

## Meeting of the Licensing and Safety Committee

**Monday 30<sup>th</sup> May, 2022 at 6.00pm**

**In Committee Room 2 at the 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 serving for this meeting of the 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 2<sup>nd</sup> February, 2022 as a correct record.](#)
5. [Appointment of Licensing Sub-Committees for the 2022/23 Municipal Year \(Pages 1 – 4\)](#)
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: 19<sup>th</sup> May, 2022**

#### **Distribution:**

To all Members of the Licensing and Safety Committee



## **Please note the following concerning meetings at Dudley Council House:**

In view of ongoing Health and Safety requirements in the work place, you are asked to note the following information when attending meetings:-

- Windows/doors will be opened to provide adequate ventilation.
- Please ensure you sanitise your hands when arriving and leaving the building. Hand washing facilities are also available on site.
- Hand sanitiser and antibacterial wipes are available at various locations.
- All persons entering or working in the Council House are encouraged to wear face masks in communal areas and when moving around the building.
- Face masks may be removed when you are participating in the meeting.
- All people attending are encouraged to undertake Lateral Flow Tests twice a week. Anyone testing positive should not attend and should seek further advice.
- Do not attend if you feel unwell; if you have tested positive for Covid-19; if you are self-isolating or if you suspect that you are symptomatic.
- All people are encouraged to be vaccinated to limit any potential ill-health effects.
- Please be respectful of everyone's personal space and preferences when you attend meetings.

### **Toilets**

- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

### **No smoking**

- There is no smoking on the Council House premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

### **In Case of Emergency**

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.



### **Submitting Apologies for Absence**

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

### **Private and Confidential Information**

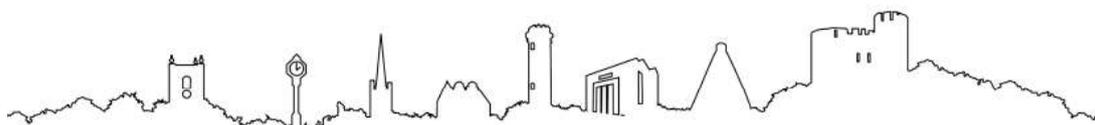
- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

### **General**

- Public Wi-Fi is available in the Council House.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- Information about the Council and our meetings can be viewed on the website [\*\*www.dudley.gov.uk\*\*](http://www.dudley.gov.uk)

### **If you need advice or assistance**

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail [\*\*Democratic.Services@dudley.gov.uk\*\*](mailto:Democratic.Services@dudley.gov.uk)



**Minutes of the Licensing and Safety Committee  
Wednesday 2<sup>nd</sup> February, 2022 at 6.00 pm  
In Committee Room 2 at the Council House, Dudley**

**Present:**

Councillor E Taylor (Chair)  
Councillor J Clinton (Vice-Chair)  
Councillors R Burston, J Cowell, P Drake, M Evans, K Finch, P Miller, K Razzaq and A Taylor.

**Officers:**

S Smith - Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm);  
R Clark – Solicitor, I Grosvenor – Finance Manager, R Hinett – Principal Accountancy  
Assistant and H Mills – Democratic Services Officer (Directorate of Finance and Legal).

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9 **Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of Councillors C Elcock and A Millward.

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10 **Declarations of interest**

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

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11 **Minutes**

**Resolved**

That the minutes of the meeting held on 8<sup>th</sup> November, 2021, be approved as a correct record and signed.

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## 12 Revision of Licence Fees

A report of the Acting Director of Public Realm was submitted to consider 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 and lotteries and amusements.

In referring to paragraph 10 of the report, the Finance Manager advised that there had been a minor amendment to the figures printed, following a realignment of printing charges. The cost of licence administration should read £729,700, with the Net (surplus) of Licensing Administration equating to £92,100.

The Finance Manager provided a breakdown as to how the cost of licensing administration was formulated and outlined the reasons as to why this had increased by £20,600 from the previous financial year, which was reportedly due to the assumptions of a 1.75% pay increase for 2021/22 and a 2% pay increase for 2022/23, as well as an increase in National Insurance contributions.

