



DISTRICT COUNCIL

Despatched: 17.07.13

LICENSING COMMITTEE

25 July 2013 at 6.00 pm

Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Morris Vice-Chairman: Cllr. Clark
Cllrs. Abraham, Ayres, Mrs. Ayres, Cooke, Davison, Mrs. George, Orridge, Mrs. Parkin,
Piper, Raikes and Walshe

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes Minutes of the meeting of the Committee held on 27 March 2013 and of the Sub-Committee held on 1 July 2013	(Pages 1 - 8)	
2. Declarations of interest Any interests not already registered		
3. Actions from the previous meeting None		
4. Membership of Licensing Hearing Sub-Committees	(Pages 9 - 12)	Philippa Gibbs Tel: 01732 227247
5. Face to Face Charitable Street Collectors	(Pages 13 - 26)	Claire Perry Tel: 01732 227325
6. Scrap Metal Dealers Act Verbal briefing		Claire Perry Tel: 01732 227325
7. Licensing Partnership Annual Report	(Pages 27 - 40)	Claire Perry Tel: 01732 227325

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

LICENSING COMMITTEE

Minutes of the meeting held on 27 March 2013 commencing at 6.00 pm

Present: Cllr. Pett (Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Clark, Davison, Orridge, Mrs. Parkin, Piper, Raikes and Walshe

Apologies for absence were received from Cllrs. Mrs. Dawson and Fittock

22. Minutes

Resolved: That the minutes of the meeting of the Committee held on 30 January 2013 be approved and signed by the Chairman as a correct record.

23. Declarations of interest

No declarations of interest were made.

24. Actions from the previous meeting

There were no actions from the previous meeting.

25. Hackney Carriage And Private Hire Licensing - License Fees 2013/14

The Committee had previously considered the proposed fees and associated costs for Hackney Carriage and Private Hire licences for 2013/14 at its meeting on 30 January 2013. The Committee had approved the changes in fees and associated costs subject to the responses received following consultation with the trade. On 11 February 2013 all proprietors, drivers and operators were written to. Consultee responses and Officer comments on any adverse responses were included in the report.

The taxi licensing service was required to be self-financing and the recommended fare increases would ensure this.

The Licensing Partnership Manager informed the Committee that all references to the Criminal Records Bureau should be amended to the Disclosure and Barring Service.

Taking on board comments from consultees the Licensing Partnership would fold letters where possible to fit into smaller envelopes, to reduce costs, though licences would not be folded when sent out. From next year the Licensing Partnership in Sevenoaks intended only to put up a public notice in the newspaper and on the Council's website rather than write to each licensee individually. Renewal reminders were now being sent second rather than first class and were also sent out earlier meaning that they were returned sooner.

The Licensing Partnership Manager confirmed to Members that no requests had been received for an increase in the maximum fares in the last 18 months though enquiries had recently been made. There were Private Hire and Hackney Carriage Associations to represent licensees and the Partnership kept in touch with licensees through its emailing list and regular meetings with the trade. Recent meetings had included representatives

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Licensing Committee - Wednesday, 27 March 2013

from Southeastern Rail and Meteor Parking and she felt the meetings were an effective forum.

In the next six months the Council would be introducing online forms for licence applications and renewals. The aim was again to reduce costs. There would be an initial capital outlay for the system but maintenance costs would be lower. Officers would consider differential costs for online and paper applications but no decision has been made. In the near future Officers intended to carry out a full cost analysis of the fees charged across the Partnership.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from the report.

Resolved: That from 1 April 2013 the list of fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators be varied as per the report.

THE MEETING WAS CONCLUDED AT 6.23 pm

Chairman

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing
held on 1 July 2013 commencing at 10.30 am

Present: Cllrs. Clark, Davison and Raikes

Also present	Mr. J. Payne	-	Applicant's Solicitor
	Mr. G. Churchill	-	Applicant's Rural Surveyor
	Mr. S. Walker	-	Applicant's Head Gardner
	Mr. S. Winn	-	Objector
	Miss. J. Bolton	-	Licensing Officer
	Mr. L. Roberts	-	Legal Advisor
	Mr. D. Lagzdins	-	Democratic Services Officer
	Miss. C. Shacklock	-	Democratic Services Assistant

1. Appointment of Chairman

Resolved: That Cllr. Raikes be appointed as the Chairman of the meeting.

2. Declarations of interest.

Councillors Clark and Raikes declared a Non Pecuniary Interest in both being Members of the National Trust.

3. Emmetts Gardens, Emmetts Lane, Ide Hill, kent. TN14 6BA

The Hearing gave consideration to a report by the Chief Executive giving details of an application from National Trust (Enterprises) Ltd for a new Premises License under the Licensing Act 2003 for Emmetts Gardens, Emmetts Lane, Ide Hill, Kent TN14 6BA. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the Applicant's solicitor who provided to the Committee a leaflets detailing forthcoming events at Emmetts Garden, together with a covering letter, which had formed part of the application. The Chairman allowed the Sub-Committee time to consider these documents. The Applicant's solicitor advised that not all the events listed would include licensable activities.

The Applicant's solicitor gave a brief overview of the 249 National Trust sites that already had Premises Licences. To date, none of these licences had been revoked, reviewed or had enforcement action taken against them.

Previously, Temporary Event Notices had been granted for low key events. However a permanent licence would make organising events more simple and straight forward. No alcohol would be sold at the site until there was a Designated Premises Supervisor. It would be likely that 12 events would take place that would require a license each year. These would be low-key.

Members asked questions of clarification of the Applicants. The Head Gardener of Emmetts Garden showed Members the likely location of events. There would be some

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sound protection from a yew fence. The number of visitors could vary from 1500 in Bluebell season to 100 to 300 out of season. A field was used for additional parking up to 28 days a year.

The Applicants explained there was a public footpath through the site and so the premises were formally open all day.

The Hearing heard from Mr. S. Winn, one of the objectors. He objected to the noise which might be caused by amplified sound, as he considered it a peaceful area. He also objected to the additional traffic created. There should be a limited number of events and sound levels could be limited to prevent a public nuisance.

In summary, the Applicants informed the Sub-Committee there had been no problems reported regarding sound nuisance with previous events. Neighbours close to Emmetts Garden had been contacted by the National Trust and provided with a direct telephone number to call the event operator in case they felt that the sound was causing a nuisance.

