



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 13TH JUNE 2016 AT 6.00 P.M.**

#### **PARKSIDE SUITE - PARKSIDE**

**MEMBERS:** Councillors M. T. Buxton, B. T. Cooper, R. L. Dent, P. Lammas, L. J. Turner, C. M. McDonald, S. R. Peters, S. P. Shannon, C. J. Spencer, P.L. Thomas and S. A. Webb

### **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 14th March 2016 (Pages 1 - 6)
6. Licensing Annual Report 2015/ 2016 (Pages 7 - 12)
7. Draft Scrap Metal Licensing Policy - Approval for Consultation (Pages 13 - 34)
8. Wheelchair Accessible Vehicles (WAV's) - Consultation results (Pages 35 - 56)
9. Licensing Committee Work Programme 2016 / 2017 (Pages 57 - 58)

10. 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

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

27th May 2016

## **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 Ascent, 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

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### **LICENSING COMMITTEE**

13th June 2016

#### **LICENSING ANNUAL REPORT**

Relevant Portfolio Holder	Councillor Rod Laight
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes - 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 2015/2016 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

### **LICENSING COMMITTEE**

**13th June 2016**

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.
- 3.5 During 2015/16 the Council's Statement of Principles under the Gambling Act 2005 was reviewed and a revised Statement of Principles was published with effect from 31<sup>st</sup> January 2016.
- 3.6 The Council's current Statement of Licensing Policy under the Licensing Act 2003 was published with effect from 1<sup>st</sup> May 2014. The Statement of Licensing Policy will therefore be due for revision prior to 1<sup>st</sup> May 2019.
- 3.7 The Council also consulted upon and adopted its first comprehensive policy on the licensing of Sex Establishments during 2015/16.
- 3.8 In December 2015 a late night enforcement operation in partnership with West Mercia Police saw Licensing Officers and Police Officers visit a number of licensed premises and carry out spot checks on licensed vehicles. The Council's depot was also utilised to carry out mechanical safety checks on vehicles that were checked at the roadside and required additional scrutiny.

#### **Licensing Act 2003**

- 3.9 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.
- 3.10 The number of new licenses issued and granted by Bromsgrove District Council in the year 2015/2016 are:

Personal Licenses	New 40	Total 935
Premises Licenses	New 11	Total 308
Club Premises Certificates	New 0	Total 41
Temporary Event Notices		Total 196

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- 3.11 The Licensing Sub-Committee created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises, determined five applications during the year 2015/16. These were two new premises licence applications, two applications to vary premises licences and an application for a personal licence

#### **Gambling Act 2005**

- 3.12 Last year saw the Council continue its functions under the Gambling Act 2005. This legislation replaced most of the existing law relating to gambling in Great Britain and much like the Licensing Act 2003 aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council. The Licensing Team now issue premises licenses for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres and casinos.

- 3.13 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	8
Family Entertainment Centres	2
Casinos	0

- 3.14 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 2015/16 have been received by the Authority.

#### **Taxi Licensing**

- 3.15 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.

### LICENSING COMMITTEE

13th June 2016

- 3.16 The number of licensed vehicles and drivers has increased slightly over the course of the year.

	<u>14/15</u>	<u>15/16</u>
Hackney Carriage Vehicles	120	125
Private Hire Vehicles	38	42
Dual Hackney Carriage/Private Hire Drivers	165	172
Private Hire Operators	14	14

- 3.17 Licensing Officers keep in regular contact with the appointed taxi trade representatives – by phone and one to one meetings when necessary. During 2015/16 the Council consulted upon amendments to its policies and procedures in relation to Hackney Carriage and Private Hire licensing and a new Taxi Handbook incorporating the changes made was approved in March 2016. Further consultation and consideration of ways to increase the number of wheelchair accessible Hackney Carriages licensed in the district remain on-going.

- 3.18 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**

- 3.19 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	10

- 3.20 The Licensing Team is responsible for enforcing the legislation in partnership with the Police and Environment Agency and have taken part in two multi-agency operations in the North Worcestershire area

### **LICENSING COMMITTEE**

**13th June 2016**

during 2015/16, which included trying to identify any unlicensed scrap metal dealers operating in the area.

- 3.21 Members will be asked to consult upon and approve a draft Scrap Metal Policy and Guideline document during 2016/17.

