



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE LICENSING COMMITTEE**

**MONDAY 10TH JANUARY 2011, AT 6.00 P.M.**

**COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** 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, D. Hancox, B. Lewis F.CMI, Ms. J. A. Marshall, D. McGrath, S. P. Shannon, Mrs. M. A. Sherrey JP, L. J. Turner and P. J. Whittaker

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 6th December 2010 (Pages 1 - 4)
4. Street Trading Consent Policy: Comparison of Fees and Review of Policy (Pages 5 - 10)
5. To consider any other business, details of which have been notified to the Head of Legal, Equalities 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

**K. DICKS**  
**Chief Executive**

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

31st December 2010

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# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE LICENSING COMMITTEE

MONDAY, 6TH DECEMBER 2010 AT 6.00 P.M.

PRESENT: Councillors Mrs. C. J. Spencer (Vice-Chairman, in the Chair),  
Miss D. H. Campbell JP, J. T. Duddy (During Minute No's 23/10 to 26/10),  
Mrs. J. M. L. A. Griffiths, B. Lewis F.CMI, D. McGrath (During Minute No's  
24/10 to 26/10), S. P. Shannon (During Minute No's 24/10 to 26/10) and  
L. J. Turner

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

#### 21/10 APOLOGIES

Apologies for absence were received from Councillor Mrs. R. L. Dent, Mrs. M. A. Sherrey, JP, D. Hancock and P. Whittaker.

#### 22/10 DECLARATIONS OF INTEREST

No declarations of interest were received,

#### 23/10 MINUTES

The minutes of the meeting of the Licensing Committee held on 11th October were submitted.

**RESOLVED** that the minutes be approved as a correct record.

#### 24/10 STATEMENT OF LICENSING POLICY - 3 YEAR REVIEW

The Committee considered a report which provided details of the responses received following consultation with stakeholders to renew the Statement of Licensing Policy.

The Licensing Manager introduced the report highlighting that the Statement of Licensing Policy was a live document and subject to continuous review in order to meet the changing needs of the community, business circumstances and legislation. The Licensing Manager responded to Members' questions with regard to the policy and confirmed that the Portfolio Holder for Regulatory Services and Affordable Housing had been consulted on the report. It was proposed that paragraph 9.5 of the policy be included within paragraph 9.4.

Following further discussion it was:

**RESOLVED** that subject to the amendment of paragraph 9.5 of the policy as referred to in the preamble above, the Statement of Licensing Policy for Bromsgrove District for the period 2011-2014 be renewed.

25/10 **LICENSING ACT 2003 - POLICY FOR THE CLASSIFICATION OF FILMS**

The Committee considered a report which provided information on adopting a policy to deal with films for Public Exhibition or requests to reclassify films that were unclassified by the British Board of Film Classification (BBFC).

The Licensing Manager introduced the report and drew Members' attention to the following amendments to the report and to the draft policy as set out in Appendix 1 to the report:

- Section 4.3 of the report should read District of Bromsgrove and not Borough of Bromsgrove as shown;
- Paragraph 2 of the Policy for Determining Film Classifications should read Bromsgrove District Council and not Redditch Borough Council as shown.

The Licensing Manager informed the Committee that the Licensing Authority had the right to classify films that were shown in premises licensed under the Licensing Act 2003. The Licensing Manager responded to questions from Members' on the type of films to be shown. Members agreed that whilst applications may be rare, a policy should be approved as there appeared to be an emerging trend and an increase in film festivals.

**RESOLVED:**

- (a) that subject to the amendment to the policy as detailed in the preamble above, the Policy for Determining Film Classification be approved;
- (b) that responsibility for the authorisation of films which have not already been classified by the BBFC be delegated to the Director of Planning and Regeneration, Regulatory and Housing Services; and
- (c) that the Licensing Committee be informed of any applications for film classifications received and decided by the Director of Planning and Regeneration, Regulatory and Housing Services

26/10 **SCRUTINY BOARD STREET TRADING CONSENT 6 MONTH REVIEW UPDATE**

The Committee considered a report which provided an update on the review of the Street Trading Consent Policy undertaken by the Scrutiny Board.

The Senior Solicitor informed Members that in order to respond to questions from the Scrutiny Board on the Street Trading Consent Policy she, together with the Portfolio Holder for Regulatory Services, the Licensing Committee Chairman and the Licensing Manager had attended the Scrutiny Board meeting held on 26th October 2010. No recommendations had been received from the Scrutiny Board review of the Street Trading Consent Policy.

The Senior Solicitor and Licensing Manager responded to questions from Councillor B. Lewis F.CMI with regard to Bromsgrove District Council's fee structure and the fees charged by Worcester City Council for Street Trading applications. Councillor Mrs. J. M. L. A. Griffiths expressed concerns that the Licensing Committee should receive any information on fees and charges for 2011/2012 in good time in order for any possible recommendations to be fed

into the process for the 2011/2012 fees to be agreed by Cabinet and Full Council.

The Senior Solicitor responded to Members concerns and agreed to provide the following information to the next meeting of the Licensing Committee:-

- Fees and Charges for Street Trading of neighbouring authorities for comparison purposes;
- Details of Worcester City Council fees and charges for Street Trading including applications for both static and mobile units;
- Details of when the Council's Street Trading Consent Policy was due for review.

Members also indicated that it would be helpful if the Portfolio Holder could be requested to attend the next meeting of the Licensing Committee when this issue would be discussed.

