

FAREHAM

BOROUGH COUNCIL

AGENDA

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Date: Tuesday, 18 March 2014

Time: 6:00 pm

Venue: Collingwood Room - Civic Offices, Fareham

Members:

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors Mrs S M Bayford

Miss S M Bell

Mrs M E Ellerton

M J Ford, JP

N R Gregory

T J Howard

L Keeble

Mrs K Mandry

D J Norris

R H Price, JP

Deputies: J S Forrest

Mrs S Pankhurst



1. Apologies for Absence

2. Minutes (Pages 1 - 4)

To confirm as a correct record the minutes of the meeting of the Committee held on 19 November 2013.

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. Individual Electoral Registration (Pages 5 - 10)

To consider a report by the Director of Regulatory and Democratic Services on Individual Electoral Registration.

7. Notice of Council Resolution Regarding Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis (Pages 11 - 14)

To consider a report by the Director of Regulatory and Democratic Services on the adoption of additional provisions relating to the Byelaws adopted under section 15 of the Local Government (Miscellaneous Provisions) Act 1982.

8. Monitoring Report on Applications Received (Pages 15 - 22)

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

9. Licensing and Regulatory Affairs Committee Work Programme 2013/14 (Pages 23 - 36)

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

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
10 March 2014

**For further information please contact:
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FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Tuesday, 19 November 2013

Venue: Collingwood Room - 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, J S Forrest (deputising for D J Norris),
T J Howard, L Keeble, Mrs K Mandry and R H Price, JP.

Also Present: Councillor Mrs K K Trott (minute 7)



1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D J Norris and N R Gregory.

2. MINUTES

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 17 September 2013 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct, the following Members declared interest in the matters indicated:

Councillor Mrs K K Trott – Street Trading Concessions – minute 7;

Councillor L Keeble – Street Trading Concessions – minute 7;

Councillor Miss S M Bell – Review of Polling Districts and Polling Places – minute 6;

Councillor Mrs K Mandry – Review of Polling Districts and Polling Places – minute 6;

Councillor M J Ford – Review of Polling Districts and Polling Places – minute 6;

Councillor Mrs M E Ellerton – Review of Polling Districts and Polling Places – minute 6;

Councillor R H Price – Review of Polling Districts and Polling Places – minute 6;

Councillor Mrs S M Bayford – Review of Polling Districts and Polling Places – minute 6.

5. DEPUTATIONS

The Committee received a deputation from Ms S Dunn in respect of minute 7 below, Street Trading Concessions.

RESOLVED that Ms Dunn be thanked for her deputation.

MATTER SUBMITTED FOR CONFIRMATION

6. REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Councillors Miss Bell (Portchester Community Centre), Mrs Mandry (Crofton Youth Centre), Ford (Victory Hall), Mrs Ellerton (Priory Park Community Hall), Price (Portchester Community Centre) and Mrs Bayford (Lockwood Community Centre) all declared personal non-pecuniary interests in this item, indicating that they had connections with the management committees of the buildings in which the polling stations shown were located.

The Committee considered a report by the Director of Regulatory and Democratic Services on a review of polling districts and polling places.

RECOMMENDED that:-

- (a) the amended scheme, as set out in Appendix A to the report, be approved;
- (b) the revised register of electors be published at the conclusion of the annual audit to reflect the approved scheme;
- (c) electors be advised of the changes to the electoral districts and polling stations in advance of the next election; and
- (d) a comprehensive review of the polling districts and polling places across the Borough be undertaken following the next scheduled elections to ensure a revised scheme is in place before 31 January 2015.

DECISIONS UNDER DELEGATED POWERS

7. STREET TRADING CONCESSIONS

Councillors Mrs Trott and Keeble declared personal non-pecuniary interests in this item, indicating that they were occasional customers of Dunns Catering.

The Committee's attention was drawn to the deputation referred to in minute 5 above.

At the invitation of the Chairman, Councillor Mrs Trott addressed the Committee during the consideration of this item.

The Committee considered a report by the Director of Regulatory and Democratic Services on Street Trading Concessions.

RESOLVED that Option 1 as detailed in paragraph 8 of the report be approved, as follows:

Subject to continued compliance with the Council's Street Trading Policy and Conditions, the existing trader's consent continue to be renewed annually for a further period of five years; and the three vacant consents be advertised and the Licensing Trading Concessions Panel select the traders it deems to have the most appropriate commercial offer for Fareham Town Centre and offer the three vacant consents to those traders; all consents would be renewed annually for a further five year period subject to compliance with the Council's Street Trading Policy and Conditions.

8. SPENDING PLANS 2014/15

The Committee considered a report by the Director of Finance and Resources on spending plans for 20014/15.

It was noted that the Licences and Fees shown in Appendix A to the report included several new fees as a result of the Scrap Metal Dealers Act 2013, which came into force on 1 October 2013.

