



BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

MONDAY, 18TH DECEMBER 2006
AT 6.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: 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.

A G E N D A

Council Agendas and Minutes are available on our web-site at
www.bromsgrove.gov.uk/meetings

1. To receive apologies for absence and notification of substitutes
2. To receive the Minutes of the last Meeting (attached)
3. To consider the Report of the Head of Planning and Environment Services relating to non-confidential and non-exempt items (attached)
4. To consider any other business, details of which have been notified to the Head of Legal and Democratic Services prior to the commencement of the Meeting and which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next Meeting.
5. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the Meeting during the consideration of items of business containing "Exempt Information":-

"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 item of business on the grounds that it involves the likely disclosure of "Exempt Information" as defined in Part 1 of Schedule 12A to the Act, the relevant paragraphs of that part, in each case, being as set out below:-

Item No.	Paragraphs
6(1)	4 & 12
6(2)	4 & 12

6. To consider the Report of the Head of Planning and Environment Services containing confidential or exempt items (attached - not available to the public)

K. DICKS
Acting Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1 AA

7th December 2006

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

Monday, 10th July 2006 at 6.00 p.m.

PRESENT: Councillors A. N. Blagg, A. J. Dent, Mrs. R. L. Dent, Mrs. K. M. Gall, M. H. Gill, D. Hancox, G. H. R. Hulett, N. Psirides JP, C. R. Scurrall and E. C. Tibby

(NOTE: Sergeant A. Quinn and Constable M. Jenkins, Redditch & Bromsgrove Division of the West Mercia Police Force, were also in attendance for item 5 on the Agenda).

1/06 **APPOINTMENT OF CHAIRMAN**

RESOLVED that Councillor A. J. Dent be appointed Chairman of the Committee for the ensuing municipal year.

2/06 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED that Councillor A. N. Blagg be appointed Vice-Chairman of the Committee for the ensuing municipal year.

3/06 **APOLOGIES**

Apologies for absence were received from Councillors Mrs. J. M. L. A. Griffiths and Ms. J. A. Marshall.

4/06 **MINUTES**

The Minutes of the Meeting of the Committee held on the 27th February 2006, were submitted.

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

5/06 **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) **APPLICATION TO PROHIBIT THE CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES - ASTON FIELDS**

RESOLVED that, following the necessary consultations carried out in accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001, which yielded no objections, the request from the West Mercia Police Authority for the Council to make an Order prohibiting the consumption of alcohol in a designated place in Aston Fields, Bromsgrove (i.e., the Recreation Ground, off Stoke Road, Aston Fields - as defined on the map attached as Appendix A to the Report), be acceded to.

(2) **APPLICATION TO PROHIBIT THE CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES - BROMSGROVE TOWN AREA**

RESOLVED that, following the necessary consultations carried out in accordance with the Local Authorities (Alcohol Consumption in

Designated Public Places) Regulations 2001, which yielded no objections, the request from the West Mercia Police Authority for the Council to make an Order prohibiting the consumption of alcohol in a number of designated places in the Bromsgrove Town area, including Sanders Park, the Recreation Ground and the High Street (with the extent of the area as defined on the map attached as Appendix B to the Report), be acceded to.

6/06

GAMBLING ACT 2005 - STATEMENT OF GAMBLING POLICY

The Principal Licensing Officer advised Members that, in accordance with the Gambling Act 2005, the Council was required to prepare and publish a Statement of Gambling Policy, which will be used to determine all applications made under the terms of the Act. Such Policy must be published before any functions under the Act are carried out, and must be reviewed every three years when a further public consultation must take place. It was further reported that there was a provision within the Act to keep the policy under review during each three year period, and that the Council may make any revisions which it considers appropriate.

As this was the first Policy Statement, the Council were bound to consult with a number of responsible bodies, and details of these, together with a timetable for the consultation process were reported to Members. Whereupon it was

RESOLVED that the draft Statement of Gambling Policy, as set out in Appendix C to the Report (which was based on guidance issued by the Gambling Commission under Section 25 of the Act, and which was consistent with other District Councils throughout Herefordshire and Worcestershire) be commended to the Executive Cabinet as a basis to commence the formal consultation process.

