

SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE

WEDNESDAY 20th FEBRUARY, 2013

**AT 5.00 PM
IN THE COMMITTEE ROOM 3
AT THE COUNCIL HOUSE
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

JOE JABLONSKI
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You can view information about Dudley MBC on
www.dudley.gov.uk

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

Welcome to Dudley Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

Directorate of Corporate Resources

Law and Governance, Council House, Priory Road, Dudley, West Midlands DY1 1HF
Tel: 0300 555 2345
www.dudley.gov.uk



Our Ref:

JJ/JJ

Your Ref:

Please Ask For:

Mr J Jablonski

Telephone No:

01384 815243

12th February, 2013

Dear Councillor,

Special Meeting of Licensing and Safety Committee –20th February, 2013

You are requested to attend a Special Meeting of the Licensing and Safety Committee to be held on Wednesday, 20th February, 2013, commencing at 5.00pm in Committee Room 3 at the Council House, Dudley, to consider the business set out in the agenda below.

The agenda and public reports are available on the Council's Website www.dudley.gov.uk and follow the links to Councillors in Dudley and Committee Management Information System.

Yours sincerely

A handwritten signature in black ink, appearing to be "P. Z.", with a stylized flourish at the end.

Director of Corporate Resources

A G E N D A

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' Code of Conduct.

3. MINUTES

To approve as a correct record and sign the minutes of the Special Meeting of the Committee held on 19th December, 2013 (copy attached).

4. REVISION OF LICENCE FEES 2013 (PAGES 1 - 14)

To consider a report of the Director of Corporate Resources

5. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8(IF ANY)

To:- Members of the Licensing and Safety Committee: -

Councillors Mrs Ameson, M Aston, Bills, Blood, Cowell, K. Finch, James, Perks, Roberts, Russell, Taylor and Woodall

SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE

Wednesday 19th December, 2012 at 10.00 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillor Cowell (Vice-Chair)
Councillors M Aston, Blood, K Finch, Herbert, James, Roberts and Woodall.

Officers

Senior Solicitor (as Legal Advisor), Solicitor and Mrs K Griffiths (all Directorate of Corporate Resources)

Also In Attendance - (for agenda item no. 4)

Mr A Taylor, Licensing Officer for West Midlands Police
PC Reg Steel
PC William Smith
PCSO Sarah Nixon
Ms D McNulty – Public Health Manager

12	<u>APOLOGIES FOR ABSENCE</u>
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Apologies for absence from the meeting were submitted on behalf of Councillors Mrs Ameson, Russell and Taylor.

13	<u>DECLARATION OF INTEREST</u>
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Councillor Cowell declared a non-pecuniary interest in respect of Agenda Item No. 4 – Quarry Bank (Alcohol Consumption in Designated Public Place) Order 2013, as a Ward Member for the area.

14	<u>MINUTES</u>
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RESOLVED

That the minutes of the meeting of the Committee held on 12th September, 2012, be approved as a correct record and signed.

QUARRY BANK (ALCOHOL CONSUMPTION IN PUBLIC PLACES) ORDER 2013

A report of the Director of Corporate Resources was submitted on a proposal that an Order be made making Quarry Bank a designated public place where the consumption of alcohol would be prohibited other than within the curtilage of licensed premises.

Attached at Appendix 2 to the report submitted was a copy of a plan showing the proposed Area to be designated. Attached at Appendix 1 to the report submitted was a report from West Midlands Police summarising the problems with the excess consumption of alcohol and associated problems in Quarry Bank. Circulated prior to the meeting was a further document giving details of alcohol related anti social behaviour, public safety welfare and crimes in support of the proposed Order.

The Solicitor referred to the Appendices indicated above and to the Police incident logs referred to in paragraph 5 of the report, which the Chair and Vice-Chair of this Committee had agreed to inspect prior to this meeting.

Arising from the presentation, the Chair indicated that the Vice-Chair and herself had inspected the Police incident logs prior to the meeting and both had been satisfied as to the evidence contained therein.

