



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING COMMITTEE**

**MONDAY 24TH JUNE 2013**

**AT 6.00 P.M.**

**COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Councillors Mrs. R. L. Dent (Chairman), Mrs. C. J. Spencer (Vice-Chairman), Mrs. S. J. Baxter, J. R. Boulter, J. S. Brogan, Ms. M. T. Buxton, S. J. Dudley, K. A. Grant-Pearce, Mrs. J. M. L. A. Griffiths, Miss P. A. Harrison, Mrs. H. J. Jones, R. J. Shannon and S. P. Shannon

**AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 20th May 2013 (Pages 1 - 4)
4. DPPO - Designated Public Places Order - Review Update (Pages 5 - 10)
5. Licensing Annual Report (Pages 11 - 14)
6. Hackney Carriage Fare Increase - Request (Pages 15 - 26)
7. Fees and Charges (Pages 27 - 30)
8. Licensing Committee Work Programme 2013/2014 (Pages 31 - 32)

To consider the Committee's Work Programme for the current municipal year 2013/2014.

9. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

14th June 2013

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# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE LICENSING COMMITTEE

MONDAY, 20TH MAY 2013 AT 6.00 P.M.

PRESENT: Councillors Mrs. S. J. Baxter, J. R. Boulter, Ms. M. T. Buxton, Mrs. R. L. Dent, S. J. Dudley, K. A. Grant-Pearce, Mrs. J. M. L. A. Griffiths, Miss P. A. Harrison, R. J. Shannon, S. P. Shannon and Mrs. C. J. Spencer

Observers: 3 Members from Bromsgrove Taxi Association

Officers: Mrs. S. Sellers, Mrs. V. Brown (observing), Ms. S. Garratt and Mrs. P. Ross

#### 1/13 ELECTION OF CHAIRMAN

**RESOLVED** that Councillor Mrs. R. L. Dent be elected Chairman of the Committee for the ensuing municipal year.

#### 2/13 ELECTION OF VICE-CHAIRMAN

**RESOLVED** that Councillor Mrs. C. J. Spencer be elected Vice-Chairman of the Committee for the ensuing municipal year.

#### 3/13 APOLOGIES

Apologies for absence were received from Councillors Mrs. H. J. Jones and J. S. Brogan.

#### 4/13 DECLARATIONS OF INTEREST

No declarations of interest were received.

#### 5/13 MINUTES

The minutes of the meeting of the Licensing Committee held on 29th October 2012 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

#### 6/13 WORCESTER ROAD TAXI RANK - REVIEW

Members considered a report detailing a request made by the Bromsgrove Taxi Association to amend the Worcester Road Hackney Carriage Rank to incorporate a further 7/8 taxi rank spaces. The request was supported by West Mercia Police.

The Licensing Manager presented the report and in doing so informed Members that licensing officers had been working with members of the Taxi Association and West Mercia Police to monitor the operation of the taxi rank on Worcester Road and the interim arrangement for taxi drivers to use Station Street. Worcester Road was a busy area of town in terms of night time economy with close proximity to various licensed premises, which resulted in a concentration of members of the public looking to use taxis at the end of the evening and the early hours of the morning.

As detailed at Appendix 2 to the report, an unofficial, temporary practise had been in place since December 2012, where taxis had parked along Station Street awaiting fares. This temporary practise had caused problems for residents on Station Street with noise and traffic congestion during the early hours of the morning.

The Licensing Officer had received an alternative proposal from Bromsgrove Taxi Association and supported by West Mercia Police, to extend Worcester Road Hackney Carriage Rank by a minimum of 7 additional spaces thereby increasing the total capacity to 10 spaces. These additional spaces would be available between 7.00 p.m. and 7.00 a.m.

Worcestershire County Council (WCC) Highways Department were in agreement with the proposal and if Members agreed the recommendations, as detailed in the report, WCC officers would undertake consultation on the Road Traffic Regulations Orders. Simultaneously Bromsgrove District Council officers would conduct a 28 day public consultation. Members were asked to note that the WCC consultation would take considerably longer than the Council's 28 day consultation.

The Licensing Manager responded to Members' questions in respect of the proposed additional taxi rank spaces affecting residents who resided on Station Street. Residents would lose a number of free parking spaces during the hours proposed. Members were informed that local residents would be included in the 28 day consultation process.

