

FAREHAM

BOROUGH COUNCIL

AGENDA

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Date: Tuesday, 8 July 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

T J Howard

L Keeble

Mrs K Mandry

D J Norris

Mrs S Pankhurst

R H Price, JP

Deputies: K D Evans

Mrs K K Trott



1. Apologies for Absence

2. Minutes (Pages 1 - 2)

To confirm as a correct record the minutes of the meeting of the Committee held on 29 May 2014.

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. Licensed Premises and Community Safety (Pages 3 - 24)

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

7. Policy Statements Relating to the LGPS 2014 Regulations (Pages 25 - 34)

To consider a report by the Director of Finance and Resources on policy statements relating to the LGPS 2014 Regulations.

8. Actual Revenue Expenditure 2013/14 (Pages 35 - 40)

To consider a report by the Director of Finance and Resources on the Actual Revenue Expenditure for 2013/14.

9. Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee

To receive a presentation from the Director of Community on the responsibilities of the Licensing and Regulatory Affairs Committee.

10. Annual Taxi Vehicle Renewals (Pages 41 - 44)

To consider a report by the Director of Community on the Annual Taxi Vehicle Renewals.

11. Annual Health and Safety Service Plan (Pages 45 - 54)

To consider a report by the Director of Community on the Annual Health and Safety Service Plan.

12. Licensing and Regulatory Affairs Committee Work Programme (Pages 55 - 60)

To consider a report by the Director of Community on the Committee's Work Programme for 2014/15.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
30 June 2014

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FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Thursday, 29 May 2014

Venue: Collingwood Room - Civic Offices, Fareham

PRESENT:

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, T J Howard, L Keeble, Mrs K Mandry, D J Norris,
Mrs S Pankhurst and R H Price, JP



1. APOLOGIES FOR ABSENCE

There were no apologies for absence given at this meeting.

2. MINUTES

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 18 March 2014 be confirmed and signed as a correct record.

3. APPOINTMENT OF LICENSING PANEL

The Committee was reminded that it had decided to appoint a Licensing Panel with rotating membership to hear and determine various applications under the Licensing Act 2003, applications to drive or operate hackney carriage or private hire vehicles and applications under the Gambling Act 2005. Members were reminded that, under the provisions of the Licensing Act 2003, such a Panel may only comprise three members.

RESOLVED that:-

- (a) a Licensing Panel be appointed for 2014/15 with those terms of reference and delegated powers previously determined by the Committee on 1 February 2005, as amended on 23 January 2007 and subsequently confirmed by the Council on 15 February 2007;
- (b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Panel for 2014/15; and
- (c) members of the Licensing and Regulatory Affairs Committee be appointed to the Licensing Panel, such that it comprises the Chairman and two other members of the Committee, appointed on a rotating basis, subject to their having completed the necessary training.

4. APPOINTMENT OF TRADING CONCESSIONS PANEL

The Committee was reminded that it had decided to appoint a Trading Concessions Panel to deal with occasional issues arising from the grant of catering concessions in West Street, Fareham. The Committee was invited to appoint the Panel for 2014/15.

RESOLVED that:-

- (a) Councillors Mrs P M Bryant, T M Cartwright, Mrs M E Ellerton, Mrs K Mandry and R H Price be appointed to the Licensing Trading Concessions Panel for 2014/15;
- (b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Trading Concessions Panel for 2014/15; and
- (c) Councillor T M Cartwright be appointed Vice-Chairman of the Licensing Trading Concessions Panel for 2014/15.

(The meeting started at 3.24 pm
and ended at 3.26 pm).

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **8 July 2014**

Report of: **Director of Community**

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 acknowledge that future updates will be provided to Public Protection PDR Review Panel.

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. 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.
13. 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.

14. 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.
15. The Licensing Act 2003 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

16. 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.
17. 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).
18. 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.
19. To obtain a Personal License, 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 License and a photo ID badge; they can then apply to Licensed Premises to work or become the DPS.
20. 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.
21. A Personal License is issued by the local authority where the Personal License holder lives, not necessarily works. There are currently 1156 personal licences registered with Fareham Borough Council.

TEMPORARY EVENT NOTICES

22. 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.
23. 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.
24. 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.
25. 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.
26. 457 Temporary Event Notice applications were made to Fareham Borough Council during the period January 2012 to December 2013.

LICENSING PANEL HEARINGS

27. 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.
28. 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.
29. 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

30. 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.
31. 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).
32. All licensed premises have been mapped on GIS and can be cross referenced with crime hotspots at the monthly CTCG meetings.
33. Appendix B provides details of **all** reported incidents **specifically** related to licensed premises between the hours of 23:00 to 03:59 hours in Fareham and the Western Wards for the period 1 January to 31 December over the last three years.
34. Where these incidents can be specifically related to licensed premises as highlighted, 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, Fire Service 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.
35. 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.

COMMUNITY TASKING AND CO-ORDINATING GROUP (CTCG)

36. The Community Tasking and Co-ordinating Group (CTCG), which has representatives from many of the Community Safety Partnership organisations, meets on a monthly 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.
37. 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 in the future the Head of Environmental Health will be in attendance, as such, if there are any issues associated with any licensed premises the matter can be highlighted and dealt with. 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

38. 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 - 2013

39. The past year has been very successful for all parties involved with the management of crime and disorder at Fareham licensed premises. Associated violent crime has reduced.
40. There has been a 54% reduction in violent crime at premises linked to Fareham town 'night time economy' (NTE) compared to the previous year. This is unlikely to be rivalled elsewhere in the county.
41. The success in Fareham is not down to a single factor. It is the joint working relationship between the responsible authorities, the proactive work that goes on between them to help raise standards at premises and the relationships with the management at licensed premises - providing a helpful and supportive role will always bring out the best in people.
42. It is always the intention to take on a 'customer support' role with licensed premises in the early stages of intervention. This will solve the vast majority of problems and is well received. We want premises to feel confident about reporting incidents to the Police and Council and not fear that this will work against them. Suppressing problems does not give a long term solution.
43. Balancing the need for local prosperity and employment at licensed premises along with managing associated violent crime can be a difficult line to tread. It is unfortunate that on occasions, the supportive and progressive assistance and intervention does not work and there is a need for more robust action to be taken. Licensed premises are in no doubt that the relationship is to help, but they must participate in the process of remedying an identified problem.
44. Licensed premises that are well run by good in house management always turn out to have less incidents of crime or disorder at their venue. This is a key focus for us. The below information will highlight some isolated examples of the specific work that has taken place in 2013 to highlight the diverse problem solving associated to licensed premises. Some points identify problems that have needed strong resolution and some points are simple proactive measures that, along with other action, help make Fareham a safe and enjoyable town for both residents and visitors alike.
45. In 2013 Fareham Police, Council and Fire Service introduced a plan to conduct joint inspections at 'on' licensed premises in Fareham. The idea and rationale was presented to all premises at Ferneham Hall and saw a comprehensive turn out. It was presented as providing support to licensed premises by conducting a 'free MOT' to assess compliance of legislation covered by all 3 authorities. The inspections are on-going and have been received very well. They have allowed the authorities to identify

numerous shortcomings at licensed premises and are assisting to bring premises licences up to date. Simple in house management measures are being discussed and introduced. Fareham is the first area take on this proactive role which seeks to raise the standards of management and staff at licensed premises and therefore reduce the likelihood of problems. These inspections have been particularly useful at private members clubs, many of which have been operating below a minimum standard of expectation.

