



**Borough of Tamworth**

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## LICENSING COMMITTEE

11 June 2019

Dear Councillor

A meeting of the Licensing Committee will be held in **Council Chamber - Marmion House on Thursday, 20th June, 2019 at 6.00 pm**. Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, appearing to be 'AJS', followed by a long horizontal line extending to the right.

**Chief Executive**

### A G E N D A

#### NON CONFIDENTIAL

- 1 **Apologies for Absence**
- 2 **Appointment of Vice-Chair**
- 3 **Minutes of the Previous Meeting (Pages 5 - 6)**
- 4 **Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*

**5 Environment, Health and Regulatory Service (EHRS) – Review of Licensing Activity 2018/19** (Pages 7 - 10)

*(Report of the Assistant Director for Growth and Regeneration)*

**6 Review of Statement of Licensing Policy 2020-2024** (Pages 11 - 14)

*(Report of the Assistant Director, Regeneration and Growth)*

*Appendices 1 – 4 of the Report are To Follow as a Supplement*

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**Access arrangements**

*If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail [democratic-services@tamworth.gov.uk](mailto:democratic-services@tamworth.gov.uk). We can then endeavour to ensure that any particular requirements you may have are catered for.*

**Filming of Meetings**

*The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.*

*The Protocol requires that no members of the public are to be deliberately filmed. Where possible, an area in the meeting room will be set aside for videoing, this is normally from the front of the public gallery. This aims to allow filming to be carried out whilst minimising the risk of the public being accidentally filmed.*

*If a member of the public is particularly concerned about accidental filming, please consider the location of any cameras when selecting a seat.*

**FAQs**

*For further information about the Council's Committee arrangements please see the FAQ page [here](#)*

To Councillors: B Price, R Bilcliff, P Brindley, R Claymore, T Clements, M Greatorex, M J Greatorex, T Jay, R Kingstone, K Norchi, S People, R Rogers and M Summers.

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**MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE  
HELD ON 7th MARCH 2019**

PRESENT: Councillor B Price (Chair), Councillors R Bilcliff, A Bishop, R Claymore, T Clements, S Doyle, R Ford, S Goodall, S People and R Rogers

The following officers were present: Stephen Lewis (Head of Environmental Health), Santokh Gill (Legal Adviser) and Jo Hutchison (Democratic and Elections Officer)

**20 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M Gant, R Kingstone and K Norchi.

**21 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 10<sup>th</sup> January 2019 were approved and signed as a correct record.

*(Moved by Councillor T Clements and seconded by Councillor A Bishop)*

**22 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**23 RIDE HAILING APPLICATIONS - UPDATE**

The Head of Environmental Health provided an update to the Licensing Committee on Ride Hailing Applications (RHA).

**RESOLVED** That Committee noted the contents of this report.

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Chair

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## LICENSING COMMITTEE

20 JUNE 2019

### REPORT OF THE ASSISTANT DIRECTOR GROWTH AND REGENERATION

#### ENVIRONMENT, HEALTH AND REGULATORY SERVICE (EHRS) – REVIEW OF LICENSING ACTIVITY 2018/19

#### EXEMPT INFORMATION

Nil

#### PURPOSE

This is an information item briefing the committee about the Team's business support and enforcement work for FY2018-19.

#### RECOMMENDATIONS

That Licensing Committee note the content of the report and endorse future work for 2019-20.

#### EXECUTIVE SUMMARY

EHRS deals with the administration, principally of the Licensing regimes under the Licensing Act 2003 and Gambling Act 2005. In addition, it covers Taxi and Private Hire Licensing under Local Government (Miscellaneous Provisions) Act 1976 & 1982. The Licensing Team also administer the licensing of scrap metal dealers and motor salvage businesses under The Scrap Metal Dealers Act 2013.

This report reviews the work over the last financial year and provides information upon the various activities undertaken in fulfilment of the Council's obligations. One item was brought before committee this year compared to six in the previous year (not including information reports and policies for approval). Smoking infringements in relation to Taxi and Private Hire Licensing still occur, however no drivers have reached the threshold to appear before this Committee.

#### RESOURCE IMPLICATIONS

No specific financial implications emanate from this report which provides a review of the Council's Licensing Team's enforcement and administration activities during 2018/19.

#### Crime And Disorder Reduction Implications

One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The Licensing team inspects licensed premises and takes formal enforcement action in accordance with the Council's enforcement policy. Thus the Licensing team plays its part in helping to drive down crime and which in turn will reduce fear of crime and ASB levels helping to promote a healthier, happier and more cohesive

community. This will have efficiency benefits for adult social care and public health costs by keeping people healthier and more active for longer.

