



Licensing and Safety Committee

**Monday 23rd February, 2015 at 5.00pm
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 12th June, 2014 as a correct record.
5. Revision of Licence Fees (pages 1 – 14)
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:

Distribution:

To Members of the Committee:

Councillor D Russell (Chair)

Councillor K Finch (Vice-Chair)

Councillors D Blood, J Cowell, S Etheridge, D Hemingsley, R James, C Perks, M Roberts, A Taylor, E Taylor and H Turner

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- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- Elected Members can submit apologies by contacting the officer named below. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- The Democratic Services contact officer for this meeting is Karen Taylor, Telephone 01384 818116 or E-mail karen.taylor@dudley.gov.uk

LICENSING AND SAFETY COMMITTEE

Thursday 12th June, 2014 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor D Russell (Chair)
Councillor K. Finch (Vice Chair)
Councillors D Blood, 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 Mrs K Taylor (Democratic Services) (All Directorate of Corporate Resources).

1. COMMENTS BY CHAIR

The Chair expressed thanks to the work undertaken on Sub-Committees throughout the previous municipal year, and requested that thanks be forwarded to the Members who were no longer a Member of the Committee.

2. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Cowell and S Etheridge.

3. DECLARATIONS OF INTEREST

No member made a declaration of interest in accordance with Members' Code of Conduct.

4. MINUTES

That the minutes of the meeting of the Committee held on the 19th February, 2014 be approved as a correct record and signed.

5. APPOINTMENT OF SUB-COMMITTEES

A report of the Director of Corporate Resources was submitted on the appointment of four Licensing Sub-Committees for the municipal year 2014/15.

Details of the proposed membership of Licensing Sub-Committees for 2014/15 were circulated at the meeting.

RESOLVED

- (1) 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.
- (2) That the membership of the Sub-Committees for 2014/15, as set out in the details circulated at the meeting, be as follows:-

Sub-Committee 1 –
Councillors Russell *, Blood and C. Perks

Sub-Committee 2 –
Councillors K. Finch*, S. Etheridge and James

Sub-Committee 3 –
Councillors Cowell*, A. Taylor and E. Taylor

Sub-Committee 4 –
Councillor Roberts*, Hemingsley and H. Turner

with those members whose name appears with an asterisk acting as the Chair of the respective Sub-Committee.

- (3) 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; and
 - c) notified to the Director of Corporate Resources prior to the commencement of the meeting in question.

6.

REVIEW OF STREET TRADING CONSENT / PROHIBITED STREETS –
MARKET STREET, STOURBRIDGE

A report of the Director of Corporate Resources was submitted on an application on behalf of Ms S Newell, Himley Manager, for the revision of the consent/prohibited streets in Dudley Borough to include Market Street, Stourbridge as a consent street in respect of Street Trading.

Ms Newell, Himley Manager, was in attendance at the meeting, together with a colleague and commented on the application, in particular, that the request made was to have the existing restriction removed for one day per year to allow stalls to be set up along the Market street highway as part of the Christmas Light Switch on Festival.

Following further discussion it was,
RESOLVED

That, in the light of information contained in the report submitted and as reported at the meeting, the application on behalf of Ms S Newell, for the revision of the consent/prohibited streets in Dudley Borough to include Market Street, Stourbridge as a consent street in respect of Street Trading, be approved.

7. REVIEW OF STREET TRADING CONSENT / PROHIBITED STREETS – DUDLEY TOWN CENTRE

A report of the Director of Corporate Resources was submitted on an application on behalf of Mr P Coyne, Assistant Director, Economic Regeneration, for the revision of the consent/prohibited streets in Dudley Borough to include Castle Street, New Street, Union Street and Junction of Stone Street/High Street, Dudley as consent streets in respect of Street Trading.

It was noted that Mr Coyne, Assistant Director, Economic Regeneration, had forwarded his apologies for his non-attendance at the meeting.

Reference was made to the possibility of transferring responsibility of street traders to the Directorate of Urban Environment, as some Members considered that street traders should pay similar rates paid by Market traders. Following further discussion, the Legal Advisor undertook to discuss further with the Assistant Director of Corporate Resources.

RESOLVED

- (1) That, in the light of information contained in the report submitted and as reported at the meeting, the application on behalf of Mr P Coyne, for the revision of the consent/prohibited streets in Dudley Borough to include Castle Street, New Street, Union Street and Junction of Stone Street/High Street, Dudley as consent streets in respect of Street Trading, be approved.
- (2) That the Legal Advisor be requested to discuss the possibility of transferring the responsibility for Street Traders from the Legal Department to the Directorate of Urban Environment with the Assistant Director, Corporate Resources.