#### **Street Collections**

- 3.22 In 2014/15, a site management agreement was negotiated and entered into with the Public Fundraising Regulatory Association (PFRA) in order to put in place some controls on when face-to-face fundraisers can visit Bromsgrove in order to try and solicit donations via direct debit. Under the site management agreement, face-to-face fundraisers should only visit Bromsgrove on Mondays and Wednesdays and are limited to a maximum of five fundraisers.
- 3.23 When originally entering into the site management agreement, the PFRA reserved the right on behalf of its members, to request that the number of days on which collections are permitted in Bromsgrove be reviewed in six months if the agreement was having a detrimental impact on their fundraising efforts. No such review has been requested to date by the PFRA. The number of complaints from member of the public about face to face fundraising has remained low throughout the year.

#### **4. RISK MANAGEMENT**

- 4.1 None

#### **5. APPENDICES**

- 5.1 None

#### **AUTHOR OF REPORT**

Name: Dave Etheridge – Senior Licensing Practitioner  
Worcestershire Regulatory Services

E Mail: [dave.etheridge@worcsregservices.gov.uk](mailto:dave.etheridge@worcsregservices.gov.uk)

Tel: (01905) 822799

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## **LICENSING COMMITTEE**

13<sup>th</sup> June 2016

### **DRAFT SCRAP METAL LICENSING POLICY AND GUIDELINES**

Relevant Portfolio Holder	Councillor Rod Laight
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

Bromsgrove District Council is responsible for issuing site and collector licences under the Scrap Metal Dealers Act 2013. This report presents a draft policy and guidelines for the licensing of scrap metal sites and collectors in the District.

#### **2. RECOMMENDATIONS**

**Members are asked to RESOLVE;**

**To approve the draft policy and guidelines for the purpose of consultation with relevant parties.**

#### **3. KEY ISSUES**

##### **Financial Implications**

- 3.1 The costs involved in carrying out the consultation will be met by existing budgets held by Worcestershire Regulatory Services.

##### **Legal Implications**

- 3.2 The Council is under no legal obligation to have a policy in place. However, this policy will assist the Council in achieving consistency, fairness and transparency in its decision making process.
- 3.3 Application of the policy in the decision making process will enable the Council to minimise successful legal challenges and appeals. Officers and the Committee should have regard to all the circumstances of a particular case and would be entitled to have due regard to this policy.

### Service / Operational Implications

- 3.4 The Scrap Metal Dealers Act 2013 (the Act) was introduced to replace the previous regulatory scheme for scrap metal dealers and for vehicle dismantlers. It requires anyone who deals in scrap metal to obtain and display a relevant licence and gives the police and local authorities more powers of entry and inspection as well as allowing a more thorough application process where licences can be refused and subsequently revoked if dealers are deemed 'unsuitable'.
- 3.5 The Committee has previously received reports to brief them on the provisions of the Act, which came into force on 1<sup>st</sup> October 2013, with full enforcement powers coming into effect on 1<sup>st</sup> December 2013. The Council has agreed the fees to be charged and the delegation of functions relating to the licensing processes under the Act.
- 3.6 A draft policy has now been produced which aims to give clear guidance as to how the Council will administer and enforce the requirements of the Act. The policy has been prepared in accordance with the Act and the regulations that govern it.
- 3.7 A copy of the draft policy is attached as **Appendix 1**.
- 3.8 The provision of a policy and guidelines aims to provide residents, applicants and other agencies with a benchmark of the licensing authority's expectations and will assist them in understanding statutory requirements. This document will also assist people to submit complete and accurate applications thereby reducing unnecessary work and delays.
- 3.9 It is intended to ask each of the six district Councils in Worcestershire to adopt a similar policy to improve consistency of practise and decision making across the County.
- 3.10 It is proposed that the draft policy and guidelines be subject to consultation with relevant parties. The results of the consultation would then be brought back to the Committee for consideration before the draft policy and guidelines are finalised and approved.
- 3.11 In addition to consulting with residents and scrap metal dealers, the following stakeholders will be consulted:
- West Mercia Police
  - The Environment Agency
  - Environmental Health (WRS)
  - Trading Standards



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13<sup>th</sup> June 2016

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- British Transport Police
- Relevant Trade Associations
- The Council's Development Control Team
- Parish Councils in the District
- Hereford and Worcester Fire and Rescue Service

### **4. RISK MANAGEMENT**

- 4.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal. Consultation with relevant stakeholders will minimise the risk of challenge.