46. In early 2013 Chicago Rock nightclub closed. This caused The Vanguard to become Fareham's busiest licensed premises. The premises sought to attract customers by having regular disco's twice a week at weekends. There was a direct and sustained increase in violent incidents at the premises. After exhaustive efforts to persuade the management to increase security and adopt other measures, the Police were left with no alternative but to consider seeking a review of the premises licence. This was avoided just prior to paperwork being submitted, by the premises management finally agreeing to the proportionate terms that the Police had suggested. Amendments were made to the premises licence, which includes a requirement for between 2-4 security staff at weekends and a reduction in disco nights to 18 per year. This has resulted in the premises returning to a non-problematic town centre venue. The premises was recently bought out and became a Slug and Lettuce premises with a £300,000 refurbishment.

JUVENILE TEST PURCHASE OPERATIONS / FIRST STOP OFF LICENCE, PORTCHESTER

47. Over the past year Fareham Police and Council have jointly funded juvenile test purchase operations in Fareham. These tests not only identify premises that have poor systems and training in place but also help reduce the risks of alcohol harm to children. Premises are advised prior to testing that tests are being conducted. This allows them to give staff refresher training and ensure that their in house ID checking is on order. Premises are given positive feedback when they pass a test and positive publicity is gained by publicising the results in the press. The testing allowed us to identify a premises that appeared to have no regard to the law surrounding alcohol and children. First Stop off licence in Portchester failed 2 tests. Following intervention advice and assistance the premises received 2 fixed penalty notices, a 10 day closure notice and a review of the premises licence where revocation of the licence is being sought. This serves as a harsh reminder that there is an expectation that premises take this matter very serious or face strong consequences.

LOCKS HEATH WORKING MEN'S CLUB

48. On last year's report to the committee, this premises was identified as an emerging problem due to violence being a regular occurrence. Progressive intervention was conducted. Unfortunately the violence and disorder continued at this club which resulted in the Police applying to review the premises licence. The Licensing Panel agreed that strong measures were necessary. In addition to other measures, the premises was forced to close earlier than before and also to have registered security at the premises on certain nights. Since the review hearing and implementation of the measures, the premises is no longer presenting a problem.

TAXI MARSHALLS

49. In 2013 funding was awarded for taxi marshals to assist with seeing people out of Fareham when the town pubs close. There was clear evidence that when people linger whilst under the influence of alcohol, there is a greater risk of conflict and violence. The town centre Police and security have a one team approach when dispersing people out of the area and work well together. There has been a very noticeable decrease in violence at or near to the taxi rank in Fareham after pub closure times.

STREET DRINKERS

50. Fareham town and lower quay area saw a noticeable increase in alcohol fuelled anti-social behaviour (ASB) during the second half of 2013. The persons responsible were primarily local alcoholic street drinkers who were congregating together and making passers-by feel unsafe or upset. Their behaviour included drunkenness, swearing, urinating and when in groups were generally intimidating. Police Licensing sought the assistance of the local off licence premises in the vicinity. Photos of the primary subjects were given to the premises with a view to asking them to refuse the sale of alcohol to these persons. The subjects themselves were advised by letter and in person that this action would take place and advised of the concern they were causing.
51. This activity was also supported by ensuring that local Police officers were fully aware of the subjects and locations. The Police and the Community Safety Team have worked with the local night shelter where these persons gravitate to. In some cases ASB or ABC (acceptable behaviour contracts) have been pursued. This collective effort has resulted in a significant reduction in alcohol related ASB in a short period of time.
52. Measures that are in place year after year but however small, all contribute as small pieces to a greater jigsaw to promote safer licensing venues.

ALL NEW DESIGNATED PREMISES SUPERVISORS (DPS) RECEIVE A VISIT BY POLICE LICENSING

53. 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 without incidents due to good in house management.

REGULAR MEETINGS WITH TOWN CENTRE LICENSED PREMISES

54. As Fareham town centre is the primary hot spot for incidents associated with licensed premises there is a need to have regular meetings with the managers of the pubs. This meeting is informal were people can look back over the past few months and plan ahead for the next few months. Key high demand dates are discussed to establish the needs for additional measures such as security staff, taxi marshals or Police. It is

important to create a 'one team' approach where individuals feel comfortable to contribute to suggestions to improve both policies and procedures.

POLICE UNIFORMED VISITS TO LICENSED PREMISES

55. Police conduct regular visits to all town licensed premises every week on weekend evenings (Thurs – Sat). Police found that by making an early evening visit and speaking to the duty manager, telling them that they will be back throughout the evening to check for drunk or disorderly people, helps ensure that they do this job themselves. The importance of early intervention is stressed to them. The premises found that 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. 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, Police and customers, which helps to support a safer environment.

POLICE UNIFORMED AND NON-UNIFORMED VISITS TO LICENSED PREMISES IN THE REST OF FAREHAM BOROUGH

56. Random and targeted visits are conducted at licensed premises throughout the borough. Police licensing will conduct both and will also task the Safer Neighbourhood Team (SNT). Each year Police Licensing will provide the SNT's with a list of licensed premises on their beats. These are listed under red, amber and green categories that determine the frequency of SNT visits. These visits will provide snapshot observations of how a premises is being run. SNT officers will feed back any negative or positive observations. The increased Police attention for higher profile premises will often help solve a problem.

PUBWATCH

57. 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 of 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. There are 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 member's interaction is on-line via the Pubwatch website which helps their busy lifestyle.

LICENSING ATTENDING POLICE SHIFT BRIEFINGS

58. Police licensing attend weekly Police shift briefings. 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'. All of the small pieces of information, intelligence and evidence help build a better picture of a premise.

LICENSING FOLLOW UP ENQUIRIES

59. Every incident that is linked to or associated with a licensed premise 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 issues that need to be addressed to ensure that the type of incident does not continue.

PATTERNS OF INCIDENTS

60. When a pattern of incidents begin to emerge at, or associated with, a licensed premise, 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 by measures and effort alone, Police will seek to resolve the matter by a review of the premises licence.

WORK AND LIAISON WITH HMS COLLINGWOOD

61. 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 500 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 will go out in groups, can present challenges to the local Police. 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. Police licensing ensure that they are aware of key dates such as evenings before a term finishes in order to adequately provide Police resource and inform local pubs.
62. The relationship with HMS Collingwood has progressed significantly. Police now conduct joint patrols of the town centre which helps send out the message to staff from Collingwood that both organisations work together and will not tolerate poor behaviour.

Police also conduct joint operations at the base such as drug testing with the use of a drugs dog or drug testing machines.

THE USE OF POLICE 'DIRECTION TO LEAVE' NOTICES

63. These notices (often referred to as section 27's) are a very useful tool for Police. They offer very little paperwork and allow Police to direct a person who is drunk 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.

HIGH DEMAND DATES

64. Partnership working aims to foresee potential dates that could cause an increased risk of associated crime by nature of an event or an increase in the number of customers. It is important to communicate this to licensed premises in order to allow risk assessments to take place. The information flow needs to be a two way process.
65. As with 2013, 2014 will present challenges for Fareham Police and the Council regarding licensed premises. The aim is to identify high demand dates such as specific Football World Cup matches in June and July, HMS Collingwood end of term dates, large boxing events at Fareham Leisure centre which adds approximately 1,200 people to the town centre, bank holiday weekends where Thursdays and Sundays can become much busier and pay day weekends.