Councillor R. J. Shannon stated that he fully supported the consultation. However he expressed his and residents' concerns with the police's interim arrangement for taxi drivers to use Station Street and emphasised that Station Street had double yellow lines indicating no parking at any time. From the 30th May 2013 Bromsgrove District Council would be responsible for enforcing on street parking regulations instead of the police. He then raised the question, if Members agreed to the recommendations, as detailed in the report, would the interim arrangement for taxi drivers to use Station Street continue, until both consultation periods were over; and how would this impact on the Council who would be responsible for enforcement. The Principal Solicitor responded to Councillor Shannon and agreed that the points raised were valid and that she would seek clarification on the points raised.

Following further discussion Members agreed that they understood why the police had an interim arrangement for taxi drivers to use Station Street; to

ensure that members of the public were safely and quickly transported away from the town centre to prevent potential anti-social behaviour with large numbers of people leaving licensed premises at the same time.

**RESOLVED:**

- a) that the Worcester Road Hackney Carriage Rank be amended as proposed by Worcestershire County Council Highways Department;
- b) that the proposals to amend the rank be subject to public consultation for a period of 28 days; and
- c) that the outcome of the public consultation exercise be reported back to the Licensing Committee.

7/13 **LICENSING COMMITTEE WORK PROGRAMME**

Members were asked to consider the Licensing Committee Work Programme.

The Licensing Manager informed the Committee that in respect of Worcestershire Regulatory Services Licensing Committee's meeting and sharing best practice, this had not progressed as no further interest had been expressed. Members agreed that this item be taken off the work programme.

The Licensing Manager responded to Members' questions with regard to the Scrap Metal Dealers Act 2013 and training for Committee Members with regard to the new Act.

The Scrap Metal Dealers Act 2013 maintains local authorities as the principal regulator of these industries. The Act creates two different types of scrap metal licence. One would be a site licence, the other a collector's licence. It gave local authorities the power to better regulate these industries by providing a power to refuse to grant a licence and revoke licences if the dealer was considered 'unsuitable'. The Licensing Manager highlighted that the Act had not been enacted. Once officers had received guidance on the Act a specific training session to cover the Act and the role of local authorities would be organised for Committee Members.

**RESOLVED** that, subject to the amendments as referred to in the pre-amble above, the Licensing Committee Work Programme be noted.

The meeting closed at 6.27 p.m.

Chairman

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## LICENSING COMMITTEE

24<sup>TH</sup> JUNE 2013

### BROMSGROVE DISTRICT DESIGNATED PUBLIC PLACE ORDER UPDATE

Relevant Portfolio Holder	Cllr Kit Taylor – Portfolio Holder for Licensing Cllr Margaret Sherrey – Portfolio Holder for Community Safety
Portfolio Holder Consulted	YES
Relevant Head of Service	Judith Willis – Acting Head of Community Services
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	None
Key Decision / Non-Key Decision	Non-Key Decision

#### 1. SUMMARY OF PROPOSALS

- 1.1 Bromsgrove District Council has granted 22 Designated Public Place Orders to tackle adult alcohol-related anti-social behaviour. Between 2011 and 2012 the local authority began a review of the orders as recommended by Home Office guidance. However, on 16<sup>th</sup> April 2012 the review was suspended until July 2013 to allow officers to arrange for a change of signage across the District and to undertake a programme of public awareness raising activities.
- 1.2 In December 2012 the Draft Anti-Social Behaviour Crime and Policing Bill was published. This legislation proposes to replace 19 existing powers to tackle anti-social behaviour with new powers. A new Public Space Protection Order (PSPO) is proposed to replace Designated Public Place Orders (DPPO).
- 1.3 In light of these planned legislative changes it is thought prudent that that any review of DPPOs should be deferred until the Anti-Social Behaviour Crime and Policing Bill receives Royal Assent. This is likely to take place in either May or October 2014. Within the 3 year transitional period from 2014, a comprehensive review of DPPOs should be considered prior to them becoming PSPOs. This will provide the Council with an opportunity to ensure its PSPOs are appropriate, proportionate and are used to their full potential.
- 1.4 In the meantime the current programme of sign replacement will continue in order to change old 'Alcohol Free Zone' signs to compliant Designated Public Place signage and the Community Safety team will continue to publicise the current orders and work with West Mercia Police to promote their usage as an anti-social behaviour tool.

**2. RECOMMENDATIONS**

- 2.1 That the review of current Designated Public Place Orders in Bromsgrove in Bromsgrove be deferred until the Anti-Social Behaviour Crime and Policing Act obtains Royal Assent.
- 2.2 That officers be requested to provide a further update report to Members of the Licensing Committee to brief them on the new legislation in the Anti-Social Behaviour Crime and Policing Act once the Act has received the Royal Assent.

