



WYRE FOREST DISTRICT COUNCIL

LICENSING SERVICE PLAN

2007 - 2010

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LICENSING SERVICE PLAN

1. SERVICE AIMS AND OBJECTIVES

- 1.1 The Council will seek to provide a service which addresses public safety and quality of life issues through proactive enforcement, balanced by reactive responses to an ever increasing level of public concern and new statutory functions imposed by Government.

Licensing aims to ensure that premises providing services which require a licence from the Council, meet statutory standards and follow centrally issued guidance and licence conditions.

This is achieved by maintaining an educational/advisory approach in relation to the enforcement of licensing legislation wherever possible and undertaking a programme of inspections to monitor, and advise on, compliance.

- 1.2 The Corporate Plan is the Council's core document.

The Service Business Plan sets out the key elements of each of the Division's activities, Divisional Action, SMART targets and timescales for achievement.

The Licensing Service Plan gives the details of how this particular element will be achieved.

Each plan is reviewed against the Best Value Plans and Performance Indicators to measure achievement and inform revision of the plans for the next year.

2. BACKGROUND

- 2.1 Wyre Forest District has a population of approximately 96,000 and is comprised of three main towns, Kidderminster, Stourport and Bewdley with a large surrounding rural district. The District is a tourist area and has the West Midlands Safari Park and Severn Valley Railway which involves work by the Licensing and Food & Safety Teams in Licensing work and Safety inspections.

- 2.2 The Organisational Structure for the Division is shown at Appendix 1. and the Committee Structure is shown at Appendix 2

- 2.3 The profile of licence types, registration types and premises is set out in Appendix 3

- 2.4 Licences require to be renewed at various times during the year. The vast majority expire on 31st December but a sizeable portion expire on the 12 month anniversary of their issue.

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2.5 Therefore, the work pattern consists of two peaks, overlaid by a steady background of work throughout the year.

2.6 The Licensing Service may be accessed from:-

The Worcestershire Hub,
Wyre Forest District Council,
Town Hall,
Vicar Street,
Kidderminster

Tel No. 01562 732928
Fax No: 01562 67673

Environmental Health and Licensing Section
Planning, Health and Environment Division
Duke House
Clensmore Street
Kidderminster
Worcestershire.
DY10 2JX.

The service is available:-
Monday to Friday between the hours of 9.00 a.m. and 4.30 p.m.

2.7 The Council has signed the Government's "Enforcement Concordat" which means that it is committed to open and fair enforcement of the law pertaining to licensing. The Enforcement Policy encompasses all the principles of the Concordat and aims to demonstrate and clarify how the principles will be achieved on a day to day basis.

3. SERVICE DELIVERY

3.1 It is the Council's intention that all licence applications will be dealt with promptly. However, many delays are caused by applicants who fail to submit all required documents.

3.2 The Council has responsibility for a total of 21 licence types and 4 different types of registrations.

3.3 Each licence or registration is considered in accordance with statute law, case law, any appropriate Council policy, the requirements of the Enforcement Concordat and any applicable code of practice or guidance.

3.4 Most licences require a statutory consultation process. This consultation encompasses some or all of the following:-

Cabinet Member
Ward Councillors
Police
Fire and Rescue Service
Head of Planning, Health & Environment (Building Control)
Head of Legal & Democratic Services
Head of Planning, Health & Environment (Food & Safety Team)

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- 3.5 In addition to the consultation, administration and licence production processes, most licence applications require an inspection of the proposed premises by officers of the Food & Safety Team.

In summary, these inspections apply as follows:-

(a) Animal Welfare Premises

All will be inspected prior to the issue of a licence by a Veterinary Surgeon employed by the Council for animal welfare considerations and by an Environmental Health Officer for Health and Safety compliance.

(b) Premises Licences – Alcohol, Entertainment, Late Night Refreshment

A representative sample of premises and all premises which have been the source of complaints or other problems will be inspected prior to the issue of a licence. All premises will be subject to a "during performance" inspection by the Enforcement Assistant usually in company with the Police.