PC Steel was then invited to speak and confirmed that the proposed Order would enable the Police to more effectively control the alcohol fuelled anti-social behaviour in the proposed area and greatly improve the quality of life for residents.

Members commented on the need to ensure that Orders were enforced. It was suggested that contact numbers be given to residents in the area of the proposed Order to report incidents relating to alcohol. In responding, PC Steel indicated that the Police were currently undergoing a Continuous Improvement Programme, however, he assured the Committee that they were committed to protecting the services they provided at the level expected. The proposed Order would give the Police extended power to tackle alcohol related anti social behaviour.

Members further commented that the way in which the Police enforced Alcohol Consumption in Public Places Orders should be consistent across the whole of the borough. Assurances were given that the issue would be considered in the New Year.

Members were also invited to consider the health issues associated with excessive alcohol consumption.

Arising from a question asked in relation to tackling persistent offenders, the representative for West Midlands Police indicated that Officers could now issue Dispersal Orders giving them the power to move people from within the strictly defined prohibited areas if they were suspected of causing anti-social behaviour. It was reported that should perpetrators ignore the Notice, arrests could be made.

The Legal Advisor then outlined the Procedure for making an Order as detailed in paragraphs 9 to 13 of the report submitted to the meeting.

Arising from the consideration given to this matter it was

RESOLVED

That approval, in principle, be given to the introduction of a Designation Order for Quarry Bank, as shown on the plan attached at Appendix 2 to the report submitted, the effect of which if introduced, will prohibit the consumption of alcohol within the designated area other than within the curtilage of licensed premises, and that the Director of Corporate Resources be authorised to undertake the necessary consultations and publish a notice in a local newspaper in accordance with the procedure for the making of an Order, as outlined in the report submitted.

16

COMMENTS FROM THE CHAIR

The Chair thanked everyone for attending the meeting and wished all a Happy Christmas and a Prosperous New Year.

The meeting ended at 10.30am.

CHAIR

Licensing and Safety Committee – 20th February 2013

Report of the Director of Corporate Resources

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 2012.
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 2013/14 (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	577.00	589.00	606.00
STREET TRADING CONSENT – ADDITIONAL SITE	577.00	589.00	606.00
SEX ESTABLISHMENTS/SEXUAL ENTERTAINMENT VENUE	3,964.00	4,043.00	4,162.00
MOTOR SALVAGE VEHICLE LICENCE	62.00	63.00	65.00
EXISTING CASINO			
New Application	N/A		
Annual Fee	2,685.00 (3,000.00)	2,739.00	2,819.00
Application to Vary	1,831.00 (2,000.00)	1,868.00	1,923.00
Application to Transfer	1,233.00 (1,350.00)	1,258.00	1,295.00
Application for Reinstatement	1,233.00 (1,350.00)	1,258.00	1,295.00
Application Provisional Statement	N/A		
Licence application Provisions Statement Holder	N/A		
Copy Licence	25.00 (25.00)		
Notification of Change	50.00 (50.00)		
NEW SMALL CASINO			
New Application	7,325.00 (8,000.00)	7,472.00	7,691.00
Annual Fee	4,578.00 (5,000.00)	4,670.00	4,807.00
Application to Vary	3,662.00 (4,000.00)	3,735.00	3,845.00
Application to Transfer	1,649.00 (1,800.00)	1,682.00	1,731.00
Application for Reinstatement	1,649.00 (1,800.00)	1,682.00	1,731.00
Application Provisional Statement	7,325.00 (8,000.00)	7,472.00	7,691.00
Licence application Provisional Statement Holders	2,747.00 (3,000.00)	2,802.00	2,884.00
Copy Licence	25.00 (25.00)		
Notification of Change	50.00 (50.00)		

