

Meeting of the Licensing and Safety Committee

Wednesday 31st May, 2023 at 5.00pm

**In Conference Room 6, Ground Floor, Saltwells Education Centre,
Bowling Green Road, Netherton, Dudley, DY2 9LY**

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 1st February, 2023 as a correct record (Pages 6-11).
5. Appointment of Licensing Sub-Committees for the 2023/2024 Municipal Year (Pages 12-17).
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: 22nd May, 2023

Distribution:

To all Members of the Licensing and Safety Committee :

Councillors: K Razzaq (Chair), J Clinton, J Cowell, T Creed, P Drake, M Evans, A Goddard, M Howard, A Lees, S Mughal, A Taylor (Vice Chair) and E Taylor



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Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

Private and Confidential Information

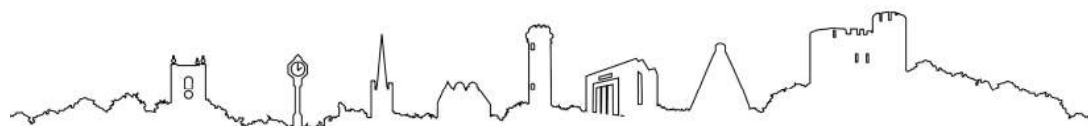
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General

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If you need advice or assistance

- 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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Working as One Council in
the historic capital of the Black Country



**Minutes of the Licensing and Safety Committee
Wednesday 1st February, 2023 at 6.00 pm,
in Committee Room 2 at the Council House, Dudley**

Present:

Councillor J Clinton (Chair)

Councillors J Cowell, T Creed, P Drake, M Evans, S Greenaway, M Howard, A Taylor, and E Taylor.

Officers:

S Smith - Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm); R Clark – Solicitor, I Grosvenor – Finance Manager, and L Jury– Democratic Services Officer (Directorate of Finance and Legal).

4. **Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of Councillors K Finch, P Miller and K Razzaq.

5. **Appointment of Substitute Members**

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

6. **Declarations of interest**

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

7. **Minutes**

Resolved

That the minutes of the meeting held on 30th May, 2022, be approved as a correct record and signed.

8. Revision of Licence Fees

A report of the Interim Director of Public Realm 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 amusements.

The Team Manager (Licensing and Waste Enforcement) presented the report referring Members to paragraphs of specific importance.

The Finance Manager was in attendance at the meeting and provided the Committee with a detailed breakdown of the budget for 2023/2024. Referring to paragraph 9 of the report, the Finance Manager advised that the budget for 2023/2024 had been set at £827,300 and a detailed breakdown of the cost of licence administration was presented. It was noted that for the first time in many years, the authority had a budget with no net surplus and the reason for this was reported.

The Finance Manager advised that the budget had increased by £98,600 or 13.5%, from the previous financial year, and the reason for the increase related to a number of issues which included the pay awards for licensing staff, particularly noting that a number of the licensing staff were employed at the lower end of the pay scales. The pay award for 2022/2023 and the anticipated pay award for 2023/2024, although yet to be confirmed, had been reflected in the estimated budget and equated to 8.2% of the 13.5% increase.

Salary regrades for some staff had also contributed to the increase together with a slight increase in contributions to the Local Government Pension Scheme. However, it was noted that National Insurance contributions had slightly decreased due to the 1.25% levy introduced last year but had been removed for this year. Other movements were also noted, including central establishment charges, and realigning overheads in the business support functions within Directorates, and a proportion of the executive support for Directors and the Deputy Chief Executive which had equated to around 3.6%. It was noted that this was not new spend, merely attributing the costs to the right service, and a consequence of this would result in delivering a breakeven budget for 2023/2024.

The Finance Manager advised that approximately 68% or £562,100 of the cost of licensing attribute to the administration of Hackney Carriage Licences with the remaining 32%, or £265,000, being attributed to all other licensing functions. £265,000 was also the budgeting income that was expected from the various sections, as outlined in paragraph 9, predominately being met from the Gambling Act and Liquor Licensing.

In conclusion, the Finance Manager advised that within the £265,000, £252,000 was statutory set, leaving only approximately £13,500 to increase fees, which would primarily be within the Street Trading Licences, Licensing Sex Shops, and a proportion of the Gambling Act Licences. It was advised that should the Committee be minded to consider increasing fees by 1% on the £13,500, this would equate to £135 increase in surplus, or £275 should a 2% increase be approved or if considering a 9.2% increase, this would equate to approximately £1,200 in surplus income.

