

Notice of Meeting

Licensing Committee

Date: Thursday 28 September 2023

Time: 5.30 pm

Venue: Conference Room 1, Beech Hurst, Weyhill Road, Andover,
Hampshire, SP10 3AJ

For further information or enquiries please contact:

Sally Prior - 01264 368000
sprior@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Licensing Committee

MEMBER

WARD

Councillor C Donnelly (Chairman)	Andover Downlands
Councillor L Lashbrook (Vice-Chairman)	Charlton & the Pentons
Councillor I Andersen	Andover St Mary's
Councillor Z Brooks	Andover Millway
Councillor J Budzynski	Andover St Mary's
Councillor D Cattell	Andover St Mary's
Councillor G Cooper	North Baddesley
Councillor N Daas	Romsey Abbey
Councillor D Drew	Harewood
Councillor K Dunleavey	Chilworth, Nursling & Rownhams
Councillor A Ford	North Baddesley
Councillor N Gwynne	Romsey Cupernham
Councillor R Kohli	Romsey Cupernham
Councillor P Lashbrook	Bellinger
Councillor L Matthews	Andover Winton

Licensing Committee

Thursday 28 September 2023

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the previous meeting** **4 - 5**

To approve as a correct record the minutes of the meeting held on 12 January 2023.
- 6 Minutes of Licensing Sub-Committees** **6 - 17**

To approve, as a correct record, the minutes of the meetings held on 11 January, 27 March, 6 July and 24 August 2023.
- 7 Licensing Summary 2022/23** **18 - 20**

To provide a summary of licensing related activity.
- 8 Licensing Enforcement Policy and Service Standards** **21 - 37**

To adopt revised Service Standards and an Enforcement Policy in respect of licensing functions delivered by the Legal and Democratic Service.

ITEM 5 Minutes of the **Licensing Committee**
of the **Test Valley Borough Council**
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover
on Thursday, 12 January 2023 at 5.30 pm

Attendance:

Councillor G Bailey (Chairman)

Councillor I Andersen
Councillor J Budzynski
Councillor T Burley
Councillor J Burnage
Councillor N Daas

Councillor D Drew
Councillor N Gwynne
Councillor L Lashbrook
Councillor P Lashbrook
Councillor R Meyer

Also in attendance
Councillor Z Brooks

393 **Apologies**

Apologies for absence were received from Councillors Donnelly, Hatley and Thom.

394 **Public Participation**

There was no public participation.

395 **Declarations of Interest**

Councillors Budzynski, Burley, P Lashbrook and L Lashbrook wished it to be noted that they had used the Applicant's services, but that it did not constitute an interest.

Councillor Andersen declared a prejudicial interest as she had helped the applicant launch his business. She left the room whilst the application was discussed.

396 **Urgent Items**

There were no urgent items to consider.

397 **Minutes of the Licensing Committee**

Resolved:

That the minutes of the Licensing Committee held on 18 August 2022 be confirmed and signed as a correct record.

398

Minutes of the Licensing Sub-Committee

Resolved:

That the minutes of the Licensing Sub-Committee held on 24 October 2022 be confirmed and signed as a correct record.

399 Street Trading Consent Determination - Nidge's Artisan Pizza Kitchen

Consideration was given to a report of the Environmental Health Manager to determine a Street Trading Consent.

The applicant proposed to operate as a mobile food trader one day per month (unspecified day of the week) between 4pm - 8pm at the car park adjacent to The Hexagon, Andover, SP10 3PR.

The application was refused on 13 October 2022 under delegated powers by the Environmental Health Manager who, in making that decision to refuse, took account of the Council's Street Trading Consent Policy, an objection received jointly from the three elected members for the Millway Ward, and the fact that no further representation in response to the objection was received by the applicant within 7 days of notification of his preliminary decision to refuse the application.

The applicant had, since the refusal of the application, submitted a written representation in full response to the objection and indicated his wish for the decision to be reviewed by the Licensing Committee, in accordance with the Council's Street Trading Consent policy.

All relevant parties were given the opportunity to present their case.

Resolved:

- 1. That consent be granted, with the proviso that the mobile food vehicle does not arrive at the site until 4:30 pm and that, although no condition would be attached to the consent to restrict the precise trading location within the car park (in accordance with the second recommendation of the report), a clear preference was stated for the vehicle to be sited on the opposite side of the car park to the shop where possible.**

(The meeting terminated at 6.21 pm)

ITEM 6 Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Conference Room 3, Beech Hurst, Weyhill Road, Andover
on Wednesday, 11 January 2023 at 9.30 am

Attendance:

Councillor I Andersen

Councillor J Budzynski

Councillor G Bailey

1 **Appointment of Chairman**

Resolved:

That Councillor Budzynski be appointed as Chairman for the duration of the meeting.

2 **Apologies**

There were no apologies for absence.

3 **Declarations of Interest**

There were no declarations of interest.

4 **Exclusion of the Public**

Resolved:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and also Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting for the consideration of reports on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:

Review of a Personal Licence following conviction Paragraphs 1, 2 & 7

It is considered that the report contains exempt information within the meaning of paragraphs 1, 2 & 7 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to a named individual, could reveal the identity of an individual and relates to action taken in connection with the prevention, investigation, or prosecution of crime.

