

**AGENDA**  
**LICENSING AND REGULATORY AFFAIRS**  
**COMMITTEE**

**Date:** Tuesday, 22 March 2016

**Time:** 6.00 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

Councillors Mrs S M Bayford

Miss S M Bell

Mrs M E Ellerton

M J Ford, JP

N R Gregory

T J Howard

L Keeble

A Mandry

Mrs K Mandry

D J Norris

Ms S Pankhurst

R H Price, JP



*Deputies:* K D Evans  
Mrs K K Trott

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

**1. Apologies for Absence**

**2. Minutes (Pages 1 - 4)**

To confirm as a correct record the minutes of the meeting of the Committee held on 3 February 2016.

**3. Chairman's Announcements**

**4. Declarations of Interest**

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

**5. Deputations**

To receive any deputations of which notice has been lodged.

**6. Final Review of Work Programme 2015/16 and Draft Work Programme 2016/17 (Pages 5 - 20)**

To consider a report by the Head of Environmental Health which gives a final review of the 2015/16 work programme and draft 2016/17 work programme.

**7. Update on Fareham and Gosport Environmental Health Partnership (Pages 21 - 28)**

To consider a report by the Head of Environmental Health on an update on Fareham and Gosport Environmental Health Partnership.

P GRIMWOOD  
Chief Executive Officer

Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
14 March 2016

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# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing and Regulatory Affairs Committee

**(to be confirmed at the next meeting)**

**Date:** Wednesday, 3 February 2016

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

Councillor Mrs P M Bryant (Chairman)

Councillor T M Cartwright, MBE (Vice-Chairman)

**Councillors:** Mrs S M Bayford, Miss S M Bell, Mrs M E Ellerton,  
M J Ford, JP, L Keeble, A Mandry, Mrs K Mandry, D J Norris,  
Ms S Pankhurst and R H Price, JP

**Also  
Present:**



**1. APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillor N R Gregory and T J Howard.

**2. MINUTES**

RESOLVED that the minutes of the Licensing and Regulatory Affairs Committee held on 17 November 2015 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

**5. DEPUTATIONS**

The Committee received a deputation from Mr Paul Rogerson on A Review of the Hackney and Private Hire Licensing Conditions – Outcome of Consultation (minute 7 below refers).

RESOLVED that Mr Rogerson be thanked for his deputation.

**6. SPENDING PLANS - FEES AND CHARGES**

The report was presented by the Management and Financial Accounting Manager who explained to the Committee that following their comments from the previous meeting, he had included further information into the report regarding comparison of fees and charges with other authorities and provided some further information on the differences between the charging structures for Fareham Borough Council and Gosport Borough Council, and why this is problematic when trying to get the fees and charges to align.

The Chairman thanked the Management and Financial Accounting Manager for all of the extra work he had undertaken in order to provide the information requested by the Committee.

RESOLVED that the Committee agree the fees and charges for 2016/17, and recommend them to Full Council for approval.

*(N.B. Councillor Price, JP abstained from the vote)*

**7. A REVIEW OF THE HACKNEY AND PRIVATE HIRE LICENSING CONDITIONS - OUTCOME OF CONSULTATION**

The Committee received the deputation referred to in minute 5 above.

*(Councillors Cartwright and Miss Bell left the meeting at the conclusion of this item)*

The Committee considered a report by the Head of Environmental Health on a review of the hackney and private hire license conditions following the outcome of the consultation.

The Committee's attention was drawn to Appendix B which set out the consultation comments and suggested responses to the comments. The Head of Environmental Health went through each comment and gave the Committee explanations for the responses to each comment. Members discussed in further detail the following points:

D – Clarification was sought as to the difference between an approved Vehicle Examiner for the Department for Transport and an Independent Fitter providing an engineer's report, and whether this would have any impact on the Council in terms of liability. The Head of Environmental Health reassures the Committee that there would be no impact on the Council as the independent fitter would be required to have the engineers report authenticated and stamped by a named garage.

I – The Head of Environmental Health explained that he is currently liaising with the County Council regarding this issue as he is aware of the problems taxi drivers are now facing with getting reimbursed for these tokens. Councillor Price suggested that the Fareham Borough Councillors who are also Hampshire County Councillors put forward motions at the County Council so that this issue can be debated by them.

M – Members were asked to decide on what advertising they would be willing to permit on Fareham taxis. It was agreed that advertising would be permitted on the two front doors; a small strip only providing the company details on the back window; and internal advertising for the company and other local Fareham businesses. All of the advertising would be subject to the approval of the Licensing Officer. Councillor Price also requested that any internal advertising does not over shadow the driver's licence plate details.

RESOLVED that the Committee:-

- (a) Adopts the revised Conditions as set out in Appendix C, subject to the amendments listed above; and
- (b) Agrees the revised Conditions take effect from 1 March 2016.

## **8. REVIEW OF LICENSING POLICY - OUTCOME OF CONSULTATION**

The Committee considered a report by the Head of Environmental Health on a review of the Licensing Policy.

The Head of Environmental Health informed the Committee that there had been no major changes to the policy due to the limited response to the consultation.

RESOLVED that the Committee recommend the draft policy to the Executive so that it may be recommended to Full Council for approval.

