



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

Date: **19 March 2013**

Report of: **Director of Regulatory and Democratic Services**

Subject: **LICENSING AND REGULATORY AFFAIRS COMMITTEE WORK  
PROGRAMME 2012/13 AND DRAFT FOR 2013/14**

### **SUMMARY**

At the last Committee meeting, in November, the Work Programme for 2012/13 was updated. Members are now requested to give consideration to the draft Work Programme for 2013/14 and identify any items the Committee may wish to be added.

### **RECOMMENDATION**

- (a) that the progress report on the Licensing and Regulatory Affairs Committee Work Programme for 2012/13, attached as Appendix A to the report, be noted; and
- (b) that consideration be given to the proposed draft Work Programme for 2013/14, attached as Appendix B to the report.

## **INTRODUCTION**

1. At the Committee meeting on 20 November 2012, the Work Programme for 2012/13 was updated. The Committee meeting scheduled for 22 January 2013 was cancelled.

### **Monitoring**

2. Details of progress on actions arising from matters considered at previous committee meetings in 2012/13 are shown in Appendix A, for members' information.

### **Draft Work Programme for 2013/14**

3. A draft work programme for 2013/14 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 2012/13, as shown in Appendix A; and
  - (ii) give consideration to formulating a draft Licensing and Regulatory Affairs Committee Work Programme for 2013/14, as set out in Appendix B.

### **Background Papers:**

None.

### **Reference Papers:**

None.

### **Enquiries:**

For further information on this report please contact Garry White (Ext 4395).

APPENDIX A - Review of 2012/13 Work Programme

APPENDIX B - Draft Work Programme for 2013/14

**LICENSING AND REGULATORY AFFAIRS COMMITTEE**

**Licensing and Regulatory Affairs Committee – 18 September 2012**

**Progress on Actions from last meeting**

<b>Date of Meeting</b>	<b>29 May 2012</b>
Subject	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee
Type of Item	Presentation
Action by Committee	<p>The Committee received a presentation from the Director of Regulatory and Democratic Services, the Head of Environmental Health and the Head of Customer and Democratic Services on the responsibilities of the Licensing and Regulatory Affairs Committee. The presentation included the functions of the Committee and the specific functions relating to Health and Safety, Alcohol Licensing, General Licensing and Registration, Taxi Licensing, Elections and Miscellaneous Provisions.</p> <p>RESOLVED that:-</p> <p>(a) the officers be thanked for the presentation; and</p> <p>(b) copies of the presentation slides be circulated to members of the Committee.</p>
Outcome	In progress.
Link Officer	Garry White
Subject	Changes to Licensing Act 2003
Type of Item	Policy review.
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on changes to the Licensing Act 2003 (copy of report <a href="#">lc-120529-r02-mho</a> circulated with agenda and appended to signed minutes).</p> <p>RESOLVED that:-</p> <p>(a) the changes to the Licensing Act 2003 as a result of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012 as highlighted in the report be noted;</p>

	<p>(b) the officers be requested to update the Council's Licensing Policy to take account of these changes; and</p> <p>(c) the officers be requested to seek assurances from the police that test purchase operations from licensed premises will be maintained.</p>
Outcome	The Licensing policy will be updated later in the year as there are further changes to take effect in October. A letter is being drafted to the Police regarding Test Purchase operations.
Link Officer	Mandy Hovey
Subject	Monitoring the Range of Licensable Premises Activities
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the work of the Licensing Team (copy of report <a href="#">lc-120529-r04-iri</a> circulated with agenda and appended to signed minutes).</p> <p>RESOLVED that the report be noted.</p>
Outcome	Complete.
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme 2012/13
Type of Item	Programming
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the Committee's work programme for 2012/13 (copy of report <a href="#">lc-120529-r03-gwh</a> circulated with agenda and appended to signed minutes).</p> <p>RESOLVED that:-</p> <p>(a) the item 'Revised Gambling Policy' (in conjunction with Gosport Borough Council) be added to the work programme for 10 July 2012;</p> <p>(b) the item 'Enforcement Policy' be added to the work programme for 10 July 2012;</p> <p>(c) the unallocated item 'Health and Safety Enforcement' be added to the programme for 20 November 2012;</p>

