

# **BROMSGROVE DISTRICT COUNCIL**

## **PARISH COUNCILS' FORUM**

Tuesday, 28th September 2004, at 6.30 p.m.

PRESENT: Councillor D. C. Norton (Chairman)

<b>Parish</b>	<b>Representative(s)</b>
Alvechurch	Mr. D. Waters
Barnt Green	Mrs. D. Warren (Clerk)
Belbroughton	Mr. R. E. Copley (Clerk) Mr. C. R. Scurrall
Beoley	Miss P. Harrison (Clerk) Mr. B. Somner
Catshill and North Marlbrook	Mr. P. J. Baker (Chairman) Mr. P. Masters
Clent	Mrs. P. A. Harris (Clerk) Mr. D. Faraday
Cofton Hackett	Mr. R. J. Deeming (Chairman) Mrs. P. Foxall (Clerk) Mr. B. Bridgewater
Dodford-with-Grafton	Mr. R. J. Oakes (Chairman)
Finstall	Mrs. S. Reynolds (Clerk)
Hagley	Mr. A. G. Lewis
Hunnington	Mrs. L. Teese (Clerk)
Lickey and Blackwell	Mr. R. Brown (Chairman) Mrs. J. A. Casey (Clerk)
Romsley	Mr. I. A. Hodgetts (Chairman) Mrs. P. L. Taylor (Clerk)
Stoke	Mr. P. D. Callaway (Clerk)
Tutnall and Cobley	Mrs. S. Reynolds (Clerk)
Wythall	Mrs. S. J. Baxter (Chairman) Miss P. Harrison (Clerk)

### 1. **APOLOGIES**

Apologies for absence were received from:-

<b>Representative(s)</b>	<b>Parish</b>
Mrs. B. Osborne (Clerk)	Alvechurch
Mrs. E. M. Buckett (Chairman)	Barnt Green
Mr. P. Shotton	Belbroughton
Mrs. J. D. Luck (Chairman)	Beoley
Mrs. S. Willetts (Clerk)	Bournheath / Bentley Pouncefoot
Mr. S. Malek	Clent
Mrs. C. Humphries (Clerk)	Hagley
Mrs. T. Roll (Chairman)	Stoke
Mrs. J. Birmingham	
Mr. D. Keeling	Wythall

2. **MINUTES OF MEETING HELD ON 22ND JUNE 2004**

The Minutes of the Meeting of the Parish Councils' Forum held on 22nd June 2004 were submitted. There were no matters arising and it was **AGREED** that the Minutes be approved as a correct record and signed by the Chairman.

3. **PARISH PLANS**

Mr. P. Crysell, Head of Local Plans, addressed the Meeting and explained that the current Local Plan system had been replaced by the introduction of Local Development Frameworks. Parish Plans were part of this framework.

Mr. Crysell stated that Parish Plans would be a means by which parish councils and their parishioners would be able to contribute to the future development of the areas in which they live and that they would be able to address a wide range of issues covering social, economic and environmental concerns. He added that, as a result of local planning authorities now being required by the new legislation to increase the level of consultation carried out with their local communities, the role of Parish Plans is thereby enhanced by the changes to the planning system

Mr. Crysell made it clear to the Meeting that the District Council were prepared to assist and support parishes by way of advice and background help to produce such plans, but pointed out that the Council would not be able to deal with a large number of plans coming through at the same time. Instead, he said that the Council would seek to regulate the adoption of plans to fit in with the other work being carried out within the planning department.

After responding to several questions and comments from the floor, the Chairman thanked Mr. Crysell for his presentation.

(Note: a copy of Mr. Crysell's presentation is attached at Appendix 1)

4. **CONSULTATION EXERCISES**

Mr. V. Harrison, Head of Administrative Services, referred to the report prepared by Mrs. B. Haswell enclosed with the Agenda and stated that the consultation process used for the development of the Council's Community Plan could be used by the parish councils as an example of the exercise. This would be likely to provide the parish councils with ideas of what could be done in respect of, for example, obtaining feedback for the development of Parish Plans.

