



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING COMMITTEE**

**MONDAY 6TH DECEMBER 2010, 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 11th October 2010 (Pages 1 - 4)
4. Statement of Licensing Policy - 3 Year Review (Pages 5 - 30)
5. Licensing Act 2003 - Policy for the Classification of Films (Pages 31 - 40)
6. Scrutiny Board Street Trading Consent 6 month review update (Pages 41 - 46)
7. 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

25th November 2010

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# Agenda Item 3

## 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

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## BROMSGROVE DISTRICT COUNCIL

### **LICENSING COMMITTEE**

Date 6TH DECEMBER 2010

#### **STATEMENT OF LICENSING POLICY 2011-2014 – LICENSING ACT 2003**

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

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

- 1.1 To receive a report following consultation with stakeholders, to renew the Statement of Licensing Policy for the District for period 2011-2014.

#### **2. RECOMMENDATIONS**

##### **2.1 The Committee is asked to RECOMMEND that**

**having considered the Statement of Licensing Policy for the District, that it should be renewed with minor changes for the period 2011-2014.**

#### **3. BACKGROUND**

- 3.1 The Statement of Licensing Policy is prepared in accordance with the provisions of the Licensing Act 2003 and Guidance issued by the Secretary of State under Section 182 of the Act.

#### **4. KEY ISSUES**

- 4.1 The Statement of Licensing Policy is a live document, subject to continuous review, to meet the changing needs of the community, business circumstances and legislation (copy at Appendix A)
- 4.2 In carrying out its review, Officers have consulted with the following bodies:
- All Responsible Authorities, namely, the Police Authority, the Fire and Rescue Service; local Planning Authority, Environmental Health, Worcestershire Safeguarding Children Board; and Local Weights & Measures.
  - District Councillors;
  - Parish Councils;
  - Such persons to be considered a representative of holders of a premises licence, club premises certificate, personal licences, businesses and residents within the district;

## **BROMSGROVE DISTRICT COUNCIL**

# **LICENSING COMMITTEE**

**Date 6TH DECEMBER 2010**

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- Details were also placed on the Council's Website and at the Customer Service Centre.
  - All other District Councils within Worcestershire.
- 4.3 Letters and a copy of the draft Policy were sent out to all stakeholders, and posted on the Council's website for responses to be received by 8th September 2010.
- 4.4 Officers have engaged with Worcestershire Regulatory Services with the intention of providing a Policy which is as far as it is able, consistent with the other districts in Worcestershire.
- 4.5 The schedule of responses from the consultation is attached at Appendix B. In general the responses support the content of the policy and the Council's positive approach to the legislation.
- 4.6 Supporting documents; such as a list of responsible authorities, will be added to the Policy as appendices as and when necessary.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no direct financial implications arising from any revision or amendments to the Policy.

## **6. LEGAL IMPLICATIONS**

- 6.1 Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a statement of its Licensing Policy every 3 years.
- 6.2 Policies have several advantages, ensuring the transparency so that individuals know where they stand and can plan their affairs. That like cases can be dealt with similarly so there is fairness and consistency, and there is promotion of efficient administration.
- 6.4 The Council has a duty to have due regard to the effect of its functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area by virtue of Section 17 of the Crime and Disorder Act 1998, which is also one of the "Licensing Objectives" detailed within the legislation.

## **7. POLICY IMPLICATIONS**

- 7.1 The Council's Statement of Licensing Policy was last renewed for the period 2008-2011, and needs to be renewed and in place from 7th January 2011 in



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accordance with the Licensing Act 2003 and the Guidelines issued by the Secretary of State.

### **8. COUNCIL OBJECTIVES**

- 8.1 This Policy will assist the Council in meeting its statutory function under the Licensing Act 2003.

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

- 9.1 The Policy seeks to promote the four licensing objectives set out in the relevant legislation and minimise adverse effects on the local community.

### **10. CUSTOMER IMPLICATIONS**

- 10.1 Neighbouring authorities are also proposing to adopt similar policy statements, this will allow for greater consistency, particularly across the County, in the way in which applications will be determined. This will be helpful for trade organisations that also have premises in neighbouring local authority areas.

- 10.2 A copy of the Statement of Licensing Policy will be available on the Council's website as well as on request from the Licensing Section.

### **11. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 11.1 The Draft Revised Policy has now undergone the necessary consultation and has been circulated and published on our web pages as part of the formal consultation process, prior to adoption and publication.

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

- 12.1 None

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

- 13.1 None

### **14. HUMAN RESOURCES IMPLICATIONS**

- 14.1 None

**BROMSGROVE DISTRICT COUNCIL**

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**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None

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

16.1 The Council's Community Safety Unit has been consulted on this Policy.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None

**18. LESSONS LEARNT**

18.1 The Statement of Licensing Policy has been applied over the past six years in a similar format, and has been used successfully in both the administration, and Review of Licenses within the District.