**9. GAMBLING - STATEMENT OF PRINCIPLES - OUTCOME OF CONSULTATION**

The Committee considered a report by the Head of Environmental Health on Gambling - Statement of Principles, regarding the outcome of the consultation process.

Members were pleased to note that there were only minor changes made to the policy following the review of the document by Philip Kolvin QC.

Councillor Mandry requested that future documents be provided with the changes highlighted in them as it would be useful for members to be able to identify where the changes have been made. The Head of Environmental Health confirmed that this would be done for all future documents.

RESOLVED that, due to no substantive amendments being required, the Committee recommends to the Executive at its meeting of 7 March 2016 that the final draft Gambling Act 2005 Statement of Principles 2016-2019 (Appendix C of the report) be recommended by them for adoption by Full Council at its meeting of 28 April 2016.

**10. PRELIMINARY REVIEW OF WORK PROGRAMME 2015/16 AND DRAFT WORK PROGRAMME 2016/17.**

The Committee considered a report by the Head of Environmental Health on a review of the work programme 2015/16 and the draft work programme for 2016/17.

RESOLVED that the Committee:-

- (a) note the progress arising from the meeting of the Committee held on 17 November 2015, attached as Appendix A to the report; and
- (b) approve the work programme for 2015/16 attached as Appendix B to the report.

(The meeting started at 6.00 pm  
and ended at 7.12 pm).



# FAREHAM

BOROUGH COUNCIL

## Report to Licensing and Regulatory Affairs Committee

**Date**                    **22 March 2016**

**Report of:**            **Head of Environmental Health**

**Subject:**              **FINAL REVIEW OF WORK PROGRAMME 2015/16 AND DRAFT  
WORK PROGRAMME 2016/17**

### **SUMMARY**

At the last Committee meeting, in January, the Work Programme for 2015/16 was updated. Members are now requested to give consideration to the draft Work Programme for 2016/17 and identify any items the Committee may wish to be added.

### **RECOMMENDATION**

The Committee is asked to:

- (a) note the progress report on the Licensing and Regulatory Affairs Committee Work Programme for 2015/16, attached as Appendix A to the report; and
- (b) give consideration to the proposed draft Work Programme for 2016/17, attached as Appendix B to the report.

## **INTRODUCTION**

1. At the Committee meeting on 26 January 2016, the Work Programme for 2015/16 was updated.

## **MONITORING**

2. Details of progress on actions arising from matters considered at previous committee meetings in 2015/16 are shown on Appendix A, for members' information.

## **DRAFT WORK PROGRAMME FOR 2016/17**

3. A draft work programme for 2016/17 is attached as Appendix B and Members' views are requested on any issues or items that they would like to consider over the coming year.

## **RISK ASSESSMENT**

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

## **CONCLUSION**

5. The Committee is invited to:-
  - (i). note progress on matters considered by the Committee during 2015/16, as shown in Appendix A; and
  - (ii). give consideration to formulating a draft Licensing and Regulatory Affairs Committee Work Programme for 2016/17, as set out in Appendix B.

## **Background Papers:**

## **Reference Papers:**

## **Enquiries:**

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

## LICENSING AND REGULATORY AFFAIRS COMMITTEE

Licensing and Regulatory Affairs Committee – 14 May 2015

## Progress on Actions from 2015/16

<b>Date of Meeting</b>	<b>14 May 2015</b>
<b>Subject</b>	<b>Appointment of Licensing Panel</b>
Type of Item	
Action by Committee	<p>The Committee was reminded that it had come to appoint a Licensing Panel with rotating membership to hear and determine various applications under the Licensing Act 2003, applications to drive or operate hackney carriage or private hire vehicles and applications under the Gambling Act 2005. Members were reminded that, under the provisions of the Licensing Act 2003, such a Panel may only comprise three members.</p> <p>RESOLVED that:-</p> <ul style="list-style-type: none"> <li>(a) a Licensing Panel be appointed for 2015/16 with those terms of reference and delegated powers previously determined by the Committee on 1 February 2005, as amended on 23 January 2007 and subsequently confirmed by the Council on 15 February 2007;</li> <li>(b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Panel for 2015/16; and</li> <li>(c) members of the Licensing and Regulatory Affairs Committee be appointed to the Licensing Panel, such that it comprises the Chairman and two other members of the Committee, appointed on a rotating basis, subject to their having completed the necessary training.</li> </ul>
Outcome	Complete
Link Officer	Martyn George
<b>Subject</b>	<b>Appointment of Trading Concessions Panel</b>
Type of Item	Review
Action by Committee	<p>The Committee was reminded that it had decided to appoint a Trading Concessions Panel to deal with occasional issue arising from the grant of careering concessions in West Street, Fareham. The Committee was invited to appoint the Panel for 2015/16.</p> <p>RESOLVED that:-</p>

	<p>(a) Councillors Miss S M Bell, Mrs P M Bryant, T M Cartwright, Mrs M E Ellerton and Mrs K Mandry be appointed to the Licensing Trading Concessions Panel for 2015/16; and</p> <p>(b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Trading Concessions Panel for 2015/16.</p>
Outcome	Complete
Link Officer	Martyn George
<b>Date of Meeting</b>	<b>2 June 2015</b>
Subject	<b>Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee</b>
Type of Item	Presentation
Action by Committee	<p>Members were advised that the Officers had prepared a presentation on the responsibilities of the Licensing and Regulatory Affairs Committee.</p> <p>RESOLVED that, as there had been no changes to the membership of the Committee for 2015/16, the officers be requested to not proceed with the presentation but, instead, to circulate the presentation slides to Committee members.</p>
Outcome	Complete
Link Officer	Martyn George
Subject	<b>Annual Report on Applications Received</b>
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Director of Community on the day to day work of the Licensing Team and the on-going work associated with the Licensing function.</p> <p>RESOLVED that the report be noted.</p>
Outcome	Complete
Link Officer	Ian Rickman
Subject	<b>Licensing and Regulatory Affairs Committee Work Programme</b>
Type of Item	Monitoring
Action by	The Committee considered a report by the Director of Community on its work programme for 2015/16.