### **5. APPENDICES**

Appendix 1 – Draft Policy and Guidelines

### **AUTHOR OF REPORT**

Name: Dave Etheridge – Senior Practitioner (Licensing)  
Worcestershire Regulatory Services  
E Mail: [dave.etheridge@worcsregservices.gov.uk](mailto:dave.etheridge@worcsregservices.gov.uk)  
Tel: (01905) 822799

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# Bromsgrove District Council

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

**BROMSGROVE DISTRICT COUNCIL**

## **STATEMENT OF LICENSING POLICY AND GUIDELINES FOR SCRAP METAL**

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## 1. Introduction

- 1.1 Metal theft over recent years has had a significant impact on communities, businesses and local authorities alike. Such thefts have seen communications and the train network disrupted, historic buildings, churches etc. desecrated, and everybody's safety put at risk with inspection covers, drainage gully covers and road signage being stolen. The Scrap Metal Dealers Act 2013 has been created to help prevent some of the previous issues surrounding the sale, collection, storage and disposal of scrap metal. The Act provides a stronger legislative framework to empower local authorities and police forces in their fight against metal thieves, whilst strengthening and supporting legitimate scrap metal dealers.
- 1.2 This Policy outlines the requirements of the Scrap Metal Dealers Act 2013 (the Act). It gives guidance to new applicants, existing licence holders, consultees and members of the public as to how the Council will administer and enforce the requirements of the Act.
- 1.3 Bromsgrove District Council (the Authority) under the Act may depart from this policy if individual circumstances of any case warrant such a deviation. In such cases the Authority must give full reasons for doing so.
- 1.4 This Policy will be reviewed on a regular basis. In the preparation and publication of this Policy in addition to residents and scrap metal dealers, the following will be consulted:
  - a) West Mercia Police
  - b) The Environment Agency
  - c) Environmental Health
  - d) Trading Standards
  - e) British Transport Police
  - f) Existing Licence Holders
  - g) Relevant Trade Associations
  - h) The Council's Development Control Team
  - i) Parish Council's
  - j) Hereford and Worcester Fire & Rescue Service

## 2. Background

- 2.1 The Scrap Metal Dealers Act 2013 came into effect on 1<sup>st</sup> October 2013, with full enforcement powers coming into effect on 1<sup>st</sup> December 2013. It repeals previous legislation and creates a revised regulatory regime for scrap metal recycling and vehicle dismantling industries across England and Wales.
- 2.2 The Act defines a 'scrap metal dealer' as a person who carries on the business which consists wholly or in part of the buying or selling of scrap metal, whether or not the metal is sold in the form it was bought. This does not include manufacturing operations that sell metal as a by-product of the processes being used in that operation. It does, however, include the business of collecting scrap metal, i.e. door to door collectors even if no money is paid for scrap metal collected.
- 2.3 The definition of scrap metal dealer is wide and may include skip hire firms, and tradesmen, such as plumbers and builders who sell scrap metal resulting from their businesses.
- 2.4 In these circumstances, each business will be considered on its own merits, but consideration will be given to the amount of metal sold and how incidental the sale is to the main business. So, in most cases, for plumbers, electricians and builders etc. the sale of metal will be incidental and should not require a licence. However, skips sited at demolition sites, or at engineering manufacturing sites or plumbers' yards, are likely to contain a significant amount of metal, so the skip hire company may require a licence if they are involved in the buying or selling of scrap metal.
- 2.5 The Act identifies the local authority of each district as the principal regulator for their area and gives them the power to regulate these industries by the ability to refuse licences to 'unsuitable' applicants and the power to revoke those licences held by licence holders who become 'unsuitable'.
- 2.6 The Act states that 'scrap metal' includes:
- any old, waste or discarded metal or metallic material, and
  - any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life
- This definition includes platinum and other rare metals now being used in catalytic converters and vehicle exhausts.
- 2.7 The following is **not** considered to be 'scrap metal'
- gold;
  - silver, and
  - any alloy of which 2 per cent or more by weight is attributable to gold or silver.
- 2.8 A scrap metal dealer also includes someone carrying on the business as a motor salvage operator. Motor salvage operator is defined as a business that:

- wholly or in part recovers salvageable parts from motor vehicles for re-use or re-sale, and then sells the rest of the vehicle for scrap;
  - wholly or mainly involves buying written-off vehicles and then repairing and re-selling them;
  - wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and re-selling them.
- 2.9 The Act is not intended to include second hand goods. Jewellers or businesses trading in second hand gold, silver and products are not included in this legislation. However, if they buy or sell any other metals at scrap value they may fall within the definition of a scrap metal dealer.
- 2.10 Vehicles without a certificate of destruction, with or without a valid MOT or re-usable & tested parts removed from an end of life scrap vehicle may not be considered as scrap but as a vehicle commodity and could therefore be classed as second hand goods. Other vehicles are likely to be considered scrap. These aspects will be considered when the Council determines whether or not a scrap metal dealer licence is required. It should also help prevent any motor salvage operators attempting to circumvent the legislation and its requirements.
- 2.11 Any words or expressions in this Policy have the meaning assigned to them under the Act.

