

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 23RD JUNE 2014 AT 6.00 P.M.

PRESENT: Councillors J. S. Brogan, M. T. Buxton, S. J. Dudley, K. A. Grant-Pearce, P. A. Harrison, H. J. Jones, B. Lewis, R. J. Shannon, S. P. Shannon, C. J. Spencer, L. J. Turner and P. J. Whittaker

Officers: Mrs. V. Brown, Mr. D. Etheridge, Mrs. A May and Mrs. P. Ross

1/14 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor C. J. Spencer be elected as Chairman for the ensuing municipal year.

2/14 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor K. A. Grant-Pearce be elected as Vice-Chairman for the ensuing municipal year.

3/14 **APOLOGIES**

An apology for absence was received from Councillor J. M. L. A. Griffiths.

4/14 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/14 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 17th March 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/14 **WORCESTER ROAD HACKNEY CARRIAGE STAND - NEW PROPOSAL**

Following on from the meeting held on 17th March 2014, consideration was given to a report that provided Members with details of the 28 day public consultation on the proposal to provide additional spaces for hackney carriages to stand and ply for hire on Worcester Road, Bromsgrove.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Committee that following

on from the Licensing Committee held on 17th March 2014 a notice was published in a local newspaper inviting comments on the proposal to provide additional spaces for hackney carriages to stand and ply for hire on the Worcester Road. Site notices were placed in Worcester Road to draw the public's attention to the proposal and letters delivered to businesses and residents in Worcester Road to highlight the proposal to them. As required by legislation, notice was given to the Chief Officer, West Mercia Police. The Chairman of Bromsgrove Taxi Association was also informed of the proposal.

No objections were received from members of the public, local businesses or the taxi trade with regard to the proposal. Officers from WRS had received a letter from West Mercia Police Traffic Management Advisor, Mr. Rod Lake, who stated that "as a result of detailed discussions with the local Safer Neighbourhood Team who support the amended scheme I have no objection to the proposal".

There was detailed discussion on the recommendations as detailed in the report with some Members expressing their concerns about public safety. Members expressed concern with the proposed hackney carriage stand operating predominantly as a 'feeder' to the existing part-time stand. Who would manage or supervise the use of the proposed 'feeder' hackney carriage stand. There was no way of ensuring that potential passengers used the proposed hackney carriage stand as a 'feeder' stand. Further concerns were raised with regard to the position of the proposed hackney carriage stand, more specifically public safety and passengers entering hackney carriages on the road side, if the proposed 'feeder' stand was left unmanaged.

The Senior Licensing Practitioner responded to the concerns raised and informed the Committee that specific signage could be erected in order to clarify and ensure potential passengers were made aware of the 'feeder' hackney carriage stand. The Taxi Association had contributed to the consultation of the proposed hackney carriage stand and officers would work with the taxi association and liaise with drivers to ensure the proposed rank was managed and monitored by the drivers themselves.

Further discussion followed on the use of the 'feeder' hackney carriage stand. The Council's Legal Advisor clarified that the proposed hackney carriage stand would be an official hackney carriage stand and potential passengers could access vehicles from the proposed stand. But as detailed in the preamble officers would work with the taxi association and drivers to ensure the proposed hackney carriage stand was managed.

Those Members in favour of the proposed hackney carriage stand were of the opinion that no objections had been received during the consultation period. West Mercia Police Traffic Management Advisor and the local Safer Neighbourhood Team supported the proposal. Officers were willing to work with the taxi association, drivers and other agencies to ensure the proposed hackney carriage stand was managed as a 'feeder' hackney carriage stand.

After further discussion it was

RESOLVED:

- (a) that the proposed hackney carriage stand, as detailed at Appendix 1 to the report, be approved; and
- (b) that officers be tasked to carry out the legal process required.

7/14

STREET COLLECTION POLICY

Members were asked to consider a report which detailed the draft Street Trading Policy for the purpose of consultation and to consider if the Council should seek to enter into discussion with the Public Fundraising Regulatory Authority (PFRA) in order to establish an agreement to regulate face to face fundraising in Bromsgrove Town Centre.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Committee that the Council regulates charitable collections taking place in any street or public place under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916. The Council can regulate collections where there was a collection of money or the selling of articles for the benefit of charitable purposes (cash collections). The legislation did not cover face to face fundraisers who asked people in the street or other public places to sign up to donating to charitable causes by direct debit. The Council therefore could not regulate this type of collection. Street collections were an important method of fund raising for charitable causes. However they can cause annoyance to the public if not suitably controlled and managed. This can lead to the public avoiding certain areas where they believed they would be asked to donate money every time they visited the area. It was important that those who were authorised to carry out street collections represented genuine charitable causes and were not seeking to defraud the public by pretending to collect for a charitable cause and actually using the money collected for other purposes.

In order to ensure that street collections were suitably controlled and managed and that applicants for permits represented genuine charitable causes, a draft policy had been produced, as detailed at Appendix 1 to the report. The draft policy proposed that street collection permits would not normally be issued for collections in Bromsgrove Town Centre on Mondays and Wednesdays. This had been done with a view to approaching the PFRA to implement a site management agreement to restrict face to face direct debit fundraising to only take place on Mondays and Wednesdays to help avoid clashed between cash and direct debit collections. This would also ensure that direct debit collections did not take place when the market was running on the High Street.