Committee	<p>RESOLVED that:-</p> <p>(a) the progress on actions arising from the meeting of the Committee held on 17 March 2015, as shown in Appendix A to the report, be noted;</p> <p>(b) 'Hampshire County Council Electoral Review' be added to the work programme on 7 July 2015 (minute 3 above refers);</p> <p>(c) 'Advertising on Hackney Carriage Vehicles' be moved from 7 July 2015 to 22 September 2015;</p> <p>(d) The officers be requested to arrange an in-house training session for members prior to the meeting of the Committee on 22 September 2015; and</p> <p>(e) Subject to (b), (c) and (d) above, the work programme for 2015/16, as shown in Appendix B to the report, be confirmed.</p>
Outcome	Complete
Link Officer	Ian Rickman
<b>Date of Meeting</b>	<b>7 July 2015</b>
Subject	<b>Hampshire County Council Electoral Review</b>
Type of Item	Policy Review
Action by Committee	<p>The Committee considered a report by the Director of Finance and Resources on the Hampshire County Council Electoral Review being carried out by the Local Government Boundary Commission for England. The Democratic Services Manger presented the report and illustrated various aspects with slides showing the European Regions, Parliamentary Constituencies, County Divisions, Fareham Wards and the distribution of electors within the Borough. A paper containing a suggested consultation with the Chairman, was circulated to those present.</p> <p>RECOMMENED that the suggested consultation response, attached as Appendix A to these minutes, be adopted as Fareham Borough Council's response to the Local Government Boundary Commission for England's consultation on Hampshire County Council electoral boundaries.</p>
Outcome	Complete.
Link Officer	Elaine Wildig
Subject	<b>Licensed Premises and Community Safety</b>
Type of Item	Presentation

Action by Committee	<p>The Committee received a presentation from the Community Safety Manager on Licensed Premises and Community Safety. The presentation included details of the Licensing Act 2003, the Licensing Objectives, Responsible Authorities, the Council's Licensing Policy, Data concerning Temporary Event Notices, Applications under the Licensing Act 2003 and Juvenile test purchase operations, the Partnership Action Group, the Designated Public Places Order and the Police. A paper showing details of Juvenile test purchases carried out during 2014/15 was circulated to those present.</p> <p>RESOLVED that the Community Safety Manager be thanked for her presentation.</p>
Outcome	Complete.
Link Officer	Narinder Bains
Subject	<b>Actual Revenue Expenditure 2014/15</b>
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Director of Finance and Resources on Actual Revenue Expenditure for 2014/15.</p> <p>RESOLVED that the report be noted.</p>
Outcome	Complete.
Link Officer	Neil Wood
Subject	<b>Annual Health and Safety Service Plan</b>
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Director of Community on the Annual Health and Safety Service Plan. A paper giving examples of the type of premises the Health and Safety Executive and the local authority were responsible for enforcing was circulated to those present.</p> <p>RESOLVED that the Section 18 Health &amp; Safety Intervention Plan, as shown in Appendix A to the report, be approved.</p>
Outcome	Complete
Link Officer	Ian Rickman
Subject	<b>Licensing and Regulatory Affairs Committee Work Programme</b>
Type of Item	Report
Action by Committee	The Committee considered a report by the Director of Community on its work programme for 2015/16.

	<p>RESOLVED that:-</p> <p>(a) the progress on actions arising from the meeting of the Committee held on 2 June 2015, as shown in Appendix A to the report, be noted;</p> <p>(b) the officers be requested to look into the possibility of arranging a training session for all members on taxi firms that operate by mobile phone communication;</p> <p>(c) subject to (b) above, the work programme for 2015/16, as shown in Appendix B to the report be confirmed; and</p> <p>(d) it be noted that the in-house training session for members prior to the meeting of the Committee on 22 September 2015 would be based on the processes involved in the licensing of events.</p>
Outcome	Complete, training session held on 22 September 2015.
Link Officer	Martyn George
<b>Date of Meeting</b>	<b>22 September 2015</b>
Subject	<b>Licensing and Regulatory Affairs Committee Work Programme</b>
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Director of Community on its work programme for 2015/16.</p> <p>RESOLVED that:-</p> <p>(a) the progress on actions arising from the meeting of the Committee held on 7 July 2015, as shown in Appendix A to the report, be noted;</p> <p>(b) 'Review of Licensing Policy' be added to the work programme for 17 November 2015;</p> <p>(c) 'Review of Licensing Policy – Outcome of Consultation' be added to the work programme for 26 January 2016</p> <p>(d) 'Gambling – Statement of Principles' be added to the work programme for 17 November 2015;</p> <p>(e) 'Gambling – Statement of Principles – Outcome of Consultation' be added to the work programme for 26 January 2016;</p> <p>(f) 'Amendment to Private Hire and Hackney Carriage Licensing Duration and Fees – Outcome of Consultation' be added to the work programme for 17 November 2015; and</p> <p>(g) Subject to (b) – (f) above, the work programme for 2015/16, as shown in Appendix B to the report, be confirmed.</p>
Outcome	Complete
Link Officer	Martyn George