At 11:20 a.m. the Hearing Members withdrew to consider the issues raised and the Council's Legal Advisor accompanied them for the purpose of providing legal advice only.

At 11:35 a.m. the Hearing Members and the Council's Legal Advisor returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties, to the guidance issued under s.182 of the Licensing Act 2003 and the Council's statement of Licensing policy. Events falling within Sections A to G of the Operating Schedule would be limited to 12 a year. This would be subject to local residents and Sevenoaks District Council being informed. Local residents would be those who had raised objections to the licence application and any who complained about the nuisance in the future.

It was therefore unanimously,

Resolved: That a Premises License in respect of Emmetts Gardens, Emmetts Lane, Ide Hill, Kent TN14 6BA subject to the conditions contained in licence attached as an appendix to these minutes be granted.

THE MEETING WAS CONCLUDED AT 11.40 am

Chairman

Notice of determination for application premises licence

To: NATIONAL TRUST (ENTERPRISES) LTD
Of: HEELIS, KEMBLE DRIVE, SWINDON, WILTSHIRE
Ref: 13/01075/LAPRE

Sevenoaks District Council being the licensing authority, on 15 April 2013 received an application for a premises licence in respect of premises known as Emmetts Gardens, Emmetts Lane, Ide Hill, Kent TN14 6BA.

On 1 July 2013 there being valid representations which were received but had not been withdrawn, a hearing was held to consider these representations and having considered them the Licensing Sub-Committee determined as follows:

To grant the Premises Licence:

- | | |
|-----------|--|
| Section A | To allow exhibition of plays both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section B | To allow the exhibition of films both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section E | To allow live music both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section F | To allow recorded music both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section G | To allow performances of dance both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section M | To allow sale of alcohol for consumption both on and off the premises every day from 09:00 until 21:00 hours |
| Section O | Hours premises are open to the public from 00:00 until 00:00 hours |

To add the conditions on the Licence as follows:

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 6 April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request,

before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Exhibition of films

Where the film classification body is specified in the licence, unless subsection (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

To add an additional condition on the Licence as follows:

1. That the number of events held which fall within sections A to G of the operating schedule be limited to 12 per year.
2. Such events will be subject to:
 - (a) notifying such events to Sevenoaks District Council and to the local community; and
 - (b) providing a telephone number to the local community which will provide an immediate means to contact the person with effective control of the event in case of complaint regarding the licensed activities.

In this condition "local community" means such neighbours as have objected to the licence application and all those who complain about the licensed activities in the future.

Reason: For the prevention of public nuisance

This licence granted at the Hearing is effective from 1 July 2013.

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Dated:

Signed

Chair – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

Licensing Partnership
Sevenoaks District Council
Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

APPOINTMENTS TO LICENSING HEARING SUB-COMMITTEES

Licensing Committee – 25 July 2013

Report of the: Chief Executive Designate

Status: For Decision

Key Decision: No

This report supports the Key Aim of Balanced Communities

Head of Service Head of Legal and Democratic Services – Mrs Christine Nuttall

Recommendation to Licensing Committee: That the memberships of the Licensing Sub-Committees as set out in paragraph 6 below be approved.

Reason for recommendation: In compliance with Part 8 of the Council’s constitution.

Introduction

- 1 Since 21 May 2009 the Committee has adopted emerging best practice in arranging the Licensing Committee into fixed pools of 3 Members who can be appointed, when necessary, for hearings. This arrangement is set out in the Committee’s terms of reference.
- 2 In the past the Committee has consisted of 15 Members divided into 5 groups of 3. The new, reduced Membership of the Committee to 13 Members has resulted in 4 groups of 3 and one “floating” Member. That Member will be selected for hearing where one Member of a pool is unable to attend or is ineligible.
- 3 Although the Committee is allotted into these groups of 3, any Member of the Committee is allowed to act as a substitute for any other. Substitutions are the responsibility of the Members concerned and should be notified to the Democratic Services Team at least one hour prior to the hearing.
- 4 At its meeting held on 26 June 2013 the Committee indicated that one additional Member should be put on “standby” for each Hearing in case a substitute is needed at relatively short notice. For administrative purposes this Member was to be selected informally by the Democratic Services Team.
- 5 The process has an aim of allowing Members of the Committee sit on an approximately equal number of hearings across the municipal year.

Proposed Memberships

- 6 The proposed memberships for the Sub-Committees are set out below:

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Sub-Committee A – Cllrs. Mrs Ayres, Clark and Piper

Sub-Committee B – Cllrs. Ayres, Davison and Raikes

Sub-Committee C – Cllrs. Mrs George, Orridge and Mrs Parkin

Sub-Committee D – Cllrs. Abraham, Cooke and Walshe

Cllr. Mrs Morris to be a floating Member

Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees. However the Democratic Services Team would aim to select a Member to act as reserve attendee for each hearing in case of non-attendance.

Key Implications

Financial

None.

Community Impact and Outcomes

None.

Legal, Human Rights etc.

None.

Resource (non-financial)

None.

Value For Money and Asset Management

None.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	Not applicable
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable

Sustainability Checklist

This does not apply.

Risk Assessment Statement

The recommendation is in line with best practice and is to comply with the Committee’s terms of reference.

Appendices None

Background Papers: None

Contact Officer(s): Philippa Gibbs ext. 7247

Dr. Pav Ramewal
Chief Executive Designate

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REPORT OF THE LICENSING PARTNERSHIP AGREEMENT WITH THE PUBLIC FUNDRAISING REGULATORY ASSOCIATION (PFRA), REGARDING THE ACTIVITIES OF FACE-TO-FACE DIRECT DEBIT (DD) CHARITABLE STREET COLLECTORS IN THE SEVENOAKS DISTRICT

Licensing Committee – 25 July 2013

Report of the: Chief Executive Designate

Status: For Decision

Key Decision: No

This report supports the Key Aim of facilitating effective working between the Police, partners and communities.

Portfolio Holder Cllr. Michelle Lowe

Head of Service Head of Environmental and Operational Services – Richard Wilson

Recommendation to Licensing Committee: That the Licensing Committee agrees to enter into a Site Management Agreement (SMA) regarding the activities of Face-to-Face Direct Debit (DD) Charitable Street Collectors in Sevenoaks with the Public Fundraising Regulatory Association (PFRA) a draft of which is attached at Appendix A to the report.

