



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 10TH NOVEMBER 2014
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

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

AGENDA

1. To receive apologies for absence and notification of substitutes
2. 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.
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 22nd September 2014 (Pages 1 - 6)
4. Request from Bromsgrove Taxi Association for changes to Hackney Carriage and Private Hire Licensing Policies (Pages 7 - 20)
5. Site Management Agreement Between Bromsgrove District Council and Public Fundraising Regulatory Association (PFRA) (Pages 21 - 32)
6. Anti-Social Behaviour, Crime and Policing Act 2014 - update (Pages 33 - 38)
7. Deregulation Bill (Implications for Alcohol and Taxi Licensing) - verbal update
8. Licensing Committee Work Programme 2014/2015 (Pages 39 - 40)

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

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

28th October 2014

K. DICKS
Chief Executive



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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

22ND SEPTEMBER 2014 AT 6.00 P.M.

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

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. J. Smyth

11/14 **APOLOGIES**

Apologies for absence were received on behalf of Councillors M.T. Buxton and S.J. Dudley.

12/14 **DECLARATIONS OF INTEREST**

No declarations of interest were made.

13/14 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 23rd June 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

14/14 **ANIMAL WELFARE LICENSING CONDITIONS REVIEW**

The Committee considered a report which set out standard conditions for Animal Welfare Licences that allows Authorities to attach conditions to licences to secure the welfare of animals.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and advised Members that a review of the standard conditions that were currently being attached to the various types of Animal Welfare Licences, had been undertaken to ensure licences were being issued in accordance with the most up to date guidance and best practice that had recently been issued. It was further advised that this review was also being undertaken by Worcestershire Regulatory Services (WRS) across all of the districts with the aim of ensuring a consistent approach to standards across the County.

Members were also advised that the Council would have the discretion to amend the standard conditions in individual cases by way of amending, omitting or adding conditions relevant to the type of licence, as appropriate to the circumstances of an individual case. Such amendments would be considered on the recommendation of a veterinary practitioner or veterinary surgeon appointed, in accordance with relevant legislation, to inspect the premises the subject of the licence application.

Members were asked to approve the standard conditions detailed in the Appendices to the report, that were proposed to be attached to the various types of licences that the Council is responsible for issuing, namely:

- Pet Shop Licences (Appendix 1)
- Dog Boarding Establishments (Boarding Kennels) (Appendix 2)
- Cat Boarding Establishments (Catteries) (Appendix 3)
- Dog Boarding Establishments (Home Boarding) (Appendix 4)
- Dog Boarding Establishments (“Dog Day Care” premises) (Appendix 5)
- Dangerous Wild Animal Licences (Appendix 6)
- Riding Establishment Licences (Appendix 7)
- Dog Breeding Establishment Licences (Appendix 8)
- Zoo Licences (Appendix 9)

The Committee was also asked to delegate authority to the Head of Worcestershire Regulatory Services to amend the standard conditions as appropriate to each individual case, in accordance with the relevant legislation for each type of licence, in order that WRS has the flexibility to respond to inspections by veterinary practitioners and surgeons.

In response to queries as to what expert bodies had guidance been taken from for the proposed standard conditions, the Senior Licensing Practitioner assured Members that the wording for all of the proposed standard conditions had been taken from Guidance laid down for the various licences required. The Guidance had been drawn up with input from expert bodies, including the Royal Institute, Environmental Health, various Animal Welfare organisations, veterinary practitioners, and veterinary surgeons.

Clarification was also provided on a number of other queries, including; age restrictions for purchasing animals from Pet Shops, cage sizes / floor areas for larger birds in pet shops; stocking densities in aviaries; escape of dangerous animals; dog breeding and overbreeding of bitches; guidance for marine and fresh water fish purchasers; micro-chipping of dogs being boarded; and PAT testing of electrical items used in establishments.

Officers attention was drawn to Appendix 2, in respect of Section B – Operational Management in regard to Disease Control and Vaccination where it was pointed out that a record of vaccination, required under B.4.2 (page 32), was not listed in Section C – Kennel Administration and Management in regard to the Register of Information required in C.3.1 (page 33) and queried

whether this was an error as it appeared in other Appendices. It was agreed that the requirement should also be included in the Register of Information.

The Senior Licensing Practitioner also provided clarification in respect of the length of licenses and renewal timelines for the various types of licences, namely:

- Pet Shops / Animal Boarding – annually from 31st December to 31st December.
- Dangerous Animals Licence – 2 years
- Riding Establishment Licence – 1 year rolling
- Dog Breeding Licences – annually
- Zoo Licences – initial 4 years thereafter every 6 years.

Members were informed that any expired licences that were not renewed would be followed up. It was also reported that the introduction of an automatic renewal process was in hand at the moment and that licence renewal notices for this forthcoming year would be going out earlier than usual. Officers confirmed that any outstanding renewals at the end of the year would be chased.

RESOLVED that

1. The draft Standard Conditions detailed in Appendices 1 to 9 attached to the main report, be attached to future Licences issued by the Council under relevant Legislation;
- 2) authority be delegated to the Head of Worcestershire Regulatory Services to amend the agreed standard Conditions as appropriate in the circumstances of an individual case, by altering, omitting or adding conditions as recommended by a veterinary practitioner or veterinary surgeon appointed in accordance with the relevant legislation to inspect the premises, the subject of the licence application: and
- 3) in regard to Appendix 2 Dog Boarding Establishments (Kennels), under Section C – Kennel Administration and Management, the Register of Information list, required to be kept as detailed at C.3.1., be amended to include “Record of Vaccination”.