Subject	<b>A Review of the Hackney and Private Hire Licensing Conditions</b>
Type of Item	Review
Action by Committee	<p>The Committee considered a report by the Director of Community on proposed changes to the conditions for Hackney Carriage and Private Hire vehicles and operators.</p> <p>RESOLVED that:-</p> <p>(a) the proposed changes to the Conditions for Hackney Carriage and Private Hire vehicles and operators, as summarised in Appendix B to the report, be sent to all licensed taxi operators/plate holders in the area (the "Trade"), inviting any representations to be made to the Head of Environmental Health within 6 weeks;</p> <p>(b) the Head of Environmental Health be authorised to draft Conditions and Requirements, as amended, after the consultation process; and</p> <p>(c) following the consultation process, the revised conditions be submitted to the Committee at its meeting on 26 January 2016.</p>
Outcome	Complete
Link Officer	Ian Rickman
Subject	<b>Review of Hackney Carriage Fares</b>
Type of Item	Review
Action by Committee	<p>The Committee considered a report by the Director of Community on the Review of Hackney Carriage Fares.</p> <p>RESOLVED that the Executive be advised of the Committee's views as follow:-</p> <p>(a) that the proposal from the Hackney Carriage Association that there be a standard charge of 50p for any luggage carried outside the passenger compartment be accepted; (Voting: 8 for; 3 against);</p> <p>(b) that the proposal from the Hackney Carriage Association that the maximum charge for fouling a vehicle be increased to £70 be accepted; and</p> <p>(c) subject to (a) and (b) above, there be no change made to the taxi tariff at the present time.</p>
Outcome	
Link Officer	Ian Rickman
Subject	<b>Amendment to Private Hire and Hackney Carriage Licensing Duration and Fees</b>



Type of Item	Review
Action by Committee	<p>The Committee considered a report by the Director of Community on the proposed amendment to Private Hire and Hackney Carriage Licensing Duration and Fees.</p> <p>RESOLVED that:</p> <p>(a) Private Hire and Hackney Carriage Driver's Licenses be granted for three years from 1 October 2015, unless the Council considers a lesser period to be more appropriate in the individual circumstances;</p> <p>(b) Private Hire Operator's Licenses be granted for five years from 1 October 2015, unless the Council considers a period of three years or one year to be more appropriate in the circumstances;</p> <p>(c) The proposed fees for Private Hire Operator's Licenses shown in Appendix A to the report be amended as follows:  1 year - £185;  3 year - £455;  5 year - £825;</p> <p>(d) no change be made at the present time to the Private Hire and Hackney Carriage condition requiring an annual driving licence check;</p> <p>(e) the Licensing Service be requested, in accordance with the provisions of section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to publish a notice in the Portsmouth News concerning the proposals in (a) – (d) above (specifying a period of not less than 28 days) when any person aggrieved by the proposed fee variations can make an objection; and</p> <p>(f) any objections received as a result of (e) above be reported at the next meeting of the Committee on 17 November 2015, when the matter was due to be considered further following the consultation period.</p>
Outcome	Complete – Further report sent to Committee on 17 November 2015.
Link Officer	Ian Rickman
<b>Date of Meeting</b>	<b>17 November 2015</b>
Subject	<b>Update on Police Changes – Licensing Arrangements</b>
Type of Item	Verbal Update
Action by Committee	<p>The Committee received a verbal presentation from Jason Pearce on the changes to Licensing Arrangements for the Police that have occurred over the past 12 months.</p> <p>He explained to the Committee that he has previously had the privilege to be the police licensing officer for just Fareham which has allowed him to be able to engage with all new premises licence holders, giving him the opportunity to build a good</p>

	<p>working relationship with them. He also stated that being responsible for just Fareham allowed him the time to be able to follow up on any incidents that occur.</p> <p>He then went on to explain that there have been significant changes and challenges put upon the Police this year, and it has resulted in a change to his responsibilities in that he now covers a wider area of Hampshire, with the impact of this being that with his time being stretched, his main focus is on dealing with the high risk premises. In addition to this he is now the lead licensing officer for all the festivals in the area, including Victorious Festival in Portsmouth and the Isle of Wight Festival.</p> <p>He finished his presentation by assuring the Committee that whilst there are challenging times ahead things still remain positive as they are now looking at new ways of working in order to continue to achieve a high standard of service.</p> <p>RESOLVED that the Committee thanked Jason Pearce for his informative presentation.</p>
Outcome	Complete
Link Officer	Ian Rickman
Subject	<b>Spending Plans 2016/17</b>
Type of Item	Financial
Action by Committee	<p>The Committee considered a report by the Director of Finance and Resources on the Committee's Spending Plans for 2016/17.</p> <p>Members discussed at length the proposal not to increase the discretionary fees despite the Medium Term Finance Strategy policy that the Executive approved, which stated that there would be a 5% increase on all fees and charges. The Management and Financial accounting Manager addressed the Committee to confirm that whilst the Medium Term Finance Strategy does indicate that a 5% increase should be applied to fees and charges the wording in the policy states that it will be applied 'wherever possible'.</p> <p>The Head of Environmental Health addressed the Committee and explained that the reason why there has been no increase to the fees and charges is to do with the partnership with Gosport, as they have a different approach to fees and charges. He explained that the aim is, through the Partnership working to bring the fees for Fareham and Gosport Borough Council in line with each other. This however is going to take some time with lots of discussions between Fareham and Gosport.</p> <p>Councillor Price suggested that the recommendation be approved, except for the fees and charges for 2016/17, which will be brought back to the Committee at the January meeting.</p>