5 Review of a Personal Licence following conviction for a relevant offence

The Personal Licence holder had been referred to the Licensing Sub-Committee to review the suitability of holding a personal licence following notification that a relevant offence was committed under Schedule 4 of the Licensing Act 2003.

On 24 October, the Sub-Committee was minded not to suspend or revoke the Personal Licence. As such, it was necessary to advise the Police of this decision, as under the legislation they have the right, within 14 days, to make representations regarding the matter before a final decision can be made. As that 14-day period has now passed without the Police submitting any representations, a further hearing was arranged to consider that response and any other matters that were before the original Sub-Committee meeting.

Members were minded to stick with their original decision and the Licensing Manager agreed to write a letter to the Personal Licence holder advising of that decision.

Resolved:

That the Licensing Sub-Committee proposed, in principle, not to revoke or suspend the Personal Licence.

(The meeting terminated at 9.33 am)

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover
on Monday, 27 March 2023 at 9.30 am

Attendance:

Councillor G Bailey
Councillor T Burley

Councillor P Lashbrook

Also in attendance
Councillor I Andersen

1

Appointment of Chairman

Resolved:

That Councillor Lashbrook be appointed as Chairman for the duration of the meeting.

2

Apologies

There were no apologies for absence.

3

Declarations of Interest

There were no declarations of interest.

4 **Application for variation of a Premises Licence - The Ark Bar,
43 London Street, Andover SP10 2NU**

The Licensing Manager presented the application submitted by Mr Jason Wyatt for the variation of the existing Premises Licence in respect of premises known as The Ark Bar, London Street, Andover SP10 2NU.

The application as submitted sought an extension to the provision of live music until 2400 hours (currently 2300 hours), an extension in the hours for provision of recorded music until 0100 hours the following morning (currently 2300 hours) and an extension in the time for supply of alcohol to 0030 hours (currently 2300 hours) with the premises to close at 0100 hours. In addition, the application sought removal of the condition "the venue shall use polycarbonate, plastic or paper drinking vessels".

The application had attracted representations objecting to the application which necessitated it being determined at a hearing.

The Applicant was invited to address the Licensing Sub-Committee. He explained to Members that having taken into consideration comments from Environmental Health, the Police and having gained a better understanding of the area, he wished to amend the request to extend his operating hours as follows:

- Live music until 2300 hours
- Last orders at midnight
- Recorded music and close of business - 0030 hours

The Applicant informed the Committee that he was providing a safe environment where people can come and feel safe and enjoy a relaxing night out. He felt that the conditions that were being placed on his licence were disproportionate to those of other venues of a similar nature.

PC Brian Swallow was invited to address the committee on behalf of the Police. He gave some statistics around incidents that had occurred in London Street over a 12 month period and advised that unfortunately due to the location the request for the variation would undermine the Licensing objectives of public safety and public nuisance. He raised concern over the fact that the applicant had rejected the offer of a condition to provide an extra member of door staff or a Welfare Officer which would mitigate the variations.

With regards to the request to remove the condition around the provision of polycarbonate, plastic or paper drinking vessels, it was felt that this would not promote the Licensing objective around public safety and if the committee were minded to grant the variation, it was suggested that the previously discussed conditions should be included.

The Environmental Health Officer was invited to address the Sub-Committee. He advised members that his main concern was that there was no evidence to show that sound insulation between the bar and the residential flats was adequate and therefore the Licensing objective 'Prevention of Public Nuisance' would not be upheld if this variation was granted. They had made an appointment to measure the noise level, but unfortunately the meeting had not gone ahead.

All parties were given the opportunity of asking questions of each other.

The Committee retired to deliberate and returned to ask further questions to enable them to make a more informed decision.

Members wished it to be noted that they would like to support businesses in Andover and would encourage the applicant to work with the environmental health team and the police should they wish to re-submit an application for variation.

Resolved:

That the Licensing Sub-Committee refused the application for variation of the Premises Licence for the following reasons:

In promoting the licensing objective the Council must have due regard for duty of care to staff, customers, local residents and the general public and the prevention of crime and disorder, public nuisance and public safety.

We have carefully considered the submissions of the Environmental Health, Police and Mr Wyatt and have reached the conclusion that no evidence that the transfer of noise from the premises to the residential properties above has been submitted to show that the position has changed since the last committee in 2011.

We were disappointed to note that an appointment to attempt to quantify levels of noise was cancelled in June 2022 as this would have potentially greatly assisted us.

Therefore on the grounds of public nuisance we are not granting this application. Secondly we note that the police have raised issues with regard to prevention of crime and disorder and the impact on the night time economy, but the committee is not satisfied with the level of evidence submitted by either party.

(The meeting terminated at 11.48 am)

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in The Annexe, Crosfield Hall, Broadwater Road, Romsey
on Thursday, 6 July 2023 at 9.30 am

Attendance:

Councillor J Budzynski
Councillor L Lashbrook

Councillor P Lashbrook

1

Appointment of Chairman

Resolved:

That Councillor Budzynski be appointed as Chairman for the duration of the meeting.

2

Apologies

There were no apologies for absence.

3

Declarations of Interest

There were no declarations of interest.

4

Application for a new Premises Licence

The Licensing Manager presented the report to consider an application for a new Premises Licence in respect of Keepers Lodge, Whinwhistle Course Fishery, Whinwhistle Road, East Wellow, Romsey.