15/14

STREET COLLECTION POLICY

The Committee considered a report which detailed responses received during a consultation undertaken on a new Street Collection Policy, proposed to be adopted with effect from 1st January 2015. The Senior Licensing Practitioner reminded the Committee of the discussion that took place at the previous meeting of the Committee on 23rd June 2014, when the proposed Draft Street Trading Policy was considered for consultation purposes.

Members noted that further to the consultation process that was undertaken with relevant bodies, responses had been received from Wythall Parish

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Council, Catshill, North Marlbrook Parish Council and Bournheath Parish Council who had submitted no adverse comments to make in relation to the draft Policy together with responses from the Public Fundraising Regulatory Association (PFRA), Phoenix Children's Foundation Charity and Christian Aid.

The Senior Licensing Practitioner clarified the PFRA response in regard to the regulation of Direct Debit Collections in that this method of charitable fundraising did not fall within the remit of Street Permits and could only be regulated by PFRA in conjunction with a site management agreement with the Council. Members were advised that discussions were progressing with the PFRA on this matter and it was hoped that a report on progress could be brought to the next meeting of the Committee in November.

In relation to the concerns raised by the Phoenix Children's Foundation Charity in respect of the proposal to limit charity collections per charity to one each year posing a significant problem for their fundraising work, Members were informed that the draft Policy already stated that more than one collection per charity could be permitted by Licensing Officers in special circumstances. It was noted that the Draft Policy had been amended to provide guidance on such circumstances.

The Senior Licensing Practitioner provided clarification in regard to various concerns raised by Christian Aid, in respect of:

- a) the Policy's definition of a "public place", and implications for charity collections on private property, on which Members were informed that, as it would be difficult to set out exact locations, each application would be assessed on its merits with legal advice being taken as necessary;
- b) the requirement for collection boxes to be numbered consecutively and Christian Aid's alternative suggestion that each tin be allocated a unique reference number to be accounted for, which Officers had felt was a reasonable alternative suggestion and on which basis the draft policy had been amended;
- c) the prohibition on the use of tables and chairs during street collections; on which Members were informed that, as the Policy does not specify an outright ban on tables and chairs, their use can be agreed with the Licensing Officer in advance of the collection. Members noted that, in view of this, Officers considered that it had not been necessary to amend the draft policy in that regard, and
- d) in regard to the proposed restriction of not allowing applications for Mondays or Wednesdays, Members were informed that this restriction would only apply to the St. John's Ward to avoid clashes between cash collections and direct debit collections.

In response to a query in regard to the British Legion's annual Poppy Appeal, the Senior Licensing Practitioner reported that no comments had been received from the British Legion on the draft Policy; he further advised that the

organisation was very good at planning ahead and always applied for their licenses well in advance.

Members were also provided with clarification on the status of the sales of the Big Issue, on which Officers reported that these sales were outside of regulatory control as they were not classed as street traders / street collections. It was noted, however, that the Big Issue had its own stringent rules in place for its sellers. In response to a Member query, the Senior Licensing Practitioner also advised that the requirement for Charities to provide the Council with Returns Form in respect of monies collected for each collection tin was, he believed, a national requirement as part of the overall control of street collections to minimise the risk of the public being defrauded.

RESOLVED that

the revised draft Street Collection Policy, detailed at Appendix 2 to the report, be adopted from 1st January 2015.

16/14 **LICENSING COMMITTEE WORK PROGRAMME 2014/2015**

The Committee considered the Work Programme for 2014/2015 with the following items of business being provisionally scheduled in for forthcoming meetings:

10th November 2014

Designated Public Places Orders (DPPO)
Deregulation Bill (Taxis) Update
Proposals to amend Hackney Carriage Vehicle Licensing Policy
Direct Debit Collections - Site Management with the PFRA – progress report / draft agreement

23rd March 2015

Gabling Act 2005 – Review of Statement of Principles
Draft Sex Establishment Licensing Policy
Results of Consultation on amendments to Hackney Carriage Vehicle Licensing Policy (dependent on National meeting).

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

17/14 **OTHER BUSINESS - WORCESTER ROAD TAXI RANK**

With the agreement of the Chairman, the Committee briefly discussed the work currently being undertaken on the Taxi Rank in Worcester Road. The Senior Licensing Practitioner reported on proposals to write to the Taxi Traders on the intended use for the Taxi Rank and general safety messages to the community. The intention by Officers to undertake high profile night

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time visits to the various establishments was noted. The Committee suggested that the two Ward Councillors for the Ward be invited to participate in the visits. Officers were also asked to notify Door people and local Street Pastors on the changes to the Taxi Rank.

No formal resolutions were agreed on this matter.

The meeting closed at 7.45 p.m.

Chairman

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**REQUEST FROM BROMSGROVE TAXI ASSOCIATION FOR CHANGES
TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICIES**

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**

The Chairman of Bromsgrove Taxi Association has submitted a report to officers at Worcestershire Regulatory Services in which a number of changes to the Council's current policies and procedures relating to hackney carriage and private hire licensing are proposed.

2. **RECOMMENDATIONS**

Members are asked to RESOLVE;

- (i) **To note the content of the report from Bromsgrove Taxi Association,**
- (ii) **To instruct the Head of Worcestershire Regulatory Services to organise an open Forum for Hackney Carriage and Private Hire Licence Holders to attend discuss the proposals more widely.**

3. **KEY ISSUES**

Financial Implications

- 3.1 There are no financial implications arising from this report. The costs involved in holding further discussions with the members of the Taxi Association would be met from existing budgets held by Worcestershire Regulatory Services.