	<p>RESOLVED that the Licensing and Regulatory Affairs Committee agreed:-</p> <p>(a) that the Private Hire and Hackney Carriage Drivers' Licenses fee be set as detailed in Appendix A to the report; and  (b) that the fees be retrospectively applied to the 1 October 2015.</p>
Outcome	Complete.
Link Officer	Neil Wood
Subject	<b>Review of the Licensing Policy</b>
Type of Item	Review
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health on a review of the Licensing Policy.</p> <p>The Chairman passed her thanks onto the Licensing and Support Manager for her work in reducing the size of the document and for making it easier to read.</p> <p>RESOLVED that the Committee agreed to:-</p> <p>(a) members' views and comments be taken into account in considering the current Licensing Policy Consultation Document, attached as Appendix A to the report;</p> <p>(b) the consultation exercise on the Licensing Policy commence at this meeting and continue until 31 December 2015;</p> <p>(c) a further report on the Licensing Policy, which details outcomes from the consultation process, be presented to the Scrutiny Board on 14 January 2016 for further consultation;</p> <p>(d) that the policy then be presented to the Licensing and Regulatory Affairs Committee for final drafting at its meeting on 26 January 2016; and then subsequently sent to the Executive at its meeting on 1 February 2016 to make its recommendation to Council; and</p> <p>(e) the approved Licensing Policy be recommended to the Council for adoption at the scheduled Council meeting on 19 February 2016.</p> <p>RESOLVED that the Committee:-</p> <p>(a) note the progress on actions arising from the meeting of the Committee held on 22 September 2015, as shown in Appendix A of the report;</p> <p>(b) subject to the addition of a report on Fees and Charges to the January meeting and a report on Uber to the March</p>

	meeting, the Work Programme for 2015/16 be approved.
Outcome	Complete
Link Officer	Ian Rickman
Subject	<b>Gambling – Statement of Principles</b>
Type of Item	Review
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health on the draft revised statement of principles under the Gambling Act 2005.</p> <p>The Head of Environmental Health addressed the Committee and explained that the document has been significantly shortened in the hope that it will be more user friendly. He also informed the Committee that the contents page currently does not match the rest of the document but this will be revised prior to the document being put out for consultation.</p> <p>RESOLVED that:-</p> <p>(a) the draft revised statement of principles be approved for the purposes of statutory consultations; and</p> <p>(b) that a further report setting out the feedback and responses from the consultation be presented to the Committee at its meeting on 26 January 2016 prior to the revised Statement of Principles being recommended to Council for adoption at its meeting on 19 February 2016.</p>
Outcome	<p>Referred back to the Licensing and Regulation Committee on 3 February:</p> <p>RESOLVED that, due to no substantive amendments being required, the Committee recommends to the Executive at its meeting of 7 March 2016 that the final draft Gambling Act 2005 Statement of Principles 2016-2019 (Appendix C of the report) be recommended by them for adoption by Full Council at its meeting of 28 April 2016.</p>
Link Officer	Ian Rickman
<b>Date of Meeting</b>	<b>3 February 2016</b>
Subject	Spending Plans – Fees and Charges
Type of Item	Report
Action by Committee	<p>The report was presented by the Management and Financial Accounting Manager who explained to the Committee that following their comments from the previous meeting, he had included further information into the report regarding comparison of fees and charges with other authorities and provided some further information on the difference between the charging structures for Fareham Borough Council and Gosport Borough Council, and why this is problematic when trying to get the fees and charges to align.</p>

