

LICENSING COMMITTEE

7 October 2013

10.00 - 10.30 am

Present: Councillors Rosenstiel (Chair), Benstead (Vice-Chair), Boyce, Brierley, Gawthrope, McPherson, Meftah, Owers, Pippas and Saunders

Officers Present:

Carol Patton: Solicitor

Jas Lally: Head of Refuse & Environment

Robert Osbourn: Licensing & Enforcement Manager

Claire Tunncliffe: Committee Manager

FOR THE INFORMATION OF THE COUNCIL

13/27/LIC Apologies for absence

Apologies were received from Councillors O' Reilly and Stuart.

13/28/LIC Declarations of Interest

No declarations of interest were made.

13/29/LIC Minutes of the previous meeting

The minutes of the meeting held on 24 June 2013 were approved as a correct record and signed by the Chair.

13/30/LIC Public Questions

There were no public questions.

13/31/LIC Fee Setting for Licensing Functions

The Committee received a report from the Licensing & Enforcement Manager regarding setting fees for licensing activities.

The report advised that the Council was entitled to recover the cost of processing and issuing licences to businesses and others and, generally, to ensure that those issued with licences were complying with the conditions which may have been attached to the licence.

The Committee were advised that Licence fees should not make a surplus or subsidise businesses. However there were previous deficits and surpluses that could be brought into account when calculating the fees. The fees could also take into consideration the cost of staff time; supporting infrastructure; the cost of arranging hearings by the Licensing Sub-Committee to determine applications, when necessary, and compliance visits to licensed premises.

The Committee made the following comments in response to the report;

- i. Questioned how efficient the procedure was to ensure that there was compliance with the conditions attached to licences.
- ii. Queried if the fees would allow for an element of monitoring compliance.
- iii. Recognised that there was a grey area between enforcement and compliance but covering the cost of enforcement should be the Court's responsibility.
- iv. Enquired if Officers had an awareness of enforcement that would not be recovered.
- v. Questioned if compliance checks would be carried out using a risk based approach.

The Committee:

Resolved (unanimously)

- i. To calculate the licence fees on the basis of the full costs to the Council of processing applications for licences for renewal and transfers of licences including:
 - the costs of convening a sub-committee to consider applications where the decisions are not delegated to officers or where officers consider that members should decide on the suitability of and applicant for a licence or renewal
 - compliance monitoring during the course of a licence to ensure that the license holder is adhering to its licensing conditions
- ii. To authorise the officers to continue work on the calculation of fees, in accordance with the principles adopted above.
- iii. To undertake the necessary consultation with the taxi trade, as identified in 4.2 of the Officer's report.

- iv. To undertake the necessary consultation with the street traders, as identified in 4.3 of the Officer's report.
- v. To instruct officers to report back to Licensing Committee in January 2014, as proposed in 3.12 of the Officer's report.

13/32/LIC Scrap Metal Act 2013 - For Information

The Committee received a report for information from the Head of Refuse and Environment regarding the Scrap Metal Act 2013.

Members noted the report with thanks.

The meeting ended at 10.30 am

CHAIR

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