RESOLVED that:-

- (a) the revised budget for 2013/14 be approved;
- (b) the fees and charges for 2014/15 be approved;
- (c) the base budget for 2014/15 be approved; and
- (d) the officers be requested to arrange for a press release and an article in Fareham Today to advise residents of the provisions of the Scrap Metal Dealers Act 2013.

9. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME

The Committee considered a report by the Director of Regulatory and Democratic Services on the Committee's Work Programme for 2013/14.

RESOLVED that:-

- (a) a members' training session be arranged prior to the scheduled meeting on Tuesday 21 January 2014;
- (b) subject to the availability of the trainers, the training session be arranged to commence at 4pm and to be of no more than two hours duration;
- (c) it be noted that the training would be carried out by Peter Savill, of the Legal Chambers used by the Southampton and Fareham Legal Partnership, together with Ben Attrill, a solicitor from the Partnership;
- (d) it be noted that there were currently no items of business for the meeting on 21 January 2014 and that, if no urgent matters arose in the meantime, the meeting might be cancelled;
- (e) the unassigned item on Individual Elector Registration (IER) be added to the work programme for 18 March 2014;
- (f) subject to (a) and (e) above, the work programme for 2013/14, as shown on Appendix A to the report, be confirmed; and
- (g) the progress on actions since the last meeting of the Committee, as shown in Appendix B to the report, be noted.

(The meeting started at 6.00 pm
and ended at 6.41 pm).

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **18 March 2014**

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

Subject: **INDIVIDUAL ELECTORAL REGISTRATION**

SUMMARY

The current system of electoral registration will be replaced by individuals making an application to register individually and providing personal identifiers such as date of birth and national insurance number. This report sets out the fundamental changes to the current registration to vote system that becomes effective from June 2014.

RECOMMENDATION

The Committee is recommended to:

- (a) Note the proposed changes to the current electoral registration system;
- (b) Consider whether a briefing should be arranged to advise all members of the Council of the forthcoming changes to electoral registration;
- (c) Identify opportunities to assist in the implementation and promotion of the IER scheme;
- (d) Agree that a further report be presented to the Committee to review the implementation of IER following the publication of the register of electors on 1 December 2014.

INTRODUCTION

1. In 2010, the Coalition Government announced its intention to accelerate the implementation of Individual Electoral Registration (IER). The Electoral Registration and Administration Act 2013 received Royal Assent on 31 January 2013.
2. From 10 June 2014, the Electoral Registration Officer (ERO) will be required to begin the transition from the current rolling and household registration to IER. This will have a significant effect on the registration of electors in England, Wales and Scotland by changing the household based system to one that requires each individual to be registered individually. IER was introduced in a slightly different format in Northern Ireland in 2002.
3. The Government recognises that the transition to IER will be an extremely challenging task as it is the most significant change to the electoral registration system for many years. The changes are aimed at modernising and improving the electoral registration system, creating one that has a better protection against fraud and that is more convenient for citizens to register and vote.

THE CURRENT REGISTRATION SYSTEM

4. The vast majority of electors currently register via the annual household canvass where a form is sent to the "the occupier(s)" of each borough address. One person signs and returns the form on behalf of everyone living in that household. No changes to the form can be recorded by one person confirming details by internet, phone or SMS. Outside the canvass period, a smaller number of people register via rolling registration, where individuals are responsible for completing and then signing their own registration form.

THE IER REGISTRATION SYSTEM

5. From 10 June 2014, the system of IER will commence. All individuals registered on the final update of the electoral register published on 1 July will go through a process of data-matching against Department of Work and Pension (DWP) data to confirm existing electors for addition to a new IER register.
6. Only those elector records that exactly match name and address with DWP data will be added to the register at this stage. The ERO will write to those who are successfully matched to let them know they are registered under IER and that the recipient need take no further action other than to check their details.
7. For those electors who are not matched, the ERO will attempt a further match against local data sets held by the Council such as Council Tax records. If again there is no match, the ERO will write to each elector inviting them to supply personal identifiers so they can be registered individually and therefore added to the new IER register. These electors will be required to provide their name, national insurance number (NINO) and date of birth. These personal identifiers will be checked against DWP data before registering the elector under IER.
8. Electors who do not return their invitation to register will be sent at least two reminders and in the event of non-response, be personally canvassed by a representative of the Council.
9. All eligible electors once invited will be required to register by law. If they fail to

comply, they may be liable to be fined through a Civil Penalty Charge Notice. This would be administered by the local authority but the proceeds would be sent to central government.