Mrs. S. Baxter commented on the number of consultation exercises being undertaken by a number of agencies and organisations; such as the District Council, the County Council, the Primary Care Trust, etc.; and felt that this may lead to a public feeling of "consultation overload". In addition, she considered that all the different agencies consultations were being carried out in a disjointed and unconnected way, suggesting that any future consultation exercises could also be used to provide feedback for other relevant issues; for example, parish plans.

It was **AGREED** that this approach would be investigated and considered prior to the undertaking of the next consultation exercise.

5. **PRACTICAL SUPPORT TO PARISH COUNCILS**

Mr. Harrison referred to his report which outlined several areas where practical support to parish councils has already been seen to be possible, together with further feasible suggestions. He added that further suggestions from the parish councils would be welcome for consideration.

This was noted.

6. **LICENSING ACT 2003 - CONSULTATION ON LICENSING POLICY**

Mrs. S. Smith, Principal Licensing Officer, addressed the Meeting and gave a short presentation relating to the implementation and objectives of the Licensing Act 2003, together with details of the Council's consultation exercise relating to its Licensing Policy. She stated that the policy document would be adopted by the Council to take effect prior to the commencement of a transitional period, from February to November 2005, allowing for existing licences to be converted in accordance with the legislation.

Mrs. Smith also briefly outlined the administrative processes involved in dealing with applications for the licences which would be issued and the timescales within which it was envisaged that applications could be handled. After answering a number of questions from the floor, the Chairman thanked Mrs. Smith for her presentation and reassured those present that the Council would keep the parish councils up-to-date with the implementation of the new licensing requirements.

This was noted.

(Note: A copy of Mrs. Smith's presentation is attached at Appendix 2(a), and a copy of the "New Licensing Laws" information booklet is attached at Appendix 2(b).)

7. **VOLUNTARY ENGAGEMENT - UPDATE**

Ms. S. Nixon, Chief Executive of the District Council, addressed the Meeting and reported on developments since the Council formally applied for voluntary engagement earlier in the year. She stated that the appointed "Lead Official", Mr. W. S. Baldwin, together with his assistant, Mr. P. Stratford, had submitted their report to Mr. P. Hope MP, at the Office of the Deputy Prime Minister (ODPM), on the Council's current position. As a result, the ODPM had responded by saying that the Government was willing to voluntarily engage with the Council and set a two-month period for the Council to produce a recovery plan.

Ms. Nixon continued by saying that Members, officers, employees organisations, the Customer Panel, etc., were all involved in the development of the recovery plan, to be approved by the Council at a special meeting, prior to being forwarded to the ODPM before the deadline of 29th October 2004.

Ms. Nixon then responded to several questions from the floor. The Chairman added that the Council as a whole had recognised that voluntary engagement was the correct way to proceed. It was also confirmed that the draft recovery plan would be made available to the public towards the end of October.

This was noted.

8. **IMPLEMENTATION OF THE REFUSE AND RECYCLABLES COLLECTION SCHEME - UPDATE**

Ms. L. Waller, Corporate Director (Services), informed the Meeting that the "roll-out" of the new scheme had been postponed after the third phase due to the overwhelming "take-up" of the recyclables element by the public, but it was anticipated that the remaining rounds would be implemented on a four-week basis commencing from the beginning of November. Ms. Waller also stated that, whilst many teething problems and errors were still being ironed out, there would have to be a review of the allocation of "assisted collections" due to the higher than expected number of dispensations permitted.

Mr. S. Bedford, Acting Head of Depot Services then addressed the Meeting and referred to the nature of the problems with the collection of recyclables. He added that further trials were being carried out with different types of vehicle to cope with the volume of the materials collected and to speed up the time taken to complete each collection round. (A copy of the collection figures distributed to the Meeting is attached at Appendix 3).

Both Ms. Waller and Mr. Bedford answered a number of questions from the floor. Ms. Waller acknowledged that the wholesale change to the new refuse/recyclables collection service was a lot to ask of residents, but she was of the opinion that it was better than an incremental approach to the replacement of bins/containers. Mr. Bedford stated that review meetings with the refuse crews, contractors and FAUN (the manufacturer of the refuse vehicles) were ongoing with a view to ensuring a more efficient service as the next phases were "rolled-out".

It was felt that, where a round encountered problems, it would be helpful for the parish councils to be made aware of this in order that their parishioners may be kept informed. Mr. Bedford said that he would endeavour to do this as and when required.

