

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Monday, 10 June 2024

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Mrs P M Bryant (Chairman)

Councillor Mrs J Needham (Vice-Chairman)

Councillors: C A Bainbridge, I J Bastable, F L Burgess, J M Englefield,
G Furnivall, A M J Murphy, A West, L J Whittle and S Dugan
(deputising for Stephen P Ingram)

**Also
Present:**



1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs S M Bayford, Mrs P K Hayre and SP Ingram.

2. MINUTES

(1) Minutes of meeting of Licensing and Regulatory Affairs Committee

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on Tuesday 12 March 2024 be confirmed and signed as a correct record.

(2) Minutes of meeting Thursday, 30 May 2024 of Licensing Panel

RESOLVED that the minutes of the meeting of the Licensing Panel held on Thursday 30 May 2024 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcement in respect of the statutory review of Parliamentary Polling Districts and Polling Places:

“At the last meeting of this committee, Members were presented with a report recommending the commencement of the statutory review of Parliamentary Polling Districts and Polling Places. Authority was delegated to the Assistant Director (Democracy), following consultation with myself as Chairman of this committee, to make amendments to the proposed timeline of the review in order to meet the statutory review in the event of the UK Parliamentary General Election being called before the review is completed. As that has now happened, I have agreed that the consultation be extended in order that voters' experience from the general election can be gathered and fed into the review. The review must be completed before 31 January 2025 and therefore the outcome of the consultation and recommendations will be brought to the November meeting of this committee.”

The Chairman also announced that Licensing training has been arranged for Monday 01 July 2024 at 3pm. Members were reminded that they must complete this training in order to sit on Licensing Panel hearings.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

There were no deputations made at this meeting.

6. ROLES AND RESPONSIBILITIES OF THE LICENSING AND REGULATORY AFFAIRS COMMITTEE

The Committee received a presentation by the Head of Environmental Health and the Assistant Director (Democracy) which provided members with an overview of the responsibilities of the Licensing and Regulatory Affairs Committee. A copy of the presentation slides is attached to these minutes as Appendix A.

RESOLVED that the content of the presentation be noted.

7. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME

The Committee received a report by the Head of Environmental Health in respect of the Committee Work Programme for 2024/25.

In discussing the Work Programme it was noted that, as discussed at item 3 of the agenda, the item entitled 'Parliamentary Polling Districts and Polling Places: Consultation responses and proposals' will be moved from the meeting scheduled to take place on 22 July 2024 to the meeting scheduled to take place on 26 November 2024.

The Head of Environmental Health advised the Committee that the Gambling Statement of Principles is due to be reviewed during the current municipal year. It was therefore agreed that this be added to the agenda for the meeting scheduled to take place on 11 March 2025.

RESOLVED that the Licensing and Regulatory Affairs Committee:

- (a) notes the progress on actions arising from the meeting of the Committee held on 12 March 2024, attached at Appendix A to the report; and
- (b) agrees the updated Work Programme for the 2024/25 municipal year as attached at Appendix B to the report, subject to the additions outlined above.

(The meeting started at 6.03 pm
and ended at 7.15 pm).

..... Chairman

..... Date

Licensing And Regulatory Affairs Committee

Roles, Functions and Responsibilities

10 June 2024

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Leigh Usher – Assistant Director (Democracy)
Ian Rickman - Head of Environmental Health

Minute Item 6

Roles and Responsibilities

Council's Constitution - Chapter 8

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 makes provision for functions that are **not** to be the responsibility of the Council's Executive.

These are :-

- a) Functions relating to development control; (Planning Committee)
- b) **Functions relating to elections;**
- c) Licensing and registration functions;
- d) Functions relating to health and safety at work;
- e) Functions relating to the name and status of areas and individuals;
- f) Other miscellaneous functions.

The Council considers that these functions can best be performed by regulatory committees, with full delegated powers from the Council to determine matters within their remit, and grants these powers by virtue of this Constitution

Election Services



Why LRA?

Constitution Part Two Chapter 6

Function	Provision of Act or Statutory Instrument
Functions relating to elections	
54. Power to recommend to Full Council the appointment of an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c.2).
55. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
56. Power to recommend to Full Council the appointment of a returning officer for local government elections.	Section 35 of the Representation of the People Act 1983 (c.2).
57. Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10).

58. Power to recommend to Full Council the division of the constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
59. Power to recommend to Full Council the division of electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
60. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
61. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
62. Power to recommend to Full Council the filling of vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
63. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
64. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
65. Power to determine fees and conditions for supply of copies of, or extracts from, election documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).

Election Services

Scope of the Service

- Ensure all residents within the Borough who are eligible to vote in local government or Parliamentary elections and UK Referendums are registered to vote;
- Organise all elections and referendums within the Borough on behalf of the appropriate Returning/Counting Officer;
- Undertake periodic reviews of boundary and electoral arrangements within the Borough

Registration

Individual Electoral Registration

- Every eligible person is required by law to register individually to vote;

Our function is to encourage and facilitate people to register themselves to vote using data matching with DWP records of unique identifiers such as DOB & NI numbers.