The Committee were advised that 77% of the cost of licensing attributed to the administration of Hackney Carriage Licences and the remaining 23% for all other licensing functions. It was confirmed that the projected budget had been calculated with the assumption that there would be no increase to fees and charges for 2022/23 as budget income received from liquor licensing, gambling, street trading and all other licensable activities relevant to this Committee, were largely set at statutory prices. Therefore, an increase of 1 or 2% would have minimal impact to the prices in which the Authority could influence.

Arising from the presentation of the report, Members asked questions, made comments and responses were provided as follows:-

- The Team Manager (Licensing and Waste Enforcement) confirmed that the Licensing Team was responsible for both issuing Liquor and Gambling licences, as well as Taxis licences, though the revision of fees for Taxis and Hackney Carriages would be considered at the next meeting of the Taxis Committee. It was further stated that a profit could not be made from the issue of Hackney Carriage licences, only the cost for administering the service could be recovered.
- In accordance with legislation the costs paid for an application, that was subsequently withdrawn or refused, were refunded back to the applicant, irrelevant of the costs incurred by the Local Authority, whilst dealing with the application.
- Though previously indicated, the fees set by the Secretary of State had not been increased since 2007. Local Authority's continued to lobby Central Government with regard to a review of fees.

- Should the Committee be minded to increase the fees by 1% this would equate to £142 increase in surplus or £284 if a 2% increase was approved.

Members were mindful of the current financial climate and the challenges businesses continued to experience as a result of the coronavirus pandemic, though also aware of the cost in carrying out the regulatory function.

### **Resolved**

That no action be taken to increase the fees for licences and consents, with effect from 1<sup>st</sup> April 2022, other than those where the fees are imposed by statute in respect of liquor licensing, gambling machine permits and amusements.

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The meeting ended at 6.25 pm.

CHAIR



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**Meeting of the Licensing and Safety Committee – 30<sup>th</sup> May, 2022**

**Report of the Lead for Law and Governance**

**Appointment of Licensing Sub-Committees for the 2022/23 Municipal Year**

**Purpose**

1. To consider the appointment of four Licensing Sub-Committees for the 2022/23 municipal year.

**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;
  - that consideration be given to the proposed membership of the Licensing Sub-Committees for 2022/23 in accordance with the list to be circulated at the meeting;
  - that 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.
  - that the Lead for Law and Governance (Monitoring Officer) be authorised to make any necessary changes to the membership or composition of Sub-Committees that might arise during the municipal year taking account of the wishes of the political groups.

## **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 2022/23 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 will be circulated at the meeting.
7. The scheduled dates of Licensing Sub-Committees for 2022/23 are as set out in the calendar of meetings agreed at Annual Council on 19<sup>th</sup> May, 2022. Additional meetings may be arranged in consultation with the Chair of the Licensing and Safety Committee.
8. All Members of the Committee must have completed the mandatory Committee training which was held on 25<sup>th</sup> May, 2022, to be eligible to continue to serve on the Committee and Sub-Committees.
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. Any financial implications arising from the proposals in this report will be met from existing resources.

## **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.

## **Risk Management**

12. The Council is committed to adopting best practice in its management of risk. It aims to ensure risk is maintained at an acceptable level in order to maximise opportunities and demonstrate that it has given full consideration of the implications of risk to the delivery and achievement of its outcomes, strategic aims and priorities.

## **Equality Impact**

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

## **Human Resources/Organisational Development**

14. Governance arrangements will be administered from existing resources.

## **Commercial/Procurement**

15. Decisions taken by the Committee will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus as appropriate.



## Council Priorities

16. Dudley operates a One Council ethos to build an effective and dynamic organisation aligned to its three core priorities to grow the economy and create jobs; create a cleaner and greener place and support stronger and safer communities.
17. The appointment of Licensing Sub-Committees would contribute to the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



**Mohammed Farooq**  
**Lead for Law and Governance**  
**(Monitoring Officer)**

Contact Officer: Helen Mills  
Democratic Services Officer  
Telephone No. 01384 815271

## List of Background Documents

- Dudley MBC Constitution
- Annual Council Meeting – 19<sup>th</sup> May, 2022

