

**MINUTES OF A MEETING OF THE
LICENSING COMMITTEE
Committee Room 1-Town Hall - Town Hall
18 December 2013 (7.30 - 8.45 pm)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman), Keith Wells (Vice-Chair),
Georgina Galpin and Pam Light

Residents' Group Brian Eagling and Linda Van den Hende

Labour Group Denis Breading

**Independent Residents
Group**

Apologies were received for the absence of Councillors Linda Trew and Melvin Wallace.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

14 MINUTES

The minutes of the meeting held on 17 May 2012 were agreed as a correct record and signed by the Chairman.

15 CHANGES TO MEMBERSHIP OF THE COMMITTEE

Members noted the revised membership of the Committee.

16 SEX ESTABLISHMENT POLICY AND THE ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009 FOR APPROVAL BY CABINET.

The Committee considered a report that report sought the recommendation of the Licensing Committee to approve the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) and the Council's Sex Establishment Licensing Policy following consultation in 2011 for approval by Cabinet.

The report informed the Committee that the Policing and Crime Act 2009 (PCA09) created a new category of sex establishment, i.e. the “sexual entertainment venue”. Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 [LG (MPA) 82]] was amended by the PCA09 and provided for the adoption of the new provisions contained in schedule 3 of this Act. This allowed the ‘appropriate authorities’ to control, by way of a licensing regime, sex establishments. PCA09 came into effect on 6 April 2010.

There was no requirement on a Local Authority to adopt the amendments to Schedule 3, but if Havering decided not to do so then the existing policy under the unamended Schedule 3 would continue to apply. This would mean that adult entertainment including lap dancing may be licensed under the Licensing Act 2003 as a category of “music and dancing”.

It was therefore proposed that the Council proceeds to adopt the amendments to schedule 3 of the Local Government and agree the Sex Establishment Licensing Policy.

The consultation took place in 2011, proposals were published on the council’s website as well as sending letters to the responsible authorities and other interested parties. At the close of the consultation, two responses were received. One was a query and one was in favour of the adoption of schedule 3.

The Committee **RESOLVED:**

To recommend that Cabinet approve:

1. The adoption of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 and
2. The Sex Establishment Licensing Policy.

17 **SCRAP METAL DEALERS ACT 2013 AND HOW IT AFFECT HAVERING**

The Committee received a presentation on The Scrap Metal Dealers Act 2013 from the Havering Licensing Specialist.

The Committee was informed that the UK Metal Recycling Industry is worth about £5.6 billion. The industry was the most advanced recycling sector, processing about 15 million tonnes of scrap into secondary raw material to produce new metal every year. The industry contributed about £3.7bn to UK balance of trade and employed over 8,000 people.

The Scrap Metal Dealers Act 2013 received the Royal Assent on 28 February 2013 having passed Parliament. The law came into force in

England and Wales on 1 October 2013. A statutory review was scheduled for within 5 years.

The law allowed for every a local authority to administer a licensing regime for the scrap metal sector. The Licensing authority responsibilities included the following powers:

- Suitability test;
- Revocation of licence;
- Closure powers for unlicensed sites;
- Licence fee – Licensing Authority to determine fee locally;
- Entry and inspection powers;
- Greater record keeping requirements;
- Site and vehicle badging;
- National register of licensed dealers.

The Committee was informed that the new regime provided the Licensing Authority an extended scope from the 1964 Act to supervise the following aspect of the metal trade:

- scrap metal dealers;
- mobile collectors (who do not have a site);
- motor salvage operators; and
- all other businesses who buy or sell scrap metal “in the course of their business” - this does not include businesses who buy or sell scrap as the occasional result of their primary business (e.g. pawnbrokers)
- Two licences – (1) site; (2) collector

The Act detailed the following licence conditions for scrap metal dealers:

- obtain a licence to operate as a scrap metal dealer
- obtain a site licence – in the LA area in which the site it is located
- obtain a collector licence – in the LA area in which the collector wishes to collect from (they would likely hold more than one licence) if they collect across two or more boroughs
- prominently display their licence in a publically accessible place;
- verify and record the identification of the person selling the metal;
- not purchase metal for cash; and
- keep records of all metals received and disposed of.

The Act also detailed that the Environment Agency would keep a national public record of all licensed scrap metal dealers and the Police and Local Authority will carry out inspections.

The committee was informed that in Havering, there were currently 29 Licensed Scrap metal sites.

- 10 in Rainham and Wennington Ward
- 7 in South Hornchurch Ward

- 2 in Cranham Ward
- 2 in Brooklands Ward
- 2 in Havering Park Ward
- 1 in Harold Wood Ward
- 1 in Heaton Ward
- 1 in Squirrels Heath Ward
- 1 in Upminster Ward
- 1 in Romford Town Ward
- 1 in Mawney Ward

And that there were 14 Collectors Licensees, with eight of them living in Havering.

The Committee noted the presentation.

18 LICENSING ACT STATISTICS AND LEGISLATION UPDATES

The Committee received the following update and statistics from the Licensing and Health and Safety Divisional Manager.

In Havering as of 31 March 2013, the following statistic:

- 585 total licensed premises
- 1534 personal licences
- On sales alcohol only 119
- Off sales only 208
- On and off sales 123

Late night refreshment no alcohol 49
24 hour licences 10 (supermarkets/hotels)
2 cumulative impact zones
361 Temporary event notices.

What's next nationally?

- Home office was looking at the mandatory conditions on premises licences.
- Allowing Licensing authorities to set fees. Consultation was expected soon.
- A Home Office consultation on the Personal licence regime had concluded and the result were awaited.
- A Department for Culture Media and Sports, (DCMS) Consultation on changes to entertainment licensing.
- A ban on selling alcohol below duty plus VAT.
- Statement of Licensing Policy to be redrafted and consulted on in 2014 for implementation from Jan 2015.
- Evidence gathering for policy preparation this year.

The Committee noted the presentation.

Chairman