

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 14TH MARCH 2016 AT 6.00 P.M.

PRESENT: Councillors B. T. Cooper (Chairman), J. M. L. A. Griffiths (Vice-Chairman), M. T. Buxton, P. Lammas, K.J. May, S. R. Peters, S. P. Shannon, P.L. Thomas (during Minute No's 25/15 to 30/15), L. J. Turner and S. A. Webb

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

25/15 **APOLOGIES**

An apology for absence was received from Councillor C. M. McDonald.

26/15 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

27/15 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 9th November 2015 were submitted.

RESOLVED that the minutes of the meeting held on 9th November 2015 be approved as a correct record.

28/15 **PRESENTATION FROM THE HEAD OF COMMUNITY SERVICES - WORCESTERSHIRE'S CHILD SEXUAL EXPLOITATION STRATEGY ACTION PLAN**

In agreement with the Chairman this item was deferred.

The Council's Legal Advisor, informed the Committee that this item had been deferred following information received from the Head of Community Services and the Licensing and Support Manager, Worcestershire Regulatory Services; following information they had received from West Mercia Police. West Mercia Police had notified officers that they were looking to introduce a North Worcestershire initiative, which would include specific Child Sexual Exploitation (CSE) training for Licensing Committee Members. The Chairman had therefore agreed to defer this item in light of the North Worcestershire initiative.

In response to questions from Members, officers clarified that the specific CSE training would be held separate from the annual Licensing Committee training and would be held before the next meeting of the Licensing Committee in June 2016 for Members nominated onto the Licensing Committee for the 2016/2017 municipal year.

29/15

DRAFT SEX ESTABLISHMENT LICENSING POLICY - CONSULTATION RESULTS

Following on from the Licensing Committee meeting held on 14th September 2015, when Members approved for the purpose of consultation, the draft Sex Establishment Licensing Policy. Members were asked to consider the responses received to the consultation for the purposes of adopting the Sex Establishment Licensing Policy, as detailed at Appendix 3 to the report. The draft Policy sets out how Bromsgrove District Council would approach its licensing functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), presented the report and in doing informed the Committee that the Sex Establishment Licensing Policy would provide guidance to Members and officers when considering applications and would inform potential applicants, relevant stakeholders and the general public of the principles that would be applied by the Council when carrying out its licensing functions.

The Senior Licensing Practitioner, WRS, drew Members attention to section 3.12 in the report, which detailed the list of those consulted with. The consultation documents were also made available on the Council's website and advertised via social media channels.

Responses to the consultation were received from West Mercia Police and Hereford and Worcester Fire and Rescue Service, as detailed at Appendices 1 and 2 to the report. West Mercia Police had requested a number of additional conditions to be applied to licenses issued in respect of sexual entertainment venues. The vast majority of these conditions had been included into Annex E of the draft Sex Establishment Policy. The National Pubwatch organisation had in the past made it clear that, in its view, conditions that required premises to join Pubwatch contravened the basic principle that Pubwatch had always been a voluntary activity, engaged in by operators of licensed premises primarily for their own benefit which resulted in a positive outcome for the wider community.

Hereford and Worcester Fire and Rescue Service had requested for a condition to be added in Annex D of the draft Sex Establishment Policy that the licensee should carry out a fire risk assessment in order to comply with The Regulatory Reform (Fire Safety) Order 2005. The Senior Licensing Practitioner, WRS, informed Members that it was not considered good practise to impose a licence condition that replicated a

legal duty that the licence holder had to carry out under other legislation, therefore this condition was not included in Annex D of the draft Sex Establishment Policy.

RESOLVED that the draft Sex Establishment Licensing Policy, as detailed at Appendix 3 to the report, be approved with effect from 1st April 2016.

30/15

APPROVAL OF AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE TAXI HANDBOOK

Following on from the Licensing Committee meeting held on 11th November 2015, where Members agreed a number of amendments to the Council's policies and procedures relating to hackney carriage and private hire licensing. Members were asked to consider the revised Hackney Carriage and Private Hire Handbook which had been updated to incorporate those amendments as agreed by Licensing Committee Members.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), presented the report and in doing so reminded Members that the proposed changes had originated from correspondence received from Bromsgrove Taxi Association and had been considered by Licensing Committee Members initially at the Licensing Committee meeting held on 10th November 2014, with trade forums carried out in February and March 2015. A formal consultation was carried out by WRS between April and July 2015 on the proposed changes. Licensing Committee Members considered the responses to the consultation at the Licensing Committee meeting held on 9th November 2015, where they agreed to amend and update the Council's existing policies and procedures, as summarised in section 3.7 in the report.

