

Public Report
Overview and Scrutiny Management Board

Committee Name and Date of Committee Meeting

Overview and Scrutiny Management Board – 18 March 2021

Report Title

Local Government Association Peer Review of Licensing

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Tom Smith, Assistant Director Community Safety and Streetscene
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Ward(s) Affected

Borough-Wide

Report Summary

The Council commissioned the Local Government Association to undertake a Peer Review of the Operation of the Licensing Board Sub-Committee and Licensing Sub-Committee in October 2020. This report briefly presents the recommendations of the feedback report from this review and sets out the next steps in taking the recommendations forward.

Recommendations

Overview and Scrutiny Management Board are requested to note and comment on the report.

List of Appendices Included

Appendix 1 Rotherham Metropolitan Borough, Council Remote Peer Review of the Operation of the Licensing Board Sub-Committee and Licensing Sub-Committee, 19 – 23 October 2020, Feedback Report

Background Papers

No background papers

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Licensing Board – 9 March 2021

Council Approval Required

No

Exempt from the Press and Public

No

Local Government Association Peer Review of Licensing

1. Background

- 1.1 Rotherham Metropolitan Borough Council's Licensing Board and Licensing Committees exist to consider and determine applications under Taxi Licensing Legislation (Licensing Board), The Licensing Act 2003 and Gambling Act 2005 (Licensing Committee).
- 1.2 The objective of the Licensing function is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol, or provide certain types of regulated entertainment, taxi licensing, and late night refreshment. As a quasi-judicial function of the Council it is important that the Board and Committee's approach is consistent with the Council's statements of Licensing Policy.
- 1.3 Following Government intervention, the Council's Licensing policies and functions have been completely overhauled, with new Taxi Licensing, Licensing and Gambling Act and Sex Establishment Policies in place. The Council's Taxi Licensing Policy is widely regarded as one of the most robust in the country. Innovations such as CCTV in vehicles and enhanced Disclosure and Barring Service (DBS) checks for drivers, that were first implemented in Rotherham, are now cited as good practice within national Policy guidance. The Council's Licensing and Gambling Act Policies have been subject to further review with the latest iterations being formally adopted in March 2020.

2. Key Issues

- 2.1 Following a Licensing Sub-Committee in July 2020, the Council received a number of complaints, all of which have been dealt with, through our formal processes where necessary. However, in order to assure both the Council and our communities that the Board and Service is operating as it should in its application of the Policies, the Council commissioned the Local Government Association (LGA) to undertake a Peer Review. This took place virtually between 19 and 23 October 2020.
- 2.2 The Peer Review team was as follows:
 - Lead Peer: Sharon Bridglalsingh (Monitoring Officer, Director of Law and Governance and the Returning Officer at Milton Keynes Council).
 - Member Peer: Councillor Bryony Rudkin (Deputy Leader, Ipswich Borough Council and LGA National Lead Peer).
 - Senior Officer Peer: John Garforth (Trading Standards and Licensing Manager Oldham Metropolitan Borough Council).
 - LGA Review Manager – Ernest Opuni (LGA Improvement Manager).
- 2.3 Whilst the Peer Review took place virtually, it was a robust process. The peer team reviewed a range of documents and information to ensure they were familiar with the Council and the challenges it is facing in the context of Covid-19. The team also viewed a number of the Council's Licensing Committee meetings online.

2.4 The team then spent one full day meeting stakeholders remotely. They spoke to more than 25 people, across ten remote meetings, including a range of Council staff together with Councillors and external partners and stakeholders. Stakeholders included Licensing Board Members, Council Licensing and Legal Officers, Police Licensing Officers, the Independent Hate Crime and Equality Scrutiny Panel, and Taxi Trade representatives.

