

Licensing Committee

Monday, 3 November 2014

MINUTES

Present:

Councillor Pattie Hill (Chair) and Councillors Roger Bennett, Natalie Brookes, Andrew Fry, Gay Hopkins, Rachael Smith and John Witherspoon

Officers:

K Barnett, L Berry and D Etheridge

Committee Services Officer:

D Parker-Jones

7. APOLOGIES

Apologies for absence were received on behalf of Councillors Alan Mason and Paul Swansborough.

Officers advised that the Leader of the Redditch Democratic Alliance group had confirmed shortly prior to the meeting that Councillor Swansborough would be the Redditch Democratic Alliance member on the Committee.

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 28th July 2014 be confirmed as a correct record and signed by the Chair.

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Chair

10. SITE MANAGEMENT AGREEMENT BETWEEN PUBLIC FUNDRAISING REGULATORY ASSOCIATION AND REDDITCH BOROUGH COUNCIL

Further to the meeting of the Licensing Committee held on 7th April 2014, the Committee received a report which detailed the final Site Management Agreement. The Agreement had been established by Officers from Worcestershire Regulatory Services and Redditch Borough Council, in conjunction with representatives of the Public Fundraising Regulatory Association (PFRA), in order to regulate the working days and areas of charity street fundraisers in Redditch Town Centre.

The Senior Licensing Practitioner (SLP) explained the background to the establishment of the Agreement. This had followed the Executive Committee's approval in March 2013 of a Redditch Market Task Group recommendation that the Council engage with the PFRA with a view to reaching an agreement on the number of working days and permitted locations of direct debit charity street fundraisers.

The Agreement had now been finalised and clearly set out the parameters in relation to where, when and how collectors would be able to operate. The Agreement restricted the number of fundraisers to be present on any one day to three and set out areas within which a maximum of one fundraiser could be positioned. Under the Agreement fundraising could not take place on more than three non-consecutive days per week.

Members noted the contents of the Agreement which it was hoped would assist in relieving some of the perceived problems associated with the activities of face-to-face direct debit street collectors operating in the Town Centre.

Members queried how the restrictions set out in the Agreement would be controlled. The SLP advised that this was a voluntary Agreement in the form of self-regulation. The PFRA would be responsible for the diary management of the street collectors, with charities needing to contact the PFRA to book available slots a month in advance. The PFRA would therefore take the lead on compliance. Booking details would be forwarded to Lyndsey Berry, Town Centre Coordinator, who was the nominated gatekeeper in the Agreement for the Council.

Ms Berry stated that she had an ongoing relationship with the market traders and that they could contact her should any problems arise. The Agreement included a Statement of Conformity and fundraisers were required to adhere to the Code of Fundraising Practice, PFRA Rules and Site Management Agreement, with the

PFRA having the power to impose penalties and sanctions against those not abiding by the rules.

Members felt that it would be helpful for there to be publicity regarding the associated complaints process. Ms Berry stated that the Redditch Standard was due to run an article on the Agreement and that she would ensure this included details of how complaints could be made. It was also noted that a feature on this had also appeared in the local version of the Sunday Mercury.

RESOLVED that

the contents of the Site Management Agreement between the Public Fundraising Regulatory Association and Redditch Borough Council be noted.

11. DRAFT SCRAP METAL LICENSING POLICY AND GUIDELINES

Further to the meeting of the Licensing Committee held on 28th July 2014, the Committee considered a report which detailed the draft Scrap Metal Licensing Policy and Guidelines for the purpose of consultation with relevant parties.

The Policy set out guidelines for the licensing of scrap metal sites and collectors in the Borough and how the Council would administer and enforce the requirements of the Scrap Metal Dealers Act 2013.

The Senior Licensing Practitioner (SLP) presented the report and advised that the Policy and Guidelines aimed to provide residents, applicants and other agencies with a benchmark of the licensing authority's expectations and would assist in understanding the relevant statutory requirements.

The six district councils in Worcestershire would be asked to adopt a similar policy to improve consistency of practise and decision-making across the county. The SLP brought to Members' attention the various stakeholders who would be consulted as part of the process, as detailed at paragraph 3.11 of the report. The outcomes of the consultation would then be brought back to Members for consideration in 2015.

The SLP responded to Member questions, including how legitimate scrap metal dealers could be recognised, acceptable payment for scrap metal and the verification of scrap metal suppliers' identity.

It was noted that trading without the required licence was a criminal offence and that the Police's co-operation was required to stop moving vehicles that did not appear to be displaying a licence. Members heard that if anybody saw a vehicle which did not appear

to be displaying the appropriate licence they should make a note of the vehicle registration number, make and model of the vehicle, and then pass the details onto Worcestershire Regulatory Services who would then contact the vehicle owners to ascertain the position. It was noted that a 3-year licence cost £145 and the SLP agreed to email Members a copy of a licence for information. Public awareness and publicity of the requirements and the regulatory aspects of the process were deemed important in helping identify those were failing to comply with the requirements.

