

Licensing Committee

Monday, 2 March 2015

MINUTES

Present:

Councillor Pattie Hill (Chairman), Councillor Alan Mason (Vice-Chair) and Councillors Roger Bennett, Natalie Brookes, Andrew Fry and John Witherspoon

Officers:

K Barnett and D Etheridge

Democratic Services Officer:

Jess Bayley

15. APOLOGIES

Apologies for absence were received on behalf of Councillors Gay Hopkins and Paul Swansborough.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. MINUTES

The Chair apologised for the delay in providing the minutes which had not been included in the agenda pack for consideration.

RESOLVED that

the minutes of the meeting of the Licensing committee held on Monday 3rd November 2014 be confirmed as a correct record and signed by the Chair.

18. DRAFT SCRAP METAL LICENSING POLICY AND GUIDELINES - CONSULTATION RESPONSES

Further to the meeting of the Licensing Committee held on 3rd November 2014 the Committee received a report detailing the final Scrap Metal Licensing Policy and Guidelines. During consideration of the content of this report the following matters were discussed:

.....
Chair

- As requested at the previous meeting of the Committee Officers had consulted on the proposed content of the Scrap Metal Licensing Policy and Guidelines.
- Only one response had been received; from the British Metals Recycling Association (BMRA). The association's responses had been taken into account when Officers finalised the content of the policy.
- The difficulties involved in displaying scrap metal dealers' licences on vehicle plates. Licences applied to the dealer rather than to the vehicle and many dealers operated across local authority boundaries and obtained multiple licences from different Councils.
- Public awareness of the policy and the potential for a press release to be issued in order to raise awareness.
- Methods of payment for scrap metal that could be used by dealers under the policy and the need for an audit trail.
- Criminal activities involving scrap metal.
- The process for verifying the identity of the person selling scrap metal to a dealer.
- The potential for Licensing Officers to enforce compliance with the payment requirements amongst scrap metal dealers and the additional powers provided to Officers in this regard in recent legislation.
- The additional restrictions that could be imposed on licensed scrap metal dealers and / or site managers if either was convicted of an offence.
- The process for disposing of scrap metal. Members were advised that there were specialist sites where scrap metal could be melted and the majority of dealers tended to transport metal to these sites rather than to melt metal as part of their core business.
- The referral of criminal offences to the local magistrate's court.
- Members were advised that if the suitability of an individual to continue to hold an existing licence was brought into question this matter might be referred to the Licensing Sub-Committee for further consideration.
- The need to issue closure notices to an appropriate authority figure on site and the action that could be taken to identify persons in a position of responsibility. Members were advised that there had been no problems to date with unlicensed scrap metal dealers in Redditch.

Prior to the conclusion of this item the Chair requested that in future appendices to reports presented for the consideration of the Committee be clearly marked for ease of reference.

RESOLVED that

the finalised Scrap Metal Licensing Policy and Guidelines be approved.

19. DRAFT SEX ESTABLISHMENT POLICY AND GUIDELINES

The Committee considered a report detailing the draft Sex Establishment Licensing Policy and Guidelines for the purpose of consultation with relevant stakeholders and the general public. During the discussion of this report the following matters were considered:

- Redditch Borough Council did not have a licensing policy for sex establishments. However, having a policy for this purpose was considered to be best practice as it provided consistency and transparency in the Licensing process.
- Sex establishments included venues such as pole dancing clubs but not businesses that primarily sold lingerie. The key consideration for Officers when determining whether a venue should be classified as a sex shop was the retail product.
- The potential provided through the policy for the public to express their views about any applications for a sex establishment licence.
- There were currently no licensed sex establishments in the Borough.
- The need for fees for applications for a sex establishment licence to be set at a level that would cover the costs of processing the license.
- The appropriate location for sex establishments and the need for the Licensing Sub-Committee to take into account the proximity of any schools, residential premises and other relevant premises when considering applications.
- Action that could be taken by applicants if their application was turned down. Members were advised that there was no right of appeal in cases where a licence for a sex establishment was turned down; an applicant could use alternative methods such as applying for a judicial review.
- The reasons why the Licensing Sub-Committee might turn down an application, on both mandatory and discretionary grounds.
- The suitability of an applicant would be partly assessed based on their previous relevant knowledge and experience. This would include consideration of whether the applicant had ever held a licence with the Council and whether they had complied with the terms of the licence.
- The probability that applicants with unspent convictions would not receive a licence.

- Protection available to staff employed at sex establishment venues. The standard conditions applicable to licences for sexual entertainment venues addressed issues such as provision of dressing rooms.
- The need for all licences for sex establishments to be considered in accordance with the terms of the policy and guidance. Local authorities could not apply any moral judgement when assessing such applications.

RESOLVED that

the draft Sex Establishment Licensing Policy be approved for the purpose of consultation with relevant stakeholders and the general public.

20. LICENSING COMMITTEE WORK PROGRAMME 2014/2015

Members were advised that the following items were due to be considered by the Licensing Committee at a meeting on 20th July 2015:

- Draft Sex Establishment Policy (Consultation Results); and
- Hackney Carriage and Private Hire Driver Licensing Policy Amendments.

The Committee was informed that the Deregulation Bill which had resulted in the need for amendments to the Hackney Carriage and Private Hire Driver Licensing Policy would also be addressed in the Licensing training that was scheduled to be delivered to Members in 2015/16.

RESOLVED that

the Licensing Committee Work Programme 2014/15 be noted.

The Meeting commenced at 7.01 pm
and closed at 7.56 pm