10. Electors who return their invitations but fail the subsequent DWP match will be asked to resubmit. If the details are incorrect or the elector cannot provide the identifiers required, residents must supply other forms of identification to the elections office to prove their eligibility.
11. Whilst every individual who is on the pre-IER register who remains resident at their address will remain on the voting register during the transition to IER (including for the 2015 UK Parliamentary Elections) they will be removed if they have not yet been confirmed by the time the transition is complete in December 2015.
12. IER will be the only way to register for new entries from 10 June 2014.
13. Electors who currently vote by post or proxy but who are not confirmed by 1 December 2014 will lose their entitlement to an absent vote after that date. To re-apply, they must successfully register under IER first.
14. Throughout the transition period and beyond, all potential electors will need to be aware they must update their details if they move house or change name. A national awareness campaign will be run from 1 July – 8 August and local campaigns will be conducted such as attending CATS and local amenity group meetings. New applicants will be able to register either by contacting the elections office for a form or giving the details by phone or email or applying online through the direct.gov central government website.
15. New duties are required outside the canvass period and The Electoral Registration and Administration Act requires the ERO to take more active steps (two letters and a door knock) when they become aware of potential new electors, incurring a greater cost when electors do not respond immediately. Reviews must also be conducted before removing electors which may require personal visits. A proactive approach will be achieved by working with partners such as council tax, the registrar's office, housing benefits and the Council's "tell us once" procedure. In all instances those newly discovered residents will be invited to register individually.

PREPARATION, PLANNING AND IMPLEMENTATION OF IER

16. A successful transition to IER will be achieved through planning, effective use of IT software and available data, well run processes and procedures to ensure a complete and accurate pre and post IER register and an effective public engagement strategy using the methods that will best reach the residents of Fareham.
17. To support the activities and initiatives required, a project management approach will be implemented for the transition. This will include a project plan, the establishment of a working party, a risk register, including a public engagement strategy and a training plan for all electoral administrative staff and key stakeholders involved in the process.

RESOURCE

18. The transition to IER will result in electoral registration costs rising, certainly in the

short-term. The government has committed to funding this cost over and above the current cost of electoral registration.

19. Funding will be calculated using an algorithm across the country and distributed by direct payments via non ring-fenced grants under Section 31 of the Local Government Grant Act 2003. Several IER grants will be paid between 2013/14 and 2014/15. £6800 has already been allocated, which is currently being spent on new software, scanners to deal with A3 size forms and staff training. A further £4,500 will be allocated for local engagement projects, with a further £20,000 to cover increased local costs such as new, prescribed forms and envelopes, writing to every person rather than every household and additional staff required to process forms and make personal visits during the year.

CHALLENGES

20. Fareham currently has an excellent register of electors in terms of both accuracy and completeness. The rate of return from the last canvas was 98.17%, which is in the top quartile in the country and is usually the best in Hampshire.
21. There is real concern that the completeness of the register will significantly fall on the move to individual registration as individuals will be unwilling, or unable to provide personal identifiers such as a national insurance number.
22. In 2013, a data matching dry run was undertaken across the country to ascertain the amount of work to be undertaken. Preliminary findings suggested an average match rate across the country was 70%. In Fareham, the figures were 84.4% green matches (75,509 electors), 14.4% amber (1,119) and 1.2% red (12,832). All green matches must be sent a confirmation letter in a separate envelope to each elector and all amber and red require further investigation and correspondence with the elector.
23. An additional challenge in terms of printing is the recent decision by the government to prescribe the new forms to be used in A3 size (A3 folded to A4 to form 4 pages). The wording of the front of envelopes is also prescribed. This will result in increased, ongoing, printing, scanning and postage costs.
24. It is therefore vitally important that Fareham plans to avoid a significant fall on its register of electors. It is believed this can be avoided by applying the following best practice measures:
 - Effective IT systems and expertise to enable data mining and matching for IER invitations and reviews;
 - Effective and well-co-ordinated public engagement and information strategies;
 - Well trained electoral administration staff and casual year round canvassing staff;
 - Clear forms, information and correspondence to the public;
 - Disseminating of IER facts to Members so they can assist in publicising and provide information to the electorate at meetings and surgeries etc.

RISK ASSESSMENT

25. The Electoral Registration Officer has a statutory duty under the Representation of the People Act 1983, as amended by the Electoral Registration and Administration Act 2013, to maintain a complete and accurate Register of Electors.

CONCLUSION

26. This report sets out the changes to be implemented with the introduction of Individual Electoral Registration. Procedures are being developed to ensure the adjustments can be implemented by well-trained officers, able to assist electors in a professional manner when dealing with inevitable questions arising during the transition period. Members may also consider a briefing arranged for all members may be appropriate as this will affect the whole Borough.
27. A further report will be prepared for members of this Committee to assess the impact after the register of electors is published on 1 December 2014.

Background Papers:

The Electoral Registration and Administration Act 2013

Reference Papers:

None

Enquiries:

For further information on this report please contact Elaine Wildig (Ext 4587).

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **18 March 2014**

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

Subject: **NOTICE OF COUNCIL RESOLUTION REGARDING TATTOOING,
SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING
AND ELECTROLYSIS**

SUMMARY

This report highlights the need to adopt additional provisions that will give this Authority specific powers to exercise regulatory control over persons carrying on the business and practice of cosmetic piercing and skin-colouring in relation to the Byelaws adopted under section 15 of the Local Government (Miscellaneous Provisions) Act 1982.