RISK ASSESSMENT

66. Diminishing resources mean that Fareham's Community Safety Partnership continues to work together to identify new and efficient ways of working. Affective analysis of data and review of incidents that occur at our licenced premises will provide the evidence to effectively task partnership resource.
67. Affective implementation of the new anti-social behaviour tools and powers need to be planned and communicated throughout the Police and Council operational staff.

CONCLUSION

68. This report highlights the work that is being undertaken by the Council as the licensing authority and the police and community safety 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.
69. 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.

Appendix A - Licensing Panel Decisions: January 2013 To June 2014

Appendix B – Number of incidents where injury were recorded at Licenced Premises

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Ian Rickman (x2401) or Narinder Bains (x4496)

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 additional 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 | Portsdown 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 RESUMED MEETING | 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 |

| 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 weekend 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. |
| 12 September | Edwins | Variation of | Representations from Police, | Variation granted with an additional |

| DATE | PREMISES | APPLICATION | REASON FOR APPLICATION/ REVIEW PANEL HEARING | LICENSING PANEL RESULTS |
|------------------|---|-------------------------------|---|---|
| 2008 | High Street Fareham | Premises Licence | E. H. Pollution and local residents regarding loud music and other noise nuisance at the premises | 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 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 Resolution 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. |
| 10 June 2009 | Tony's Kebabs | Variation of | Police made representation to | Application refused due to non |

| DATE | PREMISES | APPLICATION | REASON FOR APPLICATION/ REVIEW PANEL HEARING | LICENSING PANEL RESULTS |
|---------------------|--|-------------------------------------|---|--|
| | Quay Street Fareham | Premises Licence | application for increased hours this being likely to encourage the public to stay around the area and cause problems. | 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 Hunts Pond 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. |
| 2010 | | | | |

| DATE | PREMISES | APPLICATION | REASON FOR APPLICATION/ REVIEW PANEL HEARING | LICENSING PANEL RESULTS |
|------------------|--|-------------------------------|--|---|
| 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 followings 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 decision and the case was referred to |

| DATE | PREMISES | APPLICATION | REASON FOR APPLICATION/ REVIEW PANEL HEARING | LICENSING PANEL RESULTS |
|------------------|---|----------------------|---|---|
| | | | | 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 (formerly the | New Premises Licence | Petition from local residents regarding change of use of premises to convenience store. | The Panel determined to grant the licence subject to the conditions as agreed between the applicant and the |

| DATE | PREMISES | APPLICATION | REASON FOR APPLICATION/ REVIEW PANEL HEARING | LICENSING PANEL RESULTS |
|-------------------------------|---|-------------------------------|---|---|
| | Linden Lea), Portchester | | | 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 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 | | | | |
| 23 January 2013 | The Market Tavern West Street, Fareham | Variation of Premises Licence | The application related to conditions put on the licence by the Licensing Panel | Application granted as requested. |
| 28 February 2013 | 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. |
| 20 May 2013 | Chicago Rock Café, | Temporary Event Notice | Representation by Police | Application withdrawn |

| DATE | PREMISES | APPLICATION | REASON FOR APPLICATION/ REVIEW PANEL HEARING | LICENSING PANEL RESULTS |
|-------------------|---|-------------------------------|--|---|
| 5 June 2013 | Locks Heath Working Men's Club, Duncan Road, Park Gate | Review | Review raised by the Police regarding the Licensing Objective the prevention of crime and disorder | The Panel determined that the matter could be addressed by varying the conditions on the Club Certificate. |
| 18 September 2013 | The Market Tavern, 26-28 West Street, Fareham | Temporary Event Notice | Representation by the Police | Application withdrawn prior to the hearing taking place. |
| 23 October 2013 | Portchester Castle | Variation of Premises Licence | Representations received | Application withdrawn prior to the hearing taking place. |
| 11 December 2013 | Sir Joseph Paxton, 272 Hunts Pond Road, Titchfield Common | Review | Review raised by Environmental Health regarding the Licensing Objective the prevention of public nuisance | The Panel determined that the matter could be addressed by varying the conditions on the Premises Licence. There was subsequently an appeal to the Magistrates' Court. |
| 2014 | | | | |
| 9 January 2014 | The Market Tavern, 26-28 West Street, Fareham | Variation of Premises Licence | Representation made by Licensing Officer to facilitate a hearing as the application related to conditions put on the licence by the Licensing Panel. | Application granted as requested subject to the retention of one condition |

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **8 July 2014**

Report of: **Director of Finance and Resources**

Subject: **POLICY STATEMENTS RELATING TO THE LGPS 2014 REGULATIONS**

SUMMARY

To inform on the changes to the Local Government Pension Scheme (LGPS) from 1 April 2014 and to seek approval of the proposed policy statements in relation to the employer discretions stipulate within the LGPS 2014 regulations.

RECOMMENDATION

The Committee is requested to:

- (a) Note the changes to the Local Government Pension Scheme (LGPS) from 1 April 2014;
- (b) Approve the proposed policy statements for those who stopped contributing to the LGPS between 1 April 2008 and 31 March 2014; and
- (c) Approve the proposed policy statements for those members who continue in the scheme or join it from 1 April 2014.

INTRODUCTION

1. Under the provisions of the Local Government Pension Scheme (LGPS) employers must have a published written policy statement confirming how it will exercise the compulsory discretions and also any of the optional discretions allowed under LGPS that the employer decides to include.
2. This policy statement must be reviewed regularly, revised as necessary and a copy of the policy statement must be provided to the pensions administrator which is Fareham's case is Hampshire Pension Fund.

LGPS REGULATIONS 2014

3. The LGPS Regulations are effective from 1 April 2014 and introduce a number of changes to the scheme. The main changes are:
 - Basis of pension will be Career Average Revalued Earnings (CARE) – members will build up a pension each year for each pensionable employment held which is added to their pension account
 - An increased accrual rate of 1/49th from the current of 1/60th
 - Normal pension age aligned with the member's State Pension Age (SPA) – it is currently 65
 - New definition of pensionable pay to include non-contractual overtime and additional hours for part time staff
 - Contribution rates based on actual pay instead of, as now, Full Time Equivalent
 - Revised contribution bands resulting in contribution increases for members' earning more than £43,000
 - A new 50/50 option giving a choice to pay half contributions for half accrual rate (1/98th)
 - Option for leavers to elect for required payment from age 55 onwards without the need for employers consent
 - Qualifying period for benefits will increase from 3 months to 2 years – if a member leaves the scheme within 2 years they will receive a refund of contributions made.
4. All pension built up before 1 April 2014 is fully protected and therefore, when a member leaves, all membership up to 31 March 2014 will be calculated using the final salary. For those members who have an existing rule of 85 protection, this will continue in the new scheme and will be automatically applied to their benefits.
5. For members within ten years of age 65 as at 1 April 2012 there will be an 'underpin', dependent on fulfilling certain criteria.
6. Council members already contribute to a career average scheme, under the 1997 LGPS regulations, however the Government has decided that they will no longer be eligible to be in the LGPS and will therefore come out of the scheme when they are next up for re-election.