The Meeting closed at 6.42 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

18TH DECEMBER 2006

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

1. CODE OF PRACTICE RELATING TO LICENSING MATTERS

To inform members that a report seeking approval to amend the code of practice relating to licensing matters is attached at Appendix '1', is due to be submitted to Executive Cabinet on 3rd January 2007. This is an existing document that already forms part of the Council's constitution, it has been necessary to amend the document to include reference to the Gambling Act 2005.

If Members have any comments or observations they would like to make on the proposed changes, these will be included in the report to Executive Cabinet.

Background Papers:

(1) Guidance issued by the Gambling Commission to Local Authorities.

2. SCHEME OF DELEGATION – GAMBLING ACT 2005

To inform Members that a report seeking approval to update the Council's scheme of delegation both for Members and Officers is attached at Appendix '2', is due to be submitted to Executive Cabinet on 3rd January 2007.

It is necessary to put forward these proposals so that the Council can carry out its functions under the Gambling Act 2005.

If Members have any comments or observations they would like to make on the proposed changes, these will be included in the report to Executive Cabinet.

Background Papers:

(1) Guidance issued by the Gambling Commission to Local Authorities.

3. ANIMAL WELFARE ACT 2006

Members may wish to note that the Animal Welfare Bill received Royal Assent on 8th November 2006. The purpose of the Bill was to consolidate existing animal health and welfare legislation and provides new powers to deal with animal welfare matters.

At present the Council already has responsibility for licensing riding establishments, pet shops and animal boarding, however, the Act will also introduce secondary legislation which will require local authorities to regulate new types of business such as pet fairs, animal sanctuaries and livery yards.

It is anticipated that resourcing for this will be via the setting of fees to cover the cost of administrative processes associated with the new types of licences required.

It is further anticipated that the Animal Welfare Act 2006 will not commence until 6th April 2007.

It may be necessary to submit a further report on matters relating to the new Act, once the Government have finalised the Secondary Legislation and any associated Regulations.

Background Papers:

(1) Briefing papers received from LACORS

4. CHARITIES ACT 2006

Members may wish to note that the Charities Bill received Royal Assent on 8th November 2006. The Act provides for a new system for licensing charitable collections in public and Members may be pleased to note that this will now include face-to-face fundraising, involving requests for direct debits.

There will be a new role for the Charities Commission in checking whether charities and other organisations are fit and proper to carry out public collections and will be responsible for issuing public collection certificates which will be valid for up to five years.

In respect of 'street collections', the Act extends this to include some privately owned land such as supermarket forecourts. Once a charity has a public collections certificate it will be able to apply to the local authority for a permit.

Some small scale collections will be exempt from requiring either a public collections certificate or a permit, but the local authority must be informed that the collection is taking place.

Once the regulations have been finalised, it may be necessary to amend the Council's existing policy in respect of house to house collections and street collections. If so, a further report will be submitted in due course.

Background Papers:

Briefing paper received from the Charities Commission.

5. GAMBLING ACT 2005 – UPDATE

Members may wish to note that the Council's Statement of Gambling Principles was adopted by Council on 14th November 2006 and has now been published.

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

With regard to the fee structure for the new licensing regime, details are yet to be finalised by the Department of Media, Culture and Sport, however it is envisaged that local authorities will be in a position to be able to set their own fees within minimum and maximum fee bands. A further report will be submitted in due course.

Background Papers:

None.

6 ADVERTISING ON LICENSED VEHICLES

In December 2004, Members agreed to permit the display of external advertisements on the rear passenger doors of licensed vehicles providing that all advertising material did not promote particular items, such as cigarettes, junk food, alcohol or where of a sexual nature and complied with the appropriate codes set down by the Advertising Standards Authority.

The Council has been approached by a licensed Hackney and Private Hire Driver who is seeking permission to advertise a local hotel on his vehicle, however the proposed artwork will cover the whole of his vehicle with the exception of the windows.

It is recommended 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 Licensing Officer and providing that the type and nature of the advertising is not contentious as previously agreed.

Background Papers:

None

7. FEES FOR TAXI LICENCES

Each year the Council reviews the charges which it makes for Hackney Carriage and Private Hire vehicle licences and other associated licences.

The cost of providing the service as stated in the budget for 2005/06 was approximately £47,000 (excluding establishments costs, such as heating, lighting etc) and approximately £46,000 was recouped in licence fees.

In accordance with Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976, a district council may charge such fees as they consider reasonable with a view to recovering the costs of issue and administration associated with taxi licences.

