

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 11TH JUNE 2018, AT 6.03 P.M.

PRESENT: Councillors M. T. Buxton, B. T. Cooper, R. L. Dent, M. Glass, H. J. Jones, C. M. McDonald, S. R. Peters, M. A. Sherrey, L. J. Turner and S. A. Webb

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

1/18 **ELECTION OF CHAIRMAN**

A nomination for Chairman was received in respect of Councillor R. L. Dent.

RESOLVED that Councillor R. L. Dent be elected as Chairman for the ensuing municipal year.

2/18 **ELECTION OF VICE-CHAIRMAN**

A nomination for Vice-Chairman was received in respect of Councillor C. J. Spencer.

RESOLVED that Councillor C. J. Spencer be elected as Vice-Chairman for the ensuing municipal year.

3/18 **APOLOGIES**

Apologies for absence were received from Councillors C. J. Spencer and S. P. Shannon.

The Committee were informed that Councillor B. Cooper was in attendance as the substitute Member for Councillor C. J. Spencer.

4/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5/18 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 12th March 2018 were submitted.

RESOLVED that, the minutes of the meeting of the Licensing Committee held on 12th March 2018 be approved.

LICENSING ACT 2003 - APPROVAL FOR CONSULTATION OF REVISED STATEMENT OF LICENSING POLICY

The Committee considered a report which detailed the draft revised Statement of Licensing Policy for the purpose of consultation with relevant partners.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that the Council's existing Statement of Licensing Policy, under the licensing Act 2003, had taken effect on 1st April 2014. In accordance with the provisions of the Act, the Council was required to determine and publish a Statement of Licensing Policy at least every five years. Therefore a new Statement of Principles must be published by 1st April 2019.

The draft revised Statement of Licensing Policy, attached at Appendix 1 to the report, detailed a number of amendments and additional sections (highlighted in red text), that had been made to the document to reflect the changes to legislation and guidance that had taken effect since the last Statement of Licensing Policy, 1st April 2014.

The following new sections had been included:

- To explain the implications of the Immigration Act 2016 on the exercise of the Council's functions under the Licensing Act 2003.
- Information on how the Council would deal with applications for personal licences and how it would deal with situations where it was 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.
- Information in relation to the local powers to deregulate the licensing of late night refreshment providers that were introduced under the Deregulation Act 2015.
- The section explaining the Live Music Act 2012 and other entertainment licensing deregulation had been updated to reflect further deregulatory measures that had taken effect since the last Statement of Licensing Policy was published.
- The section regarding cumulative impact had been rewritten to reflect changes that had been made to licensing authorities powers to adopt special polices on cumulative impact as a result of the provisions of the Policing and Crime Act 2017.

Consultation on the revised draft Statement of Principles would take place with all of the relevant parties, as detailed in paragraph 3.16 of the

report. The consultation would be carried out over a period of eight to twelve weeks. Responses received to the consultation would be presented to a future meeting of the Licensing Committee.

The Senior Licensing Practitioner, WRS, responded to questions from Members and explained that with regard to Cumulative Impact, the evidence had to be there, evidence from the local police.

A Cumulative Impact Assessment (CIA) could be published by a licensing authority to help it limit the number or types of licence applications granted in the areas where there was evidence to show that the number or density of licensed premises in the area was having a cumulative impact and leading to problems which were undermining the licensing objectives.

Currently the Council had not published a CIA as there was not currently any evidential basis on which to base such a decision.

The Senior Licensing Practitioner, WRS, responded to further questions with regard to those consulted with; and if the Council's Depot services could be included on the list of consultees, as they had to deal with excess litter / rubbish from premises.

The Committee were informed that the relevant parties consulted with, as detailed in paragraph 3.16 of the report, was a prescribed list of consultees and that list could not be expanded by officers. The Senior Licensing Practitioner, WRS, suggested that it was more appropriate for officers from the depot, who attended the Bromsgrove Town Centre meetings; to raise any issues or concerns with regards to excess litter / rubbish from any licensed premises across the district, at the Bromsgrove Town Centre meetings.

RESOLVED that the draft revised Statement of Licensing Policy, as detailed at Appendix 1 to the report, be approved for the purpose of consultation with relevant parties.