(c) Gambling Act 2005 - Premise Licences – Betting, Bingo and Amusement Arcades

All premises will be inspected prior to the issue of a licence.

(d) Shop Activities

All premises will be inspected prior to the issue of a licence.

(e) Street Activities – Street Trading

All premises will be inspected prior to the issue of a licence.

(f) Taxis – Hackney Carriage , Private Hire Vehicles and Operators.

All licence applicants will be interviewed and all vehicles inspected prior to the issue of a licence.

(g) Registrations

All new premises seeking to register with the Council will be inspected with the exception of Sunday Trading registrations.

- 3.6 The Licensing Section consists of four full-time officers at present.

- 3.7 The Section's Best Value Performance Indicators are:-

- (1) Application packages for all licences will be issued within 5 working days of receipt of request.
- (2) All Personal Licences will be issued within two days of application if all papers are submitted and are complete.
- (3) All Premises Licences will be issued within five days of public notices being completed if all papers are submitted and are complete.

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- (4) All licensed vehicles will have safety tests carried out within 28 days of the appointed date.
- (5) All medical examinations of drivers will be renewed within 28 days of the expiry of the original medical certificate.
- (6) 95% of complaints against members of the taxi trade will be resolved within 2 months of receipt.

- 3.7 Advice to applicants is a key feature of the Licensing Service. The Licensing Section will provide detailed advice to all individuals or businesses based in the Wyre Forest District. This advice will be available on the Wyre Forest website and is also available from the Worcestershire Hub, Town Hall Vicar Street Kidderminster, and offices of the Planning, Health and Environment Division.
- 3.8 Application packages contain information which is useful to applicants in carrying out what can otherwise be a daunting task for some. Customer Consultation Questionnaires are included in all application packages. These request feedback on how easy applicants found the process.
- 3.9 Liaison with other organisations to ensure consistency of enforcement is arranged through the Institute of Licensing, County Licensing Officers, and the Neighbourhood Authorities Working Group (Midlands) .

4. LICENCE FEES

- 4.1 Some licence fees are set by statute and are occasionally revised. Other licence fees are set at the discretion of the Council but have to be solely based on the actual costs of issuing the licence. Some licences and registrations have to be issued at no cost to the applicant.
- 4.2 All licence fees set by the Council reflect the actual cost of administering the particular licence with the exception of a few which are being increased incrementally.
- 4.3 It is proposed to increase licence fees in line with the Council's financial strategy with effect from 1st April, 2007 with the exception of those licences where an incremental increase has already been approved.

5. RESOURCES

- 5.1 Financial allocation by the Council for the Licensing Service for the period 2007 - 2010 is shown overleaf. Appendix 5

The details in terms of the non-fixed costs including staffing, travel and subsistence, services including investment in IT and the financial provision for legal action for enforcement are shown.

- 5.2 Staffing allocation is 4 full-time equivalents (FTE). The Licensing Team is managed by the Environmental Health Manager who is also responsible for managing the Pollution Team (4 staff) and the Food & Safety Team (7 staff).

- 5.3 The staff development plan is part of an annual review cycle which starts with an employee development review. The training needs identified during that confidential discussion go into the training needs analysis submission for the necessary resources. The reasons why agreed training did not take place (where this happens) are picked up at the following year's review and re-assessed/re-affirmed.