The Senior Licensing Practitioner, WRS, informed Members that officers had incorporated the agreed changes into the revised Hackney Carriage and Private Hire Handbook as attached at Appendix 1 to the report.

Further discussion took place on the agreed amendments and in response to questions from Members, with regard to applicants and the right to work in the United Kingdom. The Senior Licensing Practitioner, WRS, highlighted that in the current Hackney Carriage and Private Hire Handbook the criteria was that applicants must have the right to work in the United Kingdom, Members questioned why the right to reside in the United Kingdom had not also been included as a criteria for applicants.

The Senior Licensing Practitioner, WRS, explained that the Immigration Bill had been amended in respect of the right to reside in the United Kingdom. The recent amendments to the Immigration Bill had not received Royal Assent, once Royal Assent was received, it would then be a legal requirement for applicants to provide evidence of their right to reside in the United Kingdom. It was anticipated that the Immigration Bill would receive Royal Assent in October 2016.

The Council's Legal Advisor further informed Members that legislation would override any local authority policies and that once the Immigration Bill had received Royal Assent, as stated in the preamble above, it would be a legal requirement for applicants to provide evidence of their right to reside in the United Kingdom. Officers would be in a position to amend the Council's Hackney Carriage and Private Hire Handbook to reflect this. Further consultation on the Hackney Carriage and Private Hire Handbook would not be required as the update would be due to a change in legislation.

The Senior Licensing Practitioner, WRS, responded to Members with regard to complaints received from residents in respect of licenced drivers sounding their horn on arrival and Members concerns about over-ranking on the town centre taxi ranks.

Members were informed that, as detailed in the Council's Hackney Carriage and Private Hire Handbook, with regard to driver behaviour, the condition that "you shall not sound your horn to announce your presence to the hirer", was not a new condition, the condition had been in the Council's Hackney Carriage and Private Hire Handbook since it was adopted on 23rd February 2009.

The Senior Licensing Practitioner, WRS, highlighted that should Members receive any complaints about licensed drivers he would ask them to provide licensing officers as soon as possible with relevant details, details that would enable them to identify the driver and the nature of the complaint. Officers could then act on the complaints received with warning letters being issued to the offending drivers and any repeat offenders being brought before a meeting of the Licensing Sub-Committee.

In respect of over-ranking, the Senior Licensing Practitioner, WRS, further informed the Committee that over-ranking had been brought to the attention of licensing officers, who had responded by working closely with the car parking attendants to address the issue. The car parking attendants had been asked to feedback to licensing officers details of any tickets issued on the taxi ranks due to over-ranking or licensed drivers parking on double yellow lines near to the taxi ranks.

The Senior Licensing Practitioner, WRS, further informed the Committee that WRS officers had previously carried out an enforcement exercise under the Local Government (Miscellaneous Provisions) Act 1982 (as amended), whereby members of the public, who had parked in spaces that had been designated as a taxi tank, were given warning letters for parking in these spaces. Unfortunately no further action could be taken as the Driver and Vehicle Licensing Agency (DVLA) had refused to provide details of any of the registered keepers of the vehicles as they did not consider it a serious enough offence for them to divulge any details of registered keepers.

The Senior Licensing Practitioner, WRS, highlighted that he was aware that the car parking attendants only worked until 10:00 p.m. however, he would continue to liaise with the car parking attendants with regard to over-ranking. He would also look at ways to help raise awareness with members of the public in respect of parking in designated taxi ranks that restricted parking at certain times for members of the public.

In response to the Chairman, the Senior Licensing Practitioner, WRS, informed the Committee that WRS had purchased a light meter that measured the percentage of visual light transmitted through tinted windows. Acceptable levels of tint on the front windows of vehicles were currently determined by law. Further work was needed by licensing officers to determine an acceptable level of tint on the side and rear windows of licensed vehicles.

The Senior Licensing Practitioner, WRS, noted the comments made in respect of including metric measurements in the amended Hackney Carriage and Private Hire Handbook where relevant.

Members were asked to note that the Driver Training (Worcestershire County Council) telephone number had changed and that the new telephone number would be detailed in the amended Hackney Carriage and Private Hire Handbook.

The Chairman thanked officers for their work on updating and incorporating the agreed amendments to the Council's Hackney Carriage and Private Hire Handbook.

RESOLVED that subject to the minor changes as agreed by Licensing Committee Members and detailed in the preamble above, the amended Hackney Carriage and Private Hire Handbook, as detailed at Appendix 1 to the report, be approved.

31/15

LICENSING COMMITTEE WORK PROGRAMME 2015/2016

The Committee considered the Work Programme for 2015/2016.

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

The meeting closed at 6.47 p.m.

Chairman