### 3. Types of Licence

- 3.1 A licence is required to carry on business as a scrap metal dealer. A licence once granted lasts for three years. Trading without a licence is a criminal offence.
- 3.2 There are two types of licences specified in the Act:

#### **Site Licence**

All sites operating as a scrap metal business must be licensed. Each site must have a named site manager. A site licence allows the licence holder to transport scrap to and from the site from any local authority area.

#### **Collector's Licence**

This licence allows the holder to collect scrap within the area of the issuing local authority. This licence does not permit the holder to operate a scrap metal site, nor does it allow the collection outside of the area of the issuing authority. If a person collects scrap from more than one local authority area, a collector's licence will be required from each local authority he/she collects scrap within.

A scrap metal dealer may not hold more than **ONE** licence issued by any one local authority.

- 3.3 A site under the Act is defined as 'any premises used in the course of carrying on a business as a scrap metal dealer, (whether or not metal is kept there)'. This means a

dealer will require a site licence for an office, even if they do not operate a metal store or yard from those premises.

- 3.4 Holding a site or collector's licence does not exempt the licensee from requiring any other licence or permit to operate a scrap metal business. For example, a waste carrier registration issued by the Environment Agency.

## **4. Suitability of Applicant**

- 4.1 The Council must determine if an applicant is a suitable person to carry on business as a scrap metal dealer.

- 4.2 The Council must have regard to any information which it considers to be relevant, this may include:

- a) Whether the applicant or site manager has been convicted of any relevant offence; or
- b) Whether the applicant or site manager has been the subject of any relevant enforcement action; or
- c) Whether there has been any refusal of an application for the issue or renewal of a scrap metal licence, and the reasons for the refusal; or
- d) Whether there has been any refusal of an application for a relevant environmental permit or registration, and the reasons for the refusal; or
- e) If there has been any previous revocation of a scrap metal licence, and the reasons for the revocation; or
- f) Whether the applicant has demonstrated there will be adequate procedures in place to ensure compliance with the Act.

- 4.3 When establishing the applicant's suitability, the Council may consult with other persons, including in particular:

- a) West Mercia Police;
- b) The Environment Agency;
- c) Environmental Health;
- d) Trading Standards;
- e) The Council's Development Control Team
- f) Any other Licensing Authority

- 4.4 Relevant offences or relevant enforcement action are those listed under the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013.



## **5. Supply of Information by Authority**

5.1 Information supplied to the Authority in relation to an application for, or relating to a scrap metal licence must be provided when requested relating to a licence to:

- a) any other local authority;
- b) the Environment Agency; or
- c) an officer of the police force.

This does not limit any other powers and duties the Council has to supply that information.

## **6. Register of Licences**

6.1 The Environment Agency will maintain a register of scrap metal licences issued by all local authorities in England. The register will include the following information:

- a) name of the authority which issued the licence;
- b) the name of the licensee;
- c) any trading name of the licensee;
- d) the address of the site identified on the licence;
- e) the type of licence, and
- f) the date of expiry of the licence.

The register will be open for inspection by members of the public.

6.2 The Council are required to update the register on a regular basis. The Council will also check the accuracy of the information held on the Environment Agency register on a regular basis and highlight any inaccuracies.

## **7. Display of Licence**

7.1 Once granted, a copy of the licence must be displayed at each site identified on the licence, in a prominent place accessible to members of the public.

7.2 A copy of a collector's licence must be displayed on any vehicle that is being used in the course of a dealer's business. It must be displayed in a prominent position so that it can easily be read from outside the vehicle.

## **8. Verification of Supplier's Identity**

8.1 Before receiving scrap metal, the dealer must verify a person's full name and address, by reference to documents, data or other information obtained from a reliable and independent source.

- 8.2 If suitable verification is not obtained the scrap metal dealer, or site manager, or person who has been delegated responsibility by the dealer or site manager for verifying the name and address, shall be guilty of an offence.
- 8.3 It should be noted that whilst Statutory Instrument 2276 of 2013 sets out documents that are sufficient to verify the identity of a person from whom scrap metal is received, the list is not exclusive and a court may consider other documents to be satisfactory.

## **9. Payment for Scrap Metal**

- 9.1 A scrap metal dealer must only pay for scrap metal by either;
- a) a cheque (which is not transferrable under Section 81A of the Bills of Exchange Act 1882); or
  - b) electronic transfer of funds (authorised by a credit, debit card or otherwise).