NEW LARGE CASINO			
New Application	9,156.00 (10,000.00)	9,339.00	9,614.00
Annual Fee	9,156.00 (10,000.00)	9,339.00	9,614.00
Application to Vary	4,578.00 (5,000.00)	4,670.00	4,807.00
Application to Transfer	1,967.00 (2,150.00)	2,006.00	2,065.00
Application for Reinstatement	1,967.00 (2,150.00)	2,006.00	2,065.00
Application Provisional Statement	9,156.00 (10,000.00)	9,339.00	9,614.00
Licence application Provisional Statement Holders	4,578.00 (5,000.00)	4,670.00	4,807.00
Copy Licence	25.00 (25.00)		
Notification of Change	50.00 (50.00)		
REGIONAL CASINO			
New Application	13,728.00 (15,000.00)	14,003.00	14,414.00
Annual Fee	13,728.00 (15,000.00)	14,003.00	14,414.00
Application to Vary	6,867.00 (7,500.00)	7,035.00	7,242.00
Application to Transfer	5,951.00 (6,500.00)	6,070.00	6,249.00
Application for Reinstatement	5,951.00 (6,500.00)	6,070.00	6,249.00
Application Provisional Statement	13,728.00 (15,000.00)	14,003.00	14,414.00
Licence application Provisional Statement Holders	7,325.00 (8,000.00)	7,472.00	7,691.00
Copy Licence	25.00 (25.00)		
Notification of Change	50.00 (50.00)		
BINGO CLUB			
New Application	3,205.00 (3,500.00)	3,269.00	3,365.00
Annual Fee	733.00 (1,000.00)	748.00	770.00
Application to Vary	1,597.00 (1,750.00)	1,629.00	1,677.00
Application to Transfer	1,098.00 (1,200.00)	1,120.00	1,153.00
Application for Reinstatement	1,098.00 (1,200.00)	1,120.00	1,153.00
Application Provisional Statement	3,205.00 (3,500.00)	3,269.00	3,365.00

Licence application Provisional Statement Holders	1,098.00 (1,200.00)	1,120.00	1,153.00
Copy Licence	25.00 (25.00)		
Notification of Change	50.00 (50.00)		
BETTING EXCLUDING TRACK			
New Application	2,747.00 (3,000.00)	2,802.00	2,884.00
Annual Fee	593.00 (600.00)	600.00 (Maximum)	
Application to Vary	1,373.00 (1,500.00)	1,400.00	1,442.00
Application to Transfer	1,098.00 (1,200.00)	1,120.00	1,153.00
Application for Reinstatement	1,098.00 (1,200.00)	1,120.00	1,153.00
Application Provisional Statement	2,747.00 (3,000.00)	2,802.00	2,884.00
Licence application Provisional Statement Holders	1,098.00 (1,200.00)	1,120.00	1,153.00
Copy Licence	25.00 (25.00)		
Notification of Change	50.00 (50.00)		
TRACKS			
New Application	1,373.00 (2,500.00)	1,400.00	1,442.00
Annual Fee	916.00 (1,000.00)	934.00	962.00
Application to Vary	1,134.00 (1,250.00)	1,157.00	1,191.00
Application to Transfer	869.00 (950.00)	886.00	912.00
Application for Reinstatement	869.00 (950.00)	886.00	912.00
Application Provisional Statement	2,289.00 (2,500.00)	2,335.00	2,403.00
Licence application Provisional Statement Holders	869.00 (950.00)	886.00	912.00
Copy Licence	25.00 (25.00)		
Notification of Change	50.00 (50.00)		
FAMILY ENTERTAINMENT CENTRES			
New Application	1,831.00 (2,000.00)	1,868.00	1,923.00
Annual Fee	671.00 (750.00)	684.00	705.00