2.5 Appendix 1 contains the feedback report from the LGA Peer Review. It contains the following eight recommendations:

1. To address perception by fostering a more collaborative culture ('doing with' rather than 'doing to').
2. Reviewing training programme to ensure widest possible range of topics and issues covered.
3. Reflect on where Rotherham is now five years on from the Jay and Casey reports into Child Sexual exploitation.
4. Review engagement and communications styles with trade representatives and responsible authorities.
5. Review structure and the number of posts within the licensing team to assure yourselves it is fit for purpose.
6. Ensure applicants have access to business support advice (either council provision or signposting).
7. Consider the provision of pre-application advice and the meeting of key stakeholders to support the applicant.
8. Reflect on the current level of cultural competence of the Board and how this could be further enhanced and made more apparent in future.

2.6 A draft action plan has been developed which is still subject to further, more detailed, consultation with stakeholders (see section 4). A number of actions have however initially been identified including to:

- Review of the order of proceedings for Licensing Board and Committee hearings.
- Review and revise the guidance for Licensing Board and Committee Members in terms of formal and legalistic language used in hearings, e.g. 'cross-examination'.
- Revise the guidance provided to Licensing officers for writing Licensing Board and Committee reports, to ensure they reflect the above.
- Identify and allocate additional budget for resources in Licensing Service and recruit to additional identified posts. £150,000 of additional resources for the Licensing Service was agreed by Council on 3rd March 2021.
- Review and refresh the Council's approach to engagement with the full range of the licensed trades, i.e. taxis, alcohol, gambling.
- Review our approach to training across the range of licensing functions, both with Board and Committee Members and Officers and deliver a revised training programme.
- Review and implement revised processes for robust assessment of licensing proposals against the policy at early stages and across Responsible Authorities, e.g. Environmental Health, Police.

- Review the process for the provision of business support and advice to licensees (or prospective licensees) with Rotherham Investment and Development Office (RIDO), and referral to such advice from the Licensing service.

3. Options considered and recommended proposal

3.1 The Peer Review recommendations have been accepted by Licensing Board and Licensing service. An action plan is therefore being developed in consultation with stakeholders.

4. Consultation on proposal

4.1 The Peer Review included interviews with a wide range of stakeholders including:

- Licensing Board and Committee Members,
- Council Licensing Service representatives,
- Council Legal Services representatives
- South Yorkshire Police,
- Independent Hate Crime and Equality Scrutiny Panel, and
- Taxi Trade representatives.

4.2 The Peer Review recommendations have been shared with these stakeholders through a series of presentations in the first two weeks of March 2021. The initial actions above have been identified via these consultations and will be incorporated into a final action plan by mid-April 2021.

5. Timetable and Accountability for Implementing this Decision

5.1 The final action plan will be shared with stakeholders by the end of April 2021. Given that a number of recommendations relate to the Licensing Board and Committee, it is unlikely these will be fully delivered until the new municipal year.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

6.1 There are no specific financial implications arising from this report.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 There are no specific legal implications arising from this report.

8. Human Resources Advice and Implications

8.1 There are no specific human resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no specific implications for children and young people or vulnerable adults.

10. Equalities and Human Rights Advice and Implications

10.1 There are no specific equalities or human rights implications arising from this report.

11. Implications for Partners

11.1 The Police, as a Responsible Licensing Authority have been positively engaged in the Peer review and will continue to be engaged with as part of the action plan.

12. Risks and Mitigation

12.1 An uncertain event or set of events which should it occur will have a positive or negative effect on the achievement of our objectives.

12.2 Every objective has an associated risk(s) attached to it. Risk management can help ensure that potential barriers to the delivery of these objectives are identified and addressed in advance. It can help direct resources to areas of most need, including areas of innovation and efficiency. Examples of risk include changes in legislation, unforeseen shifts in customer needs and more.

13. Accountable Officer(s)

Tom Smith, Assistant Director Community Safety and Streetscene

Approvals obtained on behalf of: -

	Named Officer	Date
Chief Executive		10/03/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	10/03/21
Assistant Director of Legal Services (Monitoring Officer)	Named officer	10/03/21
Assistant Director of Human Resources (if appropriate)		Click here to enter a date.
Head of Human Resources (if appropriate)		Click here to enter a date.

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