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The Community Safety service does not have an allocated budget for the management of DPPOs and therefore costs are kept to a minimum. Work has been undertaken by the Community Safety Team over the past 12 months to arrange replacement of incorrect DPPO signage. New signage was funded by a Community Safety Partnership grant and the erection of these signs is being carried out by Environmental Services Operatives around their daily duties. A limited amount of Community Safety officer time is and will continue to be spent publicising current orders and working with West Mercia Police to encourage their use.
- 3.2 In the event that current orders are amended or removed, or that new orders are required there will be an additional financial cost towards signage, consultation and publication of any new orders. As there is no current budget set aside for this process, additional funding would need to be allocated or external funding sources identified.
- 3.3 The Anti-Social Behaviour Crime and Policing Bill is likely to receive Royal Assent in 2014 and will create new powers to deal with anti-social behaviour replacing existing powers such as DPPOs (further details are contained in section 3.4 to 3.7 of this report). This will have financial implications for the local authority in order to aid the transition from existing orders to new orders. Whilst the Bill is still in draft the full extent of these financial implications are not yet known.

**Legal Implications**

- 3.4 A Designated Public Place Order (DPPO) is an additional tool to help deal with adult alcohol related anti-social behaviour. It gives the police the power to confiscate alcohol or require a person to stop drinking in public if they are causing a nuisance. The powers do not prohibit drinking in public places and can only be used where it is associated with negative behaviour.

- 3.5 Whilst there is no statutory requirement to review a DPPO, Home Office guidance recommends orders should be evaluated and reviewed as a matter of good practice. How often a DPPO should be evaluated is a decision for the Council, but the Home Office guidance recommends a review of current orders every two years. The aim of a review is to find out whether the DPPO has helped to reduce alcohol-related anti-social behaviour. If the DPPO is still required it will remain in force – no further legal procedure is required. If the DPPO is deemed no longer necessary or disproportionate it can be revoked or amended.
- 3.6 In December 2012 the Home Office published the draft Anti-Social Behaviour, Crime and Policing Bill. One of the key provisions of the Bill is the introduction of new powers for tackling anti-social behaviour to replace 19 powers that are currently in use. It is proposed that DPPOs will be replaced by Public Space Protection Orders. The following paragraphs are based on detail taken from the Anti-Social Behaviour, Crime and Policing Bill. However, Members should note that the current drafting may be subject to further change before the Bill receives the Royal Assent.
- 3.7 A Public Space Protection Order (PSPO) can be issued by the local authority if it is satisfied that activities taking place in a public area within the district have had a detrimental effect on the quality of life of those in the surrounding area. Alternatively, an order can also be issued if it is likely that activities will take place in a public area that will have a detrimental effect. The test in the Bill is that the effect must be, or be likely to be, of a persistent or continuing nature such as would make the activities unreasonable. In this case the restriction in the notice would be justified.
- 3.8 A PSPO can be made for a maximum period of 3 years, although the term of the order can be extended. The PSPO must be published to ensure that everyone is aware of any restrictions imposed by the order. Breach of the PSPO without reasonable excuse is a criminal offence attracting a maximum punishment of a fine not exceeding level 3 on the standard scale. Alternatively, a fixed penalty notice can be imposed.
- 3.9 The transitional arrangements from DPPOs to PSPOs are set out in Section 68 of the Bill. Any DPPOs in place prior to the commencement of the Act will not be repealed or amended by the Act for a period of 3 years. At the end of the 3 year period any DPPOs still in force will remain in force as if they were provisions of a PSPO.

**Service / Operational Implications**

- 3.10 Bromsgrove District Council has granted 22 DPPOs to tackle alcohol-related anti-social behaviour. Between 2011 and 2012 the local authority began a review of the orders as recommended by Home Office guidance.

