

AGENDA FOR THE EXECUTIVE

Date: Monday, 7 March 2016

Time: 6.00 pm

Venue: Collingwood Room - Civic Offices

Executive Members:

Councillor S D T Woodward, Policy and Resources (Executive Leader)

Councillor T M Cartwright, MBE, Public Protection (Deputy Executive Leader)

Councillor Miss S M Bell, Leisure and Community

Councillor K D Evans, Planning and Development

Councillor Miss T G Harper, Streetscene

Councillor Mrs K Mandry, Health and Housing



1. Apologies for Absence

2. Minutes (Pages 1 - 4)

To confirm as a correct record the minutes of the meeting of the Executive held on 22 February 2016.

3. Executive Leader'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. Petitions

6. Deputations

To receive any deputations, of which notice has been lodged.

7. Minutes / References from Other Committees

To receive any reference from the committees or panels held.

Matters for Decision in Public

Note: Where an urgent item of business is raised in accordance with Part 3 of the Constitution, it will be considered with the relevant service decisions as appropriate.

8. Executive Leader

Non-Key Decision

(1) Review of Licensing Policy. (Pages 5 - 22)

A report by the Head of Environmental Health.

9. Leisure and Community

Non-Key Decision

(1) Play and Recreational Improvement Programme (Pages 23 - 32)

A report by the Director of Operations.

10. Public Protection

Key Decision

(1) Dog Fouling Public Space Protection Order (Pages 33 - 44)

A report by the Director of Operations.

11. Policy and Resources

Key Decision

- (1) Grant of Rights to Undertake work on Council Land** (Pages 45 - 70)
A report by the Director of Finance and Resources.
- (2) Award of Contract - Corporate Surfacing Repairs and Civil Engineering Works** (Pages 71 - 76)
A report by the Director of Finance and Resources.
- (3) Wickham Road Cemetery Wall Repairs** (Pages 77 - 82)
A report by the Director of Finance and Resources.
- (4) Southampton and Fareham Legal Services Partnership** (Pages 83 - 88)
A report by the Director of Finance and Resources.

Non-Key Decision

- (5) Citizen of Honour 2016** (Pages 89 - 104)
A report by the Director of Finance and Resources.

12. Exclusion of Public and Press

To consider whether it is in the public interest to exclude the public and representatives of the Press from the remainder of the meeting on the grounds that the matters to be dealt with involve the likely disclosure of exempt information, as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Exempt Matters for Decision

Note: Where urgent items of business are raised in accordance with Part 3 of the Constitution, they will be considered with the relevant service decisions as appropriate.

13. Policy and Resources

Key Decision

- (1) Irrecoverable Debts** (Pages 105 - 112)
A report by the Director of Finance and Resources.

P GRIMWOOD
Chief Executive Officer

www.fareham.gov.uk

26 February 2016

**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 Executive

(to be confirmed at the next meeting)

Date: Monday, 22 February 2016

Venue: Council Chamber - Civic Offices

Present:

S D T Woodward, Policy and Resources (Executive Leader)
T M Cartwright, MBE, Public Protection (Deputy Executive Leader)
Miss S M Bell, Leisure and Community
K D Evans, Planning and Development
Miss T G Harper, Streetscene
Mrs K Mandry, Health and Housing

Also in attendance:

B Bayford, Chairman of Health and Housing Policy Development and Review Panel
Mrs P M Bryant, Chairman of Licensing and Regulatory Affairs Committee; for item 8(1)
Mrs M E Ellerton, Chairman of Public Protection Policy Development and Review Panel
M J Ford, JP, Mayor
Mrs C L A Hockley, Chairman of Leisure and Community Policy Development and Review Panel
L Keeble, Chairman of Streetscene Policy Development and Review Panel
A Mandry, Chairman of Planning and Development Policy Development and Review Panel
D C S Swanbrow, Chairman of Scrutiny Board
N J Walker, Chairman of Planning Committee



1. APOLOGIES FOR ABSENCE

There were no apologies given for this meeting.

2. MINUTES

RESOLVED that the Minutes of the Executive on the 8 February 2016 be confirmed and signed as a correct record.

3. EXECUTIVE LEADER'S ANNOUNCEMENTS

There were no announcements made by the Executive Leader at this meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. PETITIONS

There were no petitions presented at this meeting.

6. DEPUTATIONS

The Executive received deputations in relation to item 8(1) – Delivery of Welborne Report from Mr Christopher Smith of BST Warehouses Limited; Mr Mark Thistlethwayte of Buckland Development Limited; Mr Shaun Cunningham; and Mr Jason Mudge.

7. MINUTES / REFERENCES FROM OTHER COMMITTEES

There were no minutes or references from other Committees given at this meeting.

8. PLANNING AND DEVELOPMENT**(1) Delivery of Welborne**

In presenting the report, the Executive Leader advised that a letter enclosing Counsel opinion had been received earlier that day from solicitors acting for Buckland Development Limited which asked the Executive to defer consideration of the matter, suggesting that the recommendations contained within the report are premature and unlawful. In light of this serious allegation, the Executive Leader sought legal advice from the Acting Solicitor to the Council present at the meeting.

The Acting Solicitor to the Council confirmed that the letter had been seen and considered by Fareham's solicitors and by external legal advisers. Members were advised that the legal implications in relation to this matter are as set out in the report, in particular but not limited to paragraphs 45 to 57.

The Acting Solicitor to the Council emphasised that at this stage the decision is not to pursue or proceed with a Compulsory Purchase Order but that it is simply an indication that the Council will be minded to use those powers if and when a decision becomes necessary in due course. At that time, many of the issues raised within the letter will be addressed in any report to the Executive which might seek authorisation to progress to a Compulsory Purchase Order but it would be premature to consider those arguments at this stage.

The Acting Solicitor to the Council confirmed that she was satisfied that the decision before the Executive at this meeting is presented in a fair and unbiased manner.

The Executive Members were asked to confirm that they had read and understood the contents of the letter and the Counsel's opinion and that they would give due regard to the contents of the letter and the Counsel's opinion in reaching their decision. The Executive Members confirmed that this was the case.

The comments of the deputations were taken into account in considering this item (see minute 6).

At the invitation of the Executive Leader, Councillor Mrs P M Bryant addressed the Executive on this item.

RESOLVED that the Executive agrees:

- (a) to delegate authority to the Director of Planning and Regulation to commence a selection process for a development partner to deliver an acceptable scheme that achieves the comprehensive development of the Welborne area in accordance with the Local Plan;
- (b) to note that the Director of Planning and Regulation will seek Executive approval for the appointment of a preferred development partner and the details of the proposed financial and commercial agreements to deliver the project at the appropriate time;
- (c) to delegate authority to the Director of Planning and Regulation to commence the Compulsory Purchase Order process necessary to secure the objectives of the Welborne Plan and bring forward comprehensive development in the Welborne area by the carrying out of land referencing, survey and other information gathering activities to establish the detailed type and scope of powers required and extent of interests likely to be affected;
- (d) to note that the Director of Planning and Regulation will seek Executive approval for the making of a Compulsory Purchase Order(s) at the appropriate time;
- (e) to resolve that the use of the Council's compulsory purchase and associated powers (including but not limited to those under the Town and

Country Planning Act 1990 and the Local Government Act 1972) to facilitate comprehensive development in the Welborne area would be justified in principle, subject to the Council being satisfied that the acquisition of each interest or right to be acquired is justified in the public interest;

- (f) to approve the promotion of, and seek grant funding opportunities for, the highways improvement works required at Junction 10 of the M27 motorway and the surrounding highway network required to secure the delivery of the comprehensive development of the Welborne area;
- (g) to delegate authority to the Director of Finance and Resources to acquire the interests identified, as set out in the confidential Appendix B, in the Welborne area in advance of a development partner being selected;
- (h) to note that the Director of Planning and Regulation will develop proposals for the future governance arrangements to oversee the progression of the Welborne Development Strategy (outlined in this report) and seek Executive and/or Council approval as appropriate;
- (i) to delegate authority to the Director of Planning and Regulation to procure appropriate external advisers to assist the Council in carrying out the above steps, subject to remaining within the overall approved budget provision for the project;
- (j) that subject to budgetary provision being made by the Executive as outlined in this report, to delegate authority to the Director of Planning and Regulation following consultation with the Executive Member for Planning and Development, to undertake actions to progress the Welborne Development Strategy, including but not limited to incurring expenditure, entering into partnership working arrangements, seeking grant and other funding opportunities and working with the appropriate Highways and Planning Authorities and other relevant statutory bodies, provided that these actions remain within the overall approved budget and Local Plan framework for Welborne set by the Executive and Council respectively; and
- (k) that the Executive be provided with regular progress reports on the progression of the Welborne Development Strategy on a schedule to be agreed following consultation with the Leader and the Executive Member for Planning and Development.

(The meeting started at 6.05 pm
and ended at 7.20 pm).

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 7 March 2016

Portfolio:	Executive Leader
Subject:	Review of Statement of Licensing Policy
Report of:	Head of Environmental Health
Strategy/Policy:	None
Corporate Objective:	Safe and Healthy Place to Live and Work

Purpose:

This report sets out the Statement of Licensing Policy (Licensing Policy) that details the Council's approach to promoting the four licensing objectives when making decisions under Licensing Act 2003. The Policy is reviewed every five years and has taken account of changes in legislation, regulations and guidance. The renewed Policy is attached as Appendix A and is being presented to the Executive for approval, before adoption at full Council.

Executive summary:

The Council has an existing Licensing Policy which during this review has been simplified, without there being any substantive policy changes. It sets out the standards and criteria for applications received according to the Licensing Act 2003 and how those applications will be determined and the licensing objectives promoted.

Recommendation/Recommended Option:

That the Executive notes the updated Licensing Policy, as detailed in Appendix A, and refers to Council for approval of adoption.

Reason:

Section 5 of the Licensing Act 2003 ('the Act') requires the licensing authority to prepare and publish a Statement of Licensing Policy every five years. This outlines the general approach of the licensing authority when making licensing decisions under the Act and can be reviewed and revised by the authority at any time.

Cost of proposals:

There are no financial implications for the Council arising from consideration of this proposal.

Appendices: A: Statement of Licensing Policy
Background papers: None

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	7 March 2016
Subject:	Review of the Licensing Policy
Briefing by:	Head of Environmental Health
Portfolio:	Executive Leader

INTRODUCTION

1. The Licensing Act 2003 took effect on 25 November 2005 and provided a unified system of regulation for the sale of alcohol, the provision of regulated entertainment and late night refreshment. Most significantly it transferred to the local authority, as part of these new provisions, liquor licensing, which was previously carried out by the Magistrates' Court. The Council is the licensing authority in its area for the discharge of licensing functions under the Licensing Act 2003.
2. The Licensing Policy reflects the requirements of the Licensing Act 2003 and the associated guidance and regulations. It also demonstrates how the Council will promote the four licensing Objectives in making decisions under the Act. Section 5 requires each licensing authority to publish a statement of policy in respect of its licensing functions at the beginning of each five year period. This policy must be kept under review and such revisions must be made at such times as it considers appropriate.
3. The present five year period ended in January 2016 and therefore a Licensing Policy for 2016-2021 must be determined and published.
4. Consultation took place during December 2015 and a report was taken to Licensing and Regulatory Affairs Committee where the Head of Environmental reported in more detail on the consultation responses, actually no responses were received that altered the draft revised policy.
5. There are no significant risk considerations in relation to this report.

