

# FAREHAM

BOROUGH COUNCIL

## AGENDA

### LICENSING AND REGULATORY AFFAIRS COMMITTEE

**Date:** Tuesday, 31 May 2016

**Time:** 6.00 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor Mrs P M Bryant (Chairman)

Councillor T Cartwright (Vice-Chairman)

Councillors Mrs S M Bayford

Miss S Bell

FW Birkett

Mrs T L Ellis

M J Ford

L Keeble

A Mandry

Mrs K Mandry

Mrs S Pankhurst

R H Price

Mrs K K Trott

Mrs C Heneghan



*Deputies:* S Cunningham  
K D Evans  
C J Wood

**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 Licensing and Regulatory Affairs Committee held on 12 May 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. Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee**

To receive a presentation by Head of Environmental Health on the responsibilities of the Licensing and Regulatory Affairs Committee.

**7. Licensing and Regulatory Affairs Committee Work Programme 2016/17** (Pages 5 - 10)

To consider a report by the Head of Environmental Health on the Committee's Work Programme for 2016/17.

**8. Health & Safety Service Plan** (Pages 11 - 18)

To consider a report by the Head of Environmental Health on the Health and Safety Service Plan.

P GRIMWOOD  
Chief Executive Officer

Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
20 May 2016

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# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing and Regulatory Affairs Committee

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

**Date:** Thursday, 12 May 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 T L Ellis, M J Ford, JP,  
Mrs C Heneghan, L Keeble, A Mandry, Mrs K Mandry,  
Ms S Pankhurst, R H Price, JP and Mrs K K Trott

**Also  
Present:**



**1. APOLOGIES FOR ABSENCE**

An apology of absence was received from Councillor F W Birkett.

**2. MINUTES**

RESOLVED that the minutes of the Licensing and Regulatory Affairs Committee held on 22 March 2016 be confirmed and signed as a correct record.

**3. APPOINTMENT OF LICENSING PANEL**

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

RESOLVED that:-

- (a) a Licensing Panel be appointed for 2016/17 with those terms of reference and delegated powers previously determined by the Committee on 1 February 2005, as amended on 23 January 2007 and subsequently confirmed by the Council on 15 February 2007;
- (b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Panel for 2016/17, with the exception of any applications which fall into her Ward, whereby another member will be appointed Chairman for that meeting; and
- (c) members of the Licensing and Regulatory Affairs Committee be appointed to the Licensing Panel, such that it comprises the Chairman and two other members of the Committee, appointed on a rotating basis, subject to their having completed the necessary training.

**4. APPOINTMENT OF TRADING CONCESSIONS PANEL**

The Committee was reminded that it had decided to appoint a Trading Concessions Panel to deal with occasional issues arising from the grant of concessions in West Street, Fareham. The Committee was invited to appoint the Panel for 2016/17.

RESOLVED that:-

- (a) Councillors Miss S M Bell, Mrs P M Bryant, T M Cartwright, L Keeble and Mrs K Mandry be appointed to the Licensing Trading Concessions Panel for 2016/17; and
- (b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Trading Concessions Panel for 2016/17.

(The meeting started at 3.25 pm  
and ended at 3.32 pm).





# FAREHAM

BOROUGH COUNCIL

## Report to Licensing and Regulatory Affairs Committee

**Date**                31 May 2016

**Report of:**        Head of Environmental Health

**Subject:**         LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK  
PROGRAMME 2016/17

### SUMMARY

At its meeting in March, the progress of the Work Programme for 2015/16 was considered and a Work Programme for 2016/17 was agreed. Members are now invited to note the actions from the last meeting and to review the work programme for 2016/17.

### RECOMMENDATION

- (a) that the progress on actions arising from the meeting of the Committee held on 22 March 2016, as shown in Appendix A to the report be noted; and
  
- (b) that the Work Programme for 2016/17, attached as Appendix B to the report, be reviewed.

## **INTRODUCTION**

1. At the Committee meeting on 22 March 2016, the progress on the Work Programme for 2015/16 was reported.

## **MONITORING**

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

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

3. The Work Programme for 2016/17 agreed at the last meeting is attached as Appendix B.

## **RISK ASSESSMENT**

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

## **CONCLUSION**

5. The Committee is invited to:-
  - (i). note the progress on matters considered by the Committee at its last meeting, as shown in Appendix A; and
  - (ii). review the Licensing and Regulatory Affairs Committee Work Programme for 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 – 31 May 2016