The applicant sought provision of live music, recorded music and supply of alcohol for consumption on and off the premises from 0800 to 2300 hours Monday to Sunday inclusive (NB the initial application incorrectly showed sale of alcohol until 2330 hours but the applicants have confirmed it should be 2300) with an extension on New Year's Eve until 0030 hours.

The applicant was invited to address the Sub-Committee. Members were given the opportunity to ask questions of the applicants.

The Objectors were invited to address the Sub-Committee. Members were given the opportunity to ask questions.

The Supporters were invited to address the Sub-Committee. Members were given the opportunity to ask questions

All parties were given the opportunity to ask questions of each other.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

On its return, the Committee were minded to grant the alcohol licence for the hours of 1200 hours to 2200 hours and not the hours originally applied for.

Resolved:

That the application for a new Premises Licence be granted, but subject to the following Conditions:

- 1. Licensable activity shall not be provided at any event which is described as or could be considered as a rally, festival or large event to which the general public might have access.**
- 2. Licensable activity shall only be provided within the building and external seating area and will not be permitted in any additional buildings or marquees in other locations around the Fishery.**
- 3. All staff engaged in the sale of alcohol must be trained on their responsibilities in preventing the sale of alcohol to persons aged under 18 and those that are drunk. In this respect the premises will operate a Challenge 25 policy.**
- 4. Live music provided externally shall be incidental or offered in such a way that it is not the primary attraction and the premises should restrict activity to non-amplified music outside provided by a choir, acoustic guitar, keyboard or small band consisting of no more than 5 members. Where amplified music is provided inside the building, doors and windows are required to be closed from 2100 hours (0030 hours on New Year's Day). In any event all external and internal music shall cease by 2200 hours (0030 hours on New Year's Day). Live music will be provided on no more than four occasions in any one calendar year.**
- 5. Irresponsible drink promotions will not be allowed.**
- 6. All licensable activity at the premises will be managed by the premises staff/management/owners i.e. responsibility shall not be passed to any third party.**
- 7. High strength, cheaper alcoholic products commonly described as alco-pops and similar will not be sold. High-strength beers, ciders and lagers in excess of 8% ABV will not be sold.**
- 8. Sales of alcohol will be restricted to campers and occupiers of caravans and motor homes, persons using the fishing lake and customers of the café i.e. the premises will not operate as a general off licence.**
- 9. Children aged under 16 years of age must be always accompanied by an adult. Children and young people under 18 years of age are not permitted to sit at the bar.**

(The meeting terminated at 11.18 am)

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Upper Guildhall, High Street, Andover
on Thursday 24 August 2023 at 9.30 am

Attendance:

Councillor J Budzynski
Councillor D Cattell

Councillor C Donnelly

Also in attendance
Councillor I Andersen

1

Appointment of Chairman

Councillor Donnelly proposed and Councillor Cattell seconded a motion to propose Councillor Budzynski as Chairman for the duration of the meeting. Upon being put to the vote the motion was carried.

Resolved:

That Councillor Budzynski be appointed as Chairman for the duration of the meeting.

2

Apologies

There were no apologies for absence.

3

Declarations of Interest

There were no declarations of interest.

4

Exclusion of the Public

Councillor Donnelly proposed and Councillor Cattell seconded a motion to exclude the public. Upon being put to the vote the motion was carried.

Resolved:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and also Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting for the consideration of the report on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended,

indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:

**Review of a Premises Licence
Paragraphs 1, 2 & 7**

It was considered that the report contained exempt information within the meaning of paragraphs 1, 2 & 7 of Schedule 12A of the Local Government Act 1972, as amended. It was further considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information because the information related to a named individual, could reveal the identity of an individual and related to action taken in connection with the prevention, investigation, or prosecution of crime.

5 Application for the Review of a Premises Licence

The Licensing Manager presented the report to consider a review of the Premises Licence in respect of the Premier Stores a.k.a. Charlton Village Convenience Store, 29a Charlton, Andover, SP10 4AJ.

The application was by Hampshire and Isle of Wight Constabulary requesting a review of the existing Premises Licence on the basis that the Police considered the licensing objectives of the prevention of crime and disorder and the protection of children from harm were being breached and there was no realistic prospect of this being prevented all the while the Licence remained extant.

The applicant was invited to address the Sub-Committee. Members were given the opportunity to ask questions of the applicant.

The Licence holder was invited to address the Sub-Committee. Members were given the opportunity to ask questions.

All parties were given the opportunity to ask questions of each other.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

On its return, the Sub Committee were minded to accept the conditions negotiated between the police and the licence holder in their entirety and propose an additional condition in that Disclosure and Barring Service (DBS) checks are carried out on all staff working in the shop (both paid and unpaid) and comprehensive records are kept of those checks. The Sub Committee also felt that due to the seriousness of the offences committed they proposed a one month suspension of the licence which will take effect from 1 October 2023.