18.2 It has now been refreshed, and accords with all of the other districts operating within Worcestershire Regulatory Services.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 Statutory Consultees, relevant specialist groups and District Council Officers have been consulted over the preparation of this report.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes

**BROMSGROVE DISTRICT COUNCIL**

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**Date 6TH DECEMBER 2010**

Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All Wards are affected by the contents of this report.

**22. APPENDICES**

Appendix A - Statement of Licensing Policy

Appendix B - Consultation responses.

**23. BACKGROUND PAPERS**

The Licensing Act 2003.

Guidance issued under Section 182 of the Act (May 2010)

Statement of Licensing Policy

List of Consultees

Correspondence received.

**AUTHOR OF REPORT**

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Tel: (01527) 534100

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**Bromsgrove**  
District Council  
[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)



# Licensing Act 2003

# Statement of Licensing Policy

Worcestershire  
**Regulatory Services**  
*Supporting and protecting you*

To be reviewed by 7<sup>th</sup> January 2014

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## **1. INTRODUCTION**

- 1.1 Bromsgrove District is one of three Local Authorities in the north of Worcestershire and has a population of approximately 88,000 and is mainly rural in character (90% of the area is classed as green belt), and has a total area of 83.9 square miles.
- 1.2 The principal town in the district is Bromsgrove with three other significant towns, namely Rubery, Wythall and Hagley, which are then surrounded by numerous villages, each with their own individual character.
- 1.3 Due to its central location in the UK, the district has excellent transport links by road and rail and has a thriving local economy in which premises licensed for sale of alcohol play a prominent part.
- 1.4 Bromsgrove District Council's overall vision is to "work together to build a district where people are proud to live and work through community leadership and excellent services." This policy statement accords with our vision and Council objectives. We have produced the statement as required by the Licensing Act 2003.
- 1.5 This statement of policy is intended to provide information and guidance to licence applicants, responsible authorities and interested parties on the general approach that the Council will take to licensing. Specific details are provided by way of advice sheets, available from our web site or sent on request.
- 1.6 The Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it can to prevent Crime and Disorder in the Borough.

## **2. LICENSING POLICY STATEMENT**

- 2.1 As a Licensing Authority, the Council has based this policy on the requirements of the Licensing Act 2003 and statutory guidance from the Department of Culture, Media and Sport (DCMS). This policy has effect from 7<sup>th</sup> January 2011.
- 2.2 The Council has delegated its Licensing function to its Licensing Committee, Sub Committees and Licensing Officers. In the remainder of this Statement of Licensing Policy they are referred collectively as the 'Licensing Authority'.
- 2.3 The current scheme of delegation is available from the Council.
- 2.4 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or interested parties, the licensing authority must grant the application subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.
- 2.5 If there are representations that can't be resolved informally, the applicant and objectors will be invited to a public hearing. After considering submissions from applicants and objectors, the licensing sub-committee will make a

decision in the light of this Statement of Licensing Policy and the Secretary of State's Guidance on the Act.

The licensing authority must give appropriate weight to:

- The steps that are necessary to promote the licensing objectives;
- The representations (Including supporting information) presented by all parties.
- Guidance under Section 182 of the Licensing Act 2003
- The Council's own Licensing Policy Statement.

2.6 This policy applies to activities that the Licensing Authority has to licence by law, on licensed premises, by qualifying clubs and at temporary events.

These are:

- retail sale of alcohol;
- supply of alcohol to club members;
- provision of entertainment to the public, or club members or with a view to making profit;
- theatrical performance;
- film exhibition;
- indoor sporting event;
- boxing or wrestling entertainment;
- live music performance;
- playing of recorded music;
- dance performance;
- provision of facilities for making music;
- provision of facilities for dancing, and
- supply of hot food and / or drink from premises between 23.00 to 05.00 hours.

### **3. DECISION MAKING PROCESS**

3.1 The Licensing Authority will consider every application sent to us, on its individual merits and promote the four statutory licensing objectives:

- prevention of crime and disorder;
- protection of public safety;
- prevention of public nuisance, and
- protection of children from harm.

3.2 The Licensing Authority will combine licensing with the full range of regulatory powers and policies to help achieve the licensing objectives.

For example:

- planning and environmental health powers for controlling development, health and safety and nuisance;
- use of the power of the police, other responsible authorities, local residents and business to seek review of the licence or certificate in question;



- use of powers preventing public consumption and allowing confiscation of alcohol from adults and children in named parts of the district;
- positive measures to create safe and clean town centres including use of CCTV surveillance;
- Police enforcement of general law concerning disorder and anti-social behaviour and specific law enabling instant closure of premises or temporary events where there is disorder, likelihood of disorder or noise nuisance;
- Informing local transport policies as to the need to disperse people swiftly and safely, and
- "crime and disorder" policies and powers.

