

FAREHAM

BOROUGH COUNCIL

AGENDA

LICENSING AND REGULATORY AFFAIRS COMMITTEE

Date: Tuesday, 14 March 2023

Time: 6.00 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor Mrs P M Bryant (Chairman)

Councillor Ms F Burgess (Vice-Chairman)

Councillors I Bastable
Mrs S M Bayford
S Dugan
M J Ford, JP
N R Gregory
D J Hamilton
Mrs P Hayre
S Ingram
Ms S Pankhurst
Mrs K K Trott
Mrs S M Walker

Deputies: Mrs K Mandry



P Nother

**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 5 - 10)

To confirm as a correct record the minutes of the meeting of the Committee held on 31 January 2023.

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. Update on Fareham & Gosport Environmental Health Partnership (Pages 11 - 12)

To receive a presentation by the Head of Environmental Health which provides an update on the Fareham & Gosport Environmental Health Partnership.

7. Final Review of Work Programme 2022/23 and Draft Work Programme 2023/24 (Pages 13 - 22)

To consider a report by the Head of Environmental Health which provides a final review of the Committee's Work Programme for 2022/23 and the draft Work Programme for 2023/24.



P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
02 March 2023

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FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing and Regulatory Affairs Committee

(to be confirmed at the next meeting)

Date: Tuesday, 31 January 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor Mrs P M Bryant (Chairman)

Councillor Ms F Burgess (Vice-Chairman)

Councillors: Mrs S M Bayford, S Dugan, J M Englefield, M J Ford, JP,
Mrs P Hayre, S Ingram, Ms S Pankhurst, Mrs K K Trott,
Mrs S M Walker and Mrs K Mandry (deputising for I Bastable)

**Also
Present:**



1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors I J Bastable and D J Hamilton.

2. MINUTES

(1) Minutes of the Licensing & Regulatory Affairs Committee

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Affairs Committee held on 12 October 2022 be confirmed and signed as a correct record.

(2) Minutes of the Licensing Panel - 19 October 2022

RESOLVED that the minutes of the meeting of the Licensing Panel held on 19 October 2022 be confirmed and signed as a correct record.

(3) Minutes of the Licensing Panel - 13 December 2022

RESOLVED that the minutes of the meeting of the Licensing Panel held on 13 December 2022 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

Local Government Boundary Commission – Proposals for a new pattern of wards in Fareham

The Boundary Commission's proposals were received on 06 September and a report was considered by this Committee on 11 October before the Council's final consultation response was submitted on 15 November. We now await the Commission's final report which is due to be published on Tuesday 07 February and this will confirm the new warding pattern for the Borough which will come into effect from the local elections in May 2024. Members will be sent a link to the final report by email for information.

Boundary Commission for England – Parliamentary Constituencies Review

The final consultation on the parliamentary boundary review closed on 05 December and the Commission is due to send its final report to Parliament by 01 July 2023. The report will be published at the same time and will confirm the constituency boundary pattern throughout the country. The new constituency pattern will come into effect from the next UK Parliamentary election occurring after 01 July 2023.

Both of these reviews will result in significant administrative changes which will need to be actioned by the Electoral Services team and Members will be updated on the impact of these changes as we move through the deadlines of this project of work.

4. DECLARATIONS OF INTEREST

Councillor Mrs P M Bryant declared a pecuniary interest at item 6 on the agenda as she receives a pension from the Hampshire pension fund.

5. DEPUTATIONS

There were no deputations made at this meeting.

6. ARRANGEMENTS FOR DEALING WITH ADDITIONAL VOLUNTARY CONTRIBUTIONS IN THE LOCAL GOVERNMENT PENSION SCHEME

Councillor Mrs P M Bryant declared a pecuniary interest in respect of this item as she receives a pension through the Hampshire pension fund. She remained in the room for the duration of the item and took part in the debate.

A revised page 13 of the agenda pack was tabled at the meeting in respect of this item. The revised page clarifies that at recommendation (d) of the report, the new discretion in the Council's LGPS Discretionary Pension Policy Statement to allow staff to participate in the SCAVC scheme is as set out in paragraph 9 of the report and that at recommendation (d) the contract with AVC Wise to deliver a fully managed service covering SCAVCs is as set out in paragraph 12 of the report.