Application to Vary	916.00 (1,000.00)	934.00	962.00
Application to Transfer	869.00 (950.00)	886.00	912.00
Application for Reinstatement	869.00 (950.00)	886.00	912.00
Application Provisional Statement	1,831.00 (2,000.00)	1,868.00	1,923.00
Licence application Provisional Statement Holders	869.00 (950.00)	886.00	912.00
Copy Licence	25.00 (25.00)		
Notification of Change	50.00 (50.00)		
ADULT GAME CENTRE			
New Application	1,831.00 (2,000.00)	1,868.00	1,923.00
Annual Fee	733.00 (1,000.00)	748.00	770.00
Application to Vary	916.00 (1,000.00)	934.00	962.00
Application to Transfer	1,098.00 (1,200.00)	1,120.00	1,153.00
Application for Reinstatement	1,098.00 (1,200.00)	1,120.00	1,153.00
Application Provisional Statement	1,831.00 (2,000.00)	1,868.00	1,923.00
Licence application Provisional Statement Holders	1,098.00 (1,200.00)	1,120.00	1,153.00
Copy Licence	25.00 (25.00)		
Notification of Change	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 2013/14 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		659
Less:		
Income:		
Hackney Carriage Licences	(454)	
Street Trading	(10)	
Betting and Gaming	(4)	
Liquor	(211)	
Public Entertainment	(7)	
Gambling	(30)	(716)
Net (surplus) of Licensing Administration		(57)

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.

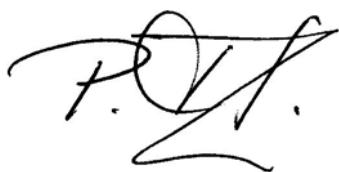
Equality Impact

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 2013.



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DIRECTOR OF CORPORATE RESOURCES

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

List of Background Papers

APPENDIX 1

LICENCE/PERMIT	DUDLEY	WOLVER-HAMPTON	SANDWELL	BIRMINGHAM
STREET TRADERS	£577.00	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 - £624.00 Pitch under 1.39sq.m - £252.00 Pitch 1.39 to 2.78sq.m - £380.00 Kiosk - £185.00 <u>Suburbs – per month</u> Pitch under 1.39sq.m - £158.00 Pitch 1.39 to 2.78 sq.m - £221.00 All football sites - £765.00
ADDITIONAL SITE	£577.00	-	-	-
SEX ESTABLISHMENTS	£3,964.00	Initial Single - £4,580.00 Initial Joint - £6,870.00	£6378.00	£7,585.00
RENEWAL	£3,964.00	Renewal Single - £3,680.00 Renewal Joint - £5,530.00	£4,991.00	£4,070.00
TRANSFER		£365.00	£1,776.00	£1,215.00
SEXUAL ENTERTAINMENT VENUE	£3,964.00	£6,870.00	£2,575.00	£7,585.00
Renewal	£3,964.00	£5,530.00	£2,575.00	£4,070.00
Transfer			£1,030.00	£1,215.00
Variation				£4,070.00
Minor Variation				£649.00

LICENCE/PERMIT	DUDLEY	WOLVER-HAMPTON	SANDWELL	BIRMINGHAM
MOTOR VEHICLE SALVAGE LICENCE	£62.00	£90.00	£74.00	£100.00
EXISTING CASINOS				
New Application	N/A			£2,074.00
Annual Fee	£2,685.00	£2638.00	£1,109.00	£415.00
Application to Vary	£1,831.00	£1,616.00	£832.00	£2,000.00
Application to Transfer	£1,233.00	£1,087.00	£555.00	£693.00
Application for Reinstatement	£1,233.00	£1,086.00	£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	
NEW SMALL CASINO				
New Application	£7,325.00	£6,905.00		
Annual Fee	£4,578.00	£4,396.00		
Application to Vary	£3,662.00	£3,452.00		
Application to Transfer	£1,649.00	£1,800.00		
Application to Reinstatement	£1,649.00	£1,454.00		
Application Provisional Statement	£7,325.00	£6,905.00		

LICENCE/PERMIT	DUDLEY	WOLVER- HAMPTON	SANDWELL	BIRMINGHAM
Licence Application Provisional Statement Holders	£2,747.00			
Copy Licence	£25.00	£25.00		
Notification of Change	£50.00	£50.00		
NEW LARGE CASINO				
New Application	£9,156.00			
Annual Fee	£9,156.00			
Application to Vary	£4,578.00			
Application to Transfer	£1,967.00			
Application for Reinstatement	£1,967.00			
Application Provisional Statement	£9,156.00			
Licence Application Provisional Statement Holders	£4,578.00			
Copy Licence	£25.00			
Notification of Change	£50.00			
REGIONAL CASINO				
New Application	£13,728.00			
Annual Fee	£13,728.00			
Application to Vary	£6,867.00			
Application to Transfer	£5,951.00			