Reason for recommendation: To enable the better regulation and control of the numbers, frequency and location of direct debit street collectors in the Sevenoaks District.

Introduction and background

1. Charitable Street collections are currently regulated under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.
2. Face-to-Face Direct Debit (DD) Charitable Street Collectors, sometimes referred to as “Chuggers” (Charity Muggers), are professional fund raisers who operate within town centres across the country. A number of these fund raisers operate within Sevenoaks town centre throughout the week. As no physical money is collected, they can operate without the need for a Street Collection Permit to be issued by Sevenoaks District Council under the above legislation.
3. There appears to be a general perception that DD Street Collectors are deterring the general public from using local high streets, due to alleged aggressive and often intrusive collecting methods.
4. Face-to-Face direct debit street collection fundraising is subject to voluntary self regulation by the industry. The Public Fundraising Regulatory Association (PFRA) regulates the use of face to face fundraising by member charities and professional

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fundraising organisations and aims to work with local authorities to ensure that fundraising sites are used appropriately. There are currently 142 charities that are members of PFRA.

5. Contact was made with the PFRA and they have worked closely with the Licensing Partnership, in drawing up a Site Management Agreement (SMA) suitable for the Partnership covering all three councils and the specific area of Sevenoaks town centre. The aim of the SMA is to monitor and facilitate charity fundraising in agreed locations within Sevenoaks town centre and provide a balance between the right of the charity to fund raise and the right of the public to go about their business with the least level of inconvenience. It is important to note that SMAs are voluntary arrangements; they are not legally binding and cannot be upheld through formal enforcement action. However they have been implemented by a number of local authorities throughout the UK and have been proven to work well in minimising issues.
6. The proposed draft agreement specifies a number of areas in which street collections will be permitted and the frequency of those collections. A copy of the draft agreement is included as Appendix A to this report.
7. The SMA provides a mechanism for reporting alleged instances of inappropriate activity/behaviour and for receiving feedback on how any issues have been resolved.

Other Options Considered and/or Rejected

8. There is the option that Sevenoaks District Council does not enter an agreement with PFRA and continue as currently with no control over face to face collections. It is proposed that while the Council does not have authority to regulate this activity, the agreement will help ensure a balance is made between raising money for worthwhile causes and not discouraging people from using Sevenoaks Town Centre.

Key Implications

Financial

The only financial implications are those of additional Officer time dealing with complaints where there is no legal authority to regulate this activity.

Community Impact and Outcomes

By proceeding with this SMA it will provide the correct balance between the right of the charity to fund raise and the right of the public to go about their business with the least level of inconvenience.

Legal, Human Rights etc.

This is not a legally binding agreement but merely sets out parameters in which direct debit collections can take place.

Resource (non-financial)

There are no resource issues as this will mean that complaints can be forwarded to the PFRA.

Value For Money and Asset Management

There are no considerations.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	It provides a better balance for direct debit collectors and charity collections.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

Conclusions

By entering into this agreement it sets out an agreed level of direct debit frequencies for collections within Sevenoaks District Council and across the Licensing Partnership as a whole.

Failure to enter into this agreement means that those street charity collectors with a street collection permit are in competition with the direct debit collectors.

Risk Assessment Statement

Risk Management issues have been dealt with within the SMA.

Appendices

Appendix – Draft Site Management Agreement between PFRA and Maidstone Borough, Sevenoaks District, and Tunbridge Wells.

Background Papers:

Draft Site Management Agreement between PFRA and Maidstone Borough, Sevenoaks District, and

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Tunbridge Wells.

Contact Officer(s):

Mrs. Claire Perry

Ext. 7325
07970 731616

Dr. Pav Ramewal
Chief Executive Designate



Public Fundraising *Regulatory* Association

Site Management Agreement

Between PFRA and Maidstone Borough,
Sevenoaks District, and Tunbridge Wells
Borough Councils

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Maidstone, Sevenoaks, and Tunbridge Wells town centres and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

Maidstone:

Pedestrianised area of Week St from St Faith's Street to just before Earl Street and from just after Earl Street to High St, fundraisers are excluded from the square at the junction of Week Street and Earl Street

Capacity: maximum of 5 fundraisers and 1 Team Leader

Positioning: fundraisers to be spread out along the length of the site

Frequency: any 3 days per week not including Fridays or Saturdays

Sevenoaks:

High St from the Pembroke Road/Suffolk Way cross roads to Buckhurst Lane

Capacity: maximum of 4 fundraisers including a Team Leader

Positioning: fundraisers to be spread out

Frequency: any 2 days per week not including Fridays or Saturdays

Tunbridge Wells:

Calverley Precinct – pedestrianised area of Calverley Rd between Camden Rd and Grosvenor Rd

Capacity: maximum of 5 fundraisers and 1 Team Leader

Positioning: fundraisers to be spread out along the length of the site and to work within the central channel of the street, marked by the gutter line in the paving

Frequency: any 3 days per week not including Fridays or Saturdays

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present in any one town centre on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. Big Issue sellers, buskers, newspaper stands, promotional activities, and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for the Licensing Partnership Claire Perry and her contact details are claire.perry@sevenoaks.gov.uk. In her absence all enquiries should be made to licensing@sevenoaks.gov.uk or 01732 227004.

4.2 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

Administration Team

email: licensing@sevenoaks.gov.uk

Tunbridge Wells Borough Wells Licensing Team

email: licensing@tunbridgewells.gov.uk

Maidstone Borough Council Licensing Team

email: licensing@maidstone.gov.uk

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These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

5 Complaint Management

PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

In the event that any complaint is unable to be resolved to the satisfaction of the complainant, said complainant is advised to report the complaint to the Fundraising Standards Board ([FRSB](#)).