RECOMMENDATION

That the Council be recommended to adopt Section 120 of the Local Government Act 2003 to enable the existing Byelaws made under Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 to be extended to apply to cosmetic piercing and semi-permanent skin colouring.

INTRODUCTION

1. The Byelaws for Skin Piercing and Tattooing were adopted under the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA1982). The purpose of these Byelaws was to secure the cleanliness of registered premises and fittings and the operators were also to be registered to secure their personal cleanliness whilst giving these treatments.
2. In 2003 the Department of Health arranged for provisions to be included in the Local Government Act 2003 (LGA2003), section 120 Schedule 6 to amend section 15 of the Local Government (Miscellaneous Provisions) Act 1982. The measures came into force in April 2004.
3. The provisions in section 120 of the LGA2003 add cosmetic piercing and semi-permanent skin-colouring businesses to section 15 of the LGMPA 1982 so that local authorities may compel persons carrying on such businesses to register operators and their premises.
4. Section 120 also introduced new terminology for simplicity and clarity as follows:
 - Ear piercing and cosmetic body piercing are encompassed in the single term **“cosmetic piercing”**.
 - Micro-pigmentation, semi-permanent make-up and temporary tattooing are covered by the umbrella term **“semi-permanent skin-colouring”**. Semi-permanent skin colouring is defined as **“the insertion of semi-permanent colouring into a person’s skin”**.This approach allows for other similar activities to be covered in future.
5. In recent years there has been an increase in these types of treatment within the Borough and therefore it is now appropriate to adopt the additional provisions.

PROPOSAL

6. The Guidance to the Act allows local authorities who have already adopted the Byelaws for Skin Piercing and Tattooing under section 15 of the LGMPA1982 to automatically apply the registration and byelaws regime to cosmetic piercing and semi-permanent skin colouring.
7. Section 16 of the LGMPA 1982 also applied to cosmetic piercing and semi-permanent skin colouring businesses. It provides for offences and non-custodial penalties (summary conviction and fine) for trading without local authority registration (whether of a person or premises) on conviction. When cancellation of registration happens, the court may order a fine, increased on a daily basis for late surrender of the cancelled registration certificate. There is also an offence of not displaying a certificate of registration or byelaws (for which a person is liable on summary conviction to a fine).
8. The Fees in place under the LGMPA 1982 will also apply to both cosmetic piercing and semi-permanent skin colouring.

RISK ASSESSMENT

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

CONCLUSION

10. That Fareham Borough Council be advised to adopt the provisions of the LGA 2003 outlined in this report to enable the local authority to automatically apply the registration and byelaws regime to semi-permanent skin colouring and cosmetic piercing that has already been adopted for skin piercing and tattooing.

Background Papers:

Local Government Act 2003, Guidance on Section 120 and Schedule 6
Regulation of Cosmetic Piercing and Skin-Colouring Businesses

Reference Papers:

None.

Enquiries:

For further information on this report please contact Mandy Hovey (Ext 4428).

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **18 March 2014**

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

Subject: **MONITORING REPORT ON 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

2. 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.
3. 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.
4. 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.
5. The current total number of licences are as follows:-

Members' Clubs Certificates	32
Premises Licences (with alcohol)	275

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

Licensing Panels	92
Reviews	10
Taxi Hearings	65

PERSONAL LICENCES

6. Currently there are 1120 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. The government has now indicated that the requirement to renew personal licences may be removed.

GAMBLING

7. 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.
8. 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

9. 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.
10. Regular licensing panels are held to determine drivers' applications e.g. where convictions are presented on the Criminal Records Bureau Check.
11. The numbers of applications and associated income over the last five financial years can be seen at Appendix A, table 3.

ANIMAL LICENSING

12. 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.
13. The numbers of applications and associated income over the last five financial years can be seen at Appendix A, table 4.

SKIN PIERCING

14. 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.
15. The numbers of applications and associated income over the last five financial years can be seen at Appendix A, table 5.

SCRAP METAL

16. In October last year, the Scrap Metal Dealers Act 2013 replaced the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001. This introduced an updated regulatory regime for the scrap metal dealing and vehicle dismantling industries. Whereas before there was a licensing regime for Scrap Metal Dealers, the new regime also catches Scrap Metal Collectors. Since the new arrangements took effect, a number of applications have been received from both Dealers and Collectors as detailed in Appendix A, Table 6 below.