6. FORTHCOMING CHANGES

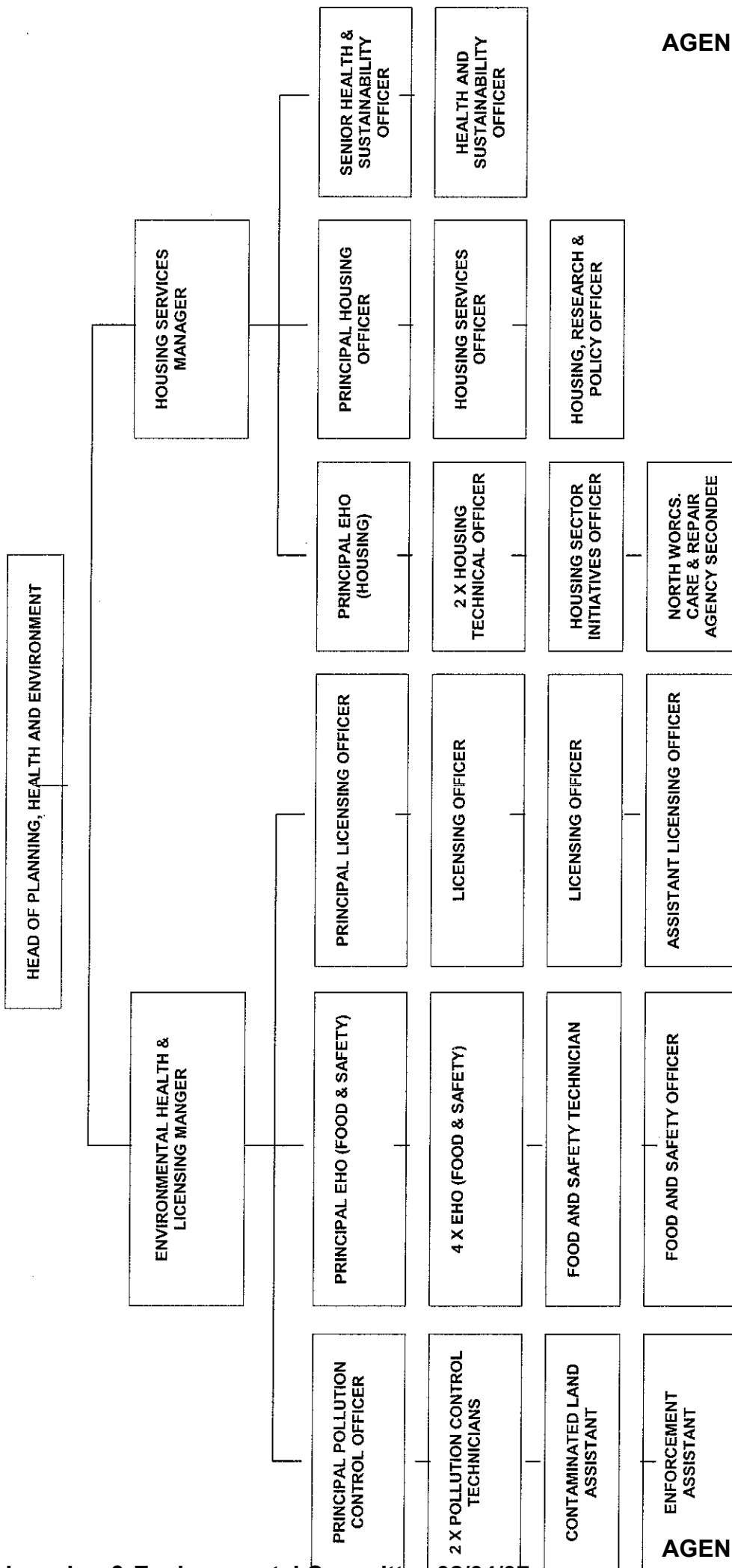
- 6.1 During the period covered by this Licensing Service Plan, arrangements will have to be made to accommodate the Gambling Act 2005, and the Animal Welfare Act 2006
- 6.2 The recently published Rogers Review has amended 5 national priorities to help Local Authorities focus on the Enforcement of Regulations as to the greatest risk.
- 6.3 Alcohol, Entertainment, and Late Night Refreshment Licensing has been identified as one of these national priorities and regard will be paid in terms of our enforcement actions.