6 Working Together

Maidstone Borough, Sevenoaks District and Tunbridge Wells Borough Councils agree to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the code of practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

Dr Toby Ganley, Head of Policy

Date:

Signed For and On Behalf Of Maidstone
Borough, Sevenoaks District and
Tunbridge Wells Borough Councils:

Print name:

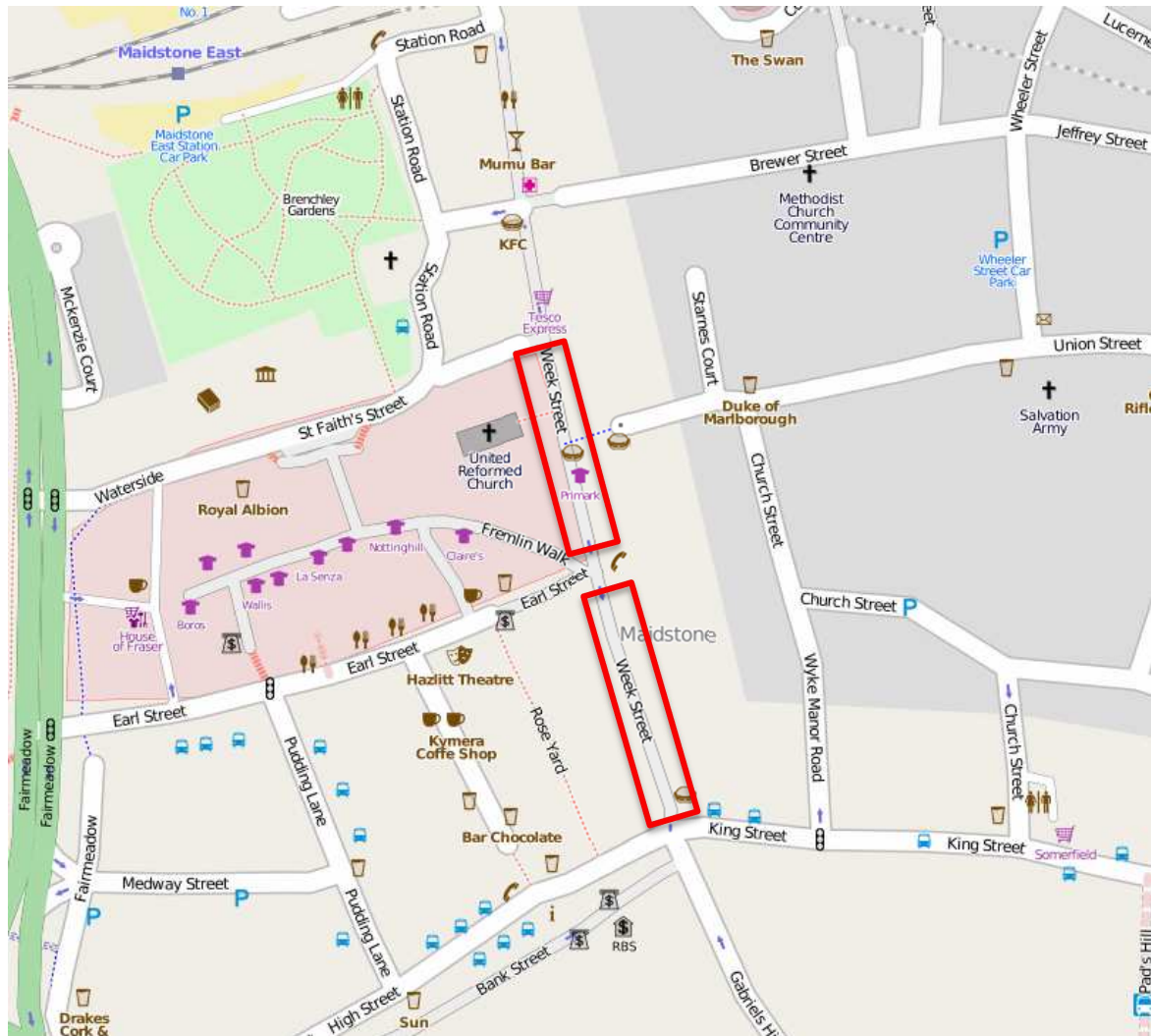
Job title:

Dated:

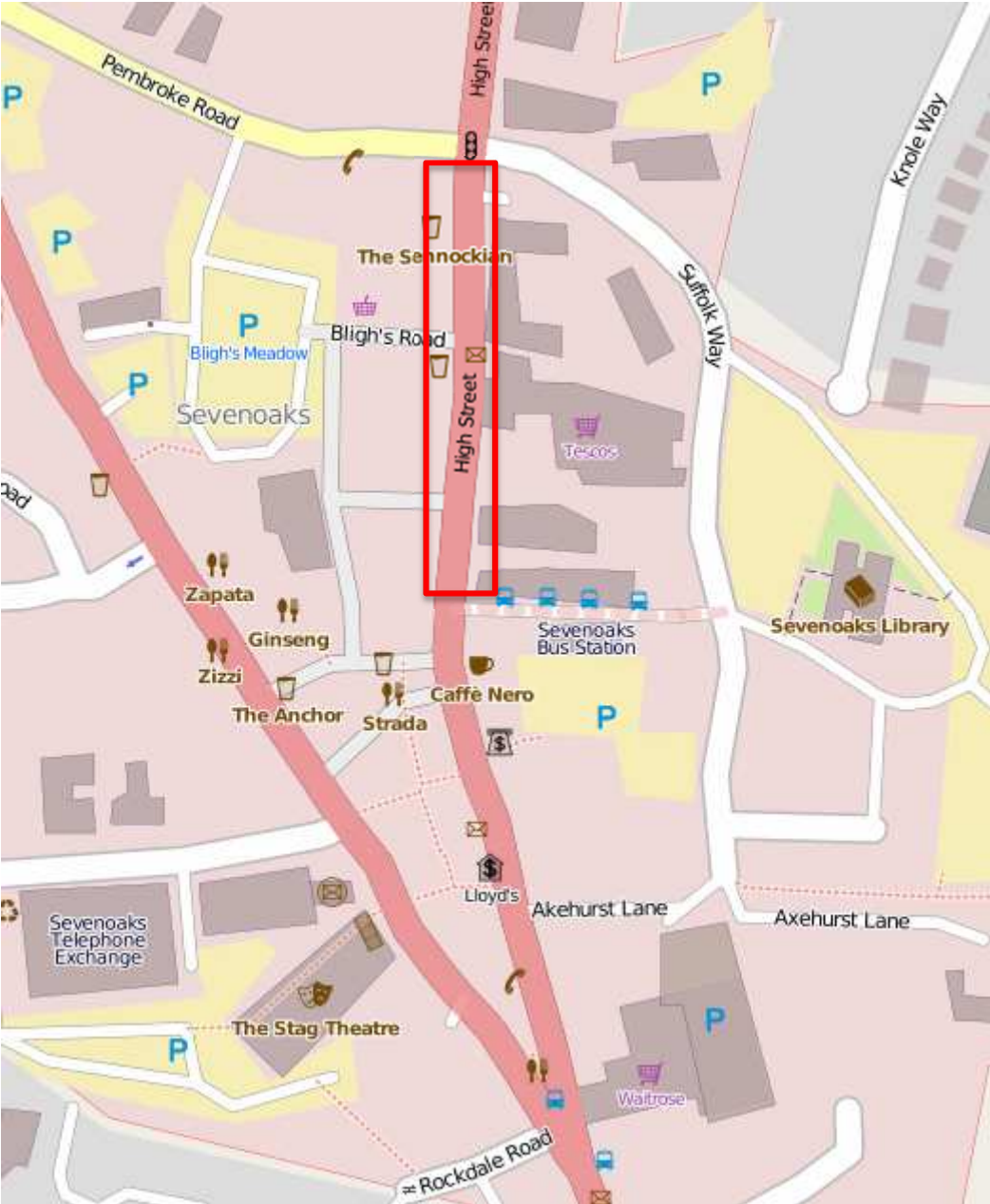
Appendix 1 - Maps

Plan showing the areas where fundraising is to be permitted:

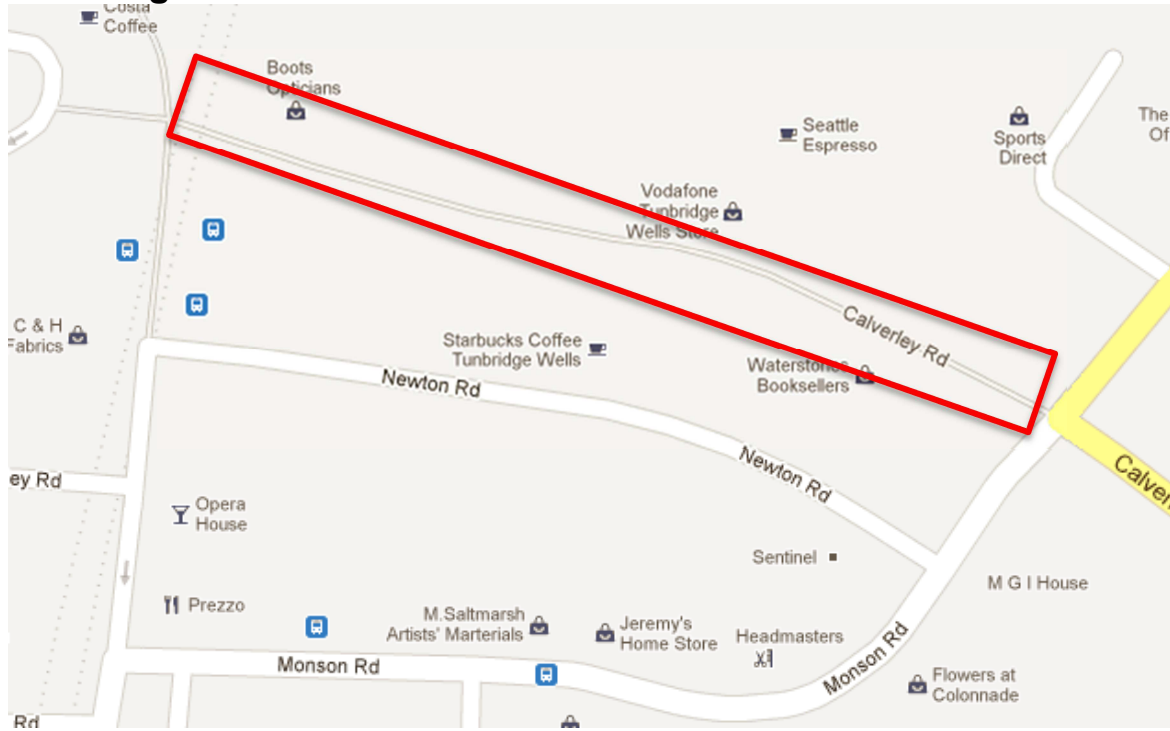
Maidstone



Sevenoaks



Tunbridge Wells



Appendix 2 - Direct Debit Guarantee

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

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LICENSING PARTNERSHIP ANNUAL REPORT

Licensing Committee – 25 July 2013

Report of the: Chief Executive Designate

Status: For Consideration

Also considered by: Services Select Committee – 4 April 2013

Key Decision: No

Executive Summary: The Council is a member of a partnership with Maidstone and Tunbridge Wells Councils to provide line management responsibilities to their respective licensing enforcement teams and an administration hub at Sevenoaks to carry out the processing of licence applications and representations.

This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that gives service resilience and capacity to deal with the fluctuating demands on the service through the year.

This report is for consideration to update Members on the progress over the past year and update on projects for the future.

This report supports the Key Aim of safe communities and effective management of Council Resources.

Portfolio Holder Cllr. Mrs Lowe

Head of Service Head of Environmental and Operational Services – Richard Wilson

Recommendation to Licensing Committee: It be resolved that the Licensing Partnership Annual Report be approved.

Introduction

1. Sevenoaks District Council (SDC) and Tunbridge Wells Borough Council (TWBC) entered into partnership with respect to licensing in May 2006, which resulted in cost savings and efficiencies for both Councils by sharing a Licensing Manager.
2. In 2009 it was agreed that the administration of the Licensing process would be undertaken in partnership with Sevenoaks District Council, Maidstone Borough Council and Tunbridge Wells Borough Council. It was agreed that the administrative hub processing the licensing applications would be based at Sevenoaks District Council.

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3. In January 2010 the new Licensing Partnership took effect and at that point all matters relating to the Licensing Act 2003 and the Gambling Act 2005 were transferred to the new licensing administration team at Sevenoaks.
4. The administration hub uses a single database to maintain the licensing records for the three authorities. The database structure enables reporting to be carried out on an individual authority basis and allows for the variances that still exist in the policies and procedures of the three authorities.
5. The Partnership is governed by an agreement made between the three councils and the Heads of Service responsible for licensing at their respective authorities meet regularly as a Licensing Partnership Board.
6. The initial agreement was for a period of three years, to 31 March 2013. The agreement then continues until such time as one or more of the councils gives six months' notice to the other partners of their intention to leave the partnership. The agreement contains provisions in relation arrangements for the cessation of the joint delivery of the service and reimbursement of costs to the other parties.