- 3.11 On the 16<sup>th</sup> April 2012 at the Council's Licensing Committee, the review was suspended until July 2013 to allow officers to arrange for a change of signage around the District and to undertake a programme of public awareness raising activities.
- 3.12 Work to replace the signage has suffered a number of setbacks, most notable being a fault with the signs that had been provided. After much negotiation with the supplier the signs were rectified at no cost to the Council. This work to erect the new signs was put onto the work programme of operatives but their other substantive work has had to be prioritised meaning the new signs did not start to be erected until April 2013. Many areas have been completed but some replacement signs are still outstanding.
- 3.13 Once all of the new signs have been erected the remaining work will commence around the agreed public awareness raising activities that the Community Safety Team agreed to deliver, including designing and distributing public information leaflets, redesigning web site information and working with West Mercia Police to brief officers in how to best utilise DPPO powers.
- 3.14 Also at the Licensing Committee in April 2012, members agreed to suspend any DPPO review until July 2013. However the Draft Anti-Social Behaviour Crime and Policing Bill published in December 2012, will significantly impact on any DPPO review, with new PSPO proposed to replace DPPO.
- 3.15 A PSPO will identify a public place and prohibit specified activities being carried out in the restricted area or require specified activities to be carried by persons behaving in a specified manner in that area, or both. For example, this could include the prohibition of alcohol consumption.
- 3.16 It is an offence for a person without reasonable excuse, carry out an activity that is prohibited by a PSPO or to fail to comply with a requirement to which the person is subject under a PSPO.
- 3.17 A PSPO lasts for a maximum of 3 years but as referred to above can be extended. In considering any extension there must be continuing grounds for the need for the PSPO and consultation with the police and other persons as appropriate.
- 3.18 Any DPPOs in place prior to the commencement of the Act will not be repealed or amended by the Act for a period of 3 years. At the end of the 3 year period any DPPOs still in force will remain in force as if they were provisions of a PSPO.
- 3.19 In light of these legislative changes it is recommended that any review of DPPOs is suspended until the Anti-Social Behaviour Crime and Policing Bill receives Royal Assent which is likely to be in either May or October 2014. Within the 3 year transitional period beginning in 2014, a review of the DPPOs should be considered prior to them becoming PSPOs. This will offer the Council an

opportunity to ensure its PSPOs are appropriate, proportionate and used to their full potential.

**Customer / Equalities and Diversity Implications**

- 3.20 The Council's first attempt at undertaking a DPPO review in 2011 showed that the DPPOs are very popular amongst communities as they provide a statement to potential trouble makers that alcohol related nuisance and disorder will not be tolerated. A DPPO review provided an opportunity to see whether the orders were still appropriate and proportionate. However the process proved controversial within communities as a review also posed a possibility for an order to be removed although it should be noted any review also included an opportunity to amend an order either by reducing or expanding its coverage.
- 3.21 There is no statutory requirement to review a DPPO but Home Office guidance recommends that a review should take place. As new legislative changes are imminent, it is likely that a suspension of any review would be welcomed by local communities to ensure that there is some continuity of protection. Reviews of PSPOs will take place on a regular basis as they will be a legislative requirement and these are likely to be of significant interest to local communities.

**4. RISK MANAGEMENT**

- 4.1 Bromsgrove has 22 DPPOs and each DPPO has been in place for some time. In accordance with Home Office Guidance it is considered to be best practice to review DPPOs at least every two years. There is little risk associated with continuing to carry out public awareness raising activities whilst the formal review is suspended. These actions will support the delivery of more effective and comprehensive public/stakeholder consultation as part of any future reviews that the Council undertakes in relation to anti-social behaviour tools and powers.
- 4.2 There will be no impact on levels of crime and disorder as all DPPOs will remain in place to help towards a smooth transition from DPPOs to PSPOs.

**5. APPENDICES**

None

**6. BACKGROUND PAPERS**

The Criminal Justice and Police Act 2001  
Violent Crime Reduction Act 2006  
The Local Authorities (alcohol Consumption in Designated Public Places)  
Regulations 2007  
Home Office Circular 013/2007  
Anti-Social Behaviour Crime and Policing Bill

**7. KEY**

DPPO – Designated Public Place Order  
PSPO – Public Space Protection Order

**AUTHOR OF REPORT**

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## LICENSING COMMITTEE

24<sup>th</sup> June 2013

### LICENSING ANNUAL REPORT

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

#### 1. SUMMARY OF PROPOSALS

To provide a report on the activities under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing and to inform the Committee on any issues anticipated in the ensuing year as required under the Council's Licensing Act 2003 and Gambling Act 2005 Policies.

