

Licensing Committee

15 June 2016

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 4 - 3rd Floor - Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)
Vice-chair

Labour

Cllr Greg Brackenridge
Cllr Ian Claymore
Cllr Harman Banger
Cllr Milkinderpal Jaspal
Cllr Rita Potter
Cllr Keith Inston
Cllr John Rowley
Cllr Daniel Warren
Cllr Hazel Malcolm
Cllr Anwen Muston
Cllr Zee Russell

Conservative

Cllr Patricia Patten
Cllr Arun Photay

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

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Tel 01902 555043

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. Title

BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Minutes of previous meeting** (Pages 3 - 6)
- 4 **Matters arising**

DECISION ITEMS

- 5 **Health & Safety Statutory Plan 2016/17** (Pages 7 - 10)
(To approve the proposed Health & Safety Statutory Plan for 2015/16)

- 6 **Exclusion of Press and Public**

To pass the following resolution:

That in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as they involve the likely disclosure of exempt information falling within paragraph 7 of Schedule 12A to the Act relating to any action taken in connection with the prevention, investigation or prosecution of crime.

PART 2 - EXEMPT ITEMS, CLOSED TO PRESS AND PUBLIC

- 7 **Review of Decision Making 2015/16**
(To approve the proposals set out at in section 2 of the report)

Attendance

Members of the Licensing Committee

Cllr Bishan Dass (Vice-Chair)
Cllr Alan Bolshaw (Chair)
Cllr Greg Brackenridge
Cllr Ian Claymore
Cllr Harman Banger
Cllr Mark Evans
Cllr Milkinderpal Jaspal
Cllr Patricia Patten
Cllr Rita Potter
Cllr Keith Inston
Cllr John Rowley
Cllr Daniel Warren

Employees

Linda Banbury	Democratic Support Officer
Sarah Hardwick	Solicitor
Colin Parr	Licensing Manager
Alison Stephens	Senior Officer, Environmental Health

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence**
There were no apologies for absence.

- 2 **Declarations of interest**
There were no declarations of interest.

- 3 **Minutes of previous meetings**
Resolved:
 - a) That the minutes of the meeting held on 9 September 2015 be approved as a correct record.
 - b) That the minutes of the meetings of the Licensing Sub-Committee held on 2, 9, 10, 16 and 20 September 2015, 7 October 2015, 4, 11, 17 and 26 November 2015, 17 December 2015 and 5 January 2016 be approved as a correct record and adopted.

- 4 **Matters arising**
Colin Parr, Licensing Manager, updated the Committee on recent appeals in the Magistrates Court as follows:

- Prince Albert – Appeal against revocation of Premises Licence. Agreed by way of consent order in view of change of management team for the premises. No problem issues to date.
- Merridale Supermarket – Agreed by way of consent order in view of more stringent licence conditions.
- International Mini Market – Appeal hearing 19 January 2016. Appeal withdrawn by Premises Licence Holder and therefore dismissed. Shop now cleared of alcohol.

The Licensing Manager advised that the impact of the Cumulative Impact Zones would be reviewed early in the next municipal year and would include consideration of any data forthcoming from the West Midlands Police in regard to the Chapel Ash area.

5 Schedule of outstanding minutes

Resolved:

That the report be received, subject to the deletion of item 6 relating to the Licensing Authority and Safeguarding Children, as the Place and Safeguarding Forum has been subsumed within a wider group looking at strategic issues across the Directorate.

6 Review of fees and charges for Hackney Carriage and Private Hire licensing functions for 2016/17

The Licensing Manager, presented the report which detailed the proposed fees and charges for licences relating to hackney carriages, private hire vehicles and private hire vehicle operators for 2016/17.

Resolved:

- a) That the proposed fees and charges for Hackney Carriage and Private Hire Vehicle drivers, detailed at Appendix A to the report, be approved for implementation with effect from 1 April 2016.
- b) That the proposed fees and charges for Hackney Carriage and Private Hire Vehicles, detailed at Appendix B to the report, be approved for implementation with effect from 1 April 2016.
- c) That any garage registered with VOSA for a minimum of three years and considered 'green' rated be allowed to become a council approved testing facility for the testing of Hackney Carriage and Private Hire Vehicles.

