



BROMSGROVE DISTRICT COUNCIL

YOU ARE HEREBY SUMMONED to attend a MEETING of BROMSGROVE DISTRICT COUNCIL to be held in the Council Chamber at Parkside Suite - Parkside at 6.00 p.m. on Wednesday 21st November 2018, when the business referred to below will be brought under consideration:-

1. **To receive apologies for absence**

2. **Declarations of Interest**

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. **To confirm the accuracy of the minutes of the meeting of the Council held on 19th September 2018 (Pages 1 - 22)**

4. **To receive any announcements from the Chairman and/or Head of Paid Service**

5. **To receive any announcements from the Leader**

6. **To receive comments, questions or petitions from members of the public**

A period of up to 15 minutes is allowed for members of the public to make a comment, ask questions or present petitions. Each member of the public has up to 3 minutes to do this. A councillor may also present a petition on behalf of a member of the public.

7. **Recommendations from Licensing Committee held on 12th November 2018 (Pages 23 - 80)**

8. **To receive the minutes of the meetings of the Cabinet held on 31st October 2018 (Pages 81 - 90)**

9. **To receive and consider a report from the Portfolio Holder for Economic Development, Town Centre and Strategic Partnerships (Pages 91 - 94)**

Up to 30 minutes is allowed for this item; no longer than 10 minutes for presentation of the report and then up to 3 minutes for each question to be put and answered.

10. **Questions on Notice (to be circulated at the meeting)**

To deal with any questions on notice from Members of the Council, in the order in which they have been received.

A period of up to 15 minutes is allocated for the asking and answering of questions. This may be extended at the discretion of the Chairman with the agreement of the majority of those present.

11. **Motions on Notice (to follow if any)**

A period of up to one hour is allocated to consider the motions on notice. This may only be extended with the agreement of the Council.

12. **To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-**

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

| <u>Item No.</u> | <u>Paragraph(s)</u> |
|-----------------|---------------------|
| 13 | 3 |
| 14 | 3 |
| 15 | 3 |

13. **Recommendations from the Cabinet (Pages 95 - 96)**

14. **Background Information on the Recommendations from Cabinet (Pages 97 - 114)**

15. **Confidential Cabinet Minutes 31st October 2018 (Pages 115 - 116)**

K. DICKS
Chief Executive

Parkside
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TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

19TH SEPTEMBER 2018, AT 6.00 P.M.

PRESENT: Councillors C. J. Spencer (Chairman), M. J. A. Webb (Vice-Chairman), C. Allen-Jones, S. J. Baxter, C. J. Bloore, M. T. Buxton, S. R. Colella, B. T. Cooper, R. J. Deeming, G. N. Denaro, R. L. Dent, M. Glass, C.A. Hotham, R. E. Jenkins, R. J. Laight, L. C. R. Mallett, K.J. May, C. M. McDonald, P. M. McDonald, S. R. Peters, S. P. Shannon, C. B. Taylor, P.L. Thomas, M. Thompson, L. J. Turner, K. J. Van Der Plank, S. A. Webb and P. J. Whittaker

38\18 **TO RECEIVE APOLOGIES FOR ABSENCE**

At the start of the meeting the Chairman invited the Bromsgrove Street Pastors to give a short presentation on the work they carried out in the District.

Apologies for absence were received from Councillors J. Griffiths, H. Jones and M. A. Sherrey. Members were also advised that Councillor R. Jenkins would be a little late.

39\18 **DECLARATIONS OF INTEREST**

Councillor C. Hotham and L. C. R. Mallett declared an other disclosable interest in respect of Minute No. 48/18.

40\18 **MINUTES**

The minutes of the meeting of Council held on 24th July 2018 were submitted. A number of points for clarification were raised during consideration of these minutes:

- Page 15 – in respect of the Portfolio Holder report Councillor S. Shannon referred to a series of questions which had been asked and that the Portfolio Holder had requested these to be emailed to him, Councillor Shannon confirmed that he still awaited a response to the questions he had raised. Councillor Taylor apologised and confirmed that a response would be sent by the end of the week.
- Councillor S. Colella also noted that in respect of the question raised by Councillor R. Jenkins under Minute No. 34/18 a written response would be sent. Councillor Colella requested that this be added to the minutes.

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- Councillor M. Thompson questioned the inclusion of confidential minutes and requested that a public minute be included to show openness and transparency to the residents of Bromsgrove. The Monitoring Officer confirmed that she would look into the matter before the next meeting.

RESOLVED that the minutes of the Council meeting held on 24th July 2018 be approved as a correct record.

41\18

TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE

The Chairman announced three forthcoming events to which all Members were invited:

- Civic Service at 3.00 pm on 14th October 2018 at St John's Church.
- Remembrance Service on Sunday 11th November 2018 – the programme of events would be confirmed shortly.
- Caribbean Evening on 28th November 2018 with all proceedings going to her chosen charity.

Councillor M. Thompson requested that in future his Group Members be given the opportunity to take their seats following the “moment of reflection” and prior to the commencement of Council business.

42\18

TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER

The Leader took the opportunity to thank all staff, Members and partners for the 50th Birthday Celebrations at Sanders Park, which had been a great success.

Councillor M. Thompson also took the opportunity to thank Councillor M. Buxton as the relevant Ward Councillor for all her hard work.

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TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC

The Chairman confirmed that a member of the public had asked a question as detailed below:

Ms Julie Woods

Ms Woods asked Councillor P. Whittaker, the Portfolio Holder for Leisure and Cultural Services the following questions:

“I understand the council are in further negotiations with BAM to secure the use of the sports hall at NBHS and that the proposed contract is for a minimum of 38 weeks usage.

1) Will provision include weekend usage?

2) What plans do the Council have should the current negotiations fail?"

Councillor Whittaker responded that he understood a written response to the questions raised had been provided by the Head of Leisure and Cultural Services, but he was happy to provide this information again at this meeting. It was confirmed that the negotiations with BAM would include weekend usage. In respect of the second question Councillor Whittaker advised that no alternative plans were in place as the agreement with BAM was not expected to fail. However, should this happen then the Council would revert to the original agreement made by Council in 2014 when no additional provision for a Sports Hall would be made as it was believed that there was already sufficient provision throughout the District.

44\18

REVIEW OF THE SCHEME OF DELEGATIONS

Councillor G. Denaro proposed the recommendations in respect of the Constitution Updates and these were seconded by Councillor K. May.

The Leader explained that the attached report was the result of extensive work by the Constitution Review Working Group and had been considered in detail and signed off by that Group. The majority of changes were due to statutory and job title changes. The report also included the Planning Code of Conduct at appendix 2 which had also been considered and agreed by the Group.

RESOLVED:

- a) that the updated Officer Scheme of Delegations be agreed as set out at Appendix 1 of the report; and
- b) that the updated Planning Code of Conduct is agreed as set out at Appendix 2 of the report.

45\18

RECOMMENDATIONS FROM THE CABINET

Bromsgrove District Plan – Issues and Options Consultation

The recommendations from Cabinet in respect of the Bromsgrove District Plan, Issues and Options Consultation were proposed by Councillor C. B. Taylor and seconded by Councillor G. Denaro.

In proposing the recommendations Councillor Taylor took the opportunity to thank Officers for their hard work, together with those Members who had attended the Strategic Planning Steering Group meetings which had helped to form the document being considered. He reminded Members that at this stage this was a review of the District Plan Issues and Options consultation and not a policy document, but merely the start of the process. It was an opportunity for all residents to put forward their views and steer the next stage.

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The following areas were discussed:

- Whether the questionnaire would be available in a prominent place on the Council's website. Councillor Taylor assured Members that he would ensure that this could be easily found and that hard copies would be available in all libraries throughout the District.
- Reference was made to the housing need of Redditch Borough Council (RBC) being re-calculated, which appeared to have reduced the number of houses that was needed. It was therefore questioned whether the site at Foxlydiate which had been agreed as the Redditch overspill could be put to one side and used to meet this Council's housing needs.
- Councillor Taylor highlighted that under Option 8 within the consultation document there was the option for residents to comment on this matter and asked everyone to encourage residents to respond.

RESOLVED:

- a) that the Council publishes the BDP Review, Issues and Options documentation for the purposes of public consultation, between 24th September and 19th November 2018 inclusive.

The content being

The BDP review Issues and Options Report (Appendix A)

The draft Green Belt Purposes Assessment Methodology (Appendix B)

The draft Site Selection Methodology (Appendix C)

The Sustainability Appraisal (Appendix D)

- b) that delegated authority is given to the Head of Planning and Regeneration Services in conjunction with the Portfolio Holder for Planning and Housing, to make any minor technical corrections and editorial changes deemed necessary to aid the understanding of the Issues and Options report prior to final publishing.

Anti Social Behaviour, Crime and Policing Act 2014 – Implementation of Provisions

The recommendations from Cabinet in respect of the Anti Social Behaviour, Crime and Policing Act 2014 – Implementation of Provisions were proposed by Councillor P. J. Whittaker and seconded by Councillor G. Denaro.

In proposing the recommendations Councillor Whittaker explained that the report detailed the provisions of the Anti-Social Behaviour, Crime & Policing Act 2014, specifically highlighting amendments and recommendations made in the updated Home Office statutory guidance which had been released in December 2017.

The report detailed any key changes to the tools and powers made available under the 2014 Act and it also made recommendations regarding delegations to key service areas which would allow the provisions within the Act to be used to maximum effect.

Councillor Whittaker suggested that the Public Space Protection Order (PSPO) provision would be of particular interest to Members. This power sat solely with the District Council and allowed restrictions and positive requirements to be put in place in public and open spaces. Due to inconsistencies in implementation across areas nationally and a number of legal challenges across the country, the Home Office guidance provided a number of updates and recommendations on this particular power in order to clarify how it should be used.

Among the updates was confirmation that the decision to implement a PSPO should be made by Cabinet/Council rather than delegated to officers, to ensure openness and transparency. Members were advised that Bromsgrove currently had 22 PSPOs which transitioned from DPPOs in October 2017. These orders all relate to restrictions on alcohol related ASB and would need to be reviewed by October 2020 otherwise they would lapse.

The following areas were discussed:

- Councillor Hotham commented that he believed the powers would benefit the District and residents. He had already been involved in the first “trigger” and praised the officers for their work and support.
- It was believed that Members should always be involved in issues within their ward, although it was confirmed that there were occasions when this would not be possible due to a number of issues including data protection regulations.

RESOLVED:

- a) that the powers available to the Council under the Anti Social Behaviour, Crime and Policing Act 2014, along with the updated Guidance issued in Dec 2017 are noted; and
- b) that the Council’s Scheme of Delegation is amended, in accordance with recommendations outlined in Section 3.6 of this report, to allow relevant officers to apply these tools and powers, with the inclusion of “in consultation with the Ward Councillor, where appropriate.”

Finance Monitoring Outturn 2018/19

The recommendations from Cabinet in respect of the Finance Monitoring Outturn 2018/19 Report were proposed by Councillor B. T. Cooper and seconded by Councillor G. Denaro.

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Councillor Cooper advised Members that this report outlined the Council's financial position at the end of quarter 1 in July 2018. It was very early in the financial year to draw any conclusions but he did comment that the Council seemed to be on target to achieve a modest underspend for the year as a whole. However, there were three accounting issues that needed Council's approval, none of which impacted on the Council's overall budget position.

Firstly, Cabinet was seeking approval for an increase in the 2018/19 capital programme of £21k for S106 funding, to be used for outdoor fitness equipment and artwork at Sanders Park. This would join the existing budget already approved in 2017/18.

Members were reminded that at last November's Council meeting, it had been agreed that virements over £40,000 should go to Cabinet and then to Council for final approval. Therefore, the Cabinet was now asking Council to recommend two virements. Councillor Cooper explained that BDHT used to invoice the Council separately for things such as Homeless temporary accommodation management, Housing waiting list and allocations, and homeless medical assessments. The Council's contract with BDHT had been renegotiated so that now BDHT sent one invoice instead of four. The sum budgeted for these services was £101k. This would amalgamate all such budgets into the General homelessness budget. The Cabinet was seeking approval for the virement of the £101k into one budget for general homelessness.

With regard to the second virement the Council provided the Citizens Advice Bureau with two grants, one for housing advice of £41k and one for general advice of £87k. The Council wished to amalgamate the two grants into one budget line. Cabinet was seeking approval for the virement of £41k for housing advice to the general advice budget.

Following presentation of the report Members queried whether the transfer of S106 monies for Sanders Park was from developments within the ward or from other wards within the District. The concern was that much needed funds were being diverted to other wards. Councillor Cooper agreed to provide a response to this outside of the meeting.

RESOLVED:

- a) that an increase in the 2018-19 Capital Programme of £21k for S106 funding to be used for outdoor fitness equipment and artwork at Sanders Park. This is to be added to the existing budget already approved in 2017/18 and carried forward into 2018/19 be approved;
- b) that the virement of £101k from separate identified housing revenue budgets to be amalgamated into a single budget allocation, as a result of the renegotiation of the Housing contract with BDHT be approved; and
- c) that the virement of £41k for budgets relating to housing advice provided by the Citizens Advice Bromsgrove and Redditch

(CABR). This virement is requested to consolidate existing budgets into a single budget allocation be approved.

46\18

TO RECEIVE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 5TH SEPTEMBER 2018

The minutes of the Cabinet meeting held on 5th September 2018 were received for information.

47\18

BUSINESS RATES POOL PILOT 2019/20 REPORT

The recommendations in respect of the Business Rates Pool Pilot 2019/20 were proposed by Councillor G. Denaro and seconded by Councillor K. J. May.