	<p>The Chairman thanked the Management and Financial Accounting Manager for all of the extra work he had undertaken in order to provide the information requested by the Committee.</p> <p>RESOLVED that the Committee agree the fees and charges for 2016/17, and recommend them to Full Council for approval. <i>(N.B. Councillor Price, JP abstained from the vote)</i></p>
Outcome	Will be presented to Full Council in April 2016.
Link Officer	Neil Wood
Subject	A Review of the Hackney and Private Hire Licensing Conditions – Outcome of Consultation
Type of Item	Report
Action by Committee	<p>The Committee received the deputation referred to in minute 5 above. <i>(Councillors Cartwright and Miss Bell left the meeting at the conclusion of this item)</i></p> <p>The Committee considered a report by the Head of Environmental Health on a review of the hackney and private hire license conditions following the outcome of the consultation.</p> <p>The Committee's attention was drawn to Appendix B which set out the consultation comments and suggested responses to the comments. The Head of Environmental went through each comment and gave the Committee explanations for the responses to each comment. Members discussed in more detail the following points:</p> <p>D – Clarification was sought as to the difference between an approved Vehicle Examiner for the Department for Transport and an Independent Fitter providing an engineer's report, and whether this would have any impact on the Council in terms of liability. The Head of Environmental Health reassures the Committee that there would be no impact on the Council as the independent fitter would be required to have the engineers report authenticated and stamped by a named garage.</p> <p>I – The Head of Environmental Health explained that he is currently liaising with the County Council regarding this issue as he is aware of the problems taxi drivers are now facing with getting reimbursed for these tokens. Councillor Price suggested that the Fareham Borough Councillors who are also Hampshire County Councillors put forward motions at the County Council so that this issue can be debated by them.</p> <p>M – Members were asked to decide on what advertising they would be willing to permit on Fareham Taxis. It was agreed that advertising would be permitted on the two front doors; and small strip on providing the company details on the back window;</p>

	<p>and internal advertising for the company and other local Fareham businesses. All of the advertising would be subject to the approval of the Licensing Officer. Councillor Price also requested that any internal advertising does not over shadow the driver's licence plate details.</p> <p>RESOLVED that the Committee:-</p> <p>(a) adopts the revised Conditions as set out in Appendix C, subject to the amendments listed above; and</p> <p>(b) agrees the revised Conditions take effect from 1 March 2016.</p>
Outcome	Complete
Link Officer	Ian Rickman
Subject	Review of Licensing Policy – Outcome of Consultation
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health on a review of the Licensing Policy.</p> <p>The Head of Environmental Health informed the Committee that there had been no major changes to the policy due to the limited response to the consultation.</p> <p>RESOLVED that the Committee recommend the draft policy to the Executive so that it may be recommended to Full Council for approval.</p>
Outcome	Referred to the Executive Committee meeting 7 March 2016
Link Officer	Ian Rickman
Subject	Gambling – Statement of Principles – Outcome of Consultation
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health on Gambling – Statement of Principles, regarding the outcome of the consultation process.</p> <p>Members were pleased to note that there were only minor changes made to the policy following the review of the document by Philip Kolvin QC.</p> <p>Councillor Mandry requested that future documents be provided with the changes highlighted in them as it would be useful for</p>

	<p>members to be able to identify where the changes have been made. The Head of Environmental Health confirmed that this would be done for all future documents.</p> <p>RESOLVED that, due to no substantive amendments being required, the Committee recommends to the Executive at its meeting on 7 March 2016 that the final draft Gambling Act 2005 Statement of Principles 2016-2019 (Appendix C of the report) be recommended by them for adoption by Full Council at its meeting of 28 April 2016.</p>
Outcome	
Link Officer	Ian Rickman
Subject	Preliminary Review of Work Programme 2015/16 and Draft Work Programme 2016/17
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health on a review of the work programme 2015/16 and the draft work programme for 2016/17.</p> <p>RESOLVED that the Committee:-</p> <p>(a) notes the progress arising from the meeting of the Committee held on 17 November 2015, attached as Appendix A to the report; and</p> <p>(b) approves the work programme for 2015/16 attached as Appendix B to the report.</p>
Outcome	Completed
Link Officer	Ian Rickman

**LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME  
2016/17**

<b><u>DATE</u></b>	<b><u>SUBJECT</u></b>	<b><u>TRAINING SESSION/WORKSHOP</u></b>
<b>31 MAY 2016</b>	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee  Health & Safety Service Plan	<b>Training for Members</b>
<b>5 JULY 2016</b>		
<b>27 SEPTEMBER 2016</b>	Setting of Taxi Tariff	<b>Training For Members</b>
<b>22 NOVEMBER 2016</b>		
<b>24 JANUARY 2017</b>		
<b>21 MARCH 2017</b>	Update on Fareham & Gosport Environmental Health Partnership	



# FAREHAM

BOROUGH COUNCIL

## Report to Licensing and Regulatory Affairs Committee

**Date**                    **22 March 2016**

**Report of:**            **Head of Environmental Health**

**Subject:**              **UPDATE ON FAREHAM & GOSPORT ENVIRONMENTAL  
HEALTH PARTNERSHIP**

### **SUMMARY**

This report provides Members with an update on the progress of the Fareham and Gosport Environmental Health Partnership. Although many of the service areas are reported to the Public Protection Policy Development and Review Panel, this Committee is responsible for the Fareham Licensing and Health & Safety functions.

### **RECOMMENDATION**

That members note the progress of the Fareham and Gosport Environmental Health Partnership and identify any further areas within Licensing and Health & Safety where further work is required to develop the Partnership further.