#### 2. RECOMMENDATIONS

**Members are asked to RESOLVE;**

**The contents of the licensing Annual Report 2012/1013 be noted.**

#### 3. KEY ISSUES

##### Financial Implications

3.1 None.

##### Legal Implications

3.2 None

##### Service / Operational Implications

3.3 Since 1<sup>st</sup> June 2010 Worcestershire Regulatory Services Licensing Team has taken over operational delivery of the statutory functions of licensing and enforcement of regulated activities and businesses operating under the Licensing Act 2003 on behalf of Bromsgrove District Council. These functions cover premises which sell and supply alcohol, provide regulated entertainment and late night refreshment, gambling premises, gaming machines and lotteries. The Licensing Team also deals with the operation and administration of Hackney Carriage/Private Hire vehicles, drivers and Operator's licenses, Street

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and House to House Collections. The Council retains full policy and statutory responsibility for all licensing functions.

- 3.4 Under the terms of the Licensing Act 2003 and the Gambling Act 2005, each local authority is required to prepare and publish a licensing policy which has to be reviewed every five years. At the end of 2010 the review of the Licensing Act 2003 policy was completed with only minor changes having been made. The Gambling Act 2005 policy was reviewed during 2012 again with only minor amendments. It is anticipated that future reviews will further align the policies of the partner Councils.

**Licensing Act 2003**

- 3.5 The Licensing Act 2003 transferred the liquor licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshment, cinemas and theatres.
- 3.6 The number of new licenses issued and granted by Bromsgrove District Council in the year 2012/2013 are:

Personal Licenses	New 75	Total 792
Premises Licenses	New 14	Total 326
Club Premises Certificates	New 0	Total 41
Temporary Event Notices		Total 240

(NB: Premises licenses were surrendered by licence holders and subsequently cancelled)

- 3.7 The Licensing Sub Committee created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises, met on four occasions during the year 2012/13 all within the statutory time limits – these were all new applications or variation applications where objections could not be mediated out.

**Gambling Act 2005**

- 3.8 Last year saw the continued implementation of the Gambling Act 2005. It replaced most of the existing law relating to gambling in Great Britain and much like the Licensing Act 2003 aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council. The Licensing Team



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now issue premises licenses for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres and casinos.

- 3.9 The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are:

Betting Premises	7
Bingo Premises	0
Adult Gaming Centres	9
Family Entertainment Centres	2
Casinos	0

- 3.10 Again all yearly maintenance fees as set out in the Gambling Act 2003 which have been set by the Local Authority for the year ending 2012/13 have been received by the Authority.

**Taxi Licensing**

- 3.11 The Licensing Team is also responsible for the operational function of the licensing and enforcement of Hackney Carriage and Private Hire Vehicles, drivers and Operators.
- 3.12 An Enforcement exercise in conjunction with VOSA, West Mercia Police and the Licensing Team showed that out of the vehicles stopped and examined at the Depot, no vehicles were found with serious faults, the minor issues of no tariff card and unlit top boxes were dealt with by way of verbal warnings at the road side.
- 3.13 The number of licensed vehicles and drivers has remained fairly consistent and at present the following number of licenses are valid.

	11/12	12/13
Hackney Carriage Vehicles	103	137
Private Hire Vehicles	67	51
Dual Hackney Carriage/Private Hire Drivers	180	165
Private Hire Operators	17	17

- 3.14 Licensing Officers attend the Taxi Forum which the licensed Hackney Carriage and Private Hire trade hold roughly 4 times a year; this forum continues to be a useful opportunity for members of the trade to raise

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and discuss any issues which they feel are current and relevant with the Council.

- 3.15 Licensing Officers keep in regular contact with the appointed taxi trade representatives – by phone and one to one meetings when necessary.
- 3.16 Worcestershire Regulatory Services Licensing Team members regularly attend and represent Bromsgrove District Council at a number of local and regional meetings, such as the Institute of Licensing meetings, the Regional Taxi Licensing Forums and other neighbouring authority groups, which continue to prove to be invaluable, on providing information on national and regional licensing matters inclusive of upcoming changes in any licensing legislation.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

**AUTHOR OF REPORT**

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## LICENSING COMMITTEE

24<sup>th</sup> June 2013

### HACKNEY CARRIAGE FARE INCREASE - REQUEST

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision N/A	

#### 1. SUMMARY OF PROPOSALS

To consider varying the table of fares to be charged by Hackney Carriage owners.

#### 2. RECOMMENDATIONS

**Members are asked to RESOLVE;**

**Whether or not to vary the Hackney Carriage table of fares as proposed by the Bromsgrove Taxi Association.**

**If Members resolve to vary the table of fares, to delegate authority to the Head of Worcestershire Regulatory Services to carry out the required advertising of any variation and implement the variation if no objections are received.**

#### 3. KEY ISSUES

##### Financial Implications

- 3.1 There are no direct financial implications to the Council arising from this report. The costs of advertising any proposed variation to the table of fares will be met from existing Worcestershire Regulatory Services budgets.

