



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer & Head of Licensing

Date: 29th October 2015

Subject: Enforcement / Staffing

Author of Report: Mr Stephen Lonnia

Summary: To set out for the Licensing Committee a detailed background as to the role, duties and vision of the Licensing Service in relation to enforcement, pro-active working, inspections, visits etc.; and the current position, and what our reasonable requirements are for the service in relation to inspection and enforcement in the future.

Recommendations: The Chief Licensing Officer and Head of Licensing to bring back a further report in January 16 detailing a five year enforcement plan with a proposal to increase resources if necessary; and provide a detailed financial implications plan regarding the costs / impact on individual licence fees.

Background Papers: NONE

Category of Report: OPEN

Report of the Chief Licensing Officer & Head of Licensing to the Licensing Committee

Enforcement and Staffing

1.0 Purpose of the Report

- 1.1 To set out for the Licensing Committee a detailed background as to the role, duties and vision of the Licensing Service in relation to;
- enforcement, pro-active working, inspections, visits etc.; and
 - the current position, and what our reasonable requirements are for the service in relation to inspection and enforcement in the future.

2.0 Background

- 2.1 The Service ambition is to move from its current, admin based operation to delivering a strategic and proactive service which continues to strive to be the best, developing a strengthened focus on customers and ensuring that policy development is joined up with other Council Services and partners to deliver successful outcomes for our city.
- 2.2 Sheffield City Council must, through legislative requirements provide a Licensing Service that carries out the statutory licensing functions of the Council. Inspection and enforcement is an integral part of those functions.
- 2.3 The Licensing Service operates under strict statutory timescales and processes, prescribed by legislation and associated regulations. The consequences of failing to adhere to statutory timescales include the possibility of legal challenge by the way of judicial review which could result in significant costs against the Council.
- 2.4 The Service administers and enforces over 50 individual licensing systems, 27 pieces of legislation, and over 15,000 applications for licences annually. A list of those systems is attached at **Appendix "A"**.
- 2.5 Licensing is a non-profit making service. The Service must only recover the reasonable costs of the administration and enforcement of the terms and conditions in relation to each individual licensing system that it manages. The Service is self-financing.
- 2.6 The Service operates in what can be a highly political area of the Council. Licensing of sports grounds, alcohol, gambling, the sex industry and taxis can be difficult and contentious issues. The Service must manage these in an independent, fair and equal manner in order to promote public safety and reduce issues such as alcohol related crime and disorder, under age sales, noise nuisance and the protection of children.
- 2.7 The Service works proactively on key issues such as public safety, health, crime and disorder, anti-social behaviour, prevention of public nuisance and the protection of children.
- 2.8 The Service mediates the on-going challenge of combining its statutory and regulatory function to ensure protection of the public alongside being an enabling, business friendly service, helping Sheffield to be economically competitive.

3.0 The Licensing Service Plan 2015 - 2017

3.1 The eight licence E's are the guiding principles at the centre of the licensing service vision, priorities and targets, they are;

- Enabling
- Effective
- Equitable
- Efficient
- Education
- Economy
- Enforcing
- E-Government

3.2 The Licence E's are all equally important, however as a service the three areas that we need to significantly improve on and move forward are in relation to Enabling, Education and Enforcement.

3.3 These guiding principles should ensure that at all times, no matter what role we are undertaking we deliver our service in a way that will assist the Council to achieve its priorities:

- An In Touch Organisation
- Strong Economy
- Better Health and Wellbeing
- Tackling Inequalities
- Thriving Neighbourhoods and Communities

3.4 The Vision of the service is shared with the vision of the Business, Strategy & Regulation Service in that we want to be "Doing the right things and doing things right, for our customers and the City, making Sheffield a Great Place to be". We will achieve this by keeping the city safe and healthy, protecting the environment, stimulating vibrancy and growth and adopting a well-structured organisation, that is risk aware and outcome focussed, whilst being efficient and high performing.

