

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 14TH SEPTEMBER 2015 AT 6.00 P.M.

PRESENT: Councillors B. T. Cooper (Chairman), J. M. L. A. Griffiths (Vice-Chairman), M. T. Buxton, K.J. May, C. M. McDonald, S. R. Peters, S. P. Shannon, P.L. Thomas, L. J. Turner and S. A. Webb

Officers: Mrs. V. Brown, Mr. D. Etheridge, Mrs. A. May and Mrs. P. Ross

10/15 **APOLOGIES**

An apology for absence was received from Councillor P. Lammas.

11/15 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

12/15 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 8th June 2015 were submitted.

RESOLVED that the minutes of the meeting be approved as a correct record.

13/15 **DRAFT SEX ESTABLISHMENT LICENSING POLICY - APPROVAL FOR CONSULTATION**

The Sub-Committee considered a report to approve the draft Sex Establishment Licensing Policy, for the purpose of consultation with relevant stakeholders and the general public, as detailed at Appendix 1 to the report.

The Senior Licensing Practitioner, Worcestershire Regulatory Service (WRS) introduced the report and in doing so, informed the Committee that despite having adopted controls over sex establishments, the Council did not currently have an adopted policy on the licensing of sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.

The Senior Licensing Practitioner, WRS, informed Members that he had met with the Council's Legal Advisor with regard to the draft policy and had agreed some minor changes to the policy, which would be incorporated into the policy, prior to consultation, should Members be in agreement. The Senior Licensing Practitioner drew Members' attention to the following minor changes:-

- Part 3, paragraph 3.5.3, remove the word 'relevant'.
- Part 5, paragraph 5.3 remove the reference to Annex F.
- Part 5, paragraph 5.4 to be deleted.
- Annex C, remove the reference to the setting of fees in relation to sex establishment licences.

Members agreed that the minor changes be incorporated and that the draft policy be amended to reflect the minor changes, prior to consultation with relevant stakeholders and the general public.

The Senior Licensing Practitioner, WRS, in response to questions from Members, drew Members' attention to page 27 in the report. The information detailed would enable Members to understand, as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the definition of a 'sexual entertainment venue' and that of a 'sex shop'.

The Senior Licensing Practitioner, WRS, further responded to Members with regard to premises holding occasional entertainment events, for example a "ladies night" or a "gentlemen's night", and informed the Committee that such events could be held at premises, that were not sexual entertainment venues, under a Temporary Event Notice (TEN), as per the terms as detailed on page 28 in the report.

Members asked if applicants would be required to submit a Disclosure and Barring Service Enhanced Certificate (DBS) with their application. In response the Senior Licensing Practitioner, WRS, informed Members that there was no formal requirement for applicants to submit a DBS Enhanced Certificate with their application, however, there would be a rigorous checking process, whereby WRS would notify the relevant bodies, as detailed in paragraph 2.4.1 in the report; who would be asked to comment on or object to any applications submitted, within a period of twenty eight days from the date of the application. The report also detailed the criterion for mandatory refusal of applications and discretionary refusal of applications.

Councillor L. J. Turner noted that the draft policy did not detail any set fees and questioned this with the Senior Licensing Practitioner, WRS. Members were informed that fees varied substantially from one authority to another. Following consultation on the draft policy, the fees would be determined and set. The proposed fees and charges, along with the responses received from the consultation, would be presented to a future meeting of the Licensing Committee.

Councillor J. M. L. A. Griffiths sought reassurance with regard to the management of premises and the safeguarding of children. The Senior Licensing Practitioner, WRS, informed the Committee that no person under the age of 18 would be admitted to any such premises or employed in the business of a Sex Establishment. He would advise Members that for reassurance in respect of the safeguarding of children; Members could include within the draft policy at Annex D and Annex E, Standard Conditions, the following additional condition:-

- The Licensee must operate an age verification policy (Challenge 25 or similar) to ensure no person under the age of 18 was admitted to the Premises.

Members were in full agreement that the additional condition be included within the draft policy at Annex D and Annex E, Standard Conditions; and that the amended draft policy be used for the purpose of consultation with relevant stakeholders and the general public.

RESOLVED:

- (a) that the suggested minor changes and additional condition, as detailed in the preamble above, be incorporated into the draft Sex Establishment Policy;
- (b) that the amended draft Sex Establishment Policy be approved for the purpose of consultation with relevant stakeholders and the general public; and
- (c) that following consultation the responses received and the determined fees be presented to a future meeting of the Licensing Committee.