Payment includes paying in kind with goods and services.

## **10. Records**

- 10.1 The scrap metal dealer must keep two types of records:
- a) receipt of Metal
  - b) disposal of Metal

### **10.2 Receipt of Metal**

If metal is received in the course of the dealer's business, the following must be recorded:

- a) description of the metal, including its type (types if mixed) form, condition, weight and any marks identifying previous owners or other distinguishing features;
  - b) date and time of receipt;
  - c) the registration mark of the vehicle it was delivered by;
  - d) full name and address of the person delivering it, and
  - e) full name of the person making payment on behalf of the dealer.
- 10.3 The dealer must keep a copy of the documents used to verify the delivery person's name and address.
- 10.4 If payment is by cheque a copy of the cheque must be retained.
- 10.5 If payment is by electronic transfer a receipt identifying the transfer must be retained, or the details of the transfer.

## 10.6 **Disposal of Metal**

### 10.7 Disposal under the Act covers metal:

- a) whether or not it is in the same form as when it was purchased;
- b) whether or not it is to another person; or
- c) whether or not it is despatched from a site.

### 10.8 Disposal records must be recorded, including:

- a) description of the metal, including type (types if mixed), form, weight
- b) date and time of disposal;
- c) if to another person, their full name and address, and;
- d) if payment is received for the metal (sale or exchange) the price or other consideration received.

### 10.9 If disposal is in the course of business conducted under a collector's licence, the dealer must record:

- a) date and time of disposal, and;
- b) if to another person, their full name and address.

## 10.10 **Supplementary**

### 10.11 The information collected during receipt and disposal must be recorded in such a manner that allows the information and the metal to which it relates to be easily identified.

### 10.12 The records of receipt must be marked so as to identify the metal to which they relate.

### 10.13 Records must be kept for a period of 3 years beginning on the day of receipt, or disposal (as may be).

### 10.14 If suitable records for the receipt or disposal of scrap metal are not kept then the scrap metal dealer, or site manager, or person who has been delegated responsibility by the dealer or site manager for keeping records, shall be guilty of an offence.

### 10.15 A dealer or site manager may have a defence if they can prove arrangements had been made to ensure the requirement to keep records was fulfilled, or that they took all reasonable steps to ensure those arrangements were complied with.

## **11. Right of Entry & Inspection**

- 11.1 An authorised officer of the Council may enter a licensed site at any reasonable time, with or without notice to the site manager.
- 11.2 Entry and inspection without notice would occur, if:
- a) reasonable attempts to give notice had been given and had failed, or
  - b) entry to the site is reasonably required for the purpose of ascertaining whether the provisions of the Act are being complied with or investigating an offence under it, and, in either case, the giving of the notice would defeat that purpose.
- 11.3 Paragraphs 11.1 and 11.2 do not apply to residential premises.
- 11.4 An authorised officer of the Council is not entitled to use force to enter a premises, but may ask a justice of the peace to issue a warrant authorising entry, if they are satisfied there are reasonable grounds for entry to the premises is reasonably required for the purpose of:
- a) securing compliance with the provisions of the Act, or
  - b) ascertaining whether those provisions are being complied with.
- 11.5 'Premises' under this section include:
- a) a licensed site, or
  - b) premises that are not licensed, but there are reasonable grounds for believing the premises are being used as a scrap metal dealing business.
- 11.6 An authorised officer of the Council may use reasonable force in the exercise of their powers under a warrant obtained under paragraph 11.4.
- 11.7 An authorised officer of the Council may:
- a) require the production of, and inspect, any scrap metal kept at an licensed premises, and
  - b) require production of, and inspect, any records kept in respect of receipt and disposal of metal, and
  - c) to take copies of or extracts from any such record
- 11.8 An authorised officer of the Council must produce evidence of their identity, and evidence of their authority to exercise these powers, if requested by the owner, occupier, or other person in charge of the premises.

## 12. Application Procedure

12.1 An application form, available from the Council's website or from the Council's Licensing Team must be completed, together with the correct fee and a current Basic Disclosure. A Basic Disclosure is a criminal record check that lists any unspent criminal convictions an applicant may have, and, can be applied for at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

12.2 A Basic Disclosure will be valid for 3 months from the date of issue.

12.2 A licence once granted is valid for 3 years.

12.3 A renewal application must be received before the expiry of the current licence which will continue in effect until the application is determined. If the renewal application is withdrawn the licence expires on the date of expiry noted thereon or at the end of the day on which the application was withdrawn, whichever is later.