The Committee considered a report by the Deputy Chief Executive Officer which put forward proposals to implement a salary sacrifice Shared Cost Additional Voluntary Contribution (Shared Cost AVC) pension arrangement for Local Government Pension Scheme (LGPS) members.

Several members of the Committee felt that staff members considering setting up a shared cost AVC should be fully informed about all aspects of the scheme to ensure they understand any possible implications – particularly in respect of reduced national insurance contributions on state pension entitlement. Members were advised that one to one sessions with representatives from AVC Wise will be available to speak to anyone wishing to join the scheme. Information is also available from the Council's Finance Manager or representatives from the pensions department at Hampshire County Council.

RESOLVED that the Licensing and Regulatory Affairs Committee approves:

- (a) the implementation of a Shared Cost AVC pension scheme for LGPS members through a salary sacrifice arrangement;
- (b) that earnings related payments, such as overtime, pay increases, contractual allowances, occupational maternity pay, occupational sickness pay and redundancy are calculated on the notional salary before applying any salary sacrifice reduction as detailed in paragraph 8 of the report;

(c) the inclusion of a new discretion in our LGPS Discretionary Pension Policy Statement to allow staff to participate in the Shared Cost AVC scheme as set out in paragraph 9 of the report; and

(d) entering into a contract with AVC Wise to deliver a fully managed service covering Shared Cost AVCs as set out in paragraph 12 of the report.

7. ACTUAL REVENUE EXPENDITURE 2021/22

The Committee considered a report by the Deputy Chief Executive Officer which set out, for information, details of the actual revenue expenditure for 2021/22 in respect of the services for which the Committee is responsible.

RESOLVED that the Licensing and Regulatory Affairs Committee notes the content of the report.

8. SPENDING PLANS 2023/24

The Committee considered a report by the Deputy Chief Executive Officer which sets out the overall level of revenue spending on the Committee's services and seeks agreement for the revised revenue budget for 2022/23 and the base budget for 2023/24.

Members enquired what the cost of the Portchester East by-election in October 2022 had been to the Council. As this information was not to hand, the Finance Manager agreed to circulate the information outside of the meeting.

RESOLVED that the Licensing and Regulatory Affairs Committee:

(a) agrees the revised revenue budget for 2022/23;

(b) agrees the base budgets for 2023/24; and

(c) recommends the budget to Council for approval.

9. FEES AND CHARGES 2023/24

The Committee considered a report by the Deputy Chief Executive Officer which sets out the level of fees and charges for the Committee's services and seeks agreement for them before being recommended to Council for approval.

At the request of the Head of Environmental Health, the Committee considered and agreed that there should be an amendment to the fee to be charged for carrying out drug testing on new applicants and licensing taxi drivers. The cost of the oral swab to carry out an initial test is £14. If a non-negative result is achieved, the swab is sent to a laboratory where a further test is conducted to identify if any illegal substance is present. This incurs a further cost of £12. The Committee agreed that the fee should be set at £25 so that it covers those tests that need further investigation.

Some concern was raised at the suggested level of increase in fees and charges as there is evidence to suggest that the rate of inflation has now peaked and is starting to fall. It was noted however that all members have recently been made aware of the need to increase revenue if the Council wishes to continue to deliver the current level of services. It was also noted that a significant proportion of the income generated comes from fees under the Licensing Act which have not increased since the Act was implemented several years ago.

RESOLVED that, subject to an amendment to the fee for a random drug test as outlined above, the Licensing and Regulatory Affairs Committee;

(a) agrees the fees and charges for 2023/24, as set out at Appendix A to the report; and

(b) recommends the fees and charges to full Council for approval.

10. LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK PROGRAMME

The Committee considered a report by the Head of Environmental Health which reviews the outcome of the Work Programme for the current municipal year and invites the Committee to consider the draft Work Programme for the 2023/24 municipal year.

The Head of Environmental Health advised the Committee that there is no local Police Licensing Officer in post at the moment and that it is unclear at present whether an appointment will be made going forward. It was therefore suggested and agreed that the updates on Police Licensing matters be removed from the 2022/23 Work Programme and the 2023/24 Draft Work Programme until further notice.