Performance indicators

7. The Licensing Partnership current Performance Indicators are as follows:-
 - Number of licensed premises enforcement visits – (risk assessed) undertaken in each month –target differs for each authority but at Sevenoaks this is calculated on those premises requiring a visit within the next twelve months. This is currently 24 per month. Since 2006 Sevenoaks Licensing Officers have carried out a risk assessment of the premises following a visit. This sets a frequency for the next visit being due based on the type of premises, activities carried out at the premises, an assessment of the management of the premises and whether the premises has been the subject of recent complaints.
 - Number of taxi checks undertaken each month – target differs for each authority but at Sevenoaks this is 7 per month.
 - Percentage of valid personal licence applications to be processed within two weeks - the target is 95%.
 - Percentage of temporary event notices processed within 72 hours – the target is 90%.
 - The number of Hackney Carriage Vehicle licences issued within 5 working days – the target is 75%.
 - The number of Private Hire Vehicle licenses issued within 5 working days – the target is 75%.
 - The number of Hackney Carriage Driver licences issued within 30 working days – the target is 75%.

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- The number of Private Hire Driver licences issued within 30 working days – the target is 75%.
 - The number of Private Hire Operator licences issued within 30 working days – the target is 75%.
 - Length of time to process an application from date of validation to issue date for new and variation of premises (not DPS) applications for Licensing Act 2003 – the target is 95% .
8. There is an additional performance indicator for 2013 – 14 which is the Percentage of applications outstanding for more than one month and the target is to keep this under 10%.
9. This is the summary of performance indicator for 2012 – 13.

	Description	Collection period	2012 -13 Target	End of year 2012 - 13
1	Number of monthly premises licensing enforcement visits due that were undertaken	Monthly	312	294
2	The number of taxi enforcement checks completed (one per taxi vehicle)	Monthly	84	80
3	The percentage of valid personal licences processed within 2 weeks	Monthly	95%	93%
4	The percentage of valid temporary event notices processed within 72 hours	Monthly	90%	100%
5	Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	Monthly	95%	83%
6	Length of time from validation to issue of HC vehicle licence (MPI) - target 5 working days	Monthly	75%	70%
7	Length of time from validation to issue of PH vehicle licence (MPI) - target 5 working days	Monthly	75%	73%
8	Length of time from validation to issue of HC driver licence (MPI) - target 30 working days	Monthly	75%	88%

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9	Length of time from validation to issue of PH driver licence (MPI) - target 30 working days	Monthly	75%	68%
10	Length of time from validation to issue of PHO driver licence (MPI) - target 30 working days	Monthly	75%	89%

This is the present position

Service Area	Measure Code	Measure Description	Target 2013/14	Apr	May
Licensing	LPI LIC 002	Valid Personal Licences Processed within two weeks	95%	100%	100%
Licensing	LPI LIC 004	Valid Temporary Event Notices Processed within 72 Hours	90%	100%	100%
Licensing	LPI LIC 003	Length of time to process an application from date of validation to issue date for new and variation of premises (not DPS) applications for Licensing Act 2003.	95%	100%	50%
Licensing	MPI LIC 012	Length of time from validation to issue of HC vehicle licence (MPI) - target 5 working days	75%	100%	100%
Licensing	MPI LIC 013	Length of time from validation to issue of PH vehicle licence (MPI) - target 5 working days	75%	100%	100%
Licensing	MPI LIC 014	Length of time from validation to issue of HC driver licence (MPI) - target 30 working days	75%	100%	100%
Licensing	MPI LIC 015	Length of time from validation to issue of PH driver licence (MPI) - target 30 working days	75%	100%	100%
Licensing	MPI LIC 016	Length of time from validation to issue of PHO licence (MPI) - target 30 working days	75%	100%	100%
Licensing	MPI LIC 017	Enforcement checks completed (one per Taxi Vehicle)	7/month	8	0
Licensing	Data Lic 003	Number of due monthly premises licensing enforcement visits	24/month	11	5
Licensing	LP LIC 001	Percentage of applications outstanding for more than one month	<10%	5.60%	6.59%

Service Plan

10. The Partnership has a service plan and the objectives for 2013/14 are:

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- To provide a cost effective and reliable licensing service that delivers high performance and efficiency savings.

The Licensing Partnership has managed to provide a return at least £7,000 per year to each of the partners since its inception in an underspend in its expenditure. This has either been returned to the authorities or it has been reinvested in consumables or new systems, such as the on line forms.

- Continue to develop the 'Centre for Excellence' for all Council licensing functions.

The Licensing Partnership maintains high levels of customer service and continues to provide efficiency savings through innovative solutions such as Consultee Access.

- Investigate further the deliver of licensing functions for other local authorities.
- Improve public perception of services provided by using the feedback from customers to change processes.

This is an ongoing process and work has already been undertaken by the Business Delivery Unit from Tunbridge Wells Borough Council through the Customer Insight toolkit, a project to identify areas where improvements to the service can be provided.

- Provide innovative solutions to minimise data inputting by administration staff e.g. development of on line application forms.

We are reviewing the online forms supplied by a company that has already developed forms which are in use by Chiltern District Council and are being implemented by Ashford Borough Council. Initial discussions have been undertaken with this company and with the computer software supplier IDOX to see how they could be introduced within the partnership and linked to the existing computer system. These discussions and further work will be done in the next financial year with a view to introducing online forms at the earliest opportunity.

- Improve existing web pages across the Partnership.

About a third of the Licensing web pages have been written which have been drafted in such a way that it can appear on the website for any of the partners enabling customers to obtain the information they require for any of the authorities.

- Benchmarking against other local authorities and the Post Office.

Improvements made during 2012/13

- An extensive project took place during June and July 2012 to develop a mechanism to enable the electronic invoicing of the annual fees issued by the

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local authorities. In the region of 600+ invoices are sent out each year to premises licence holders for the payment of the annual fee for the premises licence. It is estimated that at least 10 minutes/per invoice has been saved in the processing time each year and therefore a considerable amount of time will be saved in future years.

