

FAREHAM

BOROUGH COUNCIL

AGENDA LICENSING AND REGULATORY AFFAIRS COMMITTEE

Date: Tuesday, 19 March 2013

Time: 6:00 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright (Vice-Chairman)

Councillors Mrs S M Bayford

Miss S M Bell

Mrs M E Ellerton

M J Ford, JP

T J Howard

L Keeble

Mrs K Mandry

D J Norris

R H Price, JP

P W Whittle, JP

Deputies: J S Forrest

Mrs S Pankhurst



1. Apology for Absence

2. Minutes (Pages 1 - 6)

To confirm as a correct record the minutes of the meeting of the Committee held on 20 November 2012.

3. Chairman's Announcements

4. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Health and Safety Service Plan (Pages 7 - 20)

To consider a report by the Director of Regulatory and Democratic Services on the Health and Safety Service Plan.

7. Licensed Premises and Community Safety (Pages 21 - 42)

To consider a report by the Director of Regulatory and Democratic Services on incidents of crime and disorder and the control of licensed premises.

8. Monitoring Report for Applications Received (Pages 43 - 50)

To consider a report by the Director of Regulatory and Democratic Services on the work of the Licensing Team.

9. Licensing and Regulatory Affairs Committee Work Programme (Pages 51 - 64)

To consider a report by the Director of Regulatory and Democratic Services on the Committee's Work Programme for 2012/13 and the draft for 2013/14.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
11 March 2013

For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
democraticservices@fareham.gov.uk



FAREHAM BOROUGH
COUNCIL

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Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

*Minutes of a meeting held on 20 November 2012
at the Civic Offices, Fareham*

PRESENT:

Councillor Mrs P M Bryant
(Chairman)

Councillor T M Cartwright
(Vice-Chairman)

Councillors: Mrs S M Bayford, Miss S M Bell, Mrs M E Ellerton, M J Ford, JP, T J Howard, L Keeble, Mrs K Mandry, D J Norris, R H Price, JP and P W Whittle, JP

1. APOLOGIES FOR ABSENCE

There were no apologies for absence at this meeting.

2. MINUTES

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 18 September 2012 be confirmed and signed as a correct record. ([lc-120918-m](#)).

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made announcements concerning the members' training session held on 15 October 2012 and the possible cancellation of the meeting scheduled for 22 January 2013.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

There were no deputations made at this meeting.

MATTER SUBMITTED FOR CONFIRMATION

6. GAMBLING POLICY - RESULTS OF CONSULTATION

The Committee considered a report by the Director of Regulatory and Democratic Services on the results of the consultation on the revisions to the Council's Gambling Policy (copy of report [lc-121120-r03-iri](#) circulated with agenda). It was noted that the report recommendation should have referred to the Council rather than the Executive.

RECOMMENDED that, subject to the inclusion of a 'no casino' resolution as shown in paragraph 104 of Appendix 1 to the report, the draft Gambling Policy as shown in Appendix 1 to the report be adopted.

DECISIONS UNDER DELEGATED POWERS

7. SPENDING PLANS 2013/14

The Committee considered a report by the Director of Finance and Resources on the Committee's Spending Plans for 2012/13 (copy of report [lc-121120-r01-now](#) circulated with agenda).

RESOLVED that:-

- (a) the revised budget for 2012/13, as shown in Appendix B to the report, be approved;
- (b) the fees and charges for 2013/14, as shown in Appendix A to the report, be approved;
- (c) the base budget for 2013/14, as shown in Appendix B to the report, be approved; and
- (d) it be noted that, as a result of new legislation concerning metal traders, the officers were liaising with the Environment Agency to establish whether a statutory or discretionary fee would apply.

8. CONSULTATION ON PARLIAMENTARY BOUNDARY CHANGES

The Committee considered a report by the Director of Regulatory and Democratic Services on the consultation on Parliamentary Boundaries (copy of report [lc-121120-r07-ewi](#) circulated with agenda).

It was noted that the deadline for responses to the consultation was 10 December 2012 and that, at its meeting on 18 October 2012 the Council had agreed that any comments be forwarded to the Committee and that, in consultation with the Chief Executive Officer, the Committee would submit a response on behalf of the Council to the Boundary Commission for England.

RESOLVED that:-

- (a) the Licensing and Regulatory Affairs Committee submits a response on behalf of Fareham Borough Council to the Boundary Commission for England's consultation on the 2013 Constituency Review indicating that it agreed with the revised proposals; and
- (b) the Director of Regulatory and Democratic Services, in consultation with the Chief Executive Officer, be requested to prepare and submit the response.

9. THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - LATE NIGHT LEVY

The Committee considered a report by the Director of Regulatory and Democratic Services on The Police Reform and Social Responsibility Act 2011 - Late Night Levy (copy of report [lc-121120-r08-iri](#) circulated with agenda).

RESOLVED that:-

- (a) the late night levy not be implemented at this time and that it be noted that the option to implement it can be revisited at a later date if necessary (voting: unanimous); and
- (b) an item be added to the Committee's work programme to enable it to receive an annual report on any incidents at licensed premises relating to crime and disorder and the four licensing objectives.

10. THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - EARLY MORNING ALCOHOL RESTRICTION ORDERS

The Committee considered a report by the Director of Regulatory and Democratic Services on The Police Reform and Social Responsibility Act 2011 - Early Morning Alcohol Restriction Orders (copy of report [lc-121120-r09-iri](#) circulated with agenda).

RESOLVED that:-

- (a) the Committee notes the new powers to licensing authorities to make early morning restriction orders (EMAROs) to restrict the sale of alcohol between midnight and 0600 hours;
- (b) the Committee considers the introduction of an EMARO unnecessary at present; and
- (c) this decision be kept under review.

11. ENFORCEMENT POLICY REVIEW - RESULTS OF CONSULTATION

The Committee considered a report by the Director of Regulatory and Democratic Services on the results of the consultation on the revisions to the Council's Enforcement Policy (copy of report [lc-121120-r04-iri](#) circulated with agenda).

RESOLVED that, subject to: the amendment of paragraph 125 of the policy and the Enforcement Policy Leaflet to show that all complaints will be investigated and a written response provided in accordance with the relevant Council's Corporate Complaints Procedure; the Revised Enforcement Policy (Appendix A to the report) and Enforcement Policy Leaflet (Appendix B to the report) be commended to the Executive for approval.

12. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS', VEHICLE AND OPERATORS' CONDITIONS

The Committee considered a report by the Director of Regulatory and Democratic Services on the review of Hackney Carriage and Private Hire Drivers', Vehicle and Operators' Conditions (copy of report [lc-121120-r05-iri](#) circulated with agenda). The report set out the current position with regard to the use of Hampshire County Council Travel Vouchers in Fareham's Hackney Carriage and Private Hire vehicles.

(Councillor Price left the meeting at 7.16pm)

RESOLVED that:-

- (a) the licence conditions of both the Hackney Carriage and Private Hire vehicle and operator licences be amended to include a condition that requires the acceptance of Hampshire County Council Travel Vouchers; and
- (b) the use of the Hampshire County Council Travel Voucher scheme be monitored to ensure it is being correctly used and administered in the Hackney Carriage and Private Hire trade.

13. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME 2012/13

The Committee considered a report by the Director of Regulatory and Democratic Services on the Committee's Work Programme for 2012/13 (copy of report [lc-121120-r02-gwh](#) circulated with agenda).

RESOLVED that:-

- (a) it be noted that the Licensing Policy item shown on the work programme for 22 January 2013 had already been dealt with and that, unless any urgent matters arose, the meeting scheduled for 22 January 2013 be cancelled;

- (b) subject to (a) above, the Committee's work programme for 2012/13, as shown in Appendix A to the report, be agreed;
- (c) the information contained in the progress report, as shown in Appendix B to the report, be noted;
- (d) the annual report summarising the cases considered at meetings of the Licensing Panel, as shown in Appendix C to the report, be noted; and
- (e) it be noted that the officers would be arranging a further, in-house training session for members concerning licensing matters.

14. MRS D R HARRISON

Members made reference to the recent death of former Councillor Mrs D R Harrison, who had been Chairman of the Committee for a number of years, including the period when the Licensing Act 2003 came into effect. The Chairman indicated that further reference to the late Mrs Harrison would be made at the next Council meeting.

(The meeting started at 6:00pm
and ended at 7:26pm)

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Report to Licensing and Regulatory Affairs Committee

Date: **19 March 2013**

Report of: **Director of Regulatory and Democratic Services**

Subject: **HEALTH AND SAFETY SERVICE PLAN**

SUMMARY

The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health & Safety at Work etc. Act 1974. The Council has a duty to carry out its functions in accordance with guidance issued by the Health & Safety Executive. The guidance is termed the Section 18 standard. The Council each year is required to produce an Intervention Plan to meet the requirements of the Section 18 standard. The standard reflects the Health & Safety Executive Board's strategy, key outcomes from the Hampton, Rogers and Löfstedt Reviews and sets out the approach to developing effective health and safety regulatory interventions based upon risk.

RECOMMENDATION

That Members approve the Section 18 Health & Safety Intervention Plan, attached as Appendix A.

INTRODUCTION

1. The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health & Safety at Work etc. Act 1974 (and relevant statutory provisions) for activities which fall to the local authority for enforcement within the Borough.
2. Environmental Health staff working within the Food, Health & Safety Enforcement team within the Regulatory & Democratic Services Department, have the delegated authority to enforce the legislation.
3. The Council has a duty to carry out its enforcement functions in accordance with guidance issued by the Health & Safety Executive (HSE). The Health & Safety Commission issued this guidance under Section 18 of the Health & Safety at Work etc. Act 1974 therefore it is known as the Section 18 Standard.

SECTION 18 STANDARD GUIDANCE

4. The Section 18 Standard reflects the Health & Safety Executive Board's strategy and key outcomes from the Hampton and Rogers Reviews and sets out the approach to developing effective health and safety regulatory interventions based on risk.
5. The Section 18 Standard requires the Council to:-
 - set out its commitment, priorities and planned interventions programme;
 - put into place capacity, management infrastructure, performance management and information systems to deliver an effective service and comply with its statutory duties;
 - operate systems to train, appoint, authorise, monitor and maintain a competent inspectorate.
6. There is further guidance linked to the Section 18 Standard on "Priority Planning"; this has also been updated in recent years and a scheme to risk rate the premises that have been inspected has been introduced. The scheme is completely different from the previous one in that those premises found to be low risk during inspection are removed from the future inspection programme. An alternative intervention scheme has been introduced to deal with these low risk premises. This will ensure that accurate data is maintained and there is a mechanism in place to identify if the risk status of the premises changes and therefore brings the business back into the inspection programme.