Members suggested that an item be brought forward on the draft Work Programme for 2023/24 to feed into next year's proposed fees and charges which looks at ways revenue can be generated by increasing fees in return for enhanced services.

RESOLVED that the Licensing and Regulatory Affairs Committee:

(a) notes the progress on actions arising from the meeting of the Committee held on 11 October 2022, attached as Appendix A to the report;

(b) agrees that, until further notice, the update on Local Police Matters be removed from the Work Programme 2022/23 as attached at Appendix B to the report;

(c) agrees that, until further notice, the update on Local Police Matters be removed from the draft Work Programme for 2023/24 as attached at Appendix C to the report; and

- (d) agrees that an item in respect of increased fees for enhanced services be added to the draft Work Programme for 2023/24 as attached as Appendix C to the report.

(The meeting started at 6.02 pm
and ended at 7.02 pm).

FAREHAM

BOROUGH COUNCIL

Presentation to The Licensing and Regulatory Affairs Committee

Date: 14 March 2023

Report of: Head of Environmental Health

Subject: Update on Fareham and Gosport Environmental Health Partnership

SUMMARY

The Committee will receive a presentation by the Head of Environmental Health which will update members on the Fareham and Gosport Environmental Health Partnership.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee notes the contents of the presentation.

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **14 March 2023**

Report of: **Head of Environmental Health**

Subject: **FINAL REVIEW OF WORK PROGRAMME 2022/23 AND DRAFT
WORK PROGRAMME 2023/24**

SUMMARY

At the last meeting of the Committee held on 31 January 2023, Members reviewed the Work Programme for the current municipal year and also considered a draft Work Programme for 2023/24. The Committee is now invited to carry out a further review of the current Work Programme and finalise a proposed, draft Work Programme for 2023/24.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee:-

- (a) notes the progress on actions arising from the meeting of the Committee held on 31 January 2023, attached as Appendix A to this report;
- (b) reviews the Work Programme for the 2022/23 municipal year, attached as Appendix B to this report;
- (c) approves the proposed draft Work Programme for 2023/24, attached as Appendix C to this report; and
- (d) agrees to submit the proposed draft Work Programme for 2023/24 to Council for approval.

INTRODUCTION

1. At the meeting of the Committee on 31 January 2023, Members reviewed the Work Programme for the current municipal year and were invited to consider items for a proposed Work Programme for the next municipal year.
2. This is the last cycle of meetings in the current municipal year and the Committee is invited to finalise its review of this year's work and confirm the proposed draft Work Programme for 2023/24 for approval by Council.

WORK PROGRAMME FOR THE 2022/23 MUNICIPAL YEAR

3. At the Committee meeting on 31 January 2023, the Work Programme for 2022/23 was reviewed. Details of progress on actions arising from matters considered at that meeting are shown in Appendix A to this report.
4. The Work Programme for 2022/23, agreed at the last meeting, is attached as Appendix B to this report.

UPDATES TO THE WORK PROGRAMME 2022/23

5. Members are asked to note that, as agreed at the meeting of the committee held on 31 January 2023, the item entitled 'Police Update on Licensing Matters' has been removed from the agenda of the meeting scheduled to take place on 14 March 2023.

WORK PROGRAMME – NEXT YEAR 2023/24

6. The proposed draft Work Programme for the 2023/24 municipal year was reviewed at the meeting of the Committee held on 31 January 2023 and is attached to this report as Appendix C.

As agreed at the meeting of the Committee held on 31 January 2023, Members are asked to note and agree the following amendments to the proposed draft Work Programme for 2023/24:

- (i) the removal of the item entitled 'Police Update on Licensing Matters' from the agenda of the meeting scheduled to take place on 12 March 2023; and
 - (ii) the addition of an item entitled 'Increased fee opportunities for enhanced services' to the agenda for the meeting scheduled to take place on 28 November 2023.
7. Members are now invited to consider and agree any further items to be added to the proposed draft Work Programme prior to it being submitted to Council for approval.

RISK ASSESSMENT

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

CONCLUSION

9. The Licensing and Regulatory Affairs Committee is invited to note the progress on actions arising from the meeting of the Committee held on 31 January 2023, review the Work Programme for the 2022/23 municipal year and approve the proposed draft Work Programme for 2023/24 for recommendation to full Council for approval.