### **LEGAL/RISK IMPLICATIONS BACKGROUND**

The Licensing Team exercises the Council's regulatory functions under the Local Government and Miscellaneous Provisions Act 1976 & 1982; Licensing Act 2003, Gambling Act 2005 and the Scrap Metal Dealers Act 2013. The Council will be at risk of legal challenge if its decision making process on determining applications is not transparent and evidentially based. Also the Council will be at risk where a decision to take, or not to take, enforcement action does not follow the Authority's published enforcement policy. This report reviews the work over the last financial year in fulfilment of the Council's obligations.

There are no immediate legal implications arising from this report.

### **SUSTAINABILITY IMPLICATIONS**

A visibly effective taxi/licensing/gambling service links into the Corporate Plan Priorities under People and Place. Furthermore measures to promote fair trading; reduce crime and disorder will enhance the attraction of Tamworth as a place to visit and run a business.

### **BACKGROUND INFORMATION**

The vast majority of this report work relates to the Licensing Act 2003 and this financial year the Licensing Team dealt with: *(17-18 figures in brackets)*

305 Premise applications and annual fees (328); 10 have been surrendered.

67 Personal Licences (82); 1 has been surrendered.

80(88) Temporary Events Notices (TENS), of which were 13 (19) late.

Tamworth Borough Council continues to oversee the Responsible Body Group, with representation from Staffordshire Police, Trading Standards, Staffordshire Fire and Rescue, Licensing Officers and Environmental Health, Environmental Protection which meets every 6-8 weeks to discuss Licensing matters, including possible problem premises.

### **Gambling Act 2005**

5 (13) machine entitlements and 2 (2) Permits and or certificates were issued, however 6 (8) entitlements and 1 (2) permits were surrendered. All premises, comprising 7 betting and 2 bingo halls were inspected.

### **Taxi Licensing**

Administered and issued;

Drivers – 230 (227)

Hackney Carriage Vehicles – 124 (127)

Private Hire Vehicles – 93 (96)

Vehicle Operators – 10(10)

There appears to be no real movement in the number of licences issued and



a recruitment agency has been used to provide additional drivers.

### **Miscellaneous**

Street Collections – 74 (68)  
House to House Collections – 26 (34)  
Lotteries – 14 (5)

### **Scrap Metal**

In addition the team administered and issued 5 (5) Site Licence and 14 (14) Collectors, applications from outside the Borough indicate there is a need for this service.

### **Committee Work**

Four items were considered by this committee leading to the removal of a designated premises supervisor. The other items were the adoption of a Revised statement of Gambling Policy; the introduction of a Taxi Licensing points scheme and an overview of ride hailing applications.

## **KEY STRATEGIC ISSUES AND IMPACTS ON 2018/19 OPERATIONS**

### **Animal Welfare**

A new member of staff has attended a training course to enable Tamworth Borough Council to meet its responsibilities and implement a new national scheme regulating the welfare of animals. 11 premises are licensed; 1 pet animal store; 1 licensed dog breeder. There was a refusal due to unacceptable conditions.

### **Taxi Knowledge Test**

Revisions to the knowledge test reflect current best practice in customer service and the pass rate is 70 percent.

### **Unauthorised Encampments**

This area of work relates to unplanned work and can place significant demand on a small team. There were at least 6 occasions where the team deployed to an encampment on either private and public land. Although not a responsibility, members should be aware that the team supports business where the encampment is not on council land.

## **FUTURE WORK**

### **Revision to Licensing Policy**

The current Licensing Act policy will need to be reviewed in order to create a statement of principles (separate report) that is adopted by the end of this year.

### **Safeguarding**

Tamworth Borough Council commenced refresher training in safeguarding for all Private hire drivers; operators and hackney carriage driver. It should be noted that other Local Authorities in Staffordshire continue to make this compulsory.

**Renewals**

This year is the first occasion of renewing the three yearly licences for taxi drivers and the impact on current work will need to be monitored.

**Taxi Points Scheme.**

The scheme is at early stages of implementation, at present no points have been issued and again the impact on current work will need to be monitored.

**REPORT AUTHOR**

*"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Regulatory Services Manager. Ext 437"*

**LIST OF BACKGROUND PAPERS**

1. Department of Media Culture and Sport (DCMS) Licensing Return 2018-19.
2. Gambling Commission Return 2018-19.

**APPENDICES**

Nil

## LICENSING COMMITTEE

DATE 20 JUNE 2019

### REPORT OF THE ASSISTANT DIRECTOR, GROWTH AND REGENERATION

#### REVIEW OF STATEMENT OF LICENSING POLICY 2020-2024

#### EXEMPTIONS

None.