This was noted and the Chairman thanked the Meeting for the feedback.

9. **PARISH CHARTER - UPDATE**

Mr. Harrison referred to the comments received from the parish councils to the draft version of the Parish Charter for the Bromsgrove District, together with the Working Group which was established following the last Meeting of the Forum. He stated that the Working Group had reviewed the comments and produced a revised draft of the Charter, as attached to the Agenda/Report, albeit without the inclusion of provisions relating to financial arrangements which, he said, would be developed separately. Mr. Harrison added that, in its present form, if the Meeting was satisfied with the draft Charter, it would be considered by the Council's Executive Cabinet in order to formally approve and adopt the document.

Questions from the floor were raised concern over the status of the County Council's proposed Parish Charter for Worcestershire which Mr. Harrison understood was unlikely to prove successful. Furthermore, he believed that a number of other district authorities in the County had started to pursue their own specific parish charter documents.

Mr. Harrison concluded by asking the parish councils if they felt that the document was acceptable in its present form without the financial provisions. It was **AGREED** that the document be accepted for the time being and, when approved by the District Council, an offer be made to the parish councils to formally adopt the Parish Charter.

This was noted.

10. **CONCURRENT FUNCTIONS - UPDATE**

Ms. J. Pickering, Corporate Finance Manager, presented the Report on behalf of Mr. K. Dicks, Corporate Director (Resources), and informed the Meeting of the Council's current position in respect of Concurrent Functions. She stated that financial information from the parish councils, which would need to be included within the Council's 2005/2006 budget, would be required by November 2004.

Where parish councils may not be in a position to give detailed financial information by this date, Ms. Pickering indicated that an estimate would be acceptable, but added that it would be helpful to communicate the exact details as soon as they are known.

This was noted.

The Meeting closed at 8.25 p.m.

Chairman

## PARISH PLANS

### What is a Parish Plan?

- ◆ A vision of your area
- ◆ Any social, economic or environmental issue i.e. housing, transport, parks, playgroups, childcare, clubs, community centres, GP services, building projects.
- ◆ Can incorporate a Village Design Statement

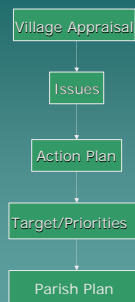
### Potential of a Parish Plan

- ◆ Involves local communities in helping to shape their future and to be a guide to local change.
- ◆ Can be adopted by the Council as part of the planning policy system
- ◆ Can be 'material considerations' in planning decisions

### Why Now?

- ◆ Planning reforms provide the opportunity to establish better links between the aspirations of local communities and the planning process

### The Process in Outline



### Links to the Planning System

- ◆ Councils are required to take account of views of local people when preparing statutory planning documents
- ◆ Parish Plan can have valuable role in developing/influencing policies of LDF
- ◆ Parish Plans can be adopted as Supplementary Planning Documents

## Matters to Consider

- ◆ Parish Plans must conform to land-use policy system
- ◆ Must result from full community involvement and include evidence of this
- ◆ Should be realistic in their expectations

## What we can/can't Do

### CAN

- ◆ Provide advice on issues
- ◆ Give feedback at key stages
- ◆ Undertake final formal consultation on the document

### CAN'T

- ◆ Provide finance
- ◆ Have any involvement in detailed work
- ◆ Provide definitive timescales to adopt a Parish Plan (at the moment)

## Contacts

- ◆ Paul Crysell 01527 881318  
◆ [p.crysell@bromsgrove.gov.uk](mailto:p.crysell@bromsgrove.gov.uk)
- ◆ John Spurling 01527 881328  
◆ [j.spurling@bromsgrove.gov.uk](mailto:j.spurling@bromsgrove.gov.uk)
- ◆ Or write to us at BDC, Burcot Lane, Bromsgrove B61 0LD

## A Couple of Extras!

- ◆ Consultation on the new Plan process
- ◆ Request for Planning Training – what do you want us to cover?