LGPS 2014 DISCRETIONS

7. LGPS regulations give employing authorities certain discretions over the exercise of their function in the LGPS. From 1 April 2014, employers need to have two sets of discretions:
 - One for members who continue in the scheme or join it from 1 April 2014
 - Another for those who stopped contributing to the LGPS between 1 April 2008 and 31 March 2014.
8. The LGPS 2014 regulations stipulate the requirement for a policy statement in relation to the discretions in four areas:
 - Funding of additional pension
 - Flexible retirement
 - Waiving of actuarial reduction
 - Award of additional pension
9. Given the economic situation and the pressure on the Council's budgets, it is recommended that these discretions are not exercised where the Council would incur a pension strain or other cost. It is suggested that the wording of the relevant policy statements are strengthened to make this clear.

CONSIDERATIONS

10. The following areas should be considered when drawing up a policy statement in relation to the discretions:
 - Employer circumstances – the policy should reflect the membership, budgetary constraints and nature of the business,
 - Cost – the policy should be affordable and not likely to cause a serious loss of confidence in the public service,
 - 'Fettering' - the policy should not be unnecessarily restrictive, and
 - Anti-discrimination laws – the policy must not be discriminatory in any way.

PROPOSED POLICY STATEMENTS

11. Appendix A provides a summary of the current compulsory and optional discretionary areas relating to the 2008 scheme, Fareham's current policy and the impact of the 2014 regulations.
12. A proposed policy statement for those who stopped contributing to the LGPS between 1 April 2008 and 31 March 2014 is shown in Appendix A.
13. Under LGPS 2014, some of the existing discretions under the 2008 scheme fall away and others are replaced by identical or similar provisions. Proposed policy statements in respect of the new discretions for members who continue in the scheme or join it from 1 April 2014 is also shown in Appendix A.

RISK ASSESSMENT

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

CONCLUSION

15. Local authorities are required to publish policies on how they will exercise their powers contained within the provision. This is attached as Appendix A to this report and members are asked to consider them and recommend their adoption by the Council with immediate effect.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Neil Wood (Ext 4506).

APPENDIX A

Summary of the discretionary areas, FBC's current policy under the 2008 scheme, the impact of LGPS 2014 regulations and proposed FBC policy statements going forward.

Compulsory Discretions

| | |
|--|---|
| <p>1. Discretion - Power to increase total membership of active members(LGPS 2008 regulation 12) Impact of LGPS 2014 - Discretion no longer available</p> | |
| <p>FBC's Current Policy Under LGPS 2008 The Council will not consider increasing total membership.</p> | <p>Proposed FBC Policy for member who continue in the scheme or join it from 1 April 2014 N/A</p> |

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|---|--|
| <p>2. Discretion - Award of additional pension (LGPS 2008 Regulation 13/ LGPS 2014 Regulation 31) Impact of LGPS 2014 - Discretion unchanged</p> | |
| <p>FBC's Current Policy Under LGPS 2008 The Council will not consider increasing total membership.</p> | <p>Proposed FBC Policy for member who continue in the scheme or join it from 1 April 2014 The Council will not normally consider awarding an additional amount of pension but may consider its use in exceptional circumstances.</p> |

| | |
|--|---|
| <p>2a. Discretion - Award of additional pension (LGPS 2008 Regulation 13/ LGPS 2014 Regulation 31) Impact of LGPS 2014 - Discretion unchanged</p> | |
| <p>FBC's Current Policy Under LGPS 2008 The Council will not consider increasing total membership.</p> | <p>Proposed FBC Policy for those who stopped contributing to the LGPS between 1 April 2008 and 31 March 2014 The Council will not normally consider awarding an additional amount of pension but may consider its use in exceptional circumstances.</p> |

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|---|---|
| <p>3. Discretion - Flexible retirement (LGPS 2008 Regulation 18 (1) and (3)/ LGPS 2014 Regulation 30(6))</p> <p>Impact of LGPS 2014 - Discretion unchanged</p> | |
| <p>FBC's Current Policy Under LGPS 2008</p> <p>The Council will consent to pension benefits being paid under the flexible retirement policy to an employee over the age of 55 (or age 50 for employees who have been in the LGPS since 31 March 2008, leaving before 31 March 2010), who requests this, provided their remuneration is reducing typically by 40 per cent through either a reduction in contractual hours or grade. In addition agreement must be obtained from the Head of Personnel & Development and the Head of Finance before final determination is made by the Chief Executive Officer that it is in the Council's interest having regard to the requirements of the service, and that any Pension Fund charge for paying benefits early is affordable in each case.</p> | <p>Proposed FBC Policy for member who continue in the scheme or join it from 1 April 2014</p> <p>The Council will consent to pension benefits being paid under the flexible retirement policy to an employee over the age of 55, who requests this, provided their remuneration is reducing typically by 40 per cent through either a reduction in contractual hours or grade. In addition agreement must be obtained from the Head of Personnel & ICT and the Director of Finance and Resources before final determination is made by the Chief Executive Officer that it is in the Council's interest having regard to the requirements of the service, and that any Pension Fund strain for paying benefits early is affordable in each case.</p> |

| | |
|---|--|
| <p>4. Discretion - Choice of early payment of pension (LGPS 2008 Regulation 30 (2))</p> <p>Waiving of actuarial reduction (LGPS 2014 Regulation 30 (8)) and LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Schedule 2, Paragraph 2</p> <p>Impact of LGPS 2014 - Discretion falls away under LGPS 2014 because leavers can request payment of benefits from age 55 onwards without the need for employers consent, but it would still be a discretion to waive any actuarial reduction and also whether to allow protections under the 85 year rule to apply. Discretion unchanged for pre 1 April 2014 leavers.</p> | |
| <p>FBC's Current Policy Under LGPS 2008</p> <p>The Council will consent to immediate payment of benefits to an employee who requests this and retires voluntarily between age 55 and 60 (or age 50 for employees who have been in the LGPS since 31 March 2008, leaving before 31 March 2010), provided the relevant Chief Officer, the Head of Personnel & Development and the Head Of Finance agree that it is in the Council's interests to do so before final determination is made by the Chief Executive Officer, and having regard to the Pension Fund charge for paying benefits early being affordable in each case. In exceptional circumstances the waiving of any reduction in benefits under the LGPS's</p> | <p>Proposed FBC Policy for member who continue in the scheme or join it from 1 April 2014</p> <p>The Council would not normally consent to waive any of the actuarial reduction applicable to an employee who retires voluntarily between age 55 and Normal Pension age but may consider its use in exceptional circumstances.</p> <p>The Council would not normally consent to ex-employees taking deferred benefits early unless there is no cost to the employer but may consider its use in exceptional</p> |

| | |
|--|---|
| <p>'rule of 85' will also be considered.</p> | <p>circumstances.</p> <p>The Council would not normally permit unreduced benefits for employees voluntarily retiring between 55 and 59 but may consider its use in exceptional circumstances.</p> <p>The Council would not normally consent to switching on the 85 year rule but may consider its use in exceptional circumstances.</p> |
|--|---|