The Council's present fees, together with the fees charged by other Council's in this area are set out in Appendix '3'. Members may recall that last year the fees were increased by 15% so that they fell in line with those charged by neighbouring authorities as well as reducing our 'subsidy' and generating additional income.

This year it is suggested that the fees are increased by either 2.5% or 5%. It has been necessary to also include a further £12.50 to all vehicle related fees and charges as a result of the increase in charges imposed by the Depot to cover the cost of a vehicle 'MOT' test. The proposed increase brings the cost of the vehicle 'MOT' test up to the maximum fees set by the Department of Transport.

Furthermore, the Depot have also increased the cost to the Council of checking that taxi meters are properly calibrated to the Council's approved table of fares for Hackney Carriages, from £17.00 to £21.00.

Taking these additional costs into account, this would give the following fees:

Licence Type	Current fee	0% increase*	2.5% increase	5% increase
Hackney Carriage Vehicle Licence	£255.00	£267.50	£274.00	280.00
Private Hire Vehicle Licence	£232.00	£244.50	£250.00	256.50
Mid term vehicle test	37.50	£50.00*	£50.00*	£50.00*
Vehicle Re-Test if MOT certificate is required (Minor or major items)		£50.00	£50.00	£50.00
Meter Test	£17.00	£21.00	£21.00	£21.00
Conversion of vehicle licence to Private Hire or Hackney Carriage	£20.00	£20.00	£20.50	£21.00
Replacement vehicle plate	£10.00	£10.00	£10.50	£10.50

Hackney Carriage/Private Hire Driver's Licence	£80.00	£80.00	£82.00	£84.00
Replacement Driver's Licence	£6.00	£6.00	£6.00	£6.00
Private Hire Operator's Licence	£253.00	£253.00	£260.50	£266.00
Trailer Test	£17.50	£17.50	£18.00	£18.50

* The mid term vehicle test has been increased by £12.50, this reflects the increase in cost of the Depot carrying out the 'MOT' vehicle test. The frequency that each vehicle has to undergo a mid term test depends on the age of the vehicle. At present, any vehicle aged over 4 years old has to have a test every six months; a vehicle over 7 years old has to have a test every four months.

The proposed fees relating to the vehicles licences, combined drivers licence and operator's licence will need to be advertised. All fees and charges will come into effect as soon as possible after 1st April 2007.

Members' are asked to consider what level the licence fees should be increased by.

Background Papers:

(1) None

D. HAMMOND
Head of Planning and Environment
Services

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

7th December 2006.

BROMSGROVE DISTRICT COUNCIL**CODE OF PRACTICE IN RELATION TO LICENSING MATTERS****Introduction**

The Licensing Act 2003 and the Gambling Act 2005 will put local authorities firmly in the centre of decision making upon licences for regulated entertainment, the provision of alcohol, as well as late night refreshment and more recently the use of premises for gambling activities. Concerns regarding this shift in responsibility have centred around doubts surrounding the impartiality of Councillors - especially as regards those who will make up the Licensing Committee or Licensing Sub-Committee that will decide upon applications. This concern arises from a view that Councillors are subject to local political pressures and a belief that they will regard the views of local residents as taking precedence over the other interests of their communities.

As regards the Licensing Committee or Sub-Committee, the role of the Elected Member as part of that Committee will involve balancing the multiple needs and interests of the local community, whilst prioritising the Licensing Objectives associated with either the Licensing Act 2003 or the Gambling Act 2005. In doing so the Elected Member must maintain his/her impartiality and, as public perception of probity is critical, his/her appearance of impartiality too, during the decision making process.

This guidance therefore aims at enabling local Councillors to represent their constituents, whether they be residents, local businesses etc. should they wish to, by acting as an 'interested parties' at licence hearings, without

- (a) opening up the local authority to accusations of pre-determination, bias or maladministration; or
- (b) leaving themselves open to allegations under the Members' Code of Conduct.

The guidance applies to *all* the Council's Elected Members, whether they sit on a Licensing Committee/Sub-Committee or not.

Personal and Prejudicial Interests in relation to Licensing Applications

Members are reminded of their responsibilities under the Council's Code of Conduct to declare a Personal Interest, and possibly also a prejudicial interest, in relation to matters which affect their well being, or the well being of their friends or relatives or employer, to a greater extent than other council tax payers, ratepayers or residents. Personal, and possibly also prejudicial interests are therefore likely to arise in relation to a licence application where the Member (or their relatives, friends or employer):

- lives very near to the premises in question;
- is a frequent visitor to the premises in a personal capacity;
- belongs to a lobby or campaign group which may be directly impacted by the decision on the licence

or where the member is a relative or close friend of the applicant for a personal licence.