Councillor Denaro reminded Members that in 2017 bids were opened up by Central Government for a 100% pilot and that Worcestershire had put forward a bid. Unfortunately on that occasion Worcestershire was unsuccessful. However, Central Government have opened up a second round of pilots for 75% retention and Worcestershire Leaders would like to put forward a bid. There was a deadline of 28th September hence the inclusion of the delegation to the Executive Director, Finance and Corporate Resources in consultation with the Portfolio Holder and Group Leaders, which was along the lines of the agreement previously discussed.

It was acknowledged that this deadline did not give a lot of time and Councillor Denaro confirmed that the Leaders of all seven councils had recently met and agreed in principle to proceed with a bid for a pilot in 2019/20. It had also been agreed that no authority would gain from being in a pilot unless all authorities were at least in the position they would have enjoyed with the 50% retention arrangements, which was the current position for Bromsgrove. It was further agreed in principle that the collective gain from being in a pilot would be invested in district and county services that prevented or reduced the cost of social care. It was important that all seven councils were committed to the pilot application, as it was likely that if one did not want to proceed then the chances of success would be diminished to the point that an application would not be worthwhile. The Treasurers were currently working on how best the pilot could be executed and a number of areas were highlighted which would enable the County Council to work with the districts to support those residents most in need of support.

It had been estimated that the additional business rates retained locally in 2019/20, if the Council was in the pilot compared to current arrangements, would be in the region of £4.5m.

Following presentation of the report, Members discussed a number of areas in more detail, including:

- Members welcomed the proposed investment in adult social care.

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- Reference was made to a meeting which some Members understood had taken place and which had involved the Leaders of the non-constituent members of the West Midlands Combined Authority (WMCA) and the elected Mayor of that authority. It was understood that this Council had not been represented at that meeting but that its future role had been discussed. This was a cause for concern for a number of Members.
- The Leader assured Members that he was not aware of this meeting and would make further enquiries. He also confirmed that it was not possible for changes to the membership of WMCA to be made for a further 18-24 months. Councillor May confirmed that Redditch Borough Council was a non-constituent member.
- Concerns that the previous pilot scheme had seen Worcestershire County Council try to put forward an alternative agreement at the eleventh hour, which had been to the detriment of the other councils. The Leader did not expect there to be any changes to the agreement that was currently being discussed.
- Further concerns were raised around what was going on “behind the scenes”, and the importance of the Council being able to take a stance and be part of the next pilot.
- Presentations which Members had received previously in respect of WMCA and WCC when the decision had been made not to move forward with membership of WMCA.

RESOLVED:

- a) that Bromsgrove District Council be included in a joint Worcestershire application to be a 75% business rates retention pilot in 2019/20; and
- b) that authority be delegated to the Executive Director, Finance and Corporate Resources in consultation with the Portfolio Holder for Finance and enabling Services and the Group Leaders to make necessary decisions on the Council’s behalf.

48\18

RECOMMENDATION FROM THE OVERVIEW AND SCRUTINY BOARD

Councillor L. C. R. Mallett, Chairman of the Overview and Board asked Councillor C. Bloore to present the report in respect of Hospital Car Parking Charges, as he had taken a lead on the investigation.

Councillor Bloore provided background information and reminded Members that this matter had arisen from a Notice of Motion from Councillor P. McDonald, which Council had agreed to pass on to the Board for further investigation. Councillor Bloore confirmed that a number of meetings had been held where a variety of witnesses had been questioned. It was noted that currently a number of Members of Parliament had put a Private Members’ Bill forward which was along similar lines to those discussed by Members. It was important to note that this did not refer to PFI hospital car parks. Councillor Bloore thanked Councillors Shirley Webb, Allen-Jones and Colella for their support with the investigation.

The recommendation from the Overview and Scrutiny Board in respect of Hospital Car Parking Charges was proposed by Councillor C. Bloore and seconded by Councillor L. Mallett.

Members made the following comments:

- Members thanked Councillor P. McDonald for bringing this matter forward.
- It was noted that there was a typographical error in the recommendation and it should say NHS Trust and not NHB.
- The Leader advised that there was currently a petition in respect of this matter which had 26k signatures, it needed to reach 100k to trigger a debate and he encouraged everyone to sign this.
- Councillor Shannon commented that he disagreed with the statement at 4.6 of the report, page 124, as he believed that the park and ride service was an excellent one.

RESOLVED that Council write to the Secretary of State to suggest that NHS Trust owned hospital car parks be made free of charge.

49\18

RECOMMENDATIONS FROM LICENSING COMMITTEE

Gambling Act 2005 – Review of Statement of Principles

Councillor R. L. Dent, Chairman of the Licensing Committee, proposed the recommendations arising from the meeting of the Committee held on 11th September 2018. These were seconded by Councillor P. Whittaker.

Councillor Dent provided background information in respect of the recommendations and the consultation which had been carried out.

RESOLVED:

- a) that the revised Statement of Principles, as detailed at Appendix 2, be approved; and
- b) that the Statement of Principles be published by 31st January 2019.

Animal Establishment Licensing Reforms

Councillor R. L. Dent, Chairman of the Licensing Committee, proposed the recommendations arising from the meeting of the Committee held on 11th September 2018. These were seconded by Councillor P. Whittaker.

Councillor Dent provided background information to these recommendations and the reforms that were being made in relation to animal welfare and the licensing of various animal-related establishments as a result of the new regulations. It was commented that whilst these reforms were welcomed that they did not go far enough in a number of areas, in particular the breeding of dogs.

RESOLVED:

- a) determination of all licensing applications in respect of Animal Welfare Act 2006 be removed from paragraph 3, Schedule 2, Part II (Matters not Delegated) of the Worcestershire Shared Services Agreement dated 1st April 2016;
- b) the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be added to Schedule 1 Appendix, Part II of the Worcestershire Shared Services Agreement dated 1st April 2016;
- c) the following wording be added to Part II “Animal Health and Welfare” section of Appendix 1 – Statement of Partner Service Requirements to Worcestershire Shared Services Agreement dated 1st April 2016; and
- d) that the proposed fees and charges, as detailed at Appendix 3, be approved.

50\18

TO RECEIVE AND CONSIDER A REPORT FROM THE PORTFOLIO HOLDER FOR FINANCE AND ENABLING

As Portfolio Holder for Finance and Enabling, Councillor B. Cooper presented his annual report. He explained that he been in post as portfolio holder for 18 months. His portfolio covered not only finance but also Customer Access and Financial Support, Legal, Equalities and Democratic Services, Information and Computer Technology, and Emergency Response. Human Resources and Organisational Development had also been added in the summer.

Councillor Cooper thanked Jayne Pickering, Claire Felton, Amanda Singleton, Deb Poole and Sue Hanley and their teams for their contributions to the report and more importantly for their hard work for the Council and continued support to help him gain an understanding of the activities of each department.

Finance took up a large amount of Councillor Cooper’s time as portfolio holder whilst not more important than the other departments, Councillor Cooper advised finance influenced and in many ways exercised control on all activities of the Council. There were 27 people in finance whose time allocation was 37% for Bromsgrove District Council and 63% for Redditch Borough Council. The reason for this disparity was principally because Redditch still had its own housing stock to manage. There were three teams: Accounting, Payroll, and Payments and Insurance. Members were all aware of the financial management of the Council from the reports to Committees, Cabinet and to the full Council.

As discussed at the last meeting of Council, the finance team had closed the 2017/2018 accounts and the external auditors had given their opinion. The Council had a modest underspend and more than met its savings target for the year and there was no reduction in Council services. It is very gratifying that the auditors had not only

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approved the accounts without qualifications, but had also given an unqualified opinion on Value for Money. Members had been pleased when the chief external auditor had said at the Audit Board meeting in July “BDC is in a good place”. This had been a success not only for the Council’s finance team but reflected well on all the Council’s staff.

Although considerable progress had been made in the Council’s financial governance, as indicated by the Auditors’ opinion this year, the Council could still make improvements with budgeting, identification of savings, monitoring those savings achieved and recognising the effects, if any, of those savings on the Council’s activities and services, business cases must be even more robust. Councillor Cooper was pleased that the Council had agreed in July, to support the implementation of the Enterprise Resource Planning solution which would make these activities much more effective. The systems would begin to be rolled out at the end of this year and be fully operational by April 2020.

It was important because although the Council’s finances were currently very satisfactory, they would become more and more difficult to manage over the years to come, especially in respect of the Negative Revenue Support Grant from 2019-2020 and if there was significant changes to the New Homes Bonus Scheme which could lead to a major reduction in income. The Council was facing the prospect of balancing the budget by using money from balances, in the years to come. This was clearly unsustainable so difficult decisions would have to be made and new sources of income needed to be found, such as return on investments in housing and business units. In this regard, the Council was delighted that the planning for development of the Burcot Lane site for housing was now progressing with the support of Homes England.

As the portfolio holder, Councillor Cooper was determined that the Council continued to improve its financial governance. Regular performance reviews of Portfolio Holders and senior officers by the Leader and Chief Executive were taking place. Finance was an important component of those reviews. Departmental Heads were being more robustly challenged as part of the budget setting process and zero based budgeting was being encouraged. Councillor Cooper believed that the Finance and Budget Working Group (FBWG), a sub-committee of O&SB, had been a success; its scrutiny of aspects of the Council’s finances was proving very helpful to the Director of Finance and to the Portfolio Holder. This autumn the FBWG will be reviewing the budget setting process and be involved in reviewing the setting of Fees and Charges. The FBWG’s success in helping to improve financial governance in the Council was in part due to the fact that it was non- party political. Councillor Cooper was grateful to the Chairman, Councillor Mallett, and to Councillors Collella, Hotham, Laight and Thomas, for their contributions.

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The Customer Access and Financial Support Service was a large and important part of the Council. It was a visible and vital customer facing service of the Council. There was a high proportion of part time staff, 84.58 full time equivalent posts, whose allocation was 40% to Bromsgrove District Council and 60% to Redditch Borough Council; the difference was because of the greater workload with Redditch residents. The Service was organised into teams, Revenues and Benefits, Welfare Support, Customer Support, Quality and Improvement and Systems Development. The service was subject to review in 2017 and its recommendations, which were approved by Council in April 2017, were fully implemented by the end of 2017. The review led to the creation of new roles in the Financial Independence Team, Recovery and Welfare Support. This year, there had been some problems with sickness, and staff retention and recruitment in parts of the service, which were being addressed. There was no evidence that this was because of the reorganisation. There were many challenges, not least the rolling out of Universal Credit (UC) which would start in Bromsgrove this September to be completed by in May 2019. It would undoubtedly increase the work of the Benefits and Welfare Support Teams. As a result of UC roll out as well as other issues such as Council Tax Support for care leavers, Bromsgrove District was reviewing its Council Tax Support Scheme and a paper on an amended scheme should be going out to consultation subject to Cabinet approval in early October.

Legal Services provided vital support to the Council, a lot of it was behind the scenes but their activities could be seen particularly by Members of the Planning and Licensing Committees.

Councillor Cooper highlighted that everyone was well aware of the support given to them from the Democratic Services Team in Council, Committees, sub-committees, and in organising training. The annual report of the Overview and Scrutiny Board presented by Councillor Mallet at the last Council was a tribute to the hard work of the Democratic Services Team.

There had been no elections in the District since Councillor Cooper's last report 12 months ago but the Electoral Services department had been active in getting residents on to the electoral roll.

The Information and Computer Technology Team (ICT) consisted of 23 whole time equivalent staff shared between the two councils. They were involved in web development, information management including data protection, geographical information systems, help and support as well as the ICT areas of desktops, the server, phone system and networks. They had been busy as outlined in the report. Cabinet and Council were concerned last year about the difficulty in filling a staff vacancy because of the competition for IT workers from the private sector which could provide higher pay. Eventually this was solved by employing an outside contractor to provide infrastructure support. This started on 3rd July 2017 and has been very successful to date. There

were breakout clauses built in to the contract (which would run for two years) for poor performance.

Human Resources and Organisational Development became part of Councillor Cooper's portfolio in the summer. The team consisted of 13.24 whole time equivalent staff. A summary of the service activities was provided in the report.

With tragedies such as Grenfell Tower and the Manchester Arena still in everyone's minds, Councillors could be reassured by the knowledge that the Council continued to review its emergency plans and processes.

Coming back to the matter of governance, Councillor Cooper was hopeful that the Corporate Performance Working Group, a sub group of the Overview and Scrutiny Board, would develop into a powerful tool to scrutinise the Council's performance by using the measures which were published on the dashboard, in particular, in relation to the Council's strategic purposes. This would be helpful in assessing performance of several parts of his portfolio, for example customer access, revenues and benefits, and in relation to the Council's strategic purpose in "helping me to be financially independent". Councillor Cooper wished the chair of the Working Group, Councillor Shirley Webb and her colleagues every success in their endeavours.

Finally, Councillor Cooper thanked the Leader and Cabinet for their support and together with the support that he had had from Jayne Pickering and the other senior officers of the Council had been excellent he confirmed that there may be questions which he would attempt to answer, but if there required a detailed or a technical answer, he would provide a considered written response outside of the meeting.

A number of areas were discussed in detail following presentation of Councillor Cooper's report, these included:

- Whether the introduction of the new system would bring the Council in line with other local authorities in Worcestershire. Councillor Denaro confirmed that the new system would be across both Bromsgrove and Redditch Councils and that Wyre Forest were also aware of what the system could do.
- The challenges from the introduction of Universal Credit and in respect of the Local Council Tax Support Scheme, which did not mirror the national benefits. Councillor Cooper acknowledged that this was not particularly well phrased and clarified that the proposed changes to the Local Council Tax Support Scheme, which would be going out to consultation in October, would align the two.
- The open and transparent approach of the Finance and Budget Working Group.