## **BACKGROUND**

1. The Environmental Health Partnership has been in place now since the 4 January 2011. It was initially created following a management restructure opportunity which arose in Gosport, together with an aspiration from each Council to explore the possibility of partnership working, to deliver resilience and efficiency savings.
2. Initially there was a Memorandum of Understanding in place between the two Councils which covered the initial arrangement up to July 2015. This Committee is responsible for the Fareham Licensing and Health & Safety functions which are provided by the Partnership.
3. The Partnership operated essentially with a single Head of Environmental Health managing the separate Environmental Health Sections at Fareham Borough Council and at Gosport Borough Council. Work was initially carried out to align ways of working, with an approach of review and taking forward the best elements from each Council.
4. Following approval by each Council in October 2013 the Partnership moved to a single IT system, that being provided by Fareham Borough Council. This enabled further work on systems and procedures to be undertaken to further align processes and systems of work to deliver resilience, efficiencies and savings.
5. In April 2014, 19 people in number transferred to Fareham Borough Council on their existing terms and conditions of employment under Transfer of Undertakings (Protection of Employment) (TUPE) regulations.
6. A new agreement between the two Councils has been drawn up to cover this new partnership arrangement, which was signed off by both Authorities on 17<sup>th</sup> August 2015.
7. The Environmental Health Partnership Panel was established at this time to oversee the strategic direction and management of the partnership, this consists of Councillor Trevor Cartwright as the elected member for Fareham and Councillor Graham Burgess as the elected member for Gosport. The Panel meets twice a year and is also attended by the Director responsible for Environmental Health from each Council, finance representatives and the Head of Environmental Health.
7. Since the transfer work has been undertaken to implement the agreed single employment structure for the partnership. This involved a number of selection processes where staff were ring fenced for posts in the new structure, amendments to contracts and terms and conditions and also a small number of redundancies, together with external recruitment.
8. Following some recent staff departures and also the review of some vacant posts the structure has recently been reviewed again, with further savings delivered. The current structure is shown as Appendix A.

## **ENVIRONMENTAL HEALTH PARTNERSHIP**

9. The scope of the partnership includes the following areas:-

- **Commercial Team**  
Food Safety,  
Health & Safety at Work,  
Infectious Disease Control  
Open Markets
  
- **Pollution Team**  
Noise and Statutory Nuisance  
Private Sector Housing  
Disabled Facilities Grants (Gosport only)  
Air Quality  
Local Authority Pollution Prevention Control (LAPPC)  
Contaminated Land  
Pest Control  
Dog control
  
- **Licensing & Support Teams**  
Alcohol, entertainment and late night refreshment licensing  
Hackney and Private Hire Licensing  
Animal licensing  
Street Trading Consents  
Tables and Chairs licences  
Street Collections  
Miscellaneous licensing  
  
Corporate Health & Safety  
  
Community Safety (Fareham Only)

### **COMMERCIAL TEAM**

#### **Food Safety**

10. Fareham & Gosport Borough Councils are designated as Food Authorities under the European Communities Act 1972, the Food Hygiene (England) Regulations 2006 and the Food Safety Act 1990. These place a statutory duty on the Authorities to enforce the Acts.
- The key target the Food standards Agency is concerned with is that the programme of Food Safety inspections as determined by their risk Rating Scheme is delivered. The partnership is on target to complete its programmed Food Safety inspections as required by the Food Standards Agency for 2014/2015, this will equate to some 600 inspections of commercial food premises.

## **Health & Safety at Work**

11. The Councils are designated as Enforcing Authorities under the Health and Safety (Enforcing Authority) Regulations 1998 and are responsible for the enforcement of the Health & Safety at Work etc. Act 1974, within commercial premises within each Borough. The Councils have a duty to carry out their functions in accordance with guidance issued by the Health & Safety Executive. The guidance is issued under Section 18 of the Act.
12. Health & Safety work over recent years has been reduced by Government as part of its deregulation Agenda. There is no longer a requirement to have a comprehensive inspection programme, but instead to offer advice when requested and carry out accident investigations and consider local initiatives; this work does not require much resource input.
13. The key performance measures are around ensuring accident investigations are carried out in accordance with the incident selection criteria prescribed by HSE, which they all are.

## **Infectious Disease Control**

14. This section has a role in the control of disease in the community, as certain diseases are notifiable to local authorities; this area also includes incidents of food poisoning.

## **Open Markets**

15. The responsibility for the day to day operation of both Fareham and Gosport open markets sits within the Partnership. Due to an internal promotion and a retirement two new staff members have recently been recruited to manage the markets and also support the Office Support function.

## **POLLUTION CONTROL**

### **Statutory Nuisance**

16. Under the Environmental Protection Act 1990 each Council has a duty to inspect its area for nuisances and take reasonable action where a nuisance is reported to it.
17. Environmental Health operates a 24/7, 365 day Out of Hours Service, which deals predominantly with Noise, but also covers the full range of Environmental Health matters. This is resourced in-house with a rota in place for the pollution team who take it in turns to hold the duty phone.

### **Private Sector Housing**

18. Under the Housing Act 2004, local authorities have a duty to inspect residential properties where they become aware that hazards may exist. In reality what this usually means is that where there is landlord tenant situation and the tenant is unhappy with any aspect of the accommodation they may complain to Environmental Health.

### **Disabled Facilities Grants (Gosport only)**

19. Within Environmental Health at Gosport sits the responsibility for Disabled Facilities Grants. Each year the Private Sector Housing Policy is updated and grants are administered by Environmental Health. A sum of money is paid by the Government to Hampshire, who then allocate a proportion to Gosport Borough Council, Gosport tops this up with additional funding, as demand is always greater than the budget can provide for. Currently on request the Hampshire County Council Occupational Therapists will assess need on request and then Gosport has a home improvement agency contract with Portsmouth City Council.