#### **4. INTEGRATING STRATEGIES**

4.1 The Licensing Authority has consulted widely when deciding this policy, to ensure that it is integrated with all relevant local strategies, policies and initiatives.

4.2 Licensing Committee, when appropriate, will be informed of relevant county and local strategies. The report may include information relating to:

- Local crime prevention strategies;
- needs of the local tourist economy;
- any cultural strategy for the area;
- employment issues in the area;
- any relevant planning matters so as to ensure the clear distinction between licensing and planning functions, and
- local relevant partnerships and their objectives.

4.3 Liaison will be made between representatives of the responsible authorities and the licensing authority through the North Worcestershire Licensing Forum.

#### **5. LIVE MUSIC, DANCING AND THEATRE**

5.1 The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, and that providing consumers with greater choice and flexibility is an important consideration. It will balance these wider cultural benefits with the natural concern to prevent disturbance in neighbourhoods and the duty to promote the licensing objectives.

5.2 When a solution is not agreed at a hearing and conditions may be imposed on a licence, such conditions will be appropriate and the Licensing Authority will try to avoid indirect costs which may deter live music, dancing or theatre.

- 5.3 This policy will be reviewed if evidence is obtained that licensing requirements are deterring broader cultural activities and entertainment.

## **6. PROMOTION OF RACIAL EQUALITY**

- 6.1 The Licensing Authority is committed to eliminating unlawful discrimination and promotion of equality of opportunity, and good relations between persons of different racial groups. In line with the Council's race equality scheme, this policy will be monitored for any adverse impact on the promotion of race equality.
- 6.2 The Licensing Authority recognises its obligations under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000

## **7. CONDITIONS**

- 7.1 Unless there are relevant representations, the Licensing Authority must grant applications subject only to conditions consistent with the applicant's Operating Schedule and to any Mandatory Conditions prescribed in the Licensing Act 2003.
- 7.2 If there are relevant representations, the Licensing Authority will only impose conditions to promote the licensing objectives.
- 7.3 The Licensing Authority will use conditions issued in guidance by DCMS (Department for Culture Media and Sports) and reserve the right to impose unique conditions when necessary.
- 7.4 Where any licence conditions are applied, the Licensing Authority will tailor them to suit the particular premises. Those conditions will have regard to local crime prevention strategies and will only relate to matters that the licence holder can control. They will focus on the premises being used for licensable activities and the immediate vicinity of those premises.
- 7.5 The Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 7.6 The Licensing Law is not the primary mechanism for the general control of nuisance and anti social behaviour by individuals once they are away from licensed premises, and therefore, beyond the direct control of the individual club, or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and Licensing Law will always be part of a holistic approach to the management of the evening and night time economy in the town centres.
- 7.7 The Licensing Authority will not duplicate requirements of other legislation in licence conditions, such as, duties imposed by health and safety or fire safety

law, and the requirement to obtain approval under town and country planning law for development or use of land.

- 7.8 The Licensing Authority may consider adoption of a "special saturation policy" for particular areas, if we have evidence of problems because of the overall number of licensed premises. We will follow the procedure for adopting such a policy outlined in the DCMS guidance.

## **8. LICENSING HOURS**

- 8.1 The Licensing Authority will have a flexible approach to hours when alcohol can be sold or supplied. It will give more freedom to responsible licensees, but may impose stricter controls on particular licensed premises, such as those effecting residential properties.
- 8.2 The Licensing Authority will not generally restrict times when shops, stores or supermarkets can sell alcohol for consumption off the premises, but may do so if the Police consider individual premises to be a focus of disorder and disturbance.
- 8.3 When the Licensing Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by the Responsible Authorities or interested parties on the basis of the licensing objectives.
- 8.4 Shops, stores and supermarkets will normally be able to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives for restricting those hours.
- 8.5 The Licensing Authority recognizes that in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

## **9. PROTECTION OF CHILDREN**

- 9.1 The Licensing Act 2003 does not stop children having access to licensed premises of all kinds.
- 9.2 The Licensing Authority will not generally impose any conditions relating to the access of children to licensed premises, unless it is necessary for the prevention of harm to children. It will expect licence holders to restrict access by children where they think it's appropriate.
- 9.3 Following representations under any of the licensing objectives the Licensing Authority may decide that restrictions are necessary on premises where:

- there have been convictions of members of the current staff for serving alcohol to minors;
- there is evidence of underage drinking, or failure to operate in line with the Portman Group Code of Practice on naming, packaging and promotion of alcoholic drinks;
- there is a known association with drug taking or dealing;
- there is a strong element of gambling on the premises;
- entertainment or services of an adult or sexual nature are commonly provided or
- the main purpose of the premises is supply of alcohol for consumption on the premises.