##### Legal Implications

- 3.2 The Committee has the power to fix the rates or fares within the district as well for time as distance and all other charges in connection with the hire of a hackney carriage vehicle by means of a table under section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.3 When varying the table of fares there is a statutory requirement to publish the proposal in the form of a Notice, specifying the day (the specified date) on which it will come into force, in at least one local

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newspaper and allow 14 days for any objections to be made. During that period a copy of the Notice must be available for inspection at the Council Offices at all reasonable hours.

- 3.4 If no objections are received to the variation of the table of fares or all of the objections that are made are withdrawn then the variation will come into effect on the specified date. However, if objections are made and not withdrawn, the Licensing Committee must consider them and set a date, not later than two months after the specified date, when the table of fares shall come into effect with or without modification as decided by them after consideration of the objections.
- 3.5 In accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, there is no limit to the amount of increase or variation, nor need an increase be dependent upon external factors such as the increase in fuel prices.

**Service / Operational Implications**

- 3.6 The current table of fares can be seen at **Appendix 1**. This table of fares was agreed by the Licensing Committee in July 2008 and has not been increased since.
- 3.7 The Council has recently received a request from the Bromsgrove Taxi Association to increase the mileage rates charged to passengers by adding 50p to the flag charge (the flag charge is the initial amount displayed on the meter and charged for the first mile of a journey). The Taxi Association have not requested an increase on the running mile cost or any change on any other tariff or surcharges. A copy of the request received is shown at **Appendix 2**.
- 3.8 As a consequence, the Council has consulted with all Hackney Carriage owners on the proposal put forward by the Taxi Association. There are presently 136 vehicles licensed to be used as Hackney Carriages. A copy of the consultation letter is shown at **Appendix 3**. The results of the consultation are:
- 64 responses were received in total during the consultation  
60 respondents are in favour of the proposed increase  
4 respondents are not in favour of the proposed increase
- 3.9 The remaining vehicle owners have not responded to the consultation letter. However, a number of them are believed to be members of the Taxi Association.

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3.10 A number of those that are in favour of the proposed increase have commented that the increase is required and justified in light of the increasing running costs that members of the taxi trade have to meet including fuel and insurance prices.

3.11 Two of the respondents who have indicated that they are not in favour of the proposed increase, have commented that now is not the right time to increase the charges in the table of fares as members of the public are already struggling in the current economic climate. One of these respondents has expressed the opinion that a £3.80 flag charge would have been a better compromise and more easily justified to the public.

3.12 In relation to fuel price rises since the table of fares was last varied, the average cost of a litre of fuel in the West Midlands Region was as follows:

	Unleaded 95 Octane	Diesel	Super-Unleaded	LPG
Price (per litre)	119.5p	132.9p	126.2p	57.9p

*(Figures taken from the AA Motoring Trust Fuel Report – July 2008)*

3.13 According to the same statistics, in May 2013 the average price for a litre of fuel in the West Midlands Region was at the following levels:

	Unleaded 95 Octane	Diesel	Super-Unleaded	LPG
Price (per litre)	133.2p	137.8p	142.1p	73.6p
Change since July 2008	+ 11.5%	+ 3.7%	+ 12.6%	+ 27.1%

*(Figures taken from the AA Motoring Trust Fuel Report – May 2013)*

3.14 Based on the current table of fares, the cost of a 2-mile journey in the Bromsgrove district is £5.28.

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3.15 The proposed increase will result in the following charges:

For the first mile	£4.00
For each subsequent 99 yards	10p = £1.78 per mile approx.

3.16 This will result in a charge of £5.78 for a journey of approx. 2 miles, an increase of around 9.5% on the existing cost of such a journey.

3.17 Comparisons with other nearby Councils show that the current cost of a 2-mile journey in the following areas is:

Wyre Forest	£4.90
Redditch	£4.88
Worcester	£5.40
Wychavon	£5.00
Dudley	£5.90
Malvern Hills	£6.10
Birmingham	£6.20
Solihull	£6.20

3.18 The national average cost of a 2-mile journey is £5.52 as at April 2013.

3.19 Based on the comparisons, and given that the current cost of a 2-mile journey in Bromsgrove is below the national average, Members may wish to consider increasing the mileage rates with immediate effect, subject to no objections being received during the consultation period.