APPENDICES:

APPENDIX A – Progress on Actions since the last meeting.

APPENDIX B – Licensing and Regulatory Affairs Committee Work Programme 2022/23

APPENDIX C – Proposed draft Licensing and Regulatory Affairs Committee Work Programme for the 2023/24.

Background Papers:

None

Reference Papers:

None

Enquiries:

For further information on this report please contact Ian Rickman. (01329 824773)

LICENSING AND REGULATORY AFFAIRS COMMITTEE

PROGRESS ON ACTIONS FROM LAST MEETING – 31 January 2023

Subject	ARRANGEMENTS FOR DEALING WITH ADDITIONAL VOLUNTARY CONTRIBUTIONS IN THE LOCAL GOVERNMENT PENSION SCHEME
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Deputy Chief Executive Officer which put forward proposals to implement a salary sacrifice Shared Cost Additional Voluntary Contribution (Shared Cost AVC) pension arrangement for Local Government Pension Scheme (LGPS) members.</p> <p>Several members of the Committee felt that staff members considering setting up a shared cost AVC should be fully informed about all aspects of the scheme to ensure they understand any possible implications – particularly in respect of reduced national insurance contributions on state pension entitlement. Members were advised that one to one sessions with representatives from AVC Wise will be available to speak to anyone wishing to join the scheme. Information is also available from the Council's Finance Manager or representatives from the pensions department at Hampshire County Council.</p> <p>RESOLVED that the Licensing and Regulatory Affairs Committee approves:</p> <ul style="list-style-type: none"> (a) the implementation of a Shared Cost AVC pension scheme for LGPS members through a salary sacrifice arrangement; (b) that earnings related payments, such as overtime, pay increases, contractual allowances, occupational maternity pay, occupational sickness pay and redundancy are calculated on the notional salary before applying any salary sacrifice reduction as detailed in paragraph 8 of the report; (c) the inclusion of a new discretion in our LGPS Discretionary Pension Policy Statement to allow staff to participate in the Shared Cost AVC scheme as set out in paragraph 9 of the report; and (d) entering into a contract with AVC Wise to deliver a fully managed service covering Shared Cost AVCs as set out in paragraph 12 of the report.

Outcome	Complete
Link Officer	Neil Wood
Subject	ACTUAL REVENUE EXPENDITURE 2021/22
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Deputy Chief Executive Officer which set out, for information, details of the actual revenue expenditure for 2021/22 in respect of the services for which the Committee is responsible.</p> <p>RESOLVED that the Licensing and Regulatory Affairs Committee notes the content of the report.</p>
Outcome	Complete
Link Officer	Neil Wood
Subject	SPENDING PLANS 2023/24
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Deputy Chief Executive Officer which sets out the overall level of revenue spending on the Committee's services and seeks agreement for the revised revenue budget for 2022/23 and the base budget for 2023/24.</p> <p>Members enquired what the cost of the Portchester East by-election in October 2022 had been to the Council. As this information was not to hand, the Finance Manager agreed to circulate the information outside of the meeting.</p> <p>RESOLVED that the Licensing and Regulatory Affairs Committee:</p> <ul style="list-style-type: none"> (a) agrees the revised revenue budget for 2022/23; (b) agrees the base budgets for 2023/24; and (c) recommends the budget to Council for approval.

Outcome	Approved by Council 24 February 2023
Link Officer	Neil Wood
Subject	FEES AND CHARGES 2023/24
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Deputy Chief Executive Officer which sets out the level of fees and charges for the Committee's services and seeks agreement for them before being recommended to Council for approval.</p> <p>At the request of the Head of Environmental Health, the Committee considered and agreed that there should be an amendment to the fee to be charged for carrying out drug testing on new applicants and licensing taxi drivers. The cost of the oral swab to carry out an initial test is £14. If a non-negative result is achieved, the swab is sent to a laboratory where a further test is conducted to identify if any illegal substance is present. This incurs a further cost of £12. The Committee agreed that the fee should be set at £25 so that it covers those tests that need further investigation.</p> <p>Some concern was raised at the suggested level of increase in fees and charges as there is evidence to suggest that the rate of inflation has now peaked and is starting to fall. It was noted however that all members have recently been made aware of the need to increase revenue if the Council wishes to continue to deliver the current level of services. It was also noted that a significant proportion of the income generated comes from fees under the Licensing Act which have not increased since the Act was implemented several years ago.</p> <p>RESOLVED that, subject to an amendment to the fee for a random drug test as outlined above, the Licensing and Regulatory Affairs Committee;</p> <p>(a) agrees the fees and charges for 2023/24, as set out at Appendix A to the report; and</p> <p>(b) recommends the fees and charges to full Council for approval.</p>
Outcome	Approved by Council 24 February 2023
Link Officer	Neil Wood