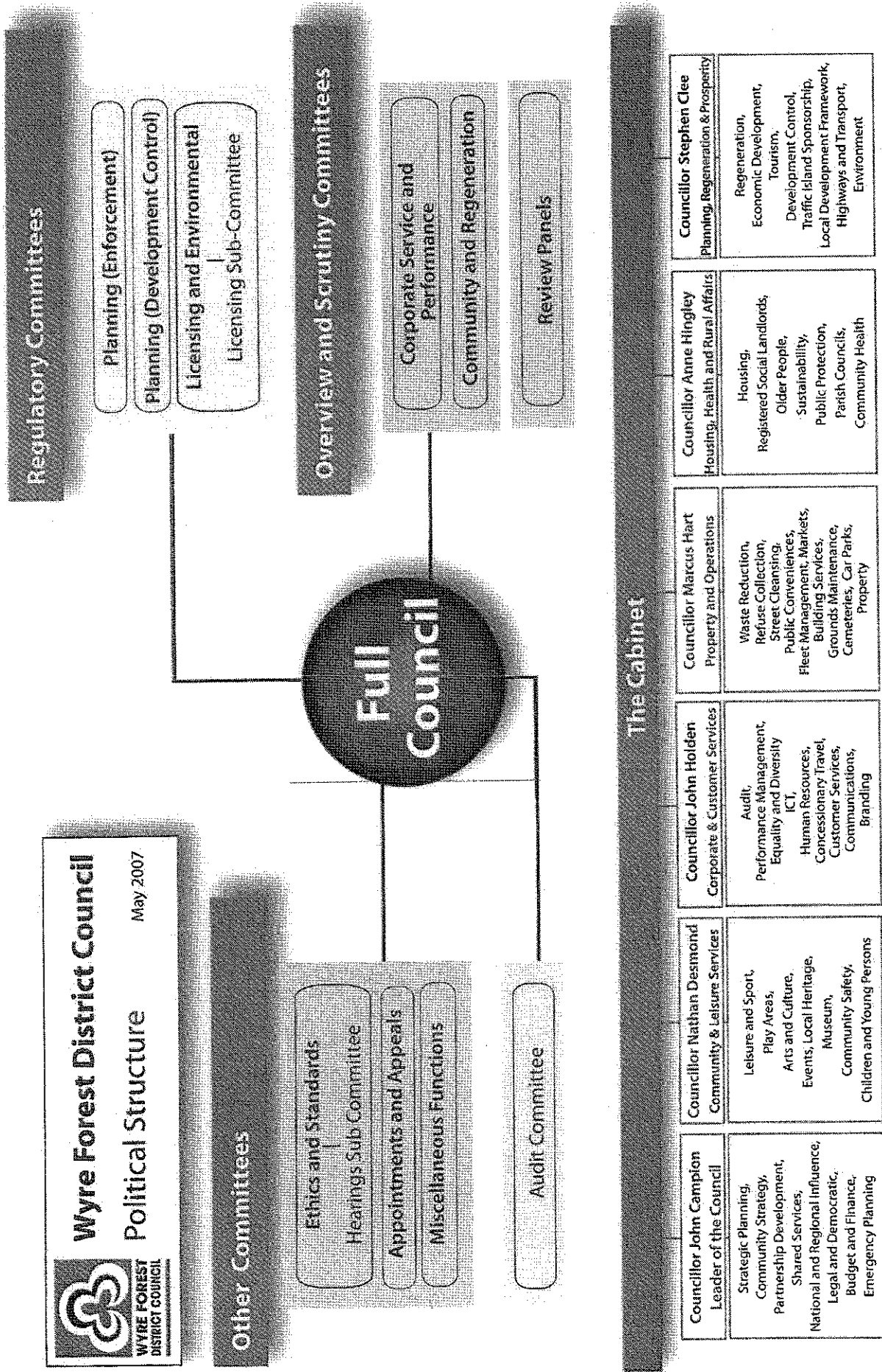
7. QUALITY ASSESSMENT

- 7.1.1 The principal purpose of the licensing system is to protect public safety and in performing this role licensing necessarily affects personal, land and property interests and may affect the financial value of holdings.
- 7.1.2 It is essential therefore that the process is underpinned by open and transparent decision making and that those officers involved in the making of decisions on licensing matters, or making recommendations do so openly, impartially and by exercising sound judgement and with reasons that can be justified. The licensing process must leave no grounds for suggestion that a decision has been partial, biased or ill founded in any way.
- 7.1.3 Officers are subject to a Licensing Code of Practice. Copy attached at Appendix 4.
- 7.14. The Authority will assess the quality of its Licensing Service against its own Service Business Plan. Monitoring will be carried out on a three monthly basis, when performance will be measured against the Council's locally determined Performance Indicators. Problems highlighted at these times will be addressed wherever possible. Resounding problems will form the subject of Expenditure Service Options to go through the annual budget cycle.

8. REVIEW

- 8.1 This Licensing Service Plan will be reviewed three yearly.
- Part of the quarterly reviews includes an examination of customer consultation responses which will be used to improve quality of service provision.
- 8.2 Identification of any variation from the Licensing Service Plan will be highlighted. The reason(s) for the variation will be stated which will lead to service improvements or further consideration of resource application.
- 8.3.1 Areas for improvement will be set out in a performance review in the form of an improvement/action plan and will include any proposed service development.





PROFILE OF LICENCE TYPES AND PREMISES

Licence Type	No. of Premises	Licence Period (Years)
<u>Animal Welfare</u>		
Dangerous Wild Animals	2	1
Animal Boarding Establishments	7	1
Dog Breeding Establishments	2	1
Pet Shops	5	1
Riding Establishments	3	1
Zoo	1	3
<u>Entertainment</u>		
Premises Licences	380	For life of building
Personal Licences	406	10
<u>Gaming</u>		
Amusement Arcades	7	3
Amusements-with-Prizes	20	3
Lotteries (Prize Draws)	90	1
Prize Bingo	2	3
<u>Shop Activities</u>		
Game Dealers	2	1
Sex Shop	2	1
<u>Street Activities</u>		