### **Air Quality**

20. Under the Environment Act 1995 the local authority has a duty to undertake a review of its Air Quality and also undertake future reviews. In practice, this is usually done by the installation of a continuous air quality monitor and also by the siting of NOx tubes throughout a Borough.
21. Within Gosport there is a continuous air quality monitoring station on the corner of Titchborne Way and in Fareham there is one on Gosport Road at the corner of Elms Road and one on Portland Street. The maintenance and data management contract was tendered as a single contract in 2011.
22. Fareham has two Air Quality Management Areas (AQMAs), Gosport Road from Elms Road to Mill Road and Portland Street
23. The Department for Environment Food and Rural Affairs (DEFRA) require each Authority to submit an annual report regarding Air Quality.

### **Local Authority Pollution Prevention Control (LAPPC)**

24. Each Authority has a statutory duty to ensure certain polluting processes e.g. Paint Spraying, Crematoria have and are complying with the terms of a Permit. There is a requirement to inspect these polluting processes on a rolling basis.

### **Contaminated Land**

25. In April 2000 local authorities in England and Wales were given a new statutory duty, under Part 11a of the Environmental Protection Act (EPA) 1990 to identify areas of contaminated land and get then cleaned up. This included producing a contaminated land inspection strategy to set out how inspections would be carried out.
26. The work to clean up potentially contaminated sites consists of using the Planning process and responding to complaints. It was originally planned that there would be a pro-active inspection strategy but this isn't practical in the current economic climate.

### **Pest Control**

27. Each Council has a statutory responsibility to keep its own land free from rats and mice. To that end the Partnership now has a single Pest Control Service operating

across the area, which consists of 2 qualified full-time officers and a third that can be called upon to assist with peaks in demand. Although there is currently a vacant post here.

### **Dog Control / Animal Welfare**

28. Local authorities have a range of duties and powers in respect of dog control and animal welfare which include: Collection of stray dogs; control of aggressive dogs (to other animals); licensing and registration of Pet shops, riding establishments, boarding establishments etc. There is one dog warden for the partnership who, in terms of dogs straying, is supported by the Pest Control Officers to cope with peaks in demand and also the geographical challenges.
29. There is also an out of hours service for stray dogs which operates until 10pm each day. This service is also resourced in-house with a mixture of contracted staff members and volunteers.

### **LICENSING AND SUPPORT**

30. The area covers alcohol, entertainment and late night refreshment licensing (1244 premises approx), Hackney and Private Hire licensing (464 vehicles, 534 drivers approx), Gambling, Animal licensing, Street Trading Consents, Tables and Chairs licences, Street Collections, Miscellaneous licensing.
31. The licensing function is directly managed by the Head of Environmental Health, supported by the Licensing and Support Manager and a Lead Licensing Officer. The administrative part of the process is undertaken by the support team.

### **OTHER**

32. Corporate Health and Safety for each Council is included within the scope of the partnership, with each Council Sharing a single Health & Safety Advisor.
33. In addition to the above Community Safety at Fareham is managed by the Head of Environmental Health.

### **PARTNERSHIP PERFORMANCE**

34. Since 2011 the partnership arrangement has worked well and the two Environmental Health Services have performed well. All performance targets have been met. These include: DEFRA approval of Air Quality Reports; Statutory Licensing requirements met; all polluting processes inspected in accordance with Statutory Guidance; Food Premises Inspections completed; Successful Food Standards Agency Audit; complaint resolution/ Customer satisfaction is good.
35. Following the staff transfer in April 2014 and the implementation of the single staffing structure, performance has continued to be good despite a number of staffing and recruitment issues. All of the staff except two are now on Fareham Terms and Conditions & Contracts of Employment

## **FUTURE PARTNERSHIP ISSUES**

37. Since the partnership started working practices have been aligned taking forward the best elements from both Councils. In October 2013, the Partnership moved to a single IT platform, which enabled staff to do work for either Council irrespective of where they are situated and enabled a single way of working to be fully established. In April 2014, all of the Partnership staff transferred to Fareham Borough Council which became the lead employer and has allowed staff terms and conditions to be harmonised.
38. At its meeting of 3 February 2016, the Licensing and Regulatory Affairs Committee approved the Licensing fees and charges for 2016/2017. In doing so there was discussion around the potential to align fees and charges across the partnership. The partnership costs are met on a 50:50 basis. Although each Council retains its own fees and charges, it was suggested by the Committee that the Partnership Panel should consider the feasibility of aligning fees and charges and that initial discussions should take place between officers and the Panel.

## **FINANCIAL**

39. The restructure, which took place in April 2014, resulted in a combined staffing structure which costs £100,000 less than the total cost of the two structures that were in place immediately before it. The recent restructure produced around another £120, 000 of salary savings.
40. It has been possible to carry these vacancies, largely as a result of the systems thinking project underway at Fareham, which has resulted in a different approach to service delivery with a renewed focus on customer service.
41. Both Council's accountants are satisfied with the financial performance of the partnership.

## **CONCLUSION**

42. The Staff transfer and restructure of Environmental Health has delivered further savings, increased resilience and further strengthened the partnership arrangement. The Partnership is still performing well.

### **Background Papers:**

None.

### **Reference Papers:**

None.

### **Enquiries:**

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

Appendix A – Single Environmental Health Staffing Structure

