

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

Date of Meeting	14 May 2015
Subject	Appointment of Licensing Panel
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"> (a) a Licensing Panel be appointed for 2015/16 with those terms of reference and delegated powers previously determined by the Committee on 1 February 2005, as amended on 23 January 2007 and subsequently confirmed by the Council on 15 February 2007; (b) Councillor Mrs P M Bryant be appointed Chairman of the Licensing Panel for 2015/16; and (c) members of the Licensing and Regulatory Affairs Committee be appointed to the Licensing Panel, such that it comprises the Chairman and two other members of the Committee, appointed on a rotating basis, subject to their having completed the necessary training.
Outcome	Complete
Link Officer	Martyn George
Subject	Appointment of Trading Concessions Panel
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
Date of Meeting	2 June 2015
Subject	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee
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	Annual Report on Applications Received
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	Licensing and Regulatory Affairs Committee Work Programme
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
Date of Meeting	7 July 2015
Subject	Hampshire County Council Electoral Review
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>RECOMMENDED 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	Licensed Premises and Community Safety
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	Actual Revenue Expenditure 2014/15
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	Annual Health and Safety Service Plan
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 & Safety Intervention Plan, as shown in Appendix A to the report, be approved.</p>
Outcome	Complete
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme
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
Date of Meeting	22 September 2015
Subject	Licensing and Regulatory Affairs Committee Work Programme
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	A Review of the Hackney and Private Hire Licensing Conditions
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	Review of Hackney Carriage Fares
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	Amendment to Private Hire and Hackney Carriage Licensing Duration and Fees

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
Date of Meeting	17 November 2015
Subject	Update on Police Changes – Licensing Arrangements
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	Spending Plans 2016/17
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	Review of the Licensing Policy
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	Gambling – Statement of Principles
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
Date of Meeting	3 February 2016
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**

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