12.4 If a licence application is refused, the licence expires when no appeal is possible, or an appeal is determined or withdrawn.

12.5 A licence may be varied from one type to another, i.e. site licence to collector's licence.

A variation application must be made to reflect changes to:

- a) name of licensee, site manager, or sites on a site licence, or
- b) name of licensee on a collector's licence

A variation cannot be used to transfer the licence to another person, only to amend the name of a licensee.

An application to vary must be made to the issuing authority.

12.6 The Council may request additional information is provided for the consideration of the application.

Failure to provide such information may result in the application being refused.

12.7 The fee is set by the Council under guidance issued by the Home Office with the approval of the Treasury.

12.8 Fees are set after taking into account the cost of processing, administering and compliance costs associated with the licence. The Council is committed to reviewing fees on a regular basis.

12.9 If the Council proposes to refuse an application, or to revoke, or to vary a licence by imposing conditions, a notice must be issued to the licence holder setting out the council's proposals and the reasons for the decision. The notice will indicate the time period in which the applicant or licensee can either:

- a) Make representation about the proposal, or
- b) Inform the Council that the applicant or licensee wishes to do so

This time period must not be less than 14 days beginning on the day the notice was given to the applicant or licensee.

- 12.10 If a notification is received that the applicant or licensee wishes to make representation, the Council will consider each case on its merits and allow for a reasonable period to make representations.
- 12.11 If the applicant or licensee does not make representation or notify the council that they wish to do so, within the time period specified in the notice, the Council may refuse, revoke or vary the licence.
- 12.12 If the applicant or licensee makes representations within the time period specified in the notice or within a time period considered reasonable by the Council, the Council must consider the representations.
- 12.13 If the applicant or licensee informs the Council that they wish to make oral representations, the Council must give them the opportunity of appearing before, and being heard by, the Licensing Sub-Committee.
- 12.14 If the Council refuse the application, or revokes or varies the licence within the time period specified in the notice it will give the applicant or licensee a notice setting out the decision and the reasons for it.

The notice will state:

- a) That the applicant or licensee may appeal against the decision
- b) The time within which such appeal may be brought, and
- c) In the case of a revocation or variation within the time period specified in the notice the date on which the revocation or variation is to take effect.

## **13. Appeals**

- 13.1 An applicant may appeal to the magistrates' court against a refusal of an application or variation,

A licensee may appeal to the magistrates' court against the inclusion on the licence of a condition under Section 3(8) of the Act, or a revocation or variation of a licence under Section 4 of the Act.

The appeals procedure will be in accordance with the Magistrates Courts Act 1980, and must be lodged within 21 days of receipt of the decision notice.

On appeal the magistrates' court may confirm, vary or reverse the Authority's decision, and give such directions as it considers appropriate having regard to the provisions of the Act.

## **14. Revocation and Imposing Conditions**

- 14.1 The Council may revoke a scrap metal licence if it is satisfied the licence holder does not carry on a scrap metal business at any of the sites named on the licence.
- 14.2 The Council may revoke a scrap metal licence if it is satisfied the site manager named on the licence does not act as a site manager at any of the named sites on the licence.
- 14.3 The Council may revoke a scrap metal licence if it is no longer satisfied the licence holder is a suitable person to carry on the business.
- 14.4 If the licence holder, or site manager named on a licence is convicted of a relevant offence, the authority may impose one or both of the following conditions:
  - a) the dealer must not receive scrap metal except between 9am and 5pm on any day;
  - b) all scrap metal received must be kept in the form in which it was received for a specified period, not exceeding 72 hours, beginning with the time when it was received.

Relevant offences are those listed under the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013.

- 14.5 A revocation or variation only comes into effect when no appeal under the Act is possible, or when such appeal has been determined or withdrawn.
- 14.6 If the Council considers the licence should not continue without the addition of one or more of the conditions in paragraph 14.4 the licence holder will be given notice:
  - a) that, until a revocation comes into effect, the licence is subject to one or both of the conditions, or
  - b) that a variation comes into immediate effect

## **15. Closure of Unlicensed Sites**

- 15.1 If an authorised officer of the Council is satisfied premises are being used by a scrap metal dealer in the course of their business and the premises are unlicensed, they may issue a closure notice.

A copy of the notice must be given to:

- a) a person who appears to be the site manager, and
- b) any person who appears to be a director, manager, or other officer of the business

A copy may also be given to any person who has an interest in the business, a person who occupies part of the premises, or where the closure may impede a person's access to that other part of the business.