RISK ASSESSMENT

17. The Licensing 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.
18. Despite the economic downturn the income being generated in this area is remaining fairly constant.
19. This report details only the main work areas and therefore the total actual income will vary to 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	2009/10		2010/11		2011/12		2012/13		2013/14 to date	
	No.	£	No	£	No	£	No	£		
Application to vary licence holder / DPS / Minor Variations	68	52,361	72	54,650	70	56,660	75	59,864.90	45	72,198
Premises new Applications/ variations /	34	(incl. annual fees)	42	(incl. annual fees)	34	(incl. annual fees)	21	(incl. annual fees)	13	
Temporary Event	180	3,780	182	3,822	204	4,284	234	4,914	216	4,538
Personal Licences	96	3,552	76	2,812	81	2,997	64	2,368	71	2,627
TOTAL	378	59,693	372	61,284	389	63,941	394	67,151.90		75,589

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Table 2. - Gambling / Charitable Activities

Gambling/Charity	2009/10	2010/11	2011/2012	2012/2013	2013/14 to date	Renewal
Gambling Act 2005	28	24	16	24	61	Annual
Lotteries	80	80	75	79	89	1 January
House to House	24	34	32	29	25	One off
Street Collections	206	195	205	162	121	One off
Total Income	£14,160	£16,730	£9815	£11,190	£16,060	

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

	2009/10		2010/11		2011/12		2012/13		2013 to date	
	No.	Income £	No.	Income £	No.	Income £	No.	Income £	No.	Income £
Initial Dual Driver	6	690	9	1,035	3	345	15	1,725	11	1,265
Renewal Dual Driver	41	3,567	44	3,828	40	3,480	37	3,219	45	3,915
Total	47	4,287	53	4,863	43	3,825	52	4,944	56	5,170
Initial PH Driver	6	480	14	2,590	5	400	23	1,840	8	640
Renewal PH Driver	28	1,680	21	1,260	21	1,260	26	1,560	25	1,500
Total	34	2,160	35	3,850	26	1660	49	3,400	33	2,140
Initial HC Driver	10	800	5	400	12	960	17	1,360	8	640
Renewal HC Driver	217	13,020	185	11,100	185	11,100	186	11,160	163	9,870
Total	237	13,820	190	11,500	197	12,060	203	14,520	171	10,510
Initial HC Vehicle	10	1,850	16	2,960	19	3,515	25	4,625	16	2,960
Renewal HC Vehicle	210	38,850	236	43,660	212	39,220	227	41,995	23	4,255
Initial PH Vehicle	12	2,220	14	2,590	14	2,590	20	3,700	24	4,440
Renewal PH Vehicle	35	6,475	44	8,140	36	6,660	33	6,105	5	925
Total	267	49,395	310	57,350	291	51,985	305	56,425	68	12,580
Initial Operator	2	370	1	185	2	370	0	0	4	740
Renewal Operator	12	2,220	11	2,035	7	1,295	6	1,110	7	1,295
Total	14	2,590	12	2,220	9	1665	6	1,110	11	2,035
Transfer HC MAY to OCT	22	4,070	0	0	15	1,287.50	2	185	12	1,110
Transfer HC MAR - APR	6	1,110	0	0	4	740	2	370	4	740
Transfer HC NOV - FEB	13	1,202.50	9	832.50	9	832.50	15	1,387.50	12	1,110
Total	41	6,382.50	9	832.50	28	2860	19	1,942.50	28	2,960
Transfer PH MAY - OCT	5	925	4	740	1	92.50	2	185	2	185
Transfer PH MAR - APR	0	0	0	0	0	0	0	0	0	0
Transfer PH NOV - FEB	3	277.5	4	185	1	92.50	2	185	0	0
Total	8	1,202.5	8	925	2	185	4	370	2	185
Temp Transfer	13	2,405	15	2,775	13	2,405	7	1,295	16	2,960
Total	13	2,405	15	2,775	13	2,405	7	1,295	16	2,960
Total	661	82,207	623	84,315.50	609	76,645	645	84,006.50	385	38,540

Table 4. - Animal Licensing

Animal Licensing	2009/10	2010/11	2011/2012	2012/2013	2013 to date	Renewal
Pet Shops	7	6	6	4	4	1 January
Boarding Ests.	19	20	24	34	23	1 January
Breeders	1	1	1	1	1	1 January
Riding Ests.	4	3	4	4	3	1 January
DWA	0	0	0	0	0	N/A
Zoo	0	0	0	0	0	N/A
Total Income	£4,709	£4,640	£3,948	£6,376	£5,745	

Table 5. - Skin Piercing

Byelaws	2009/10	2010/11	2011/12	2012/13	2013 to date	
Electrolysis & Ear piercing, Acupuncture & Tattoo	2	1	1	12	5	Once only registration
						Once only registration
Total Income	£130	£61	£126	£696	£399	

Table 6. - Miscellaneous

Miscellaneous	2009/10	2010/11	2011/12	2012/13	2013 to date	Renewal
Scrap metal	0	0	0	0	7	3 yearly
Motor Salvage	0	1	0	0	1	N/A
Sex shop	0	0	0	0	0	N/A
Street Trading	4	3	3	1	0	Annual
Total Income	£4,305	£2,700	£2,790	£1,560	£1,065	

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **18 March 2014**

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

Subject: **LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK
PROGRAMME 2013/14 AND DRAFT FOR 2014/15**

SUMMARY

At the last Committee meeting, in November, the Work Programme for 2013/14 was updated. Members are now requested to give consideration to the draft Work Programme for 2014/15 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 2013/14, attached as Appendix A to the report, be noted; and
- (b) that consideration be given to the proposed draft Work Programme for 2014/15, attached as Appendix B to the report.