3.5 We aim to provide a service on which businesses; individuals and communities can depend on for reasons of health, safety, welfare, equality and consistency, whilst also being in a better position to deal with the political, economic, social, technological, legal and environmental factors that are likely to influence the role of local authority licensing over the coming years.

3.6 To be a service that will assist the Local Authority in using its powers and influence to promote the general wellbeing of the community and its residents. By doing the following:

- Listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield
 - Intelligent – make full use of information to inform decision making and drive service improvement
 - Efficient – continually strive to provide value for money, improving quality and Outcomes

- Help achieve our economic potential by being well connected, with skilled individuals and in assisting businesses
 - Vibrant City – help get the right mix of business, leisure and retail
 - Distinctive cultural and sporting assets – assist in delivering and maintaining these venues
- Assist people to have a good quality of life and feel proud of where they live and have great local amenities
 - Deliver an efficient and safe taxi licensing system that provides an efficient mode of transport
 - Assist in improving community safety by reducing antisocial behaviour
- Promote good health, and assist in preventing and tackling ill health
 - Provide information and education around the impact of alcohol and gambling
 - Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health
- Help invest in the most deprived communities and support individuals to help themselves
 - Through licensing help promote equality, diversity and inclusion
 - Continue to work with schools, colleges and universities to deliver education around licensing

3.7 We want to be a service that ensures more of a Sheffield focus with cross partner working with the Police, Fire and Ambulance Services, National Health Service, Public Health, Drug and Alcohol Co-ordination Team and many others. A service that ensures we deliver what Sheffield people need and want and plays a valuable role in tackling issues around anti-social behaviour, crime & disorder, health, noise from licensed premises and the protection of children and the vulnerable.

3.8 The role of Licensing is to strike a balance between the need to welcome and support those delivering licensable activities that are important to parts of our city with the need to ensure a high quality of life for all those who live, work in or visit Sheffield.

3.9 We need to ensure that the service is appropriately structured and resourced, and its relationships with its partners and other local authority services are such that it is best placed to deliver its primary function as an enabling service as set out in the Statement of Licensing Policy and offers a customer focussed service whilst complying with statutory and procedural requirements.

4.0 The 5 Year Business Plan

4.1 The 5 Year Business Plan recognises that we want to provide a service on which businesses, individuals and communities can depend on for reasons of health, safety, welfare, equality and consistency.

4.2 The plan also recognises that if we want to truly deliver an “Enabling Service” that offers education and support we need to cut through the red tape whilst still providing effective regulation that meets local and national needs.

4.3 As a service we want to assist the Local Authority in using its powers and influence to promote the general well-being of the community and its residents. Deliver a service that Sheffield people need and want and which plays a valuable role in tackling issues around anti-social behaviour, crime and disorder, health, noise from licensed premises and the protection of children and the vulnerable.

- 4.4 We want to be recognised as a Service that is committed to continuous improvement to benefit businesses, residents, and the wider community in Sheffield. This includes developing a strengthened focus on customers and ensuring that our policy development is joined up with other Council Services and partners to deliver successful outcomes for our city. The Service is committed to achieving a shift from its current admin based delivery, to being a strategic, proactive Service which continues to strive to be the best.
- 4.5 Five areas have been identified as key to the Service achieving these aims:
- Strategic Partnerships with Customers, Partners and Stakeholders (Enabling / Education / Effective / Enforcement)
 - Quality Staff (Education / Efficient / Effective)
 - Business Friendly (Enabling / Education / Economy / Enforcement)
 - Quality IT System (E-Government / Enabling)
 - Excellent Customer Service (Enabling / Education / Efficient / Effective / Enforcement)
- 4.6 The 5 Year Business Plan recognises that the Service has an important role to play in;
- The city and late night economy
 - Employment within the licensing and leisure industry
 - Large scale events and music concerts / festivals
 - Sports ground safety of spectators
 - Theatres, cinemas and cultural activities
 - Transport provision – taxi and private hire vehicles

