



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE LICENSING COMMITTEE**

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

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

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

### **AGENDA**

1. Election of Chairman
2. Election of Vice-Chairman
3. To receive apologies for absence and notification of substitutes
4. Declarations of Interest  
  
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
5. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 17th March 2014 (Pages 1 - 6)
6. Worcester Road Hackney Carriage Stand - New Proposal (Pages 7 - 12)
7. Street Collection Policy (Pages 13 - 22)
8. Hackney Carriage & Private Hire Vehicle Licensing Testing Procedures and Licence Fees (Pages 23 - 26)
9. Licensing Annual Report (Pages 27 - 30)

10. Licensing Committee Work Programme (Pages 31 - 32)
11. 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

9th June 2014



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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE LICENSING COMMITTEE

MONDAY, 17TH MARCH 2014 AT 6.00 P.M.

PRESENT: Councillors C. J. Spencer (Vice-Chairman), S. J. Baxter, J. S. Brogan, M. T. Buxton, S. J. Dudley, K. A. Grant-Pearce (substituting for P. A. Harrison), J. M. L. A. Griffiths, H. J. Jones, R. J. Shannon and S. P. Shannon

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

#### 28/13 APOLOGIES

Apologies for absence were received from Councillors R. L. Dent and P.A. Harrison. Councillor K. A. Grant-Pearce confirmed he was attending as a substitute Member.

#### 29/13 DECLARATIONS OF INTEREST

No declarations of interest were received.

#### 30/13 MINUTES

The minutes of the meeting of the Licensing Committee held on 25th November 2013 were submitted.

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

#### 31/13 WORCESTER ROAD HACKNEY CARRIAGE STAND - NEW PROPOSAL

Following on from the Licensing Committee meeting held on 25th November 2013 consideration was given to a further report that provided Members with details of a new proposal to provide additional spaces for hackney carriages to stand and ply for hire in Worcester Road.

The Senior Licensing Practitioner introduced the report and in doing so drew Members' attention to the original proposal which had been put forward by the Taxi Trade as detailed in the report presented to Licensing Committee Members on 25th November 2013. After considering the responses received and the objections raised in the 28 day public consultation, on the original proposal undertaken by Worcestershire Regulatory Services (WRS), Members had agreed that officers be tasked to explore other options for creating additional rank spaces in the Worcester Road area.

In December 2013 officers met with the following key stakeholders; West Mercia Police Traffic Management Advisor, Worcestershire County Council Highways Senior Traffic Management Engineer and Mr. Eacock Bromsgrove Taxi Association. The meeting included a site visit to Worcester Road and the surrounding area to consider and evaluate the options to increase the provision of space for hackney carriages to stand and ply for hire at night. The proposal, as detailed at sections 3.14 and 3.15 in the report, was agreed by all key stakeholders to be the best and only realistic available option for increasing provision for hackney carriages to stand at night in Worcester Road. Councillor R. J. Shannon expressed his concerns that Ward Members had not been invited to attend the meeting with key stakeholders as he felt they should have been invited to attend.

The intention was that the proposed hackney carriage stand would operate predominately as a 'feeder' to the existing part-time stand. If the proposed stand operated in this way, it would ensure that passengers could enter vehicles directly from the pavement on the nearside. This was considered to be safer than having to enter the vehicle from the middle of the road, where there could be an increased traffic accident risk on a relatively narrow road. The Senior Licensing Practitioner further informed Members, that as detailed in the report, it was understood that the current management of the nightclub in Worcester Road had offered to provide marshals to help manage the taxi queue and direct passengers to enter taxis from the existing part-time rank rather than the proposed 'feeder' facility.

Worcestershire County Council Highway's Unit had confirmed to officers that there was no requirement to amend any existing Traffic Regulation Orders to implement the proposal being put forward. This would significantly reduce the timescale for establishing a hackney carriage stand.

The Council's Legal Advisor responded to Members' questions and in doing so clarified that the proposal being put forward was to create an appointed stand for hackney carriages that would act as a 'feeder' facility. Members were correct and passengers would be able to access taxis directly from the proposed 'feeder' facility area. It was anticipated that the marshals would direct passengers to the existing rank and away from the 'feeder' facility. Councillor S. P. Shannon expressed his concerns and questioned if compromise had been made with financial costs taking precedent over the safety of passengers. He stated, as clarified by the Council's Legal Advisor that passengers could access taxis directly from the proposed 'feeder' facility and possibly attempt to access vehicles via the roadside rather than via the footpath on a busy road. Therefore he felt unable to support the recommendation to conduct a 28 day public consultation process on the proposed hackney carriage stand.

