

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory

Venue Committee Room 3 - 3rd Floor - Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)

Vice-chair Cllr Rita Potter (Lab)

Labour

Cllr Greg Brackenridge
Cllr Keith Inston
Cllr John Rowley
Cllr Anwen Muston
Cllr Zee Russell
Cllr Celia Hibbert
Cllr Milkinderpal Jaspal
Cllr Jacqueline Sweetman

Conservative

Cllr Jane Stevenson
Cllr Wendy Thompson

Quorum for this meeting is three Councillors.

Information for the Public

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Wolverhampton WV1 1RL

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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

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Minutes of previous meeting (Pages 3 - 8)
4	Matters arising
5	Schedule of outstanding minutes
6	Minutes of meeting Friday, 15 June 2018 of Licensing Sub-Committee (Pages 9 - 12)
7	Minutes of meeting Tuesday, 26 June 2018 of Licensing Sub-Committee (Pages 13 - 16)
8	Minutes of meeting Friday, 29 June 2018 of Licensing Sub-Committee (Pages 17 - 20)
9	Minutes of meeting Wednesday, 18 July 2018 of Licensing Sub-Committee (Pages 21 - 28)
10	Minutes of meeting Wednesday, 25 July 2018 of Licensing Sub-Committee (Pages 29 - 34)
11	Minutes of meeting Friday, 24 August 2018 of Licensing Sub-Committee (Pages 35 - 36)
12	Cumulative Impact Zone - police update [To receive a verbal update by police representatives in relation the Licensing Act 2003 – Review of Cumulative Impact Policy report]
13	Health and Safety Statutory Plan 2018/19 (Pages 37 - 64)
14	Replacement Vehicle (To Follow)
15	Consultation on Guidelines (To Follow)
16	Driver training programme (To Follow)

Attendance

Members of the Licensing Committee

Cllr Alan Bolshaw (Chair)
Cllr Keith Inston
Cllr John Rowley
Cllr Anwen Muston
Cllr Zee Russell
Cllr Celia Hibbert
Cllr Milkinderpal Jaspal
Cllr Jane Stevenson
Cllr Jacqueline Sweetman
Cllr Wendy Thompson

Employees

Chris Howell	Licensing Manager
Colin Parr	Head of Business Services
Sarah Hardwick	Senior Solicitor
Ala Sairani	Trainee Solicitor
Joanne Till	Section Leader Licensing
Lorraine Jones	Section Leader Licensing
Donna Cope	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies were received from Councillor Brackenridge. (Approved absence, on official Council business)
- 2 Declarations of interest**
There were no declarations of interest.
- 3 Minutes of previous meeting**
Resolved:
That the minutes of the meeting of the Licensing Committee held on 24 January 2018 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

There were no matters arising.

5 **Licensing Sub-Committee - 27 February 2018 - Minutes**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 27 February 2018 be confirmed as a true record and signed by the Chair.

6 **Licensing Sub-Committee - 7 March 2018 - Minutes**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 7 March 2018 be confirmed as a true record and signed by the Chair.

7 **Licensing Sub-Committee - 29 March 2018 - Minutes**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 29 March 2018 be confirmed as a true record and signed by the Chair.

8 **Licensing Sub-Committee - 19 April 2018 - Minutes**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 19 April 2018 be confirmed as a true record and signed by the Chair.

9 **Licensing Sub-Committee - 25 April 2018 - Minutes**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 25 April 2018 be confirmed as a true record and signed by the Chair.

10 **Review of Statement of Gambling Policy**

Joanne Till, Section Leader, Licensing, presented a report asking Members to:

1. Note the draft Statement of Gambling Policy, statement of principles and Local Area Assessment.
2. Endorse commencement of the statutory process for consultation.
3. Agree to receive a further report following the completion of the consultation.

Resolved:

That Members of the Licensing Committee:

1. Noted the draft Statement of Gambling Policy, statement of principles and Local Area Assessment.
2. Endorsed commencement of the statutory process for consultation.
3. Agreed to receive a further report following the completion of the consultation.

11 **Review of Cumulative Impact Policy**

Joanne Till, Section Leader, Licensing, presented a report asking Members to note the content of the report.

The Section Leader discussed the Cumulative Impact Policy in further detail and responded to questions asked.

Members of the Committee raised concerns regarding off-licences within the city and an increase in day crime.

Sarah Hardwick, Senior Solicitor, offered clarification to questions asked and explained that under the Licensing Act 2003 the number of off licences could not be controlled.

Following further questions, it was agreed that the police would be invited to a future meeting to offer further guidance and clarification on the issues raised.

Resolved:

That Members of the Licensing Committee noted the content of the report.

12 **Fixed Odds Betting Terminals - Consultation Response**

Chris Howell, Licensing Manager, presented a report asking Members to note:

1. The Department of Digital, Culture, Media and Sports proposals for Fixed Odds Betting Terminals (Fobts).

The Licensing Manager discussed the consultation in further detail and responded to questions asked.

Members of the Committee raised concerns regarding the high concentration of betting shops in certain areas and asked whether this could be addressed.

Sarah Hardwick, Senior Solicitor, and Colin Parr, Head of Business Services, explained that under the Gambling Act 2005 the number of betting shops could not be controlled but it did ensure they were operating safely.

In response to further questions, Chis Howell, Licensing Manager, advised that Licensing were working closely with Public Health with regards to Gambling.

Resolved:

1. That Members noted The Department of Digital, Culture, Media and Sports proposals for Fixed Odds Betting Terminals (Fobts).

13 **Support for City Centre Taxi Rank Review and consultation**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the commencement of a review of the taxi rank provision and traffic regulation orders within the city centre.

In response to questions asked, the Licensing Manager assured Members that the proposed consultation would be more than just a 'paper exercise' and agreed to consult with the City Centre Board during the review.

Following further discussions, it was agreed that Members of the Committee would be provided with a briefing note detailing The City Centre Board membership and functions.

Resolved:

That Members of the Licensing Committee:

1. Approved the commencement of a review of the taxi rank provision and traffic regulation orders within the city centre.

14

Private Hire Vehicle Operators (Discretionary Additional Conditions)

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the proposed discretionary private hire vehicle operator conditions of licence.
2. Delegate authority to the Licensing Manager in consultation with the Chair of Licensing to add approved additional conditions as deemed appropriate.
3. Delegate authority to the Licensing Manager to draft appropriate conditions, in consultation with the Chair of Licensing, and add to standard private hire driver conditions as necessary.

In response to questions asked, The Licensing Manager confirmed that all vehicles licensed by the Authority must hold a valid MOT certificate from an approved garage and undertake regular compliance checks.

Following further discussions, the Licensing Manager explained the Deregulation Act 2015 and assured Members that all drivers and vehicles, wherever located, were vigorously vetted and monitored.

Resolved:

That Members of the Licensing Committee:

1. Approved the proposed discretionary private hire vehicle operator conditions of licence.
2. Delegated authority to the Licensing Manager in consultation with the Chair of Licensing to add approved additional conditions as deemed appropriate.
3. Delegated authority to the Licensing Manager to draft appropriate conditions, in consultation with the Chair of Licensing, and add to standard private hire driver conditions as necessary.

15

Review of Decision Making

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Endorse and approve the proposals in section 2 of this report relating to category 2 decisions.
2. Endorse and approve the proposals in section 2 of this report relating to category 3 decisions.
3. Delegate category 3 decision making powers to the Service Director of City Environment.
4. Note the schedule attached at Appendix 1 to this report which includes further proposed delegations from the Service Director of City Environment.
5. Note the schedule of employee decisions for 2017/18 attached at Appendix 2 to this report in relation to the Licensing Authority as a Responsible Authority.
6. Note the schedule of employee decisions for 2017/18 attached at Appendix 3 to this report in relation to new hackney carriage and private hire applications.
[Exempt item]

- 7 Note the schedule of employee decisions for 2017/18 attached at Appendix 4 to this report in relation to hackney carriage and private hire reviews. [Exempt item]
- 8 Note the schedule of decisions for 2017/18 attached at Appendix 5 to this report in relation Magistrates and Crown Court appeals. [Exempt item]
- 9 Agree to receive further annual delegation update reports at the beginning of each municipal year.