- Concerns that action in respect of the Burcot Lane site had been slow to get off the ground and the move to the current sites had had significant financial implications to the Council. This included the Council now being situated in a listed building which brought with it a number of costly restrictions.
- The biggest threats to the Council's financial situation, which appeared to be the Negative Support Grant (NSG) and the threatened changes to the New Homes Bonus scheme. Councillor Cooper confirmed that there was currently a consultation out from Central Government in respect of the NSG and whilst it was hoped that this would be overturned it was likely to be at a cost to other areas.

51\18

QUESTIONS ON NOTICE (TO BE CIRCULATED AT THE MEETING)

Question submitted by Councillor S. Shannon

“Recognising that August can be a difficult time for waste collection, can you please expand on sudden disruption and withdrawal of collection service in recent weeks particularly in the Charford / Aston Fields areas where residents observed normal collection service for the optional garden waste (brown bins). Surely the potentially hazardous grey waste should have been made a priority for collection, with available staff switched to collection of grey bins. Why was this not enacted?”

The Leader explained that several factors had combined to cause the disruption but collection of grey bins had indeed been a priority which enabled clearance of grey backlog within days. By the next set of planned waste collections the problems had been resolved. The Leader thanked the Council's employees and the crews who had worked incredibly hard over the last two weeks to get things back to the status quo.

From Councillor K. Van der Plank

“With Universal Credit now being rolled out in Bromsgrove, and the widely accepted issues around the delay of payments, and resulting financial hardship of claimants, what plans do the Council have to mitigate against these?”

The Leader responded that there were two funding streams available to members of the community who were facing financial difficulties.

The Hardship Fund was used to support those residents who were finding it difficult to pay their Council Tax. This fund was promoted on the Council's website and currently there was a budget allocation of approximately £25k per annum received from Worcestershire County Council. Officers considered individual applications to the hardship fund. There was a reserve of approximately £82k remaining in relation to this funding.

The Essential Living fund was a funding allocation to support the Council's residents who were facing crisis in their financial arrangements. This could be due to benefit delays or suspensions, relationship breakdowns or debts. Individuals were referred to the Financial Support Officers by partners; including DWP, Social Services and the Job Centre. In addition the Council's officers may identify residents who needed support through their discussions on benefits or other issues.

It was highlighted that staff worked with residents to understand their need and support them in ways to address their current crisis including utility tokens, food and white goods. In addition, residents who were seen to consistently require support were also given additional advice and assistance in managing their finances through the Financial Independence Team and the work the Council did with BDHT. The current reserve for this fund was £58k.

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MOTIONS ON NOTICE

Air Pollution

Members considered the following Notice of Motion submitted by Councillor P. McDonald:

"With the undisputed evidence that air pollution well below the legal limit causes not only respiratory problems but heart failure and that many areas within our district are only just below the legal limit; that this Council takes the following action.

1. That it calls upon the Government to reinstate the feed-in tariff project which encouraged householders to install solar panels.
2. That it tasks its officers to report to Council on the feasibility of:
 - Purchasing/leasing electric vehicles
 - Installing electric chargers on local authority land.
 - The Installation of solar panels on its properties.
 - Working closely with the county council to restructure roads where necessary to reduce pollution.

Residents are quite rightly concerned regarding the levels of pollution and this council has a duty to take the appropriate steps to reduce pollution and protect the health of those it represents."

The motion was proposed by Councillor P. McDonald and seconded by Councillor S. Shannon.

In proposing the motion Councillor P. McDonald commented that the Council had already responded to public concern and taken action in respect of single use plastics. He now called upon Members to go further still and begin to address the issue of air pollution. He advised

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Members that this was something which the public was ever increasingly concerned about and impacted on the health of everyone, but in particular those most vulnerable, the young and elderly. He highlighted the impact of pollution from diesel fumes and that there were four deaths each day in the UK which were attributable to poor air quality. It was noted that despite changes in legislation, these had made little difference and that monies spent on fighting claims in the High Court could be better spent in tackling the problems. He highlighted that campaigns frequently told people to “get on their bikes” or walk more, however people were reluctant to do this due to the poor air quality they would be exposed to during these activities. The Council had shown that it can make a difference with the single use plastics campaign and the introduction of water fountains and he encouraged Members to support this motion.

In seconding the motion Councillor Shannon highlighted that the Council should be taking a lead on this matter in order to influence its residents. He believed that many other local authorities across the country already had a scheme in place. It was noted that this Council did not have any electric charging points on its premises and that at the Council's previous office site there had been solar panels installed. It was disappointing that this had not been the case at Parkside. It was suggested that it could be made a planning condition to include solar panels in any new developments. It was also noted that Bromsgrove had one of the highest levels of car users in Worcestershire and was one of the most congested parts of the county.

Councillor L. Mallett highlighted that congestion had been a difficult and challenging problem for a number of years in the District and agreed that the restructure of the roads was important along with other actions. He made particular reference to the gridlocked situation in Bromsgrove which had become a daily occurrence. It was important that all the authorities worked together to produce a joined up plan that was supported by everyone. Reference was made to a western relief road, which would restrict the need for traffic to go through the town centre. He concluded that residents were suffering as a consequence and that action needed to be taken.

Councillor S. Baxter understood that there were solar panels at the depot but agreed that it would be useful to have electric charging points not just at the Parkside site but in all the Council's car parks.

Councillor R. Jenkins proposed an amendment in order to take the motion further, in that all new build homes have solar panels. Officers advised that this was not appropriate as it referred to planning policy, which could not be decided through a notice of motion.

Councillor S. Colella supported the amendment and made reference to the number of Air Quality Management Areas in the District and in particular issues within his Ward.

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Reference was made to the Air Quality Task Group which the Overview and Scrutiny Board had commissioned some time ago and the need to work with WCC to address the issues, it was also note that following that Task Group concerns had been raised at the Worcestershire Health Overview and Scrutiny Board but to no avail.

Councillor C. B. Taylor made reference to the suggested amendment, highlighting that this was something which could be addressed through the Review of the Local Plan and that reference was made to the matter within the Issues and Options consultation. If this matter was addressed through that process it would allow the residents of the District to have their say. Councillor Taylor also highlighted that as the Parkside building had listed status it was difficult to accommodate solar panels. Councillor C. Hotham commented that he did not believe it was something which could be solely left to be included within the Planning Review.

It was important for the Council to take responsibility and including more electric charging points would be something which the Council could do to address some of the concerns raised. He understood there were a number of these throughout Pershore and saw no reason why this could not be the case in Bromsgrove too. He made reference to £3m which DEFRA were making available in grants and that he understood that Worcestershire Regulatory Services (WRS) had failed to put forward a bid for any of these monies, which was of concern. He also would be supporting the amendment.

Concerns were raised from Members as to why WRS had not put forward to bid for the DEFRA funds and officers were asked to investigate this matter further.

A further discussion with officers took place in respect of the amendment put forward by Councillor Jenkins in order to agree wording which was acceptable. With the agreement of Councillor P. McDonald, a third recommendation as detailed below was added to his original motion:-

“that the planning mechanism for encouraging solar panels and other sustainable methods on new build developments be referred to be considered as part of the local planning review process.”

On summing up Councillor P. McDonald concluded that he did not believe that people were aware that even when travel in a car they were breathing in polluted air and that he was grateful for the cross party support of his motion.

On being put to the vote the amended motion was carried.

Waste Collection

Members considered the following Notice of Motion submitted by Councillor S. Colella:

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“That this Council calls on its Leader to instigate an urgent investigation into the recent failings of the waste collection service and that the findings are then made public.

This investigation should include the exact reasons for the loss in service and detail assurances that the measures that have been put in place to restore service delivery have been properly implemented and what exactly has been done to ensure that this doesn't happen again

It would appear that the management dashboard system has failed to give us early warning signs in respect of the scheduled volume of bins to be collected, crew availability, sickness, holidays and rising complaints as a result of missed bins and as elected representatives we need to understand how and why this has happened.

Further consideration should be given to the numerous requests for a refund of council tax based on the period of disruption as many Council tax payers are calling for and we need immediate assurances from the Leader and Portfolio Holder.”

The motion was proposed by Councillor S. R. Colella and seconded by Councillor C. Hotham.

In proposing the motion Councillor Colella explained that Members should be advised of the reasons why this had happened, as the summer period was known to be when people took holidays and that officers should already have been aware of those people on long term sickness leave. The addition of a small number of people on short term sickness should not have had such a significant impact. He questioned why the grey bins had not been a priority in the first instance and whether the Measures Dashboard tool should have given the Portfolio Holder and Members an early indication of anything going wrong. The Portfolio Holder should have been in direct communication with the relevant officers and if there was a problem with the budget, which had been indicated from the press release, this should have been addressed before reaching the point of service impact. This was a clear indication of issues that had been previously raised in respect of budgets not being managed. This was one of the main public services that residents saw and most of the time it was an excellent service. This was not a criticism of individuals but Members needed to understand what had genuinely gone wrong.

Councillor G. Denaro welcomed Councillor Colella's comments that this was an excellent service and responded that an immediate investigation had already begun. He had met with the Portfolio Holder and senior officers urgently to discuss what had happened and what was being done to mitigate against future happenings. It was confirmed that a full report would be brought to the Overview and Scrutiny Board and Cabinet, hopefully later in the year. This would contain full details of how it happened and how the Council proposed to move forward.

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He did not believe that the Measures Dashboard system would have helped to identify the problem as it was fed reactively. Sickness data showed a large spike following the Bank holiday and this related to a viral infection amongst crews which was a contributory factor. There had been no loss of service as grey bins had been collected, although some re-cycling rounds were delayed, which had now been brought up to date.

During the debate which followed a number of areas were discussed in more detail, including:

- The content of the press release, which had referred to budget constraints and the use of agency staff.
- Reference within the agenda pack to budget monitoring and an area within Environmental Services which had made a significant surplus. It was questioned why this could not have been offset against the cost of agency workers.
- Whether this was the beginning of the impact of the current overall financial position impacting of frontline services.
- The need for any investigation and review to be in the public domain in order for residents to see that their complaints have been listened too.
- Queries from residents had been more concerned around the press release which had referred to lack of funds.

Councillor K. J. May responded that, as the Portfolio Holder and Leader had been on leave at the time, she had, as Deputy Leader visited the depot on a number of occasions and spoken to the Head of Service. The circumstances had been exceptional with 13 staff off sick with a viral infection and 8 on annual leave, out of 51 crew members in total. A change in work patterns had also compounded the problems. She had every confidence in the staff who had worked tirelessly to catch up with the collections.

In summing up Councillor Colella thanked Councillor May for stepping in on behalf of the Portfolio Holder and Leader and hoped that the change in work patterns had been addressed to ensure that this did not happen again.

On being put to the vote the motion was lost.

Waste Collection

Members considered the following Notice of Motion submitted by Councillor M. Thompson:

“The summer refuse fiasco has been one in a great number of avoidable crises, resulting from clear mismanagement of the council from the ruling group and senior leaders. The Council therefore resolves that it no longer has confidence in its Leader and calls for his immediate resignation”.

The motion was proposed by Councillor M. Thompson and seconded by Councillor P. McDonald.

In proposing the motion Councillor Thompson stated that the streets had been full of unemptied bins for four weeks. He highlighted that such a significant overspend, as detailed in the local press, so early on in the year was of concern as was also the fact that managers appeared to be unable to plan adequate cover for holiday and sickness leave.

There followed a lengthy debate when a number of areas were discussed, this included:

- The impact of shared services on this Council, predominantly the cost and travel expenses for officers travelling between the two Councils.
- The significant number of people off sick and how this was managed.
- Staff resignations and exit interviews.
- Staff morale and the culture within some departments.
- The use of zero hour's contracts.
- The impact on the most vulnerable within the community and the accessibility of the hardship fund.

Following the lengthy discussion Councillor Colella requested that the motion be put to the vote, at which point Councillor Thompson was invited to sum up. In doing so he stated that he had highlighted a small number of the issues and problems which needed to be addressed within the Council. He was disappointed that some Members did not recognise, in his opinion, the seriousness of the situation.

On being put to the vote the motion was lost.

Unitary Authorities

Members considered the following Notice of Motion submitted by Councillor C. Hotham:

As local councils come under more and more financial pressure all possible efficiencies/savings must be considered. Across the country some two tier council areas are actively forming unitary authorities which they believe will bring very considerable cost savings.

The motion is:

“BDC will actively engage, through a cross party working group, with the county and other district councils to assess the feasibility and benefit of the formation of one or two unitary authorities for the whole of Worcestershire.”

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Before proposing the motion Councillor Hotham asked the Chairman the amount of time left, as it was noted this item had a time restriction of 1 hour. The Chairman confirmed that there was 4 minutes left and in the circumstances offered Councillor Hotham the opportunity to carry over his motion to the next meeting. It was confirmed that it would be the first motion to be considered at that meeting.

Councillor S. Colella asked for it to be minuted that he was unhappy with this decision as it was an important matter that needed to be debated at this evening's meeting.

Councillor Hotham agreed to his motion being deferred to the November 2018 meeting of Council.

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CONFIDENTIAL MINUTES

The confidential minutes of the Council meeting held on 24th July 2018 were submitted.

RESOLVED that the confidential Minutes of the Council meeting held on 24th July be approved as a correct record.

(During consideration of this item Members did not discuss matters that necessitated the disclosure of exempt information. The press and public were therefore not excluded from the debate.)

The meeting closed at 8.35 p.m.

Chairman

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LICENSING COMMITTEE – 12th NOVEMBER 2018

RECOMMENDATIONS TO THE COUNCIL

LICENSING ACT 2003 – REVIEW OF STATEMENT OF LICENSING POLICY CONSULTATION RESPONSES RECEIVED

The Licensing Committee has considered a report detailing the responses received during the consultation on the draft revised Statement of Licensing Policy.

The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect on the 1st April 2014. In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years. Therefore a new Statement of Licensing Policy must be published by 1st April 2019.