3.20 If objections are received during the public consultation exercise, these objections will need to be brought back before the Licensing Committee for consideration before a decision to be taken as to when the table of fares shall come into effect with or without modifications.

3.21 If members decide to increase the Hackney Carriage fare tariff charged by Hackney Carriage drivers, all Hackney Carriage owners will be notified in writing of any increase, which will take effect as soon as possible after the consultation period.

3.22 Hackney Carriage owners will then have to have their meters re-calibrated to the new tariff and tested by the depot.

**LICENSING  
COMMITTEE**

**24<sup>th</sup> June 2013**

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**4. RISK MANAGEMENT**

4.1 The main risk associated with the detail included in this report is:

- To ensure that public transport is readily available, accessible and effective in contributing to the night time economy.

**5. APPENDICES**

Appendix 1	Current table of fares
Appendix 2	Request from Bromsgrove Taxi Association
Appendix 3	Copy of consultation letter

**AUTHOR OF REPORT**

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**DISTRICT OF BROMSGROVE**  
**TABLE OF FARES FOR HACKNEY CARRIAGES**

(i)	<b><u>MILEAGE</u></b>	
	If the distance does not exceed one mile: for the whole distance .....	£3.50
	If the distance exceeds one mile: for the first mile .....	£3.50
	for each subsequent 99 yards or uncompleted part thereof .....	10p
(ii)	<b><u>WAITING TIME</u></b>	
	For each completed period of 21 seconds .....	10p
(iii)	<b><u>EXTRA CHARGES</u></b>	
	(a) For hirings begun between 6.00 pm on 24th December and 7.00 am on 27th December .....	<i>Double meter charges</i>
	(b) For hirings begun between 6.00 pm on 31st December and 7.00 am on 2nd January .....	<i>Double meter charges</i>
	(c) For hirings begun on Easter Monday, May Day Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday .....	<i>1 ½ meter charges</i>
	(d) For hirings begun in severe weather conditions, or when visibility is less than 25 yards .....	<i>Double meter charges</i>
	(e) For hirings when the hirer arranges in advance by letter or telephone or otherwise, with the proprietor or driver for the hire of a hackney carriage where no part of the trip passes within 1 mile of any hackney carriage rank in the Bromsgrove District .....	<i>1 ½ meter charges</i>
	(f) For hirings begun between midnight and 2.00 am on days other than those specified in (a), (b) and (c) above .....	£1.00
	(g) For hirings begun between 2.00 am and 4.00 am on days other than those specified in (a), (b) and (c) above .....	£2.00
	(h) For hirings begun between 4.00 am and 6.00 am on days other than those specified in (a), (b) and (c) above .....	£3.00

(i)	For the carriage of animals (except guide and assistance dogs) per animal per trip .....	.50p
(j)	For hirings in which the number of passengers carried is greater than four <i>derived from (a), (b), (c), (d), (e), (f), (g) and (h) above</i>	<i>1 ½ meter charges plus 1 ½ extra charges</i>
(iv)	<b><u>FOULING OF THE VEHICLE</u></b>	
	To cover valetting:	
	(a) For vehicles licensed to carry less than five passengers .....	£50.00
	(b) For vehicles licensed to carry five or more passengers .....	£66.00

**PLANNING & ENVIRONMENT SERVICES**

**THE TABLE OF FARES WILL BE REGARDED AS FIXED FARES AND IT WILL NOT BE POSSIBLE TO CHARGE A LOWER OR HIGHER RATE THAN SPECIFIED IN THE TABLE**

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**Bromsgrove Taxi Association**  
**Formal request for a fare increase**

For the attention of licensing

The Bromsgrove Taxi Association formally requests a fare increase on flag only. A rise of 14.3% over the last five years, this equals 2.86% per annum or £0.50 from £3.50 to £4.00. We do not recommend an increase on the running mile or any change on any other tariff or surcharges.

The Bromsgrove Taxi Association formally requests that the fares are automatically increased every two years at the rate of inflation.

Regards

Lee Shepherd Chairman  
Lee Eacock. Vice Chairman.

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**Worcestershire Regulatory Services**  
PO Box 866, Worcester, WR1 9DP  
Telephone: 01527 881395  
Fax: 01905 617132  
Email: [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)

Our Ref: SG/SHC/Fareflag

Date: As Postmark

Dear Sir/Madam

**Consultation on Flag Fare increase**

Following on from the formal request made by Bromsgrove Taxi Association; Bromsgrove District Council wishes to consult with the trade on the following:

- To increase the Tariff flag from £3.50 to £4.00; an increase of 50pence.