Resolved:

Due to the seriousness of the offences committed the Sub-Committee proposed a one month suspension of the licence which will take effect from 1 October 2023 and that the following conditions are met;

1. Age Verification

- **The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with an age restricted product from the premises, shall produce acceptable means of identification and age confirmation.**
- **Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID.**
- **If the person seeking an age restricted product is unable to produce acceptable means of identification, no sale or supply of the age restricted product shall be made to or for that person.**
- **All refusals and challenges shall be recorded in the refusals log.**

2. Closed-circuit Television (CCTV)

- **A colour recording CCTV system that captures images from the main public areas shall be fully operational whilst licensable activities are taking place.**
- **The system shall be able to cope with all levels of illumination.**
- **The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.**
- **The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.**
- **The system clock shall be checked regularly for accuracy taking account of Greenwich Mean Time (GMT) and British Summer (BST).**
- **Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 8 frames per second).**
- **The images produced shall be date and time stamped.**
- **A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.**
- **An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.**

- **It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times the premises is open a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment**
- **Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.**
- **Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police or responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the General Data Protection Regulation (GDPR)**
- **In the event of a technical failure of the CCTV equipment, the Premises Licence Holder or Designated Premises Supervisor (DPS) shall notify, via email the police licensing department responsible for the area within 24 hours of the fault and provide details of when the fault shall be repaired.**
- **The Premises Licence Holder shall ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document regarding installation of CCTV is provided at the premises.**

3. Prevention of illegal working

- **The Premises Licence Holder shall conduct right to work checks on all persons employed, whether paid or unpaid, at the licensed premises.**
- **A copy of any document checked as part of a right to work check shall be retained at the premises.**
- **These documents shall be made immediately available for inspection by Hampshire Constabulary, Home Office Immigration Enforcement Officers, Test Valley Licensing Authority or any other responsible authority upon request.**
- **Documents that demonstrate an entitlement to work are set out by The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.**

4. Refusals

- **A record shall be kept of all refusals including refusals to sell age restricted products. The Premises Licence Holder shall ensure that the record is checked, signed and dated on a weekly basis by the premises manager/manageress.**
- **The record shall be kept and maintained at the premises and shall be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.**
- **The record of refusals shall be retained for 12 months.**

5. Staff Training

- **All staff, whether paid or unpaid, shall be trained regarding appropriate precautions to prevent the sale of age restricted products to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records shall be kept of such training which shall be signed and dated by the member of staff who has received that training.**
- **All staff shall receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.**
- **In addition to their training a written test related to the training given shall be conducted before the staff member is permitted to sell or authorise age restricted products. The test shall consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate shall be retrained and re-tested. Anyone not attaining the pass rate shall not be permitted to sell or authorise the sale of age restricted products until the pass rate is attained. There shall be a minimum of two sets of questions to be used in the training which shall be rotated upon each subsequent six month training session.**
- **All training records shall be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records shall be kept for a minimum period of two years. Training records shall be kept on the licensed premises to which they relate to.**

6. DBS Checks

- **DBS checks are carried out on all staff working in the shop (both paid and unpaid) and comprehensive records are kept of those checks**

(The meeting terminated at 10.26 am)

ITEM 7

Licensing Summary 2022/23

Report of the Head of Legal and Democratic

Recommended:

That the contents of the report be noted.

SUMMARY:

This report provides a summary of licences and associated activity under the Licensing Act 2003, Gambling Act 2005, taxi licensing and the Scrap Metal Dealers Act 2013.

1 Introduction

- 1.1 The Licensing Section of the Legal and Democratic Service carries out a variety of work to support the statutory responsibility of the Borough Council to undertake various licensing functions set within the different pieces of legislation governing licensable activities.

2 Background

- 2.1 The content of this report provides summary information not normally brought to the attention of members through the year. A breakdown of the main areas of licensing is shown in the attached annex.

3 Corporate Objectives and Priorities

- 3.1 Virtually all aspects of licensing fall within the broader remit of public safety which cuts across the Council's Corporate Plan aim of supporting our communities to thrive with particular reference to the priorities of environment and prosperity. Licensing primarily is concerned with the protection of the public. In the area of taxi licensing, the Council's role in safeguarding and protecting the travelling public cannot be understated.

4 Consultations/Communications

- 4.1 No specific consultation has taken place in respect of this report. It should be noted that licensing involves a significant amount of communication not only with applicants and residents but also a diverse range of external stakeholders including (but not limited to) the following: Police, Fire & Rescue Service, HM Revenue & Customs, Security Industry Authority, Home Office Immigration Enforcement, licensing lawyers, event organisers, charities, National Anti-Fraud Network, other local authorities, the Cabinet Office, the Gambling Commission, Environment Agency, DVLA, Disclosure & Barring Service, Department of Work & Pensions, Motor Insurers Bureau and DEFRA.

5 Options and Option Appraisal

5.1 This is not applicable as the report is only for noting.

6 Resource Implications

6.1 There are no capital or revenue implications because of this report.

7 Legal Implications

7.1 This is not applicable as the report is only for noting.

8 Equality Issues

8.1 The content of this report and recommendation do not require an Equalities Impact Assessment to be carried out.

9 Other Issues

9.1 Community Safety – none other than the general comments in paragraph 3.1 above.

9.2 Environmental Health Issues – none.

9.3 Sustainability and Addressing a Changing Climate – none.

9.4 Property Issues – none.

9.5 Wards/Communities Affected – all.

10 Conclusion

10.1 The work of the Licensing Team is varied and keeps those staff involved in delivering licensing functions fully engaged as there is a high degree of contact and communication with customers. Taxi licensing remains challenging as the Council strives to ensure the safety of the travelling public.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1		
Author:	Michael White	Ext:	8013
File Ref:	N/A		
Report to:	Licensing Committee	Date:	28 September 2023

Licensing Act 2003

The statistical return provided to the Home Office in 2022 identified Test Valley had:

- 439 licensed premises
- 36 Club Premises Certificates
- 1877 Personal Licences

Of the Premises Licences permitting sale of alcohol:

- 192 were licensed for both on and off sales
- 75 were for on sales only
- 116 were for off sales only

A total of 83 alcohol licensed premises were inspected during 2022/23 but this could only be achieved through the employment of a temporary contractor and at present there are no plans to repeat this arrangement.

