

# MINUTES OF LICENSING AND REGULATORY BOARD

Wednesday, 20 April 2016  
(7:00 - 7:53 pm)

**Board Members Present:** Cllr Josephine Channer (Chair), Cllr Adegboyega Oluwole (Deputy Chair), Cllr Syed Ahammad, Cllr Peter Chand, Cllr Kashif Haroon, Cllr Chris Hughes and Cllr Elizabeth Kangethe

**Apologies:** Cllr Faruk Choudhury

## 38. Declaration of Members' Interests

There were no declarations of interest.

## 39. Minutes (14 October 2015)

The minutes of the meeting held on 14 October 2015 were confirmed as correct.

## 40. Sub-Committees - To receive the minutes of the Licensing Sub-Committee meetings held on:

The minutes of the following Sub-Committee meetings were confirmed as correct:

- 4 November 2015
- 16 November 2015
- 15 December 2015
- 7 March 2016

## 41. Enforcement Policy

The Regulatory Service Manager (Environmental Health & Trading Standards), introduced a report to the Board on the revised Enforcement Policy.

The Policy was due to be considered by Cabinet in July 2016 and was before the Board for comments before being agreed by Cabinet. It superseded the existing enforcement policy adopted by the Council on 29 January 2002 which was covered by the former Health and Consumer Service Division.

The Policy had been revised to ensure it was compliant with all relevant legislation, code of practices and government guidance. It included all the regulatory enforcement functions relating to Environmental Health (Food, Health & Safety), Environmental Protection, Noise and Nuisance, Trading Standards, Licensing, Private Sector Housing and the Enforcement services (Street Networks).

The Board were advised that the Enforcement in the context of the policy included the use a range of activities to ensure compliance with legislation, such as:

- Conducting regular inspections of business premises
- Responding to complaints and enquires from the public about

businesses and individuals

- Carrying out education and awareness programmes
- Conducting investigations to support the enforcement actions
- Patrolling the borough and serving fixed penalty or statutory notices and taking prosecution action for a range of environmental offences as appropriate.

The Board's attention was drawn to section 6 of the Policy (attached to the report as appendix A) which detailed the various enforcement options available to the Council to achieve compliance. These included:

- Informal Action
- Fixed Penalty Notice (FPN)/Penalty Charge Notice (PCN)
- Refusal, Revocation or Suspension of Licence or Permit
- Licence Review
- Statutory Notices

In noting the various forms of enforcement available, the Board questioned as to whether penalty notices were issued based on set targets. The Board were advised that the Enforcement Policy was for compliance only and there were not set targets for officers to issue penalty notices.

The Board noted references to various European legislation throughout the Policy and suggested the wording within the document be changed to "appropriate" legislation depending on the outcome of the European Union Referendum.

The report was noted.

#### **42. Verbal Update on Changes to Licensing and Regulatory Service**

The Chair invited the Regulatory Services Manager to address the Board, outlining recent changes to Regulatory Services.

The Board were advised that the Council no longer shared Regulatory Services with Thurrock Borough Council. A stronger presence of officers would be required within the service and as part of this, the capacity of the team with Licensing would be doubled. A Senior Licensing Officer would be appointed alongside a second admin officer. It was anticipated that these changes would be made within the next six months, resulting in an improved service for members, the public and officers.

In response to questions, the Board were advised that bringing the services back in house would save the Council money, especially with regard to frontline services.

The report was noted.

#### **43. Verbal Update on Applications and Appeals Received**

The Regulatory Services Manager gave a presentation to the Board on the licensing applications and appeals received.

The Board noted that in 2015/16 there were:

- 369 premises licences registered with the Council;
- 24 new applications being received that year;
- 87 Temporary Event Notices had been applied for;
- 143 personal licence applications had been received;
- There had been four licensing reviews, one of which had been appealed;  
and
- 102 alcohol test purchases had been undertaken with five premises failing.

The Board questioned “special treatments” and were advised that the Council were looking beautician type premises working without a licence.

Further to questions regarding gambling premises, the Board were advised that work was being undertaken with the planning department to see how the numbers of gambling premises could be restricted in the Borough.

The report was noted.