

Committees: Licensing	Date: 26 October 2023
Subject: Premises Licence Application Non-Statutory Consultations	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1, 2, 4, 5 and 6
Does this proposal require extra revenue and/or capital spending?	N
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Summary

At the Licensing Committee on 7th July, Members enquired about the process of notifying non-statutory stakeholders about new and modified licensing applications. Concerns had been raised about known instances where there was a significant delay in sending notification emails to members and other interested parties following the receipt of a licensing application. Given the deadline for representations is 28 days from date of receipt of the application, not the date it is publicised, this had undue delays and reduced the time in which these stakeholders had to respond. Members also enquired about the procedure for blue notices to be displayed by applicants and the process for officer's compliance checks on the notices.

Officers have investigated the issues raised, identified the causes, and implemented controls to ensure that all statutory and non-statutory consultations on licence applications are conducted within expected timescales.

Recommendation

Members are asked to:

- Note the contents of the report.

Main Report

Background

1. At the Licensing Committee on 7th July, Members enquired about the process of notifying non-statutory stakeholders about new and modified licensing applications. Concerns had been raised about known instances where there

was a significant delay in sending notification emails to members and other interested parties following the receipt of a licensing application.

2. Given the deadline for representations is 28 consecutive days from date of receipt of the application, not the date it is publicised, this had undue delays in non-statutory stakeholders being aware of applications and reduced the time in which these stakeholders had to respond.
3. Members also enquired about the procedure for blue notices to be displayed by applicants and the process for officer's compliance checks on the notices.
4. Officers undertook to look at the below and report back to the Committee:
 - (i) what the current system for processing and sending out notices is
 - (ii) to consider whether they are satisfied with the system and
 - (iii) to explain why there was a problem

And in doing so, officers have reviewed the current system for processing and sending out notices, considered whether the system is fit for purpose and implemented options to improve this system moving forwards.

Licensing Consultation Processes

5. Premises licence consultation timelines are prescribed in the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (the Regulations). An applicant for a premises licence or club premises certificate, a provisional statement or variation, is required to display a notice at the premises for 28 consecutive days commencing the day after the application is made and publish a notice in a local newspaper within 10 working days from the day after the application is made. A minor variation is only 10 working days notice display and no newspaper advertisement is required.
6. It is the responsibility of the applicant to ensure that notices include the correct information and are properly displayed. Templates for the public notices and guidance notes are available on the City of London website and is shown in appendix 2.
7. An applicant is also required to give notice of his application to each responsible authority (e.g., police, environmental health, planning authority, fire authority), a copy of the application together with its accompanying documents on the same day on which the application is given to the licensing authority. Where the application is made electronically, it is the licensing authority's responsibility to notify responsible authorities of the application on the first working day after the application is given. The majority of applications received by the City Corporation are electronic and the statutory notification to responsible authorities is done by way of auto-forward once the application has been validated as there is no redacting of personal information required.
8. The Regulations state that 'an interested party or responsible authority may make representations at any time during a period of 28 consecutive days starting on the day after the day on which the on which the application was

given to the authority'. There is no discretion to accept representations outside of the statutory timeframe.

9. In addition to the statutory consultations detailed above, the City of London also places current licence applications on its website and sends a consultation email to members and other persons who have requested to be kept informed of applications. This is an independent, non-statutory consultation process that aims to provide additional awareness of applications, and as such the aim is that the information is sent out the day after the application is received, or as close to the next day as possible.
10. Licensing Officers also undertake a number of compliance checks on applications received, for example, but not an exhaustive list:
 - Relevant sections of the application completed.
 - Declaration completed and signed.
 - Correct application fee submitted.
 - Satisfactory plans submitted.
 - On site inspections of the public notice (non-statutory) dependent on available resource and as such not all notices are checked.

Data analysis

11. Officers have analysed compliance with the non-statutory consultation emails being sent for new premises licences and major variation between January 2023 to July 2023. In addition, the number of non-statutory physical inspections of blue notices for the same period was analysed.

Non-Statutory Consultation Emails:

- New premises licence applications
36% - 12 out of 33 application emails not sent.
27% - 9 out of 33 applications sent within 3 working days.
- Major variations
15% - 2 out of 13 application emails sent within 3 working days.
23% - 3 out of 13 application emails not sent.

Blue Notice Compliance Visits:

- New premises licence applications
66% 22 out of 33 blue notices checked.
- Major variations
54% - 7 out of 13 blue notices checked.

12. The same data analysis was conducted for the date range July 2023 to October 2023, post implementation of improvements. 19 new premises applications were received within that time range, no major variations were received.

Non-Statutory Consultation Emails:

- New premises licence applications
100% - 19 out of 19 applications sent within 3 working days.

Blue Notice Compliance Visits:

- New premises licence applications
100% 19 out of 19 blue notices checked.

