

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

Monday, 18th December 2006 at 6.00 p.m.

PRESENT: Councillors A.J. Dent (Chairman), A.N. Blagg (Vice-Chairman), Mrs. R.L. Dent, Mrs. K.M. Gall, M.H. Gill, Mrs. J.M.L.A. Griffiths, D. Hancox, G.H.R. Hulett, Ms. J.A. Marshall, N. Psirides J.P., C.R. Scurrall, G.G. Selway and E.C. Tibby.

7/06 **ANN MAY, LICENSING OFFICER**

Prior to the commencement of the business of the meeting, the Chairman welcomed Anne May, Licensing Officer, to her first meeting of the Committee since her recent appointment.

8/06 **MINUTES**

The Minutes of the Meeting of the Committee held on the 10th July 2006, were submitted.

RESOLVED that the Minutes be approved and confirmed as a correct record.

9/06 **REPORT OF THE HEAD OF PLANNING AND ENVIRONMENT SERVICES RELATING TO NON-CONFIDENTIAL AND NON-EXEMPT ITEMS**

The Report of the Head of Planning and Environment Services relating to non-confidential and non-exempt items was submitted.

Arising therefrom:

(1) **CODE OF PRACTICE - LICENSING MATTERS**

RESOLVED that the amendments proposed to the existing Code of Practice relating to Licensing Matters, as set out in Appendix 1 to the Report, (i.e., to include references to the

Gambling Act 2005), be noted and approved and commended to the Executive Cabinet for adoption.

(2) **SCHEME OF DELEGATION – GAMBLING ACT 2005**

RESOLVED that, in order that the Council can carry out its functions under the Gambling Act 2005, the updated Scheme of Delegations for both Members and Officers, as set out in Appendix 2 to the Report, be noted and approved and commended to the Executive Cabinet for adoption.

(3) **ANIMAL WELFARE ACT 2006**

RESOLVED that the information set out in the Report relating to the Animal Welfare Bill, which received Royal Assent on 8th November 2006, together with the details of the Council's current responsibilities for animal welfare, be noted.

(4) **CHARITIES ACT 2006**

The Principal Licensing Officer reported that the Charities Bill had received Royal Assent on 8th November 2006, such legislation providing a new system for licensing charitable collections in public which would now include face-to-face fundraising, involving requests for direct debits. In this regard, Members were advised that the Charities Commission would have a new role in determining the suitability of applicants, and would be responsible for issuing Public Collection Certificates which would be valid for up to five years, and, once a charity had such certificate, it would then be able to apply to the local authority for a permit.

It was further reported that, insofar as Street Collections were concerned, the Act was extended to include some privately-owned land (e.g. Supermarket forecourts), and some "small scale" collections would be exempt from requiring either a certificate or a permit, although the local authority must still be informed that the collection was taking place.

Finally, Members were advised that, once the Regulations had been finalised, it may be necessary to amend the existing policies relating to both House to House and Street Collections, and that, if so, a further report would be

submitted in due course. Despite having some reservations, it was nevertheless

RESOLVED that the report be noted.

(5) GAMBLING ACT 2005 - UPDATE

Members were advised that the Council's Statement of Gambling Principles was adopted by the Council on 14th November 2006, and had now been published.

It was still expected that the Act would be brought fully into effect on 1st September 2007 – consequently, Licensing Authorities would begin to accept applications for premises licenses from 30th April 2007, which would allow for a short period of transition.

Details of the fee structure for the new licensing regime were yet to be finalised by the Department of Media, Culture and Sport, although it was envisaged that local authorities would be able to set their own fees within minimum and maximum fee bands, and a further report would be submitted on this matter in due course.

RESOLVED that the report be noted.

(6) ADVERTISING ON LICENSED VEHICLES

Members were reminded that, in December 2004, it had been agreed that permission would be granted on the rear passenger doors of licensed vehicles, providing that the advertising material did not promote items such as cigarettes, junk food, alcohol, items of a sexual nature, and that they complied with the appropriate codes set down by the Advertising Standards Authority.

In this regard, the Principal Licensing Officer reported that an approach had been received from a licensed Hackney Carriage and Private Hire Driver, who was seeking permission to advertise a local hotel on his vehicle, however the proposed artwork would cover the whole of his vehicle, with the exception of the windows. Accordingly, it was

RESOLVED that the current policy be amended to allow external advertising on any part of a vehicle with the exception of the windows, subject to the approval of the Principal Licensing Officer, and providing that the type and nature of the advertising was not contentious, as previously agreed.

(NOTE: Councillor Selway wished it to be recorded that he had abstained from voting on this matter insofar as the applicant had drawn his attention to this item earlier in the day).

(7) FEES FOR TAXI LICENCES

RESOLVED that the review of the fees for Hackney Carriage and Private Hire Vehicle Licenses for 2007-08 be deferred to the January 2007 meeting of the Committee, pending the receipt of further information (such details to include a breakdown between the proportion of costs relating to taxi licences only, as against the rest of the operation).

10/06

LOCAL GOVERNMENT ACT 1972

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of "Exempt Information" as defined in Part 1 of Schedule 12A to the Act, the relevant paragraphs of that part being as set out below:-

<u>Minute No.</u>	<u>Paragraphs</u>
11/06(1)	4 and 12
11/06(2)	4 and 12

11/06

REPORT OF THE HEAD OF PLANNING AND ENVIRONMENT SERVICES CONTAINING CONFIDENTIAL OR EXEMPT ITEMS

The Report of the Head of Planning and Environmental Services containing confidential or exempt items was submitted.

Arising therefrom:

(1) HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE – REFERENCE D.1083

The Principal Licensing Officer outlined the circumstances surrounding this case, and the driver, together with his representative, answered questions from Members, whereupon it was

RESOLVED that, having previously received a formal warning from the police in this regard, no further action be taken.

(2) **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE – REFERENCE D.1083**

Further to the report previously circulated in this matter, the Principal Licensing Officer submitted a verbal update outlining further information subsequently received.

RESOLVED that a written warning be issued to Hackney Carriage and Private Hire Vehicle Driver D.1083, and that, in view of the circumstances now reported, a copy of such letter be sent to his representative present at this meeting.

The Meeting closed at 8.30 p.m.

Chairman