7 Review of fees and charges for general licensing and miscellaneous matters for 2016/17

The Licensing Manager presented the report, which detailed the proposed fees and charges in relation to certain licences and licensed activities regulated by the Licensing Committee. The report also detailed fees, charges and permits set by the Secretary of State in relation to the Licensing Act 2003 and Gambling Act 2005, over which the Council has no local control.

Resolved:

- a) That the proposed fees and charges for General Licensing detailed at Appendix A to the report be approved for implementation with effect from 1 April 2016.
- b) That the proposed fees and charges in relation to the Gambling Act 2005 over which the Council has fee setting powers, detailed at Appendix B to the report, be approved for implementation with effect from 1 April 2016.

8 **Review of fees and charges for Street Trading Consents for 2016/17**

The Licensing Manager presented the report, which detailed proposed street trading fees and charges to take effect from 1 April 2016, together with arrangements for the control and regulation of street trading activities undertaken in the City.

Resolved:

- a) That the proposed fees and charges for Annual Street Trading Consents detailed at Appendix A to the report be approved for implementation with effect from 1 April 2016.
- b) That the proposed fees and charges for Occasional/Temporary Street Trading Consents detailed at Appendix B to the report be approved for implementation with effect from 1 April 2016.

9 **Review of Molineux Stadium Safety Advisory Group Terms of Reference**

The Licensing Manager presented the report, which sought approval of the new terms of reference for the Molineux Stadium Safety Advisory Group. A discussion ensued regarding the smoking of Vapour E-Cigarettes in the stadium and possible action to be taken where this causes nuisance to other supporters.

Resolved:

- a) That the review and consultation process undertaken in regard to the terms of reference for the Molineux Stadium Safety Advisory Group be noted.
- b) That the proposed terms of reference detailed at Appendix A to the report be approved.
- c) That the issue raised in regard to the smoking of Vapour E-Cigarettes within the football stadium be raised with the Club via the Safety Advisory Group.
- d) That the minutes of the meetings the Safety Advisory Group be circulated, for information, to the Licensing Committee members within two weeks of the meetings.

10 **Review of the Statement of Gambling Policy**

The Licensing Manager presented a report, which presented the draft Statement of Gambling Policy for implementation with effect from 31 January 2016. He advised that the publication of guidance in regard to the Local Area Assessment was still awaited and a full review of the Policy would be undertaken on its receipt.

Resolved:

- a) That the draft Statement of Gambling Policy be approved for adoption by full Council at the meeting on 27 January 2015, for implementation with effect from 31 January 2016.
- b) That a further report be presented to the Licensing Committee following the more substantial review and the development of the local area needs assessment later this year.

11 **Exclusion of Press and Public**

Resolved:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 7 of Schedule 12A to the Act, relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

12 **Minutes of previous meetings**

Resolved:

That the minutes of the meetings of the Licensing Sub-Committee held on 16 September, 21 October and 26 November 2015 be approved as a correct record and adopted.

13 **Matters arising**

There were no matters arising from the minutes.

14 **Vote of Thanks**

The Chair referred to the fact that Linda Banbury, Democratic Support Officer, would be leaving the Council on 25 February 2016 following forty one years' service. The members joined with the Chair in thanking her for her contribution to the work of the Licensing Committee.

Licensing Committee

15 June 2016

Report title	Health & Safety Statutory Plan 2016/17	
Wards affected	All	
Accountable director	Tim Johnson, Place	
Originating service	Public Protection	
Accountable employee(s)	Andy Jervis Tel Email	Head of Public Protection 01902 551261 andy.jervis@wolverhampton.gov.uk
Report to be/has been considered by	TBC	

Recommendation(s) for action or decision:

The Committee is recommended to:

Approve the proposed Health & Safety Statutory Plan 2016/17.

1.0 Purpose

- 1.1 To inform the Licensing Committee of the legal requirement to produce a Health & Safety Statutory Plan.
- 1.2 To remind Licensing Committee of the impact of the restructure of Regulatory Services in October 2014 (recently renamed Public Protection) and the reduction in resources allocated to the delivery of the Health and Safety service.
- 1.3.1 To seek Licensing Committee approval for the 2016/17 Health and Safety Statutory Plan. The proposed plan is attached at appendix A.

2.0 Background

- 2.1 The Council is responsible for protecting the health, safety and welfare of people at work in Wolverhampton and to safeguard others, principally members of the public, who may

be exposed to risks from the way that work is carried out; either in Wolverhampton, or by employers whose managerial control is based in Wolverhampton. This responsibility is shared with the Health and Safety Executive and the Care Quality Commission. The Health and Safety (Enforcing Authority) Regulations 1998 determine who is responsible for whom at what premises.