Councillor R. S. Shannon highlighted that he understood it was only a 'gentleman's agreement' whereby the nightclub had suggested they would provide marshals. What would happen if the ownership of the nightclub changed or marshals were unavailable to work until 3 a.m. He expressed further concern that passengers would try and access taxis directly from the

'feeder' facility and access them roadside, therefore he could not support the recommendation to conduct a 28 day public consultation process on the proposed hackney carriage stand. He felt that additional options should have been presented to the Licensing Committee.

The Senior Licensing Practitioner responded to Member's questions and clarified that the proposal being put forward would not impede on any premises entrances/driveways or cause any obstruction to premises in Worcester Road.

Councillor J. M. L. A Griffiths felt that the consideration of additional rank spaces had gone on for some time. Officers had scoped other options which were not supported by all stakeholders consulted with and she felt that as a consulted stakeholder the police would not compromise passenger safety.

**RESOLVED:**

- (a) that a 28 day public consultation process on the proposed Worcester Road Hackney Carriage Stand be conducted; and
- (b) that any objections received be brought back to the Licensing Committee for consideration before a decision be taken to proceed with the appointment of the proposed Worcester Road Hackney Carriage Stand.

32/13 **SCRAP METAL DEALERS ACT 2013 - UPDATE ON IMPLEMENTATION**

The Committee received an update report on the implementation of the Scrap Metal Dealers Act 2013.

The Senior Licensing Practitioner presented the report and in doing so informed Members that the Scrap Metal Dealers Act 2013 came into force on 1st October 2013. When all of the provisions of the Act came fully into force on 1st December 2013, press releases were arranged in order to raise awareness amongst the scrap metal industry and the general public about the new licensing requirements. All of the applications received were subject to consultation with West Mercia Police and the Environment Agency. In total six site licences had been issued to scrap metal dealers operating sites in Bromsgrove district. Additionally nine licences had been issued to mobile collectors, which allowed them to collect scrap metal within Bromsgrove district.

The Senior Licensing Practitioner drew Members' attention to the recent operations conducted in partnership with West Mercia Police, as detailed in sections 3.10 to 3.13 in the report.

The Senior Licensing Practitioner responded to Members' questions and informed the Committee that mobile collectors could take their scrap metal to any licensed site, but would have to hold a licence for every area they actually collected in. Officers from Worcestershire Regulatory Services (WRS) did not have any powers to stop vehicles, officers worked in partnership with agencies who had those powers; West Mercia Police, HM Revenue & Customs and Vehicle & Operator Services Agency (VOSA). Officers were available to work

outside of normal working hours but this depended on partner agencies availability.

**RESOLVED** that the Scrap Metal Dealers Act 2013 update on implementation be noted.

33/13 **LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY  
CONSULTATION RESPONSES RECEIVED**

Following on from the meeting held on 25th November 2013 the Committee considered a report which detailed the responses received during the consultation on the draft revised Statement of Licensing Policy.

The Senior Licensing Practitioner presented the report and in doing so drew Members' attention to the only response received during the consultation period from Hereford and Worcester Fire and Rescue Service, as detailed at Appendix 1 to the report. The suggested minor amendments to the draft revised Statement of Licensing Policy had been incorporated into the final Statement of Licensing Policy as detailed at Appendix 2 to the report.

**RECOMMENDED:** that the Council adopts the revised Statement of Licensing Policy, as detailed at Appendix 2 to the report and that the policy be published with effect from 1st May 2014.

34/13 **HOME OFFICE CONSULTATION ON FEES UNDER THE LICENSING ACT  
2003**

The Committee considered a report which provided details of the Home Office eight week consultation on the implementation of locally set fees under the Licensing Act 2003 and the draft response to the consultation from Worcestershire Regulatory Services on behalf of the six licensing authorities in Worcestershire.

The Senior Licensing Practitioner introduced the report and informed Members that the centrally set fees under the Licensing Act 2003 had remained unchanged since 2005. The implementation of locally set fees would enable licensing authorities to achieve full cost recovery in delivering their functions under the Licensing Act 2003. Section 121 of the Police Reform and Social Responsibility Act 2011 introduced a power for the Home Secretary to prescribe in regulations that these fee levels should be set by individual licensing authorities. Locally set fees could not be used to raise extra revenue, nor were they tools to tackle crime. Fees must be based on recovering the costs that licensing authorities incurred when carrying out their licensing functions.