The Licensing Committee had previously approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties and the results of that consultation exercise being reported back to Licensing Committee Members on 12th November 2018.

A total of five responses were received during the consultation, as detailed at **Appendix 1** to the report. The responses came from:

- Public Health (Worcestershire County Council)
- The Musicians Union
- Alvechurch Parish Council
- Wythall Parish Council
- Dodford and Grafton Parish Council

The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing forms an essential part of the decision making process for licensing applications.

It is therefore RECOMMENDED

(a) that the Council approves the revised Statement of Licensing Policy as detailed at Appendix 2; and

(b) that the revised Statement of Licensing Policy be published with effect from 1st April 2019.

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**LICENSING ACT 2003 –
REVIEW OF STATEMENT OF LICENSING POLICY**

| | |
|----------------------------|--|
| Relevant Portfolio Holder | Councillor P J Whittaker |
| Portfolio Holder Consulted | Yes |
| Relevant Head of Service | Simon Wilkes – Head of Worcestershire Regulatory Services |
| Wards Affected | All Wards |
| Ward Councillor Consulted | N/A |
| Non-Key Decision | |

1. SUMMARY OF PROPOSALS

The Council’s current Statement of Licensing Policy under the Licensing Act 2003 took effect on the 1st April 2014. In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years. Therefore a new Statement of Licensing Policy must be published by 1st April 2019.

The Licensing Committee have previously approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties and the results of that consultation exercise are now being reported back to Members.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To recommend to Council that the revised Statement of Licensing Policy shown at Appendix 2 be approved and published to take effect on 1st April 2019.

3. KEY ISSUES

Financial Implications

3.1 The costs involved in carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.
- 3.3 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 3.4 When revising its Statement of Licensing Policy, the Council is required to consult with:-
- the chief officer of police for the authority's area;
 - the fire and rescue authority for that area;
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area;
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
 - such other persons as the licensing authority considers to be representative of businesses and residents in its area.

Service / Operational Implications

- 3.5 Bromsgrove District Council's existing Statement of Licensing Policy was published with effect from 1st April 2014.
- 3.6 Section 5 of the Licensing Act 2003 requires licensing authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement of Licensing Policy must be approved by Council and published before 1st April 2019.
- 3.7 On 11th June 2018, the Licensing Committee approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties.

LICENSING COMMITTEE

12th November 2018

- 3.8 The draft revised policy remains based on the same template as the existing policy, which all of the Statements of Licensing Policy across Worcestershire are now based upon.
- 3.9 The revised policy contained a number of amendments and additional sections that have been made to the document to reflect changes to legislation and guidance that have taken effect since the last Statement of Licensing Policy took effect on 1st April 2014.
- 3.10 The changes that have been made were shown by way of “track changes” within the document and the more significant changes that have been made are also summarised below.
- 3.11 A new section has been included to explain the implications of the Immigration Act 2006 on the exercise of the Council’s functions under the Licensing Act 2003.
- 3.12 New sections have been included providing information on how the Council will deal with applications for personal licences and how it will deal with situations where it is considering suspending or revoking personal licences. The power to suspend or revoke personal licences was given to licensing authorities as a result of provisions within the Policing and Crime Act 2017.
- 3.13 The section explaining the Live Music Act 2012 and other entertainment licensing deregulation has been updated to reflect further deregulatory measures that have taken effect since the last Statement of Licensing Policy was published.
- 3.14 The section regarding cumulative impact has been rewritten to reflect changes that have been made to licensing authorities powers to adopt special policies on cumulative impact as a result of the provisions of the Policing and Crime Act 2017.
- 3.15 A new section has also been included providing information in relation to the local powers to deregulate the licensing of late night refreshment providers that were introduced under the Deregulation Act 2015.
- 3.16 Consultation on the revised draft Statement of Principles took place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - Hereford and Worcester Fire and Rescue Service
 - Worcestershire County Council (Public Health)
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - Relevant Interest Groups, Charities and Associations
 - Parish Councils

- 3.17 The consultation was also be made available for comment via the Council's website and publicised via social media and also through the local press. The consultation exercise commenced on 6th July 2018 and concluded on 12th October 2018.
- 3.18 A total of five responses were received during the consultation. These responses came from:
- Public Health (Worcestershire County Council)
 - The Musicians Union
 - Alvechurch Parish Council
 - Wythall Parish Council
 - Dodford and Grafton Parish Council
- 3.19 The Director of Public Health has requested that a section be added to the statement of licensing policy in all districts recognising the contribution of public health to the licensing process. Such a section has been added into the draft revised Statement of Licensing Policy between paragraphs 7.21 and 7.23.
- 3.20 The response from the representative of the Musician's Union (MU) raised a number of comments and can be seen at **Appendix 1**.
- 3.21 In response to the first comment raised by the MU, paragraph 6.14 has been reworded to reduce the risk of it being misunderstood.
- 3.22 In response to the second comment from the MU, "music wind-down policies" are policies that some venues implement to reduce the volume and tempo of music playing at the premises in the run up to the premises closing in the hope that this will have a calming effect on the patrons meaning that when they leave the premises, they do so in a more quiet and orderly fashion.
- 3.23 In response to the third comment made by the MU, paragraph 6.23 has been amended so as to encourage all applicants for premises licences to seek the advice of the Fire and Rescue Service on safe occupancy levels, regardless of the licensable activities to be provided.
- 3.24 In response to the next comment from the MU, a new paragraph has been inserted (at 6.29) to highlight the fact that the Music Venue Trust charity can provide advice to music venues.

- 3.25 In response to the next comment from the MU, it is recognised that chapter 22 of the Statement of Licensing Policy is somewhat wordy, but this reflects the piecemeal way in which the Government has set about deregulating entertainment licensing in the past six years and is difficult to avoid. The chapter needs to explain all the deregulatory measures made in relation to entertainment licensing, not just those enacted by the Live Music Act 2012 (as amended).
- 3.26 Paragraph 22.1 has however been amended to reflect the increased capacity figure following the amendment of the Live Music Act 2012 made by the Legislative Reform (Entertainment Licensing) Order 2014.
- 3.27 Paragraph 22.3 of the policy has also been deleted as it is accepted that since the Legislative Reform (Entertainment Licensing) Order 2014, there is no distinction between the deregulation of live and recorded music and the paragraph is therefore no longer necessary.
- 3.28 Both Alvechurch Parish Council and Wythall Parish Council responded to the consultation to confirm that they have no comments to make on the draft revised Statement of Licensing Policy.
- 3.29 Dodford and Grafton Parish Council responded to the consultation to say that they felt paragraph 21.4 was too vague and that a specific number should be provided. As a result, the draft revised Statement of Principles has been amended and a new paragraph inserted (at 21.5) to make clear the restrictions placed on the serving of “late” temporary event notices by personal licence holders and others.
- 3.30 Members are asked to consider the responses received during the consultation and resolve to recommend to Council that the revised Statement of Licensing Policy at **Appendix 2** be approved and published to take effect on 1st April 2019.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Licensing Policy before 1st April 2019 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

5. APPENDICES

Appendix 1 – Response from The Musician’s Union

Appendix 2 – Draft Revised Statement of Licensing Policy

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799

From: Stephen Brown
Sent: 17 July 2018 15:39
To: WRS Enquiries
Subject: FW: Have your say on Bromsgrove District Council's Statement of Licensing Policy

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Dave Etheridge,

Thank you very much for your contact regarding your licensing policy review (as attached).

I have the following comments:

6.14 In addition when planning and preparing operating schedules applicants are advised to take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.

COMMENT:

This clause would surely be better worded as follows because it reads to me like you take into account 'cultural reduction' strategies??:

"In addition, when planning and preparing operating schedules applicants are advised to take into account local planning and transport policies, tourism and cultural policies, as well as crime and disorder reduction strategies as appropriate."

I'd be interested to see how your cultural policy given it is reflected in this document, is inter-related in terms of licence approval?

I attach a copy of the TUC Cultural manifesto the MU has helped draft. I'd be happy to discuss this cultural manifesto with you and how the council may incorporate any of its recommendations.

6.17 v) any other measure as may be appropriate (e.g. participation in local Pubwatch and/or Shopwatch schemes or 'Behave or be Banned' schemes (BOBS), restrictions on 'happy hours', music wind-down policies);

COMMENT:

What does "music wind-down polices" actually mean in reference to the Live Music Act as there is no such reference in the Act so far as I am aware? If this is specific to clubs playing recorded music after 11pm it should specify as such.

6.23 The licensing authority encourages applicants for premises licences that provide regulated entertainment (or any other premises providing a licensable activity where occupant capacity may be a public safety issue) to seek advice regarding

safe occupancy levels from the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.

COMMENT:

The MU welcomes appropriate safe occupancy levels but there is a danger here that you could seem to favour only regulated entertainment versus the provisions of the Live Music Act 2012 and this could be seen to be culturally restrictive. Maybe there should be a link here to LMA 2012 or a qualification that you are not seeking to restrict activities only to regulated types?

6.28 In particular the licensing authority will consider the action that is appropriate for the premises that the applicant has taken or is proposing with regard to the following:

i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of

COMMENT:

I note 'music' comes top of your list here, it could be seen to impose potential unnecessary restrictions on provisions in the LMA 2012 based on the subjective opinions of those making a decision on licensed premises. What is the objective criteria and where is it referenced as I note clause 8.3 could be relevant too and how do you facilitate the upcoming "Agent Of Change" principles <https://services.parliament.uk/bills/2017-19/planningagentofchange.html>

Are you aware of the "Music Venue Trust" that can offer advice to venues?

See: <http://musicvenue trust.com/>

6.34 Question – as it references under-age persons in licensed premises. What provision does the Authority make for under-age performers in such premises and does it apply any performing restrictions notwithstanding clause 6.38 & 6.42 & 7.13? For example: Open mic-nights can be a popular route to a performing career for under-age performers especially 16 and above, sometimes younger. There is no age restriction on Musicians' Union membership and this performing question is often raised with us.

22 Live Music Act clauses et al

COMMENT:

This whole section with red amendments seems somewhat unwieldy and wordy and could be more precise. The MU suggests you stick to the main requirements of the Live Music Act 2012 (as amended) Eg see here:

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

Note 22.1 is now 500 people not 200.

In terms of 22.3 it would be helpful to know how you assess whether a performance is live or not, in the view of the MU this is NOT a subjective manner and we do not understand this reference. Further, the LMA 2012 makes no distinction on requirements between live and recorded music in terms of what a venue can do within the normal hours contained within the Act; and provided appropriate PPL & PRS licences are in place, we see no issue. If you are referring to activities not of music, please be specific about that and what you mean for the avoidance of doubt?

I'd be happy to meet and discuss any aspects of this response.

Kind Regards,
Stephen Brown
Musicians' Union
Midlands Regional Organiser

email: [REDACTED]
Office: [REDACTED]
Mobile: [REDACTED]

2 Sovereign Court
Graham Street
Birmingham B1 3JR



Any opinions expressed in this e-mail are those of the individual and not necessarily the Musicians' Union. This e-mail and any files transmitted with it are confidential and solely for the use of the intended recipient. If you are not the intended recipient or the person responsible for delivering to the intended recipient, be advised that you have received this e-mail in error and that any use is strictly prohibited. If you have received this e-mail in error, advise the sender immediately by using the reply facility in your e-mail software.

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Bromsgrove District Council

www.bromsgrove.gov.uk

STATEMENT OF LICENSING POLICY

2019 - 2024

Bromsgrove District Council

Parkside
Market Street
Bromsgrove
Worcestershire
B61 8DA

www.bromsgrove.gov.uk

Revised for the five year period from 1st April 2019

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1.0 Introduction

- 1.1 Bromsgrove District Council (the Council) is a licensing authority under the Licensing Act 2003 and therefore has responsibilities for the administration and enforcement of the Act within the District.
- 1.2 These include, among other duties, the granting of premises licences, club premises certificates, temporary events notices and personal licences in the District in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.3 Bromsgrove District is one of three Local Authorities in the north of Worcestershire and has a population of approximately 95, 750 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.
- 1.4 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.
- 1.5 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.
- 1.6 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's strategic purposes as described in the Council Plan.

2.0 Licensing Objectives and Aims

2.1 The Licensing Act 2003 provides a clear focus on the promotion of four key licensing objectives. As a licensing authority Bromsgrove District Council will always seek to carry out its licensing functions with a view to promoting these four objectives.

The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.2 Each objective is of equal importance. There are no other statutory licensing objectives, so the promotion of the four objectives is the paramount consideration at all times.

2.3 However, the licensing authority recognises that the legislation also supports a number of other key aims and purposes. It is recognised that these are also vitally important and should be aims for everyone involved in licensing work.

They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

3.0 Scope of the Licensing Authority's Functions

3.1 As a licensing authority the Council is responsible for the authorisation of 'licensable activities'. The licensable activities that are required to be authorised under the Act are as follows:

- The sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment, and
- the provision of late night refreshment

3.2 The licensing authority is responsible for four different types of authorisation or permission, as follows:

- Premises licence – to use premises for licensable activities.
- Club premises certificate – to allow a qualifying club to use premises for qualifying club activities.
- Temporary event notice – to carry out licensable activities on a temporary basis for an event.
- Personal licence – to allow a person to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

4.0 Purpose of the Statement of Licensing Policy

- 4.1 This statement of policy has been prepared and updated in accordance with the latest amended provisions of the 2003 Act and the latest revised guidance issued under section 182 of the Act. The statement sets out the principles the licensing authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 4.2 The main purpose of this policy is to provide clarity to applicants, responsible authorities and other persons on how the licensing authority will determine applications for the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the licensing authority. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 4.3 This policy sets out the process the licensing authority will adopt in dealing with licence applications with particular regard to the various types of premises and permissions and the various conditions that can be attached to licences if relevant representations are made. It also highlights the Council's undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.
- 4.4 When carrying out its licensing functions the Council will always have regard to this statement of policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 4.5 The licensing authority may depart from this policy or the Guidance if the individual circumstances of any case merit such a decision in the interests of promoting the four licensing objectives. Whenever the licensing authority takes a decision to depart from this policy or the Guidance, clear reasons will be given.
- 4.6 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 District.
- 4.7 The statement of policy took effect on 1st April 2019 and will be kept under review. A revised statement of policy will be published before 1st April 2024.