RISK ASSESSMENT

7. The Council has a legal obligation to comply with the guidance issued by The Government under Section 18 of the Act and failure to do so may result in action being taken against the Council. This may also result in bad publicity. In addition, the Council has entered into several partnership agreements with the HSE and Hampshire Better Regulation Partnership and in doing so has committed to fulfilling its health and safety function. Having a detailed Health & Safety Intervention plan in place provides a platform to help make Fareham a Safe and Healthy place to live and work and demonstrates that adequate resources are

provided to this important statutory area of work.

CONCLUSION

8. The intervention plan attached (Appendix A) demonstrates compliance with the Section 18 Standard. The Committee is provided with the opportunity to comment on the plan and is asked to approve it.
9. The intervention plan once approved will be revised annually and brought back to this Committee each time for revision, comment and approval.

Enquiries:

For further information on this report please contact Juli Treacy (Ext 2403).

APPENDIX A – Fareham Borough Council Health & Safety Enforcement Intervention Plan 2012/13



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Fareham Borough Council
Health & Safety Enforcement
Intervention Plan
2013 / 2014

Introduction

1. The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health & Safety at Work etc. Act 1974 (and relevant statutory provisions) for activities which fall to the local authority for enforcement within the Borough.
2. The Council has a duty to carry out its functions in accordance with guidance issued by the Health & Safety Executive (HSE). The guidance is termed Section 18 Standard, as the HSE is empowered under Section 18 of the Health & Safety at Work Act 1974.

Section 18 – Intervention Plan

3. The Council's vision is for Fareham to be a 'prosperous, safe and attractive place to live and work'. This vision is guided by a set of values which include making Fareham a safe place and one where the Council works with its partners to promote good health and reduce ill-health. In particular the Council has identified seven corporate priorities arising out of its vision statement; the one which the Health & Safety Enforcement Service supports is ensuring Fareham is "A safe and healthy place to live and work".
4. The delivery strategy for Health & Safety Enforcement includes the following:-
 - i) Enforce Health & Safety at Work legislation in business premises for which the Council is the enforcing authority to ensure safety, health and welfare of employees and the public by:
 - a) Ensuring that all relevant businesses are identified and inspected on a risk-assessed basis;
 - b) Investigating all relevant workplace related accidents;
 - c) Investigating all complaints relating to workplace health and safety;
 - ii) Providing health & safety at work related advice to business and the public.

Performance and activities during 2012-2013

5. During the year the numbers of inspections in the Inspection Programme declined due to a change in the National Inspection Policy, which was introduced by the current government following the Löfstedt Review. Once the proposed National Local Authority Enforcement Code is published (see point 12) it is anticipated that the proactive inspection work will increase due to focusing on specific high risk hazards. The reactive work undertaken by the Team primarily in response to complaints and accident notifications has however increased. The following details the major work areas undertaken during 2012/2013.
 - i) It is expected that by the end of the financial year the team will have achieved its inspection programme.
 - ii) Up to the date of writing this report (28th February 2013) 73 accident notifications were received in the financial year 2012/2013 and these have

been investigated in accordance with the Incident Selection Criteria Guidance issued by the Health and Safety Executive.

- iii) A number of more serious accidents were investigated formally following the Police and Criminal Evidence Act 1984 procedures for carrying out investigations, these included injuries suffered by a care worker in a residential care home; injuries after falling from height; being struck by an unstable cage; burns from a tanning salon; slip injuries whilst lone working.
- iv) In total 78 complaints were received and investigated.
- v) The section has had a busy year in terms of enforcement notices. 25 Enforcement Notices were served in total. A summary of these are shown as Appendix 1 to this plan.
- vi) Gas installations, particularly in catering premises have been identified as being an area of major concern during 2012. This is part of a County wide project. It has been found that some businesses are failing to have their gas installations and equipment serviced and inspected, have not used competent engineers or installed suitable equipment. In one premises high levels of Carbon monoxide were detected, following a complaint of ill health from an employee and the gas appliances were prohibited by Transco, in several other premises, gas equipment were being lit with lighted napkins and these were prohibited until a safe method of lighting was installed. A letter was sent to all Catering premises in December 2012 advising them of their duties to ensure gas installations are safe. This is being checked during programmed food hygiene inspections and Enforcement Notices are being served where non-compliance is noted. You can see from Appendix 1 that 10 Improvement Notices and 2 Prohibition Notices have been served to date. It is however positive to note that many businesses have contacted us confirming their inspection and service programmes.
- vii) The Council has participated in the Hampshire FIT (Fit for work, fit for life, fit for tomorrow) Programme
- viii) The [Enforcement Policy](#) has been reviewed and published on the Council's website

Key Delivery Priorities

7. Over the coming year the key delivery priorities are :-
- i) To inspect all high risk premises that are due for a programmed inspection and risk rate any premises inspected according to the revised risk rating guidance;
 - ii) To investigate all accidents and incidents in accordance with HSE Local Authority Circular 22/13 "Incident Selection Criteria Guidance".
 - iii) To investigate complaints made about health and safety practices within workplaces or those open to the public.

- iv) To respond to requests for health and safety advice or guidance, in particular for new businesses.
- v) To investigate health and safety matters of evident concern noted during visits to businesses for other issues.
- vi) To continue to review and update the Health and Safety Procedures to ensure that they fully reflect the way that the work is undertaken and that officers are carrying out their duties in accordance with the current guidance.
- vii) To take part in county wide projects to tackle specific health and safety issues, working in partnership with Fareham's Hampshire Local Authorities colleagues and the HSE.
- viii) To further align the systems and ways of working with Gosport to further develop the partnership and realise the benefits in terms of resilience and efficiency the partnership can deliver.
- ix) To revise the above as necessary when the Health & Safety Executive National Local Authority Enforcement Code is published.

Local Priorities

8. Over the coming year the key local priorities are:-
- a) To continue to support the Hampshire Better Regulation Partnership and continue to share intelligence with other regulators;
 - b) To actively support the Hampshire Joint Warranting Project;
 - c) Develop the Fareham and Gosport Environmental Health partnership
 - d) To participate in the Hampshire FIT Programmes as appropriate. The areas of work that began in 2012 are to be continued in 2013:
 - Health and Safety in the Beauty Sector in particular – Tattooing and skin piercing, Lasers and Intense Pulse Light hair removal systems and sunbeds
 - Pressure systems
 - Gas Safety in food premises

Fareham and Gosport Environmental Health Partnership Initiative

9. The partnership arrangement with Fareham and Gosport's Environmental Health Departments is continuing to develop. At the start of the 2013–2014 Work Programme both departments will be using the same database and document management system and officers are now joint warranted. Officers working in the health and safety section follow the same procedures. This should provide resilience, efficiency and cost saving benefits.

Hampshire Better Regulation Partnership

10. Fareham takes part in The Hampshire Better Regulation Partnership project which is aimed at reducing the burden of inspection for retail businesses, whilst enhancing consumer and worker protection. Fire Officers and Trading Standards Officers carry out visits to low risk premises on the Council's behalf and Council's officers undertook the same for them. The project provides a platform for information sharing amongst the enforcement agencies. The data base for the project is hosted by Hampshire County Council.

Working in Partnership

11. This Authority is committed to effective working with partners to deliver positive outcomes for the Health & Safety of the public, employees and others affected by work activities in Fareham. In particular, it will seek to work positively with HSE, other Local Authorities, regulators and interested persons and organisations. Examples of such working are detailed below:-
 - a) Hampshire Better Regulation Partnership - this initiative won an award from the Department for Business Innovation and Skills.
 - b) Hampshire Joint Warranting Project - officers are authorised officers for neighbouring authorities as well as undertaking work on behalf of HSE.
 - c) Hampshire FIT Programmes - These are co-ordinated by the Hampshire Health & Safety Advisory Group and HSE.
 - d) With Gosport Borough Council, through the New Fareham and Gosport Environmental Health Partnership.

The National Local Authority Enforcement Code

12. Professor Löfstedt's Review, published in November 2011 recommended that the HSE be given a stronger role in directing Local Authority health & safety inspection and enforcement activity. A National Code is being developed in response to this recommendation and also as an outcome of the Red Tape Challenge on Health and Safety. It is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to enforcement.
13. The Consultation Period for this National Code has just finished and we are waiting for it to be published.
14. It recognises that the primary responsibility for managing health and safety risks lies with the business that creates the risk, however LA health & safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to a wider public health agenda.

15. It is vital that LA regulatory resource is used consistently and to best effect by targeting specific risks or focussing on specific outcomes. LAs should use the full range of regulatory interventions available to influence behaviours and the management of risk with proactive inspection utilised only for premises with higher risks or where intelligence suggests that risks are not being effectively managed. The Code provides direction to LAs on meeting these requirements, and reporting on compliance.
16. The Code will be given legal effect as HSE guidance to LAs under section 18(4)(b) of Health and Safety at Work etc Act 1974 (HSWA) and applies to England, Wales and Scotland.
17. Once the National Code has been published, it will replace the Section 18 Standard which currently governs how LAs undertake their enforcement work. The new Code also acknowledges the wider Public Health role of Local Authorities along with business development responsibilities.
18. The consultation document sets out what is meant by 'adequate arrangements for enforcement and concentrates on the following four objectives:
 - a. Clarifying the roles and responsibilities of business, regulators and professional bodies to ensure a shared understanding on the management of risk;
 - b. Outlining the risk-based regulatory approach that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk;
 - c. Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and
 - d. Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements of this Code.
19. The Consultation period finished on 1st March 2013. The HSE will consider the responses and then decide how best to take the proposals forward. A report will be brought to the Panel once the Code has been published.

The Independent Regulatory Challenge Panel

20. The Independent Regulatory Challenge Panel has been set up by the Government to look into complaints regarding advice given by HSE or LA inspectors. If a business thinks that health and safety requirements are incorrect or goes beyond what is required to control the risk adequately they have the option to go to the Panel. The panel will consist of independent members who will have the competence and experience to assess advice that has been given on regulatory matters. Before the business raises an issue with the panel, they should have first tried to resolve the matter with the relevant HSE or LA inspector and their manager.

The Health & Safety Resource

21. The Fareham Health and Safety enforcement team consists of 1 full time Team Leader, 2 part-time (3 days a week each) Senior Environmental Health Officers, and 1 Technical Officer. These officers also undertake Food and Licensing enforcement and Infectious Disease control work.
22. The resource is now supported by the Fareham and Gosport Environmental Health Partnership, as each Authority can be supported by the other during peaks in workload, with staff able to carry out Health & Safety functions in each Authority. A lot of work has already taken place to align work practices, procedures, forms and letters etc to facilitate this.

