENDUM REPORT

Portfolio Holder: Councillor Jane Chitty, Planning, Economic Growth and Regulation

Report from: Perry Holmes, Chief Legal Officer

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Summary

To provide Cabinet with the views of the Business Support Overview and Scrutiny Committee which considered the report on 5 July 2018.

1. Background

- 1.1 Members considered a report which dealt with a proposal 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.
- 1.2 Members also considered an addendum report which provided the record of the Licensing and Safety Committee meeting held on 26 June 2018, when it considered this matter, together with the draft service level agreement which the Licensing and Safety Committee had requested.
- 1.3 There was broad, and in cases qualified, support for the proposal to establish a shared licensing service. The point was made that there may be scope for further shared services provided this did not dilute the Council's focus on Medway residents. Another Member commented that she was in favour of shared services for back office services but where the service was public facing it could be more problematic.

- 1.4 A Member expressed concern that the TUPE transfer of Medway staff may result in them being on different terms and conditions but working on the same activities. The Chief Legal Officer advised that Medway staff would transfer with the same terms and conditions.
- 1.5 As Gravesham BC staff would receive pay increases in line with NJC Council agreements the point was made that a Gravesham member of staff performing the same duties as a Medway colleague would, over time, end up being paid more. The Chief Legal Officer acknowledged this was a potential risk but one that would be managed.
- 1.6 A Member referred to taxis licensed outside Medway operating in the borough which were often in a poor condition, not accountable and may not be able to be traced. She commented that local taxi drivers considered more controls could be introduced to prevent this from happening. The Chief Legal Officer responded that this issue had been discussed with representatives of Medway taxi drivers. Legally, it was very difficult to regulate this as it was difficult to evidence that an out of area hackney carriage had not been booked by a Medway resident. However, he was confident the shared service would improve enforcement in this area. Reference was also made to Uber and instances of overcharging in Medway and officers were asked to examine a recent decision by Brighton and Hove Council to not renew Uber's Private Hire Operator Licence in the city.
- 1.7 Members asked if the enforcement figures for Gravesham Borough Council BC (p 12 of the Business Case) could be made available to Cabinet and Council.
- 1.8 Reference was made to a recent incident involving disorder at a licensed premises in Chatham and Members congratulated the Licensing Manager for his work with the police and the licensee in coming up quickly with a more robust plan for future events.
- 1.9 The Committee agreed to:
 - a) note the proposal that Medway Council delegates responsibility for the discharge of its Licensing Service functions to Gravesham Borough Council, and;
 - b) ask that the enforcement figures for Gravesham Borough Council BC (p 12 of the Business Case) be made available.

2. Chief Legal Officer's Comments

- 2.1 Gravesham record enforcement visits against the individual premises file. There is no current Key Performance Indicator for the number of enforcement visits at Gravesham. The estimate of the number of such visits is however in the region of 300 annually.

2.2 Members should be re-assured on the issue of enforcement generally, that the lack of hearings taking place in Gravesham shows that the visits the team make are effective.

3. Recommendation

3.1 The Cabinet is asked to note the comments of the Business Support Overview and Scrutiny Committee.

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