

LICENSING, AUDIT AND GENERAL PURPOSES COMMITTEE

Meeting held on Monday, 24th September, 2018 at the Council Offices, Farnborough at 7.00 pm.

Voting Members

Cllr J.E. Woolley (Chairman)

Cllr Sue Carter
Cllr A.K. Chowdhury
Cllr Liz Corps
Cllr A.H. Crawford
Cllr A.J. Halstead
Cllr Marina Munro
Cllr M.D. Smith

Apologies for absence were submitted on behalf of Cllr Jacqui Vosper, Cllr M.S. Choudhary and Cllr B. Jones.

17. MINUTES

The Minutes of the Meeting held on 30th July 2018 were approved and signed by the Chairman.

18. ANNUAL AUDIT LETTER

The Chairman welcomed to the meeting Ms. Justine Thorpe of Ernst & Young who presented the external auditor's annual audit letter for the year ended 31st March 2018. The purpose of the annual audit letter was to communicate to Members and external stakeholders, including members of the public, the key issues arising from the work of the external auditor which it was felt should be brought to the attention of the Council. It was noted that the annual audit letter had to be published on the Council's website by the end of October, 2018

The Committee was advised that the areas of work covered by Ernst & Young had been:

- To provide an opinion on the Council's financial statements – where the auditor had given an unqualified opinion – The auditor was of the opinion that the financial statements gave a true and fair view of the financial position of the Council as at 31st March, 2018 and of its expenditure and income for the year then ended.
- To provide an opinion on the consistency of other information published with the financial statements – The auditor had stated that other information published with the financial statements was consistent with the Annual Accounts.

- To conclude on the Council's arrangements for securing economy, efficiency and effectiveness – The auditor had concluded that the Council had put in place proper arrangements to secure value for money in the use of its resources.

The annual audit letter also set out key areas of significant risk, which had been tested. These included:

- risk of fraud in revenue and expenditure recognition
- risk of management override
- property, plant and equipment valuation
- pension liability valuation

The auditor's testing had identified no mis-statements from revenue and expenditure recognition, no material weaknesses in controls or evidence of material management override and no material mis-statements from inappropriate judgements being applied to the property valuation estimates.

Areas of work where reports would be provided by exception included:

- Consistency of the Annual Governance Statement – The auditor was of the opinion that the Annual Governance Statement was consistent with the auditor's understanding of the Council.
- Public interest report – The auditor had no matters to report in the public interest.
- Written recommendations to the Council, which should be copied to the Secretary of State – The auditor had no matters to report.
- Other actions taken in relation to the auditor's responsibilities under the Local Audit and Accountability Act 2014 – The auditor had no matters to report.
- Reporting to the National Audit Office on review of the Council's Whole of Government Accounts return – The auditor had no matters to report.

The Committee was also advised that the Audit Results Report had been issued on 30th July, 2018 and a certificate of completion of the audit had been issued on 31st July 2018 in accordance with the requirements of the Local Audit and Accountability Act 2014 and the National Audit Office's 2015 Code of Audit Practice.

Members were informed that, in November 2018, the auditor would also issue a report to those charged with governance of the Council summarising the certification work undertaken on the 2017/18 housing benefits claim.

RESOLVED: That the Annual Audit Letter for the year ended 31st March, 2018 be noted.

19. **CONSULTATION ON PROPOSED REVISION TO THE COUNCIL'S STATEMENT OF LICENSING POLICY**

The Committee considered the Head of Environmental Health and Housing's Report No. EHH1824 regarding the preparation and publication of a revised Statement of Licensing Policy. Following various legislative changes and a review, a number of changes to the Council's licensing policy were proposed to ensure that the policy was current and up-to-date.

The Committee was advised that, following consideration by the Cabinet, the revised licensing policy had been approved for public consultation. Given its role and responsibilities, the views of the Committee were sought on the revised policy and any comments or recommendations would be reported to the Cabinet for consideration and determination, as appropriate.

In considering the proposed changes, the Committee was advised of the legislative updates including:

- The Police Reform and Social Responsibility Act 2011
- The Live Music Act, 2012
- The Anti-social Behaviour, Crime and Policing Act 2014
- The Deregulation Act 2015
- The Immigration Act 2016
- The Policing and Crime Act 2017

Under the Licensing Act, a licensing authority had to carry out its functions with a view to promoting the following licensing objectives. These were included in the proposed policy, namely:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; and
- the protection of children from harm

The proposed policy also outlined the arrangements for the licensing authority to make recommendations in respect of the restriction of children to any exhibition of film which had not been classified by the British Board of Film Classification. This accorded with mandatory condition requirements applicable to the exhibition of films.