Enforcement Decisions

23. To ensure that all enforcement decisions are consistent, the Council has an [Enforcement Policy](#), which has just been update and the HSE's Enforcement Policy Statement which takes account of the Enforcement Management Model (which is a tool for determining the most appropriate course of action in more serious cases).

Training

24. The HSE and Local Authorities have recently developed the Regulators' Development Needs Analysis Tool. This is an on-line system which is able to identify knowledge gaps and devise action plans to address them. This is a useful tool to help ensure that the inspectorate is trained and competent. This has been fully implemented for the Fareham Health & Safety Enforcement Team.
25. Appendix 2 to this plan details the resource allocation for the above.

Health & Safety Statutory Notices summary 2012/2013

Notice	No	Details
Prohibition Notices This prohibits the use immediately	7	<ul style="list-style-type: none">• To prevent a piercer from using an ear-piercing gun for piercing the nose.• To prevent the use of an extremely unsafe electrical installation at a car wash centre.• To prevent the use of coffee machines which are under pressure as there was no evidence of safety inspection. (3)• To prevent the use of several tandoor ovens as unsafe method of lighting them were witnessed.(2)
Improvement Notices This gives the business a period of time to rectify the issue.	18	<ul style="list-style-type: none">• Unsafe gas installation in catering premises (10)• Failure to manage asbestos (2)• Unsafe electric installation• Poor maintenance of heating boilers• Unsafe access to walk-in freezer• Unsafe stand for dishwasher• Inadequate training to manage swimming pool water quality• Lack of COSHH assessment

Fareham Borough Council Interventions Plan 2013/2014

Priority	What	How	Where (When)
National / Local S18 Enforcement Standard	Complete Higher risk inspection programme	10 Inspections	Existing Category A premises throughout the year
National S18 Enforcement Standard	Inspecting high risk premises not previously inspected	Health and Safety Inspections	Throughout the year
National S18 Enforcement Standard	Investigate accidents.	80 accident investigations (estimate) Need to meet accident investigation selection criteria	Throughout the year
Local	Programme to ensure that accurate information is held for low risk health and safety premises	Alternative interventions including questionnaires	Throughout the year
Local	Investigate complaints about workplaces and give advice (first response within 2 days)	60 service requests (estimate)	Throughout the year
Local	Consult on Building Regulation applications (within 10 days)	30 requests (estimate)	Throughout the year
National S18 Enforcement Standard	Act as Responsible Authority to Licensing Act 2003 application/variations (within 28 days)	15 requests (estimate)	Throughout the year
County Initiative	To take part LA/HSE joint initiatives.	40 Premises	Throughout the year

Local / Regional	To continue with HBRP Project	100 Inspections	Between April 2013 and March 2014
County Groups	Attend Hants and IOW Health & Safety group	Attend quarterly meetings	Quarterly/biannual
Local	Manage Safety Advisory Group	Meetings and administration throughout the year	Throughout the year
National S18 Enforcement Standard	Development, training and team meetings	As required	Throughout the year
Legal Requirement	Formal action	As required	Throughout the year
Food Safety Enforcement	The detail regarding this area of work is reported to the Public Protection Policy Development and Review Panel through the Food Safety Service Plan		
Licensing/smoking enforcement	A separate plan for this work area is not currently required by an outside organisation. These functions where possible are combined with Food and Health & Safety functions		
Projects	To implement changes to guidance in respect of high risk premises and to allow flexibility so as resources can be redirected to areas within Regulatory Services as demand requires.		

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Report to Licensing and Regulatory Affairs Committee

Date: **19 March 2013**

Report of: **Director of Regulatory and Democratic Services**

Subject: **LICENSED PREMISES AND COMMUNITY SAFETY**

SUMMARY

This report highlights the work that is being undertaken by the Council as the licensing authority and the police as one of the responsible authorities in managing and addressing issues that relate to crime and disorder that could be associated with licensed premises. The report highlights the range of interventions and actions that can be taken and how this has been effective in addressing any issues that arise. This is reflected in a general trend of a reduction in the incidents associated with licensed premises. There is also clearly a link between the work undertaken by the Council's Licensing and Regulatory Affairs Committee, its Licensing Panels and the work of the Fareham Community Safety Partnership which has enabled the development of good working practices which is reflected in the way that problems associated with licensed premises are dealt with.

RECOMMENDATION

Members are requested to note the report and to identify how they would like similar information presented in the future.

INTRODUCTION

1. The Licensing Act 2003 (LA2003) came into force in 2005 and transferred decision making in licensing matters from the magistrates to local District/Borough Councils, thus bringing licensing matters under local democratic control.
2. Fareham Borough Council is the Licensing Authority pursuant to the Licensing Act 2003 and is responsible for considering all applications for licensable activities, as defined in section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events.

Licensable activities, identified by the Act, include:

- Retail sale of alcohol
 - Supply of hot food or drink from premises between 2300 and 0500 hours
 - Supply of alcohol to club members
 - Provision of entertainment listed below (known as "regulated entertainment") to the public or club members or with a view to profit:
 - Film exhibitions
 - Performances of a play
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Live music performances
 - Playing of recorded music
 - Dance performances
 - Provision of facilities for making music
 - Provision of facilities for dancing.
3. The Act has four main objectives:
 - the protection of children from harm
 - the avoidance of nuisance
 - ensuring public safety
 - preventing crime and disorder.
 4. These objectives are secured initially through the application process which involves statutory consultation with the 'responsible authorities' (RAs). These are:
 - police
 - local fire and rescue
 - primary care trust (PCT) or local health board (LHB)
 - the relevant licensing authority
 - local enforcement agency for the Health and Safety at Work etc Act 1974
 - environmental health authority
 - planning authority
 - body responsible for the protection of children from harm
 - local trading standards
 - any other licensing authority in whose area part of the premises is situated.

5. RAs can object to the application for a licence or seek through the licensing authority, or by negotiation with the applicant, to have conditions attached to the licence – but objections or the application of conditions must relate to the licensing objectives.
6. In the event that there is an objection from a RA (or member of the public affected by the application) or the application of conditions cannot be agreed with the applicant, then the matter is considered by elected Members at a Licensing Panel Hearing.
7. In considering an application, Members have regard to the local 'Statement of Licensing Policy' which is a requirement under the Act. The policy reflects local circumstances and endeavours to factor them into the decision making process.
8. There is a requirement to review the policy at least every three years and it was last reviewed and approved by full Council in January 2011. The Policy has since been updated in March 2012 to incorporate changes introduced by the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012.
9. The Licensing Policy is available on the Council's website http://www.fareham.gov.uk/pdf/licencing_and_inspections/licpol5.pdf and sets out the approach of the Council in dealing with licence applications and the basis of decisions. The policy sets out how the Council will control the sale of alcohol and regulated entertainment within the borough.
10. Following the grant of a licence, adherence to conditions is the responsibility of the licence holder and the Designed Premises Supervisor (DPS). However, the 'responsible authorities' have an important monitoring and enforcement role. This is usually achieved by a combination of proactive visits (often carried out jointly) and reactive visits responding to complaints, for example, of noise. In addition to warnings (and ultimately prosecution) for breaches of conditions, the RA's can formally seek a review of the licence by the Licensing Authority, in which case it is reconsidered by a Licensing Panel and it could, as a result, be modified, suspended or revoked.

Licensed Premises and Associated Crime and Disorder

11. The Council as Licensing Authority has a major role to play in controlling and responding to issues relating to the sale of alcohol and regulated entertainment and any associated crime and disorder. There is also a clear link between the Licensing and Regulatory Affairs Committee, its Licensing Panels and partners of the Community Safety Partnership, in particular the police in the control and enforcement of conditions on premises that sell alcohol within the borough.
12. At the meeting of the Licensing and Regulatory Affairs Committee on 20 November 2012, Members requested that an item be added to the Committee's work programme to enable it to receive an annual report on any incidents at licensed premises relating to crime and disorder and the four licensing objectives.
13. Officers have been looking at how this information can be presented to the Committee and this report sets out some of the information that could be contained within future reports for consideration. However, as part of this report, it is also considered appropriate to set out the range of interventions that are available to the Council and

the Police to specifically address issues relating to crime and disorder that may be associated with licensed premises.

14. In controlling Licensed Premises the Council as the Licensing Authority will consider any representations received from responsible authorities including the public and, as such, the application for a licence could be referred to the Licensing Panel for consideration. Equally there may be a request for a review of an existing premises licence if the licensing objectives are not being complied with and again this would be considered by the Licensing Panel.
15. In considering an application or a review, based upon the information that is presented and considered and taking into account the Licensing Objectives and the Council's Licensing Policy, the Panel could grant, vary, refuse or revoke a licence. As importantly, it can also attach conditions to the licence to address the areas of concern that have been raised in order to meet the licensing objectives.
16. The Licensing Authority may not impose any conditions unless it is satisfied following a hearing it is appropriate to impose conditions to promote one or more of the four licensing objectives.
17. The LA2003 requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Personal Licences

18. A Personal Licence holder is an individual who can work at licensed premises and is able, as the Designated Premises Supervisor (previously known as the licensee), to authorise the supply of alcohol at that premises. They are able to move from one premises to another, with greater flexibility. There can be more than one Personal Licence holder at licensed premises but only one Designated Premises Supervisor(DPS) is permitted at a time.
19. The Personal Licence relates only to the supply of alcohol under a Premises Licence. An individual will not require a Personal Licence for the other licensable activities, the provision of regulated entertainment or late night refreshment, or for the supply of alcohol under a Club Premises Certificate or Temporary Event Notice (although Personal Licence holders will be able to give 50 Temporary Event Notices each year instead of the limit of 5 for non-Personal Licence holders).
20. A Personal Licence does not authorise its holder to supply alcohol anywhere, but only from establishments with a Premises Licence authorising the supply of alcohol in accordance with the Premises Licence. Personal Licences are valid for ten years, and may be used at any licensed premises in England and Wales.
21. To obtain a Personal Licence, the applicant must be 18 years or over, possess an accredited qualification and obtain a basic CRB check. The application is only forwarded to the Licensing Police Officer if there are relevant unspent convictions.

These could result in the applicant having to attend a Licensing Panel. Once cleared, the applicant receives their Licence and a photo ID badge; they can then apply to Licensed Premises to work or become the DPS.

22. The Licensing Act 2003 provides the police and licensing authorities with powers to deal with personal licence holders who have a relevant conviction that would undermine the crime prevention objective.
23. A Personal License is issued by the local authority where the Personal License holder lives, not necessarily works. There are currently 1033 personal licences registered with Fareham Borough Council.