- 2.2 Traditionally Local Authorities would have delivered their responsibilities through thorough proactive inspection programmes as well as reacting to reports of near misses, accidents and complaints of poor health and safety standards. Over recent years following changes in guidance, 'LAC67/2 – Targeting Local Authority Interventions', from the HSE, proactive inspection has been reduced to only the highest risk businesses. This risk is assessed on; confidence in management, safety performance, health performance and welfare needs compliance. Other businesses would only be contacted proactively to provide advice and education. They could still receive reactive inspection following reports of near misses, accidents and complaints of poor health and safety standards.
- 2.3 The HSE provides the list of 'Activities/ Sectors for proactive inspection by LA's', only those sectors listed can be inspected and the inspection limited to the activities detailed.
- 2.4 Further, under Section 108 of the Deregulation Act 2015 the Local Authority is required to consider the promotion of economic growth when exercising regulatory functions. In particular; regulatory action is only taken when needed and any action taken must be proportionate.
- 2.5 In October 2014 Regulatory Services (recently renamed Public Protection) underwent a restructure to meet savings requirements. Fifty per cent of management and thirty three per cent of operational staff resources were lost. Also many of the most experienced staff left. This has had a significant impact on the resources available to deliver health and safety across Wolverhampton. Public Protection now allocates approximately two full time equivalent officers to health and Safety.
- 2.6 The Health and Safety Statutory Plan is a requirement under the 'National Local Authority Enforcement Code for Health and Safety at Work'. This code is mandatory guidance issued by the Health and Safety Executive under Section 18 of the Health and Safety at Work Etc. Act 1974. The Health and Safety Statutory Plan is one of two statutory service plans implemented by Public Protection. The Health and Safety Statutory Plan is a commitment to delivering the service including the resources that will be allocated and creates a standard against which the service can be audited.
- 2.7 The Health and Safety Statutory Plan for 2016/17 details resources allocated, priority areas of activity and a reduced number of proactive inspections.

3.0 Progress, options, discussion, etc.

- 3.1 It is requested that the Licensing Committee approve the 2016/17 Health and Safety Statutory Plan.

4.0 Financial implications

- 4.1 The overall resource provision required to deliver the requirements of the plan fall within the City Environment portfolio.
- 4.2 The approved budget for Public Protection 2016/17 is 2.3 million, which includes the provision of the Health and Safety service. It should be recognised a wide range of other non-health and safety related services are delivered within this budgetary provision. The level of resource available for the provision of health and safety activities covered by the statutory plan is currently in the region of £100,000. [TK/24052016/K]

5.0 Legal implications

- 5.1 It is a legal requirement to produce a Health and Safety Statutory Plan.
- 5.2 Health and safety enforcement is a function which must not be the responsibility of an authority's executive. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 of the Health and Safety at Work etc Act 1974, fall to the Licensing Committee to approve.
- 5.3 Under Section 18 of the Health and Safety at Work etc Act 1974 the Authority is required to make "adequate arrangements" for the enforcement of health and safety within the City. The production of an annual service plan is a mandatory requirement of the guidance to this obligation. The endorsement of the plan is the responsibility of the Licensing Committee.
- 5.4 Failure to produce or deliver the statutory plan may result in measure being taken against the authority. [SH/26052016/O]

6.0 Equalities implications

- 6.1 The Health and Safety Statutory Plan aligns the support and enforcement activities of Regulatory Services with HSE guidance, all activity is intelligence/ risk based and activity is only undertaken where necessary.
- 6.2 All regulatory activity is undertaken in accordance with the Black Country Regulators Operating Framework, previously approved by Cabinet.
- 6.3 Any prosecutions are taken in accordance with the Home Office Code for Crown Prosecutors, which includes an evidential and public interest test. The evidential test is undertaken by Legal Services and final approval for prosecution is via the Head of Service.
- 6.4 There will be no adverse equality implications.

7.0 Environmental implications

- 7.1 A significant proportion of the activities and functions undertaken are intended to protect and enhance Wolverhampton's natural, commercial and built environments.
- 7.2 Proportionate, appropriate and focussed regulation can have significant positive impacts on the environmental amenity of buildings, land and entire neighbourhoods.

8.0 Schedule of background papers

- 8.1 None.

Document is Restricted

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