## Licensing Act 2003

Sharon Smith  
Principal Licensing Officer  
Bromsgrove District Council  
Tel: 01527 881626

“What you need to know”

## Licensing Objectives

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

## Types of Licence

- Personal licence
- Premises licence
- Club premises certificate
- Temporary event notices

## Personal Licences

- Required for the sale of alcohol
- Granted for 10 years
- Portable

## Premises Licence

- The sale by retail of alcohol
- The supply of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment
- No standard conditions
- Not time limited

## Club Premises Certificates

- Qualifying club activities
- No personal licence holder

## Temporary Event Notices

- Occasional permissions
- Less than 500 attendees
- Limitations
- 10 days notice

## Review of Licences

- A licence can be reviewed at any time
- Grounds for a review
- Representations

## Statement of Licensing Policy

- What will it do?
- Extensive consultation
- Publishing the statement of licensing policy
- Future reviews

## Transitional Provisions

- Dual system
- 6mths to convert existing licences
- Objections made by the Police
- A hearing must be held
- Variation of an existing licence

## Summary

- Sept-Oct 2004 – Consultation
- Nov/Dec 2004 – Publish Policy
- Dec 2004 – Issue application packs
- Feb 2005 – Start of the transition
- Feb-Aug 2005 – Conversion of licences

## And Finally.....

- November 2005 – End of the transition period



# NEW LICENSING LAWS !



Your business will be affected



Please read carefully



# **Licensing Act 2003**

## **1. Introduction**

This document has been designed to give you a brief overview with regard to the main licensing aspects and to help ensure that you, as licence holders are prepared for the impact to your business.

If you currently hold any of the following licences, you will be affected:

- Alcohol
- Public entertainment
- Theatre
- Cinema
- Registered Members Club
- Late night refreshment

From November 2005, the Licensing Act 2003 will replace the current licensing system completely – such as abolishing current liquor licences, public entertainment licences, special hours certificates, supper hours certificates, children's certificates, plus many more outdated pieces of legislation. The Act will bring the provision of licences for all 'licensable activities' under the responsibility of the Council.

The Magistrates will retain control of the old system until the start of the new regime, which is likely to be around November 2005; under the new system they will also be responsible for the hearing of appeals. Please note that the timetable for implementation of the Act is yet to be confirmed by the Department for Culture, Media and Sport (DCMS).

## **2. Types of Licence**

There will be four types of new licences:

- Premises Licence
- Personal Licence
- Temporary event notices
- Club premises certificate

### **a) Premises Licence**

This licence will allow the holder to use a 'specified premises' for 'licensable activities', namely the sale and supply of alcohol, regulated entertainment and late night refreshment. Once granted, a premises licence has effect until the licence is revoked, suspended or surrendered, but otherwise it is not time limited unless the applicant requests a licence for a limited period. Representations may be made about an application, for example by local residents and businesses, the police, the fire authority and public bodies. The representations must concern the promotion of the licensing objectives. Once the licence has been granted the same classes of persons and bodies may seek a review of the licence at any time.

If you wish to qualify for 'grandfather rights', (i.e. retain the rights and opening times which you are allowed under your existing licence) you will be required to convert your existing licence to a new premises licence within six months from the start of transition period, namely 7<sup>th</sup> February 2005. The flow chart at the end of this guide shows you in simplified terms, the steps involved in making the necessary application to the Council.

- You will be required to complete and submit the prescribed application form. Forms for making such an application will be available from the Council once DCMS have finalised the requirements;
- Original or certified copy of your existing licence(s), including any additional permissions, such as Children's Certificate, the playing of recorded music etc.;
- A plan of the premises, this will have to be in a prescribed format;
- Details as to the identity of the Designated Premises Supervisor if the relevant existing licence authorises the supply of alcohol;
- The appropriate fee. The fees are yet to be announced by DCMS. However, church buildings, community centres and village halls will be exempt from having to pay any fees.

A copy of the application will also need to be submitted to the Police Authority within 48 hours of the application being made.

In the absence of an application for a variation, licensees will be automatically granted a 'premises' licence on exactly the same terms as the existing licence, unless there is a police objection on the grounds of crime prevention. If relevant representations are received, the Council must, unless specified persons agree, convene a hearing and consider the representations. This consideration may result in the rejection of the licence application in whole or in part, or the attachment of conditions to the licence that relation to the promotion of one or more of the licensing objectives.