Temporary Event Notices

24. A Temporary Event Notice (TEN) is a permit which allows the carrying on of licensable activities including the supply of alcohol by a person or group without the need for a Personal Licence holder to act as the Designated Premises Supervisor. The purpose of the TEN is to permit temporary, relatively small-scale events at which 500 or less people are likely to attend.
25. The event must not last for more than 168 hours and can be held indoors or outdoors. Any premises can only be used for 12 temporary events per calendar year for up to a total maximum of 21 days. The applicant must be 18 years or over to hold a temporary event. If you are a Personal Licence holder you can give up to 50 TENs.
26. A standard TEN must be made at least 10 working days before the date of the event. A late TEN must not be made before 9 and not later than 5 working days before the event. There must be at least 24 hours between temporary events organised by the same person or an associate in relation to the same premises.
27. Since the rebalancing of the Licensing Act in 2012, Environmental Health Officers as well as the Police are now consulted on any TEN applications received.
28. 452 Temporary Event Notice applications were made to Fareham Borough Council during the period January 2011 to December 2012.

Licensing Panel Hearings

29. When an application or a variation for a Premises Licence is received and where representations are received from the responsible authorities, as with Review Hearings, the matter is dealt with by the Licensing Panel.
30. The Licensing Panel hearings that have been held since March 2007 are detailed in Appendix A. This gives Members an overview of the number of hearings that have been held, the nature of the hearing and the issues that were addressed and the decisions that have been made.
31. The Council holds a Licensing Register that details all the premises in the borough that hold a premises licence, what the licence covers in terms of alcohol and regulated entertainment and late night refreshments as well as all the conditions attached to the licence. The register can be accessed through the Council's website.

http://www.fareham.gov.uk/internetlookups/search.asp?list=OCELLA_LicensingAct2003_Register

Mapping incidents of crime and disorder and licensed premises

32. An exercise has been undertaken to map the distribution of **all** reported incidents of crime and disorder during the periods of 23:00 hours to 03:59 hours over the last three years and to see how this relates to the location of licensed premises. The basis of selecting these hours was that these relate to the period considered to reflect the Night Time Economy (NTE). The same exercise was also undertaken to map incidents that were **specifically** associated or linked to licensed premises.
33. The categories of reported incidents that have been used related to:
 - Anti- Social Behaviour (street drinking, rowdy and inconsiderate behaviour)
 - Criminal Damage
 - Violence against a person
 - The issue of a section 27 Direction Order (A direction that requires a person to leave a locality and prohibits their return up to 48 Hours).
34. All licensed premises have been mapped on GIS and these have then been overlaid with information relating to all reported incidents within the area as a whole. This was then repeated but where the incidents were specifically associated with licensed premises. This process and the mapping of incidents will be further explained by officers at the meeting.
35. Table 1 in Appendix B provides details of the total number of **all** reported incidents between the hours of 23:00 to 03:59 hours in Fareham for the period 1January to 31 December over the last three years. Table 2 shows the same information but only includes those incidents that were **specifically** related to licensed premises.
36. As the classification for ASB changed in 2011 it is difficult to provide a direct comparison but overall the numbers are relatively low and in general there has been a year on year decrease in the incidents of ASB and violence against a person. There has been an increase in criminal damage. However, when this is considered in the context of only those incidents that have specifically been linked with licensed premises (Table 2) this shows a reduction on the previous year's reported figures.
37. The numbers reflected in table 1 for ALL reported incidents reflect an overall reduction in ASB and violence against a person but an increase in criminal damage.
38. Where these incidents can be specifically related to licensed premises as highlighted in table 2, it shows an even greater reduction and it also highlights a falling trend over the last 3 years. This information is useful as it can also identify specific licensed premises that will then receive visits from both the Police and the Council in terms of how they manage their premises. This could result in, if necessary, voluntary additional controls being agreed or a review of the licence being made.
39. The relatively low levels of incidents associated with the NTE shows that both the Police and the Council are being effective in terms of how they work together in controlling licensed premises and associated crime within a neighbourhood. The Police and the Council have a range of actions that they can take proactively to address issues but,

equally, all responsible authorities and the public can request a review of the licence as highlighted earlier if they consider the premises are failing to meet any of the licensing objectives.

40. The reduction in the number of incidents of crime associated with the NTE is also reflected in an overall reduction of all reported crimes throughout the borough.
41. Table 3 in Appendix B shows the number of section 27 Dispersal Orders that have been issued. Section 27 Dispersal Orders are a tool to target and assist with reductions in NTE incidents. It could be considered that the issue of each Section 27 Dispersal Order contributes to 2 less incidents of either ASB or Violent crime, as the perpetrator leaves the location immediately and is not allowed to return for a period of up to 48 hours. As a result of the Section 27 issue, the unacceptable behaviour is interrupted and therefore can be considered to be a significant contributory factor to the recorded reduction of NTE occurrences and incidents in Fareham. As can be seen this is an effective tool that is used by the Police to deal with and diffuse incidents.

Community Tasking and Co-ordinating Group (CTCG)

42. The Community Tasking and Co-ordinating Group (CTCG), which has representatives from many of the Community Safety Partnership organisations, meets on a fortnightly basis at Fareham Police Station. This group identifies the issues and `hot spots`, analysing crime statistics, mapping incidents and tasking resources and agencies to co-ordinate their actions to address the problems. The fact that the group meets on a fortnightly basis provides the momentum and continuity in ensuring these actions are progressed, monitored and delivered.
43. The purpose of the Community Tasking and Coordinating Group is to bring together a number of key agencies in order to co-ordinate joint activity to reduce crime, disorder and anti-social behaviour across the Borough of Fareham. The Council's Licensing Officer attends these meetings and as such if there are any issues associated with any licensed premises the matter can be highlighted and escalated. From the information and issues that are discussed actions, tasks, resources and priorities are allocated and monitored to address issues of crime, disorder and anti-social behaviour that may be associated with licensed premises or the supply and consumption of alcohol.

CCTV

44. CCTV (closed-circuit television) plays a significant role in reducing crime and disorder and increasing community safety and public reassurance, as well as assisting the police in investigating crime. It is of great value and assistance to the Police in the management of the night time economy, especially in the town and some of the district centres.

Police and Council intervention at licensed premises in the Borough of Fareham - 2012

45. Police intervention at licensed premises will occur on several levels and will be both proactive and reactive.
46. The aim is to educate and work with licensed premises before a problem arises and also to identify any emerging patterns of violence, crime and disorder and then to seek to

address the issue progressively. If the issue cannot be resolved and persists, the option to 'review' the premises licence will be considered. This will however be a last resort and it is always unfortunate to need to move to this level of intervention.

47. This part of the report highlights specific examples of 'intervention' by both the Police and the Council; however, it is important to acknowledge all the proactive work that is undertaken to keep alcohol fuelled violent crime and disorder associated with licensed premises at a minimum.
48. The general approach is to work with licensed premises to promote good working practices and relationships and to this effect both the Police and the Council undertake joint as well as routine visits to licensed premises to ensure standards and conditions are being maintained. Where complaints are received or concerns raised these proactive visits turn into more responsive visits to deal with specific issues.

General intervention measures in place

All new Designated Premises Supervisors (DPS) receive a visit by Police licensing

49. This meeting welcomes them to the area, outlines the local customer base, talks through and interprets all licence conditions and also outlines Police expectations of the DPS. Whilst this is more interaction than intervention, it helps establish a point of contact and seeks to improve the chances of the premises running smoothly with incident due to good in-house management.
50. Regular meetings with town centre licensed premises. As Fareham town centre is the primary hot spot for incidents associated with licensed premises there is a need to have regular meeting with the managers of the pubs. Both the Council's Licensing and the Police Licensing Officer attend these meetings. It is an informal meeting where any issues relating to the previous months are highlighted and suggestions on how improvements can be made or joint work on initiatives undertaken.

Police uniformed visits to licensed premises

51. The Police Licensing Officer and the Town Centre Safer Neighbourhood team conduct regular visits to all town licensed premises every week on all weekend evenings (Thurs – Sat). By making an early evening visit and speaking to duty managers - informing them that visits will be made throughout the evening to check for drunk or disorderly people, helps to ensure that managers do this job themselves. The importance of early intervention is stressed. These visits ensure that the DPS makes staff and security aware of the Police 'walk throughs', which in turn helps them improve their own standards.
52. It is also important that pubs are not seen as 'no go' locations for Police. Customers can be intrigued by the visits but are simply advised that the purpose is to ensure that there is no one inside who is likely to spoil their evening. The visits are not oppressive and show good communication between staff and Police, which helps to support a safer environment.

Police uniformed and non-uniformed visits to licensed premises in the rest of Fareham borough

53. Random and targeted visits are conducted at licensed premises throughout the borough. Police licensing will conduct both and will also task the weekend shift Police (TPT – Targeted Patrol Team) to visit premises where there is an identifiable issue.
54. Licensing will briefly advise, through a tasking document, the premises that require visits, the information and the specific request. This is then fed back to licensing, who can assess the progress and progress any observations – negative or positive. The process of using Targeted Patrol Teams (TPT) for targeted visits allows more intensive observations where there is concern over drunkenness or incidents of disorder. The increased Police attention alone will often solve a problem.

Pubwatch

55. Police licensing attend monthly Pubwatch committee meetings and facilitate all aspects of the process. Police licensing conduct research prior to the meetings for persons to be considered for bans and research for persons due to be taken off the ban list. Disclosure forms are completed by Police licensing who are also responsible for providing photos of banned persons and sending out letters to banned persons. There is an information sharing agreement between Fareham Pubwatch and Fareham Police. Pubwatch is also a means of communication between premises, the Police and Council and helps build a good working relationship. A Pubwatch radio is also monitored within the CCTV Control Room so that if incidents arise they can be monitored and Police kept informed of movements.
56. There are members' meetings every 6 months where Police and Council licensing will attend and update the members on new local processes and changing legislation. The majority of members' interaction is on-line via the Pubwatch website.

Police Licensing attending Targeted Patrol Team (TPT) briefings

57. Police licensing attend weekly Police shift parades. This provides face to face interaction with officers regarding licensed premises that need intervention or attention. This keeps officers focused on 'licensing matters' and helps keep them forwarding intelligence to licensing. This can be as simple as 'saw a drunk male leaving a certain pub'. All of the small pieces of information, intelligence and evidence help build a better picture.

Licensing follow up enquiries

58. Every incident that is linked to or associated with a licensed premises is followed up by Police licensing. This will invariably involve a visit to the premises to discuss the licensing issue regarding the incident. This helps ensure that the DPS is fully aware of the concern. Suggestions are made to help resolve the issue at this stage to avoid a pattern emerging. Often a premises manager will suggest that the incident is a 'one off', therefore not something to be concerned about. It is always stressed that whilst this may be an infrequent event, it is important to assess if there are any factors that need to be changed to ensure that the type of incident does not continue.