5.0 Licensing Service & Structure

- 5.1 Licensing provides a service which impacts on people's lives. If not managed correctly, there are potentially significant legal and financial implications as well as local and national damage to the reputation of the city.
- 5.2 The work the service undertakes can impact on many other services within the Council, therefore it is extremely important that this is recognised and considered when creating policies, undertaking enforcement etc. Those other services include Planning, Environmental Protection, Health Protection, Trading Standards, Highways, Housing, Education, City Centre Management, Transport Services etc.
- 5.3 The Service moved to Business Strategy & Regulation under Mick Crofts in 2012. An achieving change with managing employee reductions (AC/MER) was then completed in March 2014 that introduced the current structure. See **Appendix "B"** for details of the current structure.
- 5.4 The aim of the new structure was to introduce specific job roles to develop a structure that will provide the base for the service to move forward in the future and particularly in areas of Strategy, Policy, Enforcement, Education, and Support whilst moving towards being an enabling service.
- 5.5 The AC/MER process was intended to make savings through streamlining application processes and introducing electronic forms and payments. This was to be achieved through the purchase of a new licensing database from a company called Idox (Lalpac).

- 5.6 It is fair to say that the vast majority of the back end (office) part of the new system is now in operation. We are currently agreeing the final upgrades/amendments to the back end of the system. Although it has to be said that it has taken a very long time to put in to place, it is a significant improvement on our old system and will enable the new electronic front end to perform in the future.
- 5.7 With regards to the front end of the system which will enable the service to deliver electronic registers, forms and payments this is still some way off and will need significant developments over the next few months. It is hoped that we can complete this part of the project within the next 5 months.
- 5.8 The AC/MER also aimed to deliver more targeted job roles and I believe this is working really well. At the first tier we have a team of 8 licensing analyst / processing officers that deal with all systems, with particular regards to administering applications, payments and general customer interaction.
- 5.9 The next tier of the service is the licensing enforcement / technical officers whose role includes out of office duties, enforcement and late night activities. This role again is now starting to take shape and deliver results. We accept that it was very slow at first because of huge workloads they were assisting LAPO's with administration work in the office.
- 5.10 The third tier is the Licensing Strategy / Policy officer which is the first tier of management. We have recently increased this level from 3.6 fte's to 4.6fte's. Again this new role has really paid dividends and the results are already being seen with the development of new policies.
- 5.11 The service currently has 22 staff and administers 27 specific pieces of licensing legislation (poll). The number of staff is quite low when compared to other similar cities such as Leeds (46 staff and only 12 poll), Manchester (30 staff and only 20 poll) and Birmingham (37 staff and only 9 poll). These figures were obtained in 2012/13 as part of a benchmarking exercise undertaken to inform our 5 year business plan.
- 5.12 The AC/MER recognised that reducing the administrative workload of the service with the introduction of new a new database / electronic front end would free up resources that could be used to invest in to stronger governance and enforcement, proactive and development activities for the city. However, it did not account for the continued growth in licensing and the additional amount of work that our new proactive approach would create.
- For example; In December 2010 we had 1167 licensed Private Hire Vehicles and at the time of writing this report we have 1589. This shows an increase of 422 in four and half years and this equates to an increase of around 90 vehicles per year.
 - In December 2010 we had 2430 licensed drivers and at the time of writing this report we have 2812. This shows an increase of 382 in four and half years and this equates to around 85 drivers per year.
- 5.13 It is fair to say that any time savings/efficiencies that will be achieved through the completion of the front end of the IT Project (Electronic forms, payments etc.) have now been significantly eroded by an increase in workloads, additional role as a responsible authority under the Licensing Act 2003, pro-active working and the services involvement as a Safety Advisory Group in more and more events each year.