Resolved:

That Members of the Licensing Committee:

- 1 Endorsed and approved the proposals in section 2 of this report relating to category 2 decisions.
- 2 Endorsed and approved the proposals in section 2 of this report relating to category 3 decisions.
- 3 Delegated category 3 decision making powers to the Service Director of City Environment.
- 4 Noted the schedule attached at Appendix 1 to this report which includes further proposed delegations from the Service Director of City Environment.
- 5 Noted the schedule of employee decisions for 2017/18 attached at Appendix 2 to this report in relation to the Licensing Authority as a Responsible Authority.
- 6 Noted the schedule of employee decisions for 2017/18 attached at Appendix 3 to this report in relation to new hackney carriage and private hire applications. [Exempt item]
- 7 Noted the schedule of employee decisions for 2017/18 attached at Appendix 4 to this report in relation to hackney carriage and private hire reviews. [Exempt item]
- 8 Noted the schedule of decisions for 2017/18 attached at Appendix 5 to this report in relation Magistrates and Crown Court appeals. [Exempt item]
- 9 Agreed to receive further annual delegation update reports at the beginning of each municipal year.

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Attendance

Chair Cllr Alan Bolshaw (Lab)

Sub-Committee Members

Cllr Rita Potter

Employees

Sarah Hardwick	Senior Solicitor
Donna Cope	Democratic Services Officer
Chris Howell	Licensing Manager

Licence Applicant

Alex Nicholson	Director of Welcome Stranger Ltd
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Observing

Cllr Celia Hibbert	Member of the Licensing Committee
Ala Sairani	Trainee Solicitor

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 – Application for a Premises Licence in respect of The York Hotel, 138-140 Tettenhall Road, Wolverhampton, West Midlands, WV6 0BQ

An application for a Premises Licence in respect of The York Hotel, 138-140 Tettenhall Road, Wolverhampton, West Midlands, WV6 0BQ was considered following representations received from Other Persons.

The Chair led round-table introductions and outlined the procedure to be followed.

Chris Howell, Licensing Manager, provided an outline of the application and Mr Alex Nicholson, Director of Welcome Stranger Ltd (applicant), confirmed that the summary was accurate.

The Chair invited the applicant to present the application. Mr Nicholson did so. He acknowledged the objector's frustrations but assured the Sub-Committee that his premises were not responsible for the issues raised.

The Chair afforded all parties present the opportunity to question the applicant in relation to his submission.

Members of the Sub-Committee asked questions concerning the objections that had been raised and Mr Nicholson provided responses to the questions asked.

The Chair invited all parties present to make their final address and Mr Nicholson made a closing statement.

All interested parties, with the exception of the Council's Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Solicitor.

Resolved:

The Sub-Committee have taken note of all written concerns raised in respect of the application for a premises licence for The York Hotel, 138 – 140 Tettenhall Road, Wolverhampton WV6 0BQ. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

The Sub-Committee have had regard to both the written and oral evidence that has been presented and attached appropriate weight.

Having considered the views of all concerned, the Sub-Committee have decided that the application for a premises licence should be granted, as applied for.

All parties have a right of appeal to the Magistrates Court within 21 days of receipt of this decision.

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Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Wendy Thompson

Employees

Elaine Moreton	Section Leader - Licensing
David Abel	Senior Solicitor
Donna Cope	Democratic Services Officer

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 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 1 of Schedule 12A to the Act relating to any individual.

4 Application for a Private Hire Vehicle Driver's Licence AH

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AH) into the Hearing. AH was accompanied by his Solicitor Mr Raymond McVeighty. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether AH was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. AH confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader on the report and the Section Leader answered accordingly.

The Chair invited AH to make representations.

Mr Raymond McVeighty made representations on behalf of his client. He acknowledged that his client had a long list of offences but assured the Sub-Committee that his client was a reformed person. He detailed some of the situations that had led to his client's convictions and stated that he had not committed any further offences since 2014.

Mr McVeighty requested that the Sub-Committee receive several character references and other supporting documents from associates of his client. The Sub-Committee agreed to the request (copies filed with these minutes).

Mr McVeighty discussed his client's current personal circumstances and detailed how he had significantly rehabilitated himself.

All parties were invited to question AH and Mr McVeighty on the submission.

In response to questions from the Sub-Committee, Section Leader and Solicitor, AH elaborated on this current personal circumstance and discussed how he had tried to turn his life around.

The Chair invited AH to make a final statement. Mr McVeighty did so on behalf of his client.

Mr McVeighty acknowledged that the Sub-Committee had a duty to protect the public but assured them that his client was a reformed person who had worked hard to combat his past mistakes.

AH, Mr McVeighty and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That, having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the guidelines and grant AH a Private Hire Vehicle Driver's Licence for a period of 12 months with the following conditions:

- That the Applicant completes an Anger Management Course at his own expense;
- That the Applicant attends a licensing Mini-Panel Hearing after 6 months which will review the applicant's conduct and driving record to determine whether there is any reason that the licence should not continue.

Granting of the licence was also subject to AH passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

The Sub-Committee felt that they should depart from the guidelines as the Applicant had no further incidents within the last four years and had clearly made an effort to turn his life around. This view was supported by the character references which he produced to the Sub-Committee and the Customer Service training that he had undertaken.

The Applicant's right of Appeal against the imposition of the Conditions was clearly stated.

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Attendance

Sub-Committee Members

Cllr Alan Bolshaw (Chair)
Cllr Wendy Thompson
Cllr Greg Brackenridge

Review Applicant

Sgt Steph Reynolds

West Midlands Police

Employees

Sarah Hardwick
Donna Cope
Chris Howell
Prabhjot Kaur Saini

Senior Solicitor
Democratic Services Officer
Licensing Manager
Licensing Officer

Premises Licence Holder

Christian Gregory
Edmund Passey
Matthew Phipps
Baljit Bhandal

Partnership Development Manager – Punch Taverns
Operations Director – Punch Taverns
TLT Solicitors
DPS

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 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 1 of Schedule 12A to the Act relating to any individual.

4 Licensing Act 2003 - Application for an Expedited Summary Review of a Premises Licence for The Goal Post (Lounge 107), 107 Waterloo Road, Wolverhampton, WV1 4RB

An application for an expedited summary review of a Premises Licence in respect of The Goal Post (Lounge 107), 107 Waterloo Road, Wolverhampton, WV1 4RB, had been received from West Midlands Police.

The Chair led round-table introductions, and as the meeting was exempt to the Press and Public, the Senior Solicitor, City of Wolverhampton Council, asked questions to clarify whether all individuals present could remain in the room. Those not entitled to be present left the room.

The Licensing Manager, provided an outline of the application. West Midlands Police confirmed that the summary was accurate.

The Chair afforded all parties present the opportunity to question the report content.

No questions were asked.

The Chair invited West Midlands Police to present their application.

West Midlands Police, stated the grounds for review as per Appendix 3 of the restricted report and requested that the premises licence be suspended.

The Chair afforded all parties present the opportunity to question the Review applicant in relation to its representation. West Midlands Police provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations.

The Chair invited all parties present to question the Premises Licence Holder in relation to his submission. The Premise Licence Holder provided responses to questions asked.

The Chair invited the Designated Premises Supervisor to make a statement.

The Chair invited all parties present to question the Designated Premises Supervisor in relation to his statement.

The Chair invited all parties present to make their final address.

All interested parties, with the exception of the Senior Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Senior Solicitor.

Resolved:

An Application had been received from the West Midlands Police on 27 June 2018 for an expedited review of the Premises Licence in respect of Lounge 107, formally The Goal Post, 107 Waterloo Road, Wolverhampton.

The Chief of Police had given a certificate under Section 53A (1) (b) of the Licensing Act 2003 (the Act), stating that in their opinion the premises were associated with serious crime and disorder and had requested that interim steps be applied to the premises licence pending a full review hearing.

The Act and Home Office Guidance state that the tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. These tests include conduct which constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and which involves the use of violence.

The Sub-Committee were satisfied that a serious crime had occurred at the premises.

They were further satisfied that serious disorder had occurred on the premises. Serious disorder was to be given its plain ordinary meaning.

Based upon the evidence presented, consideration was given as to whether it was necessary to take interim steps pending determination of the review (s53C LA 2003). The LSC were satisfied that interim steps were necessary. In accordance with Section 53B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee was to suspend the premises licence pending the full review hearing.

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Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Wendy Thompson

Employees

Chris Howell	Licensing Manager
Elaine Moreton	Section Leader, Licensing
Phil Richards	District Officer, Environmental Protection
Shaun Walker	Service Lead, Environmental Protection
Sarah Hardwick	Senior Solicitor
Chris Simmons	Solicitor
Charlotte Webb	Business Support Officer
Donna Cope	Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Review of the Licence Conditions for Oxley Court Mobile Home Caravan Site

The Chair invited Chris Howell, Licensing Manager, Phil Richards, District Officer, Environmental Protection, and Shaun Walker, Service Lead, Environmental Protection, into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Licensing Manager outlined the report which had been circulated to all parties in advance of the meeting.

