

Meeting of the Licensing and Safety Committee

**Wednesday 29th May, 2019 at 6.00pm
In Committee Room 2, Council House, Priory Road, Dudley**

Agenda - Public Session (Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. [To confirm and sign the minutes of the meeting held on 7th February, 2019 as a correct record.](#)
5. [Appointment of Licensing Sub-Committees \(Pages 1 - 4\)](#)
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



**Chief Executive
Dated: 20th May, 2019**

Distribution:

Councillor S Keasey (Chair)

Councillor M Evans (Vice-Chair)

Councillors J Baines, P Drake, C Elcock, K Finch, S Greenaway, P Miller, C Perks, A Taylor, E Taylor and S Waltho.

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Elected Members

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- Members can submit apologies by contacting Democratic Services. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- You can contact Democratic Services by Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk



Minutes of the Licensing and Safety Committee

Thursday 7th February, 2019 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

Present:-

Councillor C Elcock (Chair)
Councillor K Finch (Vice-Chair)
Councillors J Baines, H Bills, M Evans, A Goddard, S Keasey, C Perks, A Taylor, E Taylor and S Waltho.

Officers:-

H Marsh-Geyton – Head of Fleet and Waste Care, S Smith – Team Manager (Licensing and Waste Enforcement) (Both Place Directorate); I Grosvenor – Senior Principal Accountant and H Shepherd (Democratic Services Officer) (Both Chief Executive Directorate).

11 **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor P Miller.

12 **Declarations of Interest**

No member made a declaration of interest in accordance with the Members' Code of Conduct.

13 **Minutes**

Resolved

That, the minutes of the meeting held on 7th November, 2018, be approved as a correct record and signed.

14 **Revision of Licence Fees**

A report of the Strategic Director Place was submitted on the revision of fees for licences and consents, other than those where the fees were imposed by statute in respect of liquor licensing, gambling machine permits, lotteries and amusements.

The Team Manager (Licensing and Waste Enforcement) presented the report and the Senior Principal Accountant provided the rationale behind the suggested 4.5% fee increase, and in doing so advised that the increase would support the offset of the pay award for the licensing administration staff.

Members expressed concern in respect of the proposed 4.5% increase, as it was considered that the rise did not accurately reflect the rate of inflation and was likely to deter businesses from approaching Dudley, in particular street traders.

Arising from a question raised by a Member in relation to comparative figures with neighbouring authorities, the Team Manager (Licensing and Waste Enforcement) confirmed that all authorities were currently undertaking the same process in respect to the revision of licence fees. It was also commented that all authorities were in a similar situation with regards to an increased cost pressure as a result of pay awards, as licensing administration staff were predominately low income employees.

The Team Manager (Licensing and Waste Enforcement) advised that regulations allowed for the value of individual areas to be considered separately, and therefore should the Committee be minded not to increase the value in all areas, this would be accepted, permitted that the value set could be ascertained as to being the cost of administering the licensing function.

Members commented on necessity to support street traders and referred to how Dudley market operated in comparison to markets within neighbouring authorities. Members proposed that the 4.5% increase be applied to all licences, except Street Trader Consent, which was suggested to remain the same.

Resolved

That, an increase of 4.5%, with effect from 1st April, 2019, in respect of fees for licences and consents, other than those in relation to Street Trading Consents and the fees imposed by statute in respect of liquor licensing, gambling machine permits, lotteries and amusements, be approved.

The meeting ended at 6.23pm.

CHAIR

Licensing and Safety Committee – 29th May, 2019

Report of the Lead for Law and Governance

Appointment of Licensing Sub-Committees

Purpose

1. To consider the appointment of four Licensing Sub-Committees for the municipal year 2019/20.

Recommendations

2. It is recommended that:-
 - four Licensing Sub-Committees be established to deal with all licensing applications requiring member determination in accordance with the functions allocated to the Licensing and Safety Committee;
 - consideration be given to the proposed membership of the Licensing Sub-Committees for 2019/20, as set out in Appendix 1 of the report submitted;
 - the substitution arrangements as set out in the Council's procedure rules be noted and applied to the Licensing Sub-Committees subject to an eligibility requirement that any named substitute must be:-
 - a) appointed to the Licensing and Safety Committee;
 - b) otherwise eligible to serve on any given occasion;
 - c) notified to the Monitoring Officer prior to the commencement of the meeting in question.