## Progress on Actions from last meeting

<b>Date of Meeting</b>	<b>22 March 2016</b>
Subject	<b>Final Review of Work Programme 2015/16 and Draft Work Programme 2016/17</b>
Type of Item	monitoring
Action by Committee	<p>The Committee considered a report by the Head of Environmental which reviewed the Committee's work programme for 2015/16 and proposed a draft work programme for 2016/17.</p> <p>The Head of Environmental Health gave the Committee an opportunity to put forward suggestions for the 2016/17 work programme. The Chairman suggested that the report on Spending Plans for 2017/18 be added to the work programme for the 22 November meeting.</p> <p>Councillor Price requested that a presentation be added to the 2016/17 work programme giving a greater detail on the work undertaken by the Environmental Health department. The Head of Environmental Health suggested that the proposed report on an Update of the Fareham and Gosport Environmental Health Partnership for March 2017 be changed to a presentation that would encompass the information requested by Councillor Price.</p> <p>RESOLVED that the Committee:-</p> <p>(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</p> <p>(b) subject to the inclusion of the Spending Plans report for the 22 November 2016 meeting and the change of the proposed report on the Fareham and Gosport Environmental Health Partnership to be a presentation, the proposed work programme for 2016/17 be approved.</p>
Outcome	Complete
Link Officer	Ian Rickman
Subject	<b>Update on Fareham and Gosport Environmental Health Partnership</b>

Type of Item	Review
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health which gave an update on Fareham and Gosport Environmental Health Partnership.</p> <p>The Committee noted the excellent progress made with the Partnership, and noted that the biggest challenge for the Partnership will be in regarding trying to align the fees and charges for both Council's. The Head of Environmental Health informed the Committee that this would be discussed at the next Partnership meeting on 25 May 2016, but warned members that this would be a lengthy process as Fareham Borough Council and Gosport Borough Council have very different Committee structures and therefore both deal with fees and charges in a different way.</p> <p>RESOLVED that the Committee note the progress of the Fareham and Gosport Environmental Health Partnership and the challenges facing the Partnership in relation to fees and charges.</p>
Outcome	Complete
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  Review of Work Programme 2016/17	<b>Training for Members</b>
<b>5 JULY 2016</b>	Review of Work Programme 2016/17	
<b>27 SEPTEMBER 2016</b>	Setting of Taxi Tariff  Review of Work Programme 2016/17  Police Update – Jason Pearce	
<b>22 NOVEMBER 2016</b>	Review of Work Programme 2016/17  Spending Plans 2017/18	
<b>24 JANUARY 2017</b>	Preliminary Review of Work Programme 2016/17 and Draft Work Programme 2017/18	
<b>21 MARCH 2017</b>	Update on Fareham & Gosport Environmental Health Partnership – Presentation  Final Review of Work Programme 2016/17 and Draft Work Programme 2017/18	



# FAREHAM

## BOROUGH COUNCIL

### **Report to Licensing and Regulatory Affairs Committee**

**Date**                    **31 May 2016**

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

**Subject:**              **ANNUAL HEALTH AND SAFETY SERVICE PLAN**

#### **SUMMARY**

The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health & Safety at Work etc. Act 1974. The Council has a duty to carry out its functions in accordance with guidance issued by the Health & Safety Executive. The guidance is issued under Section 18 of the Act. The Council each year is required to produce an Intervention Plan to meet the requirements of the Section 18 guidance.

#### **RECOMMENDATION**

That Members approve the Section 18 Health & Safety Intervention Plan, attached as Appendix A.

## **INTRODUCTION**

1. The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health & Safety at Work etc. Act 1974 (and relevant statutory provisions) for activities which fall to the local authority for enforcement within the Borough; the Health & Safety Executive is the Enforcing Authority for all other premises.
2. Premises are divided by their main work activity; those that are Local Authority Enforced include: Sale of goods, offices, catering, temporary accommodation, consumer services, launderettes, cosmetic services, sporting activities, pleasure craft inland waterways, animal accommodation (excl. agriculture), undertakers, religious worship, car parking at airports, childcare.
3. The Council's Statutory duty in respect of Health & Safety at Work enforcement sits within the Planning and Regulation Department and is delivered by the Fareham and Gosport Environmental Health Partnership. The joint Commercial section has the delegated authority to enforce the legislation.
4. The Council has a statutory duty to carry out its enforcement functions in accordance with guidance that was originally issued by the Health & safety Commission under Section 18 of the Health & Safety at Work etc. Act 1974.

