



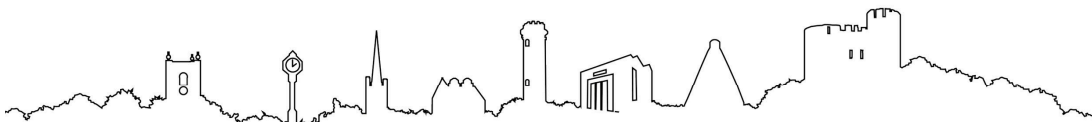
Meeting of the Licensing and Safety Committee

**Wednesday 22nd May, 2024 at 7.00pm (or upon conclusion of the
Licensing and Safety Committee Member Training)
In Committee Room 2 at the 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 serving for this meeting of the 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 5th February, 2024 as a correct record (Pages 4 - 7).
5. Appointment of Licensing Sub-Committees for the 2024/2025 Municipal Year (Pages 8 - 11).
6. To consider any questions from Members to the Chair where two clear day's notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).





Chief Executive

Dated: 14th May, 2024

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 16th May, 2024)

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Submitting Apologies for Absence

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If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk

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**Minutes of the Licensing and Safety Committee
Monday 5th February, 2024 at 6.00 pm,
In Committee Room 2 at the
Council House, Priory Road, Dudley**

Present:

Councillor A Taylor (Vice-Chair in the Chair)
Councillors J Clinton, J Cowell, T Creed, K Denning, P Drake, M Evans, A
Goddard, M Howard and E Taylor.

Officers:

N Slym (Assistant Team Manager (Waste, Fleet and Licensing)), I Grosvenor
(Finance Manager), R Millard (Senior Principal Accountant) and H Mills (Senior
Democratic Services Officer).

7. **Apology for absence**

An apology for absence from the meeting was submitted on behalf of
Councillor K Razzaq.

8. **Appointment of Substitute Members**

There were no substitute Members appointed for this meeting of the
Committee.

9. **Declarations of interest**

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

10. **Minutes**

Resolved

That the minutes of the meeting held on 31st May, 2023, be approved as a correct record and signed.

11. **Revision of Licence Fees**

A report of the Interim Service Director of Environment Directorate was submitted to consider the revision of fees for licences and consents, other than those where the fees were imposed by statute in respect of liquor licensing, gambling machine permits and lotteries and amusement.

The Assistant Team Manager (Waste, Fleet and Licensing) presented the report in detail, followed by the Senior Principal Accountant providing a breakdown as to how the cost of licensing administration was formulated. The reasons as to why this had increased by £38,200 from the previous financial year were outlined, which was reportedly due to an increase in pay awards, salary regrades and the creation of an additional part-time full time equivalent (FTE) post.

The Committee were advised that the predominate cost of licensing attributed to the administration of hackney carriage licences and that the projected budget had been calculated with the assumption that there would be no increase to fees and charges for 2024/25 as budget income received from liquor licensing, gambling, street trading and all other licensable activities relevant to this Committee, were largely set at statutory prices. Therefore, an increase of 1 or 2% would have minimal impact to the prices in which the Authority could influence.

Arising from the presentation of the report, Members asked questions, made comments and responses were provided as follows:-

- a) In responding to questions raised by Members with regards to the additional income that would be achieved should the fees be increased, it was reiterated that an assumption of no increase to fees and charges for 2024/25 had been projected in the budget, as the number of new licence applications, street traders and scrap metal licenses were minimal and would likely generate an additional £135.

- b) Whilst it was acknowledged that Dudley Town Market did not fall within the remit of this Committee, Members expressed concern with regard to the lack of footfall and traders in comparison with neighbouring market towns and requested that comparative performance information be circulated to Members for information after the meeting.
- c) In responding to a question raised by Councillor K Denning regarding clarification as to the reason Dudley's fee for Scrap Metal licences were much lower in comparison with neighbouring authorities, the Assistant Team Manager (Waste, Fleet and Licensing) stated that this was a decision of fees set by previous Committees. It was considered that the competitive price may attract more applicants, although the income generated would still be minimal.
- d) Councillor J Clinton requested clarification as to whether there was an issue in Dudley with Scrap Collectors not having a licence, and questioned how this was monitored and enforced. In responding the Assistant Team Manager (Waste, Fleet and Licensing) stated that the enforcement team worked closely with West Midlands Police and were proactive in monitoring the situation, with planned spot checks undertaken at local scrap metal sites throughout the year. It was reported that anyone without a licence may be prosecuted. The Committee were however reminded that the Enforcement Team consisted of 4 full-time equivalent posts and was responsible for all licensing enforcement.

Councillor J Clinton suggested that a report on Scrap Metal licences be submitted to a future meeting, to include the cost of licences in comparison with neighbouring authorities; the number of licences issued by Dudley and the number of new applications received for collectors and sites; what enforcement action activity was undertaken to prevent unlicensed collectors and information in relation to successful prosecutions, together with the percentage of collectors accessing local scrap metal sites without a licence.

- e) In considering whether the Committee should apply an increase to the fees for 2024/25, Councillor A Taylor, although recognised that an increase would have minimal impact to the amount of income generated, was of the view that the fees should be increased year on year to keep pace with the cost of living.