The meeting ended at 6.35 p.m.

Licensing and Safety Committee – 23rd February 2015

Report of the Strategic Director of Resources and Transformation

Revision of Licence Fees

Purpose of Report

1. To consider the 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).

Background

2. The fees for the various licences and permits administered by the Committee were last revised with effect from April 2014.
3. Fees received in respect of all licences or consents, are currently refunded if the application is withdrawn or refused.
4. In considering the revision of licence fees, the Committee may wish to compare the fees charged by the Council with those of neighbouring Councils. A table showing these comparisons is attached as Appendix 1.
5. Column (1) in Table A below shows the fees currently charged.

Column (2) and (3) show the effect on fees of various increases between 2% and 5%. The budget for 2015/16 (see paragraph 7) has been set based on cost inflation and estimated activity levels; a 2% overall increase will be sufficient to achieve this.

TABLE A

LICENCES	(1) Fees currently charged (Maximum fees set by the Government in brackets)	(2) Increase @ 2%	(3) Increase @ 5%
	£	£	£
STREET TRADING CONSENT – 1ST SITE	601.00	613.00	631.00
STREET TRADING CONSENT – ADDITIONAL SITE	601.00	613.00	631.00
SEX ESTABLISHMENTS/SEXUAL ENTERTAINMENT VENUE	3,043.00	3,104.00	3,195.00
	(Currently under review following Court Judgement)		
SCRAP METAL			
Site	332.00	339.00	349.00
2 Sites	561.00	572.00	589.00
3 Sites	816.00	832.00	857.00
Collector	143.00	146.00	150.00
Variation	77.00	79.00	81.00
Copy Licence	26.00	27.00	27.00
EXISTING CASINO			
New Application			
Annual Fee	2,794.00 (3,000.00)	2,850.00	2,934.00
Application to Vary	1,905.00 (2,000.00)	1,943.00	2,000.00
Application to Transfer	1,283.00 (1,350.00)	1,309.00	1,347.00
Application for Reinstatement	1,283.00 (1,350.00)	1,309.00	1,347.00
Application Provisional Statement	N/A		
Licence application Provisions Statement Holder	N/A		
Copy Licence	25.00 (25.00)	25.00	25.00
Notification of Change	50.00 (50.00)	50.00	50.00
NEW SMALL CASINO			
New Application	7,621.00 (8,000.00)	7,773.00	8,000.00
Annual Fee	4,763.00 (5,000.00)	4,858.00	5,000.00
Application to Vary	3,810.00 (4,000.00)	3,886.00	4,000.00
Application to Transfer	1,716.00 (1,800.00)	1,750.00	1,800.00

Application for Reinstatement	1,716.00 (1,800.00)	1,750.00	1,800.00
Application Provisional Statement	7,621.00 (8,000.00)	7,773.00	8,000.00
Licence application Provisional Statement Holders	2,858.00 (3,000.00)	2,915.00	3,000.00
Copy Licence	25.00 (25.00)	25.00	25.00
Notification of Change	50.00 (50.00)	50.00	50.00
NEW LARGE CASINO			
New Application	9,526.00 (10,000.00)	9,717.00	10,000.00
Annual Fee	9,526.00 (10,000.00)	9,717.00	10,000.00
Application to Vary	4,763.00 (5,000.00)	4,858.00	5,000.00
Application to Transfer	2,046.00 (2,150.00)	2,087.00	2,148.00
Application for Reinstatement	2,046.00 (2,150.00)	2,087.00	2,148.00
Application Provisional Statement	9,526.00 (10,000.00)	9,717.00	10,000.00
Licence application Provisional Statement Holders	4,763.00 (5,000.00)	4,858.00	5,000.00
Copy Licence	25.00 (25.00)	25.00	25.00
Notification of Change	50.00 (50.00)	50.00	50.00
REGIONAL CASINO			
New Application	14,283.00 (15,000.00)	14,569.00	14,997.00
Annual Fee	14,283.00 (15,000.00)	14,569.00	14,997.00
Application to Vary	7,176.00 (7,500.00)	7,320.00	7,500.00
Application to Transfer	6,191.00 (6,500.00)	6,315.00	6,500.00
Application for Reinstatement	6,191.00 (6,500.00)	6,315.00	6,500.00
Application Provisional Statement	14,283.00 (15,000.00)	14,569.00	14,997.00
Licence application Provisional Statement Holders	7,621.00 (8,000.00)	7,773.00	8,000.00
Copy Licence	25.00 (25.00)	25.00	25.00
Notification of Change	50.00 (50.00)	50.00	50.00