	<p>(d) the item 'Licensing Policy' be added to the work programme for 22 January 2013;</p> <p>(e) subject to (a) - (d) above, the work programme for 2012/13 as shown in Appendix A to the report be agreed; and</p> <p>(f) the information contained in the progress report, as shown in Appendix B to the report, be noted.</p>
Outcome	Work programme amended accordingly.
Link Officer	Garry White
<b>Date of Meeting</b>	<b>10 July 2012</b>
Subject	Annual Taxi Renewals
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the annual renewal of hackney carriage vehicle licences (copy of report <a href="#">lc-120710-r02-hsp</a> circulated with agenda).</p> <p>RESOLVED that:-</p> <p>(a) the content of the report and the work involved with the annual Hackney Carriage and Private Hire Vehicle Renewals be noted;</p> <p>(b) the officers be requested to inform Hampshire County Council that the Committee had again raised the question of vouchers issued to some residents and that some taxi companies would not accept them because of the need to take them or send them to Winchester to cash them in; and</p> <p>(c) consideration be given at the Committee meeting on 18 September 2012, as part of the Review of the Hackney Carriage Tariff item, to whether acceptance of the vouchers should be included in the conditions for taxi companies operating in the Borough and whether arrangements for cashing them in should be extended to those companies outside the Borough that provided specific services to patients at Queen Alexandra Hospital, Portsmouth and the Gosport War Memorial Hospital.</p>
Outcome	Report on Tariff to go to September meeting. Separate report on drivers' conditions, including the voucher system, to be submitted to a future meeting.

Link Officer	Ian Rickman
Subject	Actual Revenue Expenditure 2011/12
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Finance and Resources on the Committee's actual revenue expenditure for 2011/12 (copy of report <a href="#">lc-120710-r03-nwo</a> circulated with agenda).</p> <p>RESOLVED that:-</p> <p>(a) the report be noted; and</p> <p>(b) the officers be requested to review the figures in Appendix A to the report with regard to hackney carriage and private hire vehicles to ensure that in future they include reference to the cost of Members attending the various licensing meetings and training sessions.</p>
Outcome	Complete.
Link Officer	Neil Wood
Subject	Revised Statement of Principles Under the Gambling Act 2005
Type of Item	Policy Review
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the revised Statement of Principles under the Gambling Act 2005 (copy of report <a href="#">lc-120710-r04-mho</a> circulated with agenda).</p> <p>It was noted that there was a requirement for the Statement of Principles to be revised and published (following consultation) every three years. It was also noted that the Statement could be revised within the three years if necessary. The consultation process included publishing the Draft Statement on the Council's web site.</p> <p>RESOLVED that:-</p> <p>(a) paragraphs 8 and 12 on pages 7 and 8 of the Revised Statement of Principles (Appendix A to the report) be amended</p>