9.4 Options that we will consider may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place or on particular parts of premises, and
- requirements for accompanying adult.

9.5 The Licensing Authority will not impose conditions requiring the admission of children to any premise.

## 10. **RESPONSIBLE AUTHORITY AND CHILDREN**

10.1 The Licensing Authority has nominated the Worcestershire Safeguarding Children Board, Worcestershire County Council, as being competent to act as the responsible authority in relation to the Protection of Children from Harm.

## 11. **CHILDREN AND CINEMAS**

11.1 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification (BBFC)

## 12. **GUIDANCE TO APPLICANTS**

12.1 The Licensing Authority will provide detailed guidance for applicants and others involved in the licensing process, including contact details for responsible authorities.

12.2 To minimise likelihood of representations and subsequent sub-committee hearings, applicants and clubs should liaise with the Responsible Authorities when they are preparing Operating Schedules.

### **13. SEPARATION OF LICENSING, BUILDING CONTROL AND PLANNING FUNCTIONS**

- 13.1 The Licensing Authority will make sure that there is a proper separation of licensing, building control and planning functions. The Licensing Committee will report to the Committee dealing with planning matters where appropriate, to outline the situation relating to licensed premises in its area, including the general impact of alcohol related crime and disorder.

### **14. TEMPORARY EVENTS NOTICE**

- 14.1 The Licensing Authority requires an application for a temporary event to be received at least 10 clear “working” days before the day of the event so that there will be sufficient time for it to be considered by the Police and processed. Late applications will be rejected.
- 14.2 Section 193 of the Licensing Act 2003 defines “working day” as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1981 in England and Wales. “Ten Working days” notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

### **15. LICENCE REVIEWS**

- 15.1 It is important that responsible authorities should give an early warning of any concerns identified at Premises.
- 15.2 An application for the Review of a Premises Licence or Club Premises Licence is limited to:
- Responsible Authorities
  - Interested Parties (e.g. local residents, local organisations and Councillors).
- 15.3 The Licensing Authority itself cannot initiate the review process. The authority’s role is to administer the process and to determine its outcome at a hearing where an evidential basis for the allegations made will be submitted.
- 15.4 The Licensing Authority will generally expect that attempts should be made to offer a solution to problems at premises in terms of:
- Informal warning/advice
  - Written warning
  - Application for Review.

15.5 In cases where the Crime Prevention objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered.

## 16. ENFORCEMENT

16.1 The Licensing Authority has established protocols with the West Mercia Constabulary about enforcement of the Licensing Act 2003 in licensed premises and will target inspection and enforcement at problem premises and higher risk activities.

16.2 The Licensing Authority will act in line with our Licensing Enforcement Policy, which follow the principles of consistency, transparency and proportionality. Copy of the Policy can be obtained from the Council.

## 17. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTION

17.1 The Licensing and Environmental Committee is responsible for making Licensing decisions and the scheme of delegation is as follows.

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Coordination / overview	At all times		
Application for personal licence		If police objection made	If no police objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application for provisional statement		If relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If police objection made	All other cases
Applications for Interim		If police objection	All other cases

Authorities		made	
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a temporary event notice where a police representation is made.		All cases	

Appendix 1 – List of Responsible Authorities.

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## **RESPONSIBLE AUTHORITIES – LICENSING ACT 2003**

If you are applying for a new Premises Licence/Certificate or you are applying to vary an existing Premises Licence or Club Premises Certificate; a copy of your application form **MUST** be served **DIRECT** on each of the following responsible authorities, as well as the Licensing Section at the Council. Please note that individual copies have to be sent to the different name departments of the Council. Copies of your application must be served on each responsible authority within 48hours of sending your copy to the Licensing Section.

### **Licensing Authority**

For the attention of: Tel: 01527 534100

Licensing  
Worcestershire Regulatory Services  
Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove  
Worcs., B60 1AA.

### **The Police area in which the premises is situated The Chief Officer of Police**

For the attention of: PC Neil Sharpe Tel: 0300 3333000

Licensing Officer  
c/o Bromsgrove Police Station  
17 The Crescent  
Bromsgrove  
Worcs., B60 2DF.

### **The Fire Authority for the area in which the premises is situated The Fire Authority**

For the attention of: The Assistant Divisional Officer – Fire Safety Tel: 01562 512612

Hereford and Worcester Fire & Rescue Service  
North District H.Q.,  
Castle Street,  
Kidderminster,  
Worcs., DY12 6TH.

**A body which represents those who in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm**

### **The Area Child Protection Committee**

For the attention of: Adrienne Plunkett Tel: 01905 728841

Service Development Manager – Safeguarding  
Pavilion J/2 Children's Services  
County Hall  
Spetchley Road  
Worcester, WR5 2NP.

