

# Licensing Committee

Monday, 7 April 2014

## MINUTES

### Present:

Councillor Phil Mould (Chair), Councillors Michael Braley, Andrew Fry, Pattie Hill, Gay Hopkins and Wanda King

### Officers:

K Barnett and D Etheridge

### Committee Services Officer:

P Ross

### 32. APOLOGIES

Apologies for absence were received on behalf of Councillors Joe Baker, Alan Mason and Brenda Quinney.

### 33. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 34. MINUTES

#### RESOLVED that

the minutes of the meeting of the Licensing Committee held on 11th November 2013 be confirmed as a correct record and signed by the Chair.

### 35. SCRAP METAL DEALERS ACT 2013 - UPDATE ON IMPLEMENTATION

The Committee considered a report which provided an update on the local implementation of the Scrap Metal Dealers Act 2013 which came fully into force on 1st December 2013.

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Chair

The Senior Licensing Practitioner introduced the report and in doing so informed Members that all of the applications received were subject to consultation with West Mercia Police and the Environment Agency. Six site licences had been issued to scrap metal dealers operating sites in the Redditch Borough Council area. 23 licences had been issued to individual mobile collectors allowing them to collect scrap metal within the Borough. All licences had been granted by officers under delegated powers, none of the licences required referral the Licensing Committee. If the suitability of any licence holder was brought into question they would be brought before a Licensing Sub-Committee.

On Tuesday 17th December 2013, Worcestershire Regulatory Services (WRS) officers were involved in an operation with officers from West Mercia Police. The operation involved visiting sites where a site licence had been granted. The visits were intended to provide advice on the new legislation and in particular the record keeping requirements. Officers took the opportunity to check the records kept at the sites. Compliance was generally good, although some improvement was required at one or two sites. Advisory letters were issued to those licence holders who required improvements to their record keeping. These sites would be revisited in the near future.

WRS officers had supported other police operations, working with HM Revenue & Customs and Vehicle & Operator Services Agency (VOSA) throughout the County targeting both mobile scrap metal collectors and scrap metal sites.

The Senior Licensing Practitioner responded to Members' questions with regard to the noise nuisance caused by some scrap metal collectors using a loop sound system calling out for 'scrap metal'. Noise nuisance was not covered in the Scrap Metal Dealers Act 2013. Press releases had been issued to raise awareness amongst the general public of the new licencing requirements. Members and the general public could inform WRS officers of any concerns or issues experienced with mobile collectors in the Redditch Borough Council area.

**RESOLVED that**

**the report in relation to the local implementation of the Scrap Metal Dealers Act 2013 be noted.**

**36. LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY**

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

The Senior Licensing Practitioner introduced the report and in doing so informed Members that the Council's existing Statement of Licensing Policy had been published on 7th January 2011. Section 5 of the Licensing Act 2003 required licensing authorities to review their Statement of Licensing Policy every five years, therefore a reviewed Statement of Licensing Policy would need to be approved by Council and published no later than 7th January 2016. Whilst the Council were not legally required to review their Statement of Licensing Policy for another two years, officers felt it was desirable to review the Statement of Licensing Policy at this stage as a result of the large number of changes to the legislation and statutory guidance since the existing Statement of Licensing Policy was published in January 2011.

The draft revised Statement of Licensing Policy, attached at Appendix 1 to the report, had been completely redrafted and was based on a template provided by the Local Government Association.

The Senior Licensing Practitioner drew Members' attention to section 3.8 in the report, which detailed the legislative changes reflected within the revised Statement of Licensing Policy and section 3.9 in the report, which detailed all the relevant parties to be consulted with. The consultation would be carried out over a period of twelve weeks with the responses received during the consultation period presented to the next Licensing Committee meeting.

The Senior Licensing Practitioner responded to Members' questions in respect of door supervision in licensed premises. Members were informed that a Security Industry Authority (SIA) licence was required to undertake the licensable activities of a door supervisor. The SIA licence for door supervision required applicants to undergo specific training requirements.

**RESOLVED that**

**the draft revised Statement of Licensing Policy be approved for the purpose of consultation with all relevant parties.**

**37. HOME OFFICE CONSULTATION ON LOCALLY SET FEES UNDER THE LICENSING ACT 2003**

The Committee considered a report which provided details of the Home Office eight week consultation on the implementation of locally set fees under the Licensing Act 2003 and the draft response to the consultation from Worcestershire Regulatory Services (WRS) on behalf of the six licensing authorities in Worcestershire.

The Senior Licensing Practitioner introduced the report and informed Members that the centrally set fees under the Licensing Act 2003 had remained unchanged since 2005. The implementation of locally set fees would enable licensing authorities to achieve full cost recovery in delivering their functions under the Licensing Act 2003. Section 121 of the Police Reform and Social Responsibility Act 2011 introduced a power for the Home Secretary to prescribe in regulations that these fee levels should be set by individual licensing authorities. Locally set fees could not be used to raise extra revenue, nor were they tools to tackle crime. Fees must be based on recovering the costs that licensing authorities incurred when carrying out their licensing functions.

The Home Office was now moving towards the implementation of locally set fees and on 13th February 2014 launched an eight week consultation on the issue of locally set fees, as detailed at Appendix 1 to the report. Officers from WRS had drafted a response to the consultation, as detailed at Appendix 2 to the report, to be submitted to the Home Office by 10th April 2014.

