

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 7TH SEPTEMBER 2009 AT 6.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent (Chairman), Miss D. H. Campbell JP, Mrs. J. M. L. A. Griffiths, D. Hancox, Ms. J. A. Marshall (during Minute No's 11/09 to 14/09), D. McGrath, S. P. Shannon, Mrs. M. A. Sherrey JP and L. J. Turner

Observers: Councillor Ms. H. J. Jones

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

8/09 **APOLOGIES**

Apologies for absence were received from Councillors Mrs. C. J. Spencer and D. Booth.

9/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

10/09 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 18th May 2009 were submitted.

RESOLVED that the minutes be approved as a correct record.

11/09 **LICENSING ACT 2003 MINOR VARIATIONS**

Consideration was given to a report updating Members on the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 that came into force 29th July 2009. The Principal Licensing Officer clarified that each application would be treated on its own merit and when considering an application, the licensing authority must consult with relevant responsible authorities, if there was any doubt about the impact of the variation on the licensing objectives and specialist advice was needed, the views of the relevant responsible authorities would be taken into account when reaching a decision. Following further discussion it was

RESOLVED:

- (a) that the new process by which minor variations to Premises Licences and Club Premises Certificates can be determined be noted;
- (b) that authority be delegated to the Head of Planning and Environment Services to determine applications for minor variations to Premises Licences and Club Premises Certificates as defined by the Licensing

- Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009; and
- (c) that the Principal Licensing Officer be requested to notify the Chairman of the Licensing Committee of the receipt of new applications.

12/09 **SUB-COMMITTEES OF THE LICENSING COMMITTEE**

The Committee gave consideration to a report that suggested changes to the Licensing Committee's sub-committee structure. It was noted that the Licensing Committee was responsible for the exercise of all powers and duties of the Council in licensing and for enforcement of licensing requirements. Some of those functions had been delegated by the Licensing Committee to its two sub-committees, the Licensing Sub-Committee and the Taxi Licensing Sub-Committee. Following the review of the street trading policy, it was considered that as a result of these changes there would be substantially more applications for street licensing consents to be determined. Members were requested to consider if such applications (and indeed any other applications currently determined by the parent committee) should be dealt with by a sub-committee, with the parent Licensing Committee to be responsible for strategy, policy and wider issues such as Designated Public Places Orders.

RESOLVED:

- (a) that the Taxi Licensing Sub-Committee be restructured and renamed with extended terms of reference;
- (b) that two fixed membership, politically balanced sub-committees be established with terms of reference as follows: "To determine applications relating to:
- private hire and hackney carriage driver, operator and vehicle licensing;
 - street trading consents;
 - sex shop applications;
 - pet shop licenses;
 - animal boarding licenses;
 - riding establishment licenses; and
 - charitable collections"
- to be called the Licensing (Miscellaneous) Sub-Committees A and B, to be chaired by the Chairman of the Licensing Committee (or the Vice Chairman in his or her absence) to sit in strict rotation. In addition to the Chairman, each committee will have a fixed membership from those sitting on the Licensing Committee of six. Substitutes will be permitted provided they have met the training requirements determined by the Member Development Steering Group.
- (c) that public speaking be permitted at such Sub-Committee meetings and authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with the Chairman and Vice-Chairman of the Licensing Committee to determine the procedure;
- (d) that the terms of reference for the Licensing Sub-Committees be revised as follows: "To consider and determine applications and hearings arising from the Licensing Act 2003 and the Gambling Act 2005;" and

- (e) that the new committees be trialed for a period of twelve months.

13/09 **STATEMENT OF GAMBLING POLICY**

Consideration was given to a report which sought Members' views on the draft revised Statement of Gambling Policy. It was reported that The Gambling Act 2005 required the Council to carry out a review of its Statement of Gambling Policy, which is used to determine all applications made under the terms of the Act, every three years in consultation with all interested parties with a view to ensuring that it continues to reflect the local balance between the commercial interests of the licensed trade and the local community. The consultation period commenced on 29th June 2009 and would close on 21st September 2009. Following discussion it was

RESOLVED: that, subject to responses received during the consultation period, the Committee recommends to the Cabinet that the revised Statement of Gambling Policy be adopted.

14/09 **STREET TRADING CONSENT**

The Committee considered a report which reviewed the Council's policy including the fee structure, in respect of street trading consent. The report also referred to the possibility of extending the designated area to cover the entire district, with the exception of Bromsgrove High Street and its immediate environs. It was proposed that the whole district (other than the High Street and surrounding streets) as detailed in Appendix 2 of the report be designated as a Consent Street and that the High Street and the surrounding area as detailed in Appendix 1 of the report be designated as a Prohibited Street. The Principal Licensing Officer responded to questions from Members and was tasked to provide Members of the Committee with more detailed information on 'Trading in a trunk road picnic area'. Following further discussion it was

RESOLVED:

- (a) that the extension of the designated consent streets area to cover the whole of Bromsgrove district, with the exception of those streets as set out in Appendix 1 of the report be approved;
- (b) that the streets shown in Appendix 1 of the report be designated as prohibited streets;
- (c) that the revised Street Trading Policy including model conditions in respect of Street Trading Consents as set out in Appendix 3 of the report be approved;
- (d) that applications for Street Trading Consents which do not fall within the Street Trading Policy or those in respect of which objections are received be determined by the Licensing Sub-Committee;
- (e) that consideration to revoke a Street Trading Consent be determined by the Licensing Sub-Committee; and
- (f) that public speaking be introduced at the Licensing Sub-Committee on contested applications for Street Trading Consents and that authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with the Chairman and Vice-Chairman of Licensing

Committee and the Principal Licensing Officer to prepare a hearing procedure and guidance to reflect paragraph 3.16 of the report.

RECOMMENDED:

- (a) that the Council approves and adopts the proposed fee structure;
- (b) that the scheme of delegation be revised in respect of street trading as follows:
 - (i) “To authorise the Head of Planning and Environment Services to be responsible for inspections of premises to ensure compliance with street trading consent legislation, Council policy and any conditions attached to a consent; and
 - (ii) “To authorise the Head of Planning & Environment Services to determine applications for consents for street trading in consent areas designated by the Council” .

The meeting closed at 7.09 p.m.

Chairman