| | |
|--|--|
| <p>4a. Discretion - Choice of early payment of pension (LGPS 2008 Regulation 30 (2)) Waiving of actuarial reduction (LGPS 2014 Regulation 30 (8))</p> <p>Impact of LGPS 2014 - Discretion falls away under LGPS 2014 because leavers can request payment of benefits from age 55 onwards without the need for employers consent, but it would still be a discretion to waive any actuarial reduction and also whether to allow protections under the 85 year rule to apply. Discretion unchanged for pre 1 April 2014 leavers.</p> | |
| <p>FBC's Current Policy Under LGPS 2008</p> <p>The Council will consent to immediate payment of benefits to an employee who requests this and retires voluntarily between age 55 and 60 (or age 50 for employees who have been in the LGPS since 31 March 2008, leaving before 31 March 2010), provided the relevant Chief Officer, the Head of Personnel & Development and the Head Of Finance agree that it is in the Council's interests to do so before final determination is made by the Chief Executive Officer, and having regard to the Pension Fund charge for paying benefits early being affordable in each case.</p> <p>In exceptional circumstances the waiving of any reduction in benefits under the LGPS's 'rule of 85' will also be considered.</p> | <p>Proposed FBC Policy for those who stopped contributing to the LGPS between 1 April 2008 and 31 March 2014</p> <p>The Council would not normally consent to immediate payment of benefits to an employee or ex-employee who requests this and retires voluntarily between age 55 and 60, unless there is no cost to the employer but may consider its use in exceptional circumstances.</p> |

| | |
|--|---|
| 5. Discretion - Funding of additional pension contributions (LGPS 2014 Regulation 16(2)(e) and 16(4)(d)) Impact of LGPS 2014 - New discretion under LGPS 2014 | |
| FBC's Current Policy Under LGPS 2008 N/A | Proposed FBC Policy for member who continue in the scheme or join it from 1 April 2014 The Council will only contribute to the cost of a member's additional pension contributions where required to do so under the LGPS Regulations. Where a member is voluntarily making additional pension contributions, it will not consider meeting any part of that cost. |

In relation to all discretions where there is a use to be considered 'under exceptional circumstances' these will be reviewed on a case by case by following discussions between the Director of Finance & Resources and the Head of Personnel and ICT. Where necessary the final decision will be made in consultation with the Chief Executive where the individuals circumstances will be taken into consideration but also any financial implication to the Council.

Optional Discretions

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|---|---|
| 6. Discretion - Aggregation of previous periods of membership (LGPS Regulations 2014, regulation 22(7)(b) & (8)(b)) Impact of LGPS 2014 - Discretion slightly changed, aggregation is automatic unless a member opts out within 12 months. | |
| FBC's Current Policy Under LGPS 2008 The Council will only accept elections to combine pension rights from previous local government employment with a current period of membership, which are made within 12 months of re-joining the scheme, except for those members who hold certificates of protection or whose pension rights are affected by Pay & Benefits. | Proposed FBC Policy for member who continue in the scheme or join it from 1 April 2014 The Council will only accept elections <i>not</i> to combine rights from previous local government employment with a current period of membership, which are made within 12 months of re-joining the scheme. |

| | |
|---|---|
| 7. Discretion - Transfers of pension rights (LGPS Regulations 2014, regulation 100(6)) Impact of LGPS 2014 - Discretion unchanged. | |
| FBC's Current Policy Under LGPS 2008 The Council will only accept the election for transfer of pension rights from an external pension provider into the LGPS if this election is made within 12 months of the member joining the LGPS. | Proposed FBC Policy for member who continue in the scheme or join it from 1 April 2014 The Council will only accept the election for transfer of pension rights from an external provider into the LGPS if this election is made within 12 months of the member joining the LGPS. |

Other Discretions

| | |
|---|---|
| 8. Discretion – Other Discretions Impact of LGPS 2014 - Discretion unchanged. | |
| FBC's Current Policy Under LGPS 2008 The Council will base any redundancy payment due to an employee on their actual weekly rate of pay (rather than the current statutory maximum) and on their years of continuous local authority service. The part of your redundancy payment that relates to earnings in excess of the statutory maximum can be used to buy additional service in the Local Government Pension Scheme. This option is only open to the employee if they request it before their employment ceases. | Proposed FBC Policy for member who continue in the scheme or join it from 1 April 2014 The part of any redundancy payment that relates to earnings in excess of the statutory maximum can be used to buy additional pension in the LGPS. This option is only open to the employee if it is requested before employment ceases. It should be noted that there may be tax implications. |

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|---|--|
| 9. Discretion – Other Discretions - Injury Allowances – Regulations 2011 Impact of LGPS 2014 - Not under 2008 Regulations but separate to 2014 Regulations | |
| FBC's Current Policy Under LGPS 2008 N/A | Proposed FBC Policy for member who continue in the scheme or join it from 1 April 2014 The Council will not consider making an injury awarding under the regulation. |

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **8 July 2014**

Report of: **Director of Finance and Resources**

Subject: **ACTUAL REVENUE EXPENDITURE 2013/14**

SUMMARY

This report sets out for the information of Members details of the actual revenue expenditure for 2013/14 in respect of the services for which this Committee is responsible.

RECOMMENDATION

The Committee is asked to note the report.

INTRODUCTION

1. The final accounts for the financial year 2013/14 for this Committee show that the actual expenditure of £358,955 represented a saving of £40,745 compared with the revised budget of £399,700 that was approved by this Committee on 19 November 2013. The actual totals of gross expenditure and income are set out in the table below:

| | Base Budget 2013/14 | Revised Budget 2013/14 | Actual 2013/14 | Variance |
|---------------------------------|------------------------------------|---------------------------------------|---------------------------|-----------------|
| | £ | £ | £ | £ |
| Employees | 393,000 | 376,900 | 408,116 | 31,216 |
| Premises-Related Expenditure | 15,000 | 15,000 | 9,542 | -5,458 |
| Transport | 1,400 | 2,500 | 3,069 | 569 |
| Supplies & Services | 151,400 | 162,800 | 130,439 | -32,361 |
| Contract Payments | 3,100 | 5,500 | 7,819 | 2,319 |
| Internal Support | 118,300 | 130,200 | 131,093 | 893 |
| GROSS EXPENDITURE | 682,200 | 692,900 | 690,078 | -2,822 |
| Other Grants and Reimbursements | -110,000 | -116,800 | -140,373 | -23,573 |
| Sales | -1,800 | -1,800 | -1,644 | 156 |
| Fees & Charges | -174,600 | -174,600 | -189,106 | -14,506 |
| GROSS INCOME | -286,400 | -293,200 | -331,123 | -37,923 |
| NET EXPENDITURE | 395,800 | 399,700 | 358,955 | -40,745 |

2. The main variations reflect increased spending of £31,000 on employees, and savings of £32,000 on supplies and services. Additional income of £14,500 was generated through fees and charges, and receipts of Grants and Reimbursements were nearly £23,500 more than anticipated.
3. The increase in employee costs have been impacted by severance payments set out in the Efficiency Savings report of the Chief Executive Officer that was approved by the Executive on 3 March 2014, this has impacted predominantly on the Licensing and Health and Safety Enforcement services.
4. The actual revenue expenditure for the year analysed over the main service headings is shown in the following table:

| | Base Budget 2013/14 | Revised Budget 2013/14 | Actual 2013/14 | Variance |
|--|------------------------------------|---------------------------------------|---------------------------|-----------------|
| | £ | £ | £ | £ |
| Hackney Carriage & Private Hire Vehicles | -3,800 | -3,900 | -5,603 | -1,703 |
| Licensing | -9,000 | -6,800 | 4,736 | 11,536 |
| Health & Safety Enforcement | 157,900 | 146,400 | 173,149 | 26,749 |
| Election Services | 250,700 | 264,000 | 186,673 | -77,327 |
| NET EXPENDITURE | 395,800 | 399,700 | 358,955 | -40,745 |

5. A detailed breakdown of the actual cost of the individual services is shown in Appendix A. The main variations from the approved budgets are examined in the following paragraphs.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

6. This service saw additional income of £1,700 for the financial year. The main variations were an increase of nearly £4,000 in employee costs and a reduction of nearly £1,500 on supplies and services; this was mainly due to a reduction in payments to the Disclosure and Barring Service (DBS). There was also an increase in income of £5,000 mainly from additional charges and costs recovered from drivers.
7. Although this heading shows a small surplus of income over expenditure it does not reflect the cost of providing member support to this committee. This cost is shown in the Executive's Policy, Strategy and Finance Portfolio and has a cost for the whole council of over £1million for 2013/14.