CONCLUSION

6. That members consider the information contained in the report and the

Enquiries:

For further information on this report please contact Ian Rickman Ext 4773

FAREHAM
BOROUGH COUNCIL

Licensing Act 2003

Statement of Licensing Policy

April 2016 – March 2021

1. Introduction

- 1.1 The Licensing Act 2003 requires licensing authorities to publish a "statement of licensing policy" every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made
- 1.2 The Policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:
- Retail sale of alcohol;
 - Supply of alcohol to club members;
 - The supply of hot food and/or drink from any premises between 11 p.m. and 5 a.m.;
 - Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. "Regulated Entertainment" is defined as:
 - A performance of a play
 - An exhibition of a film;
 - An indoor sporting event;
 - Boxing or wrestling entertainment;
 - A performance of live music;
 - Any playing of recorded music;
 - A performance of dance;
 - Provision of facilities for making music;
 - Provision of facilities for dancing.
- 1.3 The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of the activities. These include licensed premises music exemptions.
- 1.4 The licensing authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 1.5 The Licensing Authority must also have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. That does not mean that it has to follow the policy and guidance slavishly. It can depart from it if, it has properly taken it into account, it has good reason to do so and where it is appropriate to do so to promote one or more of the licensing objectives.

- 1.6 In promoting the licensing objectives the licensing authority has a number of key aims and purposes which should be principal aims for everyone involved in licensing work and are therefore integral to the Policy. They include:
1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 3. Recognising the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;
 4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

Consultation

- 1.7 In accordance with section 5 of the Act and prior to the publication of this Policy the licensing authority consulted with:
- Chief Officer of Police for the area (Hampshire Police)
 - Hampshire Fire and Rescue Authority
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of local holders of club premises certificates;
 - Persons/bodies representative of local holders of personal licences;
- 1.8 Policy will come into effect on in April 2016 and remain in force for a period of five years. During this time the policy will be subject to regular review.

2. Profile

- 2.1 Fareham is located in an area of some 30 square miles along the south coast of Hampshire between Portsmouth and Southampton. It is well connected to the M27 motorway, has good rail links to London and other major centres and easy access to the ferry ports and Southampton international airport.
- 2.2 The population of 112,800 is expected to grow by 5.4%, between 2011 and 2031, with a growing number in the population aged 45 or more. Black and minority ethnic groups make up a small proportion of the population in comparison to the rest of the south east region.
- 2.3 Within Fareham's boundaries there are 6 nationally important sites of special scientific interest, 92 sites of importance for nature conservation and 4 nature reserves. The Borough has many historic buildings, 13 conservation areas, nearly 600 listed buildings plus 7 historic parks and gardens of regional or local importance.

- 2.4 Fareham is a thriving business area with low unemployment. Many of Fareham's businesses are of local origin with a high survival rate from start-up. The growth in jobs at Whiteley, Segensworth and the Solent Business Park has reduced the number of residents commuting to work elsewhere. The proportion of Fareham's working age population that are in work is higher than both the regional and national rates and the average annual salary for a full time worker living in Fareham is significantly higher than national average earnings.
- 2.5 Fareham is a safe and healthy place compared to many other parts of the country. The total number of recorded crimes in Fareham has been falling in recent years. Based upon the number of crimes recorded, Fareham's Community Safety Partnership is in the top quartile when compared to other similar authorities.
- 2.6 The health of people living in Fareham is generally good when compared to other areas. Life expectancy is higher than the national average for men and women and over the last 10 years, the rate of death from all causes, and early death rates from cancer and from heart disease and stroke, have all fallen and remain lower than the national average.
- 2.7 Deprivation levels across the Borough are generally very low, but there are pockets of deprivation where unemployment is much higher and educational achievement is much lower when compared to other parts of the Borough.
- 2.8 Development at Welborne, a new community to the north of Fareham, is planned to start in 2016 comprising around 6,000 homes, commercial buildings and community facilities.

3.0 The Impact of Alcohol on Fareham

- 3.1 The priorities for Public Health England in Fareham include alcohol and related disease.
- 3.2 Public Health England state "Alcohol consumption is a contributing factor to hospital admissions and deaths from a diverse range of conditions. Alcohol misuse is estimated to cost the NHS about £3.5 billion per year and society as a whole £21 billion annually.

4. Licensing Process

- 4.1 Applicants are strongly encouraged to seek advice at the earliest possible stage from the licensing authority and other responsible authorities before making an application.
- 4.2 Applicants will need to comply with the statutory requirements or risk their application being invalid.
- 4.3 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, having regard to the type of premises (which includes a vessel i.e. ship or boat), the licensable activities to be provided, the operational procedures, the nature of the location and needs of the local community.

- 4.4 It is recommended that applicants obtain planning permission and building regulation approval along with all other necessary permissions and licences for the premises prior to an application being submitted.
- 4.5 When formulating their operating schedule applicants will be expected to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account where appropriate.
- 4.6 When determining applications the licensing authority will have regard to any guidance issued by the Government. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration of those representations will be balanced against the wider benefits to the community.
- 4.7 When determining applications the only conditions which should be imposed on a premises licence or club premises licence are those that are appropriate for the promotion of the licensing objectives. In particular, regard will be had to any local crime prevention strategies.

Operating Schedules

- 4.8 The operating schedule must form part of the completed application form for a premises licence. It should include information, which is necessary to enable a responsible authority or other person to assess whether and what steps have been taken or are proposed in order to promote the licensing objectives.
- 4.9 As and when appropriate the applicant should provide in the operating schedule such further relevant additional information/evidence where there is an apparent departure from the promotion of the licensing objectives.
- 4.10 It is strongly recommended that applicants and/or their legal advisors discuss with Council officers and representatives of responsible authorities the draft operating schedule before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise for concern. This may avoid the necessity for a hearing if the application otherwise passes without representation.

Representations

- 4.11 There is a prescribed period during which the licensing authority can receive a written representation to an application. This is usually 28 days from the date the licensing authority receives the application but varies depending on the type of application under consideration.
- 4.12 "Relevant representations" can include positive, supportive representations as well as objections.

Decision Making Process

4.13 It will be the licensing authority's policy to provide an efficient and cost effective service to all parties involved in the licensing process. With the exception of the approval and review of this Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation.

4.14 In accordance with Guidance the licensing authority has delegated licensing functions to sub-committees or in appropriate cases, to officials supporting the licensing authority as follows:

Matter to be dealt with	Sub Committee / Panel	Officers
Application for personal licence	If a police objection	If no objection made
Application for person licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases in consultation with the Chairman
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases
Determination of a police objection to a temporary event notice		All cases
Determination of application to vary premises licence at a community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

- 4.15 If no relevant representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The licensing authority will have no conditions attached to the licence.
- 4.16 Where relevant representations are made and not withdrawn, the licensing authority must hold a hearing before the Licensing Panel who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives.
- 4.17 The steps are:
- grant the licence subject to the operating schedule modified to such extent as the Panel considers appropriate for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
 - exclude from the scope of the licence any of the licensable activities to which the application relates;
 - to refuse to specify a person in the licence as the premises supervisor;
 - reject the application.

Applications for Large Events

- 4.18 Events that the Council believe may require a co-ordinated approach to manage may be subject to a Safety Advisory Group (SAG) process. This will be at the discretion of the Council. Applicants will need to demonstrate to the members of the SAG they are supporting the licensing objectives.
- 4.19 An Event Management Plan needs to be submitted at least 6 months prior to the event to allow for the SAG process to be undertaken before any required licensing process.

Shops Selling Alcohol (Off Licences)

- 4.20 In 2013 the British Beer and Pub Association estimated that twice as much alcohol is bought in off-licensed premises as from pubs or other licensed premises. This was after years of seeing a steady increase in the amount of alcohol sold in off licences. Pre-loading with alcohol before a night out is much more frequent. This change in habit has the potential to negatively impact on the licensing objectives with on-licensed premises most at risk of the consequences. There are additional increased potential risks such as easier access to alcohol by children (given that consumption is not monitored / regulated), theft, increased street drinking and an increase in crime and disorder.
- 4.21 To address theft and access by children to alcohol the layout of premises, CCTV, where alcohol will be displayed and what steps will be undertaken to support the licensing objectives will be considered.

Temporary Event Notices (TENS)

- 4.22 The Licensing Act 2003 enables certain organised events for fewer than 500 people to take place following notification to the licensing authority, the Police and Environmental Health.
- 4.23 Guidance on giving Notice can be found in the Home Office Fact Sheet.
www.gov.uk/government/publications/temporary-events-notices-factsheet.
- 4.24 Although the statutory legal minimum time required for the notification of a temporary event to the licensing authority, Police and Environmental Health is ten working days, or five working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the licensing authority to publicise its preferred timescale for notification.
- 4.25 The licensing authority will encourage bona fide community events. Giving TENS for existing licensed premises will not be encouraged where the proposal is simply to regularly extend the existing hours of operation.
- 4.26 The licensing authority expects those who have given notice of a temporary event to have identified any particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies.

5. Management of Premises

Designated Premises Supervisor

- 5.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).
- 5.2 The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.
- 5.3 The licensing authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a seven-day week.
- 5.4 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.
- 5.5 Within all licensed premises, whether or not alcohol is to be sold, the licensing authority will expect there to be proper management arrangements in place which

will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.

Door Supervisors

- 5.6 The premises licence holder and DPS should ensure that their premises do not increase the fear of crime as well as actual crime in their locality. To this end they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. Door supervisors have an important role in managing customers, not only on the doors but also in the immediate area of premises.

Dispersal Policies

- 5.7 The licensing authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later-opening premises elsewhere and people who use off-licences may locate to a remote spot to drink. These problems may not be within the direct control of any particular licensed premises. However, premises licence holders are generally expected to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority would encourage premises to adopt a dispersal policy where appropriate.

Risk Assessment

- 5.8 The licensing authority will expect that appropriate and satisfactory general and technical risk assessments, management procedures and documentation have been made available to the relevant responsible authorities and to the licensing authority, that demonstrate that the public will be safe within and in the vicinity of the premises.
- 5.9 As a minimum the following matters must be taken into consideration:
- Whether the premises already have a licence which specifies the maximum number of people that can be present and, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.
 - Whether there are procedures in place to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.
 - Whether patrons can arrive at and depart from the premises safely.
 - Whether there may be overcrowding in particular parts of the premises;
 - Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
 - Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

Promoters

- 5.10 The premises licence holder, DPS and personal licence holders remain responsible for activities taking place on premises when promotions take place. In addition the licensing authority will expect premises licence holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The Promoter and its employees or agents, shall comply in all respects with all conditions, requirements and regulations of the local authority, licensing authority, police authority and fire authority and have regard to good practice for licensed premises.

Takeaway Premises (Late Night Refreshment Houses)

- 5.11 The Licensing Authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).
- 5.12 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there. Applicants are recommended to have clear written policies for dealing with disorder and nuisance.
- 5.13 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.
- 5.14 Where the Licensing Authority considers it appropriate, it may impose conditions on a premises licence to require the operator of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements.

External Areas

- 5.15 The introduction of the requirement for smoke free public places under the Health Act 2006 has led to an increase in the number of people outside licensed premises. The provision of tables and chairs outside premises can enhance the attractiveness of a venue, but regard should be had to the need to ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity. In particular, those with authorisations are expected to manage persons smoking in the vicinity of premises so they do not impede access to the premises and do not cause disturbance. In addition they are expected to provide secure ash trays or wall mounted cigarette bins for patrons so as to minimise litter.

- 5.16 Licensees should also be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use of toughened or “plastic” drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas.
- 5.17 The licensing authority has a number of concerns with respect to the development of external areas to licensed premises, and will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.

