

DECISION-MAKER:	CABINET		
SUBJECT:	LICENSING PARTNERSHIP WITH EASTLEIGH BOROUGH COUNCIL		
DATE OF DECISION:	19 JULY 2016		
REPORT OF:	SERVICE DIRECTOR, LEGAL AND GOVERNANCE		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY:	
The purpose of this report is to seek approval for the extension of the existing successful licensing partnership with Eastleigh Borough Council (EBC) to include licensing of hackney carriages and private hire, vehicle and drivers, private hire operators, scrap metal, sex establishments and street and house to house collections.	
RECOMMENDATIONS:	
(i)	That the current Licensing Partnership between the Council and Eastleigh Borough Council (EBC) be extended to include all residual licensing functions undertaken by EBC including the transfer of any staff under TUPE.
(ii)	That the Service Director; Legal and Governance be delegated authority to agree the terms and conditions of the transfer and take all actions required to implement this decision.
REASONS FOR REPORT RECOMMENDATIONS	
1.	The current partnership has been embedded since 2004, but only covers Licensing Act 2003 and Gambling Act 2005 matters, supporting legal work and enforcement. After a review by EBC they have approached SCC to transfer all residual licensing functions to SCC. Even within the ring fenced licensing budgets there are economies of scale to be had rather than splitting the service functions. There are no financial risks to SCC and makes good business sense.
DETAIL (Including consultation carried out)	
2.	In summary the proposal recommended to Members is: <ul style="list-style-type: none"> • To create one fully integrated Licensing team servicing all SCC and EBC needs, based at and managed by SCC, but with an EBC hub. • Existing EBC staff would TUPE across to SCC (on current T and Cs). • Any new staff required (due to vacancies or growth) to be employed by SCC.

	<ul style="list-style-type: none"> • Maintain daily staff presence at EBC offices. • Daily staff presence initially by using any staff who TUPE across and supported by SCC staff who will need to learn EBC processes. Full integration with interchangeable staff within 6 months to ensure service flexibility and resilience. • Full budget transfer of staffing costs including vacant posts. Additional initial set up and annual management fee to be paid by EBC. • Initiate project at EBC's cost to migrate EBC data/records onto the SCC database, train staff new to SCC how to use system and have access to SCC database at EBC offices. • All terms and conditions of TUPE'd staff to be reviewed within 2 years to ensure alignment with SCC staff (and avoid any equal pay issues). • Proportional cost of any direct service costs (such as additional IT licences, training, travel costs) to be borne by EBC. • Any delegated decision making to be further delegated to SCC officers. • Legal advice, support and cost to that part of the service needs to be discussed. • Timescale – to be agreed but aim to be fully transferred by 1 September 2016.
3.	SCC has a database that is fit for purpose (UNIFORM), can cope with the extra capacity and will continue to be developed, whereas the EBC system is in need of either an overhaul or replacement. The same can be said of the Topography tests, with EBC officers already looking to implement a similar if not identical test to the system used by SCC. This proposal will save a considerable amount of resources. The IT costs will need to be met by EBC.
4.	SCC presently administers circa twice as many of these licences as EBC, predominantly using 2 full time staff plus Enforcement Officer time. EBC have the equivalent of 3.5 staff including an Enforcement Officer. The full costs of these officers upon transfer will need to be borne by EBC together with all on-costs. The overall structure will be reviewed in due course to ensure maximum economies.
5.	A one off set up fee capped at £10,000, to reflect time spent on the service transfer has been agreed with EBC. An annual management fee of £10,000 has also been agreed.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
6.	To leave the current partnership arrangements unaltered. EBC have requested the extension and in the interests of efficient and cost effective joint working this is fully endorsed. To leave the partnership only covering part of the functions would be an inefficient way of working with detriment to the public and trade.
DETAIL (Including consultation carried out)	
7.	The purpose of this report is to approve the extension of the existing licensing partnership with EBC to include licensing for hackney carriage vehicle and drivers, private hire vehicles and drivers and private hire operators, sex establishments, scrap metal, street and house to house collections.
8.	The existing working relationship between SCC and EBC covering Licensing Act and Gambling Act workstreams is extremely strong. An extension of our existing partnership arrangements to include other services currently provided by EBC in-house will aim to provide greater 'service robustness' / continuity of service in the future together with a more cost effective service.

9.	Presently Southampton City Council Licensing Team are contracted under a Service Level Agreement to provide licensing functions that fall under Licensing Act 2003 and Gambling Act 2005 on behalf of Eastleigh Borough Council until 2020. In the main these are carried out remotely save for enforcement or committee work/support/hearings.
10.	As indicated above the proposals are for Southampton City Council Licensing Team to carry out additional licensing functions for all the EBC residual services in relation to <ul style="list-style-type: none"> • the hackney carriage and private hires trade • scrap metal, • sex establishment and • street and house to house collections.
11.	As with all good partnerships some flexibility and regular review, especially in the first year or so, is required. Volumes, costs and legal or political requirements will change or shape the service over a period of time. EBC and SCC have been cognisant of that during the long standing and successful current Licensing Partnership and this will continue in any extension of the service.
12.	EBC will underwrite all costs associated with the transfer including data migration. Whilst a 1st September start is indicated there cannot be any transfer until all data has been captured and transferred to SCC's UNIFORM system. That process has commenced at EBC's risk.

RESOURCE IMPLICATIONS

Capital/Revenue

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| 13. | None. The revised partnership arrangements will be fully funded by EBC. SCC will receive a one off implementation fee and ongoing management fee. All ongoing annual costs will be subject to review and uplift. |
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Property/Other

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| 14. | None. The Licensing Team will work flexibly out of SCC and EBC offices and therefore there is no property impact. |
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

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| 15. | Section 101 Local Government Act 2000 and Localism Act 2011. |
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Other Legal Implications:

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| 16. | Some EBC staff may be TUPE'd across to SCC. Whilst they will transfer on their current terms and conditions these will be harmonised in due course; EBC will indemnify such increases (if any) and any other matters such as contingent pension liabilities |
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POLICY FRAMEWORK IMPLICATIONS

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| 17. | None. |
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KEY DECISION?

No

WARDS/COMMUNITIES AFFECTED:	None	
Appendices		
1.	None.	
Documents In Members' Rooms		
1.	None.	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		No
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
Eastleigh Borough Council: Administration Committee: The Transfer of Licensing Administration		
1.		
2.		