When you make an application for the conversion of an existing licence, you may at the same time apply for a variation of the newly converted premises licence under sections 34 and 37 of the Act as if that licence was in force. Where the application concerns a major variation, for example the key change that you will be able to make is with regard to operating times. As you are no doubt aware, there will no longer be statutory limitations to the hours or days during which premises are able to provide 'licensable activities'.

The variation application will need to include the following:

- Details of requested change in licence terms;
- The appropriate fee;
- For a major alteration to a premises licence an 'operating schedule' may also be required which would include details of the licensable activities; operating times; identification of the 'premises supervisor' where supply of alcohol is requested; whether any alcohol is to be consumed on/off the premises; and the steps which the licensee will take to promote the for licensing objectives;
- For a change to the designated premises supervisor, a form of consent from the individual proposed will also need to be included;
- The appropriate application form;
- The original existing licence or certified copy;
- You may also be required to advertise the proposed changes.

As normal, if there are no representations by either a responsible authority or an interested party, the application must be granted and there should be no hearing by the Council's Licensing Committee. If a relevant representation is made, there must be a hearing at which the parties may present an argument to the Council's Licensing Committee. Following the hearing, the Committee would determine the application and refuse the variation only if it is necessary for the promotion of the licensing objectives. The Council may not however do anything to reduce the effect of the rights guaranteed under the conversion of the existing licence, such as reducing the hours of trading to less than the permitted hours under the Licensing Act 1964.

A right of appeal to the Magistrates' Court is provided for the applicant against a decision to vary the new licence.

Neither the 'premises licence' nor any variation to the existing licence terms will come into effect until the end of the 'transition' period. Thus, during this period, existing licences will be enforceable.

#### **b) Personal Licence**

This licence authorises the specified person to supply alcohol or allow the supply of alcohol, in accordance with a premises licence. Such personal licences are valid for 10 years, and will be 'portable' between premises.

Existing justices' licence holders need to apply for the new 'personal' licence during the start of the transition period in order to benefit from the Act's 'grand-fathering' provisions. Therefore all holders of justices' licences will automatically be granted 'personal' licences unless there are police objections on grounds of crime prevention. In which case the Council's licensing committee will hold a hearing, unless agreed unnecessary by the licence applicant and the police.

To convert your existing licence for a new 'personal licence', the following will need to be supplied to the Council:

- Application form. Forms for making such an application will be available from the Council;
- A copy of the existing justices' licence or certified copy;
- Photograph of applicant with a statement of its' likeness by a person to be specified;
- A statement providing details of any relevant offence;
- The appropriate fee.

A copy of the application will also need to be submitted to the Police Authority within 48hours of the application being made.

'Personal Licences' will not come into effect until the end of the 'transition' period, which is yet to be set by the Secretary of State.

### **c) Temporary Event Notices**

These notices replace the existing 'occasional permissions', and only relate to temporary events with less than 500 attendees where 'licensable activities' are planned to take place, and a premises licence is not held.

There are however, a number of limitations:

- Personal Licence holders may make up to 50 applications per year; non personal licence holders may make up to 5 applications per year;
- Each event may last no more than 96 hours and there must be at least 24 hours between each event;
- No premises may be used more than twelve times per year;
- No premises may be used for more than 15 days per year in total.

Upon receipt of the 'Notice' the Council will issue an acknowledgement and/or, in the case of a police objection, provide a counter notice. Where there is a police objection the Council will hold a hearing, unless agreed unnecessary by the application and the police.

### **d) Club Premises Certificates**

These will provide authorisation for qualifying clubs to use club premises for qualifying club activities. These are the supply of alcohol by or on behalf of a club to a member for consumption on the premises, or the sale by retail of alcohol by or on behalf of a club to a guest of a member for consumption on the premises, and the provision of regulated entertainment by or on behalf of a club for its members and guests.

Existing certificate holders need to apply for a new 'club premises certificate' at the start of the transition period; the following documents will need to be supplied to the Council:

- Registered Members Club certificate or certified copy;
- A plan of the premises;
- The appropriate fee;
- The completed application form. Forms for making such an application will be available from the Council once the Secretary of State has finalised the requirements.

A copy of the application will also need to be submitted to the Police Authority within 48 hours of the application being made.