Background

3. The Licensing and Safety Committee was appointed at Annual Council to undertake the statutory Committee functions in accordance with the Licensing Act 2003. The Committee also undertakes functions under various other legislative provisions, as referred to in paragraph 11 and otherwise as set out in the Constitution.

4. In practice the majority of licensing applications are dealt with by the Licensing Sub-Committees. For 2019/20 it is proposed to appoint Licensing Sub-Committees on the same basis as in the previous municipal year (four Sub-Committees comprising of three Members each).
5. The functions of the Licensing and Safety Committee are set out in the Council's Constitution. It is recommended that the Licensing Sub-Committees be given delegated powers to consider all licensing functions requiring Member determination in accordance with these functions.
6. The Council has decided that the proportionality requirements of the Local Government and Housing Act 1989 shall not apply to Licensing Sub-Committees. It is therefore a matter for this Committee to appoint Members to the four Sub-Committees. A list of the proposed names of Members to be appointed, together with the respective Chairs of each Sub-Committee is attached as Appendix 1 to the report submitted.
7. The scheduled dates of Licensing Sub-Committees for 2019/20 are as set out in the calendar of meetings agreed at Annual Council on 16th May, 2019.
8. Mandatory Committee training for Members has been arranged for 29th May, 2019 at 5pm prior to the commencement of the Committee. All Members must have completed the mandatory Committee training, prior to serving on a Sub-Committee.
9. Members may wish to note the substitution arrangements for meetings, which are contained in the Council Procedure Rules in the Constitution as follows:-

“The appointment of a substitute member is permitted for every member on any body exercising functions of a quasi-judicial nature where it is necessary for that body to be of a prescribed size or there is a need to comply with the requirements of any statutory requirement or Government guidance. A substitute member shall only be appointed if he/she is otherwise eligible to serve on the body concerned. Any substitute nominated to serve on a quasi-judicial body should be notified to the Monitoring Officer prior to the commencement of the meeting in question.

A substitute member shall serve only for the duration of the meeting to which they are appointed as a substitute except in the case of a quasi-judicial body:-

- a) Where a member is required to withdraw from, or cannot attend to hear a particular case, where substitution will be permitted for that particular case.
- b) Where an adjourned meeting is reconvened and it is essential for the substitute member to consider a case to comply with the rules of natural justice. In these circumstances, the substantive member may not attend other than as an observer.

Finance

10. There are no direct financial implications arising from the content of this report.

Law

11. • Liquor Licensing is governed by the Licensing Act 2003.
• Street and Door to Door Collecting is governed by Police, Factories, etc (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939.
• Street Trading is governed by Local Government (Miscellaneous Provisions) Act 1982 Part III.
• Scrap metal yards and motor salvage operators is governed by the Scrap Metal Dealers Act 2013.
• Sex Shops is governed by Local Government (Miscellaneous Provisions) Act 1982 Part II.
• Performance Hypnotism is governed by Hypnotism Act 1952.
• Gambling Licences and Permits are governed by the Gambling Act 2005.

Equality Impact

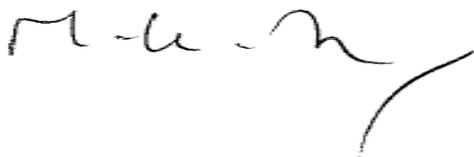
12. This report takes into account the Council's equality and diversity policies.
13. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
14. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Transformation

15. There are no Human Resources/Transformation implications.

Commercial Implications

16. There are no commercial implications.



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Lead for Law and Governance

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List of Background Paper

Dudley's Constitution

Proposed Membership of Licensing Sub-Committees 2019/20

The Licensing and Safety Committee comprises – Councillors:-

J Baines, P Drake, C Elcock, M Evans, K Finch, S Greenaway, S Keasey, P Miller, C Perks, A Taylor, E Taylor, S Waltho.

3 Members comprise a Sub-Committee – with a Chair and 2 others

Licensing Sub-Committee 1

Councillors –
S Keasey (Chair), C Elcock and C Perks

Licensing Sub-Committee 2

Councillors –
M Evans (Chair), J Baines and P Drake

Licensing Sub-Committee 3

Councillors –
K Finch (Chair), A Taylor and S Greenaway

Licensing Sub-Committee 4

Councillors –
E Taylor (Chair), S Waltho and P Miller