- f) Councillor J Cowell commented that due to the limited amount that would be generated from an increase in fees and the additional administrative work that would be required as a result, she was of the view an increase would be of no benefit to the Council or applicants.
- g) In referring to the proposed increase in fees, Councillor P Drake was of the view that as residents were required to pay an increase in Council Tax, the same should be applied to businesses and traders, and therefore supported an increase in the fees.

Following deliberations, it was

Resolved

- (1) That, an increase of 2%, with effect from 1st April, 2024, in respect of fees for licences and consents, other than those where the fees were imposed by statute in respect of liquor licensing, gambling machine permits and lotteries and amusements, be approved.
- (2) That the Assistant Team Manager (Waste, Fleet and Licensing) provide a report to the next meeting of the Committee on Scrap Metal licences, to include comparative information with neighbouring authorities on the cost of licences; how many licences had been issued by the Local Authority; the number of new applications for collectors and sites; what enforcement action activity was undertaken to prevent unlicensed collectors and information in relation to successful prosecutions; data on the percentage of collectors accessing local scrap metal sites without a licence.

12. Questions Under Council Procure Rule 11.8

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 6.40pm.

CHAIR

Meeting of the Licensing and Safety Committee – 22nd May, 2024

Report of the Lead for Law and Governance

Appointment of Licensing Sub-Committees for the 2024/25 Municipal Year

Purpose

1. To consider the appointment of four Licensing Sub-Committees for the 2024/25 municipal year.

Recommendations

2. It is recommended:-
 - 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;
 - that consideration be given to the proposed membership of the Licensing Sub-Committees for 2024/25 as set out in the details to be circulated at the meeting;
 - that the substitution arrangements as 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 Monitoring Officer prior to the commencement of the meeting in question.
 - that the Lead for Law and Governance (Monitoring Officer) be authorised to make any necessary changes to the membership or composition of Sub-Committees that might arise during the municipal year taking account of the wishes of the political groups.

Background

3. The Licensing and Safety Committee was appointed at Annual Council to undertake the statutory Committee functions in accordance with the Licensing Act 2003. The Committee also undertakes functions under various other legislative provisions, as referred to in paragraph 11 and otherwise as set out in the Constitution.
4. In practice, the majority of licensing applications are dealt with by the Licensing Sub-Committees. For 2024/25 it is proposed to appoint Licensing Sub-Committees on the same basis as in the previous municipal year (four Sub-Committees comprising of three Members each).
5. The functions of the Licensing and Safety Committee are 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.
6. The Council has decided that the proportionality requirements of the Local Government and Housing Act 1989 shall not apply to Licensing Sub-Committees. It is therefore a matter for this Committee to appoint Members to the four Sub-Committees. A list of the proposed names of Members to be appointed, together with the respective Chairs of each Sub-Committee will be circulated at the meeting.
7. The scheduled dates of Licensing Sub-Committees for 2024/25 are as set out in the calendar of meetings agreed at Annual Council on 16th May, 2024. Additional meetings may be arranged in consultation with the Chair of the Licensing and Safety Committee.
8. Mandatory Committee training for Members has been arranged for 22nd May, 2024 at 6pm. All Members of the Committee must have completed the mandatory Committee training, prior to serving on a Sub-Committee.
9. Members may wish to note the substitution arrangements for meetings, which are contained in the Council Procedure Rules in the Constitution as follows:-

“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 Monitoring Officer 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.

Finance

10. Any financial implications arising from the proposals in this report will be met from existing resources.

Law

11.
 - Liquor Licensing, the provision of late night refreshment and regulated entertainment are governed by the Licensing Act 2003.
 - 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 metal yards and motor salvage operators is governed by the Scrap Metal Dealers Act 2013.
 - Sex Shops is governed by Local Government (Miscellaneous Provisions) Act 1982 Part II.
 - Performance Hypnotism is governed by Hypnotism Act 1952.
 - Gambling Licences and Permits are governed by the Gambling Act 2005.

Risk Management

12. The Council is committed to adopting best practice in its management of risk. It aims to ensure risk is maintained at an acceptable level in order to maximise opportunities and demonstrate that it has given full consideration of the implications of risk to the delivery and achievement of its outcomes, strategic aims and priorities.

Equality Impact

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

Human Resources/Organisational Development

14. Governance arrangements will be administered from existing resources.

Commercial/Procurement

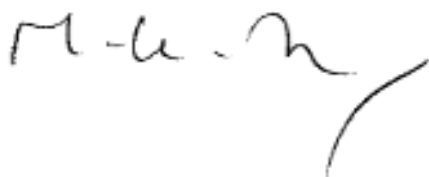
15. Decisions taken by the Committee will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus as appropriate.

Environment/Climate Change

16. There are no Environment/Climate change implications.

Council Plan

17. Dudley operates a One Council ethos to build an effective and dynamic organisation aligned to the Council Plan objectives.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

Contact Officer: Karen Malpass
Democratic Services Officer
Telephone No. 01384 818219

List of Background Documents

- Dudley MBC Constitution
- Annual Council Meeting – 16th May, 2024