

MEETING OF LICENSING AND SAFETY COMMITTEE

THURSDAY 23RD MAY, 2013

AT 6.00 PM
IN THE COMMITTEE ROOM 2
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
ASSISTANT PRINCIPAL OFFICER (DEMOCRATIC SERVICES)
Internal Ext – 5243
External – 01384 815243
E-mail – josef.jablonski@dudley.gov.uk

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.

Our Ref:

JJ/JJ

Your Ref:

Please Ask For:

Mr J Jablonski

Telephone No:

01384 815243

15th May, 2013

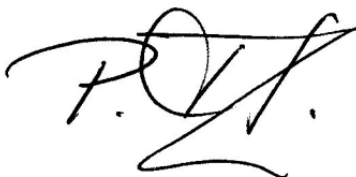
Dear Councillor

Meeting of Licensing and Safety Committee – 23rd May, 2013

Subject to your appointment to the Committee at the Annual Meeting of the Council on 16th May, 2013, you are requested to attend a Meeting of the Licensing and Safety Committee to be held on Thursday, 23rd May, 2013, commencing at 6.00 pm in Committee Room 2 at the Council House, Dudley, to consider the business set out in the agenda below.

The agenda and reports for this meeting can be viewed on the internet site www.dudley.gov.uk (Follow the links to Meetings and Decisions).

Yours sincerely



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 7th March, 2013 (copy attached).

4. APPOINTMENT OF SUB-COMMITTEES (PAGES 1 - 3)

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

SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE

Thursday, 7th March 2013 at 6.00 p.m.
in Committee Room 3, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillor Cowell (Vice Chair)
Councillors Mrs. Ameson, M Aston, Blood, K Finch, Roberts, Russell,
Taylor and Woodall.

Officers:-

Mr T Holder (Solicitor), Ms N Bangar (Solicitor) and Mr. J. Jablonski
(Democratic Services) (All Directorate of Corporate Resources).

Also in attendance

Representatives from West Midlands Police – S Nixon, W Smith, R
Steele and N Woods.

21 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of
Councillors James and Perks.

22 DECLARATIONS OF INTEREST

Councillor Cowell declared a non-pecuniary interest in Agenda Item 4 –
Alcohol Consumption in Public Places – Quarry Bank area – as she was
a Ward Member for the area.

23 MINUTES

RESOLVED

That the minutes of the Special Meeting of the Committee held
on 20th February, 2013, be approved as a correct record and
signed.

ALCOHOL CONSUMPTION IN PUBLIC PLACES – QUARRY BANK AREA

A report of the Director of Corporate Resources was submitted on the consultation undertaken and the publishing of a notice in a local newspaper arising from the decision of this Committee at its meeting held on 19th December, 2012, to approve, in principle, the introduction of a Designation Order for the Quarry Bank area where the consumption of alcohol would be prohibited other than within the curtilage of licensed premises.

Appendix 1 to the Report submitted was a copy of a plan indicating the original proposed designated area, as previously reported to the Committee.

Attached as Appendix 2 to the report was a copy of the draft Designation Order.

Paragraphs 6 to 8 of the report submitted detailed the action taken arising from the decision made at the meeting of the Committee held on 19th December, 2012, and in particular referred to the 84 responses that had been received arising from the publication of the notice and other steps taken to publicise this matter. Of the 84 responses 82 supported the proposal.

Paragraph 8 of the report also set out representations made to extend the proposed designated area, however, no action was proposed on this as under the legislation the Council can only include an area if there was sufficient evidence from the Police to link the consumption of alcohol with anti-social behaviour or disorder.

It was noted that the cost of the consultation and public notices in the press would be met from existing resources whilst the costs of street signage would be met by the Police.

Arising from the consideration given to this matter, during which particular thanks were given to the Police for their assistance in publicising the matter by delivering letters to properties in the proposed designated area fully explained the proposal and inviting any comments or objections, it was:-

RESOLVED

That the Quarry Bank (Alcohol Consumption in Designated Public Place) Order 2013 be approved for the area indicated on the plan and in the draft Designation Order attached as Appendices 1 and 2 to the report submitted and that the Director of Corporate Resources be authorised to take all necessary action connected with the making of the Order as indicated in paragraphs 16 to 21 of the Report submitted.

The meeting ended at 6.08 p.m.

CHAIR

Licensing and Safety Committee – 23rd May 2013

Report of the Director of Corporate Resources

Appointment of Licensing Sub-Committees

Purpose of Report

- 1 To consider the appointment of four Licensing Sub-Committees for the municipal year 2013/14.

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 16th May, 2013, it is 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 16th May, 2013.

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 2013/14 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 Director of Corporate Resources prior to the commencement of the meeting in question.



.....
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Joe Jablonski ext. 5243
Telephone: 01384 815243
Email: josef.jablonski@dudley.gov.uk

List of Background Papers
The Council's Constitution