Scrap Metal Dealers

- 10 Collector's Licences
- 7 Site Licences

The Council has in recent months refused an application for a Collector's Licence and the applicant has appealed that decision. The matter will be heard by the Magistrates Court in the coming months.

Gambling Act 2005

- 2 Adult Gaming Centres (both at Rownhams Motorway Service Area)
- 5 Betting offices

There has been a gradual reduction in the overall number of licensed gambling premises in recent years. In 2022/23 the only licensed bingo premises closed as did one betting office.

Taxis

- 43 hackney carriages
- 191 private hire vehicles
- 253 licensed drivers

The number of hackney carriages is restricted to 46 with three licences currently available for wheelchair accessible vehicles.

The legislation does not allow the authority to restrict the number of private hire vehicles it can license and prior to Covid there had been a gradual increase in numbers with 204 vehicles licensed in 2018. This had dropped to 168 in 2022 at the end of Covid but we are now again seeing a slow increase.

ITEM 8 Licensing Enforcement Policy and Service Standards

Report of the Head of Legal and Democratic (Portfolio: Corporate)

Recommended:

- 1. That the Enforcement Policy and Service Standards set out as Annexes to this report are adopted in respect of all the licensing functions, except Scrap Metal Dealer licensing, and any associated enforcement work undertaken by the Licensing Section of the Legal and Democratic Service.**

Recommended to Cabinet:

- 2. That the Enforcement Policy and Service Standards set out as Annexes to this report are adopted in respect of Scrap Metal Dealer licensing and any associated enforcement work undertaken by the Licensing Section of the Legal and Democratic Service.**

SUMMARY:

- The Legal and Democratic Service is responsible for a number of areas of work where enforcement action may be necessary. As such it is appropriate to have an Enforcement Policy giving customers an indication of what they can expect when dealing with the Council.
- A revised Policy is recommended for adoption together with Service Standards which describe the level of service that customers should expect.

1 Introduction

- 1.1** The Licensing Section of the Legal and Democratic Service is the enforcing authority, either in its own right or jointly with others such as the Police, for a number of areas of work covering such matters as taxis, alcohol and gambling. As such it is appropriate that the Service has adopted a Policy which indicates to our customers how enforcement action will be taken.
- 1.2** The existing Policy was adopted in 2016 and has been reviewed taking account of relevant guidance from the central government Department for Business, Energy and Industrial Strategy who issue advice via their Regulatory Delivery office. The revised Policy is attached as Annex 1 to this report. A separate Service Standards document, attached as Annex 2 to this report, has also been revised; it explains in more general terms how the licensing functions are delivered and the general approach of the Council in dealing with customers of the Licensing Section.

2 Background

- 2.1 In 1999 the government launched the Enforcement Concordat as an initiative to promote fair enforcement practice; the Borough Council signed up to this in October 2000 and subsequently an Enforcement Policy was adopted in 2006 which took account of the Concordat. In recent years government has increased its attention on the need for local authority regulators to be fair and proportionate in their dealings with business and various items of guidance and best practice have been produced by the Better Regulation Delivery Office now known as Regulatory Delivery.

3 Corporate Objectives and Priorities

- 3.1 The functions delivered by the Licensing Section of the Legal and Democratic Service are all statutory functions which do not directly relate to the Council's corporate aims. However, a great many of the functions have an important role to play in terms of public safety, welfare and amenity, and there is often a careful balance to be struck between the protection of those interests on the one hand whilst at the same time not unduly frustrating the growth of business on the other.

4 Consultations/Communications

- 4.1 No external consultation has been undertaken in respect of the Policy or Service Standards. However, as both are based on established national guidance it is not considered there would be any objections to adoption of the documents.

5 Options and Option Appraisal

- 5.1 The only option would be to not adopt the revised Policy and Service Standards. This would leave the Council with the current outdated Policy and no Service Standards. Whilst this is not critical it would mean that at some future date the Council may face criticism from an aggrieved party against whom enforcement action has been taken.

6 Resource Implications

- 6.1 There are no direct resource implications as a result of the recommendation.

7 Legal Implications

- 7.1 The Enforcement Policy as mentioned above complies with government guidance and so reflects current requirements and best practice. As licensing of Scrap Metal Dealers is an executive function and cannot be delegated to the Licensing Committee it is necessary to have a separate recommendation to Cabinet to approve the Policy and Standards in respect of that function only.

8 Equality Issues

- 8.1 An Equalities Impact Assessment (EQIA) has not been undertaken as the proposed recommendation does not represent a significant policy change. Adopting a revised Enforcement Policy and Service Standards will ensure quality and equality of service provision.