Police covert operations

59. In 2012 Police conducted 5 covert operations at Fareham licensed premises to attempt to identify premises who serve alcohol to drunken customers. The aim is simply to promote higher standards by staff. Police licensing inform the licensed premises prior to the operations (the specific nights are not given) to give them the best possible chance of success. This helps show that we are not simply seeking to issue fixed penalty tickets. We want premises to pass the tests. The benefit of this process is that the premises that are not tested become aware of the possibility and hopefully 'up their game' too. In addition, following the test, premises are advised of the general assessment. This helps maintain resonance of the operations. The tests are generally conducted following intelligence of evidence of drunkenness or disorder at a premises.

Police condition of entry drug testing operations

60. The Police conducted several 'condition of entry' operations at licensed premises in Fareham in 2012. These operations are conducted with the permission of the premises and help show a positive working relationship between the Police and the premises. The joint message is that drugs will not be tolerated in Fareham. The operations have been positively received by the vast majority of customers. If a person entering the premises provides a significantly high reading from their hands that is hard to explain away, they are subjected to a search in a private location. A recent operation in December 2012 identified several people who produced high readings. Drugs were located or admissions were made to having just taken drugs.

Juvenile Test Purchase Operations

61. These are joint operations between the Police and the Council. The object is to test that premises staff challenge persons that look under age. Most premises have at least a 'challenge 21' policy in place so none should fail. Premises that do fail are subject to follow up intervention to ensure that new and sufficient measures are in place so all staff are fully aware of their responsibilities. More often than not failures reveal poor management processes and a lack of staff training or in-house system to prevent failures. The premises licence and in-house systems are given a thorough overhaul. Checks are made in relation to staff training, staff refresher training and in-house processes to check for age.
62. During intervention premises are encouraged to adopt a strict policy of staff training and refresher training with all training documented and available for inspection by Police and Council officers. Till prompt systems requiring the staff member to stop and think about the age, then input an estimated age are good tools. Management are encouraged to conduct dip sampling of this by checking CCTV to ensure that ages input correspond to the visual age of the customer. Staff should be made aware of this checking system to motivate them to concentrate during sales of alcohol.
63. In addition to the intervention with the premises management, which is the primary objective to resolve on-going issues, the staff member that served alcohol to children receives a fixed penalty ticket for £80.
64. The Police concentrate tests towards 'on licence' premises (pubs) and only conduct tests at a limited number of 'off licence' premises. This is because Trading Standards are the

lead agency for 'off licence' premises and actively test these premises. The Police provide any intelligence regarding under age sales to Trading Standards to assist their testing. All failures are re-tested at the next test.

65. The low percentage of failures at re-tests suggests that the intervention measures following a failure do have an impact and do result in reducing the likelihood of the premises serving alcohol to children.
66. The Police after a second failure can and do interview the DPS at the Police station. The premises can be issued a Police closure notice (of alcohol sales) for 48 hours as an option to prosecution (under Sect 23 & 24 of the Violent Crime Reduction Act 2006) and the premises licence reviewed with conditions added by the Licensing Panel.

Patterns of incidents

67. When a pattern of incidents begins to emerge at, or be associated with, a licensed premises, Police licensing will work closely with the premises management and area management if required. Proportionate measures to address the issue will be suggested and documented. If the issue is not resolved Police licensing will seek to identify the reason for this. The intervention will be stepped up and increasing pressure put on the premises management to address the concerns. When the problem is on-going, either due to a lack of compliance or a problem that cannot be addressed, the Police will seek to resolve the matter by a review of the premises licence.

Work and liaison with HMS Collingwood

68. HMS Collingwood is one of the largest naval bases in the country and, in addition to naval staff, provides accommodation and training to students from external organisations. Network Rail and EDF have approximately 400 students living and sleeping at the base. These are primarily males aged 17-21 years old with this being their first time away from home. Any such number of young males, who go out in groups, can present challenges to the local Police.
69. Police licensing provide induction speeches to all students. This welcomes them to the area and gives them an introduction of what to expect from the local Police and licensed premises. The aim is to ensure that they do not get involved in trouble and are safe in Fareham.
70. Police licensing ensure that key dates are known such as evenings before a term finishes, in order to adequately provide Police resource and inform the local pubs. The relationship with HMS Collingwood has progressed significantly and joint patrols are now conducted in the town centre which helps send out the message that the Police and Navy are working together and will not tolerate poor behaviour.

The use of Police 'direction to leave' notices

71. These notices (often referred to as section 27s) are a very useful tool for Police. They involve very little paperwork and allow the Police to direct a person who is in drink and at risk of disorder, to leave an area for a period of time. This allows Police to identify potentially problematic people early on and remove them before they become involved in violence or disorder.

Designated Public Places Order DPPO

72. The Criminal Justice and Police Act 2001 contains provisions specifically designed to address the problems of alcohol related disorder. Sections 12-16 of the Act allow local authorities to adopt powers to designate areas which have known nuisance, annoyance to the public, or disorder associated with the consumption of alcohol. In a designated area it is an offence for any person to drink alcohol after being required by a police officer not to do so. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession. It is an arrestable offence to fail, without a reasonable excuse, to comply with the police officer's request. This power is known as a Designated Public Place Order (DPPO) and the whole of Fareham borough is a DPPO.
73. The police continue to conduct Operation Vaughan - which concentrates police activity in reported hot spots for alcohol related Anti-Social Behaviour. ACSOs are also able to confiscate alcohol during patrols. The Police have decided this year to incorporate enforcement of the DPPO into their day to day duties and not allocate additional resources.
74. Hampshire Constabulary, along with Fareham Borough Council, also delivers the Alcohol Licensing Evaluation Scheme (ALES). The ALES Scheme is an awards scheme for pubs and clubs.
75. Premises are able to receive recognition for being safe and well managed throughout the year; the Scheme operates by measuring the numbers and type of incidents and complaints received by the various Authorities throughout the year and rating premises accordingly. Those who perform well are awarded a Safer Venue Certificate endorsed by both the Police and the Council. This has become an annual event and is currently included in Hampshire's Alcohol Strategy after its initial success.

Taxi Marshalls

76. In Fareham a Taxi Marshal scheme operates on Thursday evenings between 10pm and 2am. The scheme uses two SIA trained security staff. The staff wear hi-vis fluorescent jackets and each has a radio which has direct links to all venues in the town centre, police and CCTV control room. Fareham's Taxi Marshal scheme has reduced incidents of violence in the Town Centre and provides public reassurance to users of the Night Time Economy in Fareham.
77. The Fareham Taxi Marshal Scheme:
 - Provides a safe waiting area until a taxi arrives for people using the facilities late at night
 - Reduces the risk of disorder
 - Enhances security for taxi drivers
 - Promotes proactive partnership working between licensed premises, the Council, Police, security staff and taxi drivers
 - Helps disperse people from the town centre quickly and safely.

RISK ASSESSMENT

78. There are no significant risk considerations in relation to this report

CONCLUSION

79. This report highlights the work that is being undertaken by the Council as the licensing authority and the police in managing and addressing issues that relate to crime and disorder that could be associated with licensed premises. The report puts into context the general trend of a reduction in the main types of incidents associated with licensed premises.
80. It is clear that the close working arrangements that are in place between the Council, the Police and the other responsible authorities including the Community Safety Partners are effective in both proactively ensuring that licensed premises are managed and operated so as not to cause problems but, where problems and incidents do arise, that these are dealt with in a robust and effective manner.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Garry White (extn. 4395).

APPENDIX A - List of Panel Hearings

APPENDIX B - Reported Incidents of Crime and Disorder

LICENSING PANEL DETAILS FOR LICENSING ACT 2003 FROM JANUARY 2007 TO JANUARY 2013

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
2007				
7 March 2007	Somerfield Stores, Highlands Road Service Station 165 Highlands Road, Fareham	New Premises Licence	Representation from Police re youths gathering causing damage and public disorder	Licence Granted with Mandatory Conditions plus attached Conditions and an addition Condition
29 October 2007	One Stop Convenience Store, Crofton Lane	Review	Review raised by Police on the grounds of crime and disorder and protection of children from harm	The Panel resolved to impose an additional 5 conditions plus suspension of the premises licence for a period of two weeks.
12 November 2007	Portsmouth Inn, Leith Avenue Portchester	Review	Review raised by Police in relation to under age sales and purchases, three test purchases failed	The Panel resolved to impose an additional 9 conditions on the premises licence.
2008				
11 January 2008	Prague Junction Station Approach Fareham	Variation of Premises Licence	Representations from Police all four licensing objectives, public disorder,	Adjourned to 14.2.2008
14 February 2008	Prague Junction	Variation of Premises Licence	Assaults and general anti social behaviour. Environmental Health, Crime and Public Safety. Resident, Crime, Public Nuisance, Children, use of the premises not suitable type of entertainment Proposed.	Adjourned to 14.3.2008
RESUMED MEETING				

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DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
15 February 2008	139, West Street, Fareham (kebab shop)	Variation of Premises Licence	Representation from public regarding increased hours applied for, not suitable for the area.	Adjourned to 13.3.2008
14 March 2008 RESUMED MEETING	Kebab shop 139, West Street, Fareham	Variation of Premises Licence	As above	Application withdrawn
14 March 2008 RESUMED MEETING	Prague Junction Station Approach Fareham	Variation of Premises Licence	As above	Application withdrawn
27 March 2008	Brass Monkey West Street Fareham	Review of Premises Licence	Review requested by Police for a catalogue of problems under all four licensing objectives over an extended period of time.	Suspension of the Premises Licence for one week-end commencing at 1200 on Friday until 0600 hours the following Monday. Reduction of the Licensing Hours for a period of three months. The Panel attached a further 11 conditions on the licence to promote the Licensing Objectives
15 May 2008	JD's, 127, Highlands Rd	New Premises Licence	Representations from Police and local residents regarding anti-social behaviour in the area and the number of licensed premises in the area.	Application granted with the hours amended for licensable activities to 0700 to 2100 hours plus 8 additional conditions on the licence to promote the Licensing Objectives.