5.0 General Principles

- 5.1 Every application received by the licensing authority will be considered on its own individual merits.
- 5.2 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 other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions.
- 5.3 The licensing authority will aim to carry out its licensing functions in a way that promotes tourism, increases leisure and culture provision and encourages economic development within the District.
- 5.4 However the licensing authority will also always try and balance the needs of the wider community, local community and commercial premises, against the needs of those whose quality of life may be adversely affected by the carrying on of licensable activities, particularly within residential areas.
- 5.5 In particular the licensing authority will attempt to control any potential negative impacts from the carrying on of licensable activities, such as increased crime and disorder, anti-social behaviour, noise, nuisance, risks to public safety and harm to children.
- 5.6 The licensing authority's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 5.7 The licensing authority acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the authorisation concerned. As a matter of policy, however, the licensing authority expects every holder of an authorisation to take all reasonable steps to minimise the impact of their activities and anti-social behaviour by their patrons within the immediate surroundings of their premises.
- 5.8 "Need" concerns the commercial demand for another pub, restaurant or hotel and is a matter for the planning authority and for the market. Need is not a matter that the licensing authority can consider in carrying out its licensing functions.

6.0 Applications for Premises Licences and Club Premises Certificates

6.1 The relevant application forms and associated documents can be obtained from the licensing authority's website or from licensing officers during normal office hours.

6.2 Along with the application form, applicants must also submit an operating schedule and plans of the premises to which the application relates. The licensing authority would like any plans submitted to be drawn to a recognised scale, i.e. 1:50 or 1:100, or 1:150, or 1:200. The plans should also be clear and legible in all material respects, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. This should include details of any passive or active fire safety measures including location of smoke detectors, call points, other fire alarm equipment, fire extinguishers, emergency lights and fire exits. The licensing authority does not require plans to be professionally drawn as long as they clearly show all the prescribed information.

6.3 Through their operating schedule, applicants will be expected to demonstrate the positive steps that they will take to promote the four licensing objectives.

Operating Schedules

6.4 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. The licensing authority expects an operating schedule to indicate the positive steps that the applicant proposes to take to promote the licensing objectives.

6.5 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the licensing objectives.

6.6 The licensing authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the licensing authority and other responsible authorities prior to submitting them.

6.7 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.

6.8 The operating schedule must be set out on the prescribed form and include a statement of the following:-

- Full details of the licensable activities to be carried on at and the intended use of the premises;

- The times during which the licensable activities will take place;
- Any other times when the premises are to be open to the public;
- Where the licence is only required for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- Whether alcohol will be supplied for consumption on or off the premises or both;
- The steps which the applicant proposes to promote the licensing objectives.

6.9 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

Guidance on Completing an Operating Schedule

6.10 The following guidance is intended to assist applicants by setting out considerations that they should have in mind when drawing up their operating schedules. The guidance is designed to alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

(a) Prevention of Crime and Disorder

6.11 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can sometimes be a source of crime and disorder problems.

6.12 The licensing authority will expect operating schedules, where appropriate, to satisfactorily address these issues from the design of the premises through to the daily operation of the business.

6.13 The licensing authority will normally look to the police as the main source of advice on crime and disorder and therefore applicants are recommended to seek advice from West Mercia Police in relation to what steps they can take to promote the prevention of crime and disorder.

6.14 In addition when planning and preparing operating schedules applicants are advised to take into account local planning and transport policies, tourism and cultural policies, as well as crime and disorder reduction strategies as appropriate.

6.15 In addition to the requirements for the licensing authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1988 to do all it can to prevent crime and disorder in the District.

- 6.16 When considering all licence applications the licensing authority will take into account the measures proposed to deal with the potential for, and the prevention of, crime and disorder having regard to all circumstances of the application. Applicants should include information on these issues within the operating schedule for the premises.
- 6.17 In particular, the licensing authority will consider the actions, which are appropriate for the premises that the applicant has taken, or is proposing to take with regard to the following:
- i) the ability of the person in charge of the premises to monitor the premises at all times that it is open; although this does not mean that the designated premises supervisor has to be present at all times.
 - ii) the training given to staff regarding crime prevention measures for the premises;
 - iii) physical security features installed in the premises (e.g. position of cash registers, CCTV, toughened drinking glasses etc.);
 - iv) management attitudes (e.g. responsible pricing promotions, willingness to stagger trading, willingness to limit sales of bottles or canned alcohol for immediate consumption and preventing the sale of alcohol to people who are drunk);
 - v) any other measure as may be appropriate (e.g. participation in local Pubwatch and/or Shopwatch schemes or 'Behave or be Banned' schemes (BOBS), restrictions on 'happy hours', music wind-down policies);
 - vi) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
 - vii) where the premises are subject to age restrictions, the procedures in place to conduct age verification checks;
 - viii) the likelihood of any violence, public order or policing problems if the licence is granted.
 - ix) the employment of door safety staff licensed by the Security Industries Association (SIA)
- 6.18 Applicants for late night entertainment and alcohol premises should show that they can comply with the Home Office Guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the licensing authority and West Mercia Police on the handling of illegal drugs found on their premises.
- 6.19 The licensing authority in setting its policies and practices considering applications for licensed premises will have due regard to the current Crime and Disorder Strategy for the Area. Regard will be had to the relatively low crime levels in the area and any disproportionate effects likely to be perceived by residents and members of the public due to nuisance, anti-social behaviour and disorder arising or likely to arise as the result of granting a licence.

(b) Public Safety

- 6.20 The Licensing Act 2003 covers a wide range of premises that require licensing including cinemas, nightclubs, public houses, village and community halls, schools, cafes, restaurants and fast food outlets/takeaways. Each of these types of premises present a mixture of risks, some of which may be common to most premises whilst others will be unique to specific operations. Risk assessments must reflect the local nature of risks applying to each event and or venue.

The licensing authority will expect operating schedules, where appropriate, to satisfactorily address these public safety issues. Applicants are encouraged to seek advice from licensing authority officers and the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.

- 6.21 Where an inspection is required for premises the licensing authority will try where possible to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire authority, police, building control and environmental health officers, as appropriate.
- 6.22 The identification of a safe capacity limit for premises ensures that persons can be evacuated safely from premises in cases of emergency and may be one means of promoting the Act's public safety objective. The design and layout of premises are important factors when determining a safe occupant capacity. Other factors that may influence safe occupancy limits and may need to be considered when assessing the appropriate capacity for premises or events include:
- the nature of the premises or event
 - the nature of the licensable activities being provided
 - the provision or removal of such items as temporary structures, such as a stage, or furniture
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency
 - the age spectrum of the customers
 - the attendance by customers with disabilities, or whose first language is not English
 - availability of suitable and sufficient sanitary facilities
 - nature and provision of facilities for ventilation
- 6.23 The licensing authority encourages applicants for premises licences to seek advice regarding safe occupancy levels from the Fire Safety Section of Hereford and Worcester Fire and Rescue Service. Where the licensing authority's discretion has been engaged following receipt of a relevant representation and it believes it is appropriate for reasons of public safety to impose a condition identifying an occupancy limit, the licensing authority will not normally seek to impose an occupancy limit different to that identified by the Fire Authority if this differs from the figure set in the applicant's Fire Risk Assessment.

(c) Prevention of Public Nuisance

- 6.24 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on people living, working or sleeping in the area surrounding the premises.
- 6.25 The licensing authority is keen to protect the amenity of residents and businesses within the area surrounding a licensed premise that are affected by the carrying on of licensable activities at that premise.
- 6.26 In addition, the licensing authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The licensing authority will, therefore, try and work together with all affected parties, statutory agencies and licensed businesses to ensure a mutual co-existence.

- 6.27 When considering all licence applications, the licensing authority will take into account the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.
- 6.28 In particular the licensing authority will consider the action that is appropriate for the premises that the applicant has taken or is proposing with regard to the following:
- i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
 - ii) The structural suitability of the premises to provide the licensable activities sought including for example matters such as whether the premises benefits from double glazing and lobbied doors.
 - iii) preventing disturbance by customers arriving at or leaving the premises, particularly between 11.00 pm and 7.00 am;
 - iv) preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable then ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
 - v) ensuring staff leave the premises quietly;
 - vi) arrangements for parking by patrons and staff, and the effect of the parking on local residents;
 - vii) provision for public transport (including taxis and private hire vehicles) for patrons;
 - viii) whether licensed taxis or private hire vehicles are likely to disturb local residents;
 - ix) whether routes to and from the premises on foot, by car or other services pass residential premises;
 - x) the installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
 - xi) the use of gardens and other open-air areas;
 - xii) the location of external lighting, including security lighting that is installed;
 - xiii) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
 - xiv) preventing the consumption or supply of illegal drugs, including search procedures;
 - xv) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises;
 - xvi) the history of previous nuisance complaints proved *to have taken place* at the premises, particularly where statutory notices have been served on the present licensees.
- 6.29 The Music Venue Trust is a UK Registered Charity which acts to protect, secure and improve UK Grassroots Music Venues for the benefit of venues, communities and upcoming artists. The Music Venue Trust can offer advice to venues that offer musical entertainment and their website is <http://musicvenuetrust.com/>

6.30 The licensing authority is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:

- planning controls;
- powers to designate parts of the District as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas;
- police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
- police enforcement of the law with regard to disorder and anti-social behaviour;
- the power of responsible authorities or interested parties to request a review of the licence;
- enforcement action against those selling alcohol to people who are already drunk.

(d) Protection of Children from Harm

6.31 The licensing authority recognises that there are a range of activities for which licences may be sought meaning that children can be expected to visit many of these premises, often on their own, for food and /or other entertainment.

6.32 The Licensing Act 2003 does not prevent children having free access to any licensed premises. The licensing authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm. The following are examples of premises that may raise concerns:

- where there have been convictions for serving alcohol to minors, or with a reputation for under-age drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is provided;
- where there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).

6.33 The licensing authority expects personal licence holders to *seek* to ensure alcohol is not served to children under the age of 18, except in limited conditions allowed for by law. The licensing authority recommends that the only way to verify a person's proof of age is with reference to the following:-

- passport
- a photocard driving licence issued in a European Union country;
- a Proof of Age Standards Scheme card;
- a Citizen Card, supported by the Home Office (details from www.citizencard.net);
- an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.

6.34 When deciding whether to limit the access of children to premises the licensing authority will judge each application on its own merits and a range of conditions may be imposed depending on the circumstances. To assist with this the licensing authority will consult with West Mercia Police and the Worcestershire

Safeguarding Children Board if practical or other agencies as the licensing authority consider appropriate.

- 6.35 Where concerns have been identified in respect of individual premises and it is felt that access to the premises by children should be restricted the options available include:
- limitations on the hours when children may be present;
 - age limitations for persons under 18;
 - limitations or exclusion when certain activities are taking place;
 - full exclusion of person under 18 when certain licensable activities are taking place;
 - limitation of access to certain parts of the premises for under 18s;
 - a requirement for an accompanying adult to be present.
- 6.36 However these options are not exhaustive and other options may be considered as the Council considers appropriate. The licensing authority also commends the adoption of the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks by prospective licensees where the licence applies to the sale of alcohol.
- 6.37 The Licensing Act details a number of offences that are designed to protect children in licensed premises and the licensing authority will work closely with the Police and Trading Standards Services to ensure appropriate and effective enforcement is undertaken, especially in relation to the sale and supply of alcohol to children.
- 6.38 The Licensing Authority will not impose any conditions that specifically require the access of children to the premises.
- 6.39 Where no conditions or restrictions are imposed, the issue of access for children remains a matter of discretion for individual licensees or clubs subject to any relevant provisions in law.
- 6.40 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example scenes of horror or violence that may be considered unsuitable for children with certain age ranges. Where a premise is used for film exhibitions, the licensing authority will normally impose conditions restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the licensing authority itself.
- 6.41 The Licensing Authority will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.
- 6.42 In considering applications, the licensing authority will take into account any evidence that age restrictions for film exhibitions are not being properly observed.

6.43 Many children attend or take part in an entertainment arranged especially for them, for example children's shows, dance and drama or school productions. Specific additional arrangements may need to be operated to ensure their safety. For example:

- an adult member of staff to be stationed at each and every exit from any level and to the outside and subject to there being a minimum of one member of staff to fifty children or part thereof.
- No child is to be permitted in the front row of any balcony unless they are supervised by an adult.

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7.0 Representations

- 7.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons.
- 7.2 Representations must be made to the licensing authority within the statutory period of 28 days beginning on the day after the relevant application is received by the licensing authority. Representations must be made in writing
- 7.3 Representations can be made either be in support of an application or to express objections to an application being granted. However the licensing authority can only accept “relevant representations.” A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 7.4 An example of a representation that would not be relevant would be a representation from a local businessperson about the commercial damage that competition from a new licensed premise would do to their own business. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be a relevant representation.
- 7.5 In other words, representations should relate to the impact of licensable activities carried on from premises on the licensing objectives.
- 7.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.
- 7.7 Whilst the licensing authority expects representations to be evidence based, there is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

(a) Representations from Responsible Authorities

- 7.8 Responsible authorities are a group of public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. A full list of contact details for the responsible authorities is provided on the licensing authority’s website.
- 7.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.
- 7.10 The licensing authority recognises that every responsible authority can make representations relating to any of the four licensing objectives. However the licensing authority would normally expect representations about the promotion of individual licensing objectives to come from the most relevant responsible authority with expertise in that particular area. For example the licensing authority would expect representations about the prevention of crime and disorder to come

primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.