The Home Office was now moving towards the implementation of locally set fees and on 13th February 2014 launched an eight week consultation on the issue of locally set fees, as detailed at Appendix 1 to the report. Officers from Worcestershire Regulatory Services (WRS) had drafted a response to the consultation, as detailed at Appendix 2 to the report, to be submitted to the Home Office by 10th April 2014.



**RESOLVED** that the responses to the Home Office consultation on fees under the Licensing Act 2003, as detailed at Appendix 2 to the report be noted and the Licensing and Support Services Manager, Worcestershire Regulatory Services be tasked to submit the responses on behalf of Bromsgrove District Council.

35/13 **LICENSING COMMITTEE WORK PROGRAMME 2014/2015**

The Committee considered the Work Programme for 2014/2015.

In response to Councillor H.J. Jones the Democratic Services Officer informed Members that with regard to a further update on the DPPO- Designated Public Places Order, as detailed on the work programme, she would check with officers if a report would be presented to the next meeting of the Licensing Committee.

**RESOLVED** that the Work Programme 2014/2015 be noted.

The meeting closed at 6.40 p.m.

Chairman

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## LICENSING COMMITTEE

23<sup>rd</sup> June 2014

### WORCESTER ROAD HACKNEY CARRIAGE STAND – NEW PROPOSAL

Relevant Portfolio Holder	Councillor Rita Dent
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 advise Members of the response to a recent 28 day public consultation on a proposal to provide additional spaces for hackney carriages to stand and ply for hire in Worcester Road and to ask Members to decide whether to proceed with the appointment of the proposed hackney carriage stand.

#### 2. RECOMMENDATIONS

**Members are asked to RESOLVE;**

**(a) Whether or not to appoint a hackney carriage stand as proposed and shown at Appendix 1.**

**(b) If Members decide to appoint a hackney carriage stand, to instruct officers to carry out the legal process required.**

#### 3. KEY ISSUES

##### Financial Implications

- 3.1 The cost of signage and road markings required will be met from existing budgets held by Worcestershire Regulatory Services.

##### Legal Implications

- 3.2 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create, amend and revoke hackney carriage stands (ranks). This allows district councils to “appoint stands for Hackney Carriages” either on public

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highways or private land and the stands can be for either continual or part-time use.

**Service / Operational Implications**

- 3.3 At the Licensing Committee meeting that took place on 17<sup>th</sup> March 2014, Members considered a proposal to create a stand for hackney carriages between 11pm and 5am in an area on the West side of Worcester Road to the North of Station Street. This area is currently subject to a 30 minute waiting limit (no return within 1 hour) between 8am and 6pm, Monday to Saturday. A plan showing the proposed position of this hackney carriage stand is at **Appendix 1**.
- 3.4 It is proposed that this area be amended so that it remains as a restricted parking area with a 30 minute waiting limit (no return within 1 hour) between 8am and 6pm, Monday to Saturday and also be appointed as a stand for hackney carriages between 11pm and 5am. The area should provide sufficient space for 6/7 additional hackney carriages to stand and ply for hire.
- 3.5 The proposed hackney carriage stand would be in line of sight of the existing part-time hackney carriage stand which is located on the East side of Worcester Road, to the South of the junction with Station Street. This area is outside of Neales Garage and operates as a loading bay between 7am and 7pm and as a stand for hackney carriages between 7pm and 7am.
- 3.6 The intention is that the proposed hackney carriage stand should operate predominantly as a “feeder” to the existing part-time stand. If the proposed stand operates in this way, it ensures that passengers can enter vehicles directly from the pavement on the nearside. This is considered to be safer than having to enter the vehicle from the middle of the road, where there is an increased risk of a traffic accident in what is a relatively narrow road.
- 3.7 The proposal being put forward would not require any additional alterations to be made to the existing road layout, aside from any road markings or signage required.
- 3.8 As the proposed hackney carriage stand would only be appointed as such between 11pm and 5am, the area would remain available to be used for parking by the general public for 30 minutes (no return within 1 hour) between 8am and 6pm and without restriction between 6pm and 11pm and 5am and 8am. This will help minimise the impact of the proposed stand on businesses in Worcester Road, whose customers currently utilise this area for parking.