House to House Collections	13	1
Street Collections	50	1 or more days only
Street Trading Consents	6	1
Street Trading Permits (Mobiles)	0	1
<u>Taxis</u>		
Hackney Carriage and Private Hire Drivers	215	2
Hackney Carriage and Private Hire Vehicles	125	1
Private Hire Operator's Licence	7	1
Motor Salvage Operators	3	Continuous
<u>Shop Activities</u>		
Food Premises	923	Continuous
Sunday Trading	62	Continuous
<u>Skin Piercing</u>		
Acupuncture)	Continuous
Ear-piercing)	
Electrolysis)	
Tattooing)	

OFFICERS LICENSING CODE OF GOOD PRACTICE

Introduction

The principal purpose of the licensing system is to protect public safety and in performing this role licensing necessarily affects personal, land and property interests and may affect the financial value of holdings.

It is essential therefore that the process is underpinned by open and transparent decision making and that those officers involved in making decisions on licensing matters, or making recommendations, do so openly, impartially and by exercising sound judgement and with reasons that can be justified. The licensing process must leave no grounds for suggestion that a decision has been partial, biased or ill founded in any way.

This code applies to licensing and other officers at all times when they are involved with the licensing process including pre-application, writing of reports, giving of advice, the determination of applications and the enforcement of breaches of conditions. Failure to act in accordance with this code, without good reason, could be taken into account in investigations by the Ombudsman into possible maladministration or in the course of more serious allegations in respect of officer conduct.

Officers involved in the licensing process will be required to confirm, in writing, that they have read and understood the code of practice and to indicate that they are willing to implement its provisions in the course of their duties.

The Role of Officers

Officers are paid employees of the Council and have the principal responsibility of ensuring the discharge of the Council's policy. Officers will provide impartial and professional advice to all members to assist them in reaching their decisions and to the public and to other stakeholders to enable them to engage with the licensing process. All advice given will endeavour to take account of national legislation and guidance and regional and local policies and practice.