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Legal Implications

- 3.2 The Council's current policies in relation to the operation of Private Hire Licences and Hackney Carriage Licences are set out in the Taxi Handbook and associated guidance issued by the Council. There are currently no scheduled reviews due to be undertaken in relation to the Council's policies, although officers ensure that the policies are continually kept up to date to reflect any relevant changes in legislation.
- 3.3 At this stage officers are proposing to hold further discussions with the members of the Taxi Association to find out more about their views on what aspects of the policies they would wish to see amended. The process in order for the policies to be reviewed would be for officers to report back to Licensing Committee to seek authority to commence formal consultation. It would then be a decision for the Committee on whether to agree to make changes.
- 3.4 It is worth noting that there are some legislative changes to the rules around Private Hire and Hackney Carriage licensing which will come into effect as part of the Deregulation Bill. The Bill is currently progressing through Parliament and it is not known when it will receive the Royal Assent, although it would be expected before May 2015. As referred to in Appendix 2, there may be some benefit in delaying a review of driver licensing until the Deregulation Bill is approved.

Service / Operational Implications

- 3.5 The Chairman of Bromsgrove Taxi Association has submitted a report to officers at Worcestershire Regulatory Services in which a number of changes to the Council's current policies and procedures relating to hackney carriage and private hire licensing are proposed. The report submitted can be seen at Appendix 1.
- 3.6 The changes that have been requested have been summarised at Appendix 2. This summary also contains observations and comments from officers in relation to the proposals being put forward.
- 3.7 Members are asked to consider the report submitted by the Chairman of the Bromsgrove Taxi Association and the observations and comments from officers on the proposals being put forward. Officers believe that the next step in the process would be the Head of Worcestershire Regulatory Services to organise an open Forum for Hackney Carriage and Private Hire Licence Holders to attend and discuss the proposals more widely. Accordingly Members are asked to give authority for officers to proceed with this.

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- 3.8 As referred to at 3.3, the next stage thereafter would be for formal consultation to be carried out. However, rather than proceed with this immediately, officers feel there would be benefit from allowing further discussion to take place with the trade, and would propose bringing back a report outlining the outcome of those discussions to the next meeting of the Licensing Committee. Members can then make a more informed decision about whether to go out to formal consultation.

4. RISK MANAGEMENT

- 4.1 The risks identified by this report relate to the Council either acting too hastily to change policy or choosing to disregard the issues raised by the taxi drivers through Bromsgrove Taxi Association. These risks are being managed by the approach of seeking more information from the trade and considering all the relevant implications, including forthcoming legislative changes, before making a decision on whether formal consultation would be appropriate.

5. APPENDICES

- Appendix 1 – Report from Bromsgrove Taxi Association
Appendix 2 – Summary of Proposed Changes and Commentary

AUTHOR OF REPORT

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Worcestershire Regulatory Services
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Bromsgrove Taxi Association.

Report in to reasons why the Hackney Carriage should be reduced And why policies within the taxi trade needs to be changed.

At this moment in time there's an imbalance between Hackney Carriage and Private Hire within the Bromsgrove area. This is causing many problems for the Hackney drivers who rely on the taxi ranks for their main income. As opposed to the drivers who work for the large Private Hire Companies in and around the district, who see and use the taxi ranks as a means to increase their income when the private hire companies are quiet.

Many of these problems occur when the Private Hire Companies are quiet; this would normally be at the same time when the taxi ranks are also quiet so, in effect these drivers, who are using the taxi ranks to increase their income at quiet times, are inadvertently reducing the income of the Hackney Carriage drivers who rely on the Taxi ranks for their sole income.

There is another problem with this situation which is when the Taxi ranks are busy on Friday and Saturday nights, the Private Hire Companies are losing their drivers who are plated as Hackney Carriage, because these drivers are disappearing and are working the taxi ranks rather than doing the booked calls from the Private Hire Companies. The simple reason for this is that they can earn more money at peak times from the taxi ranks rather than doing booked calls that has been allocated to them from the booking office.

This in turn is causing problems for the Private Hire companies who have already booked jobs for these drivers and once they have disappeared to work the Ranks, the Private Hire Companies are unable to get these booked jobs carried out on time, so in effect, the people who have booked with the Private Hire Companies are only picked up as and when there is a driver available, regardless whether the Private Hire driver is on time or not. This could explain some of the reasons why there are complaints about some, if not all of the Private Hire Companies within and around the Bromsgrove area.

Licensing have a major problem with the current criteria and policies, the major problem is that under the current laws any Hackney Carriage cannot act as a Hackney Carriage outside the boundary of the licensing authority,

but they can act as a private hire vehicle. So therefore, as the law stands at the present time, a driver can be Badged and plated within Bromsgrove, but in reality, they can and indeed they do, work within other areas as a Private Hire Vehicle and driver, although this may seem acceptable, in reality it is a very bad practice due to the fact that there is no one who is able to control or regulate these drivers within the district that they choose to work. This is because a licensing authority can only control and regulate drivers who are licensed under their control. It would be very difficult or impossible to regulate drivers who could/ and often will be, working many miles away.

All of the above is a result of the Hackney Carriage and Private Hire policies within Bromsgrove, which are very out dated and it is well known that drivers from other areas who are unable to meet the criteria to be badged and plated within their own district, can come to Bromsgrove and obtain a Hackney badge and vehicle licence too easily, but then return to their own district and work unimpeded, or stay in Bromsgrove adding to the problems that already exists on the taxi ranks.

This is why I have asked the council to change the policies for new Hackney Carriage applicants, in order to make the criteria more difficult, so as to raise the standards to a level that would bring the Bromsgrove policies back in to line with other districts. This would also help to protect the existing Hackney Carriage drivers and the Private Hire Companies from the current bad practice that exists within Bromsgrove, under the present day policies and criteria.