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- 3.9 Worcestershire County Council's Highways Unit had also confirmed that they would not need to amend any existing Traffic Regulation Orders to implement the proposal being put forwards.
- 3.10 Before it can proceed to appointing a hackney carriage stand, under the Local Government (Miscellaneous Provisions) Act 1976 s63, the district council was required to publish a notice in a local newspaper and wait 28 days from publication, after which Members are required to consider any written representations of objections (if any) received.
- 3.11 Following the meeting on the 17<sup>th</sup> March 2014, a notice was published in a local newspaper inviting comments on the proposal. Furthermore site notices were placed in Worcester Road to draw the public's attention to the proposal. Additionally letters were delivered to businesses and residents in Worcester Road, to highlight the proposal to them.
- 3.12 Notice was also given to the Chief Officer of West Mercia Police about the proposal as required by the legislation, and the Bromsgrove Taxi Association were also notified of the proposal through their Chairman.
- 3.13 No objections have been received from members of the public or the taxi trade about the proposal. A letter has been received from West Mercia Police Traffic Management Advisor Mr Rod Lake, who states 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."*
- 3.14 Members are asked to decide whether to now proceed with the appointment of the proposed hackney carriage stand.

**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 – Location Plan

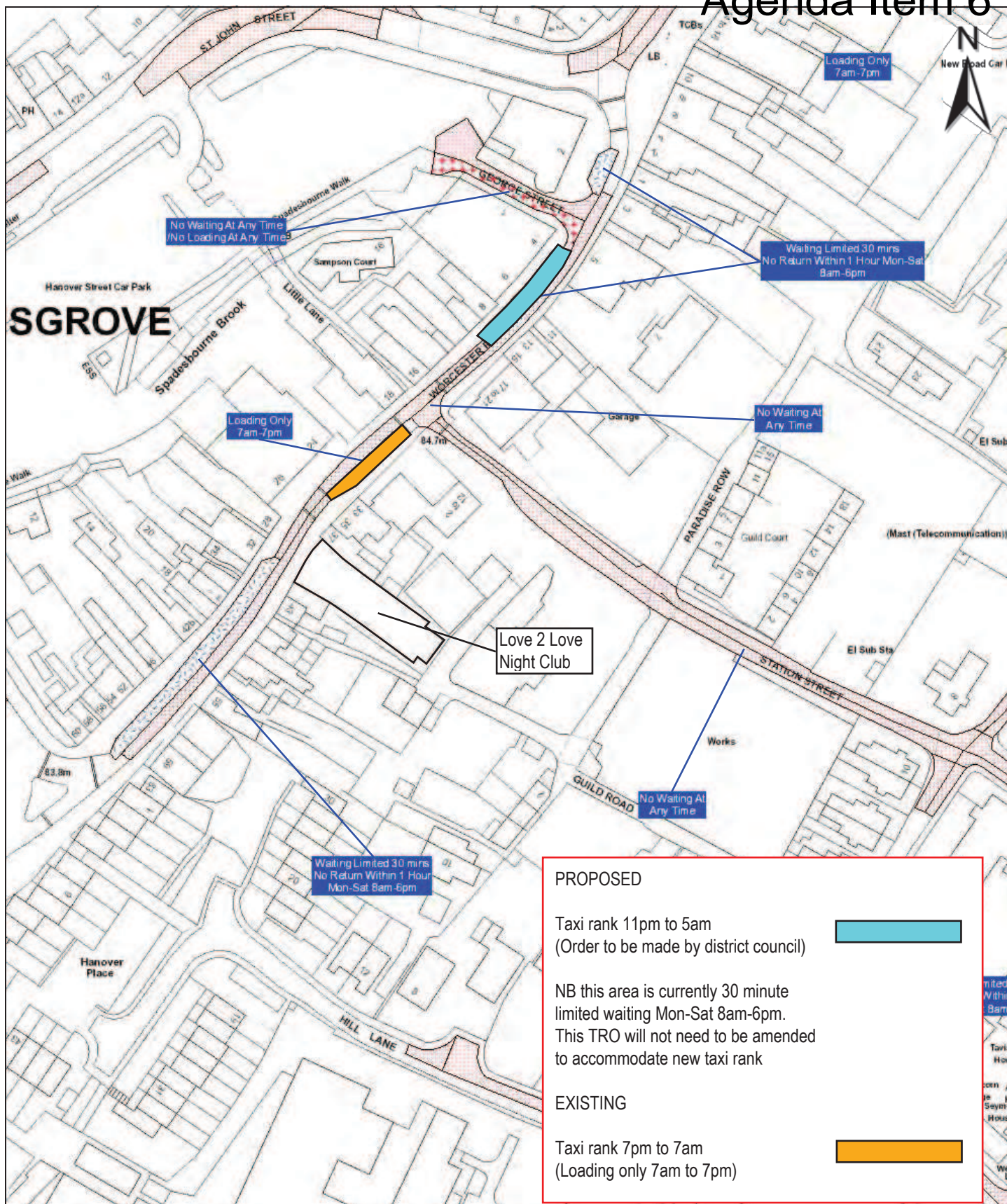
## LICENSING COMMITTEE

23<sup>rd</sup> June 2014

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### AUTHOR OF REPORT

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Worcestershire Regulatory Services  
E Mail: [d.etheridge@worcsregservices.gov.uk](mailto:d.etheridge@worcsregservices.gov.uk)  
Tel: (01527) 534121