### **Local Weights & Measures Authority**

For the attention of: Mr. J. Dell Tel: 01905 765375

Trading Standards & Scientific Services  
Worcestershire County Council  
Wildwood Way  
Worcester, WR5 2NP

## **RESPONSIBLE AUTHORITIES – LICENSING ACT 2003**

## Appendix 1 – Statement of Licensing Policy

If you are applying for a new Premises Licence/Certificate or you are applying to vary an existing Premises Licence or Club Premises Certificate; a copy of your application form **MUST** be served **DIRECT** on each of the following responsible authorities, as well as the Licensing Section at the Council. Please note that individual copies have to be sent to the different name departments of the Council. Copies of your application must be served on each responsible authority within 48 hours of sending your copy to the Licensing Section.

### **Licensing Authority**

For the attention of:

Tel: 01527 534100

Licensing  
Worcestershire Regulatory Services  
Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove  
Worcs., B60 1AA.

### **The Police area in which the premises is situated**

#### **The Chief Officer of Police**

For the attention of:

PC Neil Sharpe  
Licensing Officer  
c/o Bromsgrove Police Station  
17 The Crescent  
Bromsgrove  
Worcs., B60 2DF.

Tel: 0300 3333000

### **The Fire Authority for the area in which the premises is situated**

#### **The Fire Authority**

For the attention of:

The Assistant Divisional Officer – Fire Safety  
Hereford and Worcester Fire & Rescue Service  
North District H.Q.,  
Castle Street,  
Kidderminster,  
Worcs., DY12 6TH.

Tel: 01562 512612

### **A body which represents those who in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm**

#### **The Area Child Protection Committee**

For the attention of:

Adrienne Plunkett  
Service Development Manager – Safeguarding  
Pavilion J/2 Children's Services  
County Hall  
Spetchley Road  
Worcester, WR5 2NP.

Tel: 01905 728841

### **Local Weights & Measures Authority**

For the attention of:

Mr. J. Dell  
Trading Standards & Scientific Services  
Worcestershire County Council  
Wildwood Way  
Worcester, WR5 2NP

Tel: 01905 765375

## Appendix 1 – Statement of Licensing Policy

### **Local Planning Authority**

For the attention of: Director of Planning Services  
Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove  
Worcs., B60 1AA

### **Environmental Services – Pollution Control**

For the attention of: Director of Environmental Services      Tel: 01527 881675  
Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove, Worcs., B60 1AA

The enforcing authority within the meaning given by S.18 of the Health and Safety at Work etc Act 1974 for the area in which the premises is situated. There are two choices, if you don't know which applies, then telephone: (01527) 881626. In most instances, it will be Bromsgrove District Council.

### **Environmental Services – Health & Safety**

For the attention of: Director of Environmental Services  
Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove  
Worcs., B60 1AA

**OR**

### **Health & Safety Executive**

Haswell House  
St. Nicholas Street  
Worcester  
WR1 1UW

### **Vessels**

Where a premises licence is sought in connection with a vessel, which will be navigated whilst licensable activities take place, you will be required to submit a copy of your application for a premises licence to those responsible authorities named above, as well as the following organisation:

### **Navigation Authority**

The British Waterways Board  
Central Shires Office  
Peel's Wharf  
Lichfield Street  
Fazeley  
Tamworth  
Staffs., B78 3QZ.

Tel: 01827 252000

email: [enquires.centralshires@britishwaterways.co.uk](mailto:enquires.centralshires@britishwaterways.co.uk)

### **Personal Licences and Temporary Event Notices only....**

Should you only be applying for a Personal Licence or a Temporary Event Notice, you will only need to send copies of your application form to **the Licensing Authority and the Police Authority**.

Before applying for a new licence or a variation to an existing premises licence or club registration certificate, applicants are advised to take advice from the relevant responsible authority to minimise the likelihood of objections.

### **Electronic Service of Applications**

The Act does permit the service of application forms by electronic means, but only after the prior agreement of the relevant responsible authority has been sought. This also applies to the serving of the application form on the Licensing Section of the Council. Where service is by electronic means, the periods allowed for determination of the application will not begin until all necessary hard copy documents have been received, i.e. plans and the fees.