	<p>by deleting the word 'approximately' and inserting a date when the number of establishments applied to;</p> <p>(b) subject to (a) above, the draft revised statement of principles be approved for the purposes of statutory consultation;</p> <p>(c) a further report be presented to the meeting on 20 November 2012 setting out the feedback and responses from the consultation for consideration by the Committee prior to the revised Statement of Principles being recommended to Council for adoption; and</p> <p>(d) it be noted that, at the meeting on 20 November 2012, the Committee could submit its view to the Council about whether the “No Casino” policy should be renewed.</p>
Outcome	Consultation has begun.
Link Officer	Ian Rickman
Subject	Enforcement Policy
Type of Item	Policy Review
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the review of the Council's Enforcement Policy (copy of report <a href="#">lc-120710-r05-iri</a> circulated with agenda).</p> <p>It was noted that the draft revised policy would go through a consultation process, the results of which would be reported to the meeting of the Committee on 20 November 2012. It was further noted that the same draft policy was also being submitted to the Public Protection Policy Development and Review Panel and the Executive in respect of those functions delegated to the Executive.</p> <p>RESOLVED that:-</p> <p>(a) it be noted that paragraphs 46.0 and 47.0 on page 14 of the draft policy were the same and that the officers be requested to amend the draft policy accordingly;</p> <p>(b) the officers be requested to take into consideration the comments made in relation to the phrase 'minor breach of the law' in paragraph 27 of the revised policy;</p> <p>(c) the officers be requested to include a reference in the policy to the joint working between Environmental Health and other agencies, such as the Hampshire Fire and Rescue Service and Hampshire County Council Trading Standards;</p>

	<p>(d) the officers be requested to advise the Public Protection Policy Development and Review Panel of (c) above;</p> <p>(e) the written answer to Councillor Whittle in respect of the officers' powers under the Housing Act be forwarded to other members of the Committee for information;</p> <p>(f) subject to (a), (b) and (c) above, the revised Regulatory Services Environmental Health Enforcement Policy attached as Appendix A to the report be approved for consultation insofar as it relates to the functions of this Committee; and</p> <p>(g) the results of the consultation be considered at the November meeting of the Committee prior to it being considered by the Executive in respect of those functions that fall within its responsibility.</p>
Outcome	Consultation has begun.
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme 2012/13
Type of Item	Programming
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the Committee's work programme for 2012/13 (copy of report <a href="#">lc-120710-r01-gwh</a> circulated with agenda).</p> <p>RESOLVED that:-</p> <p>(a) <i>Gambling Policy - Results of Consultation</i> be added to the work programme on 20 November 2012 (minute 8 above refers);</p> <p>(b) <i>Health and Safety Enforcement</i> on 20 November 2012 be re-named <i>Health and Safety Enforcement Feedback</i> (minute 9 above refers);</p> <p>(c) <i>Review of Hackney Carriage Tariff</i> on 18 September 2012 be re-named to take into account that Hampshire County Council Vouchers and Drivers' Conditions would also be considered (minute 6 above refers);</p> <p>(d) It be noted that a Law Commission consultation was currently taking place on hackney carriage licensing laws, which would lead to proposed legislation in November 2013 that would include reference to taxi provision for people with disabilities;</p>



	<p>(e) <i>Review of Parliamentary Boundaries and Constituencies</i> be added to the work programme as an unallocated item;</p> <p>(f) Subject to (a), (b), (c) and (e) above, the Licensing and Regulatory Affairs Committee Work Programme for 2012/13, as shown in Appendix A to the report, be agreed; and</p> <p>(g) the information contained in the progress report, as shown in Appendix B to the report, be noted.</p>
Outcome	Work Programme amended accordingly. See item on annual renewals on page 7 in relation to (c) above
Link Officer	Garry White
<b>Date of Meeting</b>	<b>18 September 2012</b>
Subject	Review of Hackney Carriage Tariff
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the annual review of the hackney carriage tariff (copy of report <a href="#">lc-120918-r01-hsp</a> circulated with agenda).</p> <p>RESOLVED that:-</p> <p>(a) as no request had been received from the Fareham taxi trade for an increase in the tariff this year, the current tariff continue unchanged; and</p> <p>(b) with reference to minute 6 of the meeting held on 10 July 2012, it be noted that an item had been included on the Committee's work programme for consideration to be given to reviewing the hackney carriage and private hire drivers' and vehicle conditions (minute 9 below also refers).</p>
Outcome	Report on hackney carriage/private hire conditions to go to the meeting on 20 November 2012
Link Officer	Helen Spires
Subject	Six Monthly Monitoring Report on Applications Received
Type of Item	Monitoring
Action by	The Committee considered a report by the Director of Regulatory and Democratic Services on the work of the Licensing Team