All parties were invited to question the Licensing Manager on the report.

In response to questions from the Sub-Committee, the following details were confirmed by the Licensing Manager and District Officer:

- The existing licensing conditions were outdated.
- A full consultation had been carried out including ward Members and residents of the site.
- The proposed conditions would replace the existing ones.
- No correspondence had been received from the site owner during the consultation.
- The proposed conditions were to ensure the site owner was complying with relevant site regulations.
- The site owner could appeal the decision of the Sub-Committee to the Magistrate's Court.

The Chair invited the Licensing Manager and District Officer to make a final statement. Both had nothing further to add.

Resolved:

That Members of the Licensing Sub Committee approved the replacement of existing conditions of the licence relating to Oxley Court Mobile Home Caravan Site by adding new conditions in accordance with section 8 of the Caravan Sites and Control of Development Act 1960, which reflect and apply the Model Standards 2008 for Caravan Sites in England (Section 5 CSCDA 1960).

4 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 1 of Schedule 12A to the Act relating to any individual.

5 Application for a Private Hire Vehicle Drivers Licence (AR)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AR) into the Hearing. AR was accompanied by his Solicitor Ms Natasha Bournes. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether AR was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. AR confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader on the report.

Sarah Hardwick, Senior Solicitor, questioned page 55 of the report and the Section Leader confirmed that 5.1.12(a) had been written in error and should state 5.1.12(b).

The Chair invited AR to make representations.

Ms Natasha Bournes made representations on behalf of her client. She stated that his offences were committed a long time ago and he had not committed any further offences for nine years. She detailed the situations that had led to his convictions and discussed how he had complied fully with the punishments imposed. She discussed his current personal circumstances and the steps he had taken to turn his life around.

Ms Bournes requested that the Sub-Committee receive a letter from her client's GP confirming his forthcoming appointment for an anger management assessment. The Sub-Committee agreed to the request (copy filed with these minutes).

All parties were invited to question AR and Ms Bourne on the submission.

In response to questions from the Sub-Committee, Section Leader and Solicitor, AR detailed the situations that had led to his convictions, elaborated on his current personal circumstances and gave further details regarding his forthcoming anger management assessment.

The Chair invited AR to make a final statement. Ms Bourne had nothing further to add.

AR, Ms Bourne and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

As part of the application process AR was subject to a DBS Criminal Record check. This revealed repeat major traffic and other violent offences that were relevant for the purpose of the Council Guidelines relating to the Relevance of Convictions and Breaches of Licence Conditions (The Guidelines). Convictions of violence related to criminal damage on 23 August 2001 and conduct which amounted to harassment on 7 May 2013.

Based upon the Applicant's account of circumstances surrounding the harassment in 2013, the Licensing Sub-Committee were satisfied that this had not resulted in violence and therefore would disregard this for the purpose of the violence guideline. Therefore, the relevant Guideline for the purpose of decision making was 5.1.3 (b) which provided a licence would not be granted until 17 November 2022.

Having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the guidelines and grant AR a Private Hire Vehicle Driver's Licence for a period of 12 months subject to the following:

- That the Applicant completes an Anger Management Course at his own expense;
- That the Applicant attends a Licensing Review Hearing after six months which would review the Applicant's conduct and driving record to determine whether there was any reason that the licence should not continue.

Granting of the licence was also subject to AR passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

The Applicant's right of Appeal against the imposition of the Conditions was clearly stated.

6 Application for a Private Hire Vehicle Driver's Licence (AH)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AH) into the Hearing. AH was accompanied by his Solicitor, Mr Khomar Masaud. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver Licence, which had been circulated to all parties in advance of the meeting. She referred to an error on Page 63 of the report and confirmed that the Guidelines clearance date should state 06/11/2019 not 23/06/2021. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether AH was a

fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. AH confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader, Licensing, on the report.

Sarah Hardwick, Senior Solicitor, questioned Pages 65 and 66 of the report and the Section Leader confirmed that both pages were exact duplicates. As a result of this, the Sub-Committee agreed to disregard Page 65 of the report.

The Chair invited AH to make representations.

Mr Khomar Masaud made representations on behalf of his client and requested that the Sub-Committee receive character references from associates of AH. The Sub-Committee agreed to the request (copies filed with these minutes).

Mr Masaud gave an overview of his client's current personal circumstances and acknowledged his sole conviction. He stated that his client had made a bad decision nine years ago and was remorseful.

All parties were invited to question AH and Mr Masaud on the submission.

In response to questions from the Sub-Committee and the Section Leader, Licensing, AH detailed the situations that lead to his conviction and elaborated further on his personal circumstances. He stated that he had been stupid but was now a changed person and family man.

The Chair invited AH to make a final statement and Mr Masaud did so on behalf of his client.

AH, Mr Masaud (applicant's solicitor) and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That, having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the Council Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions and grant AH a Private Hire Vehicle Driver's Licence for a period of 12 months, subject to AH passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

7 Application for a Private Hire Vehicle Driver's Licence (SL)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (SL) into the Hearing. SL was accompanied by his mother, Sheila Kaur Landa. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether SL was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

Sarah Hardwick, Senior Solicitor, queried a name discrepancy on the Applicant's DBS Criminal Record check and SL confirmed that the DBS check was his.

All parties were invited to question the Section Leader, Licensing, on the report and the Section Leader answered accordingly.

The Chair invited SL to make representations.

SL requested that the Sub-Committee receive character references from associates of his and other supporting documents. The Sub-Committee agreed to the request (copies filed with these minutes).

SL discussed his childhood and detailed the situations that had led to his convictions. He stated that he had been naïve and fallen into the wrong crowd during a difficult period of his life. He stated that his move to London was to distance himself from crime and he was now a better person.

All parties were invited to question SL on his submission.

In response to questions from the Sub-Committee and the Senior Solicitor, SL discussed how he had tried to turn his life around and elaborated further on his personal circumstances.

The Chair invited SL to make a final statement.

SL stated that his offences were committed over 20 years ago and he was now a changed person.

SL, his mother, and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

Having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the guidelines and grant SL a Private Hire Vehicle Driver's Licence for a period of 12 months subject to the following:

- That the Applicant attends a Review Hearing before the Licensing Sub-Committee after six months from grant of his licence.

- On attending the six month review hearing the Applicant is to produce a letter of reference from the company he is working for as to his performance as a private hire vehicle driver whilst licensed.

Granting of the licence was also subject to SL passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

The Applicant's right of Appeal against the imposition of the Conditions was clearly stated.

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Attendance

Sub-Committee Members

Cllr Alan Bolshaw (Chair)
Cllr Wendy Thompson
Cllr Greg Brackenridge

Review Applicant

Sgt Steph Reynolds

West Midlands Police

Employees

David Abel	Senior Solicitor
Jo Till	Section Leader, Licensing
Elaine Moreton	Section Leader, Licensing
Jonathon Lloyd	Senior Licensing Officer (observing)
Chris Simmons	Solicitor (observing)
Prabhjot Kaur Saini	Licensing Officer (observing)
Donna Cope	Democratic Services Officer

Premises Licence Holder

Christian Gregory	Partnership Development Manager – Punch Taverns
James Richards	Head of Compliance - Punch Taverns
Joanna Lake	Punch Taverns
Piers Warne	TLT Solicitors

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 – Application for a Review of a Premises Licence in respect of The Goal Post (Lounge 107), 107 Waterloo Road, Wolverhampton, WV1 4RB

An application for a Review of a Premises Licence in respect of The Goal Post (Lounge 107), 107 Waterloo Road, Wolverhampton, WV1 4RB, had been received from West Midlands Police.

The Chair led round-table introductions and outlined the procedure to be followed.

Joanne Till, Section Leader, Licensing, provided an outline of the application. Sgt Steph Reynolds, West Midlands Police (applicant), confirmed that the summary was accurate.

The Chair invited West Midlands Police to present their application. Sgt Reynolds did so. She advised the Sub-Committee that immediately before the Hearing, further mediation had taken place between herself and Piers Warne, Solicitor representing Punch Taverns, Premises Licence Holder, regarding the Licence conditions. Amendments to the original proposal had been agreed and the Sub-Committee had been provided with a copy of the newly amended conditions, along with additional photographic evidence of items seized from the premises. Sgt Reynolds confirmed that all proposed conditions had been agreed by both parties except for the condition regarding the provision of door staff. She explained the reasons why she felt door staff were required at the premises and stated she would be happy to review this condition in time. Sgt Reynolds requested that current Premises Licence was modified not revoked.

