



NORWICH
City Council

MINUTES

LICENSING COMMITTEE

4.30pm to 5.10pm

12 December 2013

Present: Councillors Gayton (chair), Haynes (vice chair), Barker, Button, Harris, Henderson, Maxwell, Price, Stammers, Stephenson, Thomas, Wright

Apologies: Councillor Gihawi

1. DECLARATIONS OF INTEREST

No declarations of interest were declared.

2. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 3 October 2013.

**3. POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011
– EARLY MORNING RESTRICTION ORDERS (EMROS)**

The licensing manager presented the report and answered members' questions.

Members were advised that around 50 representations had been received. Copies of the representations had been sent in accordance with the statutory process to all parties by first class post. The licensing team would review the process for sending these out if there was another proposal for EMROs, including the use of recorded delivery where appropriate. The licensing team did not generally use recorded delivery because letters, where a signature could not be obtained, were often not collected from the depot and there was a delay before the letters were returned to the council.

During discussion members considered the reasons for the termination of the EMRO process and that the police had indicated that new proposals for EMROs would come forward in the New Year. Members noted the procedures for EMROs had changed and asked for clarification on whether the council, as the licensing authority, could propose EMROs if the police did not submit a proposal. It was noted that the procedures were new and as yet there was no case law. Blackpool Council was in a

similar position and had withdrawn its EMROs because of a complaint that representations had not been received within the statutory timescale.

In reply to a question the licensing manager explained that the council had engaged a barrister to advise the council on whether the street notices should have stated the date when the EMRO would come into effect. Putting this date on the notices council could be considered to be presumptive of the outcome of the consultation. The council had been advised that it was safe to continue the process on this particular issue.

A member suggested that the report on sexual entertainment venues should be brought forward for consideration and no longer kept on hold until the EMRO process had been completed.

RESOLVED, unanimously, to:

- (1) terminate the Early Morning Restriction Orders (EMROs) previously agreed by the committee and to end the statutory adoption process;
- (2) note that amended Early Morning Restriction Order proposals for the management of the city's night time economy be brought before this committee for consideration in future.

4. SCRAP METAL DEALERS ACT 2013

The licensing manager presented the report and pointed out that as an urban authority, the city council had fewer scrap metal sites than the neighbouring authorities.

During discussion the licensing manager referred to the report and answered members' questions. The chair asked that the committee received periodic reports on the licences issued by the head of citywide services under delegated powers. Members noted that The Scrap Metal Dealers Act 2013 (The Act) was to regulate trading in scrap metal and that cash would not longer be acceptable payment from dealers. The licensing manager would seek clarification on how members of the public would be paid for scrap metal, either by cheque or electronically.

The licensing manager explained that the police had been proactive in setting up a county wide taskforce to gather details of scrap metal dealers and ensure that they were aware of The Act and compliant. The enforcement of the provisions of The Act was outside the remit of the licensing authority. The council as the licensing authority was responsible for the enforcement of the terms of the licence. The environmental protection officers carried out enforcement for the council and it was not envisaged that this would impact greatly on the service. The fees for the licences must be cost neutral and covered an element for enforcement. However the fees did not cover enforcement by the council of unlicensed premises.

RESOLVED, unanimously:

- (1) that the following delegated authorities are adopted in respect of applications received under the Scrap Metal Dealers Act 2013 (The Act):

- (a) Head of citywide services to consider applications and, where he is satisfied that the applicant is suitable, grant the licence;
 - (b) Licensing sub-committee to determine applications when an applicant is not considered suitable by the head of citywide services and the applicant has been informed and made a representation.
 - (c) Licensing sub-committee to determine whether to revoke a licence; and
 - (d) Head of citywide services all other decisions under The Act, including the decision to refuse an application where the applicant has not made representation and to add conditions to a licence.
- (2) to adopt the fees detailed in paragraph 19 of the report;
- (3) that the committee will receive periodic reports on the licences issued under The Act under delegated powers to the head of citywide services.

5. STANDING ITEM – REGULATORY SUBCOMMITTEE MINUTES

RESOLVED to receive the minutes of the regulatory subcommittee meeting held on 18 November 2013, subject to item *3 amending the resolution to delete “the renewal of” from the resolution so that it reads:

“**RESOLVED**, unanimously, to grant the private hire driver’s licence in respect of this application.”

CHAIR