

Time commenced – 6.02pm
Time finished – 7.08pm

GENERAL LICENSING COMMITTEE
14 JULY 2010

Present: Councillor Hird (Chair)
Councillors Atwal, Barker, Chera, Harwood, Jackson,
Leeming and F Winter

01/10 Apologies

Apologies for absence were received from Councillor Berry, Redfern and L Winter.

02/10 Late items introduced by the Chair

There were no late items.

03/10 Declarations of Interest

There were no declarations of interest.

**04/10 Confirmation of the minutes of the General
Licensing Committee held on Wednesday 21 April
2010**

The minutes of the meetings held on 21 April 2010 were agreed as a correct record and signed by the Chair subject to Councillors Hussain, Skelton, Tuplin and F Winter being removed from the attendance list.

**05/10 Consideration of Report on the Licensing Act 2003
– Licensing Policy Review**

The Committee considered a report on Licensing Policy Review. It was reported that the Licensing Authority was required to revise and publish the Licensing Policy at least once every three years. The current policy was published in January 2008, before which it was subject to a full consultation process with a number of consultees including Responsible Authorities.

Members considered that once the responses were received, a Cross Party Working group from the Committee should consider the comments and agree the

responses. Councillors Barker and Hird were nominated by their respective groups and Councillor Jackson confirmed that she would contact the Officer with the Labour group's nomination.

Resolved to:

- (1) approve the consultation plan needed as part of the review process of the Council's Licensing Policy;**
- (2) authorise a Cross Party Working Group to consider consultation comments, and agree draft responses to be reported back to Committee.**

**06/10 Consideration of Report on the Licensing Act 2003
– Annual Fees**

The Committee considered a report on Annual Fees, it was reported that under the Licensing Act 2003, each premises carrying out Licensable activities as defined by the Licensing Act 2003 must hold a Premises Licence for which there is an annual fee. It was noted that the annual fee would be due on the anniversary of the Premises Licence being issued and the sum was dependant on the rateable value of the premises. The Committee noted that there were no provisions within the Act for the Licence to become invalid if the fee was not paid, which was contrary to the requirements under the Gambling Act 2005. Officers reported that at the start of the financial year the amount owed was £116,000, but following work by the department as of June 2010 it was approximately £30,000. Members agreed that chasing outstanding money involved a great deal of time and could be avoided if non-payment of the annual fee rendered a licence invalid. It was thought that to try to rectify this, a representation should be forwarded from the Chair of the Committee to the DCMS and LACORS about the matter, and recommending a change in the legislation in line with the Gambling Act 2005.

Members raised concern that the fees were set centrally and so consequently may not cover the true cost of the administration of the licence including the greater enforcement provision that Derby carries out. It was suggested that as part of the representation to DCMS and LACORS, a request to setting the fees be included.

Resolved to approve the proposal to forward a representation to the Department for Culture, Media and Sport (DCMS) and LACORS with regard to the annual fees payable under the Licensing Act 2003, to request that the fee be payable on application and for the Authority to set its own fees.

41/08 Consideration of the further consultation on Mobile

Home Site Licensing Conditions

The Committee considered a report on further consultation on Mobile Home Site Licensing Conditions. It was reported that since the introduction of the revised licence conditions in April 2009, a request had been received from the occupiers of one of the homes at Alvaston Park to add a small conservatory to their home. The proposed conservatory was apparently of a type that was designed for use with mobile homes. Members noted that currently the licence conditions state that every caravan should be no less than 6 metres from any other caravan and not less than 2 metres from a road, known as the separation distance. It was reported that other than this the licence conditions specifically state that 'No structures or erections of any kind other than those specifically permitted or required by these conditions shall be allowed on site'. This would currently preclude additions such as conservatories and therefore the request from the occupiers concerned would have to be refused.

The Officer reported that further amendment to the current site licence conditions would require Members approval. The addition of an extension could potentially be acceptable so long as the separation distances between caravans were not compromised. It could also mean that some homes would not be able to be extended because of space restrictions. However, as a resident has requested whether an addition is acceptable, officers believed this should be considered so as to be reasonable to the resident concerned.

Members agreed that before making final recommendations further consultation should be carried out involving site owners, residents, Derbyshire Fire & Rescue Service and other Local Authorities who licence sites within their own districts. The results from this exercise would then be brought back to Members for a final decision.

Resolved to approve a consultation process to consider varying the Mobile Home Site Conditions regarding the addition of conservatories.

42/08 Consideration of Report on the Registration of Premises and Practitioners for Skin Piercing Activities

The Committee considered a report on the registration of premises and practitioners for skin piercing activities. It was reported that under the Local Government (Miscellaneous Provisions) Act 1982, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis must be registered. It was noted that both the premises and the practitioner at which the activity was to be carried out were required to be registered. Members were informed that over the last year, the number of new practitioners or those moving to other businesses had increased significantly which has increased the number of

inspections carried out by officers. The officer reported that the proposed new scheme of fees was required to better reflect the resources involved with the undertaking of the registration process for which the fees have been calculated using a cost recovery process.

It was noted that inspections were carried out by officers initially and then yearly dependant

The Committee raised concerns that the proposed cost should be on a recovery basis and calculated by officer time. Olu Idowu, Head of Legal Services-General, informed the Committee that it would be unlawful to make a profit from statutory functions and that if this were done it could be challenged, thus meaning that the fee would need to be justified.

Members questioned as to whether a charge could be made at the annual tattoo and piercing convention, as this must be resource intensive on officer time. It was reported that as these were not commercial premises, it would be difficult to apply the registration process but that the cost could be recovered from the event organisers on a cost recovery basis.

Resolved to approve the proposed fees of £50.00 per premises and £50.00 per practioner.

MINUTES END