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
12 September 2008	Edwins High Street Fareham	Variation of Premises Licence	Representations from Police, E. H. Pollution and local residents regarding loud music and other noise nuisance at the premises	Variation granted with an additional 14 conditions added to promote the Licensing objectives
17 October 2008	Solent Breezes Holiday Club Chilling Lane Warsash	Variation of Premises Licence	Objection to noise representations from residents to application to extend hours at premises	Variation granted subject to an additional 6 conditions to promote the Licensing Objectives
11 November 2008	Pizza Takeaway 218, Gudge Heath Lane	New Application	Representations from local residents regarding hours proposed at the premises.	The panel resolved to grant the premises licence but with reduced hours for both Late Night Refreshment and the hours of opening were also reduced
5 December 2008	Personal Licence	New Application	Police made representations on the grounds of relevant offences on CRB check	The panel decided on the evidence provided to reject the application
2009				
27 February 2009	The Crown (JD Wetherspoons) West Street Fareham	Variation of Premises Licence	Representation from Police requiring additional conditions including door supervisors to deal with being a feeder premises to others in the area.	The Resolve of the Licensing Panel was to Grant a modified licence subject to 24 proposed and imposed conditions.
26 March 2009	Apollo Cinema Vannes Parade Fareham	Variation of Premises Licence	Representation from Police re Crime and Public Safety due to exodus of numbers from all premises in West Street at same time.	The Licensing Panel granted an amended licence with reduced hours to promote the licensing objectives.

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
10 June 2009	Tony's Kebabs Quay Street Fareham	Variation of Premises Licence	Police made representation to application for increased hours this being likely to encourage the public to stay around the area and cause problems.	Application refused due to non compliance with the four licensing objectives.
29 July 2009	The Heathfield Arms Blackbrook Road Fareham	Variation of Premises Licence	Police representation on all four licensing objectives, public representation also against the proposed extended hours.	Adjourned to 21.8.2009
21 August 2009	The Heathfield Arms	Variation of Premises Licence	As above	Application granted subject to amended conditions to promote the Licensing Objectives
2 September 2009	Sir Joseph Paxton Huntspond Road Fareham	Review	Review was requested by Environmental Health Pollution and from local residents regarding substantiated noise nuisance in the garden and on the patio.	The findings of the Licensing Panel were to amend a condition for the use of the garden and patio as a proportionate response to the request for Review.
29 October 2009	Fordies Convenience Store 98 Miller Drive Fareham	New Premises Licence	Representations made by residents to the proposed hours of the store regarding all four licensing objectives.	The licence was granted subject to additional conditions
3 November 2009	Holly Hill News 68 Barnes Lane Sarisbury Green	New Premises Licence	Representations made by residents to the proposed hours of the store regarding all four licensing objectives.	The licence was granted subject to additional conditions including shutters to front and rear of the premises.

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
2010				
17 March 2010	Ken's Kebabs, 161 West Street, Fareham	Variation of Premises Licence	Police made representations on the grounds of crime concerned that extending the hours would result in increased disorder in the area.	The application was granted subject to additional conditions, but not door supervisors
30 April 2010	Apollo Cinema Vannes Parade Fareham	Cinema Classification	Classification of films are automatically referred to the Licensing Panel	The Panel resolved that the classifications requested be granted.
19 May 2010	The Seagull Cornaway Lane Portchester	Review	The Review was requested by the Police following incidents at the premises including shouting, obscene language, the local residents also made representation regarding damage to property and noise.	The Panel decided to amend some of the conditions and also to reduce the hours of opening to promote the licensing objectives.
11 August 2010	Bodrum Grill House 186 West Street Fareham	Review	The Review was requested by the Police on all four licensing objectives following problems at the premises late at night.	The panel decided to vary the opening hours of the premises and also to modify the conditions of the licence plus add 2 additional conditions.
19 November 2010	Titchfield Festival Theatre - Unit 2a, 73 St Margaret's Lane, Titchfield	New Premises Licence	Representations from local residents regarding nuisance from vehicles and people leaving the premises.	The Panel refused the application as the problems with local residents could not be resolved by the imposition of conditions or the restriction of hours. The applicant appealed the panel

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
				decision and the case was referred to the Magistrates Court, following discussion between the solicitors and the Chairman of the Panel, agreement was reached with the applicant for additional conditions being attached to the licence and the Magistrate consenting to the licence being issued on these grounds.
2011				
24 February 2011	Redbarn Express, 71 Linden Lea, Portchester	Review	Review requested by Police and Trading Standards following failure of three test purchases.	The Panel resolved to suspend the premises for a period of twenty-eight days and impose a number of conditions as presented by the Police.
5 April 2011	Southern Co-operative Ltd (formerly the White Hart), Castle Street, Portchester	New Premises Licence	Local Residents complained about the hours quoting noise from delivery lorries to premises.	The Panel resolved to grant the application subject to the agreed conditions as amended or added by the panel to promote the licensing objectives.
14 June 2011	Travelrest Ltd, 22 The Avenue, Fareham	New Premises Licence	Representations from the Police and local residents regarding sale of alcohol and noise from customers using the rear garden for barbecues.	The Panel resolved to grant the application subject to proposed conditions as agreed between the applicant and the Police and additional condition was added by the Panel to support the licensing objectives.
2 November 2011	Southern Co-operative Ltd	New Premises Licence	Petition from local residents regarding change of use of	The Panel determined to grant the licence subject to the conditions as

DATE	PREMISES	APPLICATION	REASON FOR APPLICATION/ REVIEW PANEL HEARING	LICENSING PANEL RESULTS
	(formerly the Linden Lea), Portchester		premises to convenience store.	agreed between the applicant and the Responsible Authorities.
2012				
18 April 2012	The Portsdown Inn, Leith Avenue, Portchester	Review	Review raised by Police following major incident at the premises involving the Designated Premises Supervisor	The Panel determined that the Premises Licence be revoked having given due regard to both written and oral witness statements.
25 July 2012 (provisional)	Co-op Food Store, Highlands Service Station, 165 Highlands Road, Fareham	Variation of Premises Licence	Representations from local residents regarding noise and light nuisance.	The Panel resolved that the application be varied as applied for as there was no substantive evidence from either representees.
22 August 2012	Apollo Cinema Vannes Parade Fareham	Variation of Premises Licence	Representation by Police regarding application for extended hours for sale of alcohol and regulated entertainment	The Panel determined that the application for variation be granted subject to a reduced terminal hour for the sale of alcohol and additional conditions being attached to the Operating Schedule of the premises licence.
2013				
28 February 2013 (additional)	One Stop Leith Avenue, Portchester	New Premises Licence	Representation from local councillors regarding hours of opening and sale of alcohol	Application granted with amended condition and additional condition added to licence.

APPENDIX B

Table 1: The total number of occurrences and incidents recorded in Fareham for the periods between 1 January and 31December from 2300hrs to 0359hrs inclusive:

	2010	2011	2012	%change 2010 to 2011	%change 2011 to 2012	%change 2010 to 2012	Num change 2010 to 2012
ASB	500	-	354	-	-	-29.20	-146
Criminal Damage	62	79	118	27.42	49.37	90.32	56
Violence against the Person	226	183	123	-19.03	-32.79	-45.58	-103

Table 2: The number of incidents recorded in Fareham for the periods between 1 January and 31December specifically relating to licensed premises from 2300hrs to 0359hrs inclusive:

	2010	2011	2012	%change from 2010 to 2011	%change from 2011 to 2012	%change from 2010 to 2012	Num change 2010 to 2012
ASB	111	-	62	-	-	-44.14	-49
Criminal Damage	9	23	11	155.56	-52.17	22.22	2
Violence against the Person	66	57	36	-13.64	-36.84	-45.45	-30

Table 3: The use of the Police Section 27 Dispersal Order Powers

Section 27	2011	2012
January	1	21
February	1	2
March	0	9
April	1	17
May	1	12
June	1	7
July	4	9
August	5	7
September	4	7
October	12	7
November	9	5
December	31	10
Grand Total	70	113

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Report to Licensing and Regulatory Affairs Committee

Date: **19 March 2013**

Report of: **Director of Regulatory and Democratic Services**

Subject: **MONITORING REPORT FOR APPLICATIONS RECEIVED**

SUMMARY

This report aims to inform the Committee of the day to day work of the Licensing Team and provide an update as to the ongoing work associated with the Licensing function.

RECOMMENDATION

That the report be noted.

INTRODUCTION

1. The purpose of this report is to inform and update members of the ongoing level and range of licensing work undertaken by the Licensing Team within the Department of Regulatory and Democratic Services.

ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT

1. The Licensing Act 2003 came fully into force in November 2005. Prior to this, between 7 February 2005 and 6 August 2005, existing holders of public entertainment licences, late night refreshment house licences, justices' licences and club premises certificates needed to make an application to the Council in order to convert or vary their licences into a new Premises Licence under the new Act. Under the old regime this Authority dealt with about 45 Public Entertainment licences.
2. The Council as the Licensing Authority not only deals with applications for premises or personal licences but also deals with representations that could result in a Licensing Panel Review Hearing in relation to a licensing application, or a hearing in relation to an application or application to vary a licence.
3. The numbers of applications and associated income over the last five financial years can be seen at Appendix A, table 1. It is worth noting that the fees in this area are set by statute and have not been increased since the introduction of the Act in 2005.
4. The current total number of licences are as follows:-

Members' Clubs Certificates	33
Premises Licences (with alcohol)	246

Since the introduction of the licensing Act 2003 (18/03/05):-

Licensing Panels	90
Reviews	9
Taxi Hearings	63

PERSONAL LICENCES

5. Currently there are 1033 Fareham Personal Licence Holders. This licensing regime commenced in November 2005 and these licences last for ten years from the date of their grant. The renewal of the licences will commence in 2015/2016, so from this period onwards these renewals will provide a one-off income boost. The government originally indicated that a proportion of the fee income may be required to contribute towards a national database of personal licence holders. Although around 400 licences were granted on conversion in the first year, there have been around 100 new licences granted in each year since. It is difficult at this stage to project how many licence holders will opt to renew for a second 10 year period. Currently Personal Licences still cost £37.

GAMBLING

6. The Gambling Act 2005 came fully into force in October 2007. This Act created the Gambling Commission and created a new licensing regime to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Commission is responsible for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters.
7. The numbers of applications and associated income over the last four financial years can be seen at Appendix A, table 2.

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER AND VEHICLE APPLICATIONS

8. Private Hire and Hackney Carriage Vehicle and Driver applications also involve a number of processes. All of the vehicles renew annually together for 30 April each year, this results in the income often being split over two financial years, hence the variation in numbers. Drivers renew on the anniversary of their badge being granted so there are a number of these each month, together with new applications for vehicles and drivers that are received throughout the year.
9. Regular licensing panels are held to determine drivers' applications e.g. where convictions are presented on the Criminal Records Bureau Check.
10. The numbers of applications and associated income over the last five financial years can be seen at Appendix A, table 3.

ANIMAL LICENSING

11. Under various pieces of legislation, there are a number of licensable activities in relation to animals. These licences are required to protect both animal welfare and public safety.
12. The numbers of applications and associated income over the last five financial years can be seen at Appendix A, table 4.