**RESOLVED:**

- (a) that the Scrutiny Board's consideration of the matter as detailed in section 4 of the report be noted;
- (b) that it be noted that there were no specific recommendations from the Scrutiny Board; and
- (c) that further information as detailed in the preamble above be received at the next meeting of the Licensing Committee, and
- (d) that, if required, the Committee Services Officer be tasked to arrange a special meeting of the Licensing Committee.

The meeting closed at 6.45 p.m.

Chairman

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## BROMSGROVE DISTRICT COUNCIL

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#### **STREET TRADING POLICY: COMPARISON OF FEES AND REVIEW OF POLICY**

Relevant Portfolio Holder	Cllr P. Whittaker
Relevant Head of Service	Steve Jordan
Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 This report sets out additional information as to the fees charged by other neighbouring Councils in respect of Street Trading as requested by Members. The report also addresses the issue of including a review of the Bromsgrove District Council Street Trading Consent policy in the work programme for the Licensing Committee.

#### **2. RECOMMENDATIONS**

- 2.1 **That a review of the Bromsgrove District Council Street Trading Consent Policy be included in the work programme for the Licensing Committee in June 2011.**
- 2.2 **That Members note the background information as to fees charged for Street Trading consents by other Councils as set out in para 4.2 of this report together with the proposed fees for Bromsgrove District Council for 2011/2012 as set out in para 4.1.**

#### **3. BACKGROUND**

- 3.1 The current version of the Street Trading Consent policy was approved by the Licensing Committee on 7th September 2009. The fees associated with the policy were adopted by Full Council on 20th January 2010. The policy was re-considered by the Licensing Committee briefly in May 2010 when a minor change was made by deleting paragraph 14. This arose due to operational difficulties relating to the definition of trading from lay-bys
- 3.2 As Members will be aware, under the new policy the whole of the district of Bromsgrove (with the exception of the High Street in Bromsgrove and certain adjoining streets) are classed as "Consent Streets". To trade from a mobile unit on a consent street a licence is required.

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#### 4. KEY ISSUES

##### Fees

4.1 The current fees applicable under the Bromsgrove Street Trading Consent Policy are:-

- Annual Street Trading Consent: £552 per annum
- Occasional Street Trading Consent: £25 per day

It is intended that these fees will be increased as part of the annual review of fees and charges. On this basis from 01 April 2011 the fees will increase to:-

- Annual Street Trading Consent: £575 per annum
- Occasional Street Trading Consent: £26 per day

4.2 Members have asked for information on the fees charged for Street Trading consents by other Councils in Worcestershire. Officers investigated this by way of background research at the time the current fees were set. The relevant figures are set out below:-

Council	Current fees	Proposed fees for 11/12 (where information available)
Wyre Forest	Mobile Trailers £633 per annum Static units £1351 per annum	Not known
Worcester City	Mobile Trailers £633 per annum Static Units £3320 per annum Daily fee £61 plus £17 per additional day	Not known
Malvern Hills	No policy	N/a
Wychavon	Hot food £590 per annum Cold Food £415 per annum Non Food £590 per annum Thereafter standard annual renewal fee of £215	Hot food £610 per annum Cold Food £420 per annum Non Food £610 per annum Thereafter standard annual renewal fee of £220



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Redditch	£84 per day – policy due to be updated	
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4.3 As can be seen, the BDC fees are not significantly lower than those applicable in other nearby areas for mobile units. Officers are of the opinion that the current fees and those proposed for 2011/2012 are at the appropriate level. The main area of difference to be noted is that there is no distinction in the BDC fees scheme as between mobile and static units. Both Wyre Forest and Worcester City charge more for static units; Wyre Forest £1351 and Worcester City £3320. It is believed that the number of BDC licence holders trading from static as opposed to mobile units is minimal.

#### **Review of Street Trading Consent Policy**

4.4 The current policy has been in active operation for a period of less than 12 months. As referred to at para 3.1 it was amended very slightly in May 2010. Otherwise there have been no problems reported by either members of the public or traders. Most traders have now applied for and been granted a street trading licence. There have been a number of applications referred to the Licensing Sub-Committee. The policy was reviewed by the Scrutiny Board in October 2010 who did not make any recommendations. There is still some work to be carried out in terms of checking that all street traders have now applied for a licence.

4.5 In terms of carrying out a review of the policy, Members may wish to consider including this as an item on the work programme for Licensing Committee in say June 2011. This would be 12 months after the last changes were made to the policy.

#### **5. FINANCIAL IMPLICATIONS**

5.1 The Council is entitled to charge for the issuing of Street Trading Consents. The current and proposed charges are set out in para 4.1.

#### **6. LEGAL IMPLICATIONS**

6.1 The Street Trading Consent Policy is governed by the Local Government (Miscellaneous Provisions) Act 1982.

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**7. POLICY IMPLICATIONS**

- 7.1 Other than advising Members as to the current and proposed charges, there are no policy implications for this report.

**8. COUNCIL OBJECTIVES**

- 8.1 CO2 - Improvement

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 There are no significant risks associated with the details included in this report.

**10. CUSTOMER IMPLICATIONS**

- 10.1 None – save for proposed fee increases in para 4.1.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 11.1 N/a

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

- 12.1 The Council needs to ensure that fees charged are set at reasonable levels.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

- 13.1 N/a

**14. HUMAN RESOURCES IMPLICATIONS**

- 14.1 N/a

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

- 15.1 N/a

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**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 N/a

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 N/a

**18. LESSONS LEARNT**

18.1 N/a

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 N/a

**20. OTHERS CONSULTED ON THE REPORT**

Please include the following table and indicate 'Yes' or 'No' as appropriate. Delete the words in italics.

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No

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Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All wards

**22. APPENDICES**

None

**23. BACKGROUND PAPERS**

None

**24. KEY**

None

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