LICENCE/PERMIT	DUDLEY	WOLVER- HAMPTON	SANDWELL	BIRMINGHAM
Application for Reinstatement	£ 5,951.00			
Application Provisional Statement	£13,728.00			
Licence Application Provisional Statement Holders	£ 7,325.00			
Copy Licence	£25.00			
Notification of Change	£50.00			
BINGO CLUB				
New Application	£3,205.00	£2,522.00	£1,663.00	£2,074.00
Annual Fee	£733.00	£879.00	£444.00	£415.00
Application to Vary	£1,597.00	£1,429.00	£722.00	£1,750.00
Application to Transfer	£1,098.00	£972.00	£500.00	£693.00
Application for Reinstatement	£1,098.00	£972.00	£500.00	£693.00
Application Provisional Statement	£3,205.00	£2,522.00	£1,663.00	£2,074.00
Licence Application Provisional Statement Holders	£1,098.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	

LICENCE/PERMIT	DUDLEY	WOLVER- HAMPTON	SANDWELL	BIRMINGHAM
BETTING EXCLUDING TRACKS				
New Application	£2,747.00	£2,258.00	£1,109.00	£2,074.00
Annual Fee	£593.00	£528.00	£278.00	£337.00
Application to Vary	£1,373.00	£1,297.00	£555.00	£1,500.00
Application to Transfer	£1,098.00	£972.00	£444.00	£386.00
Application for Reinstatement	£1,098.00	£972.00	£444.00	£386.00
Application Provisional Statement	£2,747.00	£2,258.00	£1,109.00	£2,074.00
Licence Application Provisional Statement Holders	£1,098.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	
TRACKS				
New Application	£1,373.00	£1,983.00	£1,109.00	£2,074.00
Annual Fee	£916.00	£879.00	£444.00	£415.00
Application to Vary	£1,134.00	£1,158.00	£555.00	£1,250.00
Application to Transfer	£869.00	£839.00	£444.00	£693.00
Application for Reinstatement	£869.00	£839.00	£444.00	£693.00

LICENCE/PERMIT	DUDLEY	WOLVER-HAMPTON	SANDWELL	BIRMINGHAM
Application Provisional Statement	£2,289.00	£1,983.00	£1,109.00	£2,074.00
Licence Application Provisional Statement Holders	£869.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	
FAMILY ENTERTAINMENT CENTRES				
New Application	£1,831.00	£1,730.00	£665.00	£2,000.00
Annual Fee	£671.00	£660.00	£333.00	£337.00
Application to Vary	£916.00	£1,000.00	£444.00	£1,000.00
Application to Transfer	£869.00	£844.00	£389.00	£386.00
Application for Reinstatement	£869.00	£844.00	£389.00	£386.00
Application Provisional Statement	£1,831.00	£1,730.00	£665.00	£2,000.00
Licence Application Provisional Statement Holders	£869.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	

LICENCE/PERMIT	DUDLEY	WOLVER-HAMPTON	SANDWELL	BIRMINGHAM
ADULT GAME CENTRE				
New Application	£1,831.00	£1,730.00	£832.00	£2,000.00
Annual Fee	£733.00	£879.00	£444.00	£337.00
Application to Vary	£916.00	£1,000.00	£444.00	£1,000.00
Application to Transfer	£1,098.00	£972.00	£500.00	£386.00
Application for Reinstatement	£1,098.00	£972.00	£500.00	£386.00
Application Provisional Statement	£1,831.00	£1,730.00	£832.00	£2,000.00
Licence Application Provisional Statement Holders	£1,098.00			
Copy Licence	£25.00	£25.00	£19.00	£25.00
Notification of Change	£50.00	£50.00	£29.00	