All applications for registration, licences, permits etc will be dealt with according to the scheme of delegation which is set out in the Council's Constitution. Delegation of decision-making power to an officer does not, however, preclude difficult or controversial applications or enforcement issues, or issues which may influence future policy or practice being taken before the Licensing and Environmental Committee for its consideration.

Pre-application Discussions

The Council recognises that pre-application discussions can be of significant benefit to both the applicant and the Council. Officers will therefore engage in pre-application discussions advising of the Council's relevant policies and of legislative requirements and any other local or national policy or guidance issues.

In offering such pre-application advice, officers will make it clear that any views expressed are made in their professional capacity and will not be binding on the Council in making its final decision.

Officers may assist applicants in making applications but must not effectively 'make the application for them' i.e. they must not complete application forms on their behalf.

Declaration and Registration of Interests

It is a fundamental principle that those having a **significant** interest in the outcome of any licence application, representation or enforcement matter should not make decisions in relation to that application or matter.

Any officer involved in the licensing process, who has a private or personal interest in any licensing matter, must declare their interest in the Register of Declarations which is maintained by the Head of Planning, Health and Environment.

A personal or private interest could include knowledge of the applicant or objectors and would be an interest such that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the officer's decision or recommendation.

For avoidance of doubt it should be noted that this would not normally include normal day to day contact with an applicant, for example where a licensing officer has used a particular licensed premises or visited a licensed establishment such as a zoo as a paying customer.

Licensing Proposal Submitted by Councillors and Officers and Council Applications

An application submitted by an existing officer of the Council, or a serving Member of the Council, or their immediate family, must be reported to the Head of Planning, Health and Environment and he shall make a decision as to whether or not the application needs to be put before the Licensing and Environmental Committee.

NB: Legislation decrees that some applicants having met minimum statutory requirement **must** be granted a licence.

Officers must not seek to influence, or take part in the decision-making process for applications or other licensing matters involving themselves or other immediate members of their family.

Proposals arising from the Council's own divisions can be made, for example, for a Premises Licence under the Licensing Act 2003. It is important to ensure the transparency of the process and that any such applications, or proposals, are dealt with in the same way as those by members of the public.

Dealing with Applications Submitted by Ex-members and Retired Officers

Concerns may also be raised regarding the handling of licensing applications or other licensing issues submitted by ex-members and retired officers. All such applications will be treated no differently than any other application and will be dealt with impartially and objectively under the Council's scheme of delegation or reported to the Licensing and Environmental Committee.

Gift and Hospitality

During the course of carrying out their duties officers may be offered hospitality or other gifts. In all cases such offers should be politely declined and an explanation given accordingly. If receipt of a gift or hospitality is unavoidable, for example if it is unwittingly received and cannot be returned, it shall be declared to the Head of Planning, Health and Environment who will determine what action is required.

Complaints and Record Keeping

The Council operates a formal complaints procedure which applies to all Council functions including licensing related complaints. Any complaints submitted regarding the conduct of an officer will, in the first instance, be considered under the formal complaints procedure. Depending on the nature of the complaints the Council may also need to consider proceeding under its disciplinary route.

In order that complaints may be fully investigated and as a matter of good practice record keeping will be complete and accurate.

