

Regulatory Services Update from LACORS

Summary

This report contains some key information about regulatory services issues that are relevant to the Safer Communities Board.

Recommendations

That the Board note the activities outlined.

Action

For information only.

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Update on Regulatory Services Issues

Background

1. LACORS has been asked to provide the Board with an update of key regulatory services issues at each Board meeting. These items are for note only but LACORS staff will be happy to answer any questions.

Summary of Key Activities

Taxis and Private Hire Vehicles (PHVs)

2. On 4 December LACORS Board of Directors agreed that LACORS will start work to support council taxi and PHV licensing until March 2011, as part of LACORS' support to council regulatory services. During the last 6 months the views of council licensing practitioners, councillors, Government, trade associations and other affected parties were sought. A consensus of opinion emerged on what LACORS might do to add value to council taxi licensing departments. LACORS will now develop a work plan for the coming year to support councils. To help LACORS further refine those priorities with councils, a conference is taking place on 9/2/09.

Services Directive

3. The Services Directive had to be implemented by all councils by 28 December 2009. It provides for on line applications for all licensing, registrations, permissions and authorisations for anyone providing a "service". A Community of Practice on the IDEA website is in place and provides a tool for councils to share experiences and generate best practice. LACORS has produced guidance to help councils ensure the fees set at a local level meet the requirements of the Directive.

RIPA - Consultation on the Consolidating Orders and Codes of Practice

4. Following the recent consultations, we are expecting new RIPA Orders in January. LACORS has been working with the Home Office on the drafting and we expect them to reflect much of the LGA/LACORS response which means that councils stay within the RIPA framework. The following new requirements will be:
 - Authorising officers need to be a higher 'rank' (Director, Head of Service or Service Manager)
 - One member of the corporate leadership team will be responsible for ensuring that all authorising officers are of an appropriate standard in light of the inspection reports prepared by the Office of the Surveillance Commissioner.

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- Councillors should review the authority's use of the Act and set the policy at least once a year.
- Councillors should also consider internal reports on use of the Act at least quarterly.
- Councillors should not be involved in making decisions on specific authorisations.

Civil sanctions

5. BIS is undertaking a piece of work to implement civil sanctions as an alternative to the use of the criminal courts. There seems limited appetite for the civil sanctions within the Government itself with the Health and Safety Executive, Food Standards Agency, Office of Fair Trading and the National Metrological Office all saying they are not planning to allow their use. Councils have fed-back to us that they have limited enthusiasm for the sanctions due to the complicated and costly nature of administering them. We will therefore to continue to take this approach with our lobbying.

Regulation of Greyhound Stadiums

6. LACORS has serious concerns about the proposals for the regulation of greyhound stadiums, and these have been communicated to Defra. It is our view that the regulations will not tackle the key policy objective of protecting the welfare of dogs. LACORS successfully lobbied Defra away from requiring dual registration. Most tracks will now be registered by the Greyhound Board of Great Britain, leaving 6 tracks subject to council control. However as drafted the legislation is inflexible and does not offer a workable licensing regime for those councils affected.

Health and Safety at Work Enforcement

7. Toolkits are now available for councils to help them in assessing compliance with s18 of the Health and Safety at Work Act which lays down the framework within which councils must carry out their enforcement duties. All enforcing authorities must be fully compliant with the Standard by April 2011.

E.coli on Petting Farms

8. LACORS is contributing to the Griffin investigation into the outbreak. The investigation is still receiving evidence and we understand that the findings from the investigation will be presented in the new year.

Live Music

9. LACORS has worked with colleagues in the Musicians' Union, the British Beer & Pub Association, DCMS and the LGA to produce information for musicians and the trade setting out the options for putting on small scale live music in

licensed premises. A leaflet has been sent to all 32,000 members of the Musicians' Union and BBPA will also be sending the document to all its members. The group has also produced guidance explaining the incidental exemptions in the Licensing Act (where music is ancillary to the main purpose of visiting the venue such as restaurants and bistros).

10. The Government is proposing an exemption to the 2003 Licensing Act which would allow bars, clubs and cafes to put on live music for fewer than 100 people without the need for a licence. Councillors are worried this could pave the way for neighbourhood cafes and bars to stage noisy events without local residents being able to have a say.
11. An LGA Group survey of licensing officers found 9 out of 10 think the proposals to relax the rules for venues would lead to an increase in complaints about noise and nuisance and more than half said they expected the increase to be considerable. The CTS Board has presented these findings to DCMS and will continue to lobby on this point.

Policing & Crime Act: Licensing

12. The Home Office will need to draw up secondary legislation for the proposed mandatory conditions, and guidance will also need to be amended before implementation.
13. Individual members of licensing authorities will be "interested parties". This last minute amendment was as a result of LGA Group lobbying. It has a slightly wider definition than other Interested Parties in that they can make representations or seek a review, regardless of whether they live in the vicinity or have been asked to by someone who does. This is due to be implemented on 29 January.
14. The offence for persistently selling alcohol to under 18s will be amended so that it occurs after 2 or more different occasions rather than 3 or more. This will be implemented on 29 January 2010.
15. Lap dancing will now be regulated under the new Sex Entertainment Venue (SEV) licensing regime. Currently such venues are licensed in the same way as other premises, which means there is no way of limiting how many open in a locality. The LGA Group has supported the introduction of new licensing regime that will make it simpler for local people to object and local authorities to reject a licence application. The new scheme will also allow authorities to limit numbers of SEVs in a locality and issue conditions on SEV licences.
16. Implementation is expected in April 2010. The Policing and Crime Act retains an exemption, which the LGA has lobbied against, for premises where the relevant entertainment takes place less frequently than once a month.

DCMS Consultations on Changes to the Licensing Act

17. DCMS are consulting on proposed amendments to the Licensing Act 2003, including simplifying the requirements for the revision of licensing statements (i.e. removing the requirement to review it every 3 years).

Financial Implications

18. None for the purposes of this report.

Implications for Wales

19. The issues outlined in this report apply to both England and Wales.

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