A situation also may occur where the Member carries out a function for another public authority or another local authority which is making an application for a licence, or which is making a representation, for example, if the local hospital or school is applying for a premises licence either under the Licensing Act 2003 or the Gambling Act 2005 and the Member is on the Board of Governors of the school or involved in the management of the hospital. It may also occur where the Member is a 'dual-hatted' Member and is part of the District Council's Licensing Committee but also a Member of the County Council which is applying for a licence for its land.

Although the Code of Conduct states that a member may regard himself as not having a prejudicial interest in a matter which relates to another public authority of which he is a member, availing oneself of this exemption may put the Council at risk of being accused of bias and of leading a member of the public to think the member's judgement is likely to be prejudiced. Members of the Licensing Committee or Sub-Committee should therefore regard themselves as having a prejudicial interest in any application made by another local authority or public authority with which they are connected.

Improper Influence

Members are also reminded of their obligation under the Code of Conduct not to use their positions as members to confer on or secure for themselves any advantage or disadvantage. This means that members should not use anything which is available to them as members (but which is not available to members of the public), e.g. access to officers or other Council members, or access to papers, to influence the outcome of a licensing application.

Bias and Predetermination

Bias has been defined as "an attitude of mind which prevents the [decision-maker] from making an objective determination of the issues that he has to resolve". In a quasi-judicial situation, such as a hearing by the Licensing Committee or Sub-Committee, there is no need for proof of actual or potential bias for there to be 'procedural impropriety' shown. It is sufficient that there is an appearance of bias. Accordingly, the test for bias is 'whether a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility of bias'.

Bias at common law and personal and prejudicial interests under the National Model Code of Conduct are related but do differ as concepts and in their effect. Although the wording and apparent objectives are similar, the test for common law bias has a lower threshold. Bias at common law includes those areas where the potential Licensing Sub-Committee Member has created a real danger of a perception that he/she has prevented him or herself from being able to make an impartial determination of the issues. This is also known as fettering one's discretion.

Members should therefore avoid participating as a member of a Licensing Sub-Committee where previous voting or statements of belief may give rise to a public perception that they have pre-determined the application based upon their own prejudices. Members should also be careful to ensure that they only come to a final conclusion on an application when they have given fair consideration to all the evidence and arguments which are presented and it is time to make the decision.

However, a member who has avoided participating as a member of the Committee because there might be a perception that he/she is biased, may still attend the meeting and make representations either in favour or against the application,

provided that he/she does not have a prejudicial interest in the application (which would require complete withdrawal from the meeting) and provided that he/she plays no part in the decision-making process.

To help to avoid accusations of pre-determination and ensure that Ward Members are free to represent their constituents as 'interested parties,' Ward Members should not sit on Licensing Sub-Committees where the Sub-Committee is considering an application in that Member's Ward.

A further potential issue concerning bias or pre-determination is where a Member sitting on the Licensing Sub-Committee is a Member for another authority function such as economic development/regeneration, where that function's policy/decisions either impliedly or explicitly support (or oppose) the application. This might, for example, include the scenario where an 'Open Spaces' plan has been agreed and indicates that some areas of the local authority land will be licensed for entertainment purposes under the Licensing Act 2003 (explicit support); or where an economic regeneration plan includes the provision to encourage more theatres, restaurants or premises offering gambling facilities to an area (implicit support).

In such a situation, the Member concerned should make a disclosure of his/her position, in advance, to the Monitoring Officer who will decide if the Member can take part in the decision-making. Where there is doubt, the Monitoring Officer will make a presumption in favour of excluding the Member from the meeting concerned.

There will also be occasions on which the Licensing Committee or Sub-Committee considers an application made by the Council itself, in respect of one of its buildings or a piece of its land. In such a situation, Members would not normally be excluded from the Licensing Committee or Sub-Committee in these circumstances as it would make the decision-making process unworkable, but any member who has been a leading advocate for or against the application, or who is the Cabinet Member responsible for the building or land concerned should not sit on the Licensing Committee or Sub-Committee when such an application is considered. Applications made by the Council itself will always be referred to the Licensing Committee or Sub-Committee even where there are no representations, to minimise any potential appearance of bias.