#### RECOMMENDATIONS

The Committee note the forthcoming public consultation on a revised Licensing Policy and that the Committee will be asked later in the year to consider the results of that consultation and give their comments and recommendations to Cabinet and Full Council for approval by 31 December 2019.

#### PURPOSE

The purpose of this report is to advise Members of the intention to undertake a public consultation leading to the production of a revised version of the policy statement to be recommended for adoption by Council.

#### EXECUTIVE SUMMARY

The current Statement of Licensing Policy expires in December 2019. In order for the Council to fulfil its statutory obligations under the Act, it is necessary to adopt a new policy before that date. In reviewing the Statement of Licensing Policy the Council should widely consult on its content and give due consideration to any comments received as part of the consultation process. A further report will be presented to Licensing Committee on completion of the consultation exercise. The proposed timetable is as follows:

<b>Action</b>	<b>Date</b>
Consultation & Liaison	June/July – September/October 2019
Licensing Committee	October 2019
Cabinet to make a recommendation to full Council	November 2019
Council for adoption	December 2019

#### BACKGROUND

The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate. Tamworth Borough Council adopted the current Statement of Licensing Policy on 16 December 2014. It must be revised, adopted and published by 1 January 2020.

The Statement of Licensing Policy fulfils two principal purposes; firstly, it provides advice to businesses and the public on the Council's overall position concerning the Licensing Act 2003. Secondly, it provides a decision-making framework for the Council via its Licensing Committee to exercise its functions under the Act. As such the policy must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities.

Failure to achieve the correct balance could lead to a policy being either overly prescriptive or open to challenge or alternatively ineffective in the protection of local residents through a failure to promote the licensing objectives effectively.

The Policy seeks to promote the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; and
- the protection of children from harm.

In accordance with the Government's Code of Practice on Consultation, 12 weeks will be allocated for the consultation and for the return of responses. It is proposed that between 21 June 2019 and 30 September 2019, the current Statement of Licensing Policy will be subject to broad 12-week public consultation. In addition to the statutory consultees, many other individuals, agencies and organisations considered to be affected by the policy have been identified and their comments will be invited.

Since the last review of the Licencing Policy Government legislation has changed and now requires a Cummulative Impact Aessment to be carried out to support any Cummulative Impact Zone. Discussions have taken place with the Police who are supportive of retaining the zone and officers are now finalising the Assessment which will be detailed in the Policy document. At the time of writing this report the revised licensing policy is being finalised and will be sent as a late item before the Committee meeting along with a summary of the changes, the Cumulative Impact Policy and a report from Staffordshire Police.

The policy revision will also appear on the Council's website, where e-mail responses will be invited. The new policy will look to adopt good practice and seek greater involvement from responsible authorities and the public.

## **FINANCIAL IMPLICATIONS**

The costs of consultation and publication of the revised policy will be met from existing budgets.

## **LEGAL/RISK IMPLICATIONS**

The Licensing Authority is required under the Licensing Act 2003 to prepare and publish a statement of its licensing policy every five years. The consultation, policy development and reporting process may require support from Tamworth Borough Council Legal Services.

## **EQUALITY AND DIVERSITY**

An Equality Impact Assessment screening will be carried out during the policy review and take into consideration the results of consultation and any proposed changes to policy prior to adoption.

## **SUSTAINABILITY**

Tamworth Borough Council's licensing policy forms a central part in the support, control and regulation of the economy; in particular evening and night time economies. As such, it can be viewed as having a pivotal role in the prevention of alcohol related crime and disorder.

The effective control of licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for alcohol related issues or mitigate their effects. This coupled with the appropriate use of the review process can significantly contribute towards crime reduction and enhance Tamworth's reputation as a place to live and visit.

## **REPORT AUTHOR**

*"If Members would like further information or clarification prior to the meeting, please contact Matthew Bowers, 01827 709276"*

## **APPENDICES**

1. Draft Revised Tamworth Borough Council Statement of Licensing Policy 2020-2025.
2. List of amendments 2020-2025.
3. Cumulative Impact Policy.
4. Staffordshire Police response

## **LIST OF BACKGROUND PAPERS**

1. Licensing Act 2003.
2. Revised Guidance under s182 of the Licensing Act 2003.

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