

GLA 18/7.2

Licensing Standards Review

16 April 2008

BOARD PAPER REFERENCE – GLA 18/7.2 – Review of the Licensing Standards

Issue

1. To inform the Board of the approach and timetable for reviewing the GLA Licensing Standards.

Recommendation

2. The Board is invited to:
 - Note the issues to be considered and timetable.
 - Provide initial comments (pre-consultation) on the current GLA licensing standards by **14 May 2008**.

Background

3. The GLA licensing standards set out the conditions that must be complied with to qualify for and retain a licence. They were first issued in March 2006 and reissued in October 2006 following the extension of licensing to shellfish gathering. The current standards are at annex A.
4. Each standard is weighted according to its seriousness. There are four categories of standard, each with an associated score. GLA inspections test the relevant licensing standards. This results in an overall score. The scoring system determines whether an applicant and licence holder have passed or failed an inspection. The fail score is currently 30 points. The categories and associated scores are:
 - Critical: most serious category of non-compliance (30 points)
 - Major: major non-compliances (8 points)
 - Reportable: less significant non-compliances (4 points)
 - Correctable: minor non-compliances (2 points)
5. To ensure the GLA compliance regime focussed on the most serious areas, Reportable and Correctable non-compliances have so far not counted towards the applicant and licence holder's licensing standards score. This is part of the GLA's aim to enforce the licensing standards in a proportionate manner.

Purpose of the review

6. The review will:
 - Consider whether the standards are operating effectively;

- Assess if the standards are applied consistently and proportionately;
 - Take account of relevant changes in the law.
7. The review will be informed by the University of Sheffield's Annual Review as well as the Authority's own experience of operating for the past two years.

Issues to be considered

8. In addition to assessing the effectiveness of each standard, specific issues to be considered include:

Fit and Proper

9. Should the definition of "fit and proper" be clarified?

Scoring of the Licensing Standards

10. The GLA does not count "Reportable" and "Correctable" standards. Should these standards contribute towards an inspection score?
11. Furthermore, is the current weighting of scoring appropriate? Are there standards which should be reclassified?

Licensing Standards coverage

12. Do the licensing standards sufficiently cover the multitude of working arrangements the GLA comes into contact with? For example, how should self-employment be covered? Should there be specific standards relating to the forestry industry (in the same way there is for shellfish gathering)?
13. Are there standards which should be removed?

Timetable

14. The table below sets out the timetable for the review:

Action	Date
Board to submit initial comments	By 14 May 2008
Draft consultation presented to the June Board meeting for approval	18 June 2008
Board to submit comments on consultation document	By 2 July 2008
Public Consultation	14 July – 3 October 2008
Revised licensing standards presented to January 2009 Board meeting for approval (with implementation strategy)	January 2009 (exact date to be confirmed)
Revised licensing standards introduced	6 April 2009 (in line with common commencement)

Recommendation

15. To assist with drafting the consultation document, the Board invited to provide initial comments on the operation and effectiveness of the licensing standards by **14 May 2008**, covering the issues identified above or any other points Board members wish to raise. The GLA would like to thank the ALP for the comments it has already submitted.