

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **17 September 2013**

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

Subject: **INTEGRATED INSPECTIONS OF LICENSED PREMISES**

SUMMARY

The Officers from Environmental Health, the Police and Hampshire Fire and Rescue are proposing that a trial be established of pre-planned multi-agency visits to high risk licensed premises in order to ensure that Premises Licence Holders are fully aware of the legal obligations placed upon them and assist in achieving compliance.

RECOMMENDATION

That the Committee endorse this trial, that will assist in ensuring that those higher risk licensed premises within the Borough comply with the legislation and the requirements of their premises licences.

INTRODUCTION

1. For many years prior to the Licensing Act 2003, Hampshire Fire and Rescue and Environmental Health have worked closely together in terms of enforcing Health & Safety & Fire Safety Regulations within premises which held a Public Entertainment Licence under the Local Government (Miscellaneous Provisions) Act 1982. The Council used to issue Public Entertainment Licences and Hampshire Fire and Rescue used to advise on conditions relating to Fire Safety and set capacity limits.
2. Since the Licensing Act 2003, which came into force in 2005, the Council has been the Licensing Authority and issued Premises Licences which cover public entertainment, the sale of alcohol and late night refreshment. Fire Safety enforcement is the responsibility of the Hampshire Fire and Rescue Service and capacity numbers for venues are now determined by risk assessment under the Regulatory Reform (Fire Safety) Order 2005.
3. In addition to the above the Police have enforcement powers under the Licensing Act 2003 in relation to Crime and Disorder and Environmental Health also have an involvement in respect of safety and the prevention of nuisance, in particular noise nuisance from regulated entertainment.
4. Enforcement since 2003 has fallen to the Police, Fire, Environmental Health and Trading Standards all of which are referred to as 'Responsible Authorities' and as such work together and with the Council as the Licensing Authority to deal with specific issues. This has been on an ad hoc basis where joint visits by the agencies have been made on a case by case basis to help resolve specific issues. There is however as highlighted in this report an opportunity for the development of a more proactive co-ordinated approach that targets the high risk licensed premises in the borough.

LICENSING OBJECTIVES

5. The Four Licensing Objectives within the Act are:-
 - Prevention of Crime And Disorder;
 - Public Safety;
 - The Prevention of Public Nuisance; and
 - The protection of Children from harm.
6. Following a recent problem at a licensed premise, which had changed its style of operation, a multi-agency visit to the premises, involving the Police, Hampshire Fire and Rescue Service and Environmental Health was organised in order to assist the Premises Licence Holder and to ensure that issues relating to Public Safety, Fire Safety and Crime and Disorder were all addressed. The result of this visit was that all of the agencies' concerns could be discussed at one time and avoided the opportunity of conflicting advice being offered. It also enabled a consistent approach to be provided in one visit that was less of a burden for the business.

MULTI-AGENCY VISITS TO LICENSED PREMISES TRIAL

7. The Officers from Environmental Health, the Police and Hampshire Fire and Rescue are proposing that a trial be established of pre-planned multi-agency visits to licensed

premises in order to ensure that Premises Licence Holders are fully aware of the legal obligations placed upon them that will also assist in achieving compliance.

8. The Hampshire Better Regulation Partnership is still in place and this is where Environmental Health, Fire and Trading Standards routinely gather information for each other during routine inspections of lower risk premises. This Initiative is to identify higher risk premises and provide a co-ordinated approach in dealing with these premises.
9. The multi-agency visits involving the Police, Environmental Health and Hampshire Fire and rescue will be like a 'mini MOT' for licensed premises to ensure adequate standards of safety and compliance with the Licensing Objectives.
10. These visits are not intended to replace each agency's current intervention / visits to licensed premises but will impress upon them a cohesive working relationship exists between the Authorities and also, if they receive a single compliance visit rather than three visits from each individual agency, it should reduce the regulatory burden on local businesses. It is also believed that the potential of these visits will make premises 'up their game' which will result in higher standards across the board.
11. A meeting of Premises Licence Holders has been organised for 18 September 2013 at Ferneham Hall, Fareham to explain the initiative and also to answer any queries or concerns and take account where possible of the views of the trade in respect of this initiative.
12. The aim is to identify a small number of higher risk premises and carry a pre-announced multi-agency visit to them.

What will be covered during the multi-agency visit

13. **Environmental Health and the Police** will be looking specifically to:
 - Ensure that a summary of the premises licence is displayed in a prominent location.
 - Ensure that a certified copy of the full premises licence is available for inspection.
 - Go through each condition on the premises licence to ensure compliance.
 - Assess if the business model has changed to a point where additional premises licence conditions need to be considered.
 - Ensure that there is an active DPS in place.
 - Ensure general standards of Health & Safety are being maintained.
14. **The Hampshire Fire and Rescue Service** will be looking specifically to:
 - Outline to licensees their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 and how these dovetail with their responsibilities under the Licensing Act 2003

- Ensure occupancy numbers are properly managed
 - Ensure sufficient fire exits are available
 - Ensure Staff training is appropriate for the type of premises
 - Ensure Fire Alarm and Emergency lighting are in working order.
15. It is the intention of the initiative to work with the premises and identify any areas requiring improvement and ensuring where necessary that any improvements identified are actioned.
16. Enforcement action may be necessary to deal with any major defects. Although each Agency has its own enforcement powers, each of the Agencies involved are also Responsible Authorities under the Licensing Act 2003 and can make a representation and request that the Council, as the Licensing Authority hold a Review Hearing to Review the Licence. It is hoped that this proactive multi-agency approach will address any potential problems early on and overcome the need for such reviews and or legal action to address specific problems.

RISK ASSESSMENT

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

CONCLUSION

18. It is hoped that this multi-agency initiative in respect of visits to licensed premises will help to reduce the regulatory burden on local businesses, as they will be receiving a single visit whereas, currently, they are likely to receive 3, one from each Agency. By working together the Agencies can improve the Service that businesses receive in that there will be no opportunity for conflicting requirements from the different Agencies. In addition, it is hoped that this approach will raise standards of compliance within Licensed Premises throughout the borough.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

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