- Processes have been reviewed and are continuing to be reviewed to reduce the processing time and duplication of tasks. IT solutions are being sought and implemented to allow documents to be automatically inserted into IDOX negating the need to manually input them. There are only minutes saved on each function but when this is multiplied by the number of times the operation is carried out it adds up to substantial savings in time. The administration staff within the Licensing Partnership are increasing the tasks that they undertake to provide more time to the Licensing Officers so that they in turn can be more operational in their approach to licensees.
- During 2012 the Statement of Principles for the Gambling Act 2005 was reviewed, consulted on and published for the three authorities.
- The Admin Hub team have scanned, indexed and filed in excess of 1000 taxi and private hire records on the system and checked and amended the data transferred from both MBC and TWBC.
- Documentation is available online to the responsible authorities via Consultee Access and the public via Public Access. Objections can be made to applications on line and members of the public are able to view applications being processed through this portal. We have also streamlined the consultation process to reduce the processing time. Consultees make responses via Consultee Access which drops the response into the back office system negating the need to key in the information from emails.

Work processed during 2012 – 13 for the Licensing Partnership

Type of application	Number processed	Sevenoaks DC
Personal Licence (new)	223	60
Personal Licence (change of details/copy)	91	24
New premises licence applications	54	11
Minor variations	31	7
Variation of a premises licence	41	7
Variation of a Designated Premises Supervisor	274	71
Change of details/copy for a premises licence	69	23
Temporary Event Notices	1474	547
Lottery registrations and	215	57

returns		
Gaming permits	42	7
Hackney carriage and private hire drivers	507	109
Hackney carriage and private hire vehicles	818	302
Private hire operators	87	18
Street collections	114	48
House to house collections	47	19
Animal establishments	38	0
Total	4125	1310

Future projects and improvements in customer service.

On line forms

11. As mentioned in the objectives of the Licensing Partnership Service Plan it is intended to introduce on line application forms which will allow our customers to make on line applications and payments. Unlike the Government facility that we currently use which sends us a PDF of the completed form, when these forms are completed by the customer the data will be dropped into the back office operating system negating the need to key in the information again. A business case is being written to be presented to the IT Steering Group and the Management Team for the Licensing Partnership. It is anticipated that the majority of funding for this project will be met by budgets within the Licensing Partnership.

Customer Insight Toolkit project

12. This is a Tunbridge Wells initiative that staff from Sevenoaks District Council and Tunbridge Wells Borough Council participated in. The aim of the Customer Insight Toolkit is to build up a picture of the needs of customers and improve the efficiency of business processes. Toolkit activities also pinpoint areas of frustration for customers and staff alike: for example unclear website information resulting in customers calling or visiting to find out what they need to know.
13. As a result of the project a number of actions have been agreed:-
 1. Update website pages for Licensing
This is in progress.
 2. Investigate emailing out invoices
This is undertaken for some of our larger licence holders already.
 3. Investigate text reminders for taxi renewals
To be pursued.
 4. Measures to improve cover at TWBC including 'office hours' Hub staff putting provisional appointments in TWBC staff outlook diaries

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To be pursued.

5. Partnership related IT issues to be pursued at Head of Service level

When problems occur with operating systems this will be pushed up to Head of Service/Chief Officer level.

6. Continue investigations to develop online forms for Licensing

This is in progress.

7. Set up text messaging for notifying when taxi plate is ready & where to pick up

To be pursued.

8. Investigate if Gateway/contact centre staff can do exchange of plates

To be pursued.

9. Once new website set up, investigate if Gateway/contact centre staff send out application forms

To be pursued.

10. Once new website set up, use as training resource, backed up with crib sheets on what area of Licensing each authority covers and split between Licensing and other teams/organisations (EH, KCC)

To be pursued.

11. Review and improve information flow and consultation process with EH & Police

This is ongoing.

12. Investigate how can simplify payments process (e.g. payments list used by Customer Services staff)

This is ongoing.

Review of all Licensing fees

14. During 2013 we will be undertaking a full review of all of the fees charged within the Licensing Partnership to ensure that all the fees cover the cost of licensing services and there is uniformity where the processes involve the administration team. This will include a review of the Licensing Act 2003 fees once the detail of what can be charged has been released by central government.

Review of Licensing Act 2003 policy

15. Once all the amendments to the regulations have been released which impact on the Licensing Act policy a review of the Licensing Act policy will be required.

Scrap Metal Dealers Act 2013

16. Within the next few months a policy will need to be drafted to deal with the new provisions within the Act and amendments will be required to the constitution and delegations.

Taxi Licensing reform

17. Following consultation by the Law Commission an Interim Statement has been published and we await the Bill at the end of the year.

Key Implications

Financial

The overall cost of line management and administration of the licensing functions through the Partnership for the three authorities is £418,000 per year.

The Partnership agreement contains a mechanism for apportioning this cost between the three authorities based on the level of transactions for each authority. The costs are split on the basis of the mean average of the transactions of the authorities for the three financial years ending on the 31 March of the year before the start of the financial year to which the split will be applied.

For 2013/14 the split is TWBC 30.7% MBC 36.5% SDC 32.8%

Community Impact and Outcomes

Facilitate effective working between the Police, partners and communities.

Legal, Human Rights etc.

As the Licensing Authority the Council has to discharge the functions required of it and this requires adequate back office staff to do so. The Administration Hub presently provides those staff. The partnership agreement also details the mechanisms by which the agreement can be varied or terminated.

Human Rights Act

There are no consequences arising from the recommendation that adversely affect or interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998

Resource (non-financial)

There are no relevant issues.

Value For Money and Asset Management

The Licensing Partnership provides a cost effective way for the Council to manage its licensing functions and to process the applications received in relation to entertainment, alcohol, taxi and private hire, gambling, street trading and sex establishments. A key reason for entering the Partnership was to provide the service with resilience and deal with the peaks in demand that can be difficult to cope with in a small team.

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At the outset it was not envisaged that the Partnership would generate significant savings but it has enable the Council to mitigate the additional costs of having a dedicated Licensing Manager and additional administrative staff.