INTRODUCTION

1. At the Committee meeting on 19 November 2013, the Work Programme for 2013/14 was updated. The Committee meeting scheduled for 21 January 2014 was cancelled, although a members' training session was held on that day.

MONITORING

2. Details of progress on actions arising from matters considered at previous committee meetings in 2013/14 are shown in Appendix A, for members' information

DRAFT WORK PROGRAMME FOR 2014/15

3. A draft work programme for 2014/15 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.
4. At the Council meeting on 12 December 2013, it was confirmed that the annual meeting of the Council would be held on 29 May 2014 following the introduction of legislation to vary the date of local government elections. As a result, the Committee's first scheduled meeting of the 2014/15 municipal year, 6 May 2014, now falls within the extended 2013/14 municipal year. It has therefore been added to the 2013/14 work programme and items have been assigned to it as shown in Appendix A. The item of business that normally goes to the first meeting in the municipal year, a presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee, has been carried over to the revised first meeting of the 2014/15 municipal year, 8 July 2014.

RISK ASSESSMENT

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

CONCLUSION

The Committee is invited to:-

- (i) note progress on matters considered by the Committee during 2013/14, as shown in Appendix A; and
- (ii) give consideration to formulating a draft Licensing and Regulatory Affairs Committee Work Programme for 2014/15, 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 2013/14 Work Programme

APPENDIX B – Draft Work Programme for 2014/15

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Licensing and Regulatory Affairs Committee – 18 March 2014

Progress on Actions from 2013/14 meetings

Date of Meeting	28 May 2013
Subject	Petition
Type of Item	Petition
Action by Committee	<p>The Committee gave consideration to a petition received from Fareham Taxi Hackney Association requesting that the Council re-regulates the issuing of Taxi Hackney and Private Hire Plates in the Borough. The petition contained 141 names. Members' attention was drawn to the deputation referred to in minute 5 above. It was noted that the Government was undertaking a complete review of the law relating to the regulation of taxi and private hire vehicles and that a report and recommendations on the matter were due by the end of 2013.</p> <p>RESOLVED that:-</p> <p>(a) the officers be requested to submit a report to a future meeting of the Committee on the outcome of the Government review of the regulations; and</p> <p>(b) the report include details of the number of licensed hackney and private hire vehicles in Fareham and what work would need to be undertaken in order to consider controlling their number.</p>
Outcome	Item added to the work programme for 18 March 2014.
Link Officer	Ian Rickman
Subject	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee
Type of Item	presentation
Action by Committee	The Committee received a presentation from the Director of Regulatory and Democratic Services and the Head of Environmental Health 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, Licensing, General Licensing, Taxi Licensing and Elections.

	<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 and to all other members of the Council through the members' newsletter.</p>
Outcome	Complete.
Link Officer	Garry White
Subject	Licensing and Regulatory Affairs Committee Work Programme
Type of Item	Programming
Action by Committee	<p>The Committee reviewed its work programme for 2013/14 (copy of report lc-130528-r01-gwh circulated with agenda).</p> <p>RESOLVED that:-</p> <p>(a) the report on taxi regulations (minute 6 above refers) be added to the work programme for 18 March 2014;</p> <p>(b) the six monthly monitoring reports received by the Committee be expanded to include some performance information;</p> <p>(c) Review of Hackney Carriage Tariff be removed from the work programme for 17 September 2013 as this would now be an Executive function;</p> <p>(d) Street Trading Concessions be added to the work programme as an unassigned item,</p> <p>(e) subject to (a), (b), (c) and (d) above, the work programme for 2013/14 as shown in Appendix A to the report be confirmed; and</p> <p>(f) the progress on actions since the last meeting of the Committee, as shown in Appendix B to the report, be noted.</p>
Outcome	Work programme amended accordingly.
Link Officer	Garry White