The Chair afforded all parties present the opportunity to question the applicant in relation to her submission. Sgt Steph Reynolds provided the following responses to questions asked:

- Police background checks would be carried out on prospective new management staff.
- The current CCTV provisions at the premises would be extended.
- Door staff were not required at the premises during week days as historically, the premises had no issues during these times and footfall was low.
- The Police had no concerns regarding the outside area of the premises.
- The Police believed that issues at the premises were the fault of the management not Punch Taverns, Premises Licence Holder.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton did so as per Appendix 4 of the report.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mrs Moreton provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations.

Mr Piers Warne, Solicitor representing Punch Taverns, Premises Licence Holder, stated the following:

- Issues at the premises were the fault of the management not Punch Taverns, Premises Licence Holder (PLH).
- Such problems were very rare, and Punch Taverns would not tolerate them.
- Punch Taverns were willing to invest significantly to improve the premises to ensure no further issues occurred.
- Not all clientele at the premises were associated with crime.
- Punch Taverns had supported the suspension of the licence and would work with the Police and Local Authority to improve the premises.
- Issues occurring prior to 27 June 2018 had not come to the attention of Punch Taverns.
- Punch Taverns had a tenanted pub approach.
- Obligations were imposed on tenants under legal agreements which allowed them to forfeit where appropriate.
- Following the Expedited Review of the Premises on 29 June 2018, the lease on the property had been terminated; the residents had been evicted, and locks had been changed.
- Short-term and long-term plans were in place for the premises, including a £250,000 refurbishment and re-opening under new management.
- Punch Taverns would have more direct involvement with the premises.
- Punch Taverns had agreed to all conditions proposed by West Midlands Police but requested that the Sub-Committee carefully considered the need for SIA registered door staff following the re-opening of the premises.

The Chair invited all parties present to question the Premises Licence Holder in relation to his submission and Members expressed their concerns regarding public safety. Mr Warne provided the following responses to questions asked:

- Punch Taverns were not aware of any issues at the premises prior to 27 June 2018 and when made aware, immediate action was taken.
- More face to face visits would be made to the premises by Punch Taverns.
- The new management would be carefully scrutinised and monitored.
- Punch Taverns were shocked by the issues at the premises; they had taken it very seriously and welcomed the previous licence suspension.
- The issue had been with the management not Punch Taverns.
- The premises did not have a long history of problems.
- Punch Taverns wanted to work with the Police to ensure there were no further issues at the premises.

- The new management would be fully supported in their role.
- Punch Taverns would work with the Police to ensure the correct management team were implemented.

The Chair invited all parties present to make their final address.

Mrs Moreton, Mr Warne and Sgt Steph Reynolds made closing statements.

All interested parties, with the exception of the Senior Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee, which was read out in full by the Senior Solicitor.

Resolved:

The Licensing Sub-Committee resolved to modify the conditions of the licence in respect of the Goal Post Public House.

The modified conditions were as follows:

1. A Challenge 25 programme would be implemented at the premises and photo identification would be requested and be produced by anyone that appeared to be under 25 years of age. Staff would receive sufficient training in challenging underage drinking and this training would be documented and produced for examination at the request of an officer from a Responsible Authority.
2. A CCTV system with recording equipment would be installed. Sufficient staff would be trained in the use of the system and the downloading of recordings and a trained member of staff shall either be present or readily available at all times during opening hours. The DPS would also be trained in the use of the CCTV system and have full access to the system at all times.
3. All recorded images from the CCTV system would be made available for inspection as soon as it was practicable upon request by an officer of a responsible authority. A copy of images would also be made available upon request and within 24 hours.
4. The CCTV images would be of evidential quality and indicate the correct time and date. All storage, retention and provision of must be on the basis of current UK Data Protection Legislation and in line with guidance from the Information Commissioners Office in relation to the provision of CCTV in Public Houses. All images from the CCTV system would be retained for 28 days.
5. The Premises should maintain a bound and paginated incident log book. The incident log book should be updated within 24 hours of an incident, where the entry was later it would record the date and reason for delay. As a minimum it would record all crime reported to the venue, ejection of patrons, complaints concerning crime, disorder or public nuisance, all seizure of drugs or offensive weapons, faults to the CCTV system, refusal of alcohol sales, visits by any of the responsible authorities or emergency services. The incident book would be made available to any responsible authorities upon request and would be provided to Wolverhampton Police Licensing department weekly via email until

- such time as Wolverhampton Police Licensing department agreed in writing that such provision was no longer necessary.
6. A sign in the car park would be displayed stating that access to the car park was for patrons only.
 7. The DPS and the Tenant would have access via keys to all areas within the public house and anywhere on the premises that was not a private dwelling.
 8. A search policy would be written by the DPS and adhered to prior to re-opening to the public. This policy would be agreed by Wolverhampton Police Licensing Department at the point of implementation only and fully implemented by door staff when they were present (not including Wolverhampton Wanderers match days). Metal detecting wands would be used as part of that search policy. The search policy would be available to Police Licensing Officers on request.
 9. All door staff would be SIA registered and wear high visibility attire. A minimum of 2 door staff would be present at the premises from Friday to Sunday inclusive from 21.00 hours until patrons had left the premises until the premises closed for refurbishment. When the premises reopened after the refurbishment was complete a minimum of 2 door staff would be present at the premises from Friday to Sunday inclusive from 21.00 hours until patrons had left the premises for 14 days from the reopening date.
 10. On match days, when Wolverhampton Wanderers Football Club played at home, a minimum of 2 door staff would be on for a period of at least 2 hours before kick-off and 2 hours after the final whistle.

The current suspension of the Premises Licence was removed.

The Licensing Sub-Committee had taken the view that the implementation of robust conditions, which were agreed between the parties, were necessary and proportionate to uphold the licensing objectives.

The Senior Solicitor stated that there was a Right of Appeal available to all parties to the local Magistrates Court within 21 days from receipt of the decision letter should they feel aggrieved by the decision.

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Attendance

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Wendy Thompson

Employees

Leonie Woodward
Jonathan Lloyd
Philippa Salmon

Lead Lawyer
Senior Licensing Officer
Democratic Services Officer

Responsible Authorities

Elaine Moreton
Paul Dosanjh
Sargeant Steph Reynolds

Section Leader – Licensing
Section Leader – Trading Standards
West Midlands Police

Item No. *Title*

1 **Apologies for absence**

There were no apologies for absence submitted.

2 **Declarations of interest**

There were no declarations of interest submitted.

3 **Licensing Act 2003 –Application for a Premises Licence in respect of
International Mini Market, 79A Willenhall Road, Wolverhampton West Midlands,
WV1 2HW**

The Applicant advised that he was formally withdrawing his application with the potential to revise the document and resubmit at a future date.

CITY OF
WOLVERHAMPTON
COUNCIL

Licensing Committee

26 September 2018

Report title	Health & Safety Statutory Plan 2018/19	
Wards affected	All	
Accountable director	Ross Cook, Service Director – City Environment	
Originating service	Business Services	
Accountable employee(s)	Colin Parr	Head of Business Services
	Tel:	01902 550105
	Email:	colin.parr@wolverhampton.gov.uk
Report to be/has been considered by	Councillor Steve Evans City Environment Management Team Place Leadership team Strategic Executive Board Licensing Committee	

Recommendation for decision:

The Licensing Committee is recommended to:

Approve the proposed Health & Safety Statutory Plan 2018/19.

1.0 Purpose

- 1.1 To inform the Licensing Committee of the legal requirement to produce a Health & Safety Statutory Plan.
- 1.2 To seek Licensing Committee approval for the 2018/19 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 'Sectors and Activities' for proactive inspection by Local Authorities', only those sectors listed can be inspected and the inspection limited to the activities detailed.
- 2.4 Furthermore, 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 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 Business Services. 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.

2.6 The Health and Safety Statutory Plan for 2018/19 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 2018/19 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 Business Services 2018/19 is 2.5 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 £120,000. [TK/2808218/H]

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 measures being taken against the authority. [TS/28082018/T]

6.0 Equalities implications

6.1 The Health and Safety Statutory Plan aligns the support and enforcement activities of Business 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.

CITY OF
WOLVERHAMPTON
COUNCIL

**Business Services
Health and Safety
Statutory Plan**

2018/19

Introduction

The Health and Safety Statutory Plan is one of two related Statutory service delivery plans implemented by Business Services. The plans formalise the statutory obligations of the different enforcement services discharged.

