

LICENSING COMMITTEE

WEDNESDAY, 13 AUGUST 2014

PRESENT:- Councillors Junab Ali, Abdul Amin, John Ballman, Andrew Bennett, Alan Bishop, Michael Bray, Oliver Donachie, John Haines, Derique Montaut, Timothy Swinyard, Vera Tomlinson (Chair), Steve Wakefield and Peter Watts.

Apologies for absence were received from Councillors Stan Pajak and Eric Shaw.

12. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

13. Public Question Time

No public questions were received during the meeting.

14. Minutes

Resolved – That the minutes of the meeting held on 2nd July 2014 be confirmed and signed as a correct record.

15. Revision of Street Trading Policy

The Council's Licensing Officer submitted a report setting out proposed revisions to the Council's Street Trading Policy and in particular permitting music to be played during street markets organised by InSwindon on behalf of this Council.

Resolved – That Council be recommended to approve and adopt the revised Street Trading Policy, as set out in Appendix 3 to the report of the Council's Licensing Manager.

16. Delegation of Functions under the Scrap Metal Act 2013

The Council's Licensing Manager submitted a report setting out (a) a proposal to seek the agreement of the Cabinet to delegate functions under the Scrap Metal Dealers Act 2013 from itself as the executive body to the Licensing Committee, and (b) subject to the concurrence of the Cabinet, to further delegate those functions to the Licensing Sub-Committees and the Head of Planning and Regulatory Services.

Resolved – (1) That the Cabinet be requested to delegate all the Council's (executive) functions under the Scrap Metal Act 2013 to the Licensing Committee.

(2) That, further to (1) above, the Cabinet be requested to approve the following delegations to the Ad-Hoc Licensing Sub-Committee:

(i) The determination of new and renewal applications under the Act where:

(a) the applicant or site manager has been convicted of a relevant offence or subject to relevant enforcement action under the Act, or

(b) a previous application for a scrap metal licence or environmental permit/registration has been refused, or

(c) a previous scrap metal licence has been revoked; and

(ii) The revocation of a licence issued under the Act or the variation of a licence to include conditions.

(3) That, further to (1) above, the Cabinet be requested to approve the following delegations to Head of Planning and Regulatory Services:

- (i) The administration and enforcement of the functions under the Act;
- (ii) The power to request further information of applicants;
- (iii) The determination of new, renewal or variation applications, other than where:
 - the applicant or site manager has been convicted of a relevant offence or subject to relevant enforcement action under the Act, or
 - a previous application for a scrap metal licence or environmental permit/registration has been refused, or
 - a previous scrap metal licence has been revoked;
- (iv) The power to give notice to an applicant or licensee of the authority's proposal to consider refusing an application or revoking or varying a licence, and to invite representations from the applicant or licensee; and
- (v) The power to issue or cancel a closure notice for unlicensed sites under Schedule 2 to the Act, and where appropriate, to apply for closure orders and take such other action in this respect as may be required.

(4) That, subject to the approval of the Cabinet to the proposals set out in (1) to (3) above, the Director of Law and Democratic Services be requested to make the necessary arrangements for the inclusion of these delegations in the Council's Constitution and Scheme of Delegations.

17. Adoption of Consolidated Skin-piercing Byelaws

The Council's Licensing Manager submitted a report setting out proposals to revoke existing Swindon Borough Council Byelaws relating to Acupuncture and Tattooing and to replace them with the Department of Health's model consolidated Byelaw relating to Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis.

Resolved – (1) That Council be recommended to:

- (a) subject to (b) below, approve that it revokes the existing Swindon Borough Council Byelaws relating to Acupuncture and Tattooing (Appendices A and B of the Licensing Manager's report);
- (b) approve, adopt and affix the Council's common seal to the Byelaw on Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis set out in Appendix C to the Licensing Manager's report; and
- (c) authorise the Director of Law and Democratic Services to carry out the necessary procedure to apply to the Secretary of State for the confirming of the Byelaw.

18. Introduction of Licence Conditions for Home Boarding of Dogs

The Council's Licensing Manager submitted (a) a report reviewing the licence conditions currently in force in respect of home boarding for dogs pursuant to the Boarding Establishments Act 1963, and (b) a LACORS briefing note in respect of

the home boarding of cats and dogs.

Resolved – (1) That the proposed conditions for the of home boarding for dogs from different families with licensed commercial home boarding dog establishments within the Borough, as set out in Appendix 2 of the Licensing Manager's report, be approved.

(2) That, further to (1) above, the Council's Licensing Manager be authorised to undertake a consultation with interested individuals and businesses, on the proposed revised conditions for the home boarding of dogs from different families with licensed commercial home boarding dog establishments within the Borough, as set out in Appendix 2 of the Licensing Manager's report.