

FAREHAM

BOROUGH COUNCIL

AGENDA LICENSING AND REGULATORY AFFAIRS COMMITTEE

Date: Tuesday, 2 June 2015

Time: 6.00 pm

Venue: Collingwood Room - Civic Offices, Fareham

Members:

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors Mrs S M Bayford

Miss S M Bell

Mrs M E Ellerton

M J Ford, JP

N R Gregory

T J Howard

L Keeble

Mrs K Mandry

D J Norris

Mrs S Pankhurst

Deputies: K D Evans

R H Price, JP



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 14 May 2015.

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. 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.

7. Annual Report on Applications Received (Pages 3 - 10)

To consider a report by the Director of Community on licensing applications received.

8. Licensing and Regulatory Affairs Committee Work Programme (Pages 11 - 18)

To consider a report by the Director of Community on the Committee's Work Programme for 2015/16.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
22 May 2015

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

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Thursday, 14 May 2015

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 and
D J Norris



1. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor Mrs S Pankhurst.

2. MINUTES

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 17 March 2015 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 2015/16 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 2015/16; 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 2015/16.

RESOLVED that:-

- (a) Councillors Miss S M Bell, Mrs P M Bryant, T M Cartwright, Mrs M E Ellerton and Mrs K Mandry be appointed to the Licensing Trading Concessions Panel for 2015/16; and
- (b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Trading Concessions Panel for 2015/16.

(The meeting started at 3.21pm
and ended at 3.26pm).

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **2 June 2015**

Report of: **Director of Community**

Subject: **ANNUAL MONITORING REPORT ON APPLICATIONS RECEIVED**

SUMMARY

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

RECOMMENDATION

That the report be noted.

INTRODUCTION

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

ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT

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

Members' Clubs Certificates	32
Premises Licences	323

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

Licensing Panels	97
Reviews	11
Taxi Hearings	70

PERSONAL LICENCES

6. Currently there are 1209 Fareham Personal Licence Holders. This licensing regime commenced in November 2005 and these licences originally were set to last for ten years from the date of their grant, before requiring renewal. As the ^{tenth} anniversary of the grant of the original licences has approached, the Government has now removed the requirement for them to be renewed.

GAMBLING

7. The Gambling Act 2005 came fully into force in October 2007. This Act created the Gambling Commission and created a new licensing regime to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Commission is responsible for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters.

8. The numbers of applications and associated income over the last four financial years can be seen at Appendix A, table 2.

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER AND VEHICLE APPLICATIONS

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

ANIMAL LICENSING

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

SKIN PIERCING

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

SCRAP METAL

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

RISK ASSESSMENT

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

CONCLUSION

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

Background Papers:

None.

Reference Papers:

None.

Enquiries:

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

APPENDIX A - Number of Applications and Associated Income Tables.

NUMBER OF APPLICATIONS AND ASSOCIATED INCOME TABLES.

Table 1. - Alcohol Entertainment and Late Night Refreshment

TYPE OF APPLICATION	2011/12		2012/13		2013/14		2014/15	
	No	£	No	£	No	£	No	£
Application to vary licence holder / DPS / Minor Variations	70	56,660	75	59,864.90	69	70,090	75	58,786
Premises new Applications/ variations /	34	(incl. annual fees)	21	(incl. annual fees)	16		7	
Temporary Event	204	4,284	234	4,914	228	4,790	194	4,074
Personal Licences	81	2,997	64	2,368	74	1,554	173	3,633
TOTAL	389	£63,941	394	£67,151.90	387	£76,434		

Table 2. - Gambling / Charitable Activities

Gambling/Charity	2011/2012	2012/2013	2013/14	2014/15	Renewal
Gambling Act 2005	16	24	30	25	Annual
Lotteries	75	79	90	69	1 January
House to House	32	29	26	27	One off
Street Collections	205	162	175	147-	One off
Total Income	£9815	£11,190	£16,180	£9090	

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

	2011/12		2012/13		2013/14		2014/15	
		Income £	No.	Income £	No.	Income £	No.	Income £
Total transactions / income	609	76,645	645	84,006	656	85,532	680	81,419

Table 4. - Animal Licensing

Animal Licensing	2011/12	2012/13	2013/14	2014/15	Renewal
Pet Shops	6	4	4	5	1 January
Boarding Ests.	24	34	34	34	1 January
Breeders	1	1	1	1	1 January
Riding Ests.	4	4	3	3	1 January
DWA	0	0	0	0	N/A
Zoo	0	0	0	0	N/A
Total Income	£3,948	£6,376	£5885	£6196	

Table 5. - Skin Piercing

Byelaws	2011/12	2012/13	2013/14	2014/15	
Electrolysis & Ear piercing, Acupuncture & Tattoo	1	12	8	4	Once only registration
Total Income	£126	£696	£812	£328	

Table 6. - Miscellaneous

Miscellaneous	2011/12	2012/13	2013/14	2014/15	Renewal
Scrap metal	0	0	7	3	3 yearly
Motor Salvage	0	0	1	0	N/A
Sex shop	0	0	0	0	N/A
Street Trading	3	1	3	2	Annual
Tables and Chairs	N/a	N/a	N/a	6	
Total Income	£2,790	£1,560	£5,265	£1,635	

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **2 June 2015**

Report of: **Director of Community**

Subject: **LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK
PROGRAMME 2015/16**

SUMMARY

At the Committee meeting in March, the progress of the Work Programme for 2014/15 was considered and a Work Programme for 2015/16 was agreed. Members are now invited to note the actions from the last meeting and to review the work programme for 2015/16.

RECOMMENDATION

- (a) that the progress on actions arising from the meeting of the Committee held on 17 March 2015, as shown in Appendix A to the report, be noted; and
- (b) that the Work Programme for 2015/16, attached as Appendix B to the report, be reviewed.

INTRODUCTION

1. At the Committee meeting on 17 March 2015, the progress on the Work Programme for 2014/15 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 2015/16

3. The work programme for 2015/16 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 2015/16, 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).

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Licensing and Regulatory Affairs Committee – 2 June 2015

Progress on Actions from last meeting

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Date of Meeting	17 March 2015
Subject	Review of Implementation of IER
Type of Item	monitoring
Action by Committee	<p>The Committee considered a report by the Director of Finance and Resources reviewing the progress made since the introduction of Individual Electoral Registration (IER) on 10 June 2014.</p> <p>The Democratic Services Manager presented the report and showed members examples of some of the forms, envelopes and leaflets connected with the process.</p> <p>RESOLVED that:-</p> <p>(a) the progress made to date in relation to the transition to IER be noted; and</p> <p>(b) the Democratic Services Manager be congratulated, thanked and requested to pass on the Committee's congratulations and thanks to the officers concerned for all the work they had done and were continuing to do in connection with IER.</p>
Outcome	complete
Link Officer	Elaine Wildig
Subject	Licensing and Regulatory Affairs Committee Work Programme – Review of 2014/15 and Draft for 2015/16
Type of Item	programming
Action by Committee	The Committee considered a report by the Director of Community reviewing its work programme for 2014/15 and on a proposed work programme for 2015/16.

	<p>RESOLVED that:-</p> <ul style="list-style-type: none"> (a) the progress report on the Committee’s work programme for 2014/15, as shown in Appendix A to the report, be noted; (b) the ‘Annual Taxi Vehicle Renewals’ item be removed from the draft 2015/16 work programme for 7 July 2015 and, instead, the information concerned be incorporated in the ‘Annual Monitoring Report on Applications Received’ item on 2 June 2015; (c) members be invited to notify the Chairman or the Director of Community of any possible additional items to the 2015/16 work programme; (d) it be noted that the officers had been requested to arrange a members’ training session in the autumn, possibly on the same day as a scheduled meeting of the Committee; (e) an item updating the Committee on the progress of the Fareham and Gosport Environmental Health Partnership, with particular reference to those areas of work that were the Committee’s responsibility, be added to the work programme for 22 March 2016; and (f) subject to (b) to (e) above, the draft work programme for 2015/16, as shown in Appendix B to the report, be approved.
Outcome	Work programme amended accordingly
Link Officer	Martyn George
Subject	Environmental Health Partnership Update
Type of Item	monitoring
Action by Committee	<p>The Committee considered a report by the Director of Community on the progress of the Fareham and Gosport Environmental Health Partnership, in particular following the TUPE (Transfer of Undertakings Protection of Employment Regulations) transfer of employees to Fareham in April 2014 and the subsequent introduction of a single staffing structure.</p> <p>RESOLVED that:-</p>

	(a) the progress of the Fareham and Gosport Environmental Health Partnership be noted; and (b) the Head of Environmental Health and the Partnership officers be thanked for all their efforts.
Outcome	Further progress report to be submitted to the meeting of the Committee on 16 March 2016.
Link Officer	Ian Rickman

LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME
2015/16

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
2 JUNE 2015	<p>Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee</p> <p>Committee work programme 2015/16</p> <p>Annual Monitoring Report on Applications Received</p>	
7 JULY 2015	<p>Committee work programme 2015/16</p> <p>Actual Revenue Expenditure 2014/15</p> <p>Annual Health and Safety Service Plan</p> <p>Licensed Premises and Community Safety</p> <p>Advertising on Hackney Carriage Vehicles</p>	
22 SEPTEMBER 2015	<p>Committee work programme 2015/16</p> <p>Taxi Tariff</p>	
17 NOVEMBER 2015	<p>Spending Plans 2016/17</p> <p>Committee work programme 2015/16</p>	
26 JANUARY 2016	<p>Committee work programme 2015/16</p>	
22 MARCH 2016	<p>Committee work programme 2015/16 and draft for 2016/17</p> <p>Update on Fareham & Gosport Environmental Health Partnership</p>	

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To be assigned:

In-house Licensing Training Sessions (2) - (one to be held in Autumn 2015?)

