

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 11TH OCTOBER 2010 AT 6.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent (Chairman), Mrs. C. J. Spencer (Vice-Chairman), Miss D. H. Campbell JP, J. T. Duddy, Mrs. J. M. L. A. Griffiths, B. Lewis F.CMI, Ms. J. A. Marshall, S. P. Shannon and L. J. Turner

Officers: Mrs. S. Sellers, Mrs. V. Brown, Ms. S. Garratt and Ms. P. Ross

15/10 **APOLOGIES**

Apologies for absence were received from Councillors Mrs. M. A. Sherrey JP, D. Hancox and D. McGrath.

16/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

17/10 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 26th July 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

18/10 **LICENSING SUB-COMMITTEES A & B, 12 MONTH REVIEW**

The Committee considered a report which provided a twelve month review of the Licensing (Miscellaneous) Sub-Committees A and B and the proposed changes following the review. The Senior Solicitor responded to questions from Members with regard to the Licensing Committee's responsibilities. The Senior Solicitor reiterated that the Licensing Committee was responsible for the exercise of all powers and duties of the Council in licensing and for enforcement of licensing requirements and that some of those functions had been delegated by the Licensing Committee to its sub-committees. Following further discussion it was agreed

RESOLVED that the Licensing (Miscellaneous) Sub-Committees A and B be restructured as follows:-

- (a) that the membership for both Sub-Committees consist of three Members to be selected from the Licensing Committee including the Chairman or Vice-Chairman who would chair the Sub-Committee. The Sub-Committees were not required to be politically balanced, but where possible would include one opposition Member;

- (b) that the quorum for both Sub-Committees be three Members with a fourth substitute Member on standby for each meeting;
- (c) that the Sub-Committees continue to be called the Licensing (Miscellaneous) Sub-Committees A and B;
- (d) that the Licensing (Miscellaneous) Sub-Committees A and B sit in strict rotation with meetings times as follows;
 - Licensing (Miscellaneous) Sub-Committee A meetings to be held during office working hours with the times of hearings being determined in consultation with applicant(s) represented by a legal representative;
 - Licensing (Miscellaneous) Sub-Committee B meetings to be held at 6:00pm for applicant(s) and Licensing Committee Members who are committed during office working hours; and
- (e) that substitutes be required to meet the training requirements determined by the Member Development Steering Group.

19/10 **STREET TRADING CONSENT 6 MONTH REVIEW - SCRUTINY BOARD**

The Committee considered a report on the Scrutiny Board review of the operation of the newly introduced Street Trading Consent Policy and the questions put forward by the Scrutiny Board with regard to the Street Trading Consent Policy.

The Senior Solicitor responded to questions from Members and requested that they raise any concerns or questions with regard to Street Traders or the wording used within the Street Trading Consent Policy with the Licensing Manager. The Senior Solicitor highlighted that the criteria as set out in the Street Trading Consent Policy was used to determine applications and that each application was assessed on its own merits and individual circumstances. Members' attention was also particularly drawn to the Model Conditions as set out in Appendix A to the Street Trading Consent Policy and it was noted that sub-committees determining Street Trading Consent Applications could impose other conditions they considered reasonably necessary in any particular case. Following further discussion with regard to enforcement, food hygiene and health and safety concerns it was

RESOLVED:

- (a) that the questions regarding the Street Trading Consent Policy put forward by the Scrutiny Board be noted;
- (b) that officers and the Chairman of the Licensing Committee be tasked to respond to the questions put forward by the Scrutiny Board; and
- (c) that officers noted the additional issues raised by the Licensing Committee as to the operation of the policy with regard to enforcement and the use of plain English within the policy.

20/10 **TAXI APPEAL**

The Chairman welcomed Mrs. V. Brown, the Councils Litigation Solicitor to the meeting and thanked Mrs. V. Brown for providing the Committee with valuable feedback.

Mrs. V. Brown provided the Committee with a verbal update in relation to an Appeal to a decision taken by the Licensing (Miscellaneous) Sub-Committee A on 9th March 2010. The applicant had exercised his right of Appeal against the decision taken and the matter had been heard before Redditch Magistrates Court on 30th June 2010. The Magistrates heard evidence from the Council's Licensing Officer and the applicant and after considering all of the evidence the Magistrates upheld the Appeal and determined that the applicant was a 'Fit and Proper' person as required by Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976. An application for costs in the sum of £650 had been requested by the applicant's solicitor but the Magistrates did not make an Order for costs.

Mrs. V. Brown responded to questions from Members and requested that Members noted that in the last five years there had been only two Appeals to the Magistrate's Court against decisions taken by the Licensing Sub-Committees.

The meeting closed at 6.46 p.m.

Chairman