SKIN PIERCING

13. This Authority has adopted byelaws for the registration of a number of skin piercing activities in relation to both persons carrying out the activities and the premises where they are carried out. These byelaws are adopted under the Local Government (Miscellaneous) Provisions Act 1982. The purpose of this registration process is to control the risk of infection.
14. The numbers of applications and associated income over the last five financial years can be seen at Appendix A, table 5.

RISK ASSESSMENT

15. This area of work generates significant income for the Council. In respect of that income the bulk of it is generated by the Licensing Act and Private Hire and Hackney Carriage Licensing. It should be noted that the Licensing Act fees are statutory and that in respect of Private Hire and Hackney Carriage Licensing the fees must reflect the cost of providing that element of the service.
16. Despite the economic downturn the income being generated in this area is remaining fairly constant.
17. This report details only the main work areas and therefore the total actual income will be higher than the figures shown in Appendix A.

CONCLUSION

19. Appendix A shows the number of applications and income received in relation to the main areas of work. There are many other minor processes which are not shown. It can be seen that the volume of work in these main areas remains fairly constant. In addition, the Committee will be aware that it regularly is required to hold hearings to determine both Licensing Act and Hackney Carriage/Private Hire applications.

Background Papers: None.

Reference Papers: None.

Enquiries:

For further information on this report please contact Ian Rickman (Ext 2401).

APPENDIX A - Number of Applications and Associated Income Tables.

NUMBER OF APPLICATIONS AND ASSOCIATED INCOME TABLES.

Table 1. - Alcohol Entertainment and Late Night Refreshment

TYPE OF APPLICATION	2008/09		2009/10		2010/11		2011/2012		2012/2013 (Apr - Feb)	
	No.	£	No.	£	No	£	No	£	No	£
Application to vary licence holder / DPS	54	63,487	68	52,361	72	54,650	70	56,660	53	61903
Premises new Applications/ variations /	30	(incl. annual fees)	34	(incl. annual fees)	42	(incl. annual fees)	34	(incl. annual fees)	28	
Temporary Event	175	3,675	180	3,780	182	3,822	204	4284	223	4683
Personal licences	110	4,070	96	3,552	76	2,812	81	2997	71	
TOTAL	369	71,232	378	59,693	372	61,284	389	63,941	375	66,604

Table 2. - Gambling / Charitable Activities

Gambling/Charity	Number of Applications/premises					Renewal
	2008/09	2009/10	2010/11	2011/2012	2012/2013 (Apr - Feb)	
Gambling Act 2005	21	28	24	16		Annual
Lotteries	67	80	80	75	67	1 January
House to House	19	24	34	32	28	One off
Street Collections	186	206	195	205	105	One off
Total Income	£12,800	£14,160	£16,730	£9815	£11,150	

Table 3. - Private Hire and Hackney Carriage Driver and Vehicle Licensing

	2008/09		2009/10		2010/11		2011/2012		2012-2013 (Apr – Feb)	
	No.	Income £	No.	Income £	No.	Income £	No.	Income £	No.	Income £
Initial Dual Driver	2	230	6	690	9	1,035	3	345	15	1,725
Renewal Dual Driver	45	3,915	41	3,567	44	3,828	40	3,480	35	3,045
Total	47	4,145	47	4,287	53	4,863	43	3,825	50	4,770
Initial PH Driver	14	1,120	6	480	14	2,590	5	400	23	1,840
Renewal PH Driver	28	1,680	28	1,680	21	1,260	21	1,260	24	1,440
Total	42	2,800	34	2,160	35	3,850	26	1,660	47	3,280
Initial HC Driver	13	1,040	10	800	5	400	12	960	16	1,280
Renewal HC Driver	195	11,700	217	13,020	185	11,100	185	11,100	172	10,320
Total	208	12,740	237	13,820	190	11,500	197	12,060	188	11,510
Initial HC Vehicle	17	3,145	10	1,850	16	2,960	19	3,515	24	4,440
Renewal HC Vehicle	232	42,920	210	38,850	236	43,660	212	39,220	27	4,995
Initial PH Vehicle	21	3,885	12	2,220	14	2,590	14	2,590	20	3,700
Renewal PH Vehicle	50	9,250	35	6,475	44	8,140	36	6,660	11	2,035
Total	320	59,220	267	49,395	310	57,350	291	51,985	82	15,170
Initial Operator	4	740	2	370	1	185	2	370	0	0
Renewal Operator	19	3,515	12	2,220	11	2,035	7	1,295	5	925
Total	23	4,255	14	2,590	12	2,220	9	1,665	5	925
Transfer HC MAY to OCT	30	5,550	22	4,070	0	0	15	1,287.50	15	1,387.50
Transfer HC MAR - APR	0	0	6	1,110	0	0	4	740	1	185
Transfer HC NOV - FEB	19	1,757.50	13	1,202.50	9	832.50	9	832.50	15	1,387.50
Total	49	7,307.5	41	6,382.50		832.50	28	2,860	31	2,960
Transfer PH MAY - OCT	4	740	5	925	4	740	1	92.50	2	185
Transfer PH MAR - APR	0	0	0	0	0	0	0	0	0	0
Transfer PH NOV - FEB	4	370	3	277.5	4	185	1	92.50	2	185
Total	8	1,110	8	1,202.5	8	925	2	185	4	370
Temp Transfer	0	0	13	2,405	15	2,775	13	2,405	6	1,110
Total	0	0	13	2,405	15	2,775	13	2,405	6	1,110
Total	697	91,577.5	661	82,207	623	84,315.50	609	76,645	413	40,095

Table 4. - Animal Licensing

Animal Licensing	Number of Applications			2011/2012	2012/2013 (Apr - Feb)	Renewal
	2008/09	2009/10	2010/11			
Pet Shops	8	7	6	6	6	1 January
Boarding Ests.	14	19	20	24	30	1 January
Breeders	0	1	1	1	0	1 January
Riding Ests.	4	4	3	4	4	1 January
DWA	0	0	0	0	0	N/A
Zoo	0	0	0	0	0	N/A
Total Income	£3330	£4709	£4640	£3948	£6218	

Table 5. - Skin Piercing

Byelaws	Number of Applications			2011/2012	2012/2013 (Apr - Feb)	
	2008/09	2009/10	2010/11			
Electrolysis & Ear piercing, Acupuncture & Tattoo	6	2	1	1	13	Once only registration
						Once only registration
Total Income	£581	£130	£61	£126	£474	

Table 6. - Miscellaneous

Miscellaneous	Number of Applications					Renewal
	2008/09	2009/10	2010/11	2011/2012	2012/2013 (Apr - Feb)	
Scrap metal	0	0	0	0	0	3 yearly
Motor Salvage	0	0	1	0	0	N/A
Sex shop	0	0	0	0	0	N/A
Street Trading	4	4	3	3	2	Annual
Total Income	£4,187.50	£4,305	£2,700	£2790	£2108	



Report to Licensing and Regulatory Affairs Committee

Date: **19 March 2013**

Report of: **Director of Regulatory and Democratic Services**

Subject: **LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK
PROGRAMME 2012/13 AND DRAFT FOR 2013/14**

SUMMARY

At the last Committee meeting, in November, the Work Programme for 2012/13 was updated. Members are now requested to give consideration to the draft Work Programme for 2013/14 and identify any items the Committee may wish to be added.

RECOMMENDATION

- (a) that the progress report on the Licensing and Regulatory Affairs Committee Work Programme for 2012/13, attached as Appendix A to the report, be noted; and
- (b) that consideration be given to the proposed draft Work Programme for 2013/14, attached as Appendix B to the report.

INTRODUCTION

1. At the Committee meeting on 20 November 2012, the Work Programme for 2012/13 was updated. The Committee meeting scheduled for 22 January 2013 was cancelled.

Monitoring

2. Details of progress on actions arising from matters considered at previous committee meetings in 2012/13 are shown in Appendix A, for members' information.

Draft Work Programme for 2013/14

3. A draft work programme for 2013/14 is attached as Appendix B and Members views are requested on any issues or items that they would like to consider over the coming year.

RISK ASSESSMENT

4. There are no significant risk considerations in relation to this report.

CONCLUSION

5. The Committee is invited to:-
 - (i) note progress on matters considered by the Committee during 2012/13, as shown in Appendix A; and
 - (ii) give consideration to formulating a draft Licensing and Regulatory Affairs Committee Work Programme for 2013/14, as set out in Appendix B.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Garry White (Ext 4395).

APPENDIX A - Review of 2012/13 Work Programme

APPENDIX B - Draft Work Programme for 2013/14

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Licensing and Regulatory Affairs Committee – 18 September 2012

Progress on Actions from last meeting

Date of Meeting	29 May 2012
Subject	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee
Type of Item	Presentation
Action by Committee	<p>The Committee received a presentation from the Director of Regulatory and Democratic Services, the Head of Environmental Health and the Head of Customer and Democratic Services on the responsibilities of the Licensing and Regulatory Affairs Committee. The presentation included the functions of the Committee and the specific functions relating to Health and Safety, Alcohol Licensing, General Licensing and Registration, Taxi Licensing, Elections and Miscellaneous Provisions.</p> <p>RESOLVED that:-</p> <p>(a) the officers be thanked for the presentation; and</p> <p>(b) copies of the presentation slides be circulated to members of the Committee.</p>
Outcome	In progress.
Link Officer	Garry White
Subject	Changes to Licensing Act 2003
Type of Item	Policy review.
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on changes to the Licensing Act 2003 (copy of report lc-120529-r02-mho circulated with agenda and appended to signed minutes).</p> <p>RESOLVED that:-</p> <p>(a) the changes to the Licensing Act 2003 as a result of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012 as highlighted in the report be noted;</p>

	<p>(b) the officers be requested to update the Council's Licensing Policy to take account of these changes; and</p> <p>(c) the officers be requested to seek assurances from the police that test purchase operations from licensed premises will be maintained.</p>
Outcome	The Licensing policy will be updated later in the year as there are further changes to take effect in October. A letter is being drafted to the Police regarding Test Purchase operations.
Link Officer	Mandy Hovey
Subject	Monitoring the Range of Licensable Premises Activities
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the work of the Licensing Team (copy of report lc-120529-r04-iri circulated with agenda and appended to signed minutes).</p> <p>RESOLVED that the report be noted.</p>
Outcome	Complete.
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme 2012/13
Type of Item	Programming
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the Committee's work programme for 2012/13 (copy of report lc-120529-r03-gwh circulated with agenda and appended to signed minutes).</p> <p>RESOLVED that:-</p> <p>(a) the item 'Revised Gambling Policy' (in conjunction with Gosport Borough Council) be added to the work programme for 10 July 2012;</p> <p>(b) the item 'Enforcement Policy' be added to the work programme for 10 July 2012;</p> <p>(c) the unallocated item 'Health and Safety Enforcement' be added to the programme for 20 November 2012;</p>

