

RUNNYMEDE BOROUGH COUNCIL

CORPORATE MANAGEMENT COMMITTEE

Thursday 2 October 2003 at 7.30 p.m.

in the Council Chamber at the Civic Offices, Addlestone

SUPPLEMENTARY AGENDA

ITEMS 6, 19 AND 20

6. COMPREHENSIVE PERFORMANCE ASSESSMENT (CPA) -THE AUTHORITY'S SELF ASSESSMENT (CEO)

Paragraph 2.2 of this Report on the main Agenda refers to the Peer Review undertaken by an Audit Commission accredited consultancy (SOLACE Enterprises).

A copy of the Peer Review report and findings is attached at Appendix '1'.

19. LICENSING ACT 2003 – STAFFING AND FINANCIAL IMPLICATIONS (DAL/DTS)

1. Purpose of Report

1.1 **To recommend the establishment of a Licensing Officer post and a Licensing Clerk, and to deal with other immediate financial implications of the Licensing Act 2003.**

2. Report

2.1 A copy of the full report to Leisure and Environment Committee on 18 September is attached at Appendix '2'.

(a) Staffing Implications

2.2 At its meeting on 18 September 2003 the Leisure and Environment Committee resolved that this Committee be requested to recommend the establishment of a new Licensing Officer post on scale E/G at a cost on top of scale of £11,800 in 2003/04, (£35,500 in a full year) and a new Licensing Clerk post on scale D/E at £8,800 in 2003/04 (£26,400 in a full year) both within the Environmental Protection Division of the Technical Services Department. However, the Committee was informed that the grading of the Licensing Clerk was subject to consideration to ensure comparability with similar posts in the Council. Officers now recommend that the post be on Scale 'C', at a maximum of £21,400 in a full year. These posts are considered essential to enable the Council to take over the licensing function from the Magistrates. The duties of the posts are outlined in the job descriptions and person specifications at Appendices '3' and '4' attached.

2.3 UNISON considers that the proposed grading of the Licensing Clerk post may be insufficient to successfully recruit and then retain that member of staff, given the volume of specialist work likely to fall on the post and the cost of living in the South East. In addition, from perusal of advertisements in Local Government publications it would appear that other local authorities are offering more (between £16,000 and £28,000) to their licensing posts. This Council will have to compete with a lot of others to fill the proposed posts.

2.4 It is estimated that more than 320 premises will require a premises licence and 700 persons will require a personal licence. The Licensing Act 2003 provides for the setting of fees nationally in relation to licence applications on the basis of full cost recovery for the licensing authority and the Council will seek to provide the service on this basis from 2005/06 onwards. The level of fees has not yet been set and the Council will not receive any fee income until the new arrangements become fully operational in 2005.

(b) Other Issues

- 2.5 Local authorities will have to produce a new Statement of Licensing Policy, administer the new personal and premises licences, club premises certificates and temporary event notices, establish a new Licensing Committee and Sub-Committee(s) to consider applications, and produce a list of delegations to Officers. Full Council will need to approve a change in the Council's constitution to implement the Act. The Gambling Bill will also increase the administrative burden on local authorities. If the Bill is enacted, local authorities will assume responsibility for the licensing of bookmakers.
- 2.6 In view of the rigid timescale for consultation on and implementation of the new regime, the Leisure and Environment Committee considered that there was a need to make certain immediate financial provision, as well as give consideration to the staffing and constitutional implications.

(c) Financial Provision

- 2.7 The part year costs of the two posts in 2003/04, together with estimated IT and ancillary requirements (£15,300) as outlined in the report amount to approximately £35,000, for which a supplementary estimate is required.
- 2.8 The following report on this Agenda (Item 20, Establishment of a Licensing Committee), deals with the changes needed to the Council's Constitution.

(d) Future Issues

- 2.9 There are significant potential implications for Legal and Committee resourcing, but until the Regulations and Guidance are fully known these matters must await a further report.