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**APPENDIX B**

**CONSULTATION ON THE STATEMENT OF LICENSING POLICY**

Period JUNE 2010 TO SEPTEMBER 2010

CONSULTEE	REFERENCE	COMMENT	OFFICER RECOMMENDATION	ACCEPTED
<p>Catshill and North Marlbrook Parish Council.</p>	<p>The term “responsible authority” is not defined except in section 10.1. It is implied that there are other Responsible Authorities but they are not defined. A list of responsible authorities could be added as an appendix.</p>	<p>Change has not been made to policy.  Appendix added.</p>	<p>Change</p>	<p>Accepted</p>
	<p>The novice applicant may not be as aware of “who is who” or “what is what” therefore a glossary would be useful.</p>	<p>No change has been made to the draft policy.</p>	<p>No Change</p>	<p>Not accepted.</p>
	<p>There is no information relating to the automatic notification of applications or the variation of an existing licence. It would be helpful to know who would be automatically notified on an application and there contact details provided.</p>	<p>No change has been made to the draft policy.  No automatic notification, down to applicant to notify.</p>	<p>No Change</p>	<p>Not accepted.</p>
		<p>No change has been made to</p>	<p>No Change</p>	<p>Not accepted.</p>

Can the Parish Council ask to be included on the list of those automatically notified if the application relates to the Parish.

It is likely that the 24 hours drinking laws are to be changed, therefore section 8 needs to be altered to allow for changes. 8.1 for instance should perhaps alter flexible approach to allow for the changes adding words to the effect “within the hours allowed by law”.

Section 17.2 describes how the LA makes decisions. It is believed that the Officer decisions could be further defined when dealing with “all other cases” so that in such an instance they should be amended to “Officer decision only” “where no police objection or other relevant representation is made” and referred to the sub-committee for decisions where “if police objection or other relevant representation is made”.

the draft policy.

As above.

No change has been made to the draft policy.

Policy will be adapted to suit new legislation as and when necessary.

No change has been made to the draft policy.

Guidance under Section 182 gives list of delegations. Not the role of the Policy to change legislation.

No Change

No Change

Not accepted.

Not accepted.

<p>Wythall Parish Council</p>	<p>Regarding the request to be removed as designated premises supervisor (DPS) this is acceptable if dealt with by the appropriate officer in "all other cases" but what happens if the activity is intended to continue without a replacement DPS.</p> <p>There should be some right of appeal over whether a complaint is frivolous. This could possibly be dealt with by the Sub-Committee if the request to do so is supported by two members of the Sub-Committee.</p> <p>At the Council Meeting held on the 15th July 2010 it was agreed to accept the document submitted for consultation on the 15th June 2010 as it stands.</p>	<p>No change has been made to the draft policy.</p> <p>Legislation change, DPS no longer required for village halls etc.</p> <p>No change has been made to the draft policy.</p> <p>Decision not made by Licensing Officer alone, only in conjunction with legal and line manager.</p> <p>No Change necessary</p>	<p>No Change</p> <p>No Change</p> <p>No Change</p>	<p>Not accepted.</p> <p>Not accepted.</p>
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## Bromsgrove District Council

### LICENSING COMMITTEE

Date 6TH December 2010

#### LICENSING ACT 2003 – POLICY FOR THE CLASSIFICATION OF FILMS

Relevant Portfolio Holder	Councillor P. Whittaker
Relevant Head of Service	Steve Jordan, Head of Worcestershire Regulatory Services.
Non-Key Decision	

#### 1. SUMMARY OF PROPOSALS

- 1.1 There is currently no policy for the Council to deal with films that are unclassified by the British Board of Film Classifiers for Public Exhibition, or requests to reclassify such films. As the Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 it is necessary to adopt such a policy.

#### 2. RECOMMENDATIONS

##### 2.1 The Licensing Committee:

- 1) Approves the Policy for dealing with unclassified films (attached at Appendix 1) and,
- 2) Delegates the responsibility for the authorisation of films which have not already been classified by the BBFC to the Director of Planning and Regeneration, Regulatory and Housing Services.

#### 3. BACKGROUND

- 3.1 Whilst the British Board of Film Classification (BBFC) performs a national film classification role, the Council, as a Licensing Authority, is the classification body for the public exhibition of films shown in the District by virtue of the Licensing Act 2003 (LA03).
- 3.2 The Licensing Authority has the right to classify films that are shown in premises licensed under the LA03 such as cinemas, hotels, clubs and public houses.

#### 4. KEY ISSUES

- 4.1 The public exhibition of films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

- 4.2 The draft policy for dealing with an application to exhibit unclassified films is attached to this report and can be found at Appendix 1.
- 4.3 Any authorisations for the exhibition of film(s) issued by the Licensing Authority shall only apply when the film(s) is exhibited within the Borough of Redditch.

**5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from the adoption of this procedure. The service will be delivered from within existing resource.

**6. LEGAL IMPLICATIONS**

- 6.1 The Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 and Guidelines issued by the Secretary of State.
- 6.2 Section 20 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licenses that authorise the exhibition of films. (copy at Appendix 2)

This relates to the restriction of the admission of children (defined in Licensing Act 2003 as "persons aged under 18") to the exhibition of any film to either the film classification recommended by the BBFC or, if the Licensing Authority does not agree with that recommendation, to such other classification recommended by the Licensing Authority.