9 Other Issues

- 9.1 Community Safety – none specifically although see paragraph 3.1 above.
- 9.2 Environmental Health Issues – none specifically but some licensing functions may impact upon the environment.
- 9.3 Sustainability and Addressing a Changing Climate – none.
- 9.4 Property Issues – none.
- 9.5 Wards/Communities Affected – none directly but potentially the whole Borough.

10 Conclusion

- 10.1 With responsibilities for a range of public facing services it is appropriate for the Licensing Section of the Legal and Democratic Service to adopt an Enforcement Policy that reflects current requirements and best practice. The adoption of Service Standards clearly sets out to our customers what they can expect when dealing with the Council in respect of these services.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Report to Licensing Committee 14 September 2006			
Report to Licensing Committee 1 December 2016			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	2		
Author:	Michael White	Ext:	8013
File Ref:	N/A		
Report to:	Licensing Committee	Date:	28 September 2023

Legal and Democratic Service – Licensing Enforcement Policy

The Legal and Democratic Service undertakes several enforcement roles. This policy applies when undertaking those roles and supports and supplements guidance on enforcement contained in the Statutory Code of Practice for Regulators and the Enforcement, Statutory Codes of Practice and relevant guidance documents and guidance issued by Government Departments and other relevant bodies.

Any enforcement undertaken by the Council will embrace the principles contained within this general policy and will be in accordance with the law and statutory guidance.

Principles of Good Regulation

The Legislative and Regulatory Reform Act 2006, Part 2, requires Test Valley Borough Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function. For local authorities, the specified functions include those carried out by the Licensing Section such as enforcement of the:

- a) Licensing Act 2003
- b) Gambling Act 2005
- c) Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 as it relates to hackney carriages and private hire vehicles
- d) Local Government (Miscellaneous Provisions) Act 1982 as it relates to Sex Establishments
- e) Highways Act 1980 and Business and Planning Act 2020 as they relate to pavement cafes and similar
- f) Scrap Metal Dealers Act 2013
- g) House to House Collections Act 1939 and Police, Factories, Etc. (Miscellaneous Provisions) Act 1916 as it relates to charitable collections

We will exercise our regulatory activities in a way which is:

- (i) Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- (ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,

- (iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- (iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (v) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need, corporate and national priorities.

Regulators' Code

Test Valley Borough Council has had regard to the [Regulators' Code](#) in the preparation of this policy. In certain instances, we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

Human Rights Act 1998

Test Valley Borough Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

Freedom of Information Act 2000 and Data Protection Act 2018

Information will be recorded on departmental files and where there is a need for Test Valley Borough Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act and the General Data Protection Regulation. The information recorded will be used as a basis for relevant future enforcement action or in any other process carried out by the Council where the information could be material. Information held will be done so in compliance with the Council's retention policy

The Code for Crown Prosecutors

When deciding whether to prosecute Test Valley Borough Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

ANNEX 1

- a. Evidential Test - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, Test Valley Borough Council will consider what evidence can be used in court and is reliable and credible. We must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender.

- b. Public Interest Test - is it in the public interest for the case to be brought to court?

Test Valley Borough Council will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The public interest factors that we will consider are detailed in the Public Interest section of The Code for Crown Prosecutors.

Regulatory Enforcement and Sanctions Act 2008 ('the RES Act')

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority and will have regard to guidance issued by the Secretary of State in relation to Primary Authority. Please also see section A below for further mention of Primary Authority.

We are committed to avoiding imposing unnecessary regulatory burdens and assessing whether similar outcomes could be achieved by less burdensome means than enforcement.

This policy will be published and made publicly available on the Test Valley Borough Council website.

This policy was first approved at a meeting of the Council's Licensing Committee held on 1st December 2016 and was readopted at the meeting held on **TBC**

We will undertake our approach to enforcement by:

Complying with the Council's Equality Policy in being non discriminatory and treating all persons and businesses fairly.

Providing a courteous and efficient service, with officers identifying themselves by name, providing a contact point, telephone number, & e-mail address.

Responding to all service requests and to administer and implement the local authority's statutory responsibilities.

Actively working with business and the public to advise on and assist them to comply with the law.

ANNEX 1

Responding to requests for information or advice and as necessary pass the enquirer to the relevant statutory agency if the subject matter falls outside the jurisdiction of the Service.

Providing guidance, in plain language, and advice to business, the public and other interested parties except where this may give rise to conflict of interests.

Ensuring that those affected by our activities are aware of the local authority's complaints procedure. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescales involved.

Aiming to ensure that the enforcement of the statutory provisions are in accordance with the relevant guidance and codes of practice made there under.

Aiming that before enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required e.g. imminent risk to safety (which may include safeguarding concerns relating to children or vulnerable adults).

Giving an explanation at the time and confirming in writing within five working days, in cases where immediate action is considered necessary. In some specific cases e.g., immediate suspension of a taxi driver on public safety grounds, there are specific timescales within which formal notification must be given which may exceed 14 days.

Ensuring, where there is a right of appeal against such formal action, advice on the appeal mechanism is clearly set out in writing at the time the action is taken.

Conduct of investigations

All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Test Valley Borough Council:

- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Regulation of Investigatory Powers Act 2000
- the Criminal Justice and Police Act 2001
- the Human Rights Act 1998
- and any other relevant amending legislation

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

ANNEX 1

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice and individual policies relating to the function involved i.e. Licensing Act 2003 Statement of Licensing Policy, Gambling Act 2005 Statement of Licensing Principles and Hackney Carriage and Private Hire Licensing Policy.

