

# Licensing Committee

20th July 2015

## MINUTES

### Present:

Councillor Andrew Fry (Vice-Chair) and Councillors Tom Baker-Price, Roger Bennett, Natalie Brookes, Anita Clayton, Gay Hopkins, Antonia Pulsford, Rachael Smith and Jennifer Wheeler

### Officers:

K Barnett and D Etheridge

### Democratic Services Officer:

Pauline Ross

### 21. APOLOGIES

An apology for absence was received on behalf of Councillor Pat Witherspoon.

### 22. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 23. MINUTES

#### RESOLVED that

**the minutes of the meeting of the Licensing Committee held on 2nd March 2015 be confirmed as a correct record and signed by the Chair.**

### 24. GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES

The Committee received a report detailing the requirement to review and consult on the Council's Statement of Principles every three years, in accordance with the provisions under the Gambling Act 2005.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed

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Chair

Members that the Council's current Statement of Principles took effect from 31st January 2013 and that, in accordance with the provisions of the Gambling Act 2005, the Council was required to prepare and publish a Statement of Principles every three years. Therefore the current Statement of Principles had to be reviewed and published by 31st January 2016.

The Senior Licensing Practitioner, WRS, drew Members' attention to paragraph 3.19 in the report, which detailed the revised and updated list of relevant parties that the Council needed to consult with. The consultation would take place over a period of eight weeks. The responses received would then be presented to a future meeting of the Licensing Committee.

The report also detailed the minor amendments which had been included (in red) in the revised draft Statement of Principles, as attached at Appendix 1 to the report.

At the request of the Chair and in response to questions raised by Members, the Senior Licensing Practitioner, WRS, briefly explained about the licensing of casinos. The Secretary of State appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos could be located. The District of Redditch was not identified as a suitable location for a casino, so therefore currently prevented from granting a Casino Premises License.

The Gambling Act 2005 paved the way for larger style casinos to be built. In 2006, the Government chose eight destinations it thought were most worthy of being granted an operating licence for a regional casino, which were later labelled "Super Casinos". In 2007 the Government reviewed its plans for regional casinos and instead supported plans for sixteen smaller casinos.

The Chair expressed his thanks to the Senior Licensing Practitioner, WRS.

**RESOLVED that**

- (a) the draft Statement of Principles, as detailed at Appendix 1 to the report, be approved for the purpose of consultation with the relevant parties, over a period of eight weeks; and**
- (b) that the responses to the consultation be presented to a future meeting of the Licensing Committee.**

**25. DRAFT SEX ESTABLISHMENT POLICY - CONSULTATION RESULTS**

Following on from the meeting held on 2nd March 2015, whereby Members approved the draft Sex Establishment Licensing Policy for the purpose of consultation; Members were asked to consider a report that detailed the responses received and to adopt the draft Sex Establishment Licensing Policy.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and informed Members that two responses to the consultation had been received, one from Trading Standards, WRS and one from a member of the public. Trading Standards, WRS, stated that they would welcome the opportunity to be consulted with on any applications received. The response received from the member of the public was included on page 29 of the report. The response appeared to be based on a fundamental moral objection and did not make any points pertinent to the draft policy.

In response to the Chair, the Senior Licensing Practitioner, WRS, drew Members attention to page 49 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'.

**RESOLVED that**

**the draft Sex Establishment Licensing Policy, as detailed at Appendix 2 to the report, be adopted as from 1st August 2015.**

**26. DEREGULATION ACT 2015 - UPDATE ON LICENSING IMPLICATIONS**

The Committee was asked to note the contents of a report which provided an update on the Deregulation Act 2015 and the licensing implications contained within the legislation.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and informed Members that the Deregulation Act 2015 contained some provisions that related to the deregulation of licensing functions carried out by WRS on behalf of Redditch Borough Council. Those functions affected were carried out under the Licensing Act 2003 (alcohol, entertainment and late night refreshment licensing) and taxi and private hire licensing.