6.0 Statutory Role

- 6.1 The Licensing Service administers and enforces the Council's Statutory licensing functions placed upon the Local Authority through legislation. The business of the Service is wide and varied, ranging from dealing with street collections to sex shops and from pet shops to casinos.
- 6.2 In general terms, the role of the Licensing Service is to protect the public. How this is achieved varies between different legislation and systems; however the principle of protecting the public remains constant.
- 6.3 Licensing is not only concerned with the protection of those using the premises, vehicles or individuals that are licensed. It is also about protecting those that may be affected by those who hold licenses for example as a consequence of public nuisance resulting from the use of licensed premises.
- 6.4 The Council has a Licensing Committee who discharges the Council's Licensing Functions including setting policies and licence fees. Full Council has delegated its powers for Licensing to the Licensing Committee and it is only the Licensing Committee that in general terms can refuse or revoke a licence.
- 6.5 In most cases the individual legislation gives statutory powers to the Local Authority acting as the Licensing Authority to administer and enforce and/or undertake inspections. The Licensing Act 2003 and the Gambling Act 2005 also gives us powers to act as a responsible authority. This role permits us to make representations during the application process or to request the review of a premises licence where there are significant concerns.
- 6.6 The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 places a statutory duty upon us to administer and enforce a system of Hackney Carriage and Private Hire Vehicle, Driver and Operator Licensing. A significant part of this role requires us to work late at night so that we can monitor the activities of licensed drivers and their vehicles.
- 6.7 Similar statutory requirements are placed upon us for all of the systems detailed in **Appendix "A"** attached. When considering the Services statutory role you need to always remember that ultimately we are here to protect the public, reduce crime & disorder, safeguard children and vulnerable adults, and to reduce public nuisance.

7.0 Service Aims & Objectives

- 7.1 I would like to concentrate on three areas as the key aims and objectives of the service moving forward. However, as you are now aware from the earlier paragraphs of this report we have a much broader and wide ranging vision and aspirations for the service.
- 7.2 I have chosen the three following areas as we believe these are pivotal to everything we do. The areas are Enabling, Education and Enforcement.
- **Enabling** - This is an extremely important role for the service and one that needs to be developed and perfected in the coming years. As a service we should be a conduit of information and advice to all those we work with. The service should be the pivotal piece of the jigsaw that joins all the other services, partners and customers together in early discussions and debate for the benefit of the city, the residents and the businesses themselves.

We need to ensure that potential developers/new businesses have a single point of contact that can enable their proposals/business to be discussed in an open and friendly manner that ensures such proposals/businesses would be a welcome addition to the city and its economy.

- **Education** - Part of our role as a licensing service is to assist in educating our customers, partners and residents of Sheffield who may come in to contact with our service and the businesses we regulate. The educational provision is around explaining what can be expected of us as a licensing authority and what is expected of licensees/businesses under the legislation in accordance with conditions attached to their licences and as an integral part of local communities.

We want to put in to place more educational support over the next few years and to develop this area of work. This will enable us to work in partnership with other services and organisations to ensure we help keep the city a safe and welcoming place for people to live, work and visit.

We also need to raise the awareness of important issues within communities, schools and universities etc. such as CSE, alcohol harm, smoking, shisha, drugs, and gambling addiction etc.

- **Enforcement** - Licensing will enforce the law, regulations and bye laws etc. in a fair and consistent manner whilst offering advice and assistance wherever possible in line with our primary role as an enabling service. This will always be undertaken in a way that complies with statutory and procedural requirements.

Good enforcement secures compliance with regulations by using a combination of help, advice and formal action. The service aims to carry out its role in an open and friendly manner that is proportionate and consistent. We must be able to focus on what is important locally to the people of Sheffield.

As a service we need to look beyond the short term view when making decisions and take a more long term view about what is right to do and is in the public interest. Linked to this should be our approach to prevention, tackling issues before they happen. Prevention is clearly much better for licensees, businesses, residents and communities.

7.3 If as a service we are truly committed to our service vision and achieving what we have set out in our service plan and 5 year business plan it would be fair to state that at this moment in time we have some way to go before we can say that we are delivering what we set out to achieve over two years ago.

7.4 We are not currently delivering on our aspirations to be an enabling service, to deliver through education and to enforce efficiently when necessary. If we are honest we are still held back by the weight of administrative duties that are part and parcel of a licensing service.

8.0 Current Position

8.1 The service is good in relation to the administration of the Councils Licensing Functions. We meet the often very tight statutory timescales, receive very few appeals and have not been judicially reviewed for some time.