Requested changes

1. Return to a two tier system. Private Hire or Hackney Carriage.

For many years, Hackney Carriage and Private Hire Badges have been issued as a dual badge, this was done to ensure that the new applicants would be forced to sit the knowledge test and would have to meet the criteria that existed at that time, whether the driver wanted to be Hackney Carriage or Private Hire. This probably was okay at first, until these drivers started to exploit this situation and just by plating their vehicles as Hackney Carriage they could have the best of both worlds. This has been a major contribution to the massive imbalance of Hackney Carriage and Private Hire that we see today. By reverting back to having Hackney Carriage and Private Hire driver Badges, would indeed help to keep the two sectors separated.

2. New applicant to pay for the knowledge test and any retests.

At this present time there is no charge for the knowledge test, or for the processing of new applicants. So therefore the rest of the taxi trade is supplementing the cost for the new applicants to undertake the knowledge tests and to be processed. Whether the applicant passes the test or not, the applicant can take as many knowledge test as he or she likes at no charge. Not only is this a drain on the councils resources, but it is also unfair that the cost has to be passed on to the rest of the trade.

I would like to see the knowledge test limited to three attempts. If the applicant fails a third time he or she would not be able to resit the knowledge test for at least six months. This will stop applicants learning the questions set within the test criteria, this will also ensure that the driver has done his or her home work, before coming to sit the test.

3. I have proposed that the Hackney Carriage licence should be more expensive than Private Hire. This would encourage the new applicant coupled with the above (part 1 and 2) to take the private hire route, to learn the streets and the trade within Bromsgrove before becoming a Hackney Carriage driver. This would also help to contribute to the added cost of the processing Hackney Carriage.

5 and 6. All new applicates must take a Maths and written/spoken English exam. This is to ensure that the driver can communicate with the passenger in a spoken manner, as well as in a written form when the driver is dealing with people who are deaf or dissabled.

7. Hackney Carriage only

As above but with an additional a maths test incorporating questions on the Hackney Carriage tariff sheet, which is set by the council. This is to ensure that the driver has learnt and understands what he or she is able to charge at certain days and times. Also the driver would need to understand the tariffs when he or she is estimating the cost of a journey, when a passenger has asked the driver for the approximate cost of the journey before entering the vehicle.

8 All new applicants to take a driving standard agency test.

This would be done to ensure the safety of the public and to be sure that the driver is at a standard that is to be expected from a professional driver. This

could also be implemented when drivers have exceeded six penalty point on there licence.

9 and 10. Age of vehicles.

As it stands today any vehicle whether it is Hackney Carriage or Private Hire can be licensed up to ten years old, regardless of the age of when the vehicle was first plated, before council policy dictates that the vehicle is too old for the purpose of being used as a licensed vehicle. The introduction of a five year maximum age limit on a replacement vehicle for Hackney Carriage, but then allowing the vehicle to be used until it is ten years old as it is under today's policies. Private Hire Vehicles should not be included within this change of policy and should remain at today's requirements; this would act as an incentive and would encourage Private Hire drivers to revert back to plating their replacement vehicle as Private Hire. These policies are implemented by many other councils throughout the country for the reason of keeping Hackney Carriage at a healthy and at a viable level.

The remaining Hackney Carriage Drivers who only work the taxi ranks would then see an increase in trade, which would give these driver a fair income, whilst the Private Hire Companies would also be able to control their drivers a lot more easily, this would enable them to give a more reliable service which would then increase their trade and again the Private Hire drivers would also increase their income as trade improved.

10a. All new applicants for Hackney Carriage would only be able to license a Hackney Carriage Vehicle provided that the vehicle is a brand new Disabled Friendly Black Cab type vehicle, this would only apply to new Hackney Carriage applicants and not to Private Hire Vehicles. All existing drivers would be exempt from this change to policy, but part 9 and 10 would apply. (Again Private Hire would not be affected by either part 9, 10 or 10a). Although the cost of buying a new TXI 4 Black Cab costs £33000, the cost per week would work out to only £53.00, over the 12 years that this vehicle would be allowed to operated under today's policies. As and when the Hackney Carriage numbers have been reduced to a sustainable level this kind of investment would be viable to anybody wanting to work the Hackney trade within the Bromsgrove area.

I have looked at many other council policies over the last few months and I have taken the best parts of their policies that would help to provide and

maintain a good and sustainable taxi trade within the Bromsgrove area. Indeed as the two sectors return to Hackney Carriage and Private Hire respectively, they will once again flourish and provide an excellent service for the Bromsgrove community, without having the problems created by having Hackney Carriage and Private Hire dual badged drivers.

Although some of these changes may seem to be extreme, in reality there has not been any real changes to these policies for many years, therefore Bromsgrove has been left behind, in keeping up with new procedures and with new technology that exists within the ever changing taxi world that we live in today.

Just for once it would be nice to see Bromsgrove as a showcase and a place of excellence, with other councils looking to us for inspiration, rather than rejected drivers from other councils, coming to Bromsgrove to be badged and plated because they see Bromsgrove with old and out dated policies that are seen as an easy touch, whilst at the same time protecting the existing drivers, who have a wealth of respect from the public and who are very knowledgeable about their job and about the town that they work in.