Enforcement Actions available to Test Valley Borough Council in respect of Criminal and Civil breaches

A. Compliance Advice, Guidance and Support

Test Valley Borough Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter or operational advice, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an ‘informal caution’) will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

Test Valley Borough Council recognises that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and Test Valley Borough Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, Test Valley Borough Council recognises that there is likely to be an on-going need for compliance advice and support, to prevent further breaches.

B. Voluntary Undertakings

Test Valley Borough Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. Test Valley Borough Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

C. Statutory (Legal) Notices

In respect of many breaches Test Valley Borough Council has powers to issue statutory notices. These include but are not limited to: Community Protection Notices, ‘Stop Notices’, ‘Prohibition Notices’, ‘Emergency Prohibition Notices’, and ‘Improvement Notices’. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.

ANNEX 1

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

D. Injunctive Actions, Enforcement Orders etc.

In some circumstances Test Valley Borough Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

Test Valley Borough Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, Test Valley Borough Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

E. Simple Caution

Test Valley Borough Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, Test Valley Borough Council is likely to consider prosecution.

A simple caution will be recorded by the Authority. It is likely to influence how Test Valley Borough Council and others deal with any similar breaches in the future and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may be necessary to declare it on work or immigration applications

Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.

F. Prosecution

Test Valley Borough Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute Test Valley Borough Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions. Any prosecution will need to pass both the evidential and public interest test.

ANNEX 1

A successful prosecution will result in a criminal record. The court may impose among other options a fine, an order for community service, probation and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of vehicles, non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors and orders to pay restitution.

G. Refusal/Suspension/Revocation of Licences

Test Valley Borough Council issues a number of licences and permits. Test Valley Borough Council also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, Test Valley Borough Council may take previous breaches and enforcement action into account.

Test Valley Borough Council

Date to be confirmed 2023

What you can expect from the Licensing regulatory service in Test Valley Borough Council – our Service Standards

Contents:

[Areas we regulate](#)

[How we deliver our services](#)

[Working with you](#)

[Helping you to get it right](#)

[Inspections and other compliance visits](#)

[Responding to non-compliance](#)

[Requests for our service](#)

[How to contact us](#)

[Our Team](#)

[Working with others](#)

[Having your say](#)

This document explains what you can expect of the Licensing regulatory service in Test Valley Borough Council.

Whether you are running a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this document tells you how we aim to do that and what standards we will meet.

Areas we regulate

We deliver services in the following areas:

- Licensing Act 2003 – alcohol, regulated entertainment and late night refreshment
- Gambling Act 2005 – gambling premises, gaming machines and lotteries/raffles/draws
- Hackney Carriages and Private Hire Vehicles – commonly referred to as taxis and mini-cabs but this can also include chauffeur services
- Charitable Street and House to House Collections
- Sex Establishments – Sex Cinemas, Sex Shops and Sexual Entertainment Venues
- Tables and Chairs on the Highway/Pavement Licences
- Scrap Metal Dealers

How we deliver our services

We make a fundamental contribution to the maintenance and improvement of public safety, quality of life and wellbeing. Our aims are to:

- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper

We determine our activities by assessing the needs of local people and our business community and considering the risks that require addressing. We do this through corporate consultation and through using data and other information available to the Council and its partners. In this way we ensure our resources are targeted appropriately, in the light of these local needs and of national priorities.

We are committed to being transparent in our activities. We ask customers to complete an online customer satisfaction survey to see how we are doing.

We carry out all our activities in a way that supports those we regulate to comply and grow:

- We ensure that information, guidance and advice is available to help you to meet legal requirements (see [Helping you to get it right](#)).
- We carry out inspections and other activities to check compliance with legal requirements, and we target these checks where we believe they are most needed (see [Inspections and other compliance visits](#)).
- We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary (see [Responding to non-compliance](#)).
- We provide a range of services to businesses, including, advisory visits and information (see [Requests for our service](#)).

Our services will be delivered in accordance with the requirements of the [Regulators' Code](#).

Working with you

In all your dealings with us you can expect, and will receive, an efficient and professional service. Our officers will:

- Be courteous and polite
- Always identify themselves by name in dealings with you, and provide you with contact details
- Seek to gain an understanding of how your business operates
- Provide details of how to discuss any concerns you may have
- Agree timescales, expectations and preferred methods of communication with you
- Ensure that you are kept informed of progress on any outstanding issues.

We recognise that your business will receive advice and inspections from other organisations, and we will do our best to work with them to ensure that you receive the best service.

Helping you to get it right

We want to work with you to help your business to be compliant and successful and it is important to us that you feel able to come to us for advice when you need it. We won't take enforcement action just because you tell us that you have a problem.

We make information and guidance on meeting legal requirements available at <https://www.testvalley.gov.uk/business/licensingandregulation/licensing/>

Where you need advice that is tailored to your particular needs and circumstances we will:

- Discuss with you what is required to achieve compliance
- Provide advice that supports compliance and that can be relied on
- Provide clear advice that can be easily understood and implemented
- Distinguish legal requirements from suggested good practice
- Ensure that any verbal advice you receive is confirmed in writing if requested
- Acknowledge good practice and compliance.