- 7.11 The licensing authority recognises that the police should be its main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but also may be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations.
- 7.12 The licensing authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the licensing objectives. However the licensing authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.
- 7.13 The licensing authority recognises Worcestershire Safeguarding Children Board as being the body that is competent to advise it on the licensing objective of the protection of children from harm.
- 7.14 The licensing authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the licensing authority in exercising its functions.
- 7.15 For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.
- 7.16 As a result of the Police Reform and Social Responsibility Act 2011, the licensing authority is also now a responsible authority and can therefore make representations if it deems it appropriate to do so.
- 7.17 However the licensing authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so.
- 7.18 Such parties can make relevant representations to the licensing authority in their own right, and the licensing authority expects them to make representations themselves where they are reasonably able to do so.
- 7.19 The licensing authority also expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 7.20 In cases where a licensing authority is also acting as responsible authority in relation to the same process, the licensing authority will seek to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities.

- 7.21 The Director of Public Health has been prescribed as a responsible authority since April 2013.
- 7.22 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health is most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning.
- 7.23 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

(b) Representations from Other Persons

- 7.24 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the licensing authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.
- 7.25 The licensing authority will also reject as invalid, any representations from other persons that are deemed to be frivolous or vexatious. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous representations are essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 7.26 Decisions as to the validity of representations will normally be made by officers of the licensing authority. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 7.27 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the authority's corporate complaints procedure. A person may also challenge such a decision by way of judicial review.
- 7.28 Where a notice of a hearing is given to an applicant, the licensing authority is required to provide the applicant with copies of the relevant representations that have been made.
- 7.29 The licensing authority will normally provide copies of the relevant representations to the applicant in full and without redaction. However in exceptional circumstances, where a person satisfies the licensing authority that they have genuine reasons to fear intimidation or violence if their personal details, such as name and address, are divulged to the applicant, the copies of the representations may be redacted accordingly.

- 7.30 In such circumstances the licensing authority will still provide some details to the applicant (such as street name or general location within a street), so that the applicant can fully prepare their response to any particular representation.
- 7.31 Alternatively persons may wish to contact the relevant responsible authority or their local Councillor with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations on their behalf if appropriate and justified.
- 7.32 Further guidance on making representations is provided on the licensing authority's website.

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8.0 Licensing Hours

- 8.1 The licensing authority recognises the variety of premises for which licences will be sought and that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time.
- 8.2 When determining what licensing hours are appropriate for a premises the licensing authority will always consider each application on its own merits and will not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. The licensing authority will take into account requests for licensable hours in the light of:
- environmental quality;
 - residential amenity;
 - the character or function of a particular area; and
 - the nature of the proposed activities to be provided at the premises.
- 8.3 Consideration may be given to imposing stricter restrictions on licensing hours when it is appropriate to control noise and disturbance from particular licensed premises, such as those in mainly residential areas.
- 8.4 In accordance with established practice, the licensing authority encourages applicants, to include measures of good practice in their operating schedules such as a policy of prohibiting new persons from being admitted to their premises after 11.00 pm in order to reduce the risk of disorder and disturbance to members of the public late at night, where this is appropriate to the premises concerned.
- 8.5 Generally the licensing authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. There may, however, be instances where it is considered that there are good reasons for restricting those hours, for example, where police representations are made in respect of isolated shops known to be the focus of disorder and public nuisance.

9.0 Conditions on Licences and Certificates

9.1 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The licensing authority will ensure any conditions that are imposed on a premises licence or club premises certificate:

- Are appropriate for the promotion of the licensing objectives;
- Are precise and enforceable;
- Are unambiguous and clear in what they intend to achieve;
- Do not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- Are tailored to the individual type, location and characteristics of the premises and events concerned;
- Are not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Do not replicate offences set out in the 2003 Act or other legislation;
- Are proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- Do not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Are written in a prescriptive format.

9.2 Although the licensing authority may use standardised forms of wording in conditions to cover commonly arising situations and circumstances, “blanket conditions” will not be applied to licences and specific conditions may be drawn up and applied to meet local need and circumstances.

10.0 Reviews

- 10.1 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority or any other person, may apply to the licensing authority for a review of the licence or certificate because of a problem arising at the premises in connection with any of the four licensing objectives.
- 10.2 In every case the application for review must relate to particular premises for which a licence or certificate is in force and must be relevant to the promotion of the licensing objectives.
- 10.3 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons.
- 10.4 However, the licensing authority will not normally act as a responsible authority in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so.
- 10.5 The licensing authority also expects other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is expected that environmental health will make the application for review.
- 10.6 Where responsible authorities have concerns about problems identified at premises, the licensing authority considers it good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns.
- 10.7 A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. The licensing authority believes that co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 10.8 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority will first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious.
- 10.9 A review application might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous applications are essentially categorised by a lack of seriousness. Frivolous applications would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 10.10 The licensing authority considers a repetitious ground for review to be one that is identical or substantially similar to:

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- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 10.11 The licensing authorities is aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion.
- 10.12 The licensing authority believes that more than one review originating from a person other than a responsible authority in relation to a particular premises should not normally be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 10.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 10.14 Guidance on applying for a review of a licence or certificate, along with the necessary forms, can be found on the licensing authority's website.

11.0 Minor Variations

- 11.1 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications).
- 11.2 Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.
- 11.3 On receipt of an application for a minor variation, the licensing authority will consider whether the variation could impact adversely on the licensing objectives. Decisions on minor variations will normally be delegated to licensing officers who will look at each application on its own individual merits.
- 11.4 In considering the application, the officer will consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.
- 11.5 The officer will also carefully consider any relevant representations received from other persons that are received within a period of ten working days from the 'initial day', that is to say, the day after the application is received by the licensing authority.
- 11.6 The officer will then determine the application and will contact the applicant within 15 working days, beginning on the first working day after the authority received the application, with effect either that the minor variation is granted or the application is refused.

12.0 Cumulative Impact

- 12.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 12.2 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 12.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 12.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 12.5 With effect from 6 April 2018, the Policing and Crime Act 2017 introduced the concept of cumulative impact assessments into the Licensing Act 2003 by inserting into the Act a new section 5A.
- 12.6 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 12.7 At the current time the licensing authority has not published a CIA as there is not currently an evidential basis on which to base such a decision.
- 12.8 If the licensing authority were to consider the publication of a CIA in the future, it would do so in accordance with the requirements of section 5A of the Licensing Act 2003 and with regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

13.0 Personal Licences – New Applications

- 13.1 A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.
- 13.2 Applications for personal licences should be made to the licensing authority for the area where the applicant is ordinarily resident at the time they make their application.
- 13.3
- (a) The applicant is aged 18 or over
 - (b) The applicant is entitled to work in the United Kingdom
 - (c) The applicant possesses a licensing qualification or is a person of a prescribed description
 - (d) The applicant has not forfeited a personal licence in the five year period prior to their application being made
 - (e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty
- 13.4 The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.
- 13.5 Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect.
- 13.6 Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.
- 13.7 Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the licensing authority must grant the application.
- 13.8 At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the crime prevention objective
 - The objection notice given by the Police or Home Office
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence
 - The sentence or penalty imposed on the applicant for the relevant offence

- Any representations made by the applicant
- Any other evidence as to the previous character of the applicant

- 13.9 If, having considered all of the circumstances, the licensing authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.
- 13.10 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

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14.0 Personal Licences – Suspension and Revocation

- 14.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a licensing authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.
- 14.2 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.
- 14.3 The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.
- 14.4 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.
- 14.5 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.
- 14.6 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 14.7 The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.
- 14.8 If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing

authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.

- 14.9 Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.
- 14.10 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.
- 14.11 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 14.12 In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the licensing objectives
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence
 - The sentence or penalty imposed on the licence holder for the relevant offence
 - Any representations made by the Police or Home Office Immigration Enforcement
 - Any representations made by the holder of the licence
 - Any evidence as to the previous character of the holder of the licence
- 14.13 The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.
- 14.14 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.
- 14.15 The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

15.0 Immigration Act 2016 – Entitlement to Work

- 15.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.
- 15.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.
- 15.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:
- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
 - Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
 - Immigration offences, including civil penalties, are ‘relevant offences’ as defined by the 2003 Act;
 - The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
 - Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- 15.4 The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.
- 15.5 The licensing authority will also work in partnership with the Home Office (Immigration Enforcement) and West Mercia Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

16.0 Enforcement and Complaints

- 16.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The licensing authority will monitor premises and take any appropriate enforcement action to ensure compliance. Only complaints linked to a licensing objective will be investigated.
- 16.2 The licensing authority's general approach to enforcement will be to target problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. Principles of risk assessment and targeted inspections (in line with the recommendations of the Hampton review) will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are used efficiently and are more effectively concentrated on problem premises.
- 16.3 In most cases a graduated form of response will be taken to resolve issues of non-compliance, although it is recognised that in serious cases a prosecution or application for review are the appropriate means of disposal.
- 16.4 All decisions and enforcement actions taken by the licensing authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.
- 16.5 The licensing authority will continue to employ officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with West Mercia Police and other relevant partners in enforcing licensing legislation.
- 16.6 The licensing authority is happy to investigate complaints against licensed premises of any description. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.
- 16.7 Where a person has made a complaint then the licensing authority may initially arrange a mediation meeting to try and address, clarify and resolve the issues of concern. This process will not override the right of any person to ask the licensing authority to review a licence or certificate or for any licence/certificate holder to decline to participate in a mediation meeting.

17.0 Integrating Strategies and Partnership Working

17.1 The Council regards licensing as the most appropriate tool in ensuring that the licensing objectives are promoted and will avoid as far as is possible any duplication with other regulatory regimes and legislation.

17.2 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.

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18.0 Equal Opportunities

- 18.1 The Equality Act 2010 places a legal obligation on the licensing authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 18.2 The licensing authority will look to discharge this duty by making arrangements where appropriate to provide information in a format that meet the requirements of those with special needs such as large type, audio information and information in foreign languages. Specific needs will be dealt with on an individual basis.

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19.0 Administration, Exercise and Delegation of Functions

- 19.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 19.2 The licensing authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide an efficient service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with those matters.
- 19.3 In addition, it is expected that many of the decisions and functions will be largely administrative with no perceived areas of contention and, in the interests of efficiency and effectiveness these are delegated to officers. Attached at Appendix A to this licensing policy is a table of delegated functions setting out the agreed delegation of decisions and functions to the Council's Licensing Committee, Sub-Committees and officers.
- 19.4 These delegations are without prejudice to officers referring an application to a Sub-Committee or the Licensing Committee if considered appropriate in the circumstances of the case.

20.0 Relationship with Planning

- 20.1 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 20.2 There is no legal basis for the licensing authority to refuse a licence application because the relevant premise does not have planning permission, or where there are conditions on the relevant planning permission.
- 20.3 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

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21.0 Temporary Event Notices

- 21.1 The Licensing Act 2003 provides for certain occasions when small scale events (for no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing that advance notice is given to the licensing authority, police and environmental health. The police and environmental health can only object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.
- 21.2 The law states that for a standard temporary event notice, at least ten working day's notice must be given but the licensing authority recommends that, wherever possible, at least two month's notice be given to hold these events, to allow it to help organisers plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 21.3 Organisers of temporary events are strongly advised to contact the licensing authority for advice at the earliest opportunity when planning events. Where necessary discussions will be held with the police to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.
- 21.4 Since 25 April 2012 it has been possible for individuals to serve a very limited number of "late" temporary event notices each year, providing that these are served on all relevant parties at least five working days before the day on which the event is due to begin.
- 21.5 Of the 50 temporary event notices a personal licence holder can serve in a calendar year, no more than 10 may be "late" temporary event notices. Of the 5 temporary event notices an individual who does not hold a personal licence can serve in a calendar year, no more than 2 can be "late" temporary event notices.
- 21.6 However event organisers should be aware that a late temporary event notice can be prevented by a single objection from the police or environmental health and there is no right to a hearing in such circumstances.
- 21.7 Therefore late temporary event notices should normally only be served in exceptional circumstances, such as when an event has to be postponed and rearranged at short notice due to adverse weather conditions. The licensing authority does not expect late temporary event notices to be served simply on the basis that the event organiser has been disorganised in addressing the licensing arrangements for their event.

22.0 Live Music Act 2012 and other Entertainment Licensing Deregulation

22.1 The Live Music Act 2012 came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act (as amended) removes the licensing requirements for:

- amplified 'live' music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises
- amplified 'live' music between 8am and 11pm before audiences of no more than 500 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- unamplified 'live' music between 8am and 11pm in all venues
- the provision of entertainment facilities

22.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.

22.3 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people
- an indoor sporting event in the presence of any audience of no more than 1000 people
- a performances of dance in the presence of any audience of no more than 500 people

22.4 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.

22.5 The 2014 Order deregulated entertainment licensing in the following ways:

- The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.
- The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day was raised from 200 to 500.
- Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.

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- Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 08:00-23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.

22.6 The exhibition of films in community premises has also been deregulated as a result of section 76 of the Deregulation Act 2015.

22.7 No licence is required for an exhibition of film on community premises between 08:00 and 23:00 on any day provided that:

- the film entertainment is not provided with a view to profit;
- the film entertainment is in the presence of an audience of no more than 500 people;
- the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
- a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

23.0 Sexual Entertainment Venues

- 23.1 The Council may adopt a policy in relation to sex establishments, including sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. This policy may include standard conditions attached to such licences. Where there are similar conditions attached to licences under both regulatory regimes, the more onerous will apply.
- 23.2 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Any concerns related to the provision of occasional sexual entertainment may still lead to a review of the relevant premises licence or club premises certificate and the imposition of conditions.
- 23.3 Any premise that wants to provide sexual entertainment under the exemption must still be authorised under the Licensing Act 2003 for the performance of dance and the playing or recorded music.