The Health and Safety Service Plan is a requirement of mandatory guidance issued under Section 18 of the Health and Safety at Work etc. Act 1974. This plan serves as a quality assured framework for the delivery of the service.

Should you have any comments or views with respect to this plan please forward these to the Service Director for City Environment, Ross Cook

Councillor Alan Bolshaw
Chair of the Licensing Committee

Ross Cook
Service Director, City Environment

City of Wolverhampton Council

HEALTH AND SAFETY STATUTORY SERVICE PLAN 2018/2019

Table of Contents

Introduction.....	1
1.0 Service Aims and Objectives.....	4
1.1 Aims.....	4
1.2 Objectives.....	4
1.3 Service Statement.....	5
1.4 Authority profile.....	5
1.5 Links to Corporate Issues.....	6
Approval and Review Process.....	6
2.0 The means by which the service is discharged.....	6
2.1 Organisational Structure.....	6
2.2 Scope of the Service.....	8
Priority Programme.....	9
Strategic Partnerships.....	9
Accidents and Requests for Service.....	9
2.4 Access to the Health and Safety Service.....	9
Customer Services.....	9
2.5 West Midlands Health and Safety Liaison Group.....	9
2.6 Investigation Skills Training.....	10
3.0 Delivery in Accordance with Section 18 HASWA.....	10
3.1 Inspection Programme.....	10
3.2 Priority Planning Health and Safety Inspections.....	10
Inspection Frequencies LAC 67/2.....	10
New Approach.....	11
Intervention Type Table.....	11
LA Inspection Wolverhampton Guidelines.....	13
3.3 Priority Programme Delivery.....	14
Wolverhampton Delivery.....	14

3.4	Complaint Response.....	15
	Selection Criteria and Priorities.....	15
3.5	Incident response	16
3.6	Response Criteria and Priorities	16
3.7	Enforcement Policy	17
3.8	The National Code, Section 18 Guidance	17
3.9	Future Objectives/Action Plan.....	17
3.10	Extra-service Issues.....	18
3.11	Lead Authority Principle	18
3.12	Primary Authority Scheme	18
4.0	Strategic Governance (HELA).....	19
	Role of HELA	19
5.0	Resources	20
5.1	Financial Allocation	20
5.2	Staffing Allocation.....	20
5.3	Staff Development Plan/ Employee Performance Review	21
6.0	Quality Management and Review	21
6.1	Enforcement Policy Review	21
6.2	Prosecution Procedure	21
6.3	Regulatory and Investigatory Powers Act (RIPA).....	22

1.0 Service Aims and Objectives

1.1 Aims

- To protect 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.
- In accordance with Health and Safety Executive (HSE) guidance, to reduce risks and protect people.

1.2 Objectives

- To maintain a balance of enforcement which achieves optimum use of resources.
- To maintain a fully trained and competent inspectorate.
- To carry out enforcement in a transparent and proportionate manner.
- To maintain liaison arrangements and The Strategic Partnership with HSE and other West Midlands Authorities through the West Midlands Health and Safety Liaison Group.
- To work in collaboration with other regulatory and 'health' agencies such as Public Health England (PHE) and the Care Quality Commission
- To adhere to guidance / direction issued by Health and Safety Executive Local Authority Liaison Committee (HELA), Health and Safety Executive, Local Authority Unit, Chartered Institute of Environmental Health and Local Government Association.
- To support the Lead Authority / Primary Authority Principle.
- To respond to complaints, requests for service, accidents, incidents/reports of ill health and dangerous occurrences.
- To make elected Councillors aware of the Statutory Plan, its contents and how the service will be discharged.
- To implement the general aims and objectives of the statutory plan and to discharge those duties detailed within this document.
- To ensure all actions and decisions taken by officers and Councillors are done so in an open and transparent fashion and with due regard to the Council's policies on equality and the principles of fairness and natural justice.
- To promote access to the Regulatory Challenge Panel in the event of a regulatory dispute.

1.3 Service Statement

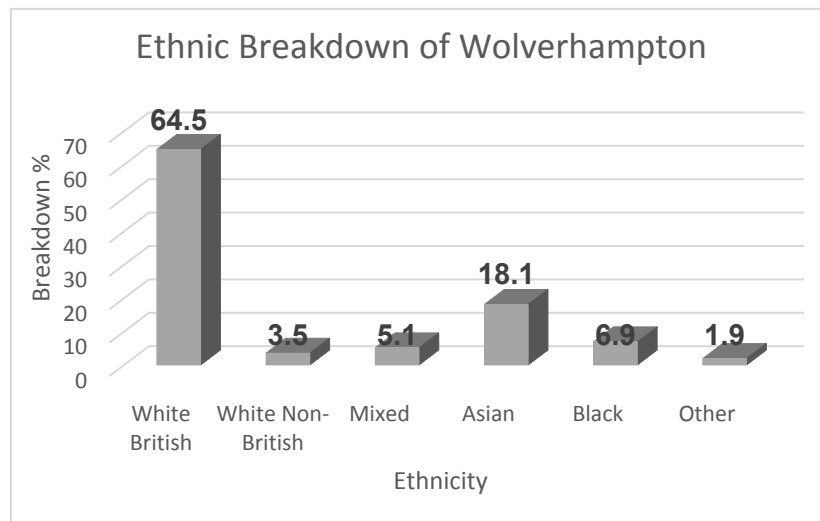
Business Services deliver the traditionally functions of Environmental Health and Trading Standards. The service is also responsible for the wider protection of public health and property. On average we receive 10,000 requests for service in each year. In addition to dealing with complaints we carry out programmed regulation of shops and businesses in Wolverhampton.

Business Services enforces the law through a programme of interventions (inspections) and investigations in respect of food and other commercial and industrial businesses, and the provision of information and advice to businesses, customers and other consumers.

1.4 Authority profile

The City of Wolverhampton has a population of 249,500 comprising approximately 123,400 males and 126,100 females.

The ethnic breakdown of the population is:



95,000 individuals, including self-employed, either live in or travel to Wolverhampton for paid employment, **73,180** of which are full time workers

104,200 local people are either in paid employment or looking for work.

Wolverhampton is in the **6%** most deprived areas in the country and the levels of deprivation in the City continue to rise. About **30.2%** (15,000) children live in poverty and life expectancy for both men and women is lower than the England average.

1.5 Links to Corporate Issues

In order to achieve continuous service improvement and strive for performance capable of achieving a sustainable future which reflects the political priorities and values of partners within Wolverhampton, it is important that the statutory plan links itself visibly to the overall corporate objectives.

Approval and Review Process

The Statutory Service Plans are subject to approval and scrutiny by the Head of Service, Service Director and Councillors and this will be the case with the Health and Safety Service Plan.