Canvass Reform

- Since 2020, the national procedure for conducting Annual Canvass has changed (and improved dramatically).
 - Previously, all households were required to respond to Annual Canvass Forms (HEF) to confirm if there were changes or no changes to our records
 - Now, all electors and properties are data matched against DWP records – those showing a 100% match no longer need to respond (80% were 100% matched in 2023)
 - The remaining 20% received a canvass form which required a response – if no response, telephone chase up or door knocking

Registration Services

- Current electorate (May register) – approx 89,898
 - Fareham and Waterlooville Constituency 76,947
 - Hamble Valley Constituency 79,478
- Absent voting - Approx 18,380 Absent votes
 - FAW 8,214
 - HVA 7,036
- Publish Register
 - 1 December
 - Rolling updates monthly (not during Canvass)

Elections - Timetable

2024

- “All out” Local Elections to implement the electoral review
- UKPGE 4 July
- Polling Place Review – extended consultation

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2025

- Hampshire County Council Elections – 1 May

2026

- FBC Local Elections (by halves) - 7 May

Elections Act 2022

- Voter ID at polling stations
- Overseas voters 15 year limit removed with 3 year renewal
- Digital Imprints required for electronic communications
- Absent Voting
 - Online service for absent vote applications
 - 3 year signature refresh
 - Limit of 4 proxy votes per person
 - Restrictions on who can hand in
 - Restrictions on how many at a polling station by an individual
- Candidate names – middle name can be commonly used name
- PCC voting system changes from Supplementary to First Past the Post

UKPGE

- Dissolution and Calling of Parliament Act 2022
- Royal Assent 24 March 2022
- Repeals the Fixed-Term Parliaments Act 2011
 - The Prime Minister is now able to request a dissolution at the time of their choosing.
 - If it has not been dissolved earlier, a Parliament dissolves at the beginning of the day that is the fifth anniversary of the day on which it first met (December 2019)

UKPGE take on

Fareham and Waterlooville

Fareham Borough Council

- 41,745 electors
- 9 wards
- 30 polling districts

Avant Borough Council

- 22,774 electors
- 3 wards
- 12 polling districts

Winchester City Council

- 12,398 electors
- 3 wards
- 10 polling districts

Hamble Valley

Fareham Borough Council

- 36,023 electors
- 8 wards
- 29 polling districts

Eastleigh Borough Council

- 36,790 electors
- 5 wards
- 12 polling districts

Winchester City Council

- 6,665 electors
- 3 wards
- 5 polling districts

Boundary Reviews

- Polling Place Review - 2023 (every 5 years)
- Parliamentary Boundary Review - 2023
 - Boundary Commission for England
 - Second consultation on proposals closed in April
 - Revised proposals due for publication and consultation late 2022
- Local Government Boundary Review - 2024
 - Local Government Boundary Commission
 - Member working group & Report to LRA 27 June
 - All out elections in 2024!

Any Questions?

Thank you

Roles and Responsibilities

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Functions of the Licensing and Regulatory Affairs Committee

- All licensing and registration functions that are Non-Executive

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Advise the Council on matters and resources required to undertake the functions of the committee

Functions of the Licensing and Regulatory Affairs Committee

- Delegate licensing and registration powers to any sub-committee it may appoint:
 - Licensing Panel - (Taxi licensing/ Alcohol)
 - Trading Concessions Panel
- Delegate licensing and registration powers to officers

Specific Functions

- Licensing Act 2003
- General Licensing and Registration
- Taxi Licensing
- Health and Safety
- Miscellaneous provisions

Licensing – Licensing Act 2003

Premises Licensing

(alcohol, regulated entertainment and late-night refreshment)

- Licence Conditions – Crime and Disorder, Public Nuisance, Public Safety, Safety of Children
- Personal Licences
- Review Licence or prosecute
- Partnership working with Police/trading standards to reduce alcohol related crime – test purchasing, joint inspections
- Significant contribution to low crime in Fareham

General Licensing

Gambling Act 2005

- Small Society Lotteries, Licensing of Gaming Machines in Clubs and Licensed Premises, Adult Gaming Premises, 2 Machine Exemption Permits, betting, bingo etc

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Charities Act 2006

- Permits currently being issued under Local Government Act 1972

General Licensing

- Animal Licensing – Horses, cats, dogs, pet shops, Dangerous Wild Animals, Zoos
- Motor Salvage Operators
- Sex Establishments
- Skin Piercing
- Scrap Metal
- Street Trading Consents

Taxi Licensing

“Ensure Safety and Comfort”

- Private Hire & Hackney Carriage Drivers
- Residency Questionnaire, DBS, Medical, Knowledge Test , DSA driving test, drugs test – NB Renewals
- Vehicles
- Engineers Report, age /size restrictions, MOT, Insurance, Licensing Inspection, NB Renewals
- Advice, Complaints, Enforcement,

Health and Safety

Commercial Premises Enforcement



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- 1500 premises in the borough
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- Accident Investigations



- Complaints
- National Projects
- Advice and Guidance
- Support local businesses

Safety Advisory Group

- FBC (H&S, Pollution, Licensing, Highways, Building Control, Estates), Police, Fire & Rescue, Highways, Ambulance
- Provide advice and guidance to event organisers
- One Stop Shop
- Co-ordinated response from ALL members

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Any Questions?

Thank you