Date of Meeting	9 July 2013
Subject	Actual Revenue Expenditure
Type of Item	Monitoring.
Action by Committee	The Committee considered a report by the Director of Finance and Resources on the Committee's Actual Revenue Expenditure for 2012/13. RESOLVED that the report be noted.
Outcome	Complete.
Link Officer	Neil Wood
Subject	Annual Taxi Vehicle Renewals
Type of Item	Monitoring.
Action by Committee	The Committee considered a report by the Director of Regulatory and Democratic Services on the annual renewal of hackney carriage vehicle licences. RESOLVED that:- (a) the content of the report and the work involved with the annual Hackney Carriage and Private Hire Vehicle Renewals be noted; and (b) the Committee's thanks be conveyed to the Assistant Licensing and Regulatory Support Officer and the Licensing Enforcement and Regulatory Support Manager for their work in connection with the annual renewal of hackney carriage vehicle licences.
Outcome	Complete.
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme 2013/14
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 2013/14.</p> <p>RESOLVED that:-</p> <p>(a) the work programme for 2013/14, as shown in Appendix A to the report, be confirmed;</p> <p>(b) the progress on actions since the last meeting of the Committee, as shown in Appendix B to the report, be noted; and</p> <p>(c) the officers be requested to look into the possibility of using the next meeting date, 17 September 2013, for an in-house licensing training session.</p>
Outcome	Complete.
Link Officer	Garry White
Date of Meeting	17 September 2013
Subject	Integrated Inspection Scheme
Type of Item	Monitoring.
Action by Committee	<p>The Chairman welcomed Al Heinrich, Fareham Station Manager, Hampshire Fire and Rescue Service and PC Jason Pearce, Fareham Licensing Officer, Hampshire Constabulary, to the meeting.</p> <p>The Committee considered a report by the Director of Regulatory and Democratic Services on the introduction of joint inspection of licensed premises by the police, environmental health and fire and rescue services.</p> <p>Members received a presentation from the environmental health Food, Health & Safety, & Licensing Team Leader, the Police Licensing Officer for Fareham and the Fareham Station Manager, Hampshire Fire and Rescue Service, on the proposed trial of pre-planned multi-agency visits to high risk licensed premises in order to ensure that Premises Licence Holders are fully aware of the legal obligations placed upon them and to assist in achieving compliance.</p> <p>It was noted that a seminar on the trial scheme was to take place at Ferneham Hall on Wednesday 18 September 2013 and that there had been a very good response to it, with approximately 110 businesses having indicated that they would attend. Feedback from the seminar would be reported to a future meeting of the Committee.</p>

	<p>It was further noted that the pre-planned multi-agency visits would be part of a range of interventions, which would still include unannounced visits and spot checks.</p> <p>RESOLVED that:-</p> <p>(a) the trial, which will assist in ensuring that those higher risk licensed premises within the Borough comply with the legislation and the requirements of their premises licences, be endorsed;</p> <p>(b) the checking of noise limiters and their settings be included on the inspection list; and</p> <p>(c) the officers be thanked for their presentation.</p>
Outcome	In progress.
Link Officer	Juli Treacy
Subject	Six Monthly Report on Applications Received
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on licensing applications received.</p> <p>Members were advised that the Government had just recently commenced a consultation concerning the future of Personal Licences (paragraph 6 of the report refers).</p> <p>RESOLVED that the report be noted.</p>
Outcome	Complete.
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme
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 2013/14.</p> <p>RESOLVED that:-</p>

	<p>(a) the work programme for 2013/14, as shown in Appendix A to the report, be confirmed;</p> <p>(b) the progress on actions since the last meeting of the Committee, as shown in Appendix B to the report, be noted; and</p> <p>(c) it be noted that arrangements were being made for an in-house licensing training session to take place, involving the Head of Environmental Health, the Solicitor to the Council and the Licensing Solicitor; the training session would be tailored to Fareham members' needs and would be in a more two-way format than previous sessions.</p>
Outcome	(c) in progress.
Link Officer	Garry White
Date of Meeting	19 November 2013
Subject	Review of Polling Districts and Polling Places
Type of Item	Policy Review
Action by Committee	<p>Councillors Miss Bell (Portchester Community Centre), Mrs Mandry (Crofton Youth Centre), Ford (Victory Hall), Mrs Ellerton (Priory Park Community Hall), Price (Portchester Community Centre) and Mrs Bayford (Lockwood Community Centre) all declared personal non-pecuniary interests in this item, indicating that they had connections with the management committees of the buildings in which the polling stations shown were located.</p> <p>The Committee considered a report by the Director of Regulatory and Democratic Services on a review of polling districts and polling places.</p> <p>RECOMMENDED that:-</p> <p>(a) the amended scheme, as set out in Appendix A to the report, be approved;</p> <p>(b) the revised register of electors be published at the conclusion of the annual audit to reflect the approved scheme;</p> <p>(c) electors be advised of the changes to the electoral districts and polling stations in advance of the next election; and</p> <p>(d) a comprehensive review of the polling districts and polling places across the Borough be undertaken following the next scheduled elections to ensure a revised scheme is in place before 31 January 2015.</p>
Outcome	Confirmed at the Council meeting on 12 December 2013.