Committee	<p>(copy of report <a href="#">lc-120918-r03-iri</a> circulated with agenda).</p> <p>It was noted that the Total Income figure for 2011/12 in Table 2 in Appendix A to the report should have been shown as £12,740.</p> <p>RESOLVED that the report be noted.</p>
Outcome	Complete.
Link Officer	Ian Rickman
Subject	Electoral Wards - Minor Boundary Changes
Type of Item	Monitoring
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on minor boundary changes to electoral wards (copy of report <a href="#">lc-120918-r04-ewi</a> circulated with agenda).</p> <p>The report set out the discrepancies between the approved map and the register of electors following the most recent periodic electoral review.</p> <p>RESOLVED that:-</p> <p>(a) the revised register of electors be published at the conclusion of the annual audit to reflect the approved scheme; and</p> <p>(b) the electors concerned be advised of the change to the electoral ward and polling station in advance of the next election</p>
Outcome	Complete.
Link Officer	Elaine Wildig
Subject	Licensing and Regulatory Affairs Committee Work Programme 2012/13
Type of Item	Programming
Action by Committee	<p>The Committee considered a report by the Director of Regulatory and Democratic Services on the Committee's work programme for 2012/13 (copy of report <a href="#">lc-120918-r02-gwh</a> circulated with agenda).</p> <p>RESOLVED that:-</p>

	<p>(a) the unallocated item, 'Review of Hackney Carriage and Private Hire Drivers' and Vehicle Conditions' be assigned to the meeting on 20 November 2012;</p> <p>(b) in addition to the training session with an external trainer for members of the Committee referred to in minute 3 above, it be noted that an additional, in-house members' licensing training session, for all members of the Council, was due to be arranged;</p> <p>(c) the Committee receive an annual report summarising the cases considered at meetings of the Licensing Panel;</p> <p>(d) subject to (a) and (c) above, the Committee's work programme for 2012/13, as shown in Appendix A to the report, be agreed; and</p> <p>(e) the information contained in the progress report, as shown in Appendix B to the report, be noted.</p>
Outcome	(a) and (c) complete.
Link Officer	Garry White
<b>Date of Meeting</b>	<b>22 January 2013 - Meeting Cancelled</b>
<b>Date of Meeting</b>	<b>19 March 2013</b>
Subject	Health and Safety Service Plan
Type of Item	
Action by Committee	
Outcome	
Link Officer	Juli Treacy
Subject	Monitoring Report for Applications Received
Type of Item	
Action by	

Committee	
Outcome	
Link Officer	Ian Rickman
Subject	Licensing and Regulatory Affairs Committee Work Programme 2012/13 and Draft for 2013/14
Type of Item	
Action by Committee	
Outcome	
Link Officer	Garry White

## LICENSING AND REGULATORY AFFAIRS COMMITTEE – WORK PROGRAMME 2013/14

<u>DATE</u>	<u>SUBJECT</u>	<u>TRAINING SESSION/WORKSHOP</u>
<b>28 MAY 2013</b>	Presentation on the Responsibilities of the Licensing and Regulatory Affairs Committee  Committee work programme 2013/14	
<b>9 JULY 2013</b>	Committee work programme 2013/14  Annual Taxi Vehicle Renewals  Actual Revenue Expenditure 2012/13	
<b>17 SEPTEMBER 2013</b>	Review of Hackney Carriage Tariff  Committee work programme 2013/14  Six- monthly Monitoring Report on Applications Received	
<b>19 NOVEMBER 2013</b>	Spending Plans 2014/15  Committee work programme 2013/14	
<b>21 JANUARY 2014</b>	Committee work programme 2013/14	
<b>18 MARCH 2014</b>	Committee work programme 2013/14 and draft for 2014/15  Monitoring Report on Applications Received  Annual Health and Safety Service Plan	