

LICENSING COMMITTEE
7th November 2013

Present: Councillors: Christian Mitchell (Chairman), Jim Sanson (Vice-Chairman), George Cockman, Brian Donnelly, David Jenkins, Josh Murphy, Sue Rogers, Diana van der Klugt

Apologies: Councillors: Peter Burgess, David Coldwell, Christine Costin, Helena Croft, Leonard Crosbie, David Skipp, Tricia Youtan

Also present: Councillor Jonathan Chowen

LI/7 **MINUTES**

The minutes of the meeting held on 6th June 2013 were approved as a correct record and signed by the Chairman.

LI/8 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LI/9 **ANNOUNCEMENTS**

There were no announcements.

LI/10 **REVIEW OF LICENSING POLICY (LICENSING ACT 2003)**

The Head of Planning & Environmental Services reported that the draft Licensing Policy, which had been approved as a consultation policy by the Committee in June 2013, had been consulted on for a three month period with a deadline for responses of 30th September.

Members were reminded that the current policy had come into effect on 7th January 2011 and a number of changes to the parent Act and other associated legislation had made it desirable to review the Council's Licensing Policy.

The consultees had been contacted by various methods including email and post. There had been eight responses to the consultation which had focussed on the practical application of the policy rather than the policy itself. The Committee considered whether the draft Licensing Policy should be recommended to Council for adoption.

The decision not to introduce the Late Night Levy to Horsham District, which the Committee had made on 9th January 2013, was discussed. Members were reminded that, if adopted, the levy would be paid by all business that served late night alcohol, however rarely, and a majority of the revenue would be paid to the police. The Licensing Officer reported that, to his knowledge, no Council had adopted the Late Night Levy.

LI/10 Review of Licensing Policy (Licensing Act 2003) (Cont.)

Members agreed that the draft Licensing Policy should be recommended to Council for adoption.

RECOMMENDED

That the draft Licensing Policy be adopted as submitted to take effect immediately following adoption by Council.

REASONS

- (i) To comply with legislative requirements.
- (ii) To ensure openness and transparency in the Council's decision making.

LI/11 **REVIEW OF HORSHAM DISTRICT COUNCIL'S ENFORCEMENT POLICY**

The Head of Planning & Environmental Services reported that the Council's current Licensing Enforcement Policy required formal updating. Members were reminded that the current enforcement policy had been adopted by the full Council in April 2006. The policy had been regularly reviewed since then but now required formal updating to take into account a number of changes to Horsham District Council's own administrative procedures and changes to Licensing Guidance.

Should the Committee approve the amendments to the policy, the revised version would be recommended to Council.

The Cabinet Member for a Safer & Healthier District commented on the importance of the Council's enforcement policy and that it should be proportionate, fair and enforceable.

Members considered whether the proposal would continue to meet the principles of good enforcement and reflect the activities of the Council, and agreed that the revised policy was acceptable.

RECOMMENDED

That the revised Licensing Enforcement Policy as submitted be adopted to take effect immediately following adoption by Council

REASON

- (i) To comply with legislative requirements.
- (ii) To ensure openness and transparency in the Council's decision making.

LI/12 **LICENCE FEES FOR 2014/2015**

The Head of Planning & Environmental Services reported on the proposed fees for various licences issued by the Public Health & Licensing Department. The fees, if approved by the Committee, would take effect on 1st April 2014.

The individual licence fees were calculated to recover the cost of issuing the licence and enforcing the requirements of the legislation. The fees were calculated taking into account officer time, transport and any external costs that the Council incurred. There were other licenses issued by the Public Health & Licensing Department, the fees for which were set by statute and could not be changed.

The Council had determined that where possible fees and charges should go up by a minimum of 3% for the financial year commencing 1st April 2014. It was noted that the proposed fees were in keeping with those set by other Councils. The fees could not make a profit for the Council and could not include the cost of enforcement.

RESOLVED

That the fees for licences issued during 2014/15 be approved, as submitted, to take effect from 1st April 2014.

REASONS

- (i) The setting of fees for licences is the responsibility of the Licensing Committee.
- (ii) To ensure openness and transparency in decision making.

LI/13 **ADOPTION OF THE MODEL SKIN PIERCING BYELAWS**

The Head of Planning & Environmental Services reported that a set of consolidated bylaws had been produced by the Department of Health to help effectively regulate acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.

Registered practitioners regularly undertook treatment for more than one activity and by consolidating the Byelaws operational efficiency would be improved and the regulatory activity would be more accessible to local businesses.

There were currently 60 premises registered under the existing byelaws which set out criteria relating to the hygiene of premises, practitioners and equipment.

LI/13 Adoption of the Model Skin Piercing Byelaws (Cont.)

Members noted that the proposal would reduce the burden for businesses carrying out more than one type of treatment and improve public health protection and considered the proposal to be acceptable.

RECOMMENDED

- (i) That the model byelaws for the regulation of skin piercing activities be adopted in accordance with sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 120 of the Local Government Act 2003 be adopted, to take effect following adoption by Council.
- (ii) That, subject to agreement by Council, the Council's Solicitor be authorised to apply to the Secretary of State for confirmation.
- (iii) That the relevant registration requirements come into effect from the date on which the byelaws referred to above are confirmed by the Secretary of State and the current byelaws revoked.

REASONS

To update and consolidate the existing sets of Byelaws into one, in order to improve operating efficiency and reduce the burden on businesses.

LI/14 **IMPLEMENTATION OF THE SCRAP METAL DEALERS ACT 2013**

The Head of Planning & Environmental Services reported that the Scrap Metal Dealers Act 2013 (the Act) had received Royal Assent on 28th February 2013 and would come fully into force from 1st December 2013.

The Act repealed the existing legislation and brought forward a revised combined regulatory regime for the scrap metal dealing and vehicle dismantling industries. The Act maintained local authorities as the principal regulator and increased their power to help prevent metal theft.

Under the previous legislation, whilst the local authority had been the principal regulator, enforcement was primarily the responsibility of the police.

The Council had received nine applications for licences under the new legislation, seven from existing dealers and two new applications, and there were a few more likely to be received.

LI/14 Implementation of the Scrap Metal Dealers Act 2013 (Cont.)

It was noted that the licence fee would be set and regularly reviewed by the local authority and the proposed fees, which had been calculated with regard to the licence fee charges guidance issued by the Secretary of State, were noted.

Members noted that the Act would increase the workload of staff within the Environmental Health & Licensing Team. Members discussed the impact of the legislation on this small team and in particular on Andy Skipper, Licensing Officer, whose role within the team was noted. Members thanked Andy for his hard work and positive contribution.

RESOLVED

That the contents of the report be noted.

REASON

To keep the Committee apprised of the contents and implementation of new Scrap Metal Dealers legislation.

The meeting ended at 6.00pm having commenced at 5.30pm

CHAIRMAN