LICENSING

8. The reduction in income of just over £11,500 on this service was mainly as a result of increases in employee expenditure of just over £14,000, charges relating to legal services of just over £2,000 and internal recharges of just over £4,000, this was partly offset by increased income of just over £9,000 during the year mainly from animal boarding, scrap metal and gambling licences.

HEALTH AND SAFETY ENFORCEMENT

9. The overspend of nearly £27,000 on this service was as a result of increased spending on employees of approximately £22,500 and on health and safety expenses of £3,500.

ELECTION SERVICES

10. The saving of just over £77,000 reflects lower than anticipated expenditure for conducting elections of nearly £23,000 and higher than expected income of £12,000. The savings for register of electors reflects lower than anticipated expenditure of just over £30,000 and additional income of nearly £12,000.
11. The £23,000 savings relating to the HCC elections include reduced employee costs of just over £2,000 and reductions in expenditure of just over £20,000 relating to printing costs (£7,500), the hiring of polling stations (£6,000) and furniture and equipment (£6,500). The cost of staging the Police Commissioner's election in 2012/13 was less than anticipated, the settlement for which was made in 2013/14 and was just over £10,000 less than estimated.
12. The £30,000 savings relating to the register of electors consists of reductions in staff costs of £7,000 and internal recharges of £5,000. In addition there was almost £19,000 reduction in supplies and services, mainly due to the budget being increased for Individual Electoral Registration (IER) but was not spent in 2013/14,

plus additional income of nearly £12,000 relating to IER which is to be implemented from 2014/15.

RISK ASSESSMENT

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

CONCLUSION

14. The cost of the services provided by this Committee was £40,745 less than anticipated when the revised budgets were prepared and the reasons for this are set out in this report.

APPENDIX A - Actual Cost of Individual Services 2013/14

Background Papers:

None.

Reference Papers:

Report of the Director of Finance and Resources, and the Director of Regulatory and Democratic Services to this Committee on 19 November 2013 - Spending Plans 2013/14.

Enquiries:

For further information on this report please contact Linda Arthur (Ext 4515).

APPENDIX A

**HACKNEY CARRIAGE AND
PRIVATE HIRE VEHICLES**

| | Base 2013/14 | Revised 2013/14 | Actual 2013/14 |
|--------------------------|-------------------------|----------------------------|---------------------------|
| | £ | £ | £ |
| Employees | 57,900 | 52,700 | 56,576 |
| Transport | 100 | 100 | 0 |
| Supplies & Services | 15,700 | 14,200 | 12,817 |
| Contract Payments | 0 | 1,200 | 1,268 |
| Internal Support | 11,400 | 16,800 | 17,496 |
| GROSS EXPENDITURE | 85,100 | 85,000 | 88,157 |
| Sales | -300 | -300 | -104 |
| Fees & Charges | -88,600 | -88,600 | -93,656 |
| GROSS INCOME | -88,900 | -88,900 | -93,760 |
| NET EXPENDITURE | -3,800 | -3,900 | -5,603 |

LICENSING

| | Base 2013/14 | Revised 2013/14 | Actual 2013/14 |
|--------------------------|-------------------------|----------------------------|---------------------------|
| | £ | £ | £ |
| Employees | 53,100 | 52,700 | 67,017 |
| Transport | 100 | 300 | 609 |
| Supplies & Services | 3,800 | 2,700 | 2,210 |
| Contract Payments | 3,100 | 4,300 | 6,550 |
| Internal Support | 16,900 | 19,200 | 23,464 |
| GROSS EXPENDITURE | 77,000 | 79,200 | 99,850 |
| Fees & Charges | -86,000 | -86,000 | -95,114 |
| GROSS INCOME | -86,000 | -86,000 | -95,114 |
| NET EXPENDITURE | -9,000 | -6,800 | 4,736 |

**HEALTH & SAFETY
ENFORCEMENT**

| | Base 2013/14 | Revised 2013/14 | Actual 2013/14 |
|--------------------------|-------------------------|----------------------------|---------------------------|
| | £ | £ | £ |
| Employees | 120,800 | 106,500 | 129,004 |
| Transport | 200 | 1,000 | 935 |
| Supplies & Services | 13,500 | 12,400 | 15,815 |
| Internal Support | 23,400 | 26,500 | 27,425 |
| GROSS EXPENDITURE | 157,900 | 146,400 | 173,179 |
| Fees & Charges | 0 | 0 | -30 |
| GROSS INCOME | 0 | 0 | -30 |
| NET EXPENDITURE | 157,900 | 146,400 | 173,149 |

| <u>ELECTION SERVICES</u> | Base 2013/14 | Revised 2013/14 | Actual 2013/14 |
|---------------------------------|-------------------------|----------------------------|---------------------------|
| | £ | £ | £ |
| Employees | 161,200 | 165,000 | 155,519 |
| Premises | 15,000 | 15,000 | 9,542 |
| Transport | 1,000 | 1,100 | 1,525 |
| Supplies & Services | 118,400 | 133,500 | 99,597 |
| Internal Support | 66,600 | 67,700 | 62,709 |
| GROSS EXPENDITURE | 362,200 | 382,300 | 328,892 |
| Other Grants & Reimbursements | -110,000 | -116,800 | -140,373 |
| Sales | -1,500 | -1,500 | -1,540 |
| Fees & Charges | 0 | 0 | -306 |
| GROSS INCOME | -111,500 | -118,300 | -142,219 |
| NET EXPENDITURE | 250,700 | 264,000 | 186,673 |

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **8 July 2014**

Report of: **Director of Community**

Subject: **ANNUAL TAXI VEHICLE RENEWALS**

SUMMARY

As of May 2014 Fareham Borough Council had a fleet of 232 Hackney Carriage and 60 Private Hire vehicles. Vehicle licences are granted on an annual basis. All licences are granted on 1 May and expire on 30 April the following year. Each year in January the renewal paperwork is sent to all of the owners and they then present all of their vehicle documents up to March. In March and April the licensing team undertakes the inspection of all of the vehicles, to ensure they are kept in a clean, serviceable and roadworthy condition. This report details the work involved with annual vehicle licence renewals and provides a summary of the result of the inspections.

RECOMMENDATION

That the Committee notes the content of the report and the work involved with the annual Hackney Carriage and Private Hire renewals.