- 6.3 The Licensing Authority may be required to classify a film that has not been classified by the BBFC.
- 6.4 A typical example of this would be a locally made film to be shown at a film festival within the District.
- 6.5 The Licensing Authority must have a policy in place to consider and determine a classification.
- 6.6 A distributor of a film or other party may also appeal to the Licensing Authority against a decision of the BBFC and request that the Licensing Authority reclassifies the film for local screening.
- 6.7 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of the film or films within

the local area without a classification, but subject to certain conditions and restrictions.

- 6.8 The Secretary of State's Guidance issued under Section 182 of the LA03, recommends that:

“Licensing authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.”

**7. POLICY IMPLICATIONS**

- 7.1 Not having a policy in respect of unclassified films might result in the moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images.

**8. COUNCIL OBJECTIVES**

- 8.1 This item links with the Council Priority – Safe

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

- 9.1 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.
- 9.2 “Not having a policy might result in the moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images”

**10. CUSTOMER IMPLICATIONS**

- 10.1 All customers would need to adhere to the policy, a statutory requirement of the Licensing Act 2003.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 11.1 This Report adheres to the Council's Equality and Diversity Scheme and does not discriminate on the grounds of race, gender, disability, age, religion or belief or sexual orientation.

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

- 12.1 None

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

- 13.1 None

**14. HUMAN RESOURCES IMPLICATIONS**

- 14.1 None

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

- 15.1 None

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

- 16.1 None

**17. HEALTH INEQUALITIES IMPLICATIONS**

- 17.1 None

**18. LESSONS LEARNT**

- 18.1 None

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

- 19.1 As a requirement is placed on the Licensing Authority to carry out this function it is not proposed to carry out any form of consultation as this is a procedural matter. If approval is given the policy will be implemented with immediate effect

## Bromsgrove District Council

# LICENSING COMMITTEE

Date 6TH December 2010

### 20. OTHERS CONSULTED ON THE REPORT

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

### 21. WARDS AFFECTED

The content of this report affects all wards.

### 22. APPENDICES

Appendix 1 – Policy for dealing with Film Classification  
Appendix 2 – Mandatory Conditions under the Licensing Act 2003.

### 23. BACKGROUND PAPERS

British Board of Film Classification Guidelines  
Statement of Licensing Policy  
Licensing Act 2003  
Guidance issued under S182 of the Licensing Act 2003.

**Bromsgrove District Council**

**LICENSING  
COMMITTEE**

**Date 6TH December 2010**

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**AUTHOR OF REPORT**

Name: Sue Garratt – Licensing Manager

E Mail: [sue.garratt@redditchbc.gov.uk](mailto:sue.garratt@redditchbc.gov.uk)

Tel: (01527) 534100

## POLICY FOR DETERMINING FILM CLASSIFICATIONS

### Purpose

The public exhibition of all films on licensed premises must either be classified by the British Broad Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

### **Procedure for Authorisation of Films Which Have Not Been Classified by The BBFC or Redditch Borough Council.**

Applications should be submitted to the Licensing Authority with a minimum of **28 days** before the proposed screening.

An application for authorisation should include the following information:

- (a) the film maker;
- (b) such recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;
- (c) any existing classification issued by an existing classification body, whether within or outside the UK;
- (d) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film. Where an applicant seeks an authorisation allowing exhibition of the film to persons 18 years and over only, a detailed synopsis will not be required;
- (e) if known, a legitimate and legal internet site where the film, or a portion of the film is available to view without charge;
- (f) any proposals on age restrictions for viewing the film that the applicant intends to impose; and
- (g) details of how age restrictions will be enforced.

In accordance with National Guidance all requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film.

When considering all such requests the Licensing Officers will pay particular attention to the Protection of Children from Harm Licensing Objective.

In line with of the National Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.

In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall adopt the example as laid out in the National Guidance:

DRAFT



## MANDATORY CONDITIONS

All premises permitted to exhibit films are subject to the following mandatory conditions:

1. Where a Premises Licence or Club Premise Certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition at any film to be restricted in accordance with these paragraphs.
2. Where a film classification body is specified in the licence or certificate, unless paragraph 3 (b) below applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:
  - (a) the film classification body is not specified in the Licence or Certificate; or
  - (b) the Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.
4. In these paragraphs "children" means persons aged under 18 and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

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## BROMSGROVE DISTRICT COUNCIL

### **LICENSING COMMITTEE**

6th December 2010

#### **STREET TRADING CONSENT POLICY – SCRUTINY BOARD REVIEW FEEDBACK**

Relevant Portfolio Holder	Councillor P. Whittaker
Relevant Head of Service	Steve Jorden, Head of Worcestershire Regulatory Services
Non-Key Decision	

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

- 1.1 The purpose of this report is to provide Members with an update on the review undertaken by the Scrutiny Board on the new Street Trading Consent Policy after it had been in operation for 6 months.