**RESOLVED that**

**the responses to the Home Office consultation on fees under the Licensing Act 2003, as detailed at Appendix 2 to the report be noted and the Licensing and Support Services Manager, Worcestershire Regulatory Services be tasked to submit the responses on behalf of Redditch Borough Council.**

**38. REGULATION OF FACE TO FACE DIRECT DEBIT CHARITABLE STREET COLLECTIONS**

The Committee considered a report which provided details of Worcestershire Regulatory Services (WRS) officers who had engaged with representatives of the Public Fundraising Regulatory Association (PFRA) with a view to establishing an agreement to regulate the working days and areas of face to face direct debit charity street fundraisers in Redditch Town Centre.

The Senior Licensing Practitioner introduced the report and drew Members' attention to the findings of the Redditch Market Task Group, who were commissioned to carry out a review by the Council's Overview and Scrutiny Committee in November 2011. One of the recommendations in the Redditch Market Task Group's final report was that the Council should engage with the Public Fundraising Regulatory Association (PFRA) with a view to reaching an agreement to regulate the working days and areas of face to face direct debit charity street fundraisers in Redditch Town Centre.

The Redditch Market Task Group report highlighted that one of the major concerns raised by those market traders consulted with was the operation of face to face direct debit charity street fundraisers, often termed as 'chuggers', in the very near vicinity of the market. The presence of the charity street fundraisers in Alcester Street and Market Place often had a detrimental impact on trade as this was clearly deterring potential shoppers from entering the market area in the knowledge that they would likely be approached by charity street fundraisers.

The market traders also reported that on a number of occasions the charity street fundraisers had encroached upon the market trading area that was supposedly off-limits. This was believed to have had a damaging impact on trade especially as the adjacent Kingfisher Shopping Centre had already imposed a ban on charity fundraisers.

Members of the Task Group acknowledged that street fundraising was a crucial method for many charities in raising money for very worthwhile causes. The Task Group did not therefore propose that a byelaw, which would require the approval of the Secretary of State, was developed that would ban face to face direct debit charity street fundraisers from operating in the town centre altogether. However, they felt that a fairer balance could and should be reached that would preserve the various charities ability to raise donations in Redditch Town Centre but not at the expense of the market trade.

Given that one of the Task Group's main recommendations was to reduce the number of general retail market operating days to no more than three days a week, Task Group Members felt that this provided sufficient scope for direct debit charity street fundraisers to operate in Redditch Town Centre outside of the market's trading days.

The PFRA are a charity-led membership body that self-regulates all forms of face to face direct debit fundraising. This would be a voluntary arrangement which was not legally binding and could not be upheld through formal enforcement action. However they had been implemented by a number of local authorities throughout the

United Kingdom and had been proven to work well in minimising problems.

The Council's Executive Committee had considered the final report of the Redditch Market Task Group and had agreed with the recommendation that the Council should engage with the PFRA with a view to reaching an agreement to regulate the working days and areas of face to face direct debit charity street fundraisers in Redditch Town Centre.

Officers from WRS, along with Members and officers from Redditch Borough Council had engaged with representatives of the PFRA with a view to establishing such an agreement and a number of meetings had taken place.

In September 2013 a site visit was undertaken by Members, officers and the then Head of Policy at the PFRA in order to establish suitable locations for face to face direct debit charity street fundraisers within Redditch Town Centre. Following this meeting a draft Site Management Agreement was prepared and sent to the Council's Town Centre Coordinator for consideration.

The Council's Town Centre Coordinator met with the Council's Portfolio Holder for Community Safety and Regulatory Services and the Licensing Committee Chairman. At the meeting a number of amendments to the draft Site Management Agreement were discussed and agreed. A summary of those amendments were sent to the PFRA to consult with their members on whether they agreed with the Council's amendments. Providing the PFRA agree the final Site Management Agreement would be made available for all parties to sign. The final Site Management Agreement would then be presented to a future meeting of the Licensing Committee.

This final Site Management Agreement would clearly set out the parameters in relation to where, when and how face to face direct debit charity street fundraisers would be able to operate. It was therefore anticipated that it would go some way in relieving the perceived problems associated with the activities of face to face direct debit charity street fundraisers operating in Redditch Town Centre.

The PFRA produce best practice guidance for face to face direct debit charity street fundraisers, comprising of rules and also a fines system. Their compliance team would be responsible for issuing notices to fundraising organisations found to be in breach of those rules. The rules, which will build on the "Institute of Fundraisings code of practice", are contained in the PFRA rule book as detailed at Appendix A to the report.

The Senior Licensing Practitioner responded to Members' questions with regard to what checks would be in place to monitor fundraisers once the final Site Management Agreement was in place. Members' attention was drawn to page 118 in the report, which provided information on penalty points issued by the PFRA in consultation with nominated persons, as listed. Officers could walk the area to monitor the fundraisers activities to ensure compliance and liaise with the market traders to see if they were still experiencing any issues. The Senior Licensing Practitioner informed Members that once the final Site Management Agreement was in place, press releases would be issued in order to inform the general public of the terms of the Site Management Agreement and who to contact should they have any issues or concerns with regard to the activities of face to face direct debit charity street fundraisers in Redditch Town Centre.

The Senior Licensing Officer further responded to Members' questions with regard to door to door collectors and fundraisers. He highlighted that door to door collectors and fundraisers were covered under different legislation.

Members agreed that face to face direct debit charity street fundraisers could be seen as a nuisance to shoppers and felt that control was needed and a Site Management Agreement would provide that level of control.

**RESOLVED that**

**the contents of the update report on the implementation of the Council's Site Management Agreement with the Public Fundraising Regulatory Association, in relation to the control of face to face direct debit charity street fundraisers be noted.**

**39. LICENSING COMMITTEE WORK PROGRAMME 2013/2014**

The Committee noted the Licensing Committee Work Programme for the remainder of the current municipal year.

**RESOLVED that**

**the Licensing Committee Work Programme 2013/2014 be noted.**