INTRODUCTION

1. The Town and Police Clauses Act 1847 and the Local Government (Miscellaneous) provisions Act 1976 allow Local Authorities to license Hackney Carriage and Private Hire Vehicles. In licensing such vehicles, Local Authorities can specify conditions relating to such vehicles. Fareham Borough Council has set conditions relating to the design and condition of vehicles; these were updated and approved by the Licensing and Regulatory Affairs Committee at its meeting on 22 January 2008.
2. Fareham Borough Council has a taxi fleet of approximately 232 Hackney Carriage and 60 Private Hire vehicles. Vehicle licences are granted on an annual basis and all licences are granted on 1 May and expire on 30 April the following year. Each year in March and April the licensing team undertakes the process of renewing all vehicle licences. Part of the renewal process involves the inspection of all of the vehicles, to ensure they are kept in a clean, serviceable and roadworthy condition.
3. Due to the fluid nature of the fleet numbers of vehicles vary day by day. For instance, approximately 6 vehicle owners who wished to change their vehicle let their plates expire at the end of April. This was done so that they did not have to pay to transfer (£185) and also renew (£185). By letting their vehicles expire and then re-plating them early in May, they only paid the £185 fee for a new plate. Therefore all numbers are approximate.
4. It should be noted that the Hackney Carriage and Private Hire licensing regime also involves the licensing of drivers who renew annually on the anniversary of the grant of their first licence. These renew at the end of each month throughout the year. There are also 13 operators (of Private Hire Companies) these renew at the same time as the vehicles.

PROCESS

5. Renewal paperwork is sent out to owners approximately 8 weeks before the renewal is due giving a date approximately 4 weeks in advance to return the paperwork to the licensing team. A date is also given at this time for the inspection.

PAPERWORK

6. Each owner receives a letter setting out the documents required, the date paperwork must be returned to the office and the date the vehicle is due to be inspected. Enclosed with the letter is an application form, an engineer's report (for completion by an independent engineer) for each vehicle and a payment slip. These must be completed and returned to the office with the registration document, a current MOT certificate (where applicable), insurance documents and the fee. This year the fee for renewing a vehicle licence remained unchanged at £185.00. This price has remained the same since May 2009, when it was increased from £176. Owners were informed that a missed appointment fee of £34 would be applicable if they did not return the paperwork by the date given without informing the officers beforehand.

BACK OFFICE WORK

7. Each set of paperwork is scanned onto the system and a BPMS (business process management system) case is opened. This is a checklist that enables the officers to record when paperwork has been seen alongside an electronic image of that paperwork. The registration document is checked to ensure the person plating the vehicle is the owner or co-owner of the vehicle. The MOT certificate and engineer's report are checked to ensure they are current and apply to the vehicle being presented. Insurance documents are checked to ensure that they cover the vehicle for working as a taxi and that they are current and the driver is named. If a cover note is presented a note is made that the full policy document must be seen when the cover note expires. A copy is taken of the receipt (payment is usually made in the cash office prior to the owner going to the licensing section).
8. Once the checking has been completed and all documents are present and correct, the paper licence and plate are produced. The plates have a hologram on them and are produced by printing onto acetate, which is stuck onto the hologram and then covered by a sheet of perspex. This gives a strong, durable plate that is easy to read. Private Hire plates were coloured white and Hackney Carriage plates blue. The combination of the hologram and production method means that these plates are not easily reproduced outside the Council.
9. The completed licence, plates are then stored in boxes until the inspection.
10. Inspection forms were pre-printed on carbonated pads. This enabled the Licensing Team to give a form with any defects listed or any advisory information or a record that the vehicle had been inspected and passed. The second copy is for the licensing team to enter results into Ocella (in-house computer system).
11. Preparatory work for the renewals was carried out almost entirely by the Assistant Licensing and Regulatory Support Officer (now Licensing Officer). Payments were made to the Cash Office.
12. The cost of undertaking this work is met by the taxi licensing fee and is provided at no cost to the Council.

INSPECTIONS

13. To ensure that there is sufficient time for any defects to be made good, although the renewal date is 30 April, inspections were carried out mid April.
14. Due to the success of holding the inspections in Lysses car park in 2013, this site was chosen for the 2014 inspections. Previous to this the inspections had been held in Portchester Community Centre car park.
15. Staff have high visibility jackets and vests and always have a mobile phone on site for their protection. All staff have been trained on what checks are required as part of the inspection process.
16. The majority of inspections were spread out across five days in two weeks and amounted to approximately 60 vehicles a day. Some owners or operators who could not easily make the inspections were accommodated and inspections

carried out prior to the main inspections in the Turning Circle. Re-inspections were scheduled for the 30 April. Owners were given the option of changing the date of inspection, if inconvenient, so this number was a guide only. Owners had been advised that a £34 fee would apply if they missed their inspection day without prior notice.

17. This year members of the Partnership Support Team (based in Gosport) helped out with the inspections.
18. All vehicles had a valid MOT (where applicable) and engineer's report. The main purpose of the inspections was to ensure the vehicles were clean and serviceable and met the Council's standards to enable the licence to be issued.
19. Each vehicle was inspected and any defects annotated on the inspection sheet. Where there were no defects the new plate and paper licence were issued and the old plate either returned there and then or brought into the Civic Offices at a later date. (Some plates are affixed in such a way that they are not easily removable).
20. Vehicles with defects such as scratches to paintwork or lights not working correctly, would be refused their plate until such time as they could be re-inspected. In the majority of cases this would be on 30 April, the day reserved for this purpose, however, if they returned the same day, or on a day inspections were being carried out they would be inspected then.
21. Vehicles that were not able to make the inspection dates, or had defects which needed a longer time to be made good, could be inspected in the newly marked space in the Ferneham Hall Clinic car park or the turning circle by prior arrangement. Vehicles which were not issued with a new plate before 1 May would not be eligible for use as a taxi until such time that they had been re-inspected and issued with a plate.
22. One vehicle was refused a plate at that time due to extremely poor paintwork. This vehicle has not been represented. All other vehicles presented for inspection were issued with a new plate. Some owners were advised that their vehicles would need a complete overhaul to pass next year's inspections.

Back Office Work

23. The inspection forms were scanned on to the system and the case closed and a record made in Ocella of the inspection and defects found. Returned plates are collected by Mogo (the manufacturer) to be recycled.

Background Papers:

None

Reference Papers:

None

Enquiries:

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

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **8 July 2014**

Report of: **Director of Community**

Subject: **ANNUAL 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 issued under Section 18 of the Act. The Council each year is required to produce an Intervention Plan to meet the requirements of the Section 18 guidance. The guidance 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 e.g.. The Health & Safety Executive are the Enforcing Authority for all other premises.
2. The Council's Statutory duty in respect of Health & Safety at Work enforcement sits within the Community Department and is delivered by the Fareham and Gosport Environmental Health Partnership. The joint Commercial section has the delegated authority to enforce the legislation.
3. The Council has a statutory 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

HEALTH & SAFETY AT WORK ETC ACT 1974 - SECTION 18 GUIDANCE

4. Local Authorities are responsible for the enforcement of the Health and Safety at Work etc Act 1974 as prescribed in the Health and Safety (Enforcing Authority) Regulations 1998. Typically the types of activities included are:- sale of goods, offices, warehousing, catering, residential care, consumer services, child care.
5. Section 18 requires Local Authorities to perform their duties in accordance with guidance from the Health and Safety Executive. The "Section 18 Guidance" is therefore mandatory.
6. The guidance notes issued by the HSE under section 18 (4) contain the broad principles which they wish LAs' to adopt in enforcing health and safety legislation. The Section 18 guidance 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.
7. The Section 18 guidance 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.
8. There is further guidance linked to the Section 18 guidance on "Priority Planning"; this has also been updated in recent years and the scheme to risk rate the premises that have been inspected has been revised. Premises found to be low risk are removed from the inspection programme. An alternative intervention scheme has been introduced to deal with any higher risk elements within 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

9. 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. 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

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

Enquiries:

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

APPENDIX A – Fareham Borough Council Health & Safety Enforcement Intervention Plan 2014/15

FAREHAM

BOROUGH COUNCIL

Fareham Borough Council
Health & Safety Enforcement
Intervention Plan
2014 / 2015

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) 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) Investigating all relevant workplace related accidents;
 - b) Investigating all complaints relating to workplace health and safety;
 - c) Providing health & safety at work related advice to business and the public.
 - d) Ensuring that all relevant businesses are identified and inspected on a risk-assessed basis;

Performance and activities during 2013-2014

5. The performance in each of the above areas for 2013/2014 is summarised below:-
 - i) 53 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.
 - ii) 63 complaints were received and investigated.
 - iii) 14 Enforcement Notices were served in total. A summary of these are shown as Appendix 1 to this plan.
 - iv) 100% of the programmed inspections completed.