Please complete the response slip below and return it using the pre-paid envelope by the **10<sup>th</sup> June 2013** to ensure your comments are registered.

Yours sincerely

Licensing Manager  
Worcester Regulatory Services

---

Name:

Licence No:

Address:

Agree with increase	
Disagree with increase	
comments	

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## LICENSING COMMITTEE

24th June 2013

### FEES AND CHARGES

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

#### 1. SUMMARY OF PROPOSALS

To request authorisation to consult on proposed increases to the fees charged for hackney carriage vehicle licences and private hire vehicle and operator licences so that these increases can be implemented.

#### 2. RECOMMENDATIONS

**Members are asked to RESOLVE;**

**That authority is given to the Head of Worcestershire Regulatory Services to consult on the increases made to the fees charged for hackney carriage vehicle licences and private hire vehicle and operator licences and to implement the increased fees if no objections are received or if all objections received are withdrawn.**

#### 3. KEY ISSUES

##### Financial Implications

- 3.1 All licensing fees and charges are set by Bromsgrove District Council and all licensing fees and charges are collected and retained by Bromsgrove District Council.

##### Legal Implications

- 3.2 In accordance with section 70 of the Local Government (Miscellaneous Provisions) Act 1976, where fees in respect of hackney carriage and private hire vehicle and operator licences are varied, this must be advertised before the increases can be implemented.

The increases must be advertised by way of publication of a public notice in at least one local newspaper circulating in the district. A copy of this notice must also be deposited at the offices of the council for a period of twenty-eight days from the date of the first publication and

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**24th June 2013**

must be available for public inspection at all reasonable hours without payment.

**Service / Operational Implications**

3.3 Cabinet resolved on 22 February 2012 to approve an increase to the fees charged in respect of hackney carriage vehicle licences, private hire vehicle licences and private hire operator licences.

3.4 The existing fees charged for these licences are as follows:

Hackney Carriage Vehicle Licence (New/Renewal)	£298
Private Hire Vehicle Licence (New/Renewal)	£272
Private Hire Operator Licence (New/Renewal)	£282

3.5 The increased fees proposed are as follows:

Hackney Carriage Vehicle Licence (New/Renewal)	£307
Private Hire Vehicle Licence (New/Renewal)	£280
Private Hire Operator Licence (New/Renewal)	£290

3.6 This equates to an increase of approximately 3%.

3.7 Before these increases can be lawfully implemented they must be advertised in accordance with section 70 of the Local Government (Miscellaneous Provisions) Act 1976.

3.8 Unfortunately, due to a communication error these proposed fees were not advertised after being approved by Cabinet in February 2012. As a result it has not been possible to charge the increased fees approved for Hackney Carriage Vehicle Licences, Private Hire Vehicle Licences and Private Hire Operator Licences and the existing fees have continued to be charged to applicants.

3.9 Now that this error has been noticed, approval is being sought to advertise the proposed fees with a view to implementing them as soon as possible in order to rectify the situation.

3.10 If no objection to the increases is made during the consultation period, or if all objections so made are withdrawn, the increase will be implemented at the end of the consultation period or after the withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.



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3.11 If objections to the increases are made and not withdrawn, the matter will need to be referred back to the Licensing Committee who will then need to set a further date on which the increased fees will come into force with or without modification as decided by the Members after consideration of the objections.

**4. RISK MANAGEMENT**

4.1 Until such time as the increased fees have been consulted upon, they cannot be implemented.

**5. APPENDICES**

5.1 None

**AUTHOR OF REPORT**

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## **LICENSING COMMITTEE**

**24th June 2013**

### **LICENSING COMMITTEE WORK PROGRAMME 2013/14**

#### **24th June 2013**

- DPPO (Designated Public Places Order)- Update on the review process and the proposed public and stakeholder consultation
- Fees & Charges
- Licensing Act Annual Report
- Hackney Carriage Tariff Increase Request

#### **30th September 2013**

- Worcester Road Taxi Rank – Consultation update

#### **25th November 2013**

#### **17th March 2014**

#### **To Be Allocated To Suitable Available Dates**

Scrap Metal Dealers Act 2013, Members to receive relevant training following receipt of the guidance by the Licensing Manager

Systems Thinking Approach – update for Committee Members 2013

Street Café Policy

Street Collections

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