Lobbying of or by Councillors

The Licensing Act 2003 and the Gambling Act 2005 sets out the grounds for making representations on licence applications and limits the parties which may make such representations. It should be borne in mind that one of the key aims of both pieces of legislation is to localise decision-making or 'democratise' the process and Members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment facilities and employment, as well as the undesirability of crime and public nuisance.

Whilst lobbying of Members is legitimate and certain Members may make representations to the Licensing Committee on behalf of 'interested parties', it is crucial for the Licensing Authority and its Committee to ensure that there is neither actual nor an appearance of bias in its decision-making. It should also be remembered that concerns about political lobbying were the basis of the concerns which lead to the first Nolan Committee on Standards in Public Life.

To avoid an appearance of bias the following rules should be adhered to:

- No Member sitting on the Licensing Sub-Committee can represent one of the interested parties or the applicant. If s/he wishes to do so s/he must excuse him/herself from membership of the Sub-Committee which is considering the application and address the Sub-Committee as an 'interested party'.
- If a Member who sits on the Licensing Sub-Committee is approached by persons wishing to lobby him/her as regards the licence application then that Member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her Ward Member or the Licensing Officer who can explain the process of decision making. If the Member who sits on the Licensing Sub-Committee wishes to represent them then s/he will need to excuse him/herself from the Licensing Sub-Committee.
- Members who are part of the Licensing Sub-Committee must avoid expressing personal opinions prior to Licensing Sub-Committee decision. To do so will indicate that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives relating to each piece of legislation nor the Licensing Authority's policy statements.
- Political group meetings should never be used to decide how any Members on the Licensing Sub-Committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration.
- Councillors must not be members of the Licensing Sub-Committee if they are involved in campaigning on the particular application.
- Other Members (i.e. those which do not sit on the Licensing Sub-Committee) need to be careful when discussing issues relating to matters which may come before the Licensing Sub-Committee Members as this can easily be viewed as bias or pressure and may well open that Sub-Committee Member to accusations of such. There is no prohibition on discussing such issues with Committee Members but members should avoid taking measures which might be viewed as excessive e.g. attempting to obtain a commitment as to how the Member might vote.
- Members must not pressurise Licensing Officers to make any particular decisions or recommendations as regards applications (such as a decision on whether an application is frivolous or vexatious as per Section 18(7)(c)) of the Licensing Act 2003 and Section 161 and 162 of the Gambling Act 2005.

Pre-application / pre-decision discussions

Discussions between the licence applicant and Council officers prior to the submission of an application (or prior to a decision being made) are often helpful to both parties. For example, a premises licence applicant may ask for advice on how to complete an 'operating schedule'. However, these discussions can often be viewed by objectors as a form of 'lobbying' and the Council's officers must ensure that they are not open to accusations or appearance of bias, and must therefore ensure that such advice and assistance is clearly identified as being such and is not any type of 'predetermination'.

Although all applicants will be advised that all pre-decision discussions should be addressed to the officers in the Council's Licensing Section, Members of the Licensing Committee or Sub-Committee may also be approached by applicants before the meeting at which the application is to be decided. In such circumstances, a member should inform the person making the approach that they are unable to discuss the matter with him/her prior to the meeting at which the application will be decided and that he/she should address any enquiries to the relevant officer.

Where the officers in the Licensing Section do enter into verbal pre-decision discussions with applicants, a record of any advice will be taken and the applicant will be asked to confirm details of that advice in accordance with the form attached as Appendix "A". Details of discussions which take place by telephone will be retained in the form of file notes and copies of correspondence and emails (which will also make it clear that their contents do not bind the Council to a final decision) will be retained on the appropriate file(s).

Role of the Licensing Officer

Licensing Officers have no ability under the Licensing Act 2003 to make representations or to be a party to the hearing of an application by the Licensing Committee or Sub-Committee. There is no legal provision for Licensing Officers to make recommendations to the Sub-Committee in terms of the outcome of the application hearing as is seen in planning cases. However, in presenting applications to the Licensing Committee or Sub-Committee, the Licensing Officer will provide a summary report of the application, the representations, and his/her comments as to how these relate to the Licensing Act 2003, the Guidance and the local Licensing Policy Statement.

Decisions taken by the Licensing Officer, e.g. as to whether an application is vexatious or frivolous, will be fully recorded, together with the reasons for them.