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

5. Section 18 requires Local Authorities to perform their duties in accordance with guidance from the Health and Safety Executive. The "Section 18 Guidance" is therefore mandatory.
6. The guidance notes issued by the HSE under section 18 (4) contain the broad principles which they wish LAs to adopt in enforcing health and safety legislation. The Section 18 guidance reflects the Health & Safety Executive Board's strategy.
7. The Section 18 guidance requires the Council to:-
  - set out its commitment, priorities and planned interventions programme;
  - put into place capacity, management infrastructure, performance management and information systems to deliver an effective service and comply with its statutory duties;
  - Operate systems to train, appoint, authorise, monitor and maintain a competent inspectorate.
8. There is further guidance linked to the Section 18 guidance on "Priority Planning"; this has also been updated in recent years and the scheme to risk rate the premises that have been inspected has been revised. Premises found to be low risk are removed from the inspection programme. An alternative intervention scheme has been introduced to deal with any higher risk elements within these low risk premises. This will ensure that accurate data is maintained and there is a mechanism in place to identify if the risk status of the premises changes and therefore brings the business back into the inspection programme.



## **RISK ASSESSMENT**

9. The Council has a legal obligation to comply with the guidance issued by The Government under Section 18 of the Act and failure to do so may result in action being taken against the Council. This may also result in bad publicity. Having a detailed Health & Safety Intervention plan in place provides a platform to help make Fareham a Safe and Healthy place to live and work and demonstrates that adequate resources are provided to this important statutory area of work.

## **CONCLUSION**

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

### **Enquiries:**

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

## **APPENDIX A – Fareham Borough Council Health & Safety Enforcement Intervention Plan 2016/17**

# FAREHAM

BOROUGH COUNCIL

Fareham Borough Council  
Health & Safety Enforcement  
Intervention Plan  
2016 / 2017

## **Introduction**

1. The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health & Safety at Work etc. Act 1974 (and relevant statutory provisions) for activities which fall to the local authority for enforcement within the Borough.
2. The Council has a duty to carry out its functions in accordance with guidance issued by the Health & Safety Executive (HSE) under Section 18 of the Health & Safety at Work Act 1974.

## **Section 18 – Intervention Plan**

3. The Council's Corporate Plan identifies the Council's Strategic Priorities which includes under the heading "Safe and Healthy Place to Live and Work". The Health & Safety function is an important contributor to this Strategic Priority.
4. The delivery strategy for Health & Safety Enforcement includes the following:-
  - i) Enforce Health & Safety at Work legislation in business premises for which the Council is the enforcing authority to ensure safety, health and welfare of employees and the public by:
    - a) Investigating all relevant workplace related accidents;
    - b) Investigating all complaints relating to workplace health and safety;
    - c) Providing health & safety at work related advice to business and the public.
    - d) Ensuring that all relevant businesses are identified and inspected on a risk-assessed basis;

## **Performance and activities during 2015/2016**

5. The performance in each of the above areas for 2015/2016 is summarised below:-
  - i) 48 accident notifications were received in the financial year 2015/2016 and these have been investigated in accordance with the Incident Selection Criteria Guidance issued by the Health and Safety Executive.
  - ii) 35 complaints/requests for Service were received and investigated.
  - iii) 4 Enforcement Notices were served in total.
  - iv) 100% of the programmed inspections completed.

## **Key Delivery Priorities**

6. Over the coming year the key delivery priorities are :-
- i) To investigate all accidents and incidents in accordance with HSE Local Authority Circular 22/13 "Incident Selection Criteria Guidance".
  - ii) To investigate complaints made about health and safety practices within workplaces or those open to the public.
  - iii) To respond to requests for health and safety advice or guidance, in particular for new businesses.
  - iv) To investigate health and safety matters of evident concern noted during visits to businesses for other issues.
  - v) To inspect all high risk premises that are due for a programmed inspection and risk rate any premises inspected according to the revised risk rating guidance.
  - vi) To ensure officers competency is maintained.

### **Local Priorities**

7. Over the coming year the key local priorities are:-
- a) Develop the Fareham and Gosport Environmental Health partnership.
  - b) To participate in a relevant activity as agreed by the Hampshire Health & Safety group, that is listed in LAC 67/2 as relevant activities/sectors for pro-active inspection.
  - c) To Survey all tattooists to ensure they are registered with us and operating safely.

### **Fareham and Gosport Environmental Health Partnership Initiative**

8. The partnership arrangement with Fareham and Gosport's Environmental Health sections became more formalised on 1 April 2014. Officers are now working as a single team. This continues to provide resilience, efficiency and cost saving benefits.

### **The Health & Safety Resource**

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

## **Enforcement Decisions**

10. To ensure that all enforcement decisions are consistent, the Council has an Enforcement Policy, and the Enforcement Management Model (which is a tool for determining the most appropriate course of action in more serious cases).

### **Background Papers:**

None.

### **Reference Papers:**

None.

### **Enquiries:**

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