- 15.2 After a period of 7 days, the Council's authorised officer may apply to a justice of the peace for a Closure Order.

The court must be satisfied the premises will continue to be used by a scrap metal dealer, or there is a reasonable likelihood that the premises will be.

A Closure Order may close the premises immediately, and the premises will remain closed to the public until the Council makes a termination of closure order by certificate. The scrap metal dealer must cease his business immediately. They may also be required to pay a sum into the court, which will not be released until they have complied with the requirements of the order.

Such an Order may have a condition relating to the admission of people into the premises, or may include any other provision the court considers appropriate.

A copy of the Order must be placed on the premises in a prominent position by the Council.

- 15.3 Once the requirements of the Order have been complied with and the Council is satisfied the need for the Order has ceased, a Certificate may be given. The effect of giving a Certificate is that it ceases the Order and the sum of money paid into the court is released.

A copy of the Certificate must be given to any person the closure order was made against, a copy must be given to the court and a copy must be placed on the premises.

A copy of the Certificate must also be given to anyone who requests one.

- 15.4 Anyone issued with a Closure Order may complain to a justice of the peace. The court may discharge the Order, if it is satisfied there is no longer a need for it.

The Licensing Authority may be required by the court to attend and answer the complaint made.

Notice of the hearing must be given to all people issued with the Closure Order.

- 15.5 Appeals may be made to the Crown Court against:

- a) a closure order;
- b) a decision not to make a closure order;
- c) a discharge order; or
- d) a decision not to make a discharge order



An appeal must be lodged within 21 days beginning on the day on which the order or decision was made.

Appeals against a) and b) may be made by any person who was issued with a Closure Order.

Appeals against c) and d) may be made by the Licensing Authority.

- 15.6 A person is guilty of an offence, if they allow the premises to be open in contravention of a Closure Order, without reasonable excuse, or fail to comply with, or contravene a Closure Order.
- 15.7 An authorised officer of the Council may enter the premises at any reasonable time to ensure compliance with the Closure Order. They may use reasonable force if necessary.
- 15.8 An authorised officer of the Council must produce evidence of their identity or evidence of their authority to exercise the powers under the Act, if requested to do so.

## **16. Delegation of Functions**

- 16.1 Where there are uncontested applications, or where there are no questions about the suitability of the applicant the determination should be dealt with by officers under delegated powers.
- 16.2 Contested applications where there is relevant information from any of the consultees, or queries regarding an applicant's suitability, or involving the revocation of a licence or the imposition of conditions, will be determined by the Council's Licensing Sub-Committee.
- 16.3 Table 1 below outlines the Delegation of Functions

<b>Table 1. Delegation of Functions</b>			
<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
To determine fees for Scrap Metal Dealers licence applications	All Cases		
To determine and approve policy for the implementation and delivery of the Scrap Metal Dealers Act 2013	All Cases		
New or Renewal Applications		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Variation of licence by the imposition of conditions following licence holder or site manger being convicted of relevant offence		All Cases	
Revocation of licence		All Cases	
Variation of licence under Schedule 1, Section 3			All non-contentious cases

## 17. Enforcement

- 17.1 In order to ensure compliance with the legislation and any conditions imposed, licences will be inspected using a risk-based approach. This will allow resources to be more effectively targeted on high-risk or problematic licence holders and prevent over burdensome enforcement on compliant and well managed licences.
- 17.2 Appropriate enforcement action will be taken in accordance with the legislation and any guidance issued under that legislation, the Council's Enforcement Policy, the Governments Enforcement Concordat and any other enforcement protocols that may be agreed with other agencies.

## 18. Offences & Penalties

18.1 The following paragraphs are only indicative of the general offences and penalties. Independent legal advice should be sought for individual cases.

18.2 Offences relating to scrap metal dealing are described under the relevant piece of legislation.

18.2 Table of Offences – Scrap Metal Dealers Act 2013

Section	Offence	Maximum Penalty
1	Carrying on business as a scrap metal dealer without a licence	Level 5
8	Failure to notify the authority of any changes to details given with the application	Level 3
10	Failure to display site licence or collector's licence	Level 3
11 (6)	Receiving scrap metal without verifying persons full name and address	Level 3
11 (7)	Delivering scrap metal to dealer and giving false details	Level 3
12 (6)	Buying scrap metal for cash	Level 5
13	Failure to keep records regarding receipt of metal	Level 5
14	Failure to keep records regarding disposal of metal	Level 5
15 (1)	Failure to keep records which allow the information and the scrap metal to be identified by reference to one another	Level 5
15 (2)	Failure to keep copy document used to verify name and address of person bringing metal, or failure to keep a copy of a cheque issued	Level 5
16	Obstruction to right of entry and failure to produce records	Level 3

## 18.4 Current levels of fines:

- Level 1 - £200
- Level 2 - £500
- Level 3 - £1,000
- Level 4 - £2,500
- Level 5- £5,000

## 18.5 Offences by Bodies Corporate

Where an offence under the Act is committed by a body corporate and is proved:

- a) to have been committed with the consent or connivance of a director, manager, secretary or similar officer, or
- b) to be attributable to any neglect on the part of any such individual

the individual as well as the body corporate is guilty of the offence and liable to be prosecuted against and punished accordingly.

