

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Full Council

Date: 9 October 2018

Reporting officer: Melanie Norris, Director (Communities)

Subject: Development of a shared service for the delivery of Licensing Services

Purpose and summary of report:

To seek acceptance from Full Council for the delegation of the delivery of the Licensing Service from Medway Council

Recommendations:

1. Members are requested to accept the delegation by Medway Council of its Licensing functions, once the shared service is operational.

1. Background

- 1.1 Licensing is a key service for Gravesham Borough Council, supporting the delivery of one of the council's key objectives; Safer Gravesham. The Licensing Service also has a number of statutory responsibilities. These include:
 - 1.1.1 To efficiently licence and effectively regulate premises selling alcohol or providing regulated entertainment, taxi/private hire drivers/vehicle/operators, scrap metal dealers, sex establishments, gambling premises, and charitable collections.
 - 1.1.2 To engage effectively with stakeholders in delivering the various functions within the Licensing Section
 - 1.1.3 To continue to recover debts owed to the council and maximise income
- 1.2 Since the start of May 2018, the Licensing Manager for Gravesham Borough Council has been shared 50:50 with Medway Council on an interim basis, with 3 days per week based in Gravesham and 2 days per week based in Medway. This has involved an interim Service Level Agreement, with Medway Council reimbursing Gravesham Borough Council for the 2.5 days per week of the manager's time.

- 1.3 This arrangement has allowed the manager to develop strong working relationships with officers from both Gravesham Borough Council and Medway Council, and to understand the detail of aligning the services.

2. Developing the shared working arrangement

- 2.1 In exploring the opportunity for a shared service, a short business case was presented to the Cabinet in June 2018, upon which the Cabinet gave approval for the progression of the shared service.
- 2.2 At a similar time, the business case was taken through the committee process at Medway Council and at the Full Council meeting on 19 July 2018, it was agreed that Medway council would:
“...delegate non-executive licensing functions to Gravesham Borough Council whereby Gravesham Borough Council will assume responsibility for the discharge of Medway Council’s executive and non-executive Licensing functions.”
- 2.3 It is proposed that the shared service will be implemented from 01 January 2019 and it is at this point at which the delegation will be enacted.

3. Next steps

- 3.1 As agreed, by Cabinet, a formal project group was established to ensure that all Financial, Legal, Property, HR and IT issues are considered fully to move the project forward successfully.
- 3.2 Cabinet has given delegated authority to the Director (Communities), in consultation with the Director (Corporate Services), the Portfolio Holder for Environmental Services and the Monitoring Officer to take the necessary practical, financial and legal actions required to enable the arrangement to be put in place.
- 3.3 The project group will continue to work towards the implementation date stated for the shared service in paragraph 2.3

4. BACKGROUND PAPERS

- 4.1 Background papers pertaining to this report are held by the Corporate Change team and were published as part of the Cabinet agenda on 25 June 2018:

“Development of a Shared Service for the Delivery of Licensing Services” – Cabinet 25 June 2018

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS

APPENDIX 1

<p>Legal</p>	<p>The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) is a law designed to protect the rights of employees when a business transfers from one owner to another. These will need to be taken into consideration as the arrangement progresses as it is anticipated that the employment of Medway Council officers will transfer to Gravesham Borough Council.</p> <p>Any resulting partnership arrangement will be made pursuant to Section 113 of the Local Government Act 1972, which allows a local authority to place any of its officers, who consent to the arrangement, at the disposal of another local authority on such terms as may be agreed between the parties.</p> <p>Section 101 of the Local Government Act 1972 can be used to delegate functions from Medway Council to Gravesham Borough Council to create a single licensing team under a single authority, Gravesham Borough Council. Medway Council may arrange for the discharge of any of their functions by any other Local Authority (S101(1) Local Government Act 1972). This method would result in Medway delegating it's licensing services function to Gravesham completely along with Medway's staff, who would be TUPE transferred across to Gravesham. Thereafter Gravesham Borough Council will provide a licensing service to Medway Council.</p> <p>Both partner authorities will retain their decision-making powers relating to licensing matters through the existing committees, Cabinet and full Council just as they do currently, for example, each local authority will agree their own gambling and licensing policy. It is only the day-to-day administration and enforcement work of the Licensing teams that will be shared.</p>
<p>Finance and Value for Money</p>	<p>Financial considerations are incorporated in the Shared Service Business Case. Whilst the financial savings to be realised are yet to be confirmed, it is hoped that the shared service will be delivered at no additional cost to the council beyond that of the current Licensing service, with potential for some savings to be generated.</p>
<p>Risk Assessment</p>	<p>The risks associated with this arrangement are considered to be 'low' at this time and are detailed within the business case. It should be noted however that risks will be reviewed regularly throughout the implementation of this arrangement to ensure they are identified and, where required, managed/mitigated as necessary.</p>
<p>Equality Impact Assessment</p>	<p>Screening for Equality Impacts</p> <p>Question</p> <p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No.</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<p>Corporate Plan</p>	<p>The information set out in this report contributes to objective four – a sound and self-sufficient council. Specifically, it links to the following commitments:</p> <ul style="list-style-type: none"> • Deliver on opportunities for the sharing and selling of council services. • Continuously review and adapt how we deliver our services to achieve financial efficiencies and improved performance.

IMPLICATIONS**APPENDIX 1**

Crime and Disorder	There are no specific crime and disorder implications resulting from this report. however, the various licensing regimes administered and enforced by the Licensing Teams have objectives around the prevention of crime and disorder.
Digital and website implications	There are no direct digital and website implications resulting from this report. The Gravesham Licensing team have already made significant improvements to the service through its online, digital offering and this will not be affected by the shared service implementation. In the future however there will be a need for continued, and also additional, IT and Digital support in order to further progress digitalisation as part of any shared service
Safeguarding children and vulnerable adults	There are no specific safeguarding implications resulting from this report. However the various licensing regimes administered and enforced by the Licensing Team have objectives around the safeguarding of children and vulnerable adults.