- 8.2 The service undertakes regular enforcement and inspections and changed its structure to assist in this role (see paragraphs 5.1 to 5.13). The new structure provides us with 8 Licensing Enforcement / Technical officers
- 8.3 The service generally has four staff working out of the office undertaking visits, inspections, pro-active work and enforcement on two days and two nights per week. On average each member of staff undertakes a 5 hour shift, this equates to approximately 80 hours per week.
- 8.4 In Quarter 1 (1st April and 30th June) we have undertaken 22 enforcement exercises in the evening. This equates to 10 midweek nights (6pm till midnight) and 12 weekend nights (various between 8pm to 5am).
- 8.5 The vast amount of our out of office work is undertaken in two key areas, taxi licensing and alcohol/entertainment licensing. These are the two largest systems we deal with and I would estimate we use up 60% of the time available in these areas.
- 8.6 I have set out below a breakdown in percentages of where officer time is spent during out of office work (inspections/visits/enforcement). Please note these are only estimates.

Taxis	-	35%
Alcohol/ Entertainment	-	35%
Gambling	-	10%
Street Trading	-	10%
Sex Establishments	-	5%
Others	-	5%

- 8.7 Set out below are some facts and figures to show what types of enforcement has been undertaken;

Taxis – we have undertaken spot checks on over 250 drivers and 400 vehicles as well as undertaking 30 operator checks. We have also undertaken targeted enforcement exercises at Sheffield Station, Carver Street and Tank Nightclub.

Alcohol /Entertainment – we have undertaken visits to over 300 licensed premises across the city.

- 8.8 Enforcements costs over £280K per year in establishment costs alone, in addition to this there are all the on costs for uniform, equipment, materials etc. (20K) and this must be recovered through income/fees.

9.0 Future Provision

- 9.1 We are unable to be 100% certain what impact the full implementation of our new IT system will have on the weight of existing administrative duties we undertake. However, further to paragraph 5.13 above we know the impact has reduced.
- 9.2 The new system will not impact on the inspection and enforcement of licensed premises and vehicles etc. We are only just keeping our head above the water and receive regular complaints from the trade(s) etc. that we are not undertaking enough work in this area.
- 9.3 There are several other duties/roles that we have not yet begun undertaking due to insufficient resources. This includes educational work, regular benchmarking and customer surveys etc.

- 9.4 As you can see from the information provided in the various sections of this report we have a clear vision and expectation of what we want to achieve. New work is being created all the time such as a need for a new "Training Course" for drivers delivered by the Licensing Service, this will require a significant amount of staff time to develop and deliver.
- 9.5 We need to be seen to be undertaking more work in the following areas;
- Hackney Carriage and Private Hire Licensing
 - Gambling Act – Betting / Bingo / Tracks / Casinos etc.
 - Animal Health Licences – Pet Shops / Riding Establishments etc.
 - Sex Shops & Sexual Entertainment Venues
 - Partnerships & Policies
 - Education
- 9.6 We need to balance the cost against the benefits and adopt an approach, if members agree to increase resources, and to establish / develop a 5 year enforcement (staffing) plan for the service.

10.0 Financial Implications

- 10.1 It is agreed that fees and charges should be set in a consistent way across the Council and that we are transparent about the fees we expect people to pay.
- 10.2 Licence fees must also be set in accordance with the relevant individual piece of legislation; The Provision of Services Regulations 2009; and any other associated legislation / regulations. Members should note that some systems do not fall within the scope of these regulations, one particular system is Taxi Licensing (licensing of vehicles, drivers and operators).
- 10.3 The Council is able to recover its reasonable costs of the Licensing Service with regards to the administration and enforcement of the terms and conditions of each of the above individual licensing systems.
- 10.4 Members should note that the Council can only recover the actual costs of delivering each individual system from the fees it charges applicants / licensees. It can't make a surplus from fees and must not use fees to subsidise any other licensing system or to offset other budgets or raise income generally.
- 10.5 The overarching principle and starting point for the setting of fees is that the Local Authority must only recover its reasonable costs of administering that individual system and enforcing the terms and conditions of those licences where applicable and that no irrelevant factors are taken in to account when setting such fees.
- 10.6 Should members consider that the service requires more resources to carry out its role in relation to administering and enforcing the licensing systems it deals with then the Chief Licensing Officer & Head of Licensing would have to provide a further report detailing the cost implications and the impact it would have on existing fees.