The Act received Royal Assent on 26th March 2015 and a number of commencement dates had been confirmed for various provisions included within the Act. The table, as detailed at Appendix 1 to the report, provided a summary of the relevant provisions contained in the Act along with information on commencement dates and the actions to be taken by the Council.

**RESOLVED that**

**the Deregulation Act 2015 update report on licensing implications and Appendix 1 to the report be noted.**

**27. LICENSING ANNUAL REPORT**

The Committee considered the Licensing Annual Report 2014/2015 which provided an overall view of the activities, under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing, and to inform the Committee on any issues anticipated in the ensuing year. The report detailed the work carried out by Worcestershire Regulatory Services (WRS) Enforcement and Licensing Teams for Redditch Borough Council.

The Senior Licensing Practitioner, WRS, introduced the report and in doing so informed the Committee that since 1st June 2010 the WRS Licensing Team had taken over operational delivery of the statutory functions of licensing and enforcement of regulated activities and businesses operating under the Licensing Act 2003 on behalf of Redditch Borough Council.

Under the terms of the Licensing Act 2003 and the Gambling Act 2005, each local authority was required to prepare and publish a licensing policy which has to be reviewed every five years. During 2014 a review of the Licensing Act 2003 policy was completed.

A further review of the Gambling Act 2005, Statement of Principles was due this year, and had, as detailed at Minute Number 24, been presented to Members during the course of the meeting, whereby Members had approved the draft Statement of Principles for the purpose of consultation.

The report also detailed the number of new licences issued and granted by Redditch Borough Council in 2014/2015, under the Licensing Act 2003; the number of premises which had continued to be licensed by the Council under the Gambling Act 2005. The number of Hackney Carriage and Private Hire licensed vehicles and drivers had remained fairly consistent.

In October 2013 the Scrap Metal Dealers Act 2013 came into force within the Borough. Under this new legislation the Council was responsible for issuing scrap metal mobile collector licences and scrap metal site licences. The Council had issued 6 site licences and 24 mobile collector licences. The Licensing Team were responsible for enforcing the legislation in partnership with the Police and Environment Agency.

In response to questions raised by Members, the Senior Licensing Practitioner, WRS, informed the Committee that scrap metal mobile collectors were required to have a mobile collector's licence from every authority in areas they collected from. WRS welcomed any enquiries or concerns from Ward Members and members of the public with regard to scrap metal mobile collectors. He further informed Members that individuals and not their vehicles were licensed as mobile collectors.

Members raised several questions and made suggestions with regard to scrap metal mobile collectors displaying their licences in a predominant position in order for it to be easily seen by members of the general public. The Senior Licensing Practitioner, WRS, agreed to investigate and liaise with other authorities with regard to licences being displayed.

A brief discussion followed with regards to age exemption applications presented to the Licensing Sub-Committee and MOT advisory information included with the applications. The Council's Legal Advisor advised Members that they were required to inspect the cosmetic condition of vehicles and were not expected to approve the mechanical viability of vehicles; that was the role of the Council's depot. He also advised Members that commercial consideration should not be taken into account when considering an age exemption vehicle application.

The Senior Licensing Practitioner, WRS, informed Members that the taxi trade had requested that the Council's current policy on age exemption vehicles be reviewed, as they felt that modern vehicles were being manufactured to a high standard and therefore expected to be road-worthy for a considerably longer period of time.

Members thanked the Senior Licensing Practitioner, WRS for his comprehensive report and the advice and information provided during the course of the meeting.

**RESOLVED that**

**the Licensing Annual Report 2014/2015 be noted.**

# Licensing Committee

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20th July 2015

**28. LICENSING COMMITTEE WORK PROGRAMME 2015/2016**

The Committee noted the Licensing Committee Work Programme for the remainder of the 2015/16 Municipal Year.

The Senior Licensing Practitioner, Worcestershire Regulatory Services, agreed to provide the Committee with further information on the use of mobile phone applications (apps) currently available to book private hire vehicles.

**RESOLVED that**

**the Licensing Committee Work Programme 2015/16 be noted.**

The Meeting commenced at 7.07 pm  
and closed at 8.18 pm