A Member queried whether there were any restrictions on the maximum permitted height of scrap metal on scrap metal sites. The SLP responded that he did not believe this was covered under the Scrap Metal Dealers Act 2013, which was aimed more at those suitable to deal in scrap metal. Such issues would however be addressed under planning enforcement and other legislation.

RESOLVED that

the draft policy and guidelines be approved for the purpose of consultation with relevant parties.

12. REVIEW OF STANDARD LICENCE CONDITIONS APPLICABLE TO ANIMAL WELFARE LICENCES

The Committee considered a report which sought the approval of standard conditions to be attached to future licences issued by the Council under legislation aimed at securing the welfare of animals. The report also sought delegated authority to the Head of Worcestershire Regulatory Services (WRS) to amend the standard conditions, as appropriate, in certain circumstances as detailed in the report.

The Senior Licensing Practitioner (SLP) presented the report and in doing so highlighted the relevant legislation under which Redditch Borough Council was responsible for issuing licences, as detailed at paragraph 3.4 of the report.

The review of the standard conditions was being undertaken by WRS on behalf of all the district councils across the county with a view to ensuring consistency of standards, with Bromsgrove District Council having so far approved the conditions.

The delegated authority sought was to allow the Head of WRS to amend the proposed standard conditions where variations were recommended in individual cases by either a veterinary practitioner or veterinary surgeon in accordance with the relevant legislation.

The SLP responded to various Member questions on individual conditions. Members queried why there were no cat breeding conditions included in the report. The SLP responded that, at present, there was no legislation relating to cat breeding. However, the Welfare of Cats Bill had been introduced as a Private Members Bill to the House of Lords in July 2014 and it would be interesting to see whether this ultimately received sufficient support to become law.

RESOLVED that

- 1) **the draft standard conditions attached at Appendices 1 to 9 to the report, to be attached to future licences issued by the Council under relevant legislation, be approved; and**
 - 2) **authority be delegated to the Head of Worcestershire Regulatory Services to amend the standard conditions as appropriate in the circumstances of an individual case by altering, omitting or adding conditions as recommended by a veterinary practitioner or veterinary surgeon appointed in accordance with the relevant legislation to inspect the premises subject to the licence application.**
13. **IMPLICATIONS OF THE DEREGULATION BILL - HACKNEY CARRIAGE AND PRIVATE HIRE POLICIES - VERBAL UPDATE**

The Senior Licensing Practitioner (SLP) provided an oral update on the implications to the Council of the Deregulation Bill.

Members were advised that the Deregulation Bill had reached the Committee Stage in the House of Lords. The Bill was scheduled for sittings through to 20th November 2014 and the next sitting was the following day, 4th November. So far the Committee Stage had held debates on clauses 1 to 34 of the Bill.

The Bill was described as:

“A bill to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions; and for connected purposes.”

When the Bill was originally published there had been a number of clauses which would impact on the licensing functions of the Council. The version of the Bill that was introduced to the House of Lords contained the following clauses:

- Clause 10 – Private Hire Vehicles: Circumstances in which driver licence required;
- Clause 11 – Taxis and Private Hire Vehicles: duration of licences;
- Clause 12 – Private Hire Vehicles: sub-contracting;
- Clause 52 – Sale of Alcohol: community events etc and ancillary business sales;
- Clause 53 – Temporary Event Notices: increase in maximum number of events per year;
- Clause 54 – Personal Licences: no requirement to renew;
- Clause 55 – Sale of liqueur confectionary to children under 16: abolition of offence;
- Clause 56 – Late night refreshment;
- Clause 57 – Removal of requirement to report loss or theft of licence etc to the Police; and
- Clause 58 – Exhibition of films in community premises.

The SLP went on to provide further detail in relation to each of the clauses and how these would directly affect the Council.

Notably, Clause 10, which would have allowed an “off-duty” private hire vehicle to be driven by anyone who held a licence to drive, had been withdrawn. This change was welcomed by Members as the Clause had generated a great deal of concern amongst local authorities and charitable organisations involved in the promotion of personal safety, including the Suzy Lamplugh Trust.

Worcestershire Regulatory Services would continue to closely monitor progress with the Bill and would provide further updates on this to the Committee in due course.

RESOLVED that

the position be noted.

14. LICENSING COMMITTEE WORK PROGRAMME

The Committee noted the Licensing Committee Work Programme for the remainder of the 2014/15 Municipal Year.

The Senior Licensing Practitioner stated that the consultation responses on the Draft Scrap Metal Licensing Policy and Guidelines would hopefully be considered at the 2nd March 2015 meeting, along with the Review of the Statement of Gambling Principles.

The Draft Sex Establishment Licensing Policy and Hackney Carriage and Private Hire Driver Licensing Policy Amendments

would hopefully be referred to the March meeting, or a meeting shortly thereafter, with the latter depending largely on progress with the Deregulation Bill.

RESOLVED that

the Licensing Committee Work Programme 2014/15 be noted.

The Meeting commenced at 7.00 pm
and closed at 8.30 pm

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Chair