



Licensing Committee

Minutes – 25 September 2013

Attendance

Members of the Committee

Cllr Bishan Dass (chair)
Cllr Ian Claymore
Cllr Susan Constable
Cllr Patricia Patten
Cllr Rita Potter

Cllr Alan Bolshaw
Cllr Craig Collingswood
Cllr Keith Inston
Cllr Neville Patten
Cllr John Rowley

Staff

Sarah Hardwick	Senior Solicitor (Delivery)
Andy Jervis	Head of Regulatory Services (Education and Enterprise)
Dan O'Brien	Section Leader, Environmental Health (Commercial)
Colin Parr	Licensing Manager (Education and Enterprise)
Linda Banbury	Democratic Support Officer (Delivery)

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
BUSINESS ITEMS		
1.	Apologies for absence Apologies for absence were submitted on behalf of Cllrs Harman Banger and Mark Evans	Linda Banbury
2.	Declarations of interest No interests were declared.	-
3.	Minutes Resolved: (a) That the minutes of the meeting held on 31 July 2013 be	-

approved as a correct record.

- (b) That the minutes of the meetings of the Licensing Sub-Committee held on 2 August (x 2), 14 August and 12 September 2013 be approved as a correct record and adopted.

4. **Matters arising**

Committee 31 July 2013

The Head of Regulatory Services confirmed that the issues raised in regard the One Stop Shop, 66 Oxley Moor Road were being addressed by the Council.

The Licensing Manager advised that a report was due to be presented to the next meeting for approval of the Small Casino Licence Evaluation Panel. Officers were due to interview the regeneration, employment, finance and legal experts the following week and the Stage 2 applicants would be afforded the opportunity to raise objections to any of the independent Panel members. Stage 2 would commence on 1 November, with a three month evaluation period and final report being presented to this Committee in Spring 2014.

Sub-Committee 12 September 2013

A discussion took place regarding consideration of the application for a new premises licence in respect of Super Mahan, 31 Thornley Street. Councillors were concerned that, despite the implementation of the Cumulative Impact Policy being initially led by the West Midlands Police, there was still a lack of consistency in regard to the representations made by them. The Sub-Committee had noted that the initial premises licence application had been extremely vague, with the Responsible Authorities practically writing the operating schedule for the applicant. Only the Licensing Authority had objected to the late closing hours and the revised timings were accepted by the applicant's legal representative prior to the meeting. Given the withdrawal of objections by the Responsible Authorities, following agreement of conditions with the applicant's legal adviser, the Sub-Committee had taken the pragmatic and only step available to them of granting the application.

The Licensing Manager referred to the rebuttable presumption to refuse in regard to applications in the Cumulative Impact Zone

(CIZ). He acknowledged the advice of the Solicitor that all applications must be considered on their individual merit, but would undertake to ensure relevant representations were made by the Licensing Authority against all future applications of this type within the CIZ. He further undertook to raise the Committee's concerns at the next meeting of the Responsible Authorities Forum. The Solicitor advised that the Licensing Act 2003 actively encouraged negotiation between the parties prior to any hearing and it was therefore likely that this practice would continue.

The Licensing Manager further indicated that the Policy was not robust enough in regard to the issue of street drinking, adding that a comprehensive piece of work was underway, including the issues of early morning restriction orders and the late night levy, with anticipated implementation in Spring 2014.

5. **Schedule of outstanding minutes**

A report was presented, which set out a schedule of outstanding minutes, together with an indication of when individual reports would be submitted for consideration.

Resolved:

That the report be received.

Linda
Banbury

6. **Safety of Sports Grounds Policy Document – managing safety of sports grounds**

The Section Leader (Environmental Health, Commercial) presented a report, which sought endorsement of the policy document.

Resolved:

That the Policy Document Managing Safety at Sports Grounds, as detailed at Appendix A to the report be endorsed.

Dan O'Brien

7. **New General Safety Certificate – Molineux Stadium, Waterloo Road, Wolverhampton**

The Section Leader (Environmental Health, Commercial) presented a report, which sought endorsement of a new General Safety Certificate for the Molineux Stadium. Responding to a question in regard the designated section of the stadium for away fans the Officer advised that, in view of the halt to the comprehensive redevelopment programme, the location for away fans was assessed by the relevant authorities prior to each individual game.

It was noted that the authority had not, in the past, made a charge for preparing and issuing the safety certificate; the cost of officer time would probably be in the region of £3-4,000.

Resolved:

- (a) That the new Safety Certificate for the Molineux Stadium, Waterloo Road, Wolverhampton, as detailed at Appendix A to the report, be endorsed.
- (b) That a fee be charged for the actual work carried out in preparing and issuing a Safety Certificate, in accordance with the Safety of Places of Sport Regulations 1988.

Dan O'Brien

8. **Scrap Metal Dealers Act 2013**

The Licensing Manager presented a report, which outlined the key provisions of the Act and the proposed local implementation arrangements, together with the compliance and enforcement arrangements. He advised that the implementation date was now 1 December 2013 and Wolverhampton traders would be given until 31 October to apply, with transitional arrangements being in place in the intervening period.

Responding to Councillors' concerns regarding nuisance from some unlicensed collectors in residential neighbourhoods, the Licensing Manager advised that the Act aimed at a regulatory framework to deal primarily with metal theft; it would provide for a record check and audit trail, and removed the ability for cash transactions. Collectors would be required to display their licence, which would be similar to the internal plate on a taxi, in the vehicle. This requirement did not however apply to all collectors. There would be multi-agency involvement and problems identified during the licensing process, which did not fall under the act, would be drawn to the attention of the relevant authorities.

Resolved:

- (a) That the fee structure, detailed within the report, be endorsed and approved to enable applications to be received and processed from 1 October 2013.
- (b) That, in accordance with the Act, authority be delegated to the Strategic Director, education and Enterprise in respect of the decision making functions outlined at section 6 of the report.
- (c) That a briefing note on the detail of the compliance and enforcement arrangements be circulated to all Members of the Council.

Colin Parr

- (d) That a progress report be presented to Committee in six months time.

9. **Performing Animals Act 1925**

The Licensing Manager presented a report, which sought approval of a revised fee for the registration of performing animals.

Resolved:

That the revised fee for the registration of performing animals, outlined at section 2.10 of the report, be approved.

Elaine
Moreton

Part 2 – exempt items

Nil