



Licensing and Safety Committee

**Thursday 28th May, 2015 at 6.00pm
in Committee Room 2, Council House, Priory Road, Dudley**

Agenda - Public Session (Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 23rd February, 2015 as a correct record.
5. Appointment of Sub-Committees
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Strategic Director (Resources and Transformation) (Council Procedure Rule 11.8).

A handwritten signature in black ink, appearing to be "P. V. H.", is written over a horizontal line.

Strategic Director (Resources and Transformation)

Dated: 20th May, 2015

Distribution:

To prospective Members of the Committee:

(Subject to your appointment to the Committee at the Annual Meeting of the Council to be held on 21st May, 2015)

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- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail karen.taylor@dudley.gov.uk

Minutes of Licensing and Safety Committee

Monday, 23rd February, 2015 at 5.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor D Russell (Chair)
Councillor K.Finch (Vice Chair)
Councillors D.Blood, J.Cowell, D.Hemingsley,
R.James, C.Perks, M.Roberts, A.Taylor, E.Taylor and H.Turner

Officers:-

Mr. R.Clark (Principal Solicitor), Mrs.L.Rouse (Licensing Clerk) and Mr. J. Jablonski (Democratic Services) (All Directorate of Resources and Transformation).

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| 8 | <u>Apology for absence</u> |
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An apology for absence from the meeting was submitted on behalf of Councillor S Etheridge .

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| 9 | <u>Declarations of Interest</u> |
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No member made a declaration of interest in accordance with Members' Code of Conduct.

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| 10 | <u>Minutes</u> |
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The minutes of the meeting of the Committee held on 12th June, 2014 were approved as a correct record and signed.

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| 11 | <u>Revision of Licence Fees</u> |
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A report of the Strategic Director, Resources and Transformation was submitted on the proposed revision of fees for licences and consents, other than those where the fees are imposed by statute in respect of liquor licensing, gambling machine permits and lotteries and amusements.

Arising from a presentation of the content of the report, and its Appendix, Members raised concerns about the low level of fees charged when compared with other Authorities and with particular reference to the fees for a street trading consent. The adverse impact on shop traders of such low fees was also raised.

Suggestions were then made as to revised arrangements for charging for street trading consents including the use of daily and differentiated day and weekly rates. The inclusion of items not currently charged for, for example cost of cleaning up after a market and use of electricity, was also suggested. It was also considered that the use of daily and weekly rates would free up spaces enabling others to trade and overall would increase revenue.

In addition to considering fees to be charged therefore it was considered that a review should be carried out of the fees charged for, and terms and conditions of, street trading consents.

Consideration was then given to the level of fees to be charged in 2015/16 and following votes during which a proposal to increase fees by 5% across the board was lost, a 2% increase was agreed upon together with the review in relation to street trading consents referred to.

It was noted that the licensing function would in due course be transferring from the Directorate of Resources and Transformation to the Directorate of Environment, Economy and Housing.

RESOLVED

1. That approval be given to an increase of 2%, with effect from 1st April, 2015, in respect of fees for licences and consents, other than those where the fees are imposed by statute in respect of liquor licensing, gambling machine permits and lotteries and amusements, as set out in column (2) of Table A of the report submitted.
 2. That Officers be requested to submit to the first meeting of this Committee in the new municipal year, in May, 2015, a brief presentation on proposals to review the way fees are charged for street trading consents, in the light of the discussion held at this meeting, with a view to reporting to a further meeting in October/November with proposals and having consulted amongst other current holders of street trading consents.
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The meeting ended at 5.38 p.m.

Licensing and Safety Committee – 28th May, 2015

Report of the Strategic Director of Resources and Transformation

Appointment of Licensing Sub-Committees

Purpose of Report

- 1 To consider the appointment of four Licensing Sub-Committees for the municipal year 2015/16.