Vehicles

- 5.18 Under the Act, alcohol may not be sold on or from a moving vehicle and therefore any application for such will be refused. However, applications for Premises Licences will be considered for the sale of alcohol from parked or stationary vehicles relating solely to the place where the vehicle is parked and the sale of alcohol will take place.

6. Cumulative Impact/Special Saturation Policy

- 6.1 The licensing authority will not take the “need” for an establishment into account when considering an application, as this is a matter for the market. The licensing authority however recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder in the vicinity of the premises.
- 6.2 If representations are received from a responsible authority or other persons suggesting that an area has become saturated with licensed premises, such degree of concentration making it a focal point for large groups of people to gather in surrounding areas, possibly away from the premises themselves, the licensing authority will consider on an evidential basis if this impact has an adverse effect on the promotion of the licensing objectives in addition to that created by the individual premises.
- 6.3 In these circumstances, the licensing authority will assess whether the imposition of conditions can address these problems or if the adoption of a special policy of refusing applications for new Premises Licences or Club Premises Certificates is needed because the area is saturated with licensed premises and that granting of any more would undermine at least one of the licensing objectives.
- 6.4 When considering whether to adopt a special saturation policy the Licensing Authority will consider a range of issues including the following:
- Evidence of identification of concern about crime and disorder or public nuisance;
 - Where it can be demonstrated that nuisance and/or disorder is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;
 - Following consultation and subject to that consultation, inclusion of a special policy about future Premises Licence or Club Premises Certificate applications from that area; and

- Publication of the special policy.
- 6.5 If a special policy is adopted it creates a rebuttable presumption that licence and certificate applications or material variations will normally be refused if relevant representations are received. Accordingly applicants will need to address the special policy issues in their operating schedules in seeking to rebut the presumption. Applicants would need to demonstrate that the operation of the premises involved would not add to the cumulative impact already being experienced.
- 6.6 If implemented, the licensing authority would regularly review any special saturation policies to see whether they have had the intended effect and are still required.
- 6.7 The licensing authority will not normally use special saturation policies solely;
- As grounds for removing a licence when representations are received about problems with existing licensed premises, or;
 - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.
- 6.8 The licensing authority also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application having regard to the licensing objectives.
- 6.9 The licensing authority, having regard to the evidence currently available, considers that at present there is no particular part of the district where a cumulative impact exists, leading to an adverse impact upon the fulfilment of the licensing objectives. However, the cumulative impact of licensed premises will be kept under review.
- 6.10 Other mechanisms, both within and outside the licensing regime that are available for controlling cumulative effect are:
- Planning controls;
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other Local Authority services;
 - Application of the powers of the Council to designate parts of the area as places where alcohol may not be consumed publicly;
 - Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
 - The prosecution of any holder of a Personal Licence or member of staff at such premises who is selling alcohol to people who are drunk;
 - The confiscation of alcohol from adults and children in designated areas;
 - Application of Police powers to close for up to 24 hours, any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises; and
 - Application of Police powers, other Responsible Authorities, local residents or businesses to seek a formal review of a licence/certificate.

7. Children

- 7.1 A child is anyone under the age of 18 years unless otherwise stated.
- 7.2 This statement of licensing policy does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm.
- 7.3 When considering applications for premises licences, the licensing authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children. The relevant matters include premises:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided;
 - where the supply of alcohol is the exclusive or primary purpose of the service at the premises.
 - in these circumstances, conditions may be attached to any licence to:
 - limit the hours when children may be present;
 - restrict the age of persons on premises;
 - exclude children from all or part of the premises when certain activities may take place;
 - require an adult to accompany a child;
 - set out a requirement for the presence of adult staff according to a set adult/child ratio where children are attending regulated entertainment;
 - exclude people under 18 from the premises when any licensable activities are taking place.
- 7.4 Where no licensing restriction is considered necessary, however, it is at the discretion of the premises licence holder or club to decide whether or not to admit children; however the licensing authority strongly supports the use of Challenge 25 policies, the recording of all refusals and training on all age restricted activity.
- 7.5 Where premises give film exhibitions, licensees must ensure that children are prevented from viewing age-restricted films classified according to the British Board of Film Classification.
- 7.6 Except as in 5.3 above the authority will not impose conditions restricting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The licensing authority encourages family friendly policies. It will take strong measures to protect children where any licence holder is convicted of serving alcohol to children, where premises have or acquire a known association with drug taking or dealing, where gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances while it may sometimes be necessary to impose a complete ban on the admission of children this would be rarely imposed, it would be more likely to require conditions as referred to above.

- 7.7 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm including control of access and egress and consideration may be given to include conditions concerning child/adult ratios
- 7.8 The licensing authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so in order to protect them from harm
- 7.9 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in a specific case where there are very good local reasons a certificate given to the film by the licensing authority itself.
- 7.10 Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.
- 7.11 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 7.12 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

8. Enforcement

- 8.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the approved operating schedule, the specific requirements of the 2003 Act and any licence conditions imposed. The licensing authority, in partnership with the responsible authorities, will make arrangements to monitor premises.
- 8.2 The licensing authority will work closely with the Police, Trading Standards and the other responsible authorities, liaising on a regular basis to establish enforcement protocols and concordats to ensure an efficient deployment of resources engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.
- 8.3 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police, Trading Standards and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol and tobacco products to children.

8.4 The premises licence holder is responsible to ensure the four licensing objectives are upheld:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

8.5 Where there is evidence to suggest the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulator's Compliance Code. The aim is to have well run premises operating in our borough. Problems at premises will be identified by the relevant authorities and the licence holder will have responsibility to resolve the problem. Failure to address or respond to problems or isolated serious failures will normally result in a review application.

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 7 March 2016

Portfolio:	Leisure and Community
Subject:	Play and Recreational Improvement Programme
Report of:	Director of Operations
Strategy/Policy:	Leisure Strategy
Corporate Objective:	Leisure for Health and For Fun

Purpose:

To agree improvement works and a refurbishment programme for the Council's outdoor play and recreational equipment.

Executive summary:

The Council has 63 items of outdoor play and recreational equipment located across the Borough that are provided predominantly for young people aged 13 and over.

A strategic review of all play and recreational equipment has been undertaken to determine what works needed to be completed to help bring all items of equipment up to a good standard and to establish a programme of works required.

Appended to the report is a proposed programme of works which can be funded from the Section 106 Developer Contributions collected for the maintenance of play and recreational facilities.

The review findings and a draft programme were presented to the January meeting of the Leisure and Community Policy Development and Review Panel and members endorsed the programme without any amendment.

Recommendation/Recommended Option:

That the Executive approves:

- (a) the proposed programme of works as detailed in Appendix A; and
- (b) a budget of up to £50,000 to enable the works to be carried out to ensure the items of equipment are brought up to standard, funded from Section 106 contributions for the maintenance of play and recreational facilities.

Reason:

To facilitate the improvement of the Borough's outdoor play and recreational equipment in order to maintain a good standard of play provision and to ensure the equipment remains safe, attractive and accessible to young people.

Cost of proposals:

The total cost to undertake all of the improvements identified is £70,000.

The proposal is to redirect the funds remaining from the previously agreed mini makeover play area programme, which is £20,000 and the remaining amount of £50,000 be funded from the Section 106 maintenance of play and recreational facilities.

Appendix: **A:** Complete schedule of improvement works.

Background papers: Presentation to the Leisure and Community Policy Development and Review Panel – Review of Outdoor Play and Recreational Equipment – January 2016

Report to the Leisure and Community Policy Development and Review Panel – Open Spaces Improvements Programme – September 2014

Reference papers:

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BOROUGH COUNCIL

Executive Briefing Paper

Date:	7 March 2016
Subject:	Play and Recreational Improvement Programme
Briefing by:	Director of Operations
Portfolio:	Leisure and Community

INTRODUCTION

1. In September 2014 the responsibility for delivering the programme of play area improvements was transferred to the Leisure team. In 2014/15 a strategic review was undertaken of all 43 play areas and a priority programme of improvements identified. At the time of undertaking that review it was also considered important to carry out a review of the Council's outdoor play and recreational facilities.
2. The Council has 63 items of outdoor play and recreational equipment, predominantly used by children aged 13 and over. This includes skate parks, multi use games areas (MUGA's), teen shelters, football goals, basketball hoops and outdoor fitness equipment. These are managed and maintained by the Council's Streetscene team who undertake weekly inspections to ensure the equipment is safe and to address any repairs required.
3. The purpose of undertaking the play and recreational review was exactly the same as the children's play area review; to determine what works were needed to bring all items of equipment up to a good standard and to establish a programme of works.

STRATEGIC REVIEW

4. In order to determine the current condition and suitability of all the play and recreational equipment in the borough, an evaluation model was developed and a site visit was made to each item of equipment, which was then assessed in accordance with the criteria in the model as follows:
 - a) The current condition of the equipment and surrounding surfacing
 - b) If the equipment was accessible to its visitors
 - c) Where the equipment was located i.e. was it overlooked by houses, how secure was it and was there a better location for the item on the site.

5. In addition to the site assessments, residents and youth groups were encouraged to take part in a consultation exercise to help identify if there was anywhere in the Borough with a shortfall of provision. Some suggestions were made that will be investigated by officers, subject to consultation with residents, Ward Councillors and available funding.
6. Ward Councillors were also invited to identify any sites within their ward that they or residents had a particular concern with so that officers could explore those further whilst undertaking the review.
7. The information was then used to produce a programme of improvement works. The draft version was presented at the January 2016 Leisure and Community Policy Development and Review Panel and members endorsed the programme without any amendments.

IMPROVEMENT PROPOSALS

8. Whilst the review determined which sites that had the greatest need for improvement and they were graded as being 'poor' in the evaluation model, the review also identified other improvements required to maintain the standard of provision.
9. As part of the assessment carried out on each item of equipment, officers not only considered the age and condition of the item, but also its overall appearance and usage.
10. A detailed list containing each item of recreational equipment and the works required is set out in Appendix A. All improvement works will be completed by autumn 2016.

FUTURE CONSIDERATION

11. In order to maintain the current standard of outdoor recreational equipment in the Borough it is estimated the equipment will need to be painted every 3-5 years. The estimated lifespan for new items of equipment and safety surfacing is 8-12 years.
12. The proposed improvement programme for outdoor recreational facilities can be fully funded from available Section 106 maintenance contributions for play and recreation facilities. However, beyond 2017/18 it is likely that there will be insufficient contributions available to fund any new provision.
13. This situation has arisen due to the introduction of the Community Infrastructure Levy (CIL) which has largely replaced Section 106 Developer Contributions as the mechanism for collecting funds from development for infrastructure improvements. Therefore alternative sources of funding will need to be identified to fund the provision of any new equipment required in the future.

CONCLUSION

14. A comprehensive review of the Council 63 items of outdoor recreational equipment has been undertaken. A programme of works required in order to maintain the standard of provision has been scheduled and where there is demand for new provision.
15. The programme of works as set out in Appendix A can be funded from the Section 106 maintenance of play and recreational facilities.