Savings will be generated in the future as we continue to improve the efficiency of processes and there is the potential for the Partnership to provide services to other authorities generating income and reducing the unit costs of transactions.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Sustainability Checklist

There are no relevant issues.

Conclusions

The Licensing Partnership with the Maidstone and Sevenoaks Councils was established in 2010. It provides the back office functions associated with the administration of the various licensing applications and representations made to the council and, through the shared Manager, line management responsibility for our Senior Licensing Officer.

All of the staff involved in licensing, across the three authorities, have worked hard to bring together the operations from the three councils. Although we all work to the same legislation each council has its own procedural and policies nuances that have had to be considered and reflected in the processes that have been put in place.

It is acknowledged that performance has suffered on occasions in the past as this integration has taken place. Work continues to streamline our processes and this, together with a clear understanding of where policy differences continue to exist between

the respective councils, has lead to improvements and the service is operating effectively.

A considerable amount of effort has been invested in the Partnership and more work is in train to continue to improve its efficiency.

RISK ASSESSMENT STATEMENT

The Licensing Partnership is managed by a Board made up of Heads of Service and financial and legal input from SDC.

Appendices Appendix - The structure of the Licensing partnership

Background Papers: Revenue tracker for the Licensing Partnership

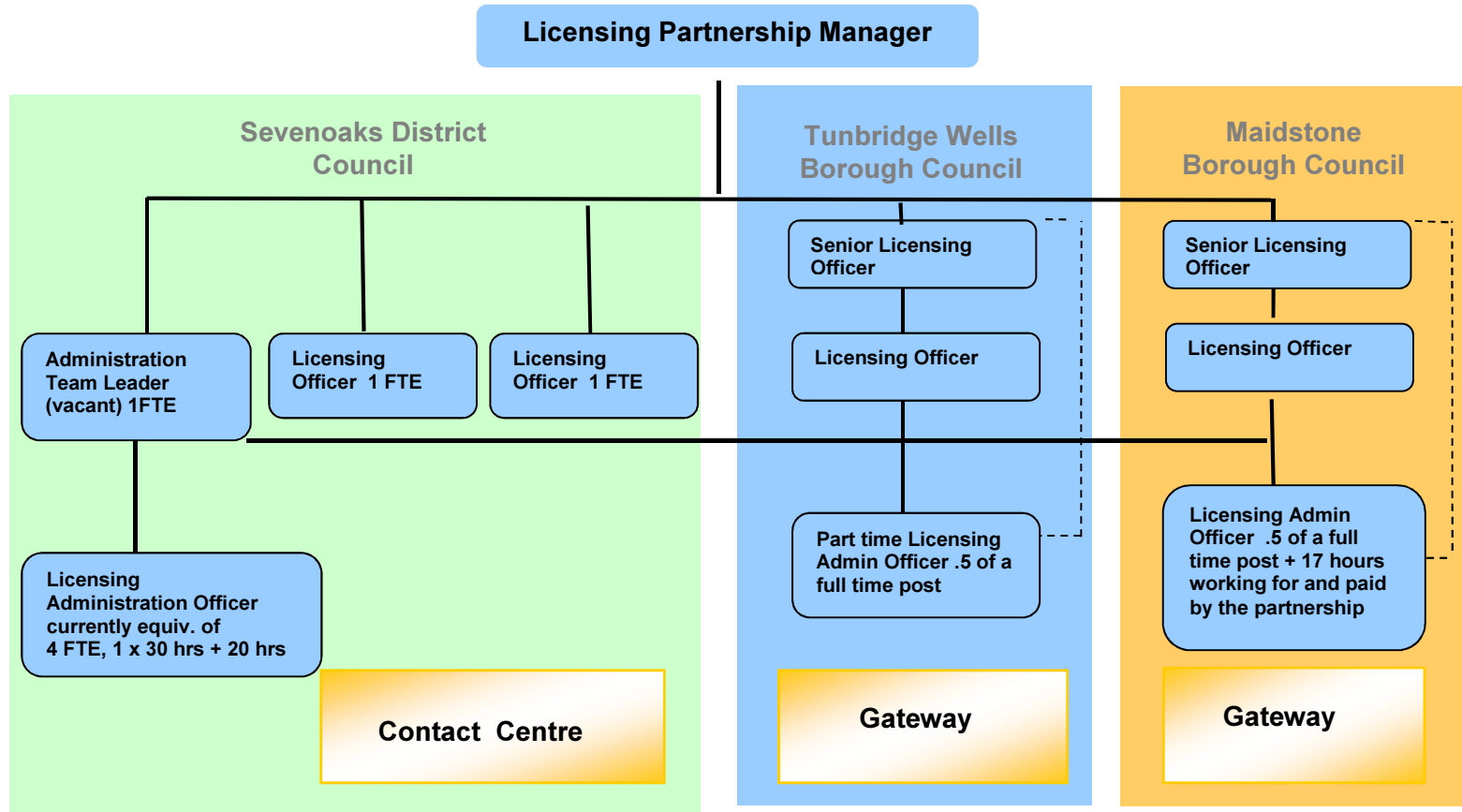
Contact Officer(s): Claire Perry

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Dr. Pav Ramewal
Chief Executive Designate

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Our Structure Chart



Licensing Partnership Manager – Claire Perry, based at all three authorities. Management of the Partnership and the administration team.

Senior Licensing Officer – Tunbridge Wells Borough Council, Sharon Degiorgio and Maidstone Borough Council, Lorraine Neale. Responsible for the management of the team at their authority and the operational issues relating to their authority.

Licensing Officer – Maidstone BC, Stephen Noble, Tunbridge Wells BC, Dave Packham (starts 13/08/2012), Sevenoaks DC, Jessica Bolton & Leeann Leeds – responsible for enforcement, authorising the issuing of licences and liaison/communication with licensees.

Administration Team Leader – Sevenoaks DC, vacant – responsible line management of the administration team.

Licensing Administration Officer – *Sevenoaks DC*, Sylvia Lewis, Donna Thorne, Sue Lee, vacant, Lesley Oliver, Janet Lockie, *Tunbridge Wells BC*, Nikki Anson and *Maidstone BC*, Louise Davis – responsible for communication with customers, processing applications and issuing some of them. Louise is currently working additional hours carrying out work on behalf of the partnership and not just Maidstone customers.