Link Officer	Elaine Wildig
Subject	Street Trading Concessions
Type of Item	Policy Review
Action by Committee	<p>Councillors Mrs Trott and Keeble declared personal non-pecuniary interests in this item, indicating that they were occasional customers of Dunns Catering.</p> <p>The Committee's attention was drawn to the deputation referred to in minute 5 above.</p> <p>At the invitation of the Chairman, Councillor Mrs Trott addressed the Committee during the consideration of this item.</p> <p>The Committee considered a report by the Director of Regulatory and Democratic Services on Street Trading Concessions.</p> <p>RESOLVED that Option 1 as detailed in paragraph 8 of the report be approved, as follows:</p> <p>Subject to continued compliance with the Council's Street Trading Policy and Conditions, the existing trader's consent continue to be renewed annually for a further period of five years; and the three vacant consents be advertised and the Licensing Trading Concessions Panel select the traders it deems to have the most appropriate commercial offer for Fareham Town Centre and offer the three vacant consents to those traders; all consents would be renewed annually for a further five year period subject to compliance with the Council's Street Trading Policy and Conditions.</p>
Outcome	Meeting of Licensing Trading Concessions Panel to be arranged in 2014.
Link Officer	Ian Rickman
Subject	Spending Plans 2014/15
Type of Item	Financial
Action by Committee	<p>The Committee considered a report by the Director of Finance and Resources on spending plans for 2014/15.</p> <p>It was noted that the Licences and Fees shown in Appendix A to the report included several new fees as a result of the Scrap Metal Dealers Act 2013, which came into force on 1 October 2013.</p> <p>RESOLVED that:-</p>

	<p>(a) the revised budget for 2013/14 be approved;</p> <p>(b) the fees and charges for 2014/15 be approved;</p> <p>(c) the base budget for 2014/15 be approved; and</p> <p>(d) the officers be requested to arrange for a press release and an article in Fareham Today to advise residents of the provisions of the Scrap Metal Dealers Act 2013.</p>
Outcome	In progress.
Link Officer	Neil Wood
Subject	Licensing and Regulatory Affairs Committee Work Programme
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 2013/14.</p> <p>RESOLVED that:-</p> <p>(a) a members' training session be arranged prior to the scheduled meeting on Tuesday 21 January 2014;</p> <p>(b) subject to the availability of the trainers, the training session be arranged to commence at 4pm and to be of no more than two hours duration;</p> <p>(c) it be noted that the training would be carried out by Peter Savill, of the Legal Chambers used by the Southampton and Fareham Legal Partnership, together with Ben Attrill, a solicitor from the Partnership;</p> <p>(d) it be noted that there were currently no items of business for the meeting on 21 January 2014 and that, if no urgent matters arose in the meantime, the meeting might be cancelled;</p> <p>(e) the unassigned item on Individual Elector Registration (IER) be added to the work programme for 18 March 2014;</p> <p>(f) subject to (a) and (e) above, the work programme for 2013/14, as shown on Appendix A to the report, be confirmed;</p>

	and (g) the progress on actions since the last meeting of the Committee, as shown in Appendix B to the report, be noted.
Outcome	The members' training session took place at 4pm on 21 January 2014. The Committee meeting scheduled for 21 January 2014 was cancelled. Individual Elector Registration was added to the work programme for 18 March 2014.
Link Officer	Garry White
Date of Meeting	21 January 2014
	Meeting Cancelled
Date of Meeting	18 March 2014
Subject	Committee Work Programme 2013/14 and Draft for 2014/15
Type of Item	Programming
Action by Committee	
Outcome	
Link Officer	Garry White
Subject	Monitoring Report on Applications Received
Type of Item	Monitoring
Action by Committee	
Outcome	
Link Officer	Ian Rickman
Subject	Individual Electoral Registration
Type of Item	Policy Review
Action by Committee	
Outcome	
Link Officer	Elaine Wildig

Subject	Notice of Council Resolution Regarding Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis
Type of Item	Policy Review
Action by Committee	
Outcome	
Link Officer	Mandy Hovey
Date of Meeting	6 May 2014
Subject	Policy Statements Relating to the LGPS 2014 Regulations
Type of Item	
Action by Committee	
Outcome	
Link Officer	Neil Wood
Subject	Work Programmes – 2013/14 and 2014/15
Type of Item	
Action by Committee	
Outcome	
Link Officer	
Subject	Annual Report on Licensed Premises and Community Safety
Type of Item	
Action by Committee	
Outcome	
Link Officer	Garry White

LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME
2014/15

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
6 MAY 2014		
8 JULY 2014	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee Committee work programme 2014/15 Annual Taxi Vehicle Renewals Actual Revenue Expenditure 2013/14	
16 SEPTEMBER 2014	Committee work programme 2014/15 Six- monthly Monitoring Report on Applications Received	
18 NOVEMBER 2014	Spending Plans 2015/16 Committee work programme 2014/15	
20 JANUARY 2015	Committee work programme 2014/15	
17 MARCH 2015	Committee work programme 2014/15 and draft for 2015/16 Monitoring Report on Applications Received Annual Report on Licensed Premises and Community Safety	

To be assigned:

Annual Health and Safety Service Plan

In-house Licensing Training Sessions (2)