Unlike the Licensing Act 2003, the Licensing Authority, in accordance with Section 157 of the Gambling Act 2005, has been identified as a public body who is entitled to make representations on an application and is therefore permitted to recommend to the Sub-Committee that conditions are imposed where necessary in light of local circumstances.

Decision making

Reasons for decisions made by the Licensing Committee or Sub-Committee will be clearly documented so that any subsequent accusations of bias etc. can be defended. It is critical that it is clear that decisions are made according to the Licensing Objectives as set out in each appropriate piece of legislation as well as the Licensing Authority's Policy Statements. Whilst the Government's Guidance accompanying each Act indicates some other factors may influence decisions (e.g. live music/cultural considerations) these will always be subservient to the Licensing Objectives and the Policy Statements.

Site visits

Site visits by Licensing Sub-Committee members are generally unnecessary and can put the Members and the Licensing Authority at risk of accusations of bias. However, if it is considered necessary to conduct a site visit, the reasons for doing so will be clearly documented and the visit will be carried out either as an unannounced visit to

the interior of the premises at a time when it is normally open, or as an unannounced visit to the exterior of the premises only. In either case, members who are involved in the site visit will approach the site visit in the context of “seeing what there is to be seen” and will not, during the site visit, enter into any discussions with either the applicant, his/her agent, or any other person having an interest in the application, e.g. an objector.



Record of Advice

In order to provide a clear record of what has been discussed, it is necessary for the District Council to request that members of the public and/or agents sign the following disclaimer when speaking to Officers of the Council with regard to general licensing enquires.

D. Hammond
Head of Planning and Environment Services

Proposal	
Address	
Agreed conclusion	

Signed	
Printed Name	
Date	
Officer seen	

I accept that the advice that I have received regarding my licensing enquiry was given by the Officer in the spirit of helpfulness and without prejudice to the Council's eventual decision, which can only be taken following statutory consultations and completion of formal processes.

Proposed table of delegations under the Gambling Act 2005

Matter to be dealt with	Full Council	Licensing Committee	Licensing Sub-Committee	Head of Planning and Environment Services and nominated deputies
Final approval of three year licensing policy including any subsequent revisions	Yes			
Policy not to permit casinos	Yes			
Determination of fee levels for premises licences and permits		Yes		
Application for a premises licence			Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn
Application for a variation to a premises licence			Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn
Application for a transfer of a premises licence			Where representations have been received from the Gambling Commission	Where no representations have been received by the Gambling Commission or representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn
Review of a premises licence			Yes	
Application for club gaming/club machine permits			Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn

Cancellation of club gaming/club machine permits			Yes	
Applications for other permits			Where representations have been received and not withdrawn	Where no representations have been received or representations have been withdrawn
Cancellation of licensed premises gaming machine permits				Yes
Consideration of temporary use notice				Yes
Decision to give a counter notice to a temporary use notice			Yes	
To determine whether a representation is frivolous and/or vexatious				Yes

APPENDIX '3'

Charges made by neighbouring authorities during 2006/07 for Taxi Licences

	Hackney Carriage Vehicle Licence	Private Hire Vehicle Licence	Drivers Licence	Operator's Licence
Bromsgrove	£255	£232	£80 – dual licence (new/renewal)	£252
Wyre Forest	£322	£322	£228 - 2 year licence; plus £42 for the exam (new applicant only)	£358
Redditch	£291 – New licence £230 - Renewal	£291 - New licence £230 - Renewal	£151- new single licence £175 - new dual licence £74 - renewal dual licence £50 single licence	£178 - new application £147 - renewal
Wychavon	£118 (excluding cost of vehicle test)	£102 (excluding cost of vehicle test)	£79 - new applicant £46 - renewal	£52
Malvern	£260	£260	£151 – 1 year licence £251 - 3 year licence	£385 – 3 year licence plus £21 for each vehicle if more than 3 vehicles
Worcester	£232 – renewal £310 – new application	£232 – renewal £310 – new application	£221 - new applicant £140 - renewal	£225
Solihull	£163 – (excluding cost of vehicle test @ £54)	£163 - - (excluding cost of vehicle test @ £54)	£83 – renewal £101 - new	£176
Birmingham	£196 (excluding cost of vehicle test)	£168 (excluding cost of vehicle test)	£168 – new applicant £84 – renewal	£673 – renewal £1178 – new applicant