Lee Eacock Chairman
Bromsgrove Taxi Association



Summary of Proposals

Proposal	Officer Observations / Comments
<p>Return to a two-tier system (private hire or hackney carriage)</p>	<p>The Council currently issues “dual” licences to all successful applicants that authorise them to drive both hackney carriage and private hire vehicles.</p> <p>Officers think there could be some merit in offering a “private hire only” option as an alternative to the dual licence. Applicants for such a licence would not necessarily need to undertake a geographical knowledge test as the private hire drivers are booked in advance and would have opportunity to research the route to the required destination.</p> <p>This may provide an incentive for applicants to seek licences to drive private hire vehicles only as they would not need to study for the knowledge test.</p> <p>Officers are however mindful of the impact that the Deregulation Bill could have on driver licensing and believe that it may be worth delaying the implementation of any changes to driver licensing policies and procedures until the Deregulation Bill is being implemented.</p>
<p>New applicants to pay separately to undertake each knowledge test they sit.</p>	<p>Officers are in agreement with this proposal.</p> <p>Currently those that wish to obtain a drivers’ licence pay a set fee (£92) which covers the cost of administering the licence application, including any knowledge tests undertaken.</p> <p>An applicant who passes the knowledge test on the first attempt pays the same fee as someone who takes a large number of attempts to pass the test, which does not seem to be fair and reasonable.</p> <p>Therefore it is proposed that applicants pay separately to undertake knowledge tests and that they pay each time they want to undertake a test. The cost of the knowledge test would be removed from the licence fee paid by new applicants.</p> <p>This proposal is being taken forwards and will be addressed by officers when proposing</p>

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<p>Limit applicants to three attempts at passing the knowledge test and having to wait six months before sitting the test again after a third failure.</p>	<p>the fees and charges for 2015/16.</p> <p>Officers are generally supportive of the principle of encouraging applicants to “do their homework” before sitting the knowledge test.</p> <p>However the proposal above to charge for each knowledge test taken provides a direct financial incentive to applicants to only sit tests when they are ready to, and so officers feel that such a change may ultimately not prove necessary.</p>
<p>Hackney carriage licences should be more expensive than private hire.</p>	<p>Licence fees can only be charged on the basis of cost recovery. Fees cannot be increased solely with a view to dissuading people from making applications for particular categories of licence.</p> <p>However if the Council did decide to offer a “private hire only” badge where the applicant did not need to complete a knowledge test, the cost of the knowledge test would not need to be paid by those applying for licences to drive private hire vehicles only.</p> <p>Hackney carriage vehicle licences are already more expensive than private hire vehicle licences due to differences in the licensing process for each type of vehicle and the fact that hackney carriage proprietors contribute towards the creation and maintenance of hackney carriage stands in the district.</p>
<p>All new applicants to sit a Maths and English test.</p>	<p>Other Council’s in the County require their applicants to undertake an “essential skills” test alongside the knowledge test.</p> <p>Officers broadly support the introduction of such a test to improve standards generally.</p> <p>Officers are however mindful of the impact that the Deregulation Bill could have on driver licensing and believe that it may be worth delaying any changes to driver licensing policies and procedures until the Deregulation Bill is being implemented.</p>
<p>Applicants for licences to drive hackney carriage vehicles to be tested on the hackney carriage tariff.</p>	<p>Officers agree that it would be beneficial for the knowledge test for hackney carriage drivers to include questions based on the hackney carriage tariff.</p>

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	<p>Officers are however mindful of the impact that the Deregulation Bill could have on driver licensing and believe that it may be worth delaying any changes to driver licensing policies and procedures until the Deregulation Bill is being implemented.</p>
<p>All new applicants (and those who receive in excess of six penalty points on their DVLA licence) to take a driving standards agency test.</p>	<p>Some other Council's in the County require their applicants to undertake a driving assessment carried out by the Road Safety Team at Worcestershire County Council.</p> <p>Officers would support the introduction of a similar requirement for licence applicants in Bromsgrove to improve standards and increase public safety.</p> <p>A Licensing Sub-Committee considering a drivers fitness to hold a licence, could then require them to undertake a similar assessment of their driving capabilities.</p> <p>Officers are however mindful of the impact that the Deregulation Bill could have on driver licensing and believe that it may be worth delaying any changes to driver licensing policies and procedures until the Deregulation Bill is being implemented.</p>
<p>Introduce a requirement that new hackney carriage vehicles entering the licensed fleet are under five years of age when first licensed.</p>	<p>Currently any vehicle deemed suitable under the age of 10 years of age can be licensed as a hackney carriage.</p> <p>This proposed amendment could potentially generally improve the standard of licensed vehicles, but would need to be subject to proper consultation with the licensed trade and other interested parties.</p>
<p>Additional licences for hackney carriage vehicles should only be granted in respect of brand new wheelchair accessible vehicles.</p> <p>This requirement to not apply to existing licence holders who are replacing licensed vehicles that have reached the upper age limit or which need to be replaced for any other reason.</p>	<p>There are currently very few wheelchair accessible hackney carriage vehicles licensed by the Council. In fact just 3 out of 121 hackney carriages licensed by the Council are wheelchair accessible at the time of preparing this report.</p> <p>This proposed change in policy would no doubt help to increase the number of wheelchair accessible hackney carriages available in Bromsgrove over time.</p> <p>A similar policy is in place at Redditch</p>

Agenda Item 4

	<p>Borough Council.</p> <p>Any such change in the Council's hackney carriage vehicle licensing policy would have to be drafted carefully to ensure it did not lead to any unintended consequences and would have to be subject to proper consultation with the licensed trade and other interested parties.</p>
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General Comments

Officers are supportive of changes to licensing policies and procedures that improve standards and help improve the safety of the travelling public. However officers are mindful that changes in policy should not just be made for the purpose of providing economic protection to the existing licensed trade.

LICENSING COMMITTEE

10th November 2014

SITE MANAGEMENT AGREEMENT BETWEEN BROMSGROVE DISTRICT COUNCIL AND PUBLIC FUNDRAISING REGULATORY ASSOCIATION

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 Members with an update on progress towards entering into a site management agreement with the Public Fundraising Regulatory Association (PFRA) to help regulate face to face fundraising in Bromsgrove Town Centre.