**PROPOSED**

Taxi rank 11pm to 5am  
(Order to be made by district council)

NB this area is currently 30 minute limited waiting Mon-Sat 8am-6pm. This TRO will not need to be amended to accommodate new taxi rank

**EXISTING**

Taxi rank 7pm to 7am  
(Loading only 7am to 7pm)

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Ordnance Survey 100024230.

Indicative Scale: 1:1,250

Date Printed: 24/1/2014

0 5 25 50 metres

**WORCESTER ROAD, BROMSGROVE - PROPOSED OVERNIGHT TAXI RANK**

Drawing number 2013-291-2  
Drawn by GJW 22/01/2014

**worcestershire**  
county council

Worcestershire County Council  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP

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## LICENSING COMMITTEE

23<sup>rd</sup> June 2014

### STREET COLLECTION POLICY

Relevant Portfolio Holder	Councillor Rita Dent
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 ask Members to approve the attached draft Street Collection Policy for the purpose of consultation and to consider whether the Council should seek to enter into discussions with the Public Fundraising Regulatory Authority (PFRA) about establishing an agreement to regulate face to face fundraising in Bromsgrove Town Centre.

#### 2. RECOMMENDATIONS

**Members are asked to RESOLVE;**

**(a) To approve the attached draft Street Collection Policy for the purpose of consultation.**

**(b) To authorise the Head of Worcestershire Regulatory Services to enter into discussions with the Public Fundraising Regulatory Authority (PFRA) about establishing an agreement to regulate face to face fundraising in Bromsgrove Town Centre.**

#### 3. KEY ISSUES

##### Financial Implications

- 3.1 There are no fees payable in respect of applications for street collection permits.

##### Legal Implications

- 3.2 Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 enables authorities to make regulations to control street collections in their area.

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**Service / Operational Implications**

- 3.3 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 is a collection of money or the selling of articles for the benefit of charitable purposes (cash collections).
- 3.4 The legislation does not cover face to face fundraisers who ask people in the street or other public place to sign up to donating to charitable causes by direct debit. The Council therefore cannot regulate this type of collection. The Council could however engage with the Public Fundraising Regulatory Authority (PFRA) to try and establish a site management agreement to control this type of collection.
- 3.5 Street collections are 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 believe they will be asked to donate money every time they visit.
- 3.6 It is also important that those that are authorised to carry out street collections represent genuine charitable causes and are not seeking to defraud the public by pretending to collect for a charitable cause and actually using the money collected for other purposes.
- 3.7 In order to ensure that street collections are suitably controlled and managed, and that applicants for permits represent genuine charitable causes, a draft policy has been produced for dealing with street collection permit applications. This draft policy can be seen at **Appendix 1**.
- 3.8 Members will note that within the draft policy it is proposed that street collection permits will not normally be issued for collections in Bromsgrove town centre on Mondays and Wednesdays.
- 3.9 This has 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 (except bank holidays) and Wednesdays. This would help avoid clashes between cash and direct debit collections and also ensure that direct debit collections did not take place on days when the market is running on the High Street.
- 3.10 Typically applicants for street collection permits will wish to carry out their collection on a Saturday, when there is a higher footfall in the

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Town Centre and therefore a better chance of raising more money for the charitable purpose concerned.

- 3.11 Members are asked to approve the draft policy for the purpose of consultation. The draft policy will be sent to the Charities Commission, Parish Councils and any person who has applied for a street collection permit in the past 12 months and comments will be invited.
- 3.12 Any responses received during the consultation will be brought back to the Licensing Committee for consideration before a decision is taken about whether to implement the draft policy.
- 3.13 Likewise if Worcestershire Regulatory Services did engage in dialogue with the Public Fundraising Regulatory Authority (PFRA) to try and establish a site management agreement to control face to face fundraising by way of direct debit collection, any draft agreement would be brought to Licensing Committee for comment and discussion before being signed off and implemented.

**4. RISK MANAGEMENT**

- 4.1 If street collections are not appropriately controlled this could cause annoyance to the public and increase the risk that the public could be defrauded by people who are not collecting for genuine charitable causes.