Background

- 2 In accordance with the Licensing Act 2003, the Council is required to make provision for the appointment of a Licensing Committee to undertake functions relating to liquor licensing. During 2004/2005, the Council operated interim arrangements and on the 19th May 2004 the Council resolved for practical purposes and to simplify administrative arrangements that the members appointed to the Licensing and Safety Committee should undertake, in addition to its existing functions, the statutory functions of the Committee under the 2003 Act, with the exception of the approval of the Licensing Policy and any other specific functions that may be reserved to full Council. In practice, the majority of all licensing applications, whether arising from the Licensing Act, 2003 or the other legislation referred to in paragraph 7 of this report, will be dealt with by the Licensing Sub-Committees. The functions of the Licensing and Safety Committee are as set out in the Council's Constitution. It is recommended that the Licensing Sub-Committees be given delegated powers to consider all licensing functions requiring Member determination in accordance with these functions.

- 3 On the 19th May 2005, the Council also resolved that the proportionality requirement in respect of the Sub-Committees should be waived and that the following wording be added to Council Procedure Rule 5.2 and the Constitution be amended accordingly:-

"The appointment of a substitute member is permitted for every member on any body exercising functions of a quasi-judicial nature where it is necessary for that body to be of a prescribed size or there is a need to comply with the requirements of any statutory requirement or Government guidance. A substitute member shall only be appointed if he/she is otherwise eligible to serve on the body concerned. Any substitute nominated to serve on a quasi-judicial body should be notified to the Director of Law and Property prior to the commencement of the meeting in question.

A substitute member shall serve only for the duration of the meeting to which they are appointed as a substitute except in the case of a quasi-judicial body:-

- (a) Where a member is required to withdraw from, or cannot attend to hear a particular case, where substitution will be permitted for that particular case.
 - (b) Where an adjourned meeting is reconvened and it is essential for the substitute member to consider a case to comply with the rules of natural justice. In these circumstances, the substantive member may not attend other than as an observer.
4. At the meeting of Annual Council to be held on 21st May, 2015, it will be proposed that the number of members to serve on the committee shall be 12 and that the number of Licensing Sub-Committees shall be 4.
5. Details of the proposed Membership of the Sub-Committees will be circulated at the meeting of the committee. The scheduled meeting dates of the sub-committees appear in the calendar of meetings to be considered at Annual Council on 21st May, 2015.

Finance

6. There are no direct financial implications arising from the content of this report.

Law

7. Liquor Licensing is governed by the Licensing Act 2003.

Gambling Act 2005

Street and Door to Door Collecting is governed by Police, Factories, etc (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939.

Street Trading is governed by Local Government (Miscellaneous Provisions) Act 1982 Part III.

Scrap Yards is governed by Scrap Metal Dealers Act 1964.

Sex Shops is governed by Local Government (Miscellaneous Provisions) Act 1982 Part II.

Performance Hypnotism is governed by Hypnotism Act 1952.

Motor Salvage Operators is governed by Vehicles Crime Act 2001.

Gambling Licences and Permits are governed by the Gambling Act 2005.

Equality Impact

8. This report takes into account the Council's equality policies.
9. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
10. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendations

11. That four Licensing Sub-Committees be established to deal with all licensing applications requiring member determination in accordance with the functions allocated to the Licensing and Safety Committee.
12. That consideration be given to the membership of the Licensing Sub-Committees for 2015/16 as set out in the details to be circulated at the meeting.
13. That the substitution arrangements set out in the Council's procedure rules be noted and applied to the Licensing Sub-Committees subject to an eligibility requirement that any named substitute must be:-
 - a) appointed to the Licensing and Safety Committee;
 - b) otherwise eligible to serve on any given occasion;
 - c) notified to the Strategic Director of Resources and Transformation prior to the commencement of the meeting in question.



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STRATGIC DIRECTOR OF RESOURCES AND TRANSFORMATION

Contact Officer: Karen Taylor ext. 8116
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Email: Karen.taylor@dudley.gov.uk

List of Background Papers

The Council's Constitution