Where the affairs of the body corporate are managed by its members, any acts or omissions committed by that member will be treated as though that member were a director of the body corporate.

## **LICENSING COMMITTEE**

13<sup>th</sup> June 2016

### **RESULTS OF ADDITIONAL CONSULTATION ON WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES**

Relevant Portfolio Holder	Councillor Rod Laight
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes - Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

During the course of 2015 consultation was carried out in relation to a number of proposed amendments to the Council's policies and procedures relating to hackney carriage and private hire licensing.

The results of this consultation were considered by the Licensing Committee on 9 November 2015. At that meeting Members requested that further consultations be carried out in relation to the provision of wheelchair accessible vehicles with relevant agencies / organisations and licence holders.

The results of these additional consultations are now being reported back to the Licensing Committee.

#### **2. RECOMMENDATIONS**

**Members are asked to consider the results of the additional consultation exercise and RESOLVE whether they feel there is sufficient evidence to justify making any amendments to the Council's policies in relation to WAVs or if there are other options they wish to explore to increase the number of WAVs licensed as hackney carriages in the Bromsgrove district.**

#### **3. KEY ISSUES**

##### **Financial Implications**

- 3.1 The costs involved in carrying out the additional consultations were met from existing budgets held by Worcestershire Regulatory Services.

## LICENSING COMMITTEE

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### Legal Implications

- 3.2 The Council's policy 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. Any amendments made to Policy by the Licensing Committee, following consultation, will be incorporated into the Policy and notified to the taxi trade.

### Service / Operational Implications

- 3.3 During the course of 2015 consultation was carried out in relation to a number of proposed amendments to the Council's policies and procedures relating to hackney carriage and private hire licensing.
- 3.4 One of the proposals consulted upon was:
- "The Council is considering introducing a requirement that, from a specified future date, all new vehicles being licensed at Hackney Carriage Vehicles must be a wheelchair accessible vehicle (WAV). WAV means a vehicle capable of carrying a wheelchair user whilst they remain seated in their wheelchair"**
- 3.5 The effect of this policy change would be to see the gradual phasing out of "saloon" type vehicles so that ten years after the Policy comes into effect all vehicles licensed by the Council to be used as Hackney Carriages should be WAVs.
- 3.6 This proposal was met with considerable opposition from those in the hackney carriage and private hire trade who responded during the consultation exercise. Many cited fears over the costs involved in purchasing and maintaining WAVs and stated that there was no significant demand for such vehicles in the Bromsgrove District.
- 3.7 However Members remained concerned about the low number of WAVs that the Council currently licenses to be used as hackney carriages and felt that further consultation work was required in order to ascertain if there was currently an unmet demand for WAVs as Hackney Carriages within the district or if this was the perception.
- 3.8 Members also discussed the possibility of introducing incentives to encourage drivers to purchase and operate WAVs. The Senior Licensing Practitioner agreed that licensing officers could carry out an additional consultation with the taxi trade and look at possible ways to incentivise them to purchase and operate WAVs.

## LICENSING COMMITTEE

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- 3.9 Following the Licensing Committee meeting in November, additional consultation work has been carried out. Licence holders were all sent a copy of the questionnaire at **Appendix 1** with a newsletter that was posted to all licence holders in late November.
- 3.10 Additionally the consultation questionnaire at **Appendix 2** was sent to all members of the Bromsgrove Engagement and Equalities Forum, all members of Bromsgrove and Redditch Network (BARN), the Worcestershire and Warwickshire Royal Voluntary Service and the Life After Stroke Centre.
- 3.11 The consultation questionnaire at **Appendix 2** was also placed on the Council's website and a press release was used to draw attention to the consultation being undertaken and social media channels were also utilised for this purpose.
- 3.12 Just two responses were returned from licence holders. These can be viewed at **Appendix 3**. Neither of the respondents currently own a hackney carriage capable of carrying a passenger who remains seated in their