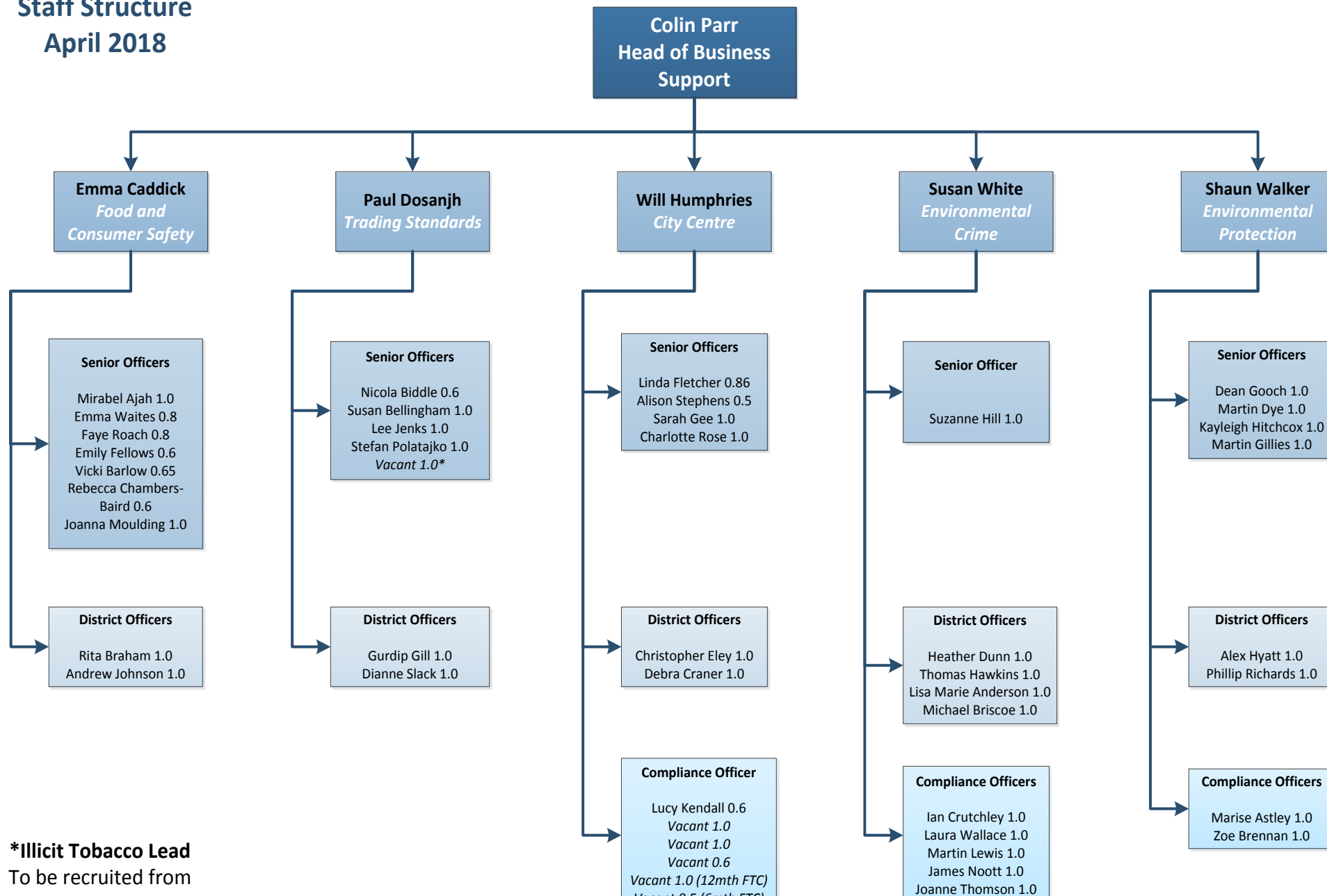
Progress will be monitored monthly by the Business Services Management Team.

2.0 The means by which the service is discharged

2.1 Organisational Structure

The regulating functions of the Council are discharged, either through the Executive or, in the case of matters which have a quasi-judicial footing such as licensing, the Licensing Committee. The Government has determined that matters relating to the discharge of the health and safety enforcement functions be overseen by a body other than the Executive. Within Wolverhampton this is the Licensing Committee.

**Public Protection
Staff Structure
April 2018**



***Illicit Tobacco Lead
To be recruited from**

2.2 Scope of the Service

In relation to health and safety Business Services delivers;

- Programmed proactive inspections of high risk premises for health and safety purposes.
- Other interventions with dutyholders.
- Investigation of accidents arising at work within the City.
- Investigation of dangerous occurrences arising at work within the City.
- Investigation of occupational diseases arising at work within the City.
- Response to complaints/requests for service from businesses/members of the public.
- Expert assistance and advice to businesses and public.
- Support to the West Midlands Health and Safety Liaison Group.
- Commitment to the Lead Authority Partnership Scheme (LAPS) Primary Authority Partnership Scheme (PAP) and commitment to the HSE/LA Strategic Partnership and its priorities.
- Education to businesses and the public.
- The registration of premises in respect of acupuncture, cosmetic skin piercing, tattooing, electrolysis, and the operation of cooling towers.
- Representation at the Molineux Stadium Safety Advisory Group to ensure the satisfactory implementation of the General Safety Certificate.
- Representation of Business Services on the Council's Events Safety Advisory Group.
- Liaison with neighbouring local authorities and other agencies such as Public Health England (PHE) on Legionella.
- Enforcement of safety certificates relating to all four regulated sports grounds in Wolverhampton.
- Enforcement of the Health Act 2006

In accordance with the Health and Safety (Enforcing Authority) Regulations 1998, local authorities are responsible for the enforcement of health and safety in certain categories of premises. Depending upon the attendant risks associated with the work activities at these premises they are allocated a priority band. The priority band determines the frequency of inspections/ types of intervention at premises.

During 2011 a joint statement was issued by the Health and Safety Executive (HSE) and the Local Government Group. It was intended to assist LA regulators in determining the use of proactive interventions to achieve both improved health and safety outcomes for each locality and the Government's regulatory reform agenda.

Under Government reforms announced in its publication 'Good Health and Safety, Good for Everyone', protecting people in the workplace and wider society still remains a key priority. The Government's aims for health and safety reform include reducing the inspection burden on business alongside focussing on better health and safety outcomes. Refining the intervention strategies for businesses by further improving the targeting of relevant and effective interventions and preserving

inspection for higher risk premises and issues should lead to a reduced number of proactive inspections.

Priority Programme

In conjunction with the HSE priority programme, which identifies those areas of national priority within health and safety and focuses upon the areas that are most likely to bring about an improvement in standards, the programme is aimed at influencing the health of the nation by improving areas of work most likely to contribute to ill health.

Strategic Partnerships

The HSE and Local Authority Representative Bodies published a Statement of Commitment which sets out the joint commitment to ensure provision of adequate standards of partnership working in order to prevent death, injury and ill health of those at work and those affected by work activities.

Accidents and Requests for Service

In addition to the programmed work the Service receives approximately 100 requests for health and safety service and approx. 120 accident /disease/ dangerous occurrence notifications a year.

2.4 Access to the Health and Safety Service

Business Services is based at the Civic Centre in Wolverhampton City centre. The office is staffed Monday to Friday (except statutory holiday days) between the hours of 8.30 am, and 5.00 pm. The full range of services provided is accessible during these periods. However, when work activities enforced by the service are taking place outside these hours, officers will be available to fulfil required functions.

Customer Services

In August 2004, as one of the responses to the Comprehensive Performance Assessment (CPA) report, the Council created City Direct (now Customer Services), a single access point enabling customers to contact the Council via telephone or e-mail between the hours of 8am – 6pm Monday to Friday and 9am – 2pm Saturday.

Outside office hours, a work related death, major incident or dangerous occurrence will be referred to the service through the Council's emergency control room. A protocol of understanding also exists with the police, HSE and the Crown Prosecution Service in circumstances where there is a work related death.

2.5 West Midlands Health and Safety Liaison Group

The Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) was created in 1975 to promote consistency of enforcement throughout and between Local Authorities and the Health and Safety Executive. In 1982 the Local Authority Unit (LAU) was created to specifically co-ordinate liaison between the Health and Safety Executive and Local Authorities. Part

of this liaison is carried out through the creation of local liaison groups which include the HSE Local Enforcement Liaison Officer (ELO). The West Midlands Health and Safety Liaison Group (WMHSLG) is chaired by the Chief Environmental Services Officer for Birmingham C.C.

The group co-ordinates the West Midlands Metropolitan authorities approach to enforcement via the production of an annual business plan and the adoption of common practices, policies and procedures.

The group also organises regular training programmes for enforcement officers.

2.6 Investigation Skills Training

One of the cornerstones of the work of the West Midlands Health and Safety Liaison Group is the promotion of consistency throughout the West Midlands authorities by organising Investigation Skills Workshops. The authority is committed to attending at least one health and safety Investigation Skills Workshop per year.

3.0 Delivery in Accordance with Section 18 HASWA

3.1 Inspection Programme

Of the premises in Wolverhampton the Local Authority is liable for the enforcement of the Health and Safety at Work Act 1974 at approximately 2730 premises, approximately 230 fall into the priority rating bands A to B2. These represent the highest health and safety risk within the City. Many involve complex processes or dangerous equipment and plant. The inspection programme relating to these is detailed below. The remaining c.2500 category 'C' premises are a combination of low risk premises such as small shops or offices where inspection would not be an efficient use of resources and premises which are currently low risk but consist of light to medium industrial type units, where although the current occupier is low risk, the premises could accommodate different/higher risk activities.

3.2 Priority Planning Health and Safety Inspections

Inspection Frequencies LAC 67/2

This guidance is divided into two parts: Part One - Risk Rating and Part Two - Frequency of Intervention. The guidance requires a shift of focus in terms of interventions planning by LAs and their officers. It reflects the HSE Board's new strategy "The Health and Safety of Great Britain: Be part of the solution" and sets out a new approach to developing effective health and safety regulatory interventions justified by risk. This is also mirrored through the reactive intervention approach via the Incident Selection Criteria (LAC 22/13). The two systems should be used in conjunction to enable enforcing authorities to focus and optimise impact in areas of greatest risk.