	<p>(d) the item 'Licensing Policy' be added to the work programme for 22 January 2013;</p> <p>(e) subject to (a) - (d) above, the work programme for 2012/13 as shown in Appendix A to the report be agreed; and</p> <p>(f) the information contained in the progress report, as shown in Appendix B to the report, be noted.</p>
Outcome	Work programme amended accordingly.
Link Officer	Garry White
Date of Meeting	10 July 2012
Subject	Annual Taxi Renewals
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the annual renewal of Hackney carriage vehicle licences (copy of report lc-120710-r02-hsp circulated with agenda).</p> <p>RESOLVED that:-</p> <p>(a) the content of the report and the work involved with the annual Hackney Carriage and Private Hire Vehicle Renewals be noted;</p> <p>(b) the officers be requested to inform Hampshire County Council that the Committee had again raised the question of vouchers issued to some residents and that some taxi companies would not accept them because of the need to take them or send them to Winchester to cash them in; and</p> <p>(c) consideration be given at the Committee meeting on 18 September 2012, as part of the Review of the Hackney Carriage Tariff item, to whether acceptance of the vouchers should be included in the conditions for taxi companies operating in the Borough and whether arrangements for cashing them in should be extended to those companies outside the Borough that provided specific services to patients at Queen Alexandra Hospital, Portsmouth and the Gosport War Memorial Hospital.</p>
Outcome	Report on Tariff to go to September meeting. Separate report on drivers' conditions, including the voucher system, to be submitted to a future meeting.

Link Officer	Ian Rickman
Subject	Actual Revenue Expenditure 2011/12
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Finance and Resources on the Committee's actual revenue expenditure for 2011/12 (copy of report lc-120710-r03-nwo circulated with agenda).</p> <p>RESOLVED that:-</p> <p>(a) the report be noted; and</p> <p>(b) the officers be requested to review the figures in Appendix A to the report with regard to hackney carriage and private hire vehicles to ensure that in future they include reference to the cost of Members attending the various licensing meetings and training sessions.</p>
Outcome	Complete.
Link Officer	Neil Wood
Subject	Revised Statement of Principles Under the Gambling Act 2005
Type of Item	Policy Review
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the revised Statement of Principles under the Gambling Act 2005 (copy of report lc-120710-r04-mho circulated with agenda).</p> <p>It was noted that there was a requirement for the Statement of Principles to be revised and published (following consultation) every three years. It was also noted that the Statement could be revised within the three years if necessary. The consultation process included publishing the Draft Statement on the Council's web site.</p> <p>RESOLVED that:-</p> <p>(a) paragraphs 8 and 12 on pages 7 and 8 of the Revised Statement of Principles (Appendix A to the report) be amended</p>

	<p>by deleting the word 'approximately' and inserting a date when the number of establishments applied to;</p> <p>(b) subject to (a) above, the draft revised statement of principles be approved for the purposes of statutory consultation;</p> <p>(c) a further report be presented to the meeting on 20 November 2012 setting out the feedback and responses from the consultation for consideration by the Committee prior to the revised Statement of Principles being recommended to Council for adoption; and</p> <p>(d) it be noted that, at the meeting on 20 November 2012, the Committee could submit its view to the Council about whether the “No Casino” policy should be renewed.</p>
Outcome	Consultation has begun.
Link Officer	Ian Rickman
Subject	Enforcement Policy
Type of Item	Policy Review
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the review of the Council's Enforcement Policy (copy of report lc-120710-r05-iri circulated with agenda).</p> <p>It was noted that the draft revised policy would go through a consultation process, the results of which would be reported to the meeting of the Committee on 20 November 2012. It was further noted that the same draft policy was also being submitted to the Public Protection Policy Development and Review Panel and the Executive in respect of those functions delegated to the Executive.</p> <p>RESOLVED that:-</p> <p>(a) it be noted that paragraphs 46.0 and 47.0 on page 14 of the draft policy were the same and that the officers be requested to amend the draft policy accordingly;</p> <p>(b) the officers be requested to take into consideration the comments made in relation to the phrase 'minor breach of the law' in paragraph 27 of the revised policy;</p> <p>(c) the officers be requested to include a reference in the policy to the joint working between Environmental Health and other agencies, such as the Hampshire Fire and Rescue Service and Hampshire County Council Trading Standards;</p>

	<p>(d) the officers be requested to advise the Public Protection Policy Development and Review Panel of (c) above;</p> <p>(e) the written answer to Councillor Whittle in respect of the officers' powers under the Housing Act be forwarded to other members of the Committee for information;</p> <p>(f) subject to (a), (b) and (c) above, the revised Regulatory Services Environmental Health Enforcement Policy attached as Appendix A to the report be approved for consultation insofar as it relates to the functions of this Committee; and</p> <p>(g) the results of the consultation be considered at the November meeting of the Committee prior to it being considered by the Executive in respect of those functions that fall within its responsibility.</p>
Outcome	Consultation has begun.
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme 2012/13
Type of Item	Programming
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the Committee's work programme for 2012/13 (copy of report lc-120710-r01-gwh circulated with agenda).</p> <p>RESOLVED that:-</p> <p>(a) <i>Gambling Policy - Results of Consultation</i> be added to the work programme on 20 November 2012 (minute 8 above refers);</p> <p>(b) <i>Health and Safety Enforcement</i> on 20 November 2012 be re-named <i>Health and Safety Enforcement Feedback</i> (minute 9 above refers);</p> <p>(c) <i>Review of Hackney Carriage Tariff</i> on 18 September 2012 be re-named to take into account that Hampshire County Council Vouchers and Drivers' Conditions would also be considered (minute 6 above refers);</p> <p>(d) It be noted that a Law Commission consultation was currently taking place on hackney carriage licensing laws, which would lead to proposed legislation in November 2013 that would include reference to taxi provision for people with disabilities;</p>

	<p>(e) <i>Review of Parliamentary Boundaries and Constituencies</i> be added to the work programme as an unallocated item;</p> <p>(f) Subject to (a), (b), (c) and (e) above, the Licensing and Regulatory Affairs Committee Work Programme for 2012/13, as shown in Appendix A to the report, be agreed; and</p> <p>(g) the information contained in the progress report, as shown in Appendix B to the report, be noted.</p>
Outcome	Work Programme amended accordingly. See item on annual renewals on page 7 in relation to (c) above
Link Officer	Garry White
Date of Meeting	18 September 2012
Subject	Review of Hackney Carriage Tariff
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the annual review of the hackney carriage tariff (copy of report lc-120918-r01-hsp circulated with agenda).</p> <p>RESOLVED that:-</p> <p>(a) as no request had been received from the Fareham taxi trade for an increase in the tariff this year, the current tariff continue unchanged; and</p> <p>(b) with reference to minute 6 of the meeting held on 10 July 2012, it be noted that an item had been included on the Committee's work programme for consideration to be given to reviewing the hackney carriage and private hire drivers' and vehicle conditions (minute 9 below also refers).</p>
Outcome	Report on hackney carriage/private hire conditions to go to the meeting on 20 November 2012
Link Officer	Helen Spires
Subject	Six Monthly Monitoring Report on Applications Received
Type of Item	Monitoring
Action by	The Committee considered a report by the Director of Regulatory and Democratic Services on the work of the Licensing Team

Committee	(copy of report lc-120918-r03-iri circulated with agenda). It was noted that the Total Income figure for 2011/12 in Table 2 in Appendix A to the report should have been shown as £12,740. RESOLVED that the report be noted.
Outcome	Complete.
Link Officer	Ian Rickman
Subject	Electoral Wards - Minor Boundary Changes
Type of Item	Monitoring
Action by Committee	The Committee considered a report by the Director of Regulatory and Democratic Services on minor boundary changes to electoral wards (copy of report lc-120918-r04-ewi circulated with agenda). The report set out the discrepancies between the approved map and the register of electors following the most recent periodic electoral review. RESOLVED that:- (a) the revised register of electors be published at the conclusion of the annual audit to reflect the approved scheme; and (b) the electors concerned be advised of the change to the electoral ward and polling station in advance of the next election
Outcome	Complete.
Link Officer	Elaine Wildig
Subject	Licensing and Regulatory Affairs Committee Work Programme 2012/13
Type of Item	Programming
Action by Committee	The Committee considered a report by the Director of Regulatory and Democratic Services on the Committee's work programme for 2012/13 (copy of report lc-120918-r02-gwh circulated with agenda). RESOLVED that:-

	<p>(a) the unallocated item, 'Review of Hackney Carriage and Private Hire Drivers' and Vehicle Conditions' be assigned to the meeting on 20 November 2012;</p> <p>(b) in addition to the training session with an external trainer for members of the Committee referred to in minute 3 above, it be noted that an additional, in-house members' licensing training session, for all members of the Council, was due to be arranged;</p> <p>(c) the Committee receive an annual report summarising the cases considered at meetings of the Licensing Panel;</p> <p>(d) subject to (a) and (c) above, the Committee's work programme for 2012/13, as shown in Appendix A to the report, be agreed; and</p> <p>(e) the information contained in the progress report, as shown in Appendix B to the report, be noted.</p>
Outcome	(a) and (c) complete.
Link Officer	Garry White
Date of Meeting	22 January 2013 - Meeting Cancelled
Date of Meeting	19 March 2013
Subject	Health and Safety Service Plan
Type of Item	
Action by Committee	
Outcome	
Link Officer	Juli Treacy
Subject	Monitoring Report for Applications Received
Type of Item	
Action by	

Committee	
Outcome	
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme 2012/13 and Draft for 2013/14
Type of Item	
Action by Committee	
Outcome	
Link Officer	Garry White

LICENSING AND REGULATORY AFFAIRS COMMITTEE – WORK PROGRAMME 2013/14

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
28 MAY 2013	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee Committee work programme 2013/14	
9 JULY 2013	Committee work programme 2013/14 Annual Taxi Vehicle Renewals Actual Revenue Expenditure 2012/13	
17 SEPTEMBER 2013	Review of Hackney Carriage Tariff Committee work programme 2013/14 Six- monthly Monitoring Report on Applications Received	
19 NOVEMBER 2013	Spending Plans 2014/15 Committee work programme 2013/14	
21 JANUARY 2014	Committee work programme 2013/14	
18 MARCH 2014	Committee work programme 2013/14 and draft for 2014/15 Monitoring Report on Applications Received Annual Health and Safety Service Plan	

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