14/15

DEREGULATION ACT 2015 - POLICY ON DURATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES AND PRIVATE HIRE OPERATOR LICENCES

Following on from the meeting held on 8th June 2015, whereby Members received a report that provided an update on the Deregulation Act 2015 and the licensing implications with regard to taxi and private hire licensing. The Committee was asked to consider a further report, as a result of the Deregulation Act 2015. The report highlighted the changes to the standard duration of hackney carriage and private hire driver licences and private hire operator licences. The report also detailed two draft policies for Member approval; policy on the duration of hackney carriage and private hire driver licences and policy on the duration of private hire operator licences.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Committee that the Deregulation Act 2015 received Royal Assent on 26th March 2015. Section 10 of this Act related to the Council's hackney carriage and private hire licensing functions and was due to come into force on 1st October 2015. The effect of this change would be that standard (default) duration of a hackney carriage or private hire drivers' licence issued by the Council would be three years and the standard (default) duration of a private hire operators' licence would be five years. Both licence types were currently issued by the Council for a period of one year.

Members were further informed that if an applicant requested to be granted a licence for one year, the Council would automatically deem it appropriate in the circumstances to grant a licence for this period, in line with the request of the applicant. There were many reasons why an applicant may want to remain on a one year licence. Inevitably the cost of applying for a three or five year licence would be higher, as the Council's enforcement and compliance

costs for the three year period would have to be covered by the licence fee. Applicants may therefore prefer to avoid having to pay a larger licence fee every three or five years and may prefer to pay a lower fee each year. Also applicants may not want a three year licence as they may not have decided if they intended to remain in the trade for the longer period of three years.

The Senior Licensing Practitioner, WRS, drew Members' attention to the proposed fees:-

- £92.00 - Hackney Carriage and Private Hire Drivers' Licences current annual fee
- £220 - Hackney Carriage and Private Hire Drivers' Licence proposed three year fee
- £290 – Private Hire Operators' Licence current one year fee
- £1,102 – Private Hire Operators Licence proposed five year fee

The Senior Licensing Practitioner highlighted that there was no requirement to advertise the proposed hackney carriage and private hire drivers' licence fee, but the proposed fees to be set for the private hire operators' licence required a public notice to be placed advertising the proposed fees for a period of twenty eight days.

The Council's Legal Advisor advised the Sub-Committee that in light of the information on fees and charges, as provided by the Senior Licensing Practitioner, WRS, she would ask Members to consider an additional recommendation with regard to the proposed private hire operators' licence fees, following the required advertisement being placed.

Following a brief discussion it was

RESOLVED:

- (a) that the draft policies on the duration of hackney carriage and private hire drivers licences and private hire operator licences, as detailed at Appendix 1 to the report, be approved, with effect from 1st October 2015; and
- (b) that, if following advertisement, objections were received to the proposed five year private hire operators' licence fee of £1,102, those objections be brought back to the Licensing Committee to be held on 9th November 2015.

RECOMMENDED:

- (a) that, if following advertisement, no objections were received to the proposed five year private hire operators' licence fee of £1,102, that Cabinet approve the revised fees and charges for inclusion in the fees and charges schedule.

15/15

LICENSING COMMITTEE WORK PROGRAMME 2015/2016

The Committee considered the Work Programme for 2015/2016.

RESOLVED that the Licensing Committee Work Programme be updated to include the items discussed and agreed during the course of the meeting.

16/15

OTHER BUSINESS - SAFEGUARDING CHILDREN

The Chairman informed Members that he had recently attended a meeting, with regard to Safeguarding Children, with the Head of Community Services. The meeting was to look at Worcestershire Regulatory Services participation in Worcestershire's Child Sexual Exploitation Strategy Action Plan, which included raising awareness with licensed premises and hackney carriage and private hire drivers.

Hackney Carriage and Private Hire licenced drivers and Licensed Premises were seen as an integral part of the local working economy, and were often the eyes and ears of the community. So raising awareness within these groups was seen as a vital link within Worcestershire's Child Sexual Exploitation Strategy Action Plan. The Chairman proposed that the Head of Community Services be invited to the next meeting of the Licensing Committee to provide information on the role of Licensing Committee Members in respect of Worcestershire's Child Sexual Exploitation Strategy Action Plan; and to provide Members with detailed information on the WRS awareness raising campaign.

RESOLVED that the Head of Community Services be invited to attend the next meeting of the Licensing Committee to provide Members with information as detailed in the preamble above.

The meeting closed at 6.34 p.m.

Chairman