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24.0 Early Morning Alcohol Restriction Orders (EMROs)

- 24.1 The power to introduce an EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 24.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 24.3 Before introducing an EMRO the licensing authority must be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement will be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premises licences. The licensing authority will consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.
- 24.4 The licensing authority will normally only consider the use of EMROs as a last resort in dealing with recurring problems and will always consider the potential burden that would be imposed on premises licence holders as well as the potential benefits in terms of promoting the licensing objectives.
- 24.5 It is recognised that there are other measures that could be taken instead of making an EMRO which include:
- introducing a special policy on cumulative impact;
 - reviewing licences of specific problem premises;
 - encouraging the creation of business-led best practice schemes in the area; and
 - using other mechanisms set out in the Secretary of State's Guidance to Licensing Authorities under Section 182 of the Licensing Act 2003.
- 24.6 The licensing authority is not currently satisfied that it is appropriate to make any EMROs.

25.0 Late Night Levy

- 25.1 The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 25.2 The levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.
- 25.3 At the present time this licensing authority does not have a large number of premises which are licensed to sell alcohol during the late night supply period. Therefore at this stage the licensing authority does not believe that the levy will generate enough revenue to make it an appropriate option in its area.
- 25.4 The decision to introduce the levy is for the licensing authority to make. However the licensing authority will keep the need for a levy under review in consultation with the chief officer of police and police and crime commissioner ("PCC") for the police area.
- 25.5 When considering whether to introduce a levy the licensing authorities notes that any financial risk (for example lower than expected revenue) rests at a local level and this will be fully considered prior to making any decision about local implementation.
- 25.6 The licensing authority will decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.
- 25.7 If the licensing authority decides to give further consideration to the introduction of a levy in the future, it will do so in accordance with the relevant regulations and with reference to any relevant guidance issued by the Home Office.
- 25.8 Any decision to introduce, vary or end the requirement for the levy will be made by the full Council. Other decisions in relation to the introduction and administration of the levy would be delegated to the Licensing Committee.

26.0 Late Night Refreshment – Local Powers to Deregulate

- 26.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.
- 26.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.
- 26.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
- on or from premises which are wholly situated in a designated area;
 - on or from premises which are of a designated description; or
 - during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).
- 26.4 The licensing authority does not currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.
- 26.5 If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and having carried out a comprehensive consultation exercise with relevant stakeholders.

27.0 Suspension of Licences and Certificates for Non-Payment of Annual Fees

- 27.1 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the licensing authority must suspend premises licences and club premises certificates if the holder of the relevant authorisation fails to pay their annual fee.
- 27.2 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period will be used by the licensing authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.
- 27.3 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.
- 27.4 A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.
- 27.5 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

Appendix A - Table of Delegated Functions

| Matter to be dealt with | Full Committee | Sub Committee | Officers |
|--|-----------------------|---|---|
| Application for personal licence | | If the police or Home Office give an objection notice | If no objection notice is given by the police or Home Office. |
| Decision whether to suspend or revoke a personal licence | | All cases | |
| Application for premises licence/club premises certificate | | If relevant representations are made | If no relevant representations are made or all representations made are withdrawn |
| Application for provisional statement | | If relevant representations are made | If no relevant representations are made or all representations made are withdrawn |
| Application to vary premises licence/club premises certificate | | If relevant representations are made | If no relevant representations are made or all representations made are withdrawn |
| Application to vary designated personal licence holder | | If the police or Home Office give an objection notice | If no objection notice is given by the police or Home Office. |
| Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disappled | | If a police representation is made | All other cases |
| Decision whether to consult other responsible authorities on minor variation application | | | All cases |

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| | | | |
|---|--|---|---|
| Determination of minor variation application | | | All cases |
| Request to be removed as designated premises supervisor | | | All cases |
| Application for transfer of premises licence | | If the police or Home Office give an objection notice | If no objection notice is given by the police or Home Office. |
| Application for interim authority | | If the police or Home Office give an objection notice | If no objection notice is given by the police or Home Office. |
| Application to review premises licence/club premises certificate | | All cases | |
| Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc | | | All cases |
| Decision for licensing authority to act in their capacity as a responsible authority | | | All cases |
| Acknowledgement of receipt of a temporary events notice | | | All cases |
| Determination of a police or environmental health objection to a temporary event notice | | All cases | |
| Decision to suspend a licence or certificate for non-payment of the annual fee. | | | All cases |

MBROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

31ST OCTOBER 2018, AT 6.00 P.M.

PRESENT: Councillors G. N. Denaro (Leader), K.J. May (Deputy Leader),
B. T. Cooper, M. A. Sherrey, C. B. Taylor and P. J. Whittaker

Observers: Councillors C. Bloore, S. Colella and L. Mallett

Officers: Mr. K. Dicks, Mrs. S. Hanley, Ms. J. Pickering, Mr. M. Bough,
Mrs. C. Felton, Ms. C. Flanagan, Ms. A. Scarce, Ms J. Willis and
Mr C. Forrester

29/18 **TO RECEIVE APOLOGIES FOR ABSENCE**

There were no apologies for absence on this occasion.

30/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

31/18 **MINUTES**

The minutes of the Cabinet held on 5th September 2018 were submitted.

RESOLVED that the minutes of the Cabinet meeting held on 5th
September 2018 be approved as a correct record.

32/18 **MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY
BOARD HELD ON 3RD SEPTEMBER AND 1ST OCTOBER 2018**

The minutes of the Overview and Scrutiny Board meeting held on 3rd
September 2018 were noted. It was noted that the recommendations
from this meeting had been tabled at the Cabinet meeting held on 5th
September 2018. It was noted that within the Overview and Scrutiny
Board minutes, at Minute No. 32/18 references was made to Councillors
Mallett and Hotham not taking part in the debate due to an other
disclosable interest, this was not factually correct and would be
amended accordingly.

The minutes of the Overview and Scrutiny Board meeting held on 1st
October were also noted. It was highlighted that the recommendations
within those minutes would be picked up within the items of the Cabinet
agenda.

The Leader welcomed Councillor L. Mallett, Chairman of the Overview and Scrutiny board to the meeting and invited him to present the draft minute extract from the meeting held on 29th October 2018 which had been tabled and contained recommendations from that meeting. In presenting the recommendations it was noted that the majority of these would be considered within the items of the Cabinet agenda, later in the meeting.

Corporate Peer Challenge Action Plan

Councillor Mallett explained that this recommendation referred in particular to quality and standard of the political debate at full Council and the re-introduction of supplementary questions in order to aid this. Members had felt that there was an area of difficulty and frustration when questions were asked and there was not the opportunity to expand further or to respond if it was felt the question had not been understood correctly.

The recommendation was that the Constitution Review Working Group carry out a wider review of Council procedures to aid the debating process, with particular focus on supplementary questions.

The Leader indicated that he was happy for this to be referred to the Constitution Review Working Group for further discussion.

Transport Planning Review

Councillor Mallett provided background information to this item, which was something that the Board had considered in much detail, culminating in a small sub group of the main Board meeting with officers from Worcestershire County Council Highways team to try and resolve a number of issues. He invited Councillor S. Colella to present the recommendation as he had proposed it at the Board meeting.

The recommendation was that the Issues and Options consultation process be suspended pending receipt of further information from Worcestershire County Council in respect of the future plans for the infrastructure for Bromsgrove District.

Councillor Colella explained that he had made the recommendation as following the meeting with WCC Officers he had been concerned that although they had listened to what was being said he did not truly believe that they understood the problems and complexities of highways issues within the District. He believed that this could have a long term effect on future plans and it would be difficult for them to comment on the Issues and Options consultation when there was no detail around Highways issues for them to comment on or future plans for the infrastructure of the District. He believed that the current position could leave the Council open to challenge in the future.

Councillor Taylor, Portfolio Holder for Planning and Strategic Housing commented that he understood and sympathised with the views that had been put forward at the Overview and Scrutiny Board meeting, but he did not believe that suspending the current consultation process was the right way forward. However, he assured Members that this was only the start of the process and he believed that as it progressed and pressure was placed on WCC then the Highways issues would be addressed. He reassured Members he was doing all he could to ensure that the matter was taken seriously by WCC officers.

Councillor K May, Deputy Leader and Portfolio Holder for Economic Development reiterated that pressure was being asserted at the County Council and she would also continue to highlight the matter until it was satisfactorily resolved.

The Leader confirmed that he was also concerned about the issues discussed and that he was meeting with both the Leader and the Head of Highways at WCC to put further pressure on them to ensure that a robust highways model was in place for the District.

RESOLVED that the recommendation be rejected.

Development of Burcot Lane Site

Councillor Mallett explained that the final recommendations from the Board were in respect of the Burcot Lane report. There had been lengthy discussion around the housing company and the distinction between specific plans and means of investment and the choice of option and future plans. As a result the Board had put forward two recommendations to be considered in respect of how the housing company would operate, which he hoped would be considered in context of the debate later in the meeting on this item.

33/18

CCTV SHORT SHARP REVIEW

Councillor S. Colella as Chairman of the CCTV Short sharp Review was invited to present the report and supporting recommendations. In so doing he highlighted a number of areas and the work of the Group, who had considered the current system and recognised the need for this to be brought up to date in order to provide both best value for residents and improve its effectiveness. He provided detail around the improvements which could be made from upgrading to a digital and wireless system and the benefits of providing a number of re-deployable cameras.

He thanked Officers and Members who had been involved in the review and also the Police and Crime Commissioner and Community Safety Team for making funds available to progress the improvements. It was important that the service was brought up to date and would be of benefit to the whole district.

Before moving the recommendations Members discussed the following:

- The Police's approach to using the data available to them. It was clarified that the Police used the data, but that it was difficult to get feedback from them to show that it had been specifically used in securing a conviction.
- The quality of the report and the areas which had been covered.

RESOLVED:

- a) that the Overview and Scrutiny Board CCTV Short Sharp Review report be noted; and
- b) that the recommendations detailed within the report be agreed.

34/18

ROAD SAFETY AROUND SCHOOLS TASK GROUP REPORT

Councillor C. Bloore, the Chairman of the Road Safety Around Schools Task Group, presented the report and in so doing provided a brief overview of the work of the Task Group and its recommendations.

Councillor P. Whittaker, Portfolio Holder for Community Services asked whether the Task Group had been aware of the legal agreement with Worcestershire County Council (WCC) and the Service Level Agreement with Wychavon District Council to carry out enforcement work on behalf of the Council. It was confirmed that the Task Group had been aware of these when putting forward its recommendations.

Members discussed a number of areas within the report in more detail, including:

- The need to work in partnership with other agencies to ensure a joined up approach was achieved.
- Recommendation 4 – it was clarified that any contact details provided would only be those generic numbers for public use.
- Councillor K. May, Portfolio Holder for Economic Development was keen for this to be included within a wider review of car parking and enforcement within the district.
- The need for a review of the service level agreement with Wychavon and any impact this might have on the recommendations, in particular recommendation 7.
- The different issues faced by the schools in the mornings as compared to the afternoons.
- Whether the matter had been discussed at WCC and it was confirmed that a number of Members in their role as County Councillors had discussed it.

RESOLVED:

- a) That the Overview and Scrutiny Board Road Safety Around Schools Task Group Report be noted;
- b) That the recommendations as detailed within the report be agreed.

35/18

CORPORATE PEER CHALLENGE ACTION PLAN

The Chief Executive introduced the report and provided background information, highlighting that it was not an inspection but an opportunity for a variety of colleagues from other councils to provide a critical friend review. The visits had taken place in January/February 2018 but, due to elections and the change of administration in Redditch there had been a delay in progressing the action plan following the issue of the report.

The report contained a number of recommendations, some of which would be addressed through the introduction of the Enterprise system. However, attention was drawn to page 80 of the agenda pack and the recommendation to establish a single workforce in order to reduce duplication and time spent navigating two structures and systems of governance. After consideration, the Corporate Management Team did not feel that this was necessary at the present time and that the areas referred to were being addressed, as detailed in the action plan.

Members noted the report with interest and that there were a number of underlying issues which needed to be addressed and made particular reference to the differing cultures between the two councils, and considered ways in which improvements could be made. Members also considered the recommendation from the Overview and Scrutiny Board which had been present at Minute No. 32/18.

RESOLVED:

- a) that the letter and action plan following the Local Government Association Corporate Peer Challenge be noted; and
- b) that the Constitution Review Working Group carry out a wider review of the Council procedures to aid the debating process, with particular focus on supplementary questions.

36/18

PERFORMANCE REPORT

The Executive Director, Finance and Resources introduced the report, which concentrated on the strategic purpose, 'provide me with good things to see, do and visit'. It was explained that the new format of the report had tried to focus on more positive aspects of the work being carried out and reported a number of 'good news' stories.

A number of areas were highlighted including:

- Bromsgrove Sports and Leisure Centre – in particular the success of the climbing wall and the fitness membership and further development of work in the community, including working in partnership with the NHS and GPs.
- Age Well sessions and the specialised health programs.
- The next phase of the work to be carried out at Sanders Park.

- The Bromsgrove Arts and Culture Consortium – this was made up of Avoncroft Museum, the Artrix, Bromsgrove Festival, Bromsgrove Arts Alive, Severn Arts and Bromsgrove international Music Competition. It was noted that funding had been successfully sourced for a number of places, together with a contribution of £49k from Arts Council England towards a 12 month action research project.