Existing club certificate holders will be automatically granted a 'club premises certificate' on the same terms as the existing licence, unless there are police objections on the grounds of crime prevention.

Applications for grants of club certificates that are to take effect before the end of the transition period will continue to be made to the Magistrates' Courts.

## **Finally**

Prior to the end of the transition period (the second appointed day), all premises licences and certificates with any associated variations granted during the transitional period would in effect be licences and certificates without effect, lying dormant until brought into force on the second appointed day. Existing licences and permissions would therefore continue to be in force throughout the transitional period under the control of the existing licensing authorities, including the licensing justices'.

Responsibility for any variation, extension of hours or the renewal of any of these existing licences would therefore continue to be that of the existing licensing authority (magistrates' courts for registered clubs, licensing justices for alcohol licences, and the local authority for all others) pending the coming into force of the new premises licences and certificates simultaneously on the second appointed day. The new and old systems would to some extent, therefore run in parallel until the transitional period is completed.

If you have misplaced any of your original certificates/licences, please contact the Justices Clerk at the Magistrates' Court for details of how to get a duplicate.

If you do not apply during the first six months of the transition period, you will not be able to convert your existing licence(s) and you will need to apply under the full requirements of the Act. If so, objections could be raised by a number of specified groups, including for example, local residents.

If you have any further queries, please do not hesitate to contact the Licensing Section at the Council House on telephone number 01527 881626 or you can send an email to [sharon.smith@bromsgrove.gov.uk](mailto:sharon.smith@bromsgrove.gov.uk) or visit the Council's own website at [www.bromsgrove.gov.uk/licensing](http://www.bromsgrove.gov.uk/licensing). Alternatively further information is also available on the Department for Culture, Media and Sport (DCMS) website: [www.culture.gov.uk](http://www.culture.gov.uk)

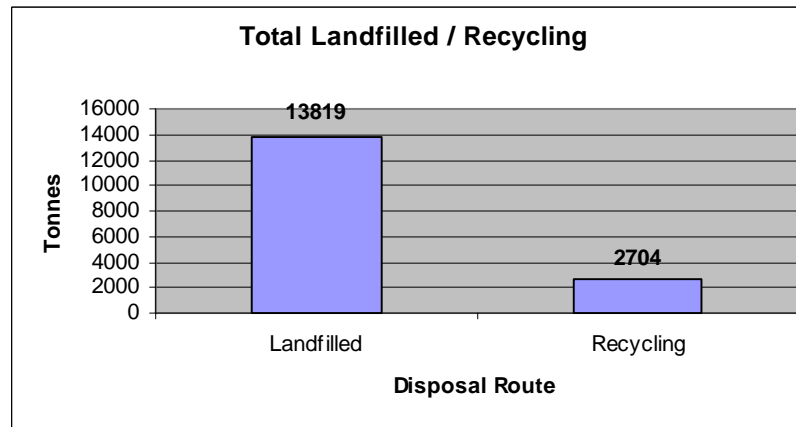


### Appendix 3

July 2004	Tonnes
Landfill C/away	<b>2138.00</b>
Wolves (Energy)	239.60
Redditch (Energy)	75.14
Green	298.70
Paper	92.44
Cans and Plastic	13.06
Glass	42.64
Fridges	5.96
Plastic	0.00
Rags	0.94
Tyres	1.30
<b>Total Recycling</b>	<b>769.78</b>

August 2004	Tonnes
Landfill C/away	<b>1809.00</b>
Wolves (Energy)	128.70
Redditch (Energy)	113.60
Green	404.50
Paper	132.60
Cans and Plastic	24.10
Glass	41.26
Fridges	5.53
Plastic	0.00
Rags	0.50
Tyres	0.36
<b>Total Recycling</b>	<b>851.15</b>

Accumulative 2004	Tonnes	
Landfill C/away	<b>13819.00</b>	
Wolves (Energy)	511.30	
Redditch (Energy)	357.30	
Green	1251.00	
Paper	354.40	
Cans and Plastic	56.48	
Glass	139.20	
Fridges	26.38	
Plastic	0.00	
Rags	2.66	
Tyres	5.38	
<b>Total recycling</b>	<b>2704.10</b>	<b>16.37%</b>



16.37% has been diverted from landfill