



Haverling

L O N D O N B O R O U G H

LICENSING COMMITTEE AGENDA

7.30 pm

Thursday
27 February 2014

Town Hall, Main Road,
Romford

Members 11: Quorum 4

COUNCILLORS:

Conservative
(6)

Residents'
(2)

Labour
(1)

**Independent
Residents'**
(0)

UKIP
1

Peter Gardner
(Chairman)
Linda Trew
(Vice-Chair)
Melvin Wallace
(Vice-Chair)
Keith Wells
(Vice-Chair)
Georgina Galpin
Pam Light

Brian Eagling
Linda Van den Hende

Denis Breading

Fred Osborne

**For information about the meeting please contact:
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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 6)

To approve as a correct record the minutes of the meeting of the Committee held on 18 December 2013, and to authorise the Chairman to sign them.

5 PRESENTATION ON THE LICENSING STRATEGY

The Committee is to receive a presentation on the Licensing Strategy.

6 URGENT BUSINESS

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

Andrew Beesley
Committee Administration
Manager

**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.

COMPARISON									
	2006	2007	2008	2009	2010	2011	2012	2013*	Total
Applications	44	37	53	45	40	35	49	49	352
Variations	35	51	30	22	19	35	23	23	203
Hearings	52	40	42	55	16	17	26	26	274
Reviews	4	6	9	10	2	1	3	3	38
TEN's Applications	396	342	403	360	359	384	436	303	2983
Changes of Conditions	141	134	136	110	104	90	118	119	952
Personal Licences	372	184	162	139	112	98	126	85	1278
Transfers	43	29	34	49	47	46	50	40	338
based on calendar year jan to dec.									
2013* 11 month figures									

The Committee was informed that following the Government promise to review the Licensing Act, this led to the Home Office undertaking a rebalancing consultation which resulted in a new Act

The Police Reform and Social Responsibility Act 2011 had introduced some changes to the Licensing Act. These changes included:

- The Licensing Authority was now a responsible authority.
- Health sector was also a responsible authority.
- The authority had to advertise applications on the Council website.
- Anyone could make a representation for or against an application, thus removing the vicinity test.
- It lowered the evidential burden from necessary to appropriate.
- That the Statements of licensing policy were valid for 5 years instead of 3 years.
- Introduction of Late night levy
- Early Morning Restriction Orders (EMRO).

The Committee also noted the following update to the Live music and Regulated entertainment regime:

- The Live Music Act 2012 removed live music for audiences less than 200 and before 11pm from the licensing regime.
- On the 28 June 2013, regulated entertainment for audiences of less than 500 and before 11pm was no longer licensable apart from a few exceptions.

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