**5. APPENDICES**

Appendix 1 – Draft Street Collection Policy

**AUTHOR OF REPORT**

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## **STREET COLLECTIONS**

Raising money or selling goods for charity in the street or any other public place requires permission from Bromsgrove District Council. These collections (usually referred to as “street collections”) most commonly take the form of a collector asking members of the public to make a donation in a collecting box.

The Council limits the number of collections taking place in the town, only in certain circumstances will additional collections be authorised.

From experience, it appears that unauthorised collectors often claim that they have permission from the manager of the store outside which they are collecting to carry out such activity in the shop entrance, although in many cases the collector is standing in the street, not in the shop entrance.

Regardless of the exact location of the collector, it is the Council’s view that a “public place” is one to which the public have, or are permitted to have, access at any time (or at least during usual shopping hours), without making payment. This would include a shop forecourt, a supermarket entrance or a privately owned shopping centre. It would not, however, include the area of any shop premises inside the entrance doors.

The sale of goods or articles in the street (usually referred to as Street Trading) is also controlled by the Council, and there are designated sites where street trading may take place.

### **Direct Debit Collections**

Direct Debit Collections are where pledges are collected for direct debit donations. These do not require permission from the Local Authority as there are no legal provisions for this type of collection. It may be possible in the future to enter into an agreement with the Public Fundraising Regulatory Association (PFRA) to regulate this type of collection. In the meantime any complaints or enquires regarding Direct Debit Collections should be referred to the PFRA.

Any one making a complaint regarding Direct Debit Collections should be referred to the PFRA.

## **STREET COLLECTIONS POLICY AND REGULATIONS**

The Street Collections Policy and Regulations are designed to ensure that only legitimate charities or organisations are permitted to collect money from people in the street and to ensure that the proceeds are properly accounted for.

A street includes “any highway and public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not”.

It does not matter whether the land is privately owned or owned by the Local Authority if the area is one to which the public have access, without making payment, then it falls under the definition of a street.

Bromsgrove District Council issues a Street Collection Permit for collections of money for charitable purposes and all applications shall be determined in accordance with the policy.

In considering applications received, the Licensing Officer will have regard to the number of collectors, the time of the collection and other events taking place at the same time. Preference will be given to local charities with regards to the application process in the event more than one application is received for the same day. If more applications are received than there are dates available, priority will be given to local charities, or local branches of national charities.

The Authority will only grant one Street Collection Permit in a Ward area on any given date unless circumstances allow for more than one Permit i.e. one for the morning and one for the afternoon.

Street collection permits will not normally be granted in the Town Centre (St John’s Ward) on Mondays and Wednesdays.

A Street Collection Permit will only be granted to those organisations which have submitted their latest financial returns in accordance with the Council’s Street Collection Regulations, and such returns are considered to be satisfactory.

Only one street collection per charity shall normally be made in any calendar year unless the Licensing Officer considers that circumstances are such that more than one street collection can be permitted.

All successful applicants must comply with the Council's Street Collection Regulations.

## Regulations

In pursuance of section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by section 25 and Schedule 29 of the Local Government Act 1972, the Bromsgrove District Council Licensing Authority hereby makes the following Regulations with respect to where and the conditions under which a person or persons may be permitted in any street or public place within the District of Bromsgrove, to collect money or sell articles for the benefit of charitable or other purposes:

### Definitions:

"Local Authority" means Bromsgrove District Council.

"Collection" means collection of money or the sale of articles for the benefit of charitable or other purposes.

"Permit" means Street Collection Permit.

"Collection box" means box, tin or any other receptacle for the collection of money.

"Collectors" means those authorised by the Street Collection Permit to collect money from the public.

"Promoter" means a person authorised by the organisation to allow an application to be submitted.

"Qualified Account" means a current member of one or more of the following bodies: the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Association of Certified Accountants, or the Institute of Chartered Accountants in Ireland.

### Application Process

A completed Application Form should be submitted to the Licensing Department, Worcester Regulatory Services, The Council House, Burcot Lane, Bromsgrove, Worcestershire B60 1AA.

# Agenda Item 7

A completed application should be received by the Licensing Department at least 2 calendar months prior to the collection date unless there are special reasons for considering an application in a shorter time.

There is no fee payable.