BINGO CLUB			
New Application	3,334.00 (3,500.00)	3,401.00	3,500.00
Annual Fee	763.00 (1,000.00)	778.00	801.00
Application to Vary	1,662.00 (1,750.00)	1,695.00	1,745.00
Application to Transfer	1,142.00 (1,200.00)	1,165.00	1,199.00
Application for Reinstatement	1,142.00 (1,200.00)	1,165.00	1,199.00
Application Provisional Statement	3,334.00 (3,500.00)	3,401.00	3,500.00
Licence application Provisional Statement Holders	1,142.00 (1,200.00)	1,165.00	1,199.00
Copy Licence	25.00 (25.00)	25.00	25.00
Notification of Change	50.00 (50.00)	50.00	50.00
BETTING EXCLUDING TRACK			
New Application	2,858.00 (3,000.00)	2,915.00	3,000.00
Annual Fee	600.00 (600.00)	600.00	600.00
Application to Vary	1,428.00 (1,500.00)	1,457.00	1,499.00
Application to Transfer	1,142.00 (1,200.00)	1,165.00	1,199.00
Application for Reinstatement	1,142.00 (1,200.00)	1,165.00	1,199.00
Application Provisional Statement	2,858.00 (3,000.00)	2,915.00	3,000.00
Licence application Provisional Statement Holders	1,142.00 (1,200.00)	1,165.00	1,199.00
Copy Licence	25.00 (25.00)	25.00	25.00
Notification of Change	50.00 (50.00)	50.00	50.00
TRACKS			
New Application	1,428.00 (2,500.00)	1,457.00	1,499.00
Annual Fee	953.00 (1,000.00)	972.00	1,000.00
Application to Vary	1,180.00 (1,250.00)	1,204.00	1,239.00
Application to Transfer	904.00 (950.00)	922.00	949.00
Application for Reinstatement	904.00 (950.00)	922.00	949.00
Application Provisional Statement	2,382.00	2,430.00	2,500.00

	(2,500.00)		
Licence application Provisional Statement Holders	904.00 (950.00)	922.00	949.00
Copy Licence	25.00 (25.00)	25.00	25.00
Notification of Change	50.00 (50.00)	50.00	50.00
FAMILY ENTERTAINMENT CENTRES			
New Application	1,905.00 (2,000.00)	1,943.00	2,000.00
Annual Fee	698.00 (750.00)	712.00	733.00
Application to Vary	953.00 (1,000.00)	972.00	1,000.00
Application to Transfer	904.00 (950.00)	922.00	949.00
Application for Reinstatement	904.00 (950.00)	922.00	949.00
Application Provisional Statement	1,905.00 (2,000.00)	1,943.00	2,000.00
Licence application Provisional Statement Holders	904.00 (950.00)	922.00	949.00
Copy Licence	25.00 (25.00)	25.00	25.00
Notification of Change	50.00 (50.00)	50.00	50.00
ADULT GAME CENTRE			
New Application	1,905.00 (2,000.00)	1,943.00	2,000.00
Annual Fee	763.00 (1,000.00)	778.00	801.00
Application to Vary	953.00 (1,000.00)	972.00	1,000.00
Application to Transfer	1,142.00 (1,200.00)	1,165.00	1,199.00
Application for Reinstatement	1,142.00 (1,200.00)	1,165.00	1,199.00
Application Provisional Statement	1,905.00 (2,000.00)	1,943.00	2,000.00
Licence application Provisional Statement Holders	1,142.00 (1,200.00)	1,165.00	1,199.00
Copy Licence	25.00 (25.00)	25.00	25.00
Notification of Change	50.00 (50.00)	50.00	50.00

6. The Council is only permitted to set licensing fees up to the amount that can be ascertained as being the cost of administering the licensing function. However this does not apply to liquor licensing fees, which are set by the Secretary of State for Culture, Media and Sport. The cost of administering includes enforcement, the administrative and ancillary costs of issuing the licence and the ancillary costs relating to members meeting to determine certain licensing applications.

Finance

7. This report is financial in nature with any financial implications referred to in the background above.

The budget 2015/16 has been set as follows; the cost of licence administration includes enforcement and administrative costs of processing the licence but does not include any costs relating to Members.