Particular reference was made to Bromsgrove Town Centre Market, which had recently been brought back in house. This was progressing well with 79% occupancy and the appointment of a new Markets Manager, Jonathan Smith. There had been a themed market recently which had been very successful, which was good news for the town centre.

Councillor K. May, as Portfolio Holder for Economic Development took the opportunity to thank the officers for their hard work and support in bringing the market in house and also took the opportunity to welcome the new manager.

RESOLVED that the Corporate Performance Report and associated appendices be noted.

37/18

COUNCIL TAX SUPPORT SCHEME

The Executive Director, Finance and Resources reminded Members that this was the revised report, in respect of the consultation for the Council Tax Support Scheme for 2019/20. The revised scheme would increase support to 85% from 80% at an estimated cost to the Council of £100k. It would also incorporate care leavers, who currently receive support through the hardship scheme. Initial information in respect of the cost of this element, provided by Worcestershire County Council, was approximately £11k.

Details of those to be consulted were included within the report, together with how it could be accessed. Councillor B. Cooper, Portfolio Holder for Finance and Resources reminded Members that originally it had been planned for a more ambitious scheme to align it with the introduction of Universal Credit, which had proved more complicated and therefore a more full review would, it was hoped, take place next year.

RESOLVED that a formal consultation with the major preceptors and the public on the proposed design of a revised scheme take place for 8 weeks from 1st November 2018.

38/18

MEDIUM TERM FINANCIAL PLAN AND BUDGET FRAMEWORK - PRESENTATION

The Executive Director, Finance and Resources gave a presentation (attached) which covered the following areas:

- The current position – including level of savings.
- Actions including a review of the budget allocations.
- It had confirmed that Central Government had confirmed that full details of the budget would be received on 8th December 2018.
- The tariff adjustment was expected to be removed but the concern was what other changes, that the Council was currently unaware of would be made, for example there had been no feedback in respect of New Homes Bonus.
- The knock on impact in the reduction in the income from planning fees, for example Council Tax and New Homes Bonus.
- The new format for fees and charges – it was explained that this had been trialled at the Overview and Scrutiny Board's Finance and Budget Working Group meeting.
- Key areas for consideration including being more commercial and self-sufficient.

Councillor B. Cooper, Portfolio Holder for Finance and Resources thanked the Executive Director, Finance and Resources and her team for their continued work and commented that there had been an improvement in the process from the previous year, whilst acknowledged that there was still room for improvement. He echoed the concerns around other changes which may balance out the removal of the negative tariff.

39/18

DEVELOPMENT OF THE BURCOT LANE SITE

The Deputy Chief Executive gave a summary of the report and reminded Members that this had initially been reported back in September 2017. This report provided an update on the position regarding the funding available together with a detailed options table. The Cabinet was informed that a positive bid had been made to Homes England, which had been successful with a figure to be agreed, but which was likely to be around £1m.

The funding would be spent in preparing the site for housing development and it was imperative that this was carried out as soon as possible. The suggested plan was for 61 units using modern building methods with a Council owned housing company being set up to manage the site. The proposal included 6 units to be sold on the open market, 18 affordable units for purchase by a housing association and 37 market rent units to be retained and managed by the housing company.

It was confirmed that the Funding Agreement would contain a number of conditions which needed to be satisfied before the funding from Homes England could be released. Details of the financial modelling were provided within the report, together with details of the financial projections and implications. It was acknowledged that whilst this was a small site it was still important for the local community and would bring the opportunity to build and develop in the future.

The recommendations within the report would allow Cabinet to build the momentum and be clear about the way forward and the outcome of the of the bid, which would lead to a full business case in respect of the housing company being brought back to Cabinet for consideration in due course.

Following presentation of the report, Members discussed the following areas in more detail:

- It was a positive starting point and would help to support the needs of residents in the future, whilst providing some much needed income for the Council.
- Councillor L. Mallett, as Chairman of the Overview and Scrutiny Board, reiterated the concerns which had been raised at its meeting in respect of future opportunities and whether any had been identified. He suggested that a much longer term plan needed to be in place before a decision could be made.
- It was difficult for Members to be able to judge whether it was the right thing to do in the long term, without more detailed information.
- Whether other sites had been identified
- Whether this development could realistically have an impact on the housing needs of the district.
- Councillor K, Taylor, Portfolio Holder for Planning and Strategic Housing advised that this was in fact the beginning of a journey and it was hoped that it would provide an opportunity to provide accommodation at a “fair” rent for local residents.
- The business case for the housing company would provide more detail, together with long term future plans.
- In respect of the suggested preferred model, Members were assured that following discussions with Homes England they were comfortable with this.
- It was questioned whether the funding from Homes England was dependent on a “pipeline” of sites as opposed to a single site, which the Council appeared to have at the moment. It was confirmed that this was not the case.
- The financial pressures faced by the Council and whether the addition of a housing company would simple increase those pressures.
- Whether any other sites which would be considered in the future could impact on plans in respect of highways and how this might be addressed. It was suggested that any such sites may need to be included within the current review of planning policies.
- Members were reassured that no other sites had as yet been considered.
- The reintroduction of a Housing Revenue Account (HRA) which had previously been rejected.
- The need for transparency for residents to be able to understand the rationale behind the decision.

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- Officers confirmed that legislatively the Council was required to set up the housing company before taking the next steps in the project and therefore it was important to agree the model before being able to move forward to the next stage.

Cabinet considered the recommendations from the Overview and Scrutiny Board meeting held on 29th October 2018 and following further discussion it was

RESOLVED:

- a) that the indicative plans and projected financial outcomes for the development project be approved and that provided the minimum financial projections are maintained, authority be delegated to the Section 151 Officer to agree the final details when these have been signed off by external advisors when appointed, and after consultation with the Group Leaders;
- b) that agreement in principle is given to establishing a Housing Company to manage retained housing stock subject to the business case for the company being brought to Cabinet for approval;
- c) that Officers proceed to implement the pre-development steps on the site, to include planning and building control applications, demolition of the existing building and the appointment of a Project Development Manager;
- d) that further work be carried out to explore the options available to the housing company to allow it to act as a letting agent; and
- e) that the housing company's overarching principle be to provide rental accommodation that is affordable for local people.

The meeting closed at 7.50 p.m.

Chairman

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Report of the Deputy Leader and Portfolio Holder for Economic Development, the Town Centre and Strategic Partnerships.

Delivering Economic Growth in Bromsgrove

Progress and Priorities for the Next Twelve Months

Introduction

In the last quarter Bromsgrove District Council has continued to work with our public and private sector partners through the Bromsgrove Economic Priorities Group and the Bromsgrove Economic Theme Group to address the challenges and opportunities for delivering local economic growth. Recent independent research by Peter Brett Associates (PBA), commissioned by North Worcestershire Economic Development and Regeneration (NWEDR), has confirmed that whilst the district has a good track record in supporting start up enterprise more effort is needed to help the business grow and remain in the district and that they have access to a developing skills base. The Council, with its partners, has a large role to play in increasing the supply of available business and industrial accommodation in the short to medium term and to ensure a pipeline of new employment sites for future growth.

The PBA report rightly identifies the review of the Bromsgrove District Plan as the opportunity to consider future employment land provision. The NWEDR team are working with our planning team to do this. The team are also progressing negotiations with local land owners and developers to unblock existing employment sites and to encourage more inward investment.

Our business support programmes continue to help local people start enterprises, improve their business efficiency and reduce their energy costs, and help their acceleration through our various grant schemes.

Fundamental to our future planning for growth is the need to ensure improvements to local and regional transport provision. Good progress is being made in relation to the A38 corridor improvements and it is anticipated that the first phase of these improvement works will begin in 2019. However, there is also an urgent need for a new strategic transportation assessment to be prepared in order to guide future growth in the district. Rail connectivity is equally important to growth and the recent investment in Bromsgrove railway station provides us with the opportunity to consider appropriate development to complement this.

At the heart of our local economy and our local community is Bromsgrove Town Centre and the development, improvement and management of the town centre is a key focus of activity with further proposed investment in public realm and the development of underused and vacant sites. We also continue to work closely with the other Centres in our District via our Centres Manager and the implementation of the Bromsgrove Centres Strategy (2017-2020) We are of course not unique in facing challenges within our High Street but in Bromsgrove we have a good partnership with the local community, local retailers and other businesses to manage the town centre's development.

Together we are bringing more events and activities into the town centre and we are working with the highway authority on the design of lighting and further public realm improvements as well as bringing forward a further review of future car parking requirements.

Bromsgrove town centre has the potential to attract more independent businesses and to be a home for new start-ups. We are keen to work with land owners and developers to create more small business space and new commercial opportunities on vacant sites and in under used buildings.

Our priorities for economic growth also include developing our skills base to ensure local people can compete for future job opportunities and to build resilience in the local economy. As part of our planning for future employment sites we will consider more direct labour market inclusiveness and access issues and do this by promoting local employment agreements through policies in the revised Local Plan and delivering through associated Section 106 agreements.

Working with the North Worcestershire Employment and Skills Board, the County Council and Local Enterprise Partnerships, we are developing a package of support measures for people in work and for the future generations. This includes building stronger links between Bromsgrove schools and local employees through our successful “Opening Doors to Business” programme and expanding the work of Worcestershire Apprenticeships.

Finally, we are very aware of the importance of ensuring an adequate supply and mix of new housing and the subsequent impact this has on the economy. One of the key issues is the provision of new affordable homes and market housing for first time buyers and families. The Bromsgrove District Plan review will support this work and we will continue to seek opportunities to create new housing development including in and around the town centre which meet the specific needs of our economy.

Our Priorities for Work for the Next Twelve Months

Over the next year we will progress all of the above economic development work through a structured approach. We will be updating the Bromsgrove Economic Action Plan, capturing existing and future work programmes. Below are some of the specific priorities which will form the focus of our work with NWedR and in partnership with Bromsgrove Economic Theme Group, chaired by a local businessman:

- 1. Securing with our development partners the completion of the Bromsgrove Enterprise Park to provide essential business space to support the growth and expansion of local enterprises.**

We will work with developer and landowner Langtree to agree the basis for direct investment by the Council to unlock the last phases of the scheme. This may be by a combination of grant and loan. It is proposed that a full business case relating to this investment will be brought to Cabinet in January. Our aim is to create space for circa 25-30 new business through delivering industrial units to meet a specific gap in the market for growing businesses.

- 2. Delivering our business support programmes to ensure that local people starting enterprises or building their businesses have access to advice, funding and practical support.**

Working with partners our aim is to assist as many Bromsgrove businesses as possible who are eligible to access relevant support, including grant and loan

schemes, available through the LEP, Council and European funding. To assist with this we will organise an event in February to promote the various schemes and programmes. We will also identify specific opportunities to support independent businesses to locate and develop in the Town Centre.

- 3. Deliver key town centre development projects for tourism, leisure and business growth to address vacant and under used sites and premises and boost foot fall and economic activity in the town centre.**

We are working with the developer of the Market Hall site to secure a viable, high quality scheme as phase 2 of this development. While this work continues we will look to consider a 'meanwhile' use for the site to bring economic activity and foot fall to this area of the town and improve its appearance in the short term. We continue to work with developers of other key town centre sites including Stourbridge Road to enable appropriate development to come forward.

- 4. Town Centre Management will be a continuing priority with the planning, design and funding of new lighting improvements, further works on public realm enhancement and exploring with local businesses the potential for a Business Improvement District.**

To inform our town centre work and to provide information to support a possible Business Improvement District, we propose to conduct a full town centre business survey in January 2019. This will be an online survey, promoted by our centres manager to all businesses. Work is well advanced on the Christmas programme for the Town Centre.

- 5. Commissioning, in partnership with the highway authorities, a strategic transportation assessment to inform the location and scope for economic growth and the determination of new major employment and housing sites**

There is a need to carry out a strategic transport assessment to identify the capacity for future development across the District, including assessing the potential of key transport nodes such as motorway junctions and railway stations. This work will help to provide the basis for assessing the quantum of employment land that can be developed and will ensure we are able to support business growth and inward investment.

- 6. Working with the Strategic Transport Assessment and through the District Plan Review we will work with local land owners and developers to create achievable plans for employment growth within the District to attract new inward investment and support business growth.**

Our priority is to create a pipeline of sustainable employment sites and to ensure that these sites are accessible, have the appropriate infrastructure available and are commercially attractive. Our focus will be on ensuring sufficient space is available to allow our indigenous businesses to grow and thrive as well as providing space for inward investment, which will make it more attractive for people to live and work in

the area. The focus for inward investment will be on companies that add value and help to meet the economic ambitions of the district.

7. Securing the participation of local employers in the recruitment, training and development of the local workforce drawing on the skills and career programmes promoted in partnership with the LEPs, local colleges and training.

Our priority is to continue to develop programmes will help to upskill the local workforce, and provide training and employment opportunities for local people, including future generations. Our Opening Doors programme will be rolled out to more employers and we will engage more actively with the Careers Enterprise Council to ensure local schools in Bromsgrove have every opportunity to participate in these programmes and engage with local employers.

In all the above the Council will consider specific opportunities for direct investment to accelerate delivery. Such proposals will be brought to the Cabinet with full business cases for investment and considered in terms of value for money and return of investment.

During the course of the next year we will see proposals to change the wider landscape for supporting local economic development, particularly, but not exclusively in relation to the future geography of the Local Enterprise Partnerships. We will ensure Bromsgrove's interests are strongly represented in these processes of change, and that funding programmes supporting our work are maintained whenever possible.

Finally I am thankful to the continued work of Paul Spooner (Interim Head of North Worcestershire Economic Development and Regeneration) and all the team. I am also pleased to announce the appointment of Ostap – Taras Paparega to the permanent post of Head of NWEDR. Ostap who is likely to join us in January is currently the Regeneration, Heritage and Economic Development Manager at Kings Lynn & West Norfolk Borough Council.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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