

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING COMMITTEE**

**MONDAY, 11TH JULY 2022, AT 6.06 P.M.**

PRESENT: Councillors R. J. Deeming, S. P. Douglas, C.A. Hotham, A. D. Kriss, S. A. Robinson, M. A. Sherrey, S. A. Webb (substituting for Councillor M. Thompson) and P. J. Whittaker

Officers: Mr. D. Etheridge, Mr. R. Keyte and Mrs. P. Ross

1/22 **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor R. J. Deeming be elected Chairman of the Committee for the ensuing municipal year.

2/22 **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** that Councillor P. J. Whittaker be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/22 **APOLOGIES AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors A. B. L. English, C. J. Spencer and M. Thompson, with Councillor S. Webb in attendance as the substitute Member for Councillor M. Thompson.

4/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5/22 **MINUTES**

The minutes of the Licensing Committee held on 14<sup>th</sup> March 2022 were submitted.

**RESOLVED** that the minutes of the Licensing Committee held 14<sup>th</sup> March 2022, be approved as a correct record.

6/22 **REVIEW OF SEX ESTABLISHMENT LICENSING POLICY**

The Committee considered a report on the previously adopted Sex Establishment Licensing Policy, adopted by the Council on 1<sup>st</sup> April 2016.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing highlighted that where a Council had adopted such a policy that it was best practice to review the policy periodically. The current policy was adopted in April 2016 and officers were of the view that the policy should now be reviewed. A draft revised version of the policy was detailed at Appendix 2 to the report.

Members were informed that The Local Government (Miscellaneous Provisions) Act 1982 ("the Act"), as amended, allowed local authorities to adopt provisions concerning the regulation of sex establishments. Under the Act there was no legal requirement for the Council to adopt a policy on how it proposed to license sex establishments under the Act.

However, it was considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its licensing functions were carried out.

Members' attention was drawn to the Service / Operational Implications, as detailed on pages 8 and 9 of the main agenda report.

The Principal (Licensing) Officer, WRS highlighted that, as detailed in the preamble above and in the report, that since the existing policy had been in place for more than six years, officers considered that now would be an appropriate time for the policy to be reviewed and for a revised version of the policy to be adopted.

Officers had therefore reviewed the existing policy and a draft revised version was attached at Appendix 2 to the report. The draft revised version had been highlighted to show where the document had been revised from the current policy.

The majority of the revisions were minor in nature and had been made to ensure that the document was up to date; and as clear and easy to understand as was possible.

The draft revised policy had been amended to update the foreword at The beginning of the document so that it reflected the current vision as set out in the Council Plan.

The draft revised policy had also been updated to reflect the renaming of the Local Safeguarding Children Board as Worcestershire Safeguarding Children Partnership.

The level of fines applicable in respect of various offences set out in the relevant legislation had been amended to reflect changes made to these since the current policy was approved.

Officers are now asking Members to direct them to carry out consultation with relevant stakeholders and the general public on the draft revised policy shown at Appendix 2 to the report.

Members were further informed that, following consultation, any responses received would be brought back to a future meeting of the Committee for Members to consider; with a view to adopting the revised policy.

Members thanked the Principal (Licensing) Officer, WRS for a detailed report and for highlighting the amendments in the draft revised Sex Establishment Licensing Policy, as detailed at Appendix 2 to the report; which had made it easier to see the changes made.

In response to questions from Members, the Principal (Licensing) Officer, WRS commented that there were no licensed sex establishments in the district. Any new applications received would be brought before a Licensing Sub-Committee to determine. Licenses that had been granted and were called in for review, would be delegated to officers to determine.

A brief discussion followed on the Mandatory Refusal of Applications, as detailed in paragraph 3.3, on page 51 of the main agenda pack. Councillor C. A. Hotham questioned if the wording was relevant and should it be amended now that we had left the EU.

The Principal (Licensing) Officer, WRS agreed to amend the wording to include reference only to the relevant legislation; Paragraph 12(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, so that should Paragraph 12(1) be amended in the future (following our exit from the EU) the policy would not have to be further amended to reflect this.

It was also agreed that, in order to avoid gender references, that the draft revised Sex Establishment Licensing Policy would be amended to include gender-neutral terms.

**RESOLVED** that subject to the amendments, as detailed in the preamble above that:

- a) the Licencing Committee agrees that officers carry out consultation with relevant stakeholders and the general public on the draft revised Sex Establishment Licensing Policy, as detailed at Appendix 2 to the report; and
- b) that any responses received to the consultation be brought back to a future meeting of the Committee for consideration.

7/22

### **LICENSING LEGISLATIVE UPDATE**

The Principal (Licensing) Officer, WRS, provided members with a licensing legislative update.

Members were informed that, Bromsgrove District Council was responsible for delivering a number of licensing functions regulating a

broad range of businesses and activities undertaken in the Council's administrative area.

The licensing legislative update report would provide Members of the Council's Licensing Committee with an update on legislation that had been made or that had been proposed, which would impact on the Council's licensing responsibilities.

Members' attention was drawn to the following, as detailed in the report:

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- Introduction of Tax Checks for Certain Licences
- Taxis and Private Hire Vehicles (Safeguarding & Road Safety) Act 2022
- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022
- The Future of Pavement Licensing
- Potential Transfer of Taxi and Private Hire Licensing Functions to Upper-Tier Authorities
- Licensing Scheme for non-surgical cosmetic procedures

The Principal (Licensing) Officer, WRS responded to a number of questions with regard to Wheelchair Accessible Vehicles (WAV's), and in doing so stated that it was important to keep raising public awareness on taxi fares and how to complain if overcharged or a poor service was provided.

In response to questions with regard to Pavement Licensing and Street Amenity Licensing, Members were informed that Pavement Licensing allowed the licence holder to place removable furniture over certain highways adjacent to the premises in relation to which an application was made.

The Council's Street Amenity Policy covered specific areas for the placing of street furniture, adjacent to, or very near the premises applied for on the High Street and these areas were listed in the Street Amenity Policy.

In response to further questions on non-surgical procedures, Members were further informed that the licensing scheme would focus on certain non-surgical cosmetic procedures such as the injection of Botox and dermal fillers. These procedures had not been regulated and people had been disfigured.

The licensing scheme would introduce consistent standards that Individuals carrying out non-surgical cosmetic procedures would have to meet, as well as hygiene and safety standards for premises. It would focus on those cosmetic procedures which, if improperly performed, had the potential to cause harm, as referred to above, Botox and derma fillers.

The implementation of a scheme had been facilitated by the inclusion of provisions in the Health and Care Act 2022 which enabled the Secretary

of State to use secondary legislation to introduce a scheme to licence specified cosmetic procedures.

It was anticipated that any licensing scheme that was introduced would be overseen by local authorities and that in two-tier areas like Worcestershire, the function would rest with the relevant district Council.

The Government had committed to carry out consultation on the form of the licensing scheme, including what cosmetic procedures would require licences to be in place.

**RESOLVED** that the Licensing Legislative update report, be noted.

8/22

**LICENSING COMMITTEE WORK PROGRAMME 2022/2023**

The Committee noted the Licensing Committee Work Programme for 2022/2023.

The meeting closed at 7.04 p.m.

Chairman