11.0 Summary

- 11.1 As a service we are here to carry out the statutory licensing functions of the Council in relation to those licensing systems that we administer and enforce.

- 11.2 We are here to protect the public from being detrimentally affected by those we licence with regards to;
- Public Safety
 - Public Nuisance
 - Crime & Disorder
 - Protection of Children & the Vulnerable
- 11.3 We can ensure we do this by delivering a service as set out in our "Service Plan" the "5 Year Business Plan" and one that helps deliver on the priorities in the Council's "Corporate Plan".
- 11.4 We need to do much more as a service in relation to being an enabling service, deliver through education to improve standards and enforce efficiently as and when necessary.
- 11.5 We need to recognise that new IT system will deliver significant benefits but the position of the service has changed significantly since the Achieving Change Process and the positive impacts from the project completion have reduced.
- 11.6 Members should look at Birmingham, Manchester and Leeds with whom we should compare ourselves and set a goal to be better than those authorities in 3 – 5 years.
- 11.7 We need to ensure that we continue to deliver and carry out all our statutory functions to the highest level possible. Deliver in a way that what we do is seen as best practice.
- 11.8 Ensure that the service is appropriately structured and resourced, and its relationships with its partners and other local authority services are such that it is best placed to deliver its primary function as an enabling service whilst complying with statutory and procedural requirements.
- 11.9 Consider the development of a "One Stop Shop" for licensing to deliver a more proactive approach, the development of a "Consultancy / Advisory Service" and the provision of electronic information, forms and guidance at the first point of customer interaction.
- 11.10 To accept the current position of the service as a solid foundation that has been well embedded to enable the service to move forward and deliver its vision and ambitions.

12.0 Recommendations

- 12.1 It is recommended that members request the Chief Licensing Officer and Head of Licensing to bring back a further report in January 16;
- detailing a five year enforcement plan with a proposal to increase resources if necessary; and
 - provide a detailed financial implications plan regarding the costs / impact on individual licence fees.