Subject	PRELIMINARY REVIEW OF COMMITTEE WORK PROGRAMME 2022/23 AND DRAFT WORK PROGRAMME 2023/24
Type of Item	Report
Action by Committee	<p>The Committee considered a report by the Head of Environmental Health which reviews the outcome of the Work Programme for the current municipal year and invites the Committee to consider the draft Work Programme for the 2023/24 municipal year.</p> <p>The Head of Environmental Health advised the Committee that there is no local Police Licensing Officer in post at the moment and that it is unclear at present whether an appointment will be made going forward. It was therefore suggested and agreed that the updates on Police Licensing matters be removed from the 2022/23 Work Programme and the 2023/24 Draft Work Programme until further notice.</p> <p>Members suggested that an item be brought forward on the draft Work Programme for 2023/24 to feed into next year's proposed fees and charges which looks at ways revenue can be generated by increasing fees in return for enhanced services.</p> <p>RESOLVED that the Licensing and Regulatory Affairs Committee:</p> <ul style="list-style-type: none"> (a) notes the progress on actions arising from the meeting of the Committee held on 11 October 2022, attached as Appendix A to the report; (b) agrees that, until further notice, the update on Local Police Matters be removed from the Work Programme 2022/23 as attached at Appendix B to the report; (c) agrees that, until further notice, the update on Local Police Matters be removed from the draft Work Programme for 2023/24 as attached at Appendix C to the report; and (d) agrees that an item in respect of increased fees for enhanced services be added to the draft Work Programme for 2023/24 as attached as Appendix C to the report.
Outcome	To be approved by Council April 2023
Link Officer	Ian Rickman

LICENSING AND REGULATORY AFFAIRS COMMITTEE – WORK PROGRAMME 2022/23

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/ WORKSHOP</u>
27 June 2022	<p>Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee</p> <p>Local Government Boundary Commission Review Update</p> <p>Review of current Work Programme</p>	
25 July 2022	<p>Review of Taxi and Private Hire Licensing Requirements</p> <p>Review of Hackney Carriage Tarif</p> <p>Review of current Work Programme</p>	
05 September 2022		Licensing Training
11 October 2022	<p>Local Government Boundary Review – Consultation on Proposals for Fareham</p> <p>Review of current Work Programme</p>	
29 November 2022	CANCELLED	
31 January 2023	<p>Actual Revenue Expenditure 2021/22</p> <p>Spending Plans 2023/24</p> <p>Fees and Charges 2023/24</p> <p>Arrangements for Additional Voluntary Contributions within the Local Government Pensions Scheme (LGPS)</p> <p>Preliminary Review of current Work Programme and Draft Work Programme 2023/24</p>	
14 March 2023	<p>Update on Fareham & Gosport Environmental Health Partnership – Presentation</p> <p>Final Review of current Work Programme and Draft Work Programme 2023/24</p>	

**LICENSING AND REGULATORY AFFAIRS COMMITTEE – DRAFT WORK PROGRAMME
2023/24**

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/ WORKSHOP</u>
12 June 2023	Review of current Work Programme	
24 July 2023	Review of current Work Programme	
September 2023		Licensing Training
05 October 2023	Update on the implementation of Random drug testing for taxi and private hire licence holders. Update on the implementation of the use of the National Database of Refusals and Revocations (NR3)	
28 November 2023	Review of current Work Programme Opportunities for increased fees for enhanced services	
30 January 2024	Actual Revenue Expenditure 2022/23 Spending Plans 2024/25 Fees and Charges 2024/25 Preliminary Review of current Work Programme and Draft Work Programme 2024/25	
12 March 2024	Update on Fareham & Gosport Environmental Health Partnership – Presentation Final Review of current Work Programme and Draft Work Programme 2024/25	