New Approach

For proactive work, priority should be given to the inspection of those premises and activities that, after assessment, are rated as category 'A'. The aim of the inspection must be to improve compliance and, where significant breaches continue to exist, enforcement actions should be considered. Topic based interventions, partnership projects, joint working with other regulators, contributions to local and national policy development and other non-inspection interventions can be undertaken with premises that fall into any category. It is expected that category "C" premises would normally fall outside of any inspection-based intervention because of their low risk.

The new rating process consists of evaluating 4 different elements as they relate to a work activity. A rating value is then assigned to each of these 4 elements:

- ✓ Confidence in management
- ✓ Safety performance
- ✓ Health performance
- ✓ Welfare compliance gap.

Intervention Type Table

Description	Category	Rating Score	Intervention Types
Highest Risk	A	Score of 5 or 6 on any risk	Suitable for proactive inspections until risks are adequately managed such that the premise can be re-categorised; Accident/complaint investigation
	B1	Score of 4 on any risk	Not suitable for proactive inspection but all other interventions to be considered. Accident/complaint investigation
	B2	Score of 3 on any risk	Not suitable for proactive inspection; consider the use of other interventions only where necessary based on national and local information. Accident/complaint investigation
Lowest Risk	C	No score greater than 2	Use non-inspection intervention methods/techniques Accident/complaint investigation

Lord Young, Löfstedt, Red Tape Challenge, Joint Statement of LGG and HSE

A key priority for the Government is to ease the burden of bureaucracy on business as part of the Government's goal of making Britain more growth focused. The Government is committed to transforming the way in which regulation is delivered at the frontline and an important part of the Government's deregulatory agenda is to change the culture of health and safety.

For the Government, the first step in this process of changing the culture of health and safety was the review of the operation of health and safety laws and the growth of the compensation culture - commissioned by the Prime Minister – and the subsequent publication of the report "Common Sense, Common Safety".

In October 2010 the Government accepted all of the report's recommendations, which included measures for improving the public perception of health and safety and reducing the burden of bureaucracy on businesses. Two specific recommendations resulted in: a) Joint Health and Safety Executive (HSE), Local Government Regulation (LGR) and Food Standards Agency (FSA) guidance on "Combining Food Safety and Health and Safety Inspections." and b) A strengthening of the Primary Authority (PA) inspection plans with an enhanced role for HSE – whereby HSE will assist the Better Regulation Delivery Office (BRDO) in the development of inspection plans; and will develop sector intervention strategies for large multi-site retailers to assist individual PAs to develop inspection plans which other Local Authorities (LAs) must follow.

In March 2011, the Minister for Employment announced the next steps in the Government's plans for the reform of the health and safety system with the publication of "Good Health and Safety, Good for Everyone".

Under the reforms protecting people in the workplace and in society remains a key priority but the focus of the health and safety regime will move to a lighter touch approach concentrating on higher risk industries and on tackling serious breaches of the rules.

As a result of this Government's reforms HSE and LAs are required to reduce the number of inspections carried out; to have greater targeting where proactive inspections continue; and to increase information provision to small businesses in a form that is both accessible and relevant to their needs.

In May 2011, Local Government Group (LGG) and HSE published joint guidance - "Reducing Proactive Inspections"

This document provided guidance for LAs to determine their proactive interventions with flexibility to deliver local and national health and safety priorities within the Government's overall policy framework

Accordingly, the frequency of intervention for 2018/ 2019 is detailed in the table below, only Category "A" rated premises will receive a proactive inspection in line with Government policy, guidance on the decision to carry out a proactive inspection is contained below in the LA Inspection Wolverhampton Guidelines.

Priority Rating	Visit Frequency	No of Premises (2018/19) Approximate.
A	Proactive Inspection	5
B1	Not Proactive Inspection	50
B2	Not Proactive Inspection	175
C	Other intervention strategies and reactive strategies	2500

LA Inspection Wolverhampton Guidelines

In focussing this aspect of our work on the areas of greatest risk, we will undertake a programme of interventions in those industries, and with those employers, which present significant risk. Inspection is an appropriate intervention that improves the control of the identified risk. It is important for the reasons expressed in paragraph 3 that we are in a position to both monitor and measure our numbers of inspection visits. To enable us to do this we will reclassify our inspections.

I. Inspection action following Investigation/topic visit:

Is any inspection undertaken immediately following an investigation (RIDDOR or complaint) or immediately following a single topic visit (currently, inspection of LPG installations and where Legionella risks are uncontrolled) where the inspector judges it is necessary to further test health and safety risk management arrangements

II. Inspection action of a High-Risk Sector:

This is any inspection of high risk areas (HSE priority and premises rated as high risk) inclusion for the 2018/19 plan are:

- Premises with cooling towers/evaporative condensers, risk of legionella infection.
- High volume warehousing / distribution, risk of being struck by vehicle, crushing, falls from height, cutting injuries.
- Industrial retail and wholesale, risks from falls, amputation or crushing.
- Large scale public events, risks due to large crowd movements.

III. Inspection action of a Poor Performer:

This is an inspection undertaken as a result of intelligence indicating poor health and safety performers [1] such as Cat A premises, intelligence driven visits (e.g. Accidents, complaints, intelligence from other regulators).

IV. Joint Initiatives with Industry

Are those visits with industry to promote safe and healthy workplaces (eg, partnership with National Association of Steel Service Centers) (NASS).

V. Supply Chain Interventions:

Includes procuring services and compliance with EU law etc.

VI. Check Visits:

It is recognised that both Joint Initiatives and Supply Chain Interventions may not always involve an 'inspection'.

3.3 Priority Programme Delivery

Wolverhampton Delivery

The Priority Programme for 2018/19 is detailed in the table below and will include the programmed priority inspections and following alternate interventions.

Programme	Hazard	Detail
Health National	Legionella	Maintain register of cooling towers and investigate notifications of legionella.
Safety National	Risk of being struck by vehicle, falls from height, crushing or cutting injuries.	Industrial retail / wholesale, high volume warehousing / distribution.
Health National	Respiratory disease	Identify premises for advice and action on prevention of respiratory disease including in-store/craft bakeries, cut stone retailers/wholesalers.
Safety National	Carbon monoxide poisoning	Commercial catering premises use of solid fuel cooking and the risk of carbon-monoxide poisoning. Advise whilst on programmed food safety inspections.

Safety National	Risk of violence	Premises with vulnerable working conditions lone working at night/cash handling e.g. betting shops, off licenses, hospitality. Address risk during visits for other purposes.
Health Local	Asbestos	Review all asbestos works notifications, provide advice/ intervene where necessary.
Safety National	LPG	Continue to respond to and act upon LPG notifications

3.4 Complaint Response

Business Services receives approximately 150 requests for health and safety service a year ranging from enquiries about health and safety law eg. employers/proprietors duties, through to complaints and “whistle blowers” detailing serious workplace conditions or reports of dangerous practice.

Additional enquiries often come from employees for whom the HSE is the enforcing authority, these are either dealt with or, in the event of a complaint, referred to the HSE.

All requests for service are logged and coded onto the Authority (Idox) system.

Selection Criteria and Priorities

Differing responses are available to the service depending on the seriousness of the complaint. Responses may vary from giving advice/guidance over the telephone to an immediate visit by an officer.

When determining the type of response, officers have regard to:

- the potential of the circumstances to cause injury, ill health or death
- the imminence of the risk
- the number/vulnerability of the people at risk
- the history of the undertaking
- the source of the complaint
- the reliability/credibility of information received
- if anonymous, the reason given, eg worker/relative/whistleblower/neighbour
- any HSE priorities (see section 4.0)
- links to other legal duties eg emergency plan/environmental protection/food safety/ sports grounds
- public perception of risk

- involvement of other agencies eg Police, Fire, Environment Agency, Primary Care Trust, Public Health England.

Response times and targets for requests for service are set out within the work programme. Serious complaints within working hours will normally be responded to immediately. Other complaints will be responded to within target times based on the above criteria. The availability of officer resources may also be a factor in the speed of response

3.5 Incident response

The service receives approximately 150 notifications of injuries, disease or dangerous occurrences every year for premises where the Local Authority are the enforcing authority.

Reportable incidents fall into 4 main categories:

- Fatalities
- a major injury to an employee eg broken large bones/amputations, blinding
- an injury to an employee which prevents them from working for more than 7 days or
- an injury to a member of the public which meant they had to be taken from the scene of the accident to a hospital for treatment.

In addition to these four main categories are reports of disease and dangerous occurrences, however these are considerably less frequent.