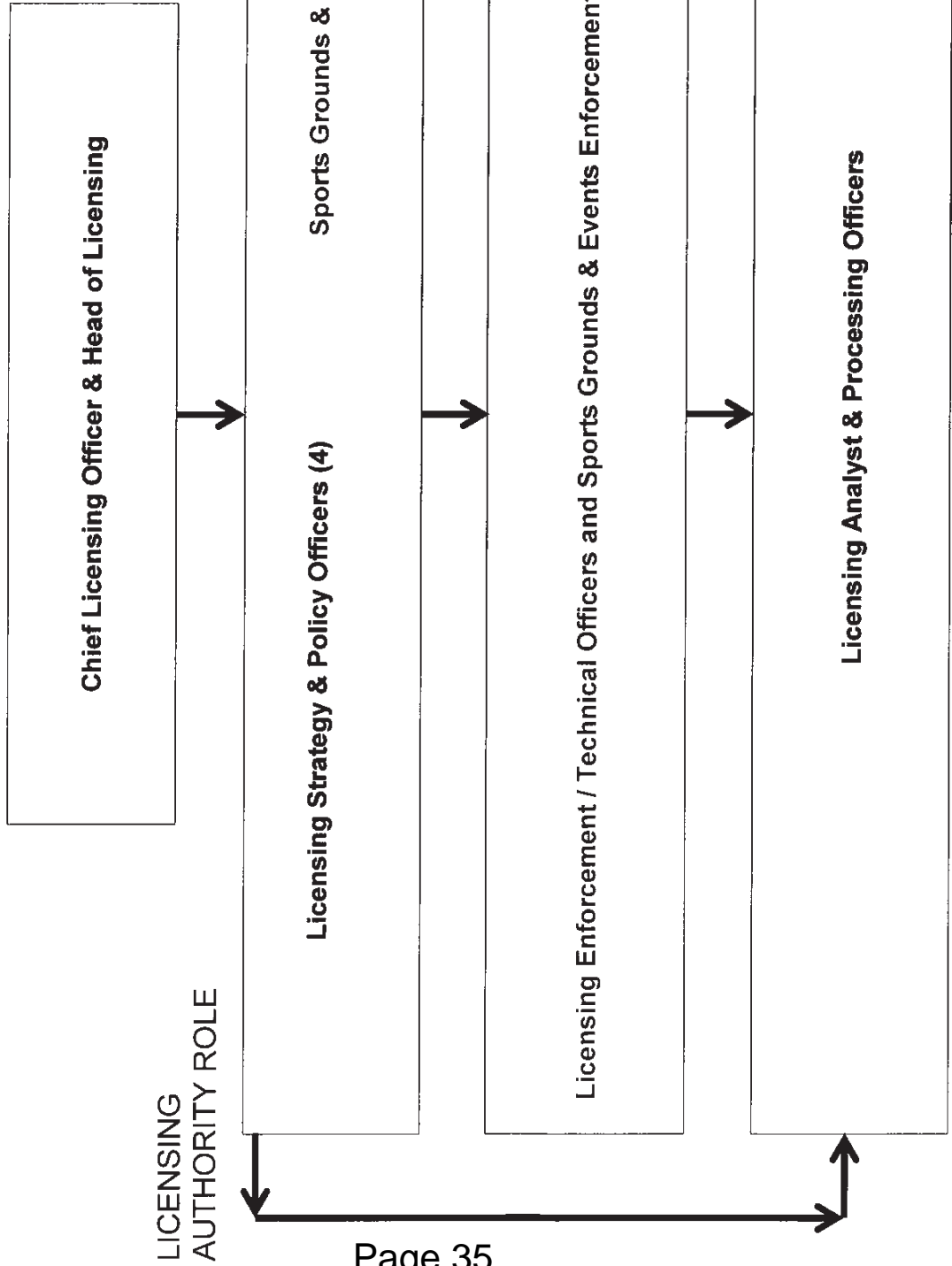
Steve Lonnia
Chief Licensing Officer & Head of Licensing
Licensing Service
Business Strategy & Regulation
Place
October 2015

LIST OF LICENSING SYSTEMS

1. Licensing Act 2003.
2. Gambling Act 2005
3. Safety of Sports Grounds Act 1975 (As Amended)
4. Fire Safety and Safety at Places of Sports Act 1987
5. Street Trading (Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4)
6. Sex Establishments (Local Government (Miscellaneous Provisions) Act 1982 – Schedule)
7. Street Collections (Police, Factories, etc (Miscellaneous Provisions) Act 1916
8. House to House Collections Act 1939
9. Pet Shops (Pet Animals Act 1951)
10. Animal Boarding Establishments Act 1963
11. Riding Establishments Act 1964
12. Dangerous Wild Animals Act 1976
13. Zoo Licensing Act
14. Dog Breeders (Breeders of Dogs Act 1973 / Breeding of Dogs Act 1991 / Breeding and Sale of Dogs (Welfare) Act 1999)
15. Commons Act 2006 (Commons & TVG's)
16. Scrap Metal Dealers Act 2013
17. Hypnotism Act 1952
18. Civil Marriages & Civil Ceremonies (Marriage Act 1949)
19. Private Hire Drivers, Vehicles & Operators (Local Government (Miscellaneous) Provisions Act 1976
20. Hackney Carriages Vehicles (Town Police Clauses Act 1847)
21. NEW Sexual Entertainment Venue Licensing
22. NEW Religious Premises Approved Premises Registration
23. Poisons Act
24. Second Hand Dealers Registration
25. Pavement Café Licences
26. Public Space Protection Orders
27. Skin Piercing etc.

LICENSING SERVICE STRUCTURE

1st APRIL 2014



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