The Report then explained a change regarding neighbourhood notifications. It was proposed that the current policy of issuing neighbourhood notifications of applications should be withdrawn. This had been recommended on the basis that the Act placed the onus of advertising applications on the applicant.

The Committee noted that one of the key features of the 2010 policy review had been the implementation of a special policy concerning the cumulative impact of licensed premises. At the time, the policy had been implemented to restrict the grant and/or variation of premises licences in a defined area of Aldershot town centre and had been based on the request of, and evidence of cumulative impact provided by,

Hampshire Constabulary. This special policy had been subject to annual review and, whilst invoked on a handful of occasions, had lapsed after twelve months due to lack of continuing justification and evidence of an ongoing problem.

The Committee was advised that the Council had to consult a number of statutory stakeholders and individuals who might be affected by any changes (eg the licensed trade and residents in the area). It was proposed to run the consultation period until 19th October 2018. The Statement of Licensing Policy would be submitted to the Full Council for approval following consideration by the Cabinet.

Whilst subject to some discussion, Members made no substantive comments or suggested amendments on the contents of the proposed policy document.

RESOLVED: That the draft Statement of Licensing Policy contained in the Head of Environmental Health and Housing's Report No. EHH1825 be endorsed.

20. **FEES AND CHARGES (ANIMAL WELFARE LICENSING AND SKIN PIERCING REGISTRATION)**

The Committee considered the Head of Environmental Health and Housing's Report No. EHH1825 which sought approval for revised fees for animal welfare licensing and skin piercing registration provided by the Environmental Health Service.

The Committee was advised that The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 would come into force on 1st October 2018 and would consolidate animal licensing regimes into one piece of law. It was noted that, under the new regulations, a new licensing regime had to be put in place to control the licensable activities of:

- selling animals as pets (pet shops)
- boarding for cats or dogs (home, kennels, catteries, day care)
- hiring out horses
- breeding dogs
- keeping or training animals for exhibition

The new regulations replaced the licensing regimes under the Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Acts 1964 and 1970, Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999 and the Performing Animals (Regulation) Act 1925. It was noted that current licences issued under the previous legislation would continue to be valid until they expired. Licences would then need to be applied for under the new regime. The Report set out the proposed revised fee structure and the method of fee construction together with the new processes to be followed.

Members were also advised that the fees for skin piercing had last been uplifted on 1st April 2018 and that these should be uplifted again in line with inflation. The Committee was informed that the proposed fees in respect of skin piercing registration (acupuncture, tattooing, ear piercing and electrolysis) would be increased from £167 (per premises) to £173 and from £94 (per person) to £97, to take effect from 1st April 2019.

RESOLVED: The Committee approved the revised fees set out in the Head of Environmental Health and Housing's Report No. EHH1825, with fees in respect of animal welfare licensing taking effect from 1st October 2018 and the fees for skin piercing registration taking effect from 1st April 2019.

21. **APPOINTMENT OF INTERIM EXECUTIVE HEAD OF FINANCE**

The Chairman advised the Committee of an urgent executive decision which had been taken by the Chief Executive in consultation with the Portfolio Holder and Executive Director in August 2018 to appoint an Interim Executive Head of Finance and Section 151 Officer following the resignation of the previous post holder. The urgency related to the need for a statutory Section 151 Officer and the requirement to deal with the process for the following year's budget. Following interview, the Chief Executive, Portfolio Holder and Executive Director had appointed Mr. Peter Timmins to the role, pending recruitment in due course when the Committee would make an appointment. Members noted that the interim appointment was for 6-12 months. Prior to the appointment, the Chief Executive had informed the Leader of the Council, the Leader of the Labour Group and the Chairman of action to be taken. The Cabinet and all Members of the Council had also been informed of the appointment.

RESOLVED: That the urgent action taken by the Chief Executive, in respect of the appointment of an Interim Executive Head of Finance, be endorsed.

The meeting closed at 8.04 pm.

CLLR J.E. WOOLLEY (CHAIRMAN)
