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LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Wednesday 25 March 2015 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Jacque Bevan - In the Chair

Councillors David Frederickson, Cate Hunt, Jean Monks and Mike Ratcliffe.

Eileen Tierney (Licensing and Administration Manager) and Jackie Cullen (Committee Assistant).

APOLOGIES

Apologies for absence were received from Councillors Tom Donnelly, Richard FitzHerbert, Steve Flitter, Tony Millward and Carol Walker.

311/14 – MINUTES

It was moved by Councillor Cate Hunt, seconded by Councillor Jean Monks and

RESOLVED
(unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 14 January 2015 be approved as a correct record.

The Minutes were signed by the Chairman.

312/14 – REVIEW OF THE GAMBLING STATEMENT OF PRINCIPLES (POLICY) MADE UNDER THE GAMBLING ACT 2005

The Committee considered a report informing of the need to review the current Gambling Statement of Principles (Licensing Policy). A final draft of the reviewed document would need to be submitted to full Council for consideration, with a view to adoption and re-publishing no later than 31 January 2016.

The Gambling Commission had confirmed that it would shortly be publishing a 12-week consultation on its revised *Guidance to Licensing Authorities* (GLA). The Commission aimed to produce a special Licensing Authority Bulletin highlighting the key issues that Councils may wish to consider including in their Statement of Licensing Policies, in order to better reflect local concerns and issues.

Under section 349 of the Gambling Act 2005 (the Act) each licensing authority must prepare and publish a statement of principles they intend to apply in exercising their functions under the Act. The current policy was first approved and took effect from 31 January 2007. It was reviewed in 2009 and 2012, and re-published in January 2013 for a further 3 years, and was now due to be reviewed for adoption in January 2016 for a further 3-year period. A first draft of the revised document was included in Appendix 1 to the report, with the changes (mainly administrative) proposed to the Council's existing Policy shown in the document in **bold type**.

The document would be distributed to those consultees listed in the report, and it was suggested that initially a 4-week period during June/July 2015 was allowed for comments. This time-scale should also allow for any further information to be made available from the Gambling Commission which could influence changes needed to the Policy. Such changes may require further consultation with the Responsible Authorities before a final draft of the reviewed Policy could be submitted to a meeting of the full Council for consideration later in the year.

It was moved by Councillor Jean Monks, seconded by Councillor David Frederickson and

RESOLVED That the draft Gambling Statement of Principles (Licensing Policy) (unanimously) detailed in Appendix 1 of the report be finalised, after consultation, and a final draft be reported to full Council for consideration, adoption and re-publishing no later than 31 January 2016.

313/14 – THE LICENSING ACT 2003 – GOVERNMENT RESPONSE TO LOCALLY-SET FEES

The Committee considered a report informing of the Government's response to the Consultation on Locally-Set Fees for applications and associated transactions for licences to sell alcohol, late night refreshment and provide regulated entertainment, under the provisions of the Licensing Act 2003.

On 26 February 2015, the Government published its response to the consultation on locally-set fees, via a Written Ministerial Statement (WMS). The results of the consultation were summarised in the report, and included advice that the Government had decided not to introduce locally-set licensing fees at this time.

The issue of central Government delegating responsibility to licensing authorities for locally-set fees for applications made under the Licensing Act 2003 had been discussed at several previous meetings of this Committee. In view of this, a copy of the Government's full response was included in **Appendix 1** to the report.

The Licensing Team would continue to explore ways in which applications for licences could be accessed and processed with minimum officer in-put; eg use of Gov.UK licensing portal, and Derbyshire Dales website for on-line licensing advice, applications, consultations and issuing of paper documentation. This would be explored in detail during the forthcoming review of the Licensing Service, later this year.

In view of the fact that the national licence fee had not increased since 2005, and based on the response set out in the report, the Committee felt that a letter of complaint should

be written to the LGA/Government as fees are charged on a cost recovery basis and it was becoming increasingly difficult to cover these costs.

It was moved by Councillor Jacque Bevan, seconded by Councillor Cate Hunt and

RESOLVED
(unanimously)

1. That the report be noted, and the issue regarding the cost of the service being met by fee recovery will be considered in more detail in the upcoming review of the licensing service.
2. That a letter of complaint be written to the LGA/Government regarding the fact that the national level of fees had remained static since 2005.

314/14 – SCRAP METAL DEALERS ACT 2013 – PROGRESS REPORT

The Committee considered a report regarding the Local Government Association's (LGA) recent announcement that incidents of metal theft across England and Wales had fallen by around a third since the introduction of the 2013 Scrap Metal Dealers Act.

It was recommended that these findings were made known to all operators licensed to collect and deal in scrap metal in the Derbyshire Dales, and for a programme of compliance visits to be made to all scrap metal sites in the district by 31 March 2016.

At the November 2013 meeting of this Committee a detailed report outlining the changes to be introduced with the implementation of the Scrap Metal Dealers Act 2013 (the Act) was considered.

Members also approved a Scrap Metal Licensing Policy and guidance document, which outlined how the District Council would deal with applications for new licences and variations, and how enforcement issues would be tackled.

At the March 2014 meeting of this Committee, a progress report on the implementation of the legislation was considered. A national on-line register of licences would be maintained by the Environment Agency (EA) and licensing authorities were required to provide the information to the EA.

Since the introduction of the legislation the District Council had licensed 10 sites and 20 collectors. Details of these could be found on the EA's national register.

It was moved by Councillor Jean Monks, seconded by Councillor David Frederickson and

RESOLVED
(unanimously)

- 1) That the findings of the LGA, in respect of the number of incidents of scrap metal theft since the implementation of the 2013 Scrap Metal Dealers Act, are reported to all licensed site managers and collectors of scrap metal in the Derbyshire Dales.
- 2) That a programme of compliance visits to all licensed scrap metal dealer sites in the Derbyshire Dales is completed by 31 March 2016.

MEETING CLOSED 6.23PM
CHAIRMAN