	£'000s	£'000s
Cost of Licence Administration		652
Less:		
Income:		
Hackney Carriage Licences	(546)	
Street Trading	(10)	
Betting and Gaming	(4)	
Liquor	(239)	
Public Entertainment	(7)	
Gambling	(30)	
Scrap Metal	(10)	(846)
Net (surplus) of Licensing Administration		(194)

Law

8. Part III and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 regulates the grant of street trading consents.
9. The Gambling Act 2005 part 8 212 and the Gambling Premises Licence fees (England and Wales) Regulations 2007 make provision for the fees payable to the Council.
10. The Gambling Act 2005 part 8 212 2 (c) provides for the publication of fees from time to time.

Equality Impact

11. The proposals take into account of the Council's policy in relation to equal opportunities.

12. The Gambling Act 2005 will impact on children and young people through the licensing of Family Entertainment Centres.
13. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

14. That the Committee review the current fees charged with effect from 1st April 2015.



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STRATEGIC DIRECTOR OF RESOURCES AND TRANSFORMATION

Contact Officer: Mrs. L Rouse
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers

APPENDIX 1

LICENCE/PERMIT	DUDLEY	WOLVER-HAMPTON	SANDWELL	BIRMINGHAM
STREET TRADERS	£601.00	As per site between £400.00 - £12,300.00 Annual Fee £400.00 – £3,075.00	Dependant on site – fee on application	<u>City Centre –per month</u> Decorative Carts - £643.00 Pitch under 1.39sq.m - £260.00 Pitch 1.39 to 2.78sq.m - £392.00 Kiosk - £191.00 <u>Suburbs – per month</u> Pitch under 1.39sq.m - £163.00 Pitch 1.39 to 2.78 sq.m - £228.00 All football sites - £788.00
ADDITIONAL SITE	£601.00	-	-	-
SEX ESTABLISHMENTS	£3,043.00	Initial Single: £5,040.00 Initial Joint: £7,560.00	£6378.00	£6,454.00 - 12 months £5,151.00 – 6 months
RENEWAL	£3,043.00	Renewal Single: £4,050.00 Renewal Joint: £6,080.00	£4,991.00	£3,462.00 – 12 months £3,462.00 – 6 months
TRANSFER		£400.00	£1,776.00	£2,396.00
SEXUAL ENTERTAINMENT VENUE	£3,043.00	£6,870.00	£2,575.00	£6,763.00
Renewal	£3,043.00	£5,530.00	£2,575.00	£3,565.00
Transfer			£1,030.00	£2,396.00
Variation				£3,691.00
Minor Variation				£722.00

LICENCE/PERMIT	DUDLEY	WOLVERHAMPTON	SANDWELL	BIRMINGHAM
SCRAP METAL 1 SITE 2 SITES 3 SITES COLLECTOR VARIATION COPY LICENCE	£332.00 £561.00 £816.00 £143.00 £ 77.00 £26.00	1 ST Site £450.00 Additional Sites £250.00 per site Collector £160.00	1 st Site £329.00 Plus £50.00 per site Collector £237.00	1 st Site £1,236.00 2 Sites £2,258.00 3 Sites £3,281.00 Collector £298.00
EXISTING CASINOS				
New Application	N/A			£2,074.00
Annual Fee	£2,794.00	£3,000.00 (max)	£1,109.00	£415.00
Application to Vary	£1,905.00	£2,000.00 (max)	£832.00	£2,000.00
Application to Transfer	£1,283.00	£1,350.00 (max)	£555.00	£693.00
Application for Reinstatement	£1,283.00	£1,350.00 (max)	£555.00	£693.00
Application Provisional Statement	N/A	N/A		£2,000.00
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	£50.00
NEW SMALL CASINO				
New Application	£7,621.00	£8,000.00 (max)		
Annual Fee	£4,763.00	£5,000.00 (max)		
Application to Vary	£3,810.00	£4,000.00 (max)		
Application to Transfer	£1,716.00	£1,800.00 (max)		

LICENCE/PERMIT	DUDLEY	WOLVER- HAMPTON	SANDWELL	BIRMINGHAM
Application to Reinstatement	£1,716.00	£1,800.00 (max)		
Application Provisional Statement	£7,621.00	£8,000.00 (max)		
Licence Application Provisional Statement Holders	£2,858.00			
Copy Licence	£25.00	£25.00		
Notification of Change	£50.00	£50.00		
NEW LARGE CASINO				
New Application	£9,526.00			
Annual Fee	£9,526.00			
Application to Vary	£4,763.00			
Application to Transfer	£2,046.00			
Application for Reinstatement	£2,046.00			
Application Provisional Statement	£9,526.00			
Licence Application Provisional Statement Holders	£4,763.00			
Copy Licence	£25.00			
Notification of Change	£50.00			