Key Delivery Priorities

7. Over the coming year the key delivery priorities are :-
- i) To investigate all accidents and incidents in accordance with HSE Local Authority Circular 22/13 "Incident Selection Criteria Guidance".
 - ii) To investigate complaints made about health and safety practices within workplaces or those open to the public.
 - iii) To respond to requests for health and safety advice or guidance, in particular for new businesses.
 - iv) To investigate health and safety matters of evident concern noted during visits to businesses for other issues.
 - v) 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;
 - vi) 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.

Local Priorities

8. Over the coming year the key local priorities are:-
- a) Develop the Fareham and Gosport Environmental Health partnership
 - b) To participate in the Hampshire FIT Programmes as appropriate e.g.
 - 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 sections became more formalised on 1st April 2014. Officers are joint warranted. This continues to provide resilience, efficiency and cost saving benefits.

The National Local Authority Enforcement Code

10. 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 has been 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.

11. The code 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.
12. The Service will be delivered in accordance with the national code: <http://www.hse.gov.uk/lau/la-enforcement-code.htm>

The Independent Regulatory Challenge Panel

13. 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

14. The Environmental Health Partnership Commercial Team carry out the Health and Safety enforcement function, this team consists of 1 full time Principal Environmental Health Officer, 2 part-time (3 days a week each) Senior Environmental Health Officers, and 2 Senior Technical Officers and 2 Technical Officers. These officers also undertake Food Safety and Licensing enforcement and Infectious Disease control work.
15. 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

16. To ensure that all enforcement decisions are consistent, the Council has an [Enforcement Policy](#), which has just been updated 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

17. 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 is being implemented for the EH Partnership Enforcement Team.

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **8 July 2014**

Report of: **Director of Community**

Subject: **LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK
PROGRAMME 2014/15**

SUMMARY

At the Committee meeting in March, the progress of the Work Programme for 2013/14 was considered and a Work Programme for 2014/15 was agreed. Members are now invited to note the actions from the last meeting and to review the work programme for 2014/15.

RECOMMENDATION

- (a) that the progress on actions arising from the meeting of the Committee held on 18 March be noted; and
- (b) that the Work Programme for 2014/15, attached as Appendix B to the report, be reviewed.

INTRODUCTION

1. At the Committee meeting on 18 March 2014, the progress on the Work Programme for 2013/14 was reported.

MONITORING

2. Details of progress on actions arising from matters considered at that meeting are shown in Appendix A for members' information.

WORK PROGRAMME FOR 2014/15

3. The work programme for 2014/15 agreed at the last meeting is attached as Appendix B.

RISK ASSESSMENT

4. 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 at its last meeting, as shown in Appendix A; and
- (ii) review the 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 Martyn George (Ext 4400).

APPENDIX A – Review of actions from last meeting

APPENDIX B – Work Programme for 2014/15

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Licensing and Regulatory Affairs Committee – 8 July 2014

Progress on Actions from last meeting

| | |
|------------------------|---|
| Date of Meeting | 18 March 2014 |
| Subject | Committee Work Programme 2013/14 and Draft for 2014/15 |
| Type of Item | Programming |
| Action by Committee | <p>The Committee considered a report by the Director of Regulatory and Democratic Services reviewing the Committee's Work Programme for 2013/14 and giving consideration to a draft work programme for 2014/15. It was noted that, as referred to in paragraph 4 of the report, owing to the change of date for the local elections, there would be an additional meeting in 2013/14, on 6 May 2014.</p> <p>RESOLVED that:-</p> <p>(a) the progress report on the Licensing and Regulatory Affairs Committee Work Programme for 2013/14, as shown in Appendix A to the report, be noted;</p> <p>(b) the unassigned item, Annual Health and Safety Service Plan, be added to the work programme for 6 May 2014;</p> <p>(c) Review of Implementation of IER (minute 6 (d) above refers) be added to the draft work programme for 2014/15;</p> <p>(d) the officers be requested to make arrangements for a follow-up member licensing training session with Peter Savill on review hearings during 2014/15, possibly in July; and</p> <p>(e) subject to (c) and (d) above, the proposed draft Work Programme for 2014/15, as shown in Appendix B to the report, be approved.</p> |
| Outcome | Work programmes amended accordingly. |
| Link Officer | Garry White |
| | |
| Subject | Monitoring Report on Applications Received |
| Type of Item | Monitoring |
| Action by Committee | The Committee considered a report by the Director of Regulatory and Democratic Services on the work associated with the Licensing function. |

| | |
|------------------------|---|
| | RESOLVED that the report be noted. |
| Outcome | Complete. |
| Link Officer | Ian Rickman |
| | |
| Subject | Individual Electoral Registration |
| Type of Item | Policy Review |
| Action by Committee | <p>The Committee considered a report by the Director of Regulatory and Democratic Services on Individual Electoral Registration (IER). The Committee received a presentation from the Democratic Services Manager illustrating various aspects of IER, including details of the preparation, timetable, challenges, opportunities and solutions. RESOLVED that:- (a) the proposed changes to the current electoral registration system be noted; (b) the officers be requested to arrange a briefing to advise all members of the Council of the forthcoming changes to electoral registration; (c) the officers be requested to note the suggestions to assist in the implementation and promotion of the IER scheme relating to the Summer cycle of Community Action Team (CAT) meetings, Fareham Today and Hampshire Now; and (d) 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.</p> |
| Outcome | Members' briefing took place on 2 June 2014. Item added to work programme for 20 January 2015. |
| 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 | <p>The Committee considered a report by the Director of Regulatory and Democratic Services on the adoption of additional provisions relating to the bye-laws adopted under section 15 of the Local Government (Miscellaneous Provisions) Act 1982. RECOMMENDED that the Council adopt Section 120 of the Local Government Act 2003 to enable the existing bye-laws 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.</p> |
| Outcome | At the Council meeting on 24 April 2014 the recommendation was accepted and approved. |
| Link Officer | Mandy Hovey |
| Date of Meeting | 6 May 2014 meeting cancelled |

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

| <u>DATE</u> | <u>SUBJECT</u> | <u>TRAINING SESSION/WORKSHOP</u> |
|--------------------------|--|--------------------------------------|
| 8 JULY 2014 | Policy Statements Relating to the LGPS 2014 Regulations 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 Review of Implementation of IER | |
| 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)