2. **RECOMMENDATIONS**

Members are asked to RESOLVE;

- (i) **To note the contents of the report and the content of the draft site management agreement, and**
- (ii) **To authorise the Head of Worcestershire Regulatory Services to sign the site management agreement on behalf of Bromsgrove District Council.**

3. **KEY ISSUES**

Financial Implications

- 3.1 The costs involved in liaising with the PFRA are being met from existing budgets held by Worcestershire Regulatory Services.

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. However 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.

LICENSING COMMITTEE

10th November 2014

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 Association (PFRA) to try and establish a site management agreement to control this type of collection.
- 3.5 At the Licensing Committee on 23 June 2014, Members resolved to authorise the Head of Worcestershire Regulatory Services to enter into discussions with the PFRA with regard to establishing a site management agreement to regulate face to face fundraising by way of direct debit in Bromsgrove Town Centre.
- 3.6 Officers have subsequently met with representatives of the PFRA in Bromsgrove Town Centre in order to discuss the contents of a site management agreement that would be acceptable to both the Council and charitable organisations that wish to conduct face to face fundraising in the town centre.
- 3.7 A draft agreement has been produced and can be seen at **Appendix 1**.
- 3.8 This draft agreement restricts fundraising to taking place in the pedestrianised area of High Street between New Road and Stratford Road. The number of collectors permitted to visit on any day is restricted to five. The agreement also makes clear that face to face fundraising can only take place on Mondays, Wednesdays and Thursdays.
- 3.9 Originally it had been intended to restrict fundraising to taking place on just two days per week (Mondays and Wednesdays) and this was the starting point during the discussions with the PFRA. However the PFRA has consulted its' membership on the proposed site management arrangements who have indicated that the demand is such that three days per week would be required in Bromsgrove.

LICENSING COMMITTEE

10th November 2014

- 3.10 Members are asked to note the contents of the report and to authorise the Head of Worcestershire Regulatory Services to sign the site management agreement on behalf of Bromsgrove District Council.

4. RISK MANAGEMENT

- 4.1 If a site management agreement is not entered into, face to face fundraising in Bromsgrove Town Centre will not be controlled in any way.

5. APPENDICES

Appendix 1 – Draft Site Management Agreement

AUTHOR OF REPORT

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Public Fundraising *Regulatory* Association

November 2014

Site Management Agreement

Site Management Agreement

Between PFRA and Bromsgrove District Council

Prepared by: **Stephen Service**
Outreach Officer

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www.pfra.org.uk

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Bromsgrove District Council and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Fundraising Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the PFRA's Rule Book or any local clause within the SMA, they will inform the PFRA's Head of Standards by contacting them on 020 7401 8452, providing details of the incident.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

Bromsgrove town centre

Pedestrianised area of **High Street** between New Road and Stratford Road.

Capacity: maximum of 5 fundraisers

Positioning: fundraisers to be spread out along the length of the site.

Frequency: Mondays, Wednesdays and Thursdays only.

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present on any one site on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Bromsgrove District Council is XXXXXXXX, (name and role), and his/her contact details are XXXXXXXX (email and telephone). In his/her absence all enquiries should be made to XXXXXXXX (name, role and contact details)

4.2 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

XXXXXXXXx (pls insert name, role and contact details of any other relevant officers)

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

5 Complaint Management

PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Standards Board ([FRSB](http://www.frsb.org.uk)).

6 Working Together

Bromsgrove District Council agrees to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Fundraising Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the Code of Fundraising Practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

Print name:

Job title:

Date:

Signed For and On Behalf Of Bromsgrove District Council:

Print name:

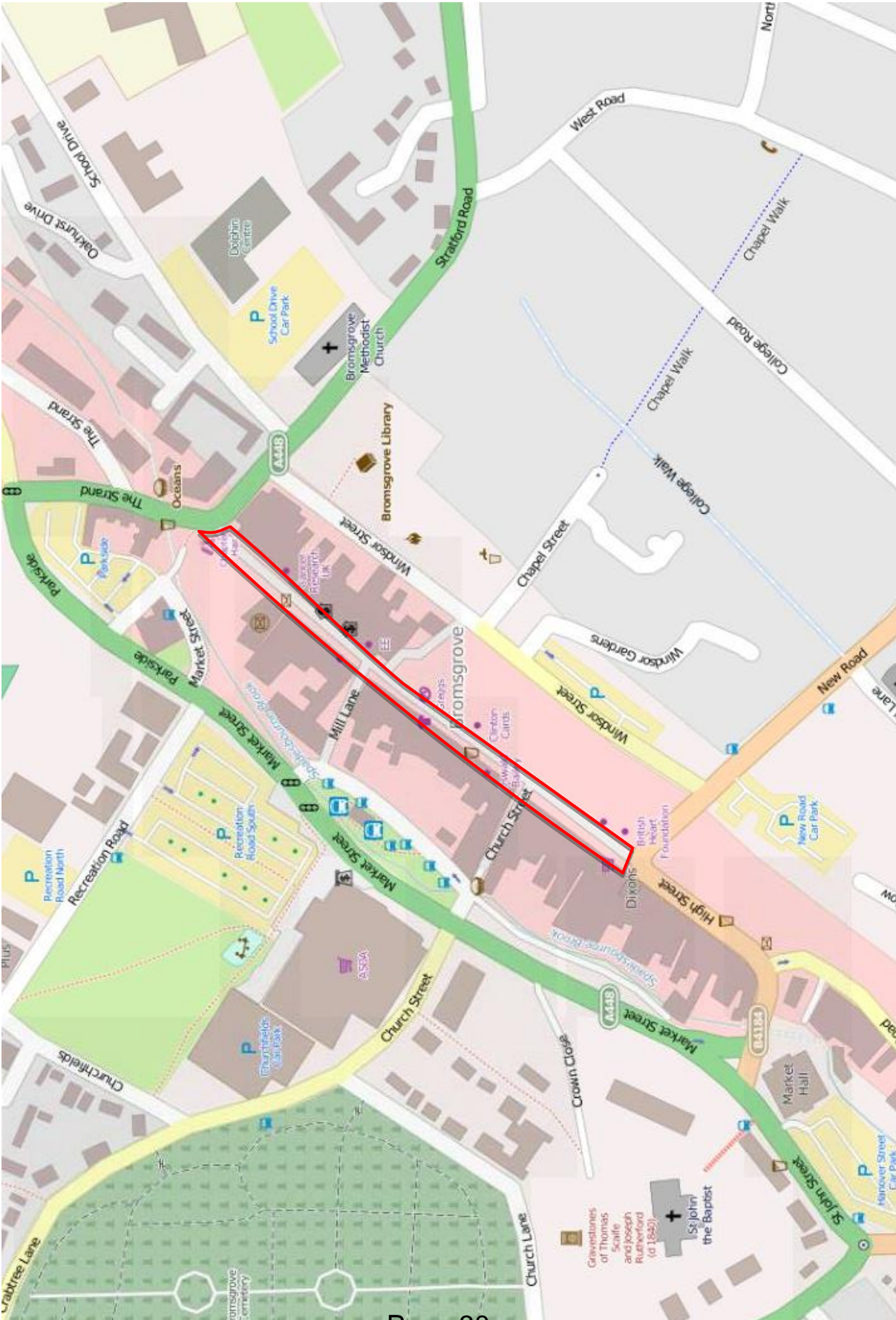
Job title:

Date:

Appendix 1 - Map(s)

Plan showing the area (s) where fundraising is to be permitted:

Bromsgrove town centre



Appendix 2 - Direct Debit Guarantee

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Relevant Portfolio Holder	Councillor Rita Dent, Portfolio Holder for Town Centre, Regulatory Services and Housing
Portfolio Holder Consulted	√
Relevant Head of Service	Judith Willis
Ward(s) Affected	All
Non-Key Decision	√

1. SUMMARY OF PROPOSALS

To brief Members in relation to the new powers and reforms contained in the Anti-Social Behaviour, Crime and Policing Act 2014 and to highlight the Public Spaces Protection Order and the new Community Trigger and its process.

2. RECOMMENDATIONS

It is recommended that Members note the contents of the report.

3. KEY ISSUES

Financial Implications

- 3.1 The funding currently allocated to Community Safety does not include any costs that may arise as a result of the implementation of the Anti-Social Behaviour, Crime and Policing Act. It is anticipated that there will be costs associated with administration, enforcement and potential legal action once the Council and Partners start to work together to implement the new powers and reforms. The level of the additional cost is unknown at present however it is expected that initially it will not be significant to the Council and it is hoped that as we work more with partners all costs can be shared.

Legal Implications

- 3.2 The Act received royal assent on 13th March 2014 and its provisions came into force on the 20th October (apart from the Civil Injunction which has been delayed). The Act repeals 19 powers in relation to anti-social behaviour and reduces them to seven broad ranging powers.
- 3.3 Updated statutory guidance issued in July 2014 under Sections 19, 32, 41, 56, 73 and 91 of the Act is written primarily for Police Officers, Councils and social landlords who will use the powers. The guidance outlines how to make best use of the new legislation to protect the public against anti-social behaviour and nuisance.

Service / Operational Implications

Background

- 3.4 The intention of the Anti-Social Behaviour, Crime and Policing Act 2014 and the accompanying statutory guidance is to put the victim firmly at the heart of responses to ASB and it aims to give professionals the flexibility they need to deal with varying situations.
- 3.5 Part 6 of the Act and Part 1 of the statutory guidance focuses on putting victims first and giving them a say through the Community Trigger and Community Remedy. Community Trigger and Community Remedy trial schemes were conducted by Manchester, Brighton and Hove, West Lindsey & Boston (Lincolnshire) and the London Borough of Richmond on behalf of the Home Office. Leeds, Oxford, Bexley and Avon & Somerset also started their own trials and their experiences were used to shape the final Act and the subsequent guidance.
- 3.6 A Summary of the two New Powers and Reforms that are most relevant to the Council are provided below:

Public Spaces Protection Order

- 3.7 It is the Public Space Protection Order (PSPO) that will be of most relevance to Licensing Committee. It is an order designed to protect public spaces from persistently anti-social individuals or groups and can include reasonable restrictions and requirements. These orders replace Designated Public Place Orders (also known as Alcohol Restriction Zones) and still allow alcohol to be confiscated from those behaving or likely to behave in anti-social manner. Failure to comply remains an offence. PSPOs also replace Gating Orders and Dog Control Orders.
- 3.8 Orders are issued by Councils after consultation with the police, PCC and other relevant bodies. Council Officers, granted powers by their Chief Executive, will be able to enforce the restrictions and requirements, alongside Police Officers, PCSOs (Police Community Support Officers) and any other Officer designated under the Community Safety Accreditation Scheme. In determining Orders consideration has to be given to 'the test' which is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public space:
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and

justifies the restrictions imposed.

- 3.9 Where a Designated Public Place Order, Gating Order or Dog Control Order is currently in force, this will continue to be valid for a period of three years following the commencement date of the new power (20th October 2014). At this point it will be treated as a PSPO. However, councils need not wait for this to happen and could decide to review the need for their current orders ahead of that transition to simplify the enforcement landscape.

