

LICENSING

Committee

11th July 2012

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Luke Stephens (Vice-Chair) and Councillors Joe Baker, Juliet Brunner, Michael Chalk, Pattie Hill, Roger Hill and Gay Hopkins

Officers:

C Flanagan and A Fox

Committee Officers:

P Ross

1. APOLOGIES

Apologies for absence were received on behalf of Councillors Gandy, King and Mason.

2. DECLARATIONS OF INTEREST

Councillor Baker declared that he had a disclosable pecuniary interest in agenda item 24 (Taxi Rank Redditch Town Centre – Short Stay Car parking) and stated that his business premises was located on Unicorn Hill and withdrew from the meeting during the discussion of this item.

3. MINUTES

RESOLVED that

the minutes of the Licensing Committee held on 9th January 2012 be confirmed as a correct record and signed by the Chair.

4. STREET TRADING - AMENDMENT

The Committee received a report that detailed an amendment to the Borough's Street Trading Policy and the application process.

The Senior Licensing Practitioner introduced the report and in doing so informed Members that the current Street Trading Application process required the applicant to provide a Basic Criminal Records Bureau (CRB) Disclosure.

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Chair

Members were further informed that although a CRB was required there was no standard set or guidance given within the Street Trading Policy to identify if an offence/caution/conviction justified a review or refusal of a Street Trading Consent.

The Senior Licensing Practitioner and Principal Solicitor responded to Members' questions with regard to Street Traders operating in isolated areas and the potential risk to children. The Principal Solicitor informed the Committee that the Council was not been asked to determine if the applicant was a 'fit and proper person' to be granted a Consent and was it a reasonable requirement requesting a Basic CRB Disclosure; as during the application process relevant agencies, including the Police, were consulted with and that prior to the granting of a Street Trading Consent the Council would pay particular attention to the views of the Police and any other agency consulted with.

Further discussion followed on Street Traders in other authorities and if the requirement of a Basic CRB Disclosure for Street Traders was fair and proportionate. The Senior Licensing Practitioner informed Members that no other authority required applicants to provide a Basic CRB Disclosure.

On the matter being put to the vote and with the Chairman having the casting vote it was

RESOLVED that

- 1) **applicants for a Street Trading Consent no longer be required to undertake a Basic Criminal Records Bureau (CRB) Disclosure.**

5. THE LICENSING ACT 2003 AS AMENDED BY THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

The Committee received a report on an amendment to the Police Reform and Social Responsibilities Act 2011 in relation to the suspension of Premises Licenses and Club Premises Licenses due to non payment of fees.

The Senior Licensing Practitioner introduced the report and in doing so informed Members that currently non payment of fees were only recoverable as a civil debt and the licence itself remained in force and the premises could legitimately continue to trade year after year whilst owing the Licensing Authority money. The amendment to the Licensing Act 2003 enabled the Licensing Authority to suspend licences until the debt was paid, once paid the licence would be re-instated.

The Senior Licensing Practitioner responded to Members' questions with regard to information received by licence holders. Members were informed that in future licence holders would receive an annual invoice from the Council's finance department together with a statement reminding them of their duty to pay the invoice in a timely manner and the consequences of failure to do so. If the Council suspends a licence, the holder will be notified in writing specifying the date on which the suspension takes effect.

RESOLVED that

- 1) **the report be noted; and**
- 2) **the Scheme of Delegation be amended to authorise the Head of Worcestershire Regulatory Services to suspend Premises and Club Premises Licenses following non payment of fees.**

6. TAXI RANK REDDITCH TOWN CENTRE - SHORT STAY CAR PARKING

The Committee received a report on the Unicorn Hill Hackney Carriage rank and the proposed amendments to the Unicorn Hill Hackney Carriage rank to reduce the number of spaces by four during the day with the rank remaining in its present state during the evening.

The Senior Licensing Practitioner introduced the report and in doing so informed the Committee of the petitions received by the Council's Overview and Scrutiny Committee on 24th May 2011 and 24th January 2012 and the Executive Committee on 31st January 2012 where it was RESOLVED that:

"Officers facilitate a meeting with relevant partner agencies and stakeholders, including the petitioners, to discuss proposals for short stay car parking in the town centre".

As detailed in the report a meeting was facilitated on 1st March 2012, but a member of staff from Licensing was unavailable to attend the meeting to highlight the implications and problems in creating and amending the rank and that any proposed changes to the rank would need to be subject to a full 12 week consultation with those affected including the taxi trade. A further meeting was held on 9th May 2012 with all parties present where it was suggested a report be submitted to the Licensing Committee for Members to determine whether or not officers should conduct a 12

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week consultation on the proposed amendments to the Unicorn Hill Hackney Carriage Rank.

The Senior Licensing Practitioner responded to Members' questions with regard to the potential cost of the consultation and the proposed changes should the rank be amended.

RESOLVED that

- 1) Officers conduct a 12 week consultation with all parties on the proposed amendments to the Unicorn Hill Hackney Carriage rank to reduce the spaces by four during the day, but in the evening the rank to remain in its present state.**

The Meeting commenced at 7.00 pm
and closed at 7.53 pm