Following the presentation of the report, Members asked questions, made comments and responses were provided, where appropriate, as follows:-

- a) In response to a question raised by the Chair in relation to Narrowboat Way and the likely savings that would be generated once the Council ceased control of the property, the Team Manager (Licensing and Waste Enforcement) advised that the lease on the property would expire in March 2024 with a proposal to move the administration and Taxi testing back to Lister Road. This would incur a cost for the first year, however the cost would be offset by the savings made on the rental of the property. The Finance Manager commented that within the figures submitted, around £40,000 related to premises cost, acknowledging that some of this would still stand wherever the service was located, although it would be expected to reduce, but would not be seen in the budget until 2024/25.
- b) Members were mindful that an increase had not been awarded for some time and questioned the sustainability of the service and its functions should it be considered to not implement an increase again this year. In response, the Finance Manager advised that as previously indicated, the Secretary of State for Culture, Media and Sport had been requested to review the Liquor Licensing fees as there had not been an increase since 2007. The surplus had been eroded over the years, to enable the service to keep fees down to avoid putting unnecessary pressures on the customer base, due to the challenges that businesses were experiencing. However, as the trajectory was likely to continue, it was likely that the service would find itself in a deficit position, recognising that there was only a limited ability to increase the fees. The Team Manager (Licensing and Waste Enforcement) advised that the Local Government Association were lobbying Parliament to review Liquor Licensing fees but no indicator as to a decision from Parliament or the Secretary of State had been received so far.
- c) The Team Manager (Licensing and Waste Enforcement) indicated that income was reliant on the volume of liquor licenses the Council held, as more licenses generated more income, and it was noted that many smaller Councils had already found themselves in deficit and were looking to fund Licensing regimes from Council funds rather than funds from customers. It was noted that next year without the support from Central Government, the service may need to approach the Council for more funds.

- d) In relation to a question raised regarding Narrowboat Way and the percentage likely to be saved in 2025, the Finance Manager confirmed that in terms of rent and rates, the service currently contributed approximately £40,000, and it was anticipated that 50% savings would likely be achieved which would equate to approximately a £20,000 surplus.
- e) In response to a question raised in relation to other savings that could be found within the licensing service, the Team Manager (Licensing and Waste Enforcement) indicated that although minor savings on efficiencies could be investigated within the service, however, an alternative to efficiency savings could involve the Council looking for ways to invest in Dudley to increase the number of licensed premises. It was noted that prior to the Covid 19 pandemic, there were 1,089 licensed premises in the authority which had reduced to 800 during the middle of the pandemic. Currently 960 premises were in existence, and it was noted that although many clubs and public houses had ceased trading, they had been replaced with licensed shops.

In conclusion, the Finance Manager advised that over the last 3-4 years a number of efficiency savings had been implemented throughout the wider licensing function and although there were always areas where further improvements could be made, observing inflation increases since 2018/2019, the overall cost base could be approximately £120,000 more if the efficiency savings had not been implemented.

Due to the insufficient funds that would be generated by increasing the fees by 1 or 2%, and being mindful of the current economic climate and the prediction that a number of licensed businesses were likely to cease trading this year, the Sub-Committee:

Resolved

That no action be taken to increase the fees for licences and consents, with effect from 1st April 2023, other than those where the fees are imposed by statute in respect of liquor licensing, gambling machine permits and amusements.

9. 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 6.31pm.

CHAIR



Meeting of the Licensing and Safety Committee – 31st May, 2023

Report of the Lead for Law and Governance

Appointment of Licensing Sub-Committees for the 2023/24 Municipal Year

Purpose

1. To consider the appointment of four Licensing Sub-Committees for the 2023/24 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 2023/24 attached as Appendix 5(a) to the report;
 - 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 2023/24 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 2023/24 are as set out in the calendar of meetings agreed at Annual Council on 18th May, 2023. Additional meetings may be arranged in consultation with the Chair of the Licensing and Safety Committee.
8. All Members of the Committee must have completed the mandatory Committee training which was held on 24th May, 2023, to be eligible to continue to serve on the Committee and Sub-Committees.
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

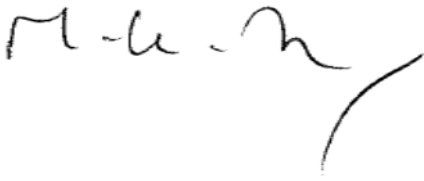
16. There are no Environment/Climate change implications.

Council Priorities and Projects

17. Dudley operates a One Council ethos to build an effective and dynamic organisation aligned to its three core priorities to grow the economy and



create jobs; create a cleaner and greener place and support stronger and safer communities.



Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)

Contact Officer: Lisa Jury
Democratic Services Officer
Telephone No. 01384 815240

List of Background Documents

- Dudley MBC Constitution
- Annual Council Meeting – 18th May, 2023



Appendix 5 (a)

Proposed Membership of Licensing Sub-Committees 2023/24

The Licensing and Safety Committee comprises –

Councillors K Razzaq (Chair), J Clinton, J Cowell, T Creed, P Drake, M Evans, A Goddard, M Howard, A Lees, S Mughal, A Taylor (Vice Chair) and E Taylor.

3 Members comprise a Sub-Committee – with a Chair and 2 others

Licensing Sub-Committee 1

Councillors – A Lees (Chair), T Creed, S Mughal

Licensing Sub-Committee 2

Councillors – K Razzaq (Chair), P Drake, E Taylor

Licensing Sub-Committee 3

Councillors – M Evans (Chair), A Goddard, M Howard

Licensing Sub-Committee 4

Councillors – A Taylor (Chair), J Clinton, J Cowell