Whilst we cannot promise to always do so, we will endeavour to visit you at your premises and these visits are free.

More details of the services we provide can be found at

<https://www.testvalley.gov.uk/business/licensingandregulation/licensing/>

Some aspects of licensing are subject to the national Primary Authority Scheme. More information on this can be found at

<https://www.gov.uk/government/publications/primary-authority-overview>

Inspections and other compliance visits

We monitor and support compliance in a number of different ways including through inspections, test purchases¹, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – we won't visit without a reason.

¹ Test purchases may consist of mystery shopper type exercises to check taxi fares are being charged correctly or checking compliance with the Premises Licence mandatory condition regarding sale of alcohol at cost price plus VAT. Test purchasing of age-related products such as alcohol and cigarettes is the responsibility of Hampshire County Council Trading Standards Service and/or Hampshire and Isle of Wight Constabulary. Whilst underage test purchasing of gambling premises could be undertaken by the Borough Council, this is not currently planned.

We will give you notice that we intend to visit unless we have specific reason to believe that an unannounced visit is more appropriate.

When we visit you our officers will:

- Explain the reason and purpose of the visit
- Carry their identification card at all times, and present it on request when visiting your premises
- Exercise discretion in front of your customers and staff
- Have regard to your approach to compliance, and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required
- Provide a written record of the visit where requested.

Where a visit is necessary as part of an application for a licence, registration or permit the cost of any visit is included in the licence fee charged. Please note that some fees are set by statute but for other fees the level is set by the Council.

<https://www.testvalley.gov.uk/business/licensingandregulation/licensing/advice/information/schedule-fees-charges>

Responding to non-compliance

Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy.

We deal proportionately with breaches of the law as set out in our Enforcement Policy available at

<https://www.testvalley.gov.uk/business/licensingandregulation/licensing/advice/information/>

including taking firm enforcement action when necessary.

Where we require you to take action to remedy any failings we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Agree timescales that are acceptable to both you and us, in relation to any actions required
- Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next
- Keep in touch with you, where required, until the matter is resolved

Requests for our services

We clearly explain the services that we offer, including details of any fees and charges that apply

<https://www.testvalley.gov.uk/business/licensingandregulation/licensing/advice/information/schedule-fees-charges>

In responding to requests for our services, including requests for advice and complaints about breaches of the law, we will:

- Acknowledge your request within 3 days
- Tell you when you can expect a substantive response
- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress throughout our involvement
- Inform you of the outcome as appropriate

Our response times and expected resolution times is available at

<https://www.testvalley.gov.uk/aboutyourcouncil/howarewedoing/customerchart er/>

<https://www.testvalley.gov.uk/aboutyourcouncil/howarewedoing/councilperformance/>

However, please be aware that our officers will exercise their judgment to determine whether a more prompt response is required.

How to contact us

You can contact us by:

Telephone: 01264 368000

Email: licensing@testvalley.gov.uk

Web: www.testvalley.gov.uk

By post: Licensing Section, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ

Or in person: Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will

respond to anonymous complaints and enquiries only where we judge it appropriate to do so. Ordinarily, we will expect complaints to be submitted in writing or via email.

Personal data will be managed in accordance with The Council's Data Protection Policy.

<https://www.testvalley.gov.uk/aboutyourcouncil/accesstoinformation/data-protection/data-sharing>

Our Team

We have a dedicated team of officers who have the appropriate qualifications, skills and experience to deliver the services provided. We have arrangements in place to ensure the on-going professional competency of all officers.

Where specialist knowledge is required in an area outside of our expertise we will liaise with both neighbouring authorities and other regulatory organisations, to call on additional resources as necessary.

Working with others

We work closely with other council services such as Planning, Economic Development and Environmental Health and our aim is to provide a streamlined service to you.

We are part of a much wider regulatory system in the Test Valley area and have good working relationships with other regulators such as the Gambling Commission

<https://www.gamblingcommission.gov.uk/>

And Hampshire County Council Trading Standards

<https://www.hants.gov.uk/business/tradingstandards>

This enables us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, helping target regulatory resources.

Having your say

Complaints and appeals

Where we take enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way. You can contact Mr Michael White, Licensing Manager

mwhite@testvalley.gov.uk

We manage complaints about our service, or about the conduct of our officers, through the Council's Corporate Complaints Policy. Details can be found at:

<https://www.testvalley.gov.uk/aboutyourcouncil/howarewedoin/complaintscoplimentsandfeedback/complaint/>

Or to the Complaints & Communications Officer

Tel: 01264 368000

E-mail complaints@testvalley.gov.uk

Feedback

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time to time but we would welcome your feedback at any time. You can provide feedback in the following ways:

Telephone: 01264 368000

Email: licensing@testvalley.gov.uk

Web: www.testvalley.gov.uk

By post: Licensing Section, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ

Or in person: Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ

Any feedback that we receive will be acknowledged, considered and where appropriate responded to.

Developing our services with you

Where possible we will consult with a number of groups to ensure that we are delivering our services to meet your needs. In the past these have included Andover Pubwatch, Romsey Pubwatch and the Test Valley Taxi Association although at the time of writing only Romsey Pubwatch is active. The Council currently works with local communities including businesses and residents.

Dated: TBC

Name: Michael White

Job title: Licensing Manager

Review Due: TBC