7/18

REFORM OF ANIMAL ACTIVITIES LICENSING LEGISLATION - INFORMATION REPORT

The Committee considered a report on the licensing of various animal-related establishments as a result of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that Bromsgrove District Council were currently responsible for functions in relation to the licensing and regulation of various animal-related activities, which WRS carried out on their behalf.

Paragraph 3.5 in the report, detailed the activities regulated and the legislation under which the Council currently licenced people to carry out

the activities. In addition to this, Worcestershire County Council (Trading Standards) were currently the authority responsible for the registration of those who train or exhibit performing animals under the Performing Animals (Regulation) Act 1925.

Section 13 of the Animal Welfare Act 2006 provided the Secretary of State with powers to repeal parts of the existing legislation and replace it with a new licensing or registration regime.

In December 2015, the Department for Environment, Food and Rural Affairs (DEFRA) launched a consultation on some of the proposals to introduce new secondary legislation under section 13 of the Animal Welfare Act to implement a single "Animal Establishment Licence" for animal boarding establishments, pet shops, riding establishments and dog breeding establishments.

In February 2017, DEFRA published a further document entitled "The review of animal establishments licensing in England – Next Steps", as attached at Appendix 1 to the report.

The document sets out a summary of the decisions made by DEFRA about changes to the licensing system for animal establishments in England following the consultation exercise.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, as attached at Appendix 2 to the report, were eventually made on 16th April 2018 and were scheduled to come into force on 1st October 2018.

Under the regulations the existing licensing schemes for animal boarding establishments and dog breeders were to be repealed and replaced by a new single licensing scheme that would regulate all of these activities and would also incorporate the licensing of those who train or exhibit performing animals.

The current licensing schemes for zoos and those who keep dangerous animals was not affected by the regulations and would continue to be carried out under the existing legislative provisions.

Some of the main differences in the new licensing scheme had been detailed in paragraph 3.13 of the report. One major change, was the number of litters a dog breeder could produce in a 12 month period before they were presumed to require a licence, had been reduced from five litters to three litters. There were new powers for licensing authorities to vary, suspend and revoke licences where there was non-compliance or it was necessary to protect the welfare of an animal; currently only the courts could remove licences.

Detailed guidance on the implementation of the new regulations was still being awaited from DEFRA and it was anticipated to be published this summer.

Licences issued under the existing legislative provisions and that remained in force on 1st October 2018 would continue to have effect until they expired. At that point an application would need to be completed by the operator for a licence under the new licensing scheme.

Paragraph 3.16 in the report detailed the work that WRS would need to carry out in preparation for the implementation of the new regulations.

RESOLVED that the report on the Animal Establishment Licensing Reforms, be noted.

8/18

LICENSING ANNUAL REPORT 2017/2018

The Committee considered the Licensing Annual Report 2017/2018.

The report provided an overall view of the activities, under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing, and informed the Committee of any issues anticipated in the ensuing year, as required under the Council's Licensing Act 2003 and Gambling Act 2005.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing explained that the report provided the Committee with information on the work undertaken by WRS on behalf of Bromsgrove District Council; and that he was happy to take any questions on the contents of the report.

The Senior Licensing Practitioner, WRS, responded to questions from Members and explained that the "Best Bar None" scheme was an accredited scheme with National Awards support by the Home Office and the drinks industry, aimed at promoting responsible management and operation of alcohol licensed premises.

A number of WRS officers had attended the one day Level 2 accreditation course, B11AB Award in Assessment of Licensed Premises (Social Responsibility) (QCF). The Level 2 accreditation course was funded for the first year of the scheme by the Community Safety Partnership. Accredited WRS officers were now able to conduct assessments in and around Worcestershire and beyond Worcestershire for other local authorities.

The Senior Licensing Practitioner, WRS, informed the Committee that with regard to Street Collections, only one complaint had been received in the last twelve months.

RESOLVED that the Licensing Annual Report 2017/2018 be noted.

9/18

LICENSING COMMITTEE WORK PROGRAMME 2018/2019

The Committee considered the Work Programme for 2018/19.

RESOLVED that the Licensing Committee Work Programme for 2018/2019 be noted.

The meeting closed at 6.35 p.m.

Chairman