Discussion

13. Analysis of the data has shown that there has been an unacceptable drop in performance and whilst the statutory legal obligations have not been compromised, the service delivery that we offer to the public and members has fallen short of what is expected. The responsibilities for these areas fall across two separate Teams. The statutory legal obligations are fulfilled by the Licensing Team and as already stated officers have established that there has been no drop in performance, therefore no additional action or improvement is required from this Team. It should be noted that the Licensing Team have responded by taking on additional tasks and assuming sole responsibility for some areas of the licensing application process.
14. The service delivery function rests with the Business Delivery Team and it is within this Team that failures have been identified that contributed to the drop in standards, which includes inadequate resourcing, high staff turnover and a lack of confidence.
15. The following actions have therefore been undertaken:
 - a) The Business Delivery Team is now fully resourced.
 - b) The roles and responsibilities of the team have been reviewed and officers have implemented a system to eliminate single points of failure with every task assigned a lead and a second to ensure resilience and eliminate over-reliance on single team members.
 - c) Performance issues are being addressed and the team will be provided with appropriate support and encouragement to secure a sustained improvement of performance. The process will be robust and measured with regular performance reviews and welfare checks.
 - d) Redesign of shared inbox workflows in the Business Delivery Team to provide a dedicated 'Licensing' folder. This enables licensing matters to be clearly identified and separated out from the other tasks the team are responsible for.
 - e) Retraining of the Business Delivery Team has been undertaken to include all licensing processes, timelines, and awareness of the consequences of errors. Diary reminders are utilised for key daily tasks with written process notes and flow charts introduced for reference and to aid in the training of new staff. Regular refresher training implemented for all staff in the Business Delivery team.

- f) Upskilling and increased confidence in the wider administrative team has enabled the licensing tasks to be shared more widely reducing the over reliance on one team member.
- g) Enhanced supervision and monitoring of the Business Delivery Team's outputs by the Team Manager with regular performance reviews, overseen by the Assistant Director. A system of escalation has been implemented for staff to seek assistance with clear leads and "seconds" identified for each task to ensure resilience.
- h) An SLA (Service Level Agreement) is being developed and a KPI (key performance indicators) has been introduced for the Business Delivery Team's work for Licensing.
 - Member consultation emails to be sent within 2 working days of the application receipt by the City of London.
- i) Web team notifications of approved webpages requested to be re-instated with a checking mechanism employed to ensure approvals are chased and followed up.
- j) An external logging system implemented outside of IDOX Uniform (the IT system used by the service) to log and check the progress of each application received, which is checked daily by both the Licensing and Business Delivery Team Managers and overseen by relevant Assistant Directors responsible for each Team.
- k) Investigating the use of IDOX Uniform system to automate the non-statutory notification process. It is envisaged that this portal will provide greater access and transparency to applications. The display of application documents and notification process will be automated replacing the current website uploads which will free up the administrative resource for other tasks and reduce the risk of human error.

In addition to the above, the issue regarding the reduced rate of checks on the blue notices carried out by the Licensing Team which resulted from a lack of resourcing, will be resolved once the Team is fully resourced in November 2023. Licensing Team compliance checks on blue notice display are now a compulsory task for each application and the KPI is set at 100%, the checks are now formally recorded on the new case management software and monitored as part of the performance management of the team.

Corporate & Strategic Implications

Strategic implications

16. The work on licensing consultations sits within the City of London Statement of Licensing Policy 2022, Section 5.

17. The work on licensing consultations directly supports five Corporate Plan outcomes:

'People are safe and feel safe.'

'People enjoy good health and wellbeing.'

'Communities are cohesive and have the facilities they need.'

'Businesses are trusted and socially and environmentally responsible.'

'We have the world's best legal and regulatory framework and access to global markets.'

Financial implications

18. None.

Resource implications

19. None

Legal implications

20. None

Risk implications

21. There are reputational risks for the Licensing Authority if licensing consultations are not dealt with in accordance with statutory timelines and agreed service standards and in accordance with the City's Statement of Licensing Policy. Statutory timelines and obligations have not been impacted.

Equalities implications

22. Action to improve consultation processes has a positive impact on all sections of the population.

Security implications

23. None

Conclusion

24. The City Corporation is committed to ensuring that residents, workers, and visitors to the City feel informed and consulted on licensing applications.

25. Data analysis has shown that the number of non-statutory consultations between January and July 2023 being sent within an acceptable time frame was unacceptably low.

26. A number of improvements have been identified to improve the effectiveness of the licensing consultation process and this approach has been implemented to respond to the issues raised in relation to delayed consultation emails being sent.

27. Data analysis between July and October 2023 have shown the improvements to be effective.

28. Further supervision and monitoring is being undertaken to ensure the actions carried out continue to have a positive outcome in that all statutory and non-statutory timelines are met, this will be kept under review.

29. Performance against the KPIs outlined in 15 h) will be reported to Committee in the quarterly delegated powers report.

Appendices

1. Licensing application consultation flow chart
2. [City of London Licensing Applications Advertising Requirements and Guidelines](#)

Background Papers

- [Licensing Committee minutes 7th July 2023](#)

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