The requirement to report any of these incidents is moderated by the caveat of “arising out of or in connection with the work activity”. It is insufficient for an injury to merely occur on the premises. The way the work is being done has to have contributed to the accident. For most accidents involving employees the work activity is a contributing factor, accidents involving members of the public are less often reportable.

Reports must be sent, by the employer, to the appropriate enforcing authority within 10 days, or forthwith for major injuries or fatalities. Accidents are reported on line via

www.hse.gov.uk/riddor

3.6 Response Criteria and Priorities

Response times and targets for accidents reported to the service are set out within the work programme. Fatalities and major injuries will normally be responded to immediately unless it is a death from natural causes or unrelated to the work activity.

Not all accidents are investigated as the circumstances are either trivial or unforeseeable. When considering how to respond, regard is had to:

- the actual and potential severity of the event
- the seriousness of the potential breach
- the history of the undertaking
- HSE/ HELA/ local priorities

- the number/vulnerability of people at risk
- the likelihood that intervention will achieve improvement
- the relevance of the event to a wider range of premises
- the reasonable practicability of avoidance
- the foreseeability of the event
- legal factors.

More detailed instructions and quality procedures relating to accident investigations are contained within The West Midlands Health and Safety Liaison Group (WMHSLG) Operational Handbook.

3.7 Enforcement Policy

Wolverhampton and the other West Midlands Authorities have adopted a common enforcement policy in line with the Regulators code in 2016.

3.8 The National Code, Section 18 Guidance

The Health and Safety Executive (HSE) and Local Authorities (LAs) are the principal Enforcing Authorities (EAs) for Health and Safety at Work etc Act 1974 (HSWA) in Great Britain. The primary purpose of the HSWA is to control risks from work activities. The role of the EAs is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.

To achieve this the HSE publishes from time to time guidance issued under Section 18 of HASWA. The most recent guidance is National Local Authority Enforcement Code.

3.9 Future Objectives/Action Plan

The current Section 18 Guidance is called The National Code and requires the Authority to go into more detail in areas such as:

- Clarifying the roles and responsibilities of business, regulators and professional bodies to ensure a shared understanding on the management of risk;
- Outlining the risk-based regulatory approach that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk;
- Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and
- Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements of this Code.

3.10 Extra-service Issues

City of Wolverhampton Council's priorities are:

- **Stronger Economy**
- **Stronger Communities**
- **Stronger Organisation**

These aspirations are achieved in part through Regulatory contributions to the Council's strategic goals. This Statutory Plan makes a valuable contribution to those goals.

3.11 Lead Authority Principle

Lead Authority Partnership schemes are concerned with the maintenance of consistency, primarily with companies that are national "high street names" and therefore have a single head office within one enforcing authority but multiple premises in other enforcing authorities.

Companies that have a presence in a number of enforcing authority areas are subject to a large quantity of enforcement actions and accordingly well placed to identify inconsistencies of approach. The Lead Authority Partnership scheme was introduced in order to manage these inconsistencies of enforcement action.

Organisations wishing to enter the scheme will normally, but not always, contact the local authority in whose area the head office resides. If mutually agreeable to both parties the local authority agrees to act as Lead Authority and will co-ordinate centrally enquiries from other authorities about matters of national significance. The authority also undertakes a review of the company's safety management procedures.

Local Authorities are either active participants within a scheme or have a passive obligation to observe the scheme in respect of partner premises.

City of Wolverhampton Council operates as a partner authority with Marston's Brewery Plc and the National Association of Steel Service Centres. The authority remains committed to maintaining these relationships by providing sufficient resources to maintain at least one specialist officer to act as local liaison officer for each partner organisation.

In addition, officers will contact the local authority in appropriate circumstances, such as, where formal action is being considered or where shortcomings have been identified in the organisations policies or procedures.

3.12 Primary Authority Scheme

The Better Regulation Delivery Office (BRDO) was created on 1 April 2012 as an independent unit within the Department for Business, Innovation and Skills

BRDO is intended to support economic Regeneration and business by improving regulation in the fields of Environmental Health, Trading Standards and Fire Safety.

One of the mechanisms through which BRDO intended to deliver these benefits was through the operation of the Primary Authority Scheme.

The Primary Authority Scheme builds upon the foundation of Home and Lead Authority Schemes but places the relationship on a statutory footing. Local Authorities are obliged to enter into a Primary Authority Scheme when asked by a business. Equally if an undertaking is already in such a scheme, then the counterpart Authority must have regard to any inspection plans or guidance issued by the Primary Authority prior to taking anything but expeditious action. BRDO wishes to substitute the Lead Authority Scheme with the Primary Authority Scheme however this approach is not universally supported by Local Authorities and businesses alike. It is government policy to no longer support the Lead Authority Scheme.

4.0 Strategic Governance (HELA)

HELA meets at least twice a year and is chaired jointly by the Deputy Chief Executive of the Health and Safety Executive (HSE) and the Chair of the Local Government Regulation (LG Regulation) Health and Safety Policy Forum.

The current Chairs of HELA are Kevin Myers, HSE's Deputy Chief Executive and Colin Alborough of Rushmore Borough Council.

HELA membership comprises senior LA officers. These members represent the Local Government Association (LGA) in England, the Convention of Scottish Local Authorities (COSLA) in Scotland and the Welsh LGA (WLGA) in Wales. HELA also includes HSE officials concerned with policy development and operations.

Also represented are The Chartered Institute of Environmental Health (CIEH) and the Royal Environmental Health Institute of Scotland (REHIS) .

Role of HELA

HELA's aim is to provide strategic oversight of the partnerships between HSE and local authorities, with a view to maximising effectiveness and improving health and safety outcomes.

5.0 Resources

5.1 Financial Allocation

The resources available to the service are set within the context of the agreed Medium Term Financial Strategy and comprise a proportion of those revenues allocated to Business Services.

The overall budgetary provision for 2018/19 for the Public Protection teams within Business Services is in the region of £ 2.5 million.

Health and Safety covers:

- Health and Safety inspection
- Accident Investigation
- Health and Safety Complaints/Advice
- Asbestos advice and enforcement
- Legionella investigations
- Certification of designated Sports Grounds/ regulated stands
- Registration of premises for the purposes of acupuncture, skin piercing, electrolysis and tattooing.
- Maintenance of Lead Authority partnerships
- Consultation on Licensing and Planning matters
- Representation on City Council Safety Advisory Groups

5.2 Staffing Allocation

The strategic financial, human and service functions are undertaken through the Business Services Management Team.

Within Business Services there will be the equivalent of 2.5 fte Senior Environmental Health Officers dedicated to the delivery of health and safety enforcement.

A breakdown of the proportions of time spent on operational and managerial duties dedicated to health and safety is detailed below:

Job Title	No FTE	% Health and Safety	FTE
Service Lead Commercial Group 3	1.0	30%	0.30
Inspectors	2.5	100%	2.5
Total	3.5		2.8

5.3 Staff Development Plan/ Employee Performance Review

As part of the Council's aim to provide a service efficiently and effectively, business Services Management Team regularly reviews training needs to ensure all staff are trained to a level of competence appropriate to their work. This includes both managers and operational staff. Records of all training received are kept so that suitable monitoring can take place. The different ways in which training needs can be met include:-

- Internal and external training courses/events
- Team meetings and briefings - used to disseminate information etc
- Attendance at ad hoc working groups
- "On the Job" training - as part of delegation process
- Self directed training - suitable journals and up to date information are provided
- Establishment of trainee/student placements and Student EHO training
- Cascade training
- Internal placements with other service areas or teams

An additional training programme targeting health and safety operational matters is managed by the West Midlands Health and Safety Liaison Group

In addition to the above the Service will ensure all staff participate in the regional health and safety standardisation exercise and in any organised in-house. There will also be opportunities for members of the Service to attend one-off seminars on topical issues arising during the year. Where appropriate, staff attending these seminars are required to do a cascade training session for other officers within the service.

6.0 Quality Management and Review

6.1 Enforcement Policy Review

The Service maintains continuous review of its enforcement policy.

6.2 Prosecution Procedure

The service maintains a documented prosecution procedure which details how inspectors proceed where investigations appear to fulfil criteria which conform with Enforcement Policy considerations that would lead to an outcome of prosecution. This procedure is monitored throughout by line management and the Council's Solicitors decisions on interventions are also informed by the Enforcement Management Model (EMM).

6.3 Regulatory and Investigatory Powers Act (RIPA)

Business Services has fully implemented the requirements of RIPA and arrangements for the authorisation of surveillance exercises in relevant circumstances are in place.

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