The following documentation must also accompany the Application Form:

- i. A covering letter from the Promoter of the organisation confirming that authority has been given by the charity for the application to be made.
- ii. Form of accounts for the last 12 months (unless a Street Collection has been granted in the previous twelve months to the applicant and a form of account has been subsequently submitted).
- iii. Information regarding the organisation or charity including details of what the money is used for and what percentage of the money goes directly to the charitable organisation. Include leaflets and any promotional information

Once a completed application is received the Licensing Officer will establish whether there are any other events taking place on the same day that would conflict with the application or if any other Street Collection Permits have been granted for the same day

If the Street Collection Permit is granted the following documents will be sent to the applicant:

- A covering letter.
- The Permit specifying the date, time and location of the collection. This must be available to be viewed on the day of the collection.
- A copy of the Regulations which must be complied with.
- A Returns Form which must be sent to the Licensing Department no later than 28 days after the collection date. Failure to provide a Return Form will lead to refusal of any future application.



## Refusals.

If an application for a Street Collection Permit cannot be granted by the Licensing Officer for any reason, the applicant may ask for the matter to be considered by the Licensing Sub-Committee.

An application may be refused by the Licensing Sub-Committee for the following reasons:

- Insufficient information provided either within the application form or with any of the accompanying documentation.
- The completed application is received after the 2 month process period.
- The charity has already had one Street Collection Permit during the preceding 12 months.
- A Street Collection Permit has already been grant to another charity for the same time.
- Following a previous grant the Returns Form was not provided or was incomplete.
- For any other justifiable reason.

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Only those charities/organisations that have been granted a Street Collection Permit may collect money from people in the street using a collection box.

- The Permit is valid only for the date and time specified on the Permit.
- Collections must not in any way be conducted in a manner that would cause inconvenience to pedestrians or passers by.
- Collectors must not obstruct the highway or in any way cause a hindrance or obstruction.
- The Collectors must remain within the location as defined in the Permit and must remain stationary.

# Agenda Item 7

- Each Collector must carry a Collection Box.
- All Collection Boxes must be numbered consecutively and must be securely closed in such a way to ensure it can not be opened without breaking the seal.
- Collectors must be over the age of 16 unless the Licensing Department has previously given permission.
- All money received must be placed in the collection tin/box by the person making the donation.
- The Collectors must display their identity and charitable organisation at all times during the collection time.
- Collectors must have their Permit with them during the collection and must show it if requested to do so.
- The use of tables and chair is prohibited unless agreed with the Licensing Department prior to the date of collection.
- No animals may be used in any street collection unless previously agreed with the Licensing Department.
- A Return Form must be submitted to the Licensing Department within 28 days of the collection date. If the Return Form is not returned or is returned incomplete then this failure will result in any future application being refused.

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## Return Form

A completed Return Form must be submitted within 28 days of the collection date. This must include the following information:

- The amount received and expenses and payments incurred.
- The details of the Collectors
- The amount in each collecting box.

The Return Form must be certified by a qualified Accountant.

The penalty for an offence arising from a failure to comply with these Regulations is liable to a fine at level 1 on the standard scale.

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

Relevant Portfolio Holder	Councillor Rita Dent
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 advise Members of a proposed amendment to the current processes for arranging hackney carriage and private hire vehicle tests at the Council's Depot and to ask for authorisation to advertise revised licence fees to reflect the proposed arrangements.

#### 2. RECOMMENDATIONS

**Members are asked to RESOLVE;**

**(a) To approve the proposed amendment to the current processes for arranging hackney carriage and private hire vehicle tests at the Council's Depot.**

**(b) To authorise the Head of Worcestershire Regulatory Services to advertise revised licence fees to reflect the proposed arrangements.**

#### 3. KEY ISSUES

##### Financial Implications

- 3.1 Whilst the way in which fees are charged will be amended, there would not be any financial implications from the proposed changes for the Council or the hackney carriage and private hire trade.

##### Legal Implications

- 3.2 Under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a

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licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

3.3 Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 states that the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require.

3.4 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 variations can be implemented.

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

3.6 If no objection to the variations is made during the twenty-eight day period, or if all objections so made are withdrawn, the variations can be implemented following 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.

3.7 If objections to the variations are made and not withdrawn, the matter will need to be considered by the Council who will then need to set a further date on which the varied fees will come into force with or without modification as decided by the Members after consideration of the objections.