Members were being asked to approve the draft policy for the purpose of consultation. The draft policy would be sent to the Charities Commission, Parish Councils and any person who had applied for a street collection permit during the last twelve months. Any response received on the draft policy would be brought back to a future meeting of the Committee.

The Senior Licensing Practitioner, (WRS) further informed Members that should Members approve that the Head of WRS enter into dialogue with the

PFRA, with regard to establishing a site management agreement to control face to face fundraising in Bromsgrove Town Centre, the draft agreement would be presented to the Licensing Committee for discussion and comment before being signed off and implemented.

RESOLVED:

- (a) that the draft Street Collection Policy, as detailed at Appendix 1 to the report, be approved for the purpose of consultation,
- (b) that any responses to the draft Street Collection Policy, as detailed at Appendix 1 to the report be brought back to a future meeting of the Licensing Committee;
- (c) that authority be given to the Head of Worcestershire Regulatory Services to enter into discussions with the Public Fundraising Regulatory Authority (PFRA) with regard to establishing an agreement to regulate face to face fundraising by way of direct debit in Bromsgrove Town Centre; and
- (d) that the draft agreement be presented to a future meeting of the Licensing Committee for discussion and comment.

8/14

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENSING TESTING PROCEDURES AND LICENCE FEES

The Committee received a report which detailed a proposed amendment to the current processes for arranging hackney carriage and private hire vehicle tests at the Council's Main Depot.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) informed the Committee that in order to protect the public, the Council had to be satisfied that hackney carriage and private hire vehicles licensed by the Council were mechanically sound and fit for use. In order to ensure this hackney carriage and private hire vehicles were required to be tested at the Council's Main Depot before a licence was issued or renewed. Currently the fee payable for a vehicle test, on initial application or renewal, was incorporated within the licence fees charged to applicants for hackney carriage and private hire vehicle licences.

There was an internal recharging process undertaken in order to transfer the appropriate amount from the licensing income budget to the Council's Main Depot's income budget.

In order to book a test, the vehicle owner currently had to contact WRS officers who then booked the appointment via an online shared calendar with the Council's Main Depot.

It was proposed that, under the new process for booking in vehicles for testing at the Council's Main Depot, appointments would be arranged by Bromsgrove District Council staff at the Council's Main Depot rather than officers from WRS. Vehicle owners would call the Council's Main Depot to make payment for the relevant test fee and would then be given an appointment. This direct contact with the Council's Main Depot would ensure a smoother process and fewer delays for the taxi trade.

Under the current process the existing fees charged covered the cost of one vehicle test. If the vehicle owner failed to keep that appointment and had their vehicle tested at a later date there was no mechanism to cover the additional costs incurred as a result of the initial missed appointment.

It was proposed that under the new arrangements if appointments were missed without giving 48 hours to the Council's Main Depot, any fee paid for the test would be forfeited and the vehicle owner would have to pay again when re-booking an appointment. This would ensure that the Council did not lose out financially as a result of missed appointments.

If the revised process was approved the current licence fee charged would be reduced to remove the element of the fee that currently covered the cost of the vehicle test, as detailed in paragraphs 3.17 to 3.19 in the report.

The Senior Licensing Practitioner responded to questions from Members with regard to the difference in fees for hackney carriage and private hire vehicle tests and the costs for mid-term tests for vehicles over seven years old.

RESOLVED:

- (a) that the amendment to the current process for arranging hackney carriage and private hire vehicle tests at the Council's Main Depot be approved; and
- (b) that the Head of Worcestershire Regulatory Services be authorised to advertise the revised licence fees to reflect the proposed new arrangements.

9/14

LICENSING ANNUAL REPORT

The Committee considered the Licensing Annual Report 2013/2014 which provided an overall view of the activities, under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing, carried out by Worcestershire Regulatory Services (WRS) Enforcement and Licensing Teams for Bromsgrove District Council.

The Senior Licensing Practitioner introduced the report and in doing so informed the Committee that since 1st June 2010 the WRS Licensing Team had 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.

The report detailed the number of new licences issued and granted by Bromsgrove District Council in 2013/2014, under the Licensing Act 2003 and the number of premises which had continued to be licensed by the Council under the Gambling Act 2005. The number of Hackney Carriage and Private Hire licensed vehicles and drivers had fallen slightly. WRS were looking into the possible reason for the decrease in numbers.

Licensing Officers kept in regular contact with the appointed taxi trade representatives by phone and one to one meetings when necessary. WRS Licensing Team members regularly attended and represented Bromsgrove

District Council at a number of local and regional meetings, as detailed in paragraph 3.14 in the report.

The Senior Licensing Practitioner further informed Members that in October 2013 the Scrap Metal Dealers Act 2013 had come into force in the district of Bromsgrove. The Council had issued 5 Site Licenses and 9 Mobile Collector Licences. The Licensing Team had been enforcing the new legislation in partnership with the Police and the Environment Agency.

RESOLVED that the Licensing Annual Report 2013/2014 be noted.

10/14

LICENSING COMMITTEE WORK PROGRAMME

The Committee considered the Work Programme for 2014/2015.

RESOLVED that the Work Programme be updated to include the items discussed and agreed by the Committee during the course of the meeting.

The meeting closed at 7.20 p.m.

Chairman