Enquiries:

For further information on this report please contact Emma Watts, Leisure Events Manager. Ext. 4440

Appendix A : Review of Outdoor Play and Recreational Facilities

Location	Ward	Item of Equipment	Condition	Works required
Sarisbury Green Play Area	Sarisbury	Basketball Hoop	Average	Repaint court markings
Fielding Road Play Area	Sarisbury	Half MUGA	Average	Repaint court markings
Sweethills Crescent Play Area	Sarisbury	Teen shelter	Average	Requires painting
Burridge Play Area	Sarisbury	Basketball/football combo	Average	Repaint and new court markings
Hollybrook Gardens Play Area	Locks Heath	Football goals x2 (new style)	Average	Repaint/goal mouth surfacing
Locks Heath House Park	Locks Heath	Basketball/football combo	Average	Replace goal /goal mouth surfacing
Locks Heath House Park	Locks Heath	Outdoor gym equipment	Average	Requires new signage
Locks Heath House Park	Locks Heath	Skate ramp	Average	Attention to the grind rails
Locks Heath House Park	Locks Heath	Teen shelter	Good	
Locks Heath District Centre Locks Heath	Locks Heath	Teen shelter (x2)	Average	Require some cleaning / painting
Locks Heath District Centre Locks Heath	Locks Heath	Skate ramp facility	Good	
Locks Heath District Centre Locks Heath	Locks Heath	Half MUGA	Average	Requires cleaning and new line markings
Warsash Recreation Ground	Warsash	Half MUGA	Good	
Warsash Recreation Ground	Warsash	Teen shelter	Good	

Howerts Close Play Area	Warsash	Basketball Hoop	Average	Improvements to play area scheduled for 2017/18
Priory Park Open Space	Park Gate	Football/basketball combo	Average	Replace goal /goal mouth surfacing
Ironbridge Crescent	Park Gate	Basketball Hoop	Average	Requires cleaning, painting and new court markings
Longacres	Titchfield Common	Teen shelter	Good	
Longacres	Titchfield Common	Football goals x2 (new style)	Average	Requires painting
Course Park Play Area	Titchfield Common	Basketball/football combo	Average	Replace goal /goal mouth surfacing
Abshot Road	Titchfield Common	Basketball hoop	Good	
Abshot Road	Titchfield Common	Mini skate ramp	Average	Artificial surface high footfall areas
Abshot Road Community Centre	Titchfield Common	Football goal (new style)	Average	Requires goal mouth surfacing
Barry's Meadow Play Area	Titchfield	Teen shelter	Good	
Bellfield Play Area	Titchfield	Football goal (new style)	Average	Requires goal mouth surfacing
Segensworth Road Play Area	Titchfield	Teen shelter	Average	Requires painting
Titchfield Recreation Ground	Titchfield	MUGA	Average	Repaint seating areas within MUGA and court markings
Fareham North West	Fareham North West	Basketball hoop	Average	Requires painting and line markings
Fareham North West	Fareham North West	MUGA	Average	Requires some minor painting and cleaning
Fareham North West	Fareham North West	Teen shelters (x2)	Average	Requires some minor painting

				and cleaning
Hammond Road	Fareham North West	Teen shelter	Poor	Requires painting and new safety surfacing
Hammond Road	Fareham North West	Football/basketball combo	Poor	Requires painting and new safety surfacing
Funtley Recreation Ground	Fareham North	Football/basketball combo	Average	Replace goal /goal mouth surfacing
Park Lane Recreation Ground	Fareham North	Teen shelter	Good	
Park Lane Recreation Ground	Fareham North	Gym equipment	Good	
Park Lane Recreation Ground	Fareham North	Skate park facility	Average	Artificial surface high footfall areas
Eastern Parade	Fareham East	Basketball/football combo x2	Average	Replace goals /goal mouth surfacing
Bath Lane Recreation Ground	Fareham East	Football goal (new style)	Average	Requires goal mouth surfacing
Blackbrook Park Play Area	Fareham West	Teen shelter	Average	To be painted as part of other park improvement works
Blackbrook Park Play Area	Fareham West	Football goal (new style)	Average	Requires goal mouth surfacing
Bishopfield Road Open Space	Fareham West	Football goal (new style)	Average	Requires goal mouth surfacing
Cams Alders Recreation Ground	Fareham South	Teen shelter	Average	Requires painting
Crossfell Walk / Bishopsfield Road	Fareham South	MUGA	Poor	New court line markings, fence repairs, new basketball hoops and kick boards
The Gillies Open Space	Fareham South	Basketball/football combo	Average	Replace goal /goal mouth surfacing
Dore Avenue Open Space	Portchester West	Football / basketball combo x2	Average	Goal mouth surfacing

Condor Avenue	Portchester West	Football / basketball combo	Poor	Replace goal /goal mouth surfacing
Castle Street	Portchester East	Basketball hoop	Average	Requires repainting
Kenwood Road	Portchester East	Basketball hoop	Good	
Kenwood Road	Portchester East	Teen shelter	Good	
Wicor Recreation Ground	Porchester East	Teen shelter	Average	Requires painting
Wicor Recreation Ground	Porchester East	Skate park facility	Average	Requires some ground maintenance attention and painting
Wicor Recreation Ground	Porchester East	MUGA	Average	Cleaning and new court marking
Newtown Town Play Area	Porchester East	Basketball hoop	Average	Requires painting and new court markings
Stubbington Recreation Ground	Stubbington	Skate park facility	Good	Requires a new sign
Stubbington Recreation Ground	Stubbington	Half MUGA	Average	Requires painting and new court markings
Stubbington Recreation Ground	Stubbington	Outdoor gym equipment	Good	Requires a new sign
Plymouth Drive Open Space	Hill Head	Basketball/football combo	Average	Replace goal /goal mouth surfacing
Salterns Open Space	Hill Head	Basketball/football combo	Average	Replace goal

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 7 March 2016

Portfolio:	Public Protection
Subject:	Dog Fouling Public Space Protection Order
Report of:	Director of Operations
Strategy/Policy:	
Corporate Objective:	A Safe and Healthy Place to Live and Work

Purpose:

To seek Executive authorisation to make a Public Space Protection Order (PSPO), relating to dog fouling, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.

Executive summary:

The Executive authorised the commencement of necessary consultation on a Public Space Protection Order (PSPO) relating to dog fouling in the Borough at its meeting on 2nd November 2015. This consultation has now finished, It is therefore proposed that if the order is authorised, that a campaign be undertaken to raise awareness of the issue and encourage residents to report dog fouling.

Fareham Borough Council currently relies upon a byelaw to prosecute people who do not clear up after their dog has fouled. Prosecution is however intended to be “last resort” enforcement measure, is expensive and not always in the public interest. Authorised officers were previously able to issue Fixed Penalty Notices (FPNs) for this offence under the Dogs (Fouling of Land) Act 1996. The Act has now been repealed, along with the ability to introduce Dog Control Orders, and this means FPNs can no longer be issued without a Public Spaces Protection Order (PSPO) being in place.

The Council consulted with residents on the proposed PSPO and the majority expressed their support. A number of dog fouling hot spots were also identified by respondents. This information will help to target both enforcement resources and the ‘take the oops out of poops’ anti dog fouling promotional material. The Executive approved a budget of £2,780 for the awareness campaign.

Recommendation:

That the Executive:

- (a) authorises the making of the proposed Public Spaces Protection Order (Fareham Borough Council) 2016; and
- (b) delegates authority to the Head of Parking and Enforcement to carry out all necessary publicity required by virtue of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations.

Reason:

To enable enforcement of dog fouling by way of a Fixed Penalty Notice throughout the Borough.

Cost of proposals:

The cost of proposals can be met from existing budgets

Appendices:

A: [Public Space Protection Order \(Dog Fouling\)](#)

B: [PSPO Consultation Responses](#)

Background papers:

Report to Executive 2nd November 2015, Dog Fouling Strategy and Public Space Protection Order Consultation

Reference papers:

None

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	7 March 2016
Subject:	Public Space Protection Order (Dog Fouling)
Briefing by:	Director of Operations
Portfolio:	Public Protection

INTRODUCTION

1. On 2nd November 2015 the Executive authorised the commencement of necessary consultation on a Public Space Protection Order (PSPO) relating to dog fouling within the Borough. This consultation was carried out in accordance with Section 72 of the Anti-Social Behaviour Crime and Policing Act 2014. The consultation ran from 16th November 2015 to 11th January 2016.
2. Comments received have been taken into consideration and approval is now sought to authorise the PSPO for Dog Fouling and bring it into force from 1st April 2016.

BACKGROUND

3. The Dogs (Fouling of Land) Act 1996 made it an offence for a dog walker not to remove faeces from land to which the public have access and permitted FPNs to be issued for this offence. This Act has now been repealed and officers can only prosecute people for failing to clear up dog fouling under the Council's local dog fouling byelaw if they actually witness it.
4. This change reduced the ability of the Council's enforcement officers to take action and, since the act was repealed, FPNs can no longer be issued for people failing to pick up after their dog has fouled.
5. Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 provides local authorities with powers to make PSPOs. These orders are intended to address activities carried out in public spaces which have a detrimental effect on the quality of life for those in the locality.
6. A PSPO can be made by The Council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - are, or are likely to be, persistent or continuing in nature;
 - are, or are likely to be, unreasonable; and
 - justifies the restrictions imposed.
7. Unless specified, the PSPO will cover “any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission”. This definition is provided by section 74(1) of the Act.
 8. Whilst the PSPO is in force any local byelaws and orders applying to the same activity will cease to have an effect. A PSPO may not have an effect for a period of more than 3 years; however, that period can be extended for a further 3 years if it continues to be necessary.
 9. The current FPN for littering is £75.00, this will increase to £80.00 on 1st April 2016 as agreed by the Executive at its meeting on 11th January 2016. It was also agreed by the Executive on 2nd November 2015 that the FPN for dog fouling under the PSPO would be set at £100.00. Alternatively, and in cases of non-payment, the matter can be taken to court where the maximum fine on summary conviction is level 3 on the standard scale, currently £1000.

RESULTS OF CONSULTATION

10. A consultation was carried out using social media, FBC website and e-panel between 16 November 2015 and 11 January 2016. Respondents were asked a number of questions relating to their perceptions of dog fouling and what could be done to tackle the issue locally. 256 people took part, with 91% saying that the Council should have greater powers dealing with fouling. The majority of respondents (61%) wanted the fixed penalty notice for not clearing up dog fouling to be set at £100, whilst 24% wanted it to be £75; 15% wanted other penalties including FPNs of £1000.
11. A number of dog fouling hotspots were also identified by residents (see Appendix B). This information will help to target both enforcement resources and the ‘take the oops out of poops’ anti dog fouling promotional material.

CONCLUSION

12. Following the consultation and to give Enforcement Officers the authority to issue FPNs for dog fouling it is recommended that the Public Space Protection Order (Dog Fouling 2016) be introduced in the Borough.

Enquiries:

For further information on this report please contact Kevin Wright (Ext 4359)

FAREHAM

BOROUGH COUNCIL

ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59

PUBLIC SPACE PROTECTION ORDER (DOG FOULING) 2016

Fareham Borough Council (“the Council”) in exercise of its powers under section 59 of the Anti Social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in section 59 of the Act have been met makes the following Order:-

1. The Order applies to any land to which the public or any section of the public has access on payment or otherwise within the administrative area of the Council and as shown delineated by the black line on the plan annexed to this Order (“the Restricted Area”).
2. Any person in charge of a dog within the Restricted Area shall be in breach of this Order if he/she allows the dog to defecate or otherwise foul in a public place and then fails to immediately remove the waste and dispose of it in an appropriate receptacle / public waste receptacle.
3. Being unaware of the defecation / fouling (whether by reason of not being in the vicinity or otherwise) or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
4. A person who habitually has a dog in his / her possession shall be taken to be in charge of the dog at any time unless at that time some other adult person is in charge of the dog.
5. The provisions of this Order shall not apply to any person who is registered blind in accordance with the National Assistance Act 1948, to any person who is deaf and in charge of a dog trained by Hearing Dogs for Deaf People and to any person suffering a disability and in charge of a dog trained to assist with his / her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and said dog has been trained by a Prescribed Charity;
6. Prescribed Charity for the purposes of this Order shall mean:
 - Dogs For The Disabled (Registered Charity 700454)
 - Support Dogs Ltd (Registered Charity 1088281)
 - Canine Partners for Independence (Registered Charity 803680)
 - Any other Registered Charity providing disability assistance dogs accepted by the Council as a prescribed charity from time to time.
7. Any person who without reasonable excuse fails to comply with the requirements of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standards scale.