Community Trigger

- 3.10 The Community Trigger enables victims who feel that they have not received an adequate response to ASB to call for a review of their case by the responsible agencies identified in the Act. These are District Councils, the Police, Registered providers of Social Housing who are co-opted into the group and Clinical Commissioning Groups in England.
- 3.11 North Worcestershire Community Safety Partnership and South Worcestershire Community Safety Partnerships (CSPs) have led the development of the Community Trigger on behalf of Worcestershire's local authorities and the other responsible agencies. A Worcestershire wide Community Trigger process has been agreed upon to ensure a consistent approach and to avoid confusion for victims. Wherever possible, the CSPs have also tried to mirror arrangements across the West Mercia Police and Warwickshire Police Alliance areas.
- 3.12 To activate the Trigger, the victim(s) need to meet the agreed threshold:

They will have reported three separate incidents relating to the same ASB problem in the past six months to the Council, Police or their landlord.

OR

At least three affected individuals/groups or organisations will have made reports about the same problem in the past six months to the Council, Police or a relevant landlord.

- 3.13 Within agreed timescales a member of the respective district/borough Council's Community Safety Team will confirm whether the threshold has been met and a review will be conducted. Recommendations will be made as necessary to progress the case in consultation with the victim. Victims will be able to apply online, by letter or telephone to the Community Safety Team based within each local authority e.g. a resident of Bromsgrove will contact the District Council's Community Safety Team. Third Parties are also able to request a Community Trigger.

3.14 The remaining Powers and Reforms that are contained within the Act are:

- **A Community Remedy** which gives victims a say in the resolution of anti-social behaviour incidents that are below the criminal threshold.
- **Civil Injunctions** (Currently on Hold) that replace Anti-Social Behaviour Injunctions, Anti-Social Behaviour Orders, Drinking Banning Orders (DBOs), intervention orders and individual support orders.
- **Criminal Behaviour Order** which replaces the Criminal Anti-Social Behaviour Orders (CrASBOs) and enable a court to tackle ASB and are applied for following a conviction for a criminal offence.
- **Dispersal Power** which enables the police to remove a person from a specific locality for up to 48 hours where there is ASB or the likelihood of ASB.
- **Community Protection Notice** to stop persistent ASB by an individual, organisation or business.
- **Closure Powers** to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.
- **Absolute ground for possession** to allow the eviction of the most anti-social tenants where they, another household member, or a person visiting has been convicted of a serious offence or has breached certain ASB interventions.

Implications of introduction of PSPOs

3.15 Members will be aware that decision making in relation to DPPOs has traditionally been a function of the Licensing Committee. There are currently 22 DPPOs in force throughout the district. In 2011 Licensing Committee was advised that in order to comply with Home Office guidance in force at the time that a review of the DPPOs in force should be carried out. Although some work on this was commenced, Members subsequently agreed to place the review on hold to allow public awareness raising work to be undertaken. In addition to this new signage for the DPPOs was installed. In June 2013 Members agreed to postpone the review pending the introduction of the new legislation in the Anti-Social Behaviour, Crime and Policing Act 2014

3.16 As referred to at 3.2 the new legislation came into effect on 20th October 2014. There are transitional measures in place for the next three years which mean that the existing DPPOs can continue to operate as such whilst the Council decides how to take matters forward. Given the very recent introduction of the legislation officers have yet to formulate clear proposals in relation to the issue of reviewing the existing DPPOs to ascertain whether they are still relevant and proportionate to any problems that are occurring in the areas they cover. It is officers' intention to bring a further more detailed report to Licensing Committee covering proposals for the transition from DPPOs to PSPOs once there has been an opportunity to investigate the issue in more detail.

Customer / Equalities and Diversity Implications

- 3.17 The term anti-social behaviour is used to describe a broad range of day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery. Litter, vandalism, public drunkenness, aggressive dogs and noisy or abusive neighbours can have a devastating effect on a community or an individual, particularly, if the behaviour is targeted against a vulnerable resident and is of a persistent and escalating nature.
- 3.18 These reforms are designed to put victims at the heart of the response to anti-social behaviour and give professionals flexibility to respond appropriately to different situations and ensure that vulnerable victims are better supported and protected. Effective communication and targeted and consultation with local residents and communities will be key to the effective implementation of these powers in order to address concerns raised by community members.

4. RISK MANAGEMENT

For the purposes of this report Members are being asked to note the new legislative provisions. As such there are no risks arising from any decisions which members are being asked to take. Any risks arising from failure of the Council to take on board the new legislative changes are being addressed by this report and by the further work officers are intending to do to consider proposals for the transition from DPPOs to PSPOs.

5. APPENDICES

None.

6. BACKGROUND PAPERS

Anti-Social Behaviour, Crime and Policing Act 2014
http://www.legislation.gov.uk/ukpga/2014/12/pdfs/ukpga_20140012_en.pdf

Anti-Social Behaviour, Crime and Policing Act 2014 - Home Office Statutory Guidance – Full document (July 2014)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

AUTHOR OF REPORT

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LICENSING COMMITTEE

10th November 2014

10th November 2014

DPPO – Designated Public Places Order – further update report from the Senior Community Safety Officer, to brief Members on the new powers contained in the Anti-Social Behaviour, Crime and Policing Act 2014.

Deregulation Bill (Implications for Alcohol and Taxi Licensing) – verbal update

Request for amendments to Hackney Carriage and Private Hire Licensing Policies

Site Management Agreement with the PFRA – Progress Report / Draft Agreement

23rd March 2015

Gambling Act 2005 – Review of Statement of Principles

Draft Sex Establishment Licensing Policy

Approval of consultation on amendments to Hackney Carriage and Private Hire Licensing Policies

To Be Allocated To Suitable Available Dates

Hackney Carriage and Private Hire Driver Licensing Policy Amendments (as a result of the Deregulation Bill)

Site Management Agreement with the PFRA - Approval

Street Amenity Policy

Scrap Metal Licensing Policy

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