OFFICERS' RECOMMENDATION that -

- i) the appointment of a Licensing Officer on Scale 'E/G' and a Licensing Clerk on Scale 'C' be approved;**
- ii) a supplementary Revenue Estimate in the sum of £35,000 in 2003/04 to cover the part year costs of the two additional posts and ancillary support be approved; and**
- iii) the financial implications in future years be noted.**

(TO RESOLVE)

Background Papers

Licensing Act 2003, and draft Guidance.

20. ESTABLISHMENT OF A LICENSING COMMITTEE (DAL)

1. Purpose of Report

- 1.1 To advise Members of the need for the establishment of a Licensing Committee for the purposes of the Licensing Act 2003.

2. Background Information

- 2.1 Members will be aware from previous reports of the progress of the Licensing Act 2003 and the implications for this authority.

- 2.2 The Licensing Act 2003 has received Royal Assent. It will be passed into law progressively by commencement orders. The timetable for the implementation of the Act has slipped with the target date for completion of the Bill exceeded, because of the prolonged period necessary for the House of Lords and House of Commons to reach agreement about draft amendments.
- 2.3 It had been proposed that a draft schedule of fees and charges would be circulated by mid August 2003, that draft Statutory Instruments and Regulations would be circulated by the end of August 2003 and that Guidance would be completed and sent out to all Local Authorities, Police Forces and made publicly available by the end of September 2003. This would have allowed for preparation of Licensing Policy statements, the establishment of Licensing Committees and the recruitment and training of staff and Members throughout the period September 2003 to March 2004.
- 2.4 The drafting and consultation on this Authority's licensing policy is held up, pending final Guidance and Regulations, which have yet to be concluded.

3. Report

- 3.1 It is a requirement of the Licensing Act 2003 that each Licensing Authority must establish a Licensing Committee consisting of at least 10, but not more than 15, Members of the Authority.
- 3.2 All matters relating to the discharge by a Licensing Authority of its licensing functions are referred to its Licensing Committee and, accordingly, that Committee must discharge those functions on behalf of the Authority.
- 3.3 The Licensing Committee may establish one or more Sub-Committees consisting of three Members of the Committee. Regulations may make provision for the proceedings of the Licensing Committees and the Sub-Committees, public access, publicity to be given to the meetings, agendas and records to be produced in respect of those meetings and public access to such agendas and records and other information about those meetings. Subject to meeting such Regulations, each Licensing Committee may regulate its own procedure and that of its Sub Committees. However, as is noted above, the Regulations have not yet been made.
- 3.4 The Licensing Committee may arrange for the discharge of any function exercisable by it by a Sub Committee so established, or by an Officer of the Licensing Authority.
- 3.5 Attached at Appendix '5' to this report is a list of functions of the Licensing Committee which must be discharged by the Committee or a Sub Committee of it and not by delegation to an Officer.
- 3.6 It is appropriate now to set up the Licensing Committee, but detailed consideration of the conduct and process of the Committee and Sub-Committees, and the delegation of functions to Officers, must wait until final Regulations and Guidance are known.

4. Legal Implications

- 4.1 It is a requirement of the Licensing Act 2003 that this Authority constitute a Licensing Committee.

5. Financial Implications

- 5.1 As has previously been alluded to, there will be very significant financial implications for this Authority. There is a separate report on this Agenda recommending the appointment of a Licensing Officer and a Licensing Clerk together with IT and support costs. The costs will be offset by income from charges, and the Government's intention was that the new function should be self-financing, but this is a matter of speculation. At present it is not known whether there will be a large number of applications to be dealt with by Sub-Committees and this will also affect the resource implications.

OFFICERS' RECOMMENDATION that -

- i) a Licensing Committee of ten Members be constituted with immediate effect;**
- ii) the Licensing Committee consider all licensing and regulatory matters so far as they are not expressly committed to another Committee, and be authorised to determine all matters before it, save for the Licensing Policy or other matters expressly reserved to Full Council by the Constitution; and**
- iii) a further report follow as soon as possible as to the procedural and further financial arrangements which will be necessary for the Licensing Committee.**

(TO RECOMMEND)

Background Papers

Licensing Act 2003, and draft guidance.