LICENCE/PERMIT	DUDLEY	WOLVER- HAMPTON	SANDWELL	BIRMINGHAM
REGIONAL CASINO				
New Application	£14,283.00			
Annual Fee	£14,283.00			
Application to Vary	£7,176.00			
Application to Transfer	£6,191.00			
Application for Reinstatement	£6,191.00			
Application Provisional Statement	£14,283.00			
Licence Application Provisional Statement Holders	£ 7,621.00			
Copy Licence	£25.00			
Notification of Change	£50.00			
BINGO CLUB				
New Application	£3,334.00	£3,500.00 (max)	£1,663.00	£2,074.00
Annual Fee	£763.00	£1,000.00 (max)	£444.00	£415.00
Application to Vary	£1,662.00	£1,750.00 (max)	£722.00	£1,750.00
Application to Transfer	£1,142.00	£1,200.00 (max)	£500.00	£693.00
Application for Reinstatement	£1,142.00	£1,200.00 (max)	£500.00	£693.00
Application Provisional Statement	£3,334.00	£3,500.00 (max)	£1,663.00	£2,074.00

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LICENCE/PERMIT	DUDLEY	WOLVER-HAMPTON	SANDWELL	BIRMINGHAM
Licence Application Provisional Statement Holders	£1,142.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	£50.00
BETTING EXCLUDING TRACKS				
New Application	£2,858.00	£3,000.00 (max)	£1,109.00	£2,074.00
Annual Fee	£600.00 (max)	£600.00 (max)	£278.00	£337.00
Application to Vary	£1,428.00	£1,500.00 (max)	£555.00	£1,500.00
Application to Transfer	£1,142.00	£1,200.00 (max)	£444.00	£386.00
Application for Reinstatement	£1,142.00	£1,200.00 (max)	£444.00	£386.00
Application Provisional Statement	£2,858.00	£3,000.00 (max)	£1,109.00	£2,074.00
Licence Application Provisional Statement Holders	£1,142.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	£50.00
TRACKS				
New Application	£1,428.00	£2,500.00 (max)	£1,109.00	£2,074.00
Annual Fee	£953.00	£1,000.00 (max)	£444.00	£415.00
Application to Vary	£1,180.00	£1,250.00 (max)	£555.00	£1,250.00
Application to Transfer	£904.00	£950.00 (max)	£444.00	£693.00

LICENCE/PERMIT	DUDLEY	WOLVER-HAMPTON	SANDWELL	BIRMINGHAM
Application for Reinstatement	£904.00	£950.00 (max)	£444.00	£693.00
Application Provisional Statement	£2,382.00	£2,500.00 (max)	£1,109.00	£2,074.00
Licence Application Provisional Statement Holders	£904.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	£50.00
FAMILY ENTERTAINMENT CENTRES				
New Application	£1,905.00	£2,000.00 (max)	£665.00	£2,000.00
Annual Fee	£698.00	£750.00 (max)	£333.00	£337.00
Application to Vary	£953.00	£1,000.00 (max)	£444.00	£1,000.00
Application to Transfer	£904.00	£950.00 (max)	£389.00	£386.00
Application for Reinstatement	£904.00	£950.00 (max)	£389.00	£386.00
Application Provisional Statement	£1,905.00	£2,000.00 (max)	£665.00	£2,000.00
Licence Application Provisional Statement Holders	£904.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	£50.00

LICENCE/PERMIT	DUDLEY	WOLVER-HAMPTON	SANDWELL	BIRMINGHAM
ADULT GAME CENTRE				
New Application	£1,905.00	£2,000.00 (max)	£832.00	£2,000.00
Annual Fee	£763.00	£1,000.00 (max)	£444.00	£337.00
Application to Vary	£953.00	£1,000.00 (max)	£444.00	£1,000.00
Application to Transfer	£1,142.00	£1,200.00 (max)	£500.00	£386.00
Application for Reinstatement	£1,142.00	£1,200.00 (max)	£500.00	£386.00
Application Provisional Statement	£1,905.00	£2,000.00 (max)	£832.00	£2,000.00
Licence Application Provisional Statement Holders	£1,142.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	£50.00