4.8.06

PLANNING, HEALTH & ENVIRONMENT

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Detail	2006/07		2007/08	2008/09	2009/10
	Original £	Revised £	Estimate £	Estimate £	Estimate £
A450 LICENSING ACT 2003 <i>R665 Licensing Act 2003</i>					
<u>EXPENDITURE</u>					
EMPLOYEE COSTS					
Direct Employee Expenses	60,150	61,960	65,040	66,480	68,21
SUPPLIES & SERVICES					
Printing, Stationery & General Office Expenses	150	150	150	150	15
Services	5,000	5,000	5,000	5,000	5,00
Communications & Computing	1,520	1,520	1,520	1,520	1,52
SUPPORT SERVICES					
Financial Services	630	620	650	670	69
Legal & Democratic Services	22,700	13,460	14,690	14,960	15,32
Departmental Administrative Expenses	24,010	25,860	25,990	26,490	27,10
GROSS EXPENDITURE	114,160	108,570	113,040	115,270	117,99
<u>INCOME</u>					
Other Grants, Reimbursements & Contributions	0	(240)	(290)	(290)	(50)
Customer & Client Receipts	(45,000)	(65,000)	(65,000)	(65,000)	(65,000)
GROSS INCOME	(45,000)	(65,240)	(65,290)	(65,290)	(65,050)
NET EXPENDITURE/(INCOME)	69,160	43,330	47,750	49,980	52,94
Total P185 Licensing Activities	115,980	98,500	108,410	113,720	117,900

PLANNING, HEALTH & ENVIRONMENT

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Detail	2006/07		2007/08	2008/09	2009/10
	Original £	Revised £	Estimate £	Estimate £	Estimate £
P185 LICENSING ACTIVITIES					
A440 HACKNEY CARRIAGES					
<i>R655 Hackney Carriages</i>					
EXPENDITURE					
EMPLOYEE COSTS					
Direct Employee Expenses	40,800	41,640	43,370	44,260	45,41
SUPPLIES & SERVICES					
Equipment, Furniture & Materials	4,000	4,000	4,000	4,000	4,00
Printing, Stationery & General Office Expenses	0	500	500	500	50
Services	1,600	7,920	650	650	7,92
THIRD PARTY PAYMENTS (SERVICES PROVIDED)					
Contractors Charges	8,380	8,400	8,610	8,830	9,05
SUPPORT SERVICES					
Financial Services	2,890	2,930	3,060	3,110	3,18
Legal & Democratic Services	1,350	2,050	2,240	2,280	2,34
Departmental Administrative Expenses	16,270	17,390	17,290	17,630	18,06
GROSS EXPENDITURE	75,290	84,830	79,720	81,260	90,46
INCOME					
Customer & Client Receipts	(70,050)	(76,400)	(68,230)	(68,230)	(77,960)
Use Of Earmarked Reserve	(3,330)	0	0	0	
GROSS INCOME	(73,380)	(76,400)	(68,230)	(68,230)	(77,960)
NET EXPENDITURE/(INCOME)	1,910	8,430	11,490	13,030	12,50

PLANNING, HEALTH & ENVIRONMENT

Detail	2006/07		2007/08	2008/09	2009/10
	Original £	Revised £	Estimate £	Estimate £	Estimate £
A445 GENERAL LICENSING & REGISTRATION <i>R660 General Licensing & Registration</i>					
<u>EXPENDITURE</u>					
EMPLOYEE COSTS					
Direct Employee Expenses	33,380	34,200	35,900	36,740	37,66
SUPPLIES & SERVICES					
Printing, Stationery & General Office Expenses	800	800	800	800	80
Veterinary Surgeons Fees	2,000	2,000	2,000	2,000	2,00
Communications & Computing	500	500	500	500	50
SUPPORT SERVICES					
Financial Services	2,660	2,660	2,790	2,870	2,93
Legal & Democratic Services	12,570	12,740	13,920	14,220	14,55
Departmental Administrative Expenses	13,330	14,290	14,340	14,660	14,98
GROSS EXPENDITURE	65,240	67,190	70,250	71,790	73,42
<u>INCOME</u>					
Other Grants, Reimbursements & Contributions	0	(120)	(140)	(140)	(20
Customer & Client Receipts	(20,330)	(20,330)	(20,940)	(20,940)	(20,940
GROSS INCOME	(20,330)	(20,450)	(21,080)	(21,080)	(20,960)
NET EXPENDITURE/(INCOME)	44,910	46,740	49,170	50,710	52,46