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**Service / Operational Implications**

- 3.8 In order to protect the public, the Council has to be satisfied that the vehicles it licences to be used as hackney carriage and private hire vehicles are mechanically sound and fit for use as either a hackney carriage or private hire vehicle.
- 3.9 In order to ensure that this is the case, vehicles are required to be tested at the Council's Main Depot before a licence for a vehicle is issued or renewed.
- 3.10 Currently the fee payable for a vehicle test on initial application or renewal is incorporated within the licence fees charged to applicants for hackney carriage and private hire vehicle licences.
- 3.11 There is then an internal recharging process undertaken in order to transfer the appropriate amount from the licensing income budget to the Depot's income budget.
- 3.12 In order to book a test, a vehicle owner currently has to contact Worcestershire Regulatory Services who then book an appointment in an online calendar shared with the Depot.
- 3.13 It is proposed that under the new process for booking in vehicles for testing at the Depot, appointments will be arranged by Bromsgrove District Council staff at the Depot rather than officers at Worcestershire Regulatory Services. Vehicle owners would call the Depot to make payment for the relevant test fee and will then be given an appointment once they have paid. This direct contact with the Depot will ensure a smoother process and fewer delays for the trade.
- 3.14 Under the current process the existing fees charged cover the cost of one vehicle test. If a vehicle owner does not keep their appointment and has their vehicle tested at a later date, there is no mechanism to cover the additional costs incurred as a result of the initial missed appointment.
- 3.15 It is proposed that under the new arrangements if appointments are missed without giving 48 hours' notice to the Depot, any fee paid for the test will be forfeited and the vehicle owner will have to pay again when re-booking an appointment. This will help ensure that the Council does not lose out financially as a result of missed appointments.

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3.16 If this revised process is approved, then the licence fees being charged will need to be reduced to remove the element of the fees that currently covers the cost of the vehicle tests.

3.17 The current fees charged for hackney carriage and private hire vehicle licences are as follows:

Hackney Carriage Vehicle Licence	£307
Private Hire Vehicle Licence	£280

3.18 The vehicle testing fees charged by the Depot are as follows:

Hackney Carriage Vehicle Tests	£64.00
Private Hire Vehicle Tests	£54.85

3.19 Therefore the revised licence fees being proposed are as follows:

Hackney Carriage Vehicle Licence	£243
Private Hire Vehicle Licence	£225

3.20 In order to implement the new arrangements for booking tests it is necessary to advertise the proposed revised licence fees and Members are asked to authorise the Head of Worcestershire Regulatory Services carry out the advertisement and the rest of the legal process required to revise the fees.

## 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

None

## AUTHOR OF REPORT

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**LICENSING  
COMMITTEE**23<sup>rd</sup> June 2014**LICENSING ANNUAL REPORT**

Relevant Portfolio Holder	Councillor Rita Dent
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 2013/2014 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 periodically.

In April 2014 a new Statement of Licensing Policy under the Licensing Act 2003 was published by Council following consultation. The new policy was completely rewritten based on a template provided by the Local Government Association and took effect on 1<sup>st</sup> May 2014.

The Gambling Act 2005 policy was last reviewed during 2012 with minor amendments made. 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 2013/2014 are:

Personal Licenses	New	53	Total	845
Premises Licenses	New	8	Total	329
Club Premises Certificates	New	0	Total	41
Temporary Event Notices			Total	154

(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, did not have cause to meet during the year 2013/14 as all applications were granted without objection or following successful mediation.

### 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



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implemented the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council. The Licensing Team 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	5
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 2013/14 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 The number of licensed vehicles and drivers has fallen slightly and at present the following number of licenses are valid.

	<u>12/13</u>	<u>13/14</u>
Hackney Carriage Vehicles	137	116
Private Hire Vehicles	51	38
Dual Hackney Carriage/Private Hire Drivers	165	139
Private Hire Operators	17	14

- 3.13 Licensing Officers keep in regular contact with the appointed taxi trade representatives – by phone and one to one meetings when necessary.

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- 3.14 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.

**Scrap Metal Dealers**

- 3.15 In October 2013 the Scrap Metal Dealers Act 2013 came into force in the District. Under this new legislation the Council is responsible for issuing mobile scrap metal collector licences and scrap metal site licences. The Council has issued the following number of licences to date:

Site Licences 5

Mobile Collector Licences 9

- 3.16 The Licensing Team has been enforcing the new legislation in partnership with the Police and Environment Agency.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

- 5.1 None

**AUTHOR OF REPORT**

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### **23rd June 2014**

Worcester Road Hackney Carriage Stand – New Proposal (following consultation responses received)

Street Collection Policy  
(Include brief verbal information on PFRA Site Management Agreement)

Hackney Carriage & Private Hire Vehicle Licensing Vehicle Testing Procedures and Licence Fees

Licensing Annual Report

### **22nd September 2014**

Animal Licensing Conditions  
Street Amenity Policy

### **10th November 2014**

DPPO – Designated Public Places Order – further update report from the Senior Community Safety Officer, to brief Members on the new legislation of the Anti-Social Behaviour, Crime and Policy Bill.

### **23rd March 2015**

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

Street Collection Policy - update on consultation responses received and PFRA Site Management Agreement

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