#### **2. RECOMMENDATIONS**

- 2.1 That the Licensing Committee:
- (a) note the Scrutiny Board's consideration of the matter as detailed in section 4 of this report; and
  - (b) note there were no specific recommendations from the Scrutiny Board.

#### **3. BACKGROUND**

- 3.1 At the meeting of the Scrutiny Board held on 24th November 2009, Members agreed that the Street Trading Consent Policy be included as a future item in the Board's work programme. Subsequently, at the meeting of the Council on 20th January 2010 the proposed fee structure for the Street Trading Consent Policy was adopted along with a recommendation from the Chairman of the Licensing Committee that after six months, officers report to the Scrutiny Board on the operation of the Street Trading Consent Policy.
- 3.2 In preparation for this review Members of the Scrutiny Board submitted questions with regard to the Street Trading Consent Policy to the Head of Regulatory Services. These questions were then considered at the Licensing Committee meeting held on 11th October 2010.

## **BROMSGROVE DISTRICT COUNCIL**

### **LICENSING COMMITTEE**

6th December 2010

3.3 The Portfolio Holder for Regulatory Services, the Licensing Committee Chairman, the Council's Senior Solicitor and the Licensing Manager attended the meeting of the Scrutiny Board held on 26th October 2010. The Council's Senior Solicitor and the Licensing Manager responded to questions from Members with regard to 'tatters' (mobile scrap metal dealers), telephone canvassers and buskers.

#### **4. KEY ISSUES**

4.1 Members are asked to note the contents of Minute No. 32/10 of the Scrutiny Board meeting held on 26th October 2010 as reproduced below.

#### **REVIEW OF STREET TRADING POLICY**

*The Board considered a report which reminded Members of the previous decision to review the operation of the Street Trading Policy after it had been in operation for 6 months. Reference was made to the preliminary questions which had been put to the Licensing Manager and her answers, as set out at Appendix 1 of the report. Officers advised Members that all Councillors had been given the opportunity to put forward any concerns they had about the Policy, or particular issues within their Ward. An issue had been raised in respect of a farm shop and Officers confirmed that this was being investigated.*

*Members discussed the following areas in more detail:*

- Whether "tatters" (mobile scrap metal dealers) came under the jurisdiction of the Street Trading Policy. Officers felt it was unlikely that they would need Street Trading Consent, but agreed to investigate the issue further.*
- Members were concerned that Mobile Hot Food Takeaway vehicles which were parked in lay-bys did not meet food hygiene regulations or disposed of waste appropriately. Officers confirmed that checks were made, prior to the issue of a Street Trading Consent, to ensure that all necessary regulations would be met. Officers also confirmed that the enforcement of the Street Trading Consents would be delivered by officers from the Worcestershire Regulatory Services (WRS).*
- Members asked if the fee structure was in line with other areas. Officers advised that this had been calculated by taking an average of the fees charged by all districts throughout Worcestershire.*

*The Board discussed any legislative powers that would restrict Ice Creams vehicles from parking outside schools, as they were aware that Hillingdon Borough Council had recently banned ice cream vendors from certain areas. The Senior Solicitor confirmed that the legislation that Hillingdon Borough Council had relied on was unique to London and therefore not applicable within the*

## **BROMSGROVE DISTRICT COUNCIL**

### **LICENSING COMMITTEE**

6th December 2010

*Bromsgrove District. However, it may be possible to give consideration to such a restriction when the new Core Strategy was in place.*

*Officers confirmed that the Street Trading Policy did not cover telephone canvassers or buskers.*

*Members thanked Officers for a comprehensive report and after further discussion it was*

**RESOLVED** that the Review of the Street Trading Policy be noted.

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

5.1 There are no financial implications directly relating to this report.

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

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

#### **7. POLICY IMPLICATIONS**

7.1 There are no policy implications directly relating to this report.

#### **8. COUNCIL OBJECTIVES**

8.1 C02 – 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 .N/a

#### **11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING COMMITTEE**

6th December 2010

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

12.1 N/a

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

13.1 N/a.

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 None

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 N/a.

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

16.1 N/a.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None

**18. LESSONS LEARNT**

18.1 N/a

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 N/a

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING COMMITTEE**

**6th December 2010**

Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All wards

**22. APPENDICES**

None

**23. BACKGROUND PAPERS**

None

**24. KEY**

None

**AUTHOR OF REPORT**

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E Mail: p.ross@bromsgrove.gov.uk  
Tel: 01527 881406

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