8. This Order shall come into force on 1st April 2016 and remain in place for a period of three years.

Dated this xxx day of March 2016.

The COMMON SEAL of
Was hereunto affixed in the
presence of:-

AUTHORISED SIGNATORY

SCHEDULE (MAP OF RESTRICTED AREA)

FAREHAM

BOROUGH COUNCIL

Page 39



Fareham Borough Boundary
Scale 1:50000

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CHALLENGING THE VALIDITY OF ORDERS

An Interested Person may apply to the High Court to question the validity of-

- a) This Order, or
- b) A future variation of this Order.

“Interested Person” means an individual who lives in the Restricted Area or who regularly works in or visits that area.

An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the Order or variation is made, on the grounds that:

- a) Fareham Borough Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- b) A requirement under Chapter 2 of the Act was not complied with in relation to the Order or variation.

Take the Oops out of Poops Consultation Results

256 people responded to the questionnaire which ran from 16 November 2015 until 11 January 2016.

Respondents were asked 'How bad is dog fouling in your area?'

The majority of respondents believed the problem of dog fouling in their area was Poor or Very Poor.

- 25% Very Poor
- 32% Poor
- 11% OK
- 17% Good
- 17% Very Good

Respondents were asked to detail particular hotspots in their area (within 5 minutes of their home). The most common area's reported are:

Leisure facilities and parks

- | | |
|--|---|
| <ul style="list-style-type: none"> • Wicor Recreation Ground and surrounding roads • Holly Hill Woods • Blackbrook Park • Titchfield Canal Footpath • Fareham Creek • Park Lane Recreation Ground • Redundant School of navigation playing fields | <ul style="list-style-type: none"> • AFC Portchester pitches • Seafield Park • Park Lane • Hook park • Locksheath Park Road and surrounding roads • Cams Golf Course/Cams Alders • Fareham Creek |
|--|---|

Roads and Streets

- | | |
|---|---|
| <ul style="list-style-type: none"> • Ranvilles Lane • Castle Street – Junction to Whitehart Lane • Coastal Path between Portchester Castle and Cams Hall • St Anne's Grove • Hill Head, private residents in Bell Lane | <ul style="list-style-type: none"> • Near Sarisbury Infants School • Warsash Shore path • Park Glen to Longacres and along to Westminster Gardens • Lower Quay and Eastern Parade • Northmore Road |
|---|---|

Respondents were asked ‘What do you think would encourage you or others to pick up dog poo that is your/their responsibility?’

The key themes are as follows:

Responsibility

- Dog litterers simply don’t care/can’t be bothered
- Most are responsible it is just a few that aren’t
- Some dog owners pick up others mess

Fines

- Dog/owner community responsibility course
- Financial fine
- Council enforcement/ Visible dog wardens
- Rewards for reporting offenders
- Rewards for owners who clean up dog litter

Facilities

- More bins, positioning and frequency
- Signs
- Raise awareness at sites
- Quicker clean up – some bins are overflowing
- Bags

Other suggestions

- Highlighting mess on pavements
- CCTV at problem sites
- Ban dogs e.g. leisure facilities and football pitches
- Remove the dog from regular offenders
- Educate schools and public
- Public shaming
- Public lighting during darker months
- Requirement for dogs on leads in public areas/football pitches

Respondents were asked ‘Should the council have greater power in dealing with irresponsible dog owners by putting a PSPO in place across the Borough?’

In total, out of 256 respondents 249 answered this question. Of those, 91% respondents think the council should have greater power and 9% do not.

Respondents were asked whether the council should ‘set the fixed penalty notice for not clearing up after a dog has fouled at either £75 or £100?’

252 people answered this question:

- 24% said £75
- 61% said £100
- 15% said 'other'

Comments given in support of 'other' responses focused on:

- Having a larger fine than £100 to hurt so offenders so they won't risk it again
- Some agreed that £100 fine was correct
- Repeat offenders should receive increased fines and community service to help clean the streets
- Fining less than £75 for first time offenders
- Giving an initial warning first then follow up with a fine to offenders who are making a point about not having bins to dispose of the mess efficiently.
- There shouldn't be a fine as cat mess is a bigger problem in the Borough.
- This fine should be applied to littering as well
- Provide a volunteer group that can give out fines or provide wardens to enforce the fines and educate the public

General comments about the survey:

The majority of comments focused on:

- The risk to children from dog fouling
- Dog fouling on play areas and football pitches and the need for a lead only or banned policy in these areas
- One of the most common problems is owners bagging the mess and then leaving it on paths and in trees
- More bins are needed
- More wardens patrolling the streets to educate offenders

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 7 March 2016

Portfolio:	Policy and Resources
Subject:	The Grant Of Rights To Undertake Work On Council Land
Report of:	Director of Finance and Resources
Strategy/Policy:	Asset Management Plan
Corporate Objective:	To Maintain and Extend Prosperity A Dynamic, Prudent and Progressive Council

Purpose:
To advise the Executive of a request to be granted rights to construct an access road over part of the Council's bridleway at Fareham Park Road.

Executive summary:
Last year the owner of Hope Lodge, 84, Fareham Park Road asked for confirmation that the rights they enjoyed over the Council's bridleway at Fareham Park Road did not only relate to the property Hope Lodge but any development undertaken within the curtilage of the property. The Council advised that the rights enjoyed over the bridleway did in fact extend to any development undertaken within the curtilage of the property.

The solicitor for Mildren Homes who have contracted to purchase the site of Hope Lodge to construct 7 detached houses which had received outline planning consent has requested the following. Their client require to undertake works on the bridleway in Council ownership to construct on part thereof the access road, which has also received outline planning consent to serve the 7 houses. If these rights could not be obtained the planning permission for the access road and 7 houses cannot be implemented.

Following advice from the Southampton & Fareham Legal Services Partnership the solicitor was advised of the following.

The owners of Hope Lodge have no current right or entitlement to do any works to the bridleway and would need the Council's consent to carry out the works requested to comply with the planning permission granted. Hampshire County Council Countryside Service has no objection to the Council as owners of the bridleway entering into negotiations with Mildren Homes for the works they require to undertake to a section of the bridleway. This is subject to the works proposed being agreed by HCC Countryside Service.

If approval to the works can be agreed this will be subject of a payment to the Council to reflect that without such agreement the development of the access road and 7 houses could not proceed.

Following negotiations to decide the payment required for the above rights the terms agreed are set out in the confidential Appendix A for the approval of the Executive.

Recommendation/Recommended Option:

That the Executive approves the terms agreed for the rights to construct an access road over part of the Council's bridleway at Fareham Park Road as set out in the confidential Appendix A.

Reason:

To obtain the approval to the terms agreed to grant the rights to construct an access road over part of the Council's bridleway at Fareham Park Road.

Cost of proposals:

The payment to be received by the Council for the rights requested is set out in the confidential Appendix A.

Appendices:

A: Confidential Appendix setting out the terms agreed for the rights to construct an access road over part of the Council's bridleway at Fareham Park Road.

B: Confidential - Valuation report of Hellier Langston, Chartered Surveyors.

C: Confidential – Hellier Langston Development Appraisal

D: Plan showing the area of the bridleway where rights are requested to construct the access road

Background papers: None

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	7 March 2016
Subject:	The grant of rights to undertake work on Council land
Briefing by:	Director of Finance and Resources
Portfolio:	Policy and Resources

INTRODUCTION

1. The purpose of this briefing paper is to advise the Executive of a request to obtain rights to construct an access road over part of the Council's bridleway at Fareham Park Road.

BACKGROUND

2. During the course of last year the owner of Hope Lodge, 84, Fareham Park Road asked for confirmation that the rights they enjoyed over the Council's bridleway at Fareham Park Road did not only relate to the property Hope Lodge but any development undertaken within the curtilage of the property. Following advice from the Southampton & Fareham Legal Services Partnership the owner was advised that the rights enjoyed over the bridleway did in fact extend to any development undertaken within the curtilage of the property.
3. The solicitor for Mildren Homes who have contracted to purchase the site of Hope Lodge to construct the 7 detached houses which had received outline planning consent ref P/13/0059/OA, approved on 28 October 2014, has requested the following.
4. Their client requires rights to undertake works to the bridleway in Council ownership to construct on part thereof the access road which has received outline planning consent on 28 September 2015 ref P/15/0074/VC, to serve the 7 houses. The access road and the area of the bridleway over which rights to construct have been requested is shown coloured pink, blue and yellow on the drawing attached as Appendix D. If these rights cannot be obtained the outline planning permission for the access road and 7 houses cannot be implemented.
5. Following advice from the Southampton & Fareham Legal Services Partnership the solicitor was advised of the following.
6. The owners of Hope Lodge have no current right or entitlement to do any works to the bridleway and would need the Council's consent to carry out the works requested to comply with the planning permission granted.
7. Hampshire County Council Countryside Service has no objection to the Council as owners of the bridleway entering into negotiations with Mildren Homes for the works they require to undertake to a section of the bridleway. This is subject to the works proposed being agreed by HCC Countryside Service.

8. The solicitor for Mildren Homes was also advised that if approval to the works can be agreed this will be subject of a payment to the Council to reflect that without such agreement the development of the 7 houses could not proceed.

NEGOTIATIONS TO AGREE PAYMENT FOR THE GRANT OF THE RIGHTS REQUESTED

9. In view of the Council having to separate its role as the Local Planning Authority and acting in its capacity as the owner of the bridleway, an independent valuation of the rights requested was obtained from Hellier Langston, Chartered Surveyors.
10. The valuation approach reflects that without the rights to construct part of the access road to serve the 7 detached houses over the bridleway the development could not proceed. The Council as owners of the bridleway are therefore in possession of a “ransom strip”
11. The main case law regarding the valuation of “ransom strips” is Stokes v Cambridge Corp decided in 1961. This case sets the precedent that in a situation such as this a percentage of the uplift in value obtained by the grant of planning consent is an appropriate mechanism for the valuation of the “ransom strip”.
12. The approach is to undertake a Development Appraisal to value the 7 detached houses proposed to be built, GDV (Gross Development Value) and deduct from this figure the costs of building the houses taking account of other ancillary costs such as planning contributions, GDV (Gross Development Costs). This produces a residual site value i.e., the sum available to purchase the land. From the residual site value is deducted the existing use value of the land, in this case the value of Hope Lodge, a detached bungalow to arrive at the development uplift to be shared between the owner of the site and the owner of the “ransom strip.”
13. The valuation report of Hellier Langston is attached as confidential Appendix B and their development appraisal as confidential Appendix C.

FINANCIAL IMPLICATIONS

14. The confidential appendix A advises of the sum agreed to be paid for the grant of the rights requested to construct the access road over part of the Council’s bridleway at Fareham Park Road.

CONCLUSION

15. The Executive briefing paper advises of a request from the owner of Hope Lodge, 84 Fareham Park Road, to be granted rights to construct an access road over part of the Council’s bridleway at Fareham Park Road. The terms agreed for the grant of the rights are set out in the confidential Appendix A for the approval of the Executive.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

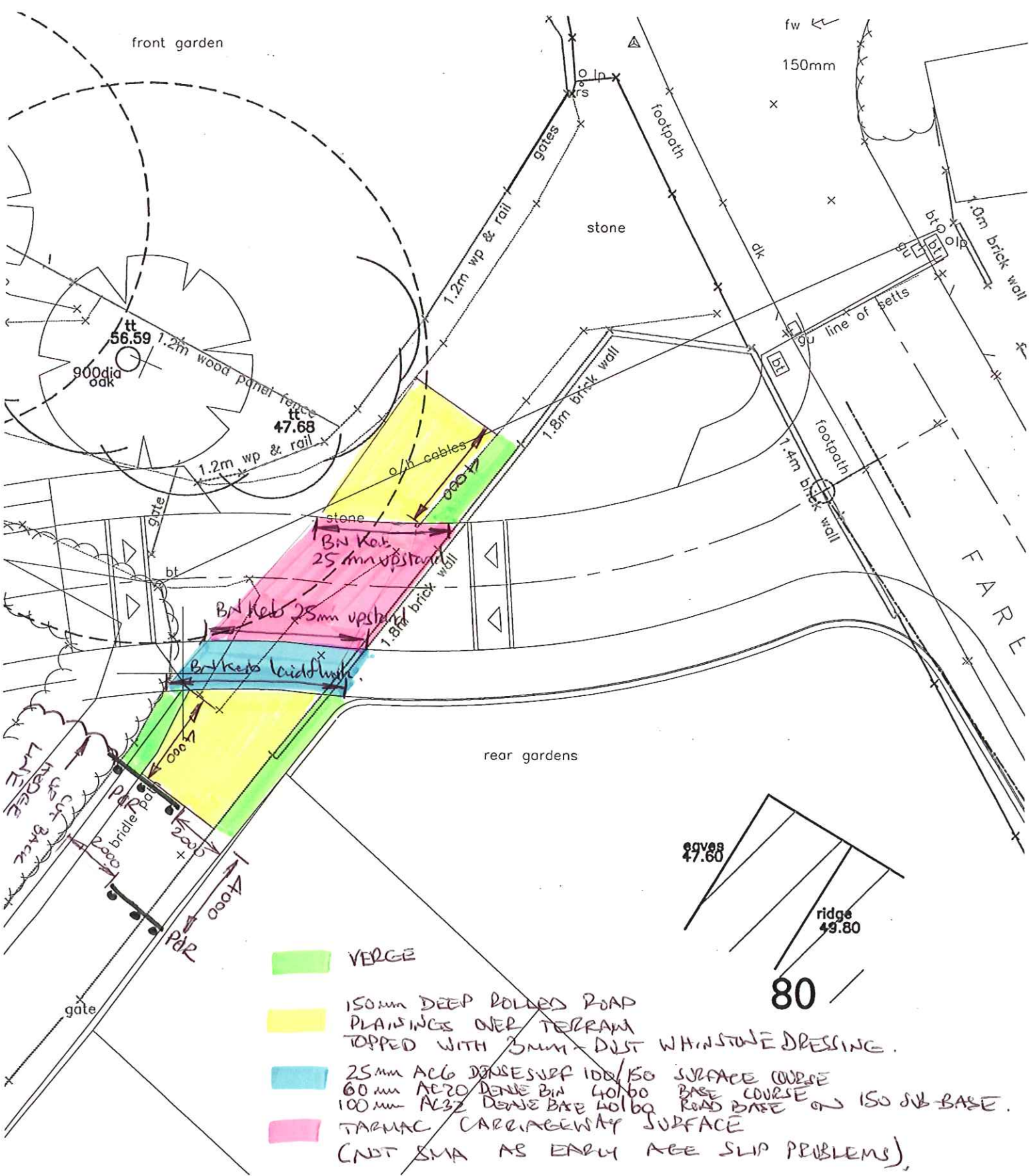
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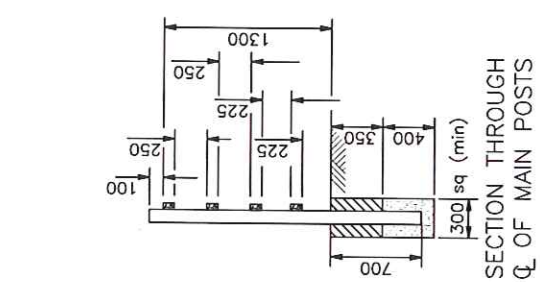
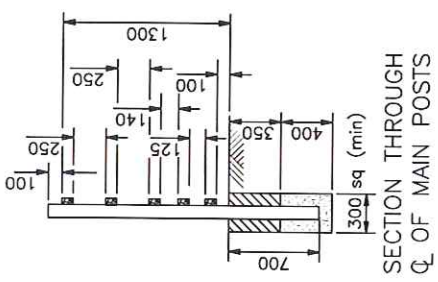
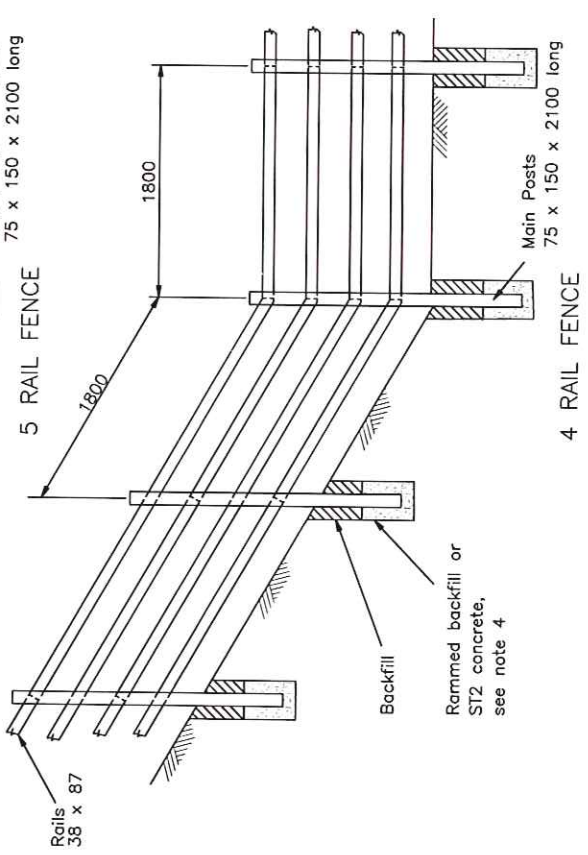
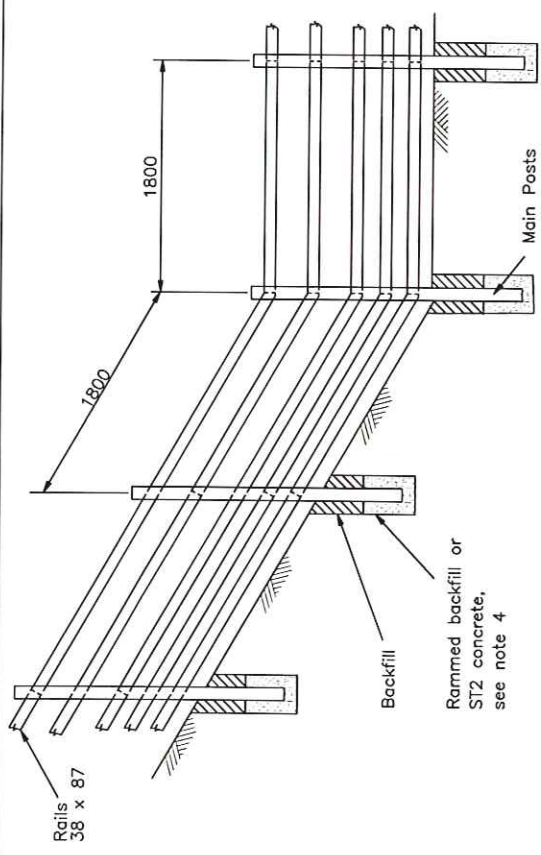
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- VERGE
- 150mm DEEP ROLLED ROAD PLAININGS OVER TERRAM TOPPED WITH 3mm DUST WHINSTONE DRESSING.
- 25mm AC6 DENSE SURF 100/150 SURFACE COURSE
60mm AC20 DENSE BINDER 40/60 BASE COURSE
100mm AC32 DENSE BASE 40/60 ROAD BASE ON 150 SUB-BASE.
- TARMAC CARRIAGEWAY SURFACE
(NOT SMA AS EARLY AGE SLIP PROBLEMS)

4 RAIL FENCE TO HD - H3
MINIMUM OF 3 PASTES.



NOTES

1. Specification Clause 306 applies unless otherwise stated in Appendix 3/1 or Appendix 1/15.
- 2a). Where plain or barbed wire is required in Appendix 3/1 or Appendix 1/15 it shall be zinc coated and comply with BS 4102.
- 2b). 4 rail fence - BS 1722 Part 7 Type SPR 13/4 applies unless otherwise stated.
- 2c). 5 rail fence - BS 1722 Part 7 Type SPR 13/4 applies (except for the addition of a fifth rail, rails spaced as shown) unless otherwise stated.
3. Where the fence forms a boundary between the highway and private property, the rails shall be fixed to the private property side unless otherwise stated in Appendix 3/1 or 1/15.
4. Posts can be supported by rammed backfill or ST2 concrete unless Appendix 1/15 or Appendix 3/1 require ST2 concrete to be used.
5. ALL DIMENSIONS ARE IN MILLIMETRES.

SECTION THROUGH
 Q OF MAIN POSTS

SECTION THROUGH
 Q OF MAIN POSTS

HIGHWAY CONSTRUCTION DETAILS

FENCES, STILES &
 GATES

Issue	Date
D	MAY 04
C	MAR 98
B	AUG 93
A	DEC 91

MOTORWAY AND ACCOMMODATION WORKS
 TIMBER POST AND 4 (OR 5)
 RAIL FENCES

Drawing No.

H3

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 7 March 2016

Portfolio: Policy and Resources

Subject: **Corporate Surfacing Repairs and Civil Engineering Works**

Report of: Director of Finance and Resources

Strategy/Policy:

Corporate Objective: A dynamic, prudent, progressive and best value Council

Purpose:
This Report considers the Tenders received for Repairs, Re-surfacing & Civil Engineering Works at various locations throughout the Borough and recommends an award of Contract for the Works.

Executive summary:
Following a condition survey at various locations within the Borough a programme of repairs and re-surfacing works have been identified to maintain the assets to an acceptable standard. New requirements have been identified to provide additional car parking at Park Lane Tennis Courts.

Recommendation:
That the Executive:

- (a) accepts the Tender submitted by the Contractor ranked 1, as set out in the confidential Appendix A, being the most advantageous Tender received; and
- (b) awards the Contract to the Company.

Reason:
To maintain the condition of the Council assets and provide well maintained car parks, access roads and pedestrian footways for public use.

Cost of proposals:
The cost of this proposal is £332,520.54 and will be financed from existing Capital and Revenue Budgets.

Appendices: Confidential Appendix A - Executive Briefing Paper Tender Prices and Evaluation

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	7 March 2016
Subject:	Corporate Surfacing & Civil Engineering Works Contract
Briefing by:	Director of Finance & Resources
Portfolio:	Policy and Resources

INTRODUCTION

1. During 2015 a condition survey was carried out by the Building Services Team across various locations in the Borough. This identified a number of sites that required both repairs and re-surfacing works. In addition the Leisure and Community Team had identified a requirement to provide additional parking at Park Lane Tennis Courts.
2. This Project includes for the following works:
 - Resurfacing to damaged and worn out areas of footpaths at St. Julien House, Frosthole Close, Barnfield Court
 - Resurfacing the link footpath between FBC Depot Offices and Wallington Village Hall.
 - Removal and re-surfacing of paved footpaths at Garden Court.
 - Footpath and kerb repairs at Assheton Court and Gaza House.
 - Removal and re-surfacing to existing paved area at the rear of Fareham Leisure Centre.
 - Re-surfacing of drying areas at Trafalgar Court and Barnfield Court.
 - Removal and re-surfacing existing gravel area to the rear of Seafield Park Pavilion.
 - Extension of path and motor cycle area to Whiteley Community Centre.
 - Provision of missing link to existing footpath at Yeates Close, Whiteley.
 - Extensive repairs and re-surfacing to main access roadway and footpaths at Wickham Road Cemetery.
 - Extensive repairs and re-surfacing to entrance area, access road & turning circle at Posbrook Cemetery.
 - Provision of new car parking areas in three locations at Nashe Way, one location at Minden House and Nelson Court.
 - Extension of existing car parking area at Spencer Court.
 - Provision of crossover and concrete hardstanding at 8 Thorni Avenue.
 - Extension of existing footpaths to tennis courts at Burr ridge Pavilion.
 - Re-surfacing Portchester Castle Car Park (Small)
 - For the removal of tennis courts and for the construction of a new overflow

parking area and access road at Park Lane (Off Leigh Road, Fareham) as agreed at the February 2016 Executive meeting.

- Provisionally the upgrading, surfacing and associated new surface water drainage and swales to access road from Barnes Lane Close to Holly Hill Woodland Park. These works will be subject to funding being identified.

3. A Specification was developed for these works in order to achieve the best value for the Council. The Project was advertised on the South East Business Portal using the Portsmouth City Council & Surrounding Areas Specialist Minor Works Framework – LOT 8 Demolition and Groundworks.
4. Invitations to tender for the Project were issued on the 30th October 2015 to 6No. Contractors.

TENDERS

5. On the 17TH November 2015 Tenders were received and opened by Democratic Services and the Tender price details are presented in the confidential Appendix A.

EVALUATION PROCESS

6. The Contract documents define a pre-determined scoring mechanism whereby Tenders are assessed on price, service and quality.
7. The tender submissions were evaluated and the scores weighted as specified in the e-ITT Invitation to Tender. The subsequent scores and ranking is detailed in the confidential Appendix A.
8. Tenderers were required to complete a 'Tenderer's Compliance and Response'. This enabled officers to score the quality and service elements of their submissions, assessing their method and approach to delivering the service.
9. Based on the evaluation of the Tenders received, the bids have been ranked in order of economic advantage to the Council. The most advantageous Contractor, which achieved the highest overall combined score, is recommended for the award of the contract.

RISK ASSESSMENT

10. Many of the usual and identifiable risks initially present in this type of project have been negated through the Council's rigorous and structured procurement process. The selection of Contractors was based on utilising an existing Framework Agreement which includes checking various company policies, requisite insurances, initial financial checks and seeking technical references. All Contractors who were invited to tender were provided with sufficient opportunity to inspect and measure the required services.
11. The works will be procured using a formal JCT Minor Works Building Contract 2011, which has been approved as suitable for these works by the Council's Procurement Solicitor.

12. Regular site monitoring and a series of project progress meetings will be held during the course of the contract to reduce potential risks.

FINANCIAL IMPLICATIONS

The works will be financed from the following Budgets:

- Car Park Asset Management Plan
- Housing Revenue Account
- Environmental Improvements Budget
- Whiteley Community Centre Revenue Budget
- Cemeteries Revenue Budget

CONCLUSION

13. It is recommended that the most advantageous Tender received, ranked “1” in the confidential Appendix to this report, be accepted and a Contract awarded for the works.

Reference Papers:

Report to the Executive, 6th September 2010, Finance Strategy, Capital Programme, Asset Management Plan

Report to the Executive 1st February 2016, Housing Revenue Account Budget and Capital Plans 2016 / 2017

Report to the Executive 7th July 2014, Actual General Fund Revenue Expenditure 2013 / 2014.

Enquiries:

For further information on this report please contact Alan Young (Ext 4802)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 7 March 2016

Portfolio: Policy & Resources
Subject: **Wickham Road Cemetery Wall Repairs (Revised Design)**
Report of: Director of Finance and Resources
Strategy/Policy:
Corporate Objective: A Safe and Healthy Place to Live and Work

Purpose:

To consider the revised Tenders received and the award of Contract for the repairs to the boundary wall at Wickham Road Cemetery.

Executive Summary:

On the 6th October 2014 the Executive Member for Streetscene approved the award of Contract to carry out remedial works but the Council were unable to agree a contract with the successful contractor. The Council's requirement has been reviewed and revised tenders obtained.

Recommendation:

That the Executive:

- (a) accepts the Tender submitted by the Contractor which achieved the best overall score, as detailed in the appended evaluation matrix; and
- (b) awards a Contract to this Company.

Reason:

To ensure the long term stability of this wall, provide safe access for the public within the site and on the adjoining footway.

Cost of proposals:

The cost of this project will be financed from existing Capital and Capital Reserves.

Appendices: **Confidential Appendix A:** Tender Prices and Evaluation Matrix

Reference papers: Report to Executive Member for Decision dated 6 October 2014.

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	7 March 2016
Subject:	Award of Contract – Wickham Road Cemetery Wall Repairs – (Revised Design).
Briefing by:	Director of Finance and Resources
Portfolio:	Policy & Resources

INTRODUCTION

1. This Project is to carry out extensive repairs and renovation work to an existing Listed Wall on the western boundary of the site erected in 1897. The wall consists of decorative flint and stone piers, walling and ornate railings supported by buttresses which retain an adoptable footpath adjacent to the busy A32 Wickham Road.
2. After a condition survey and report by a Structural Engineer it was determined that extensive repair and renovation works were required to rebuild a number of deflected main piers to the southern section of wall. This also included where necessary the construction of new additional intermediate support piers to stabilise sections of the lower deflected retaining wall. It was also proposed to replace damaged coping stones and repair and refurbish the decorative wrought iron feature railings to the complete wall. A Specification was developed and Tenders were obtained for these works. On the 6 October 2014 the Executive Member for Streetscene received and approved a Report for award of Contract to carry out remedial works.
3. An award of Contract letter was issued to the successful Contractor and a Pre-Contract meeting held but during the Legal process the contractor declined to enter into a formal Contract for the works. Their reasons for this decision being the risks and practicalities of undertaking the works particularly regarding the unknown construction of the lower retaining wall. After discussion arrangements were made to carry out a trial reconstruction of a single pier to fully understand and address the issues highlighted.
4. In June 2015 a single deflected main pier to the southern section of wall was successfully reconstructed including the provision of additional intermediate piers requested by the Structural Engineer at a cost of £9300.00.

REVISED TENDERS

5. Using the results of the trial reconstruction a revised design and specification was prepared and updated Tenders requested from all the Contractors in the original Tender process.
6. Revised Tenders were received in November 2015. Various points were discussed with the Contractors at subsequent Tender review meetings following which final Tender submissions were uploaded via the South East Business Portal.
7. These submissions were evaluated and scored against a pre-determined scoring mechanism based on price, service and quality. The scores and ranking for the tenders received are represented in the confidential appendix A.
8. An additional allowance of £5,000.00 will be required over the tendered sum for the repairs to the flint work after removal of the coping stones.

RISK ASSESSMENT

9. All normal risks were addressed in the original e-ITT Procurement process but in light of the time elapsed fresh financial checks have been undertaken; both Contractors achieved acceptable scores.
10. The works will be procured using a formal JCT Minor Works Building Contract 2011 which has been approved as suitable for these works by the Council's Procurement Solicitor.
11. Regular site monitoring will be carried out and a series of project progress meetings will be held during the course of the contract to reduce potential risks.
12. These works exclude any works to the lower retaining wall which in certain sections has deflected. However the rebuilding of the main and half piers and introduction of new intermediate support piers should stabilise and maintain the integrity of the structure.

FINANCIAL IMPLICATIONS

13. The Contract value will be financed from the previously approved Capital Budget and from the Capital Reserves.

CONCLUSION

14. That the Tender submitted by the Contractor that achieved the highest overall score as detailed in the Confidential Appendix A be accepted and a Contract awarded to this Company for the tender sum plus the additional sum for works to the flint walls.

Enquiries:

For further information on this report please contact Alan Young. (Ext 4802)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 7 March 2016

Portfolio:	Policy and Resources
Subject:	Southampton and Fareham Legal Services Partnership
Report of:	Head of Democratic Services
Strategy/Policy:	Corporate Strategy
Corporate Objective:	Dynamic, Prudent and Progressive Council

Purpose:

This report provides an update on the Southampton and Fareham Legal Services Partnership and asks the Executive to consider extending the existing arrangements for a further five year period.

Executive summary:

At its meeting on 8 March 2011, the Executive resolved to enter into a shared service arrangement with Southampton City Council to share a Solicitor to the Council and a comprehensive legal service for a period of five years with the option to extend this for a further five years.

Due to the success of the Partnership and following detailed discussions between senior officers of both councils, it is now proposed that the Southampton and Fareham Legal Services Partnership be extended with a revised and updated Deed of Delegation.

Recommendation/Recommended Option:

That the Executive agrees:

- (a) to continue the partnership arrangements for the Southampton and Fareham Legal Services Partnership for a further period of 5 years, with an option to extend the partnership for another 5 years; and
- (b) to delegate authority to the Chief Executive Officer after consultation with the Executive Leader to enter into such arrangements as are necessary and on such terms as are reasonable.

Reason:

To continue to provide a robust and resilient legal service at an affordable cost to Fareham Borough Council.

Cost of proposals:

The partnership is delivered within the existing budget set for the delivery of a legal service.

Background papers:

File of correspondence * Exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Reference papers:

Report to Executive 11 October 2010 – Financial Pressures Facing the Council

Report to Executive 8 March 2011 – Proposed Shared Provisions of Legal Services with Southampton City Council

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	7 March 2016
Subject:	Southampton and Fareham Legal Services Partnership
Briefing by:	Head of Democratic Services
Portfolio:	Policy and Resources

INTRODUCTION

1. The efficiency and transformation agendas continue to encourage the development and provision of shared services between councils including the delivery of services through collaboration and partnership working.
2. At the meetings of the Executive on 11 October 2010 and 8 March 2011 reports were presented setting out the opportunity and benefits of a shared legal service which would contribute to the necessary efficiency savings and give greater resilience.
3. It was also noted that developing a new shared service would build upon the collaborative and partnership working reflected by the very successful Fareham and Gosport Building Control Partnership as well as the Fareham and Gosport CCTV Partnership. Both partnerships have delivered efficiencies and savings in the way the service is operated and delivered.
4. More recently, the Council has also formalised a shared service agreement with Gosport Borough Council for the delivery of an Environmental Health Partnership. This arrangement has been in development since January 2011 when the two councils agreed to operate with a Shared Head of Service for Environmental Health.
5. At the March 2011 meeting it was resolved that:
 - (a) Fareham Borough Council enter into Shared Service arrangements with Southampton City Council to share a Solicitor to the Council and comprehensive legal service for a period of five years with the option to extend this for a further five years; and
 - (b) Authority is delegated to the Chief Executive Officer after consultation with the Executive Leader to enter into such arrangements as are necessary and on such terms as are reasonable.

PERFORMANCE OF THE PARTNERSHIP

6. This partnership continues to operate extremely well and has proven to be of financial and operational benefit to Fareham Borough Council.
7. The ability of the partnership to support FBC's major projects such as Welborne, Daedalus and Holly Hill Leisure Centre has given added resilience and assurance to the strategic development of these major projects, including the affordability and expedient access to counsel advice and external legal expertise when needed. Originally employment law advice and support for the Information Governance functions were excluded but over the period of the SLA these have now become part of the overall core service as required.
8. It was originally envisaged that a solicitor or senior legal officer would be present at the Civic Offices in Fareham on a daily basis to provide legal information, advice and guidance being provided on a rota basis with different specialist advice being available on various days of the week.
9. This element of the shared service has been under regular review as the service has become embedded and in accordance with the original terms has been reduced due to a diminished level of demand for a physical and constant legal presence. Currently the Solicitor to the Council ordinarily spends one day a week at Fareham's offices, this is supplemented by his deputy together with the Planning Solicitor being present one day a week at least as required. This flexible approach works well and is cost effective given that most business and contact is conducted remotely via email or the phone. Solicitors continue to attend meetings, including Council, the Executive, Licensing and Planning Committees and at the Civic Offices as and when required.
10. Additionally, the Southampton and Fareham Legal Services Partnership was "Highly Commended" at the Lawyers in Local Government Annual Legal Awards in November 2015 in the Development of the Legal Team category. The Partnership's innovative work offers opportunities to local young people from non-traditional or disadvantaged backgrounds to further their legal career. Working with local Universities and Colleges, the Partnership offers 4 x 40 week placements, a Modern Apprenticeship and two shorter placements under the Pathways to Law Programme and Santander Graduate Placement Programme.

COST EFFECTIVENESS

11. For the financial year 2010/11, the cost of providing an in-house legal service was £322,600. The predicted cost to Fareham Borough Council for the first year of the partnership in 2011/12 was forecast to be £239,000. The actual comparable cost (excluding counsel fees, additional external solicitors' fees and disbursements) was £228,205.
12. The fees for each year have been adjusted and are consistently within the Service Level Agreement figures as set out in the Executive report of 8 March 2011 and based on an expected number of chargeable hours (set at 5,160 hours pa). Whilst all authorities have been subject to budget reductions, Fareham Borough Council is guaranteed to receive the service by virtue of having the partnership agreement in place.
13. Over the 5 year period of the partnership, the predicted hours has proven to be reasonably accurate with some fluctuations of increased usage and decreased usage from time to time. The benefit of operating a retained number of hours of resource over

a year is that it enables the partnership to be managed flexibly and strategically with retained resource hours being diverted to work on major projects such as Daedalus and Welborne without incurring additional fees unless specialist advice is required.

PROPOSED EXTENSION OF THE PARTNERSHIP

14. Section 101 Local Government Act 1972 permits authorities to delegate to another authority the ability to lawfully carry out functions on its behalf.
15. The Deed of Delegation agreement will be updated to reflect changes of key personnel for Fareham Borough Council with the Head of Democratic Services fulfilling the role of Client Manager and with the removal of the original staffing transfer arrangements.
16. Following a review of the partnership arrangements, it is intended that the following additional review/break clauses be added to the agreement:
 - (a) Change of personnel by Southampton City Council resulting in a change of Solicitor to the Council. As this post is a Chief Officer position with the current incumbent employed by Southampton City Council, Fareham's Chief Executive Officer would expect to be consulted should this arise, albeit it is not anticipated in the near future. It is recognised that ultimately it is an operational appointment matter for Southampton's elected members but it is considered only reasonable that Fareham be consulted regarding such a key senior officer appointment; and
 - (b) Affordability clause enabling Fareham to reduce the number of hours of committed spend in the event of extreme financial pressures affecting Fareham's ability to meet its budget requirements. Whilst this situation is unlikely to arise it would be prudent in a time of unprecedented change to include it. Should this scenario arise there may be TUPE (Transfer of Undertakings - Protection of Employment) implications.

CONCLUSION

17. In the view of the Chief Executive Officer and key Fareham Borough Council officers it is recommended that the partnership be extended. It is an exemplar of joint working, is efficient, cost effective and achieves the Council's corporate objectives.
18. The alternative would be to terminate the arrangement and
 - (i) bring the service back in house, or
 - (ii) seek an alternative partner.

Neither of these options have sufficient merit to warrant further exploration.

Enquiries:

For further information on this report please contact Leigh Usher Ext 4553

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 7 March 2016

Portfolio:	Finance and Resources
Subject:	Citizen of Honour
Report of:	Director of Finance and Resources
Strategy/Policy:	Community
Corporate Objective:	To support the people and communities of the Borough to take a full part in society.

Purpose:
This report presents nominations for consideration under the Council's annual Citizen of Honour and Young Citizen of Honour Awards 2016.

Executive summary:
The Citizen of Honour Award was introduced in November 1996. Five years later, the scheme was extended to recognise the efforts of younger residents under the age of 18 through the Young Person of the Year Award.

Over the last 20 years, the award has honoured 78 residents of the Borough, with nominations being received from all areas of Fareham.

This year, the Council has received 20 nominations overall. There are 14 nominations for the Citizen of Honour Award, two nominations for the Young Citizen of the Year Award (12-18 year olds), and four nominations for the Young Citizen of the Year Award (4-11 year olds).

In order to encourage resident participation in future years, those who put someone forward for nomination this year, will be invited to do so again next year if their candidate does not win the 2016 award. The Executive reserves the right to increase the number of candidates who are honoured in future awards, providing a higher number of nominations are received.

Recommendation/Recommended Option:
That the Executive approves:

- (a) that no more than two candidates be selected from the attached nominations to be formally recognised as Citizens of Honour 2015;
- (b) that no more than one candidate be selected from the attached nominations as Young Citizens of the Year (12-18 year olds); and

(c) that no more than one candidate be selected from the attached nominations as Young Citizens of the Year (4-11 year olds).

Reason:

The Citizen of Honour and Young Citizen of the Year Awards are valuable initiatives for rewarding local residents for their community service and for recognising the important contribution and difference that they have made to the lives of others. The Young Citizen of Honour category also recognises young people who have overcome severe personal difficulties or who give up their time to care for family or friends.

Cost of proposals:

All costs will be met through existing resources attached to this initiative.

Appendices:

**A: Citizen of Honour Nominations 2016
Ages 18+**

**B: Young Citizen of Honour Nominations 2016
Ages 12 - 17**

**C: Young Citizen of Honour Nominations 2016
Ages 4 - 11**

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	7 March 2016
Subject:	Citizen of Honour Awards 2016
Briefing by:	Director of Finance and Resources
Portfolio:	Finance and Resources.

INTRODUCTION

1. The Citizen of Honour Award was initially introduced by the former Grants Sub-Committee on 25 November 1996. The Young Citizen of the Year Award was introduced in 2001.
2. The primary reason for the awards is to show the Council's gratitude in recognition of the voluntary, unpaid service to the community made by up to 4 adult Borough residents and 2 young Borough residents aged 12-18. The awards also recognise 2 young residents aged 4-11 who have shown bravery in their lives, or have helped other people.
3. To demonstrate the importance and distinction of these awards, they are presented to the winners at the Mayor Making ceremony each year by the outgoing Mayor.
4. The award winners and their guests are then invited to a private reception, held in their honour, in the Mayor's Parlour, on a date after Mayor Making, where the new Mayor presents each person with their Citizen of Honour certificate. The award winners are also asked to sign the Roll of Honour and their names are added to the Citizen of Honour/Young Citizen of the Year awards list displayed in the Customer Service Centre at the Civic Offices
5. In previous years, the winners of the Young Citizen of the Year Awards have been invited to accompany the Mayor at the official switching on of Fareham's Christmas lights in the year of the award.

Publicity and promotion

6. In order to encourage greater participation in the scheme a marketing campaign was put in place. A 'superhero' theme was used to promote the awards through a range of different communication channels both online and offline.
7. A letter to explain the scheme and encourage people to nominate others, along with leaflets and posters, were sent to community centres, churches, schools, libraries and

local community and sport groups.

8. The awards were promoted on Council Connect, including posters, and a video was shown on the two screens at various points in the run up to the closing date. The video was also shown on the screens in the reception area of the council. A large cardboard cut out of the superheroes, including information about how to nominate, was also present in reception.
9. To encourage more people to nominate someone for the awards, those who nominated were entered into a prize draw to win two tickets to a selected show of their choice at Ferneham Hall.
10. A message promoting the awards was sent to the E-panel database which has around 2000 members.
11. Various 'Tweets' and 'Posts' were placed on Twitter and Facebook. Posts on Facebook were boosted and targeted those who are 'friends' with the Council on the site, as well as those that are 'friends' with them. A sponsored post was also set up which targeted people within a 5km radius of Fareham, over a time period of three weeks.
12. The awards were featured at various points in the local press such as The News, Daily Echo, and Meon Valley News.
13. All information about the scheme is on the Council's website and was shown on the main story rotator on the landing page at various points throughout the campaign.

Nominations for the 2016 awards

14. This year, the Council has received 20 nominations overall. There are 14 nominations for the Citizen of Honour Award, two nominations for the Young Citizen of the Year Award (12-18 year olds), and four nominations for the Young Citizen of the Year Award (4-11 year olds).
15. In order to encourage resident participation in future years, those who put someone forward for nomination this year, will be invited to do so again next year, if their candidate does not win the 2016 award. The Executive reserves the right to increase the number of candidates who are honoured in future awards, providing a higher number of nominations are received.

Official Presentation of Awards

16. In order to retain the profile of the awards, they will continue to be presented during the Annual Council Meeting, before the commencement of the Mayor Making Ceremony in May this year. The winners will also receive invitations to the Mayor Making lunch and to a reception in the Mayor's Parlour, where the Roll of Honour will be signed and certificates will be presented.

Formal Decorations

17. The official award presented to the winners of each of the categories will continue to be an enamelled pin decoration, engraved with the winner's name, and a framed certificate. In addition to the pin and certificate, an engraved shield and £15 in gift vouchers will be awarded to each Young Citizen of the Year. Family pantomime tickets for the Gala Performance at Ferneham Hall will be given to all winners. To retain the status and importance of the scheme, the shield will be kept in the trophy cabinet within

the Customer Services Centre at the Civic Offices.

Official Citizen of Honour Duties

18. The winners of each of the awards are invited to a number of civic functions as guests of the Mayor. Currently these are the annual Civic Service, the Remembrance Day service and any special or ad-hoc events that may be arranged in the year of the award.
19. All award winners will also be given family tickets to the Gala Performance of the pantomime at Ferneham Hall and invited to meet the cast or to attend an alternative performance if they wish.

Financial Implications

20. The funding of this awards scheme will continue to be met from resources allocated within the Civic Events budget.

PROPOSAL

21. The Executive is requested to consider all the nominations as presented and select up to four successful candidates to be formally recognised as Citizens of Honour 2016, up to two young people aged between 12 and 18, and two aged between 4 and 11 to be recognised as Young Citizens of the Year for 2016.

RISK ASSESSMENT

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

CONCLUSION

23. Since their inception, the Citizen of Honour and Young Citizen of the Year award schemes have recognised the tremendous voluntary work and selfless, courageous acts performed by local residents of Fareham.
24. This report presents the nominations received for the Citizen of Honour and Young Citizen of the Year awards 2016 and requests that the Executive considers and selects the winning nominees.

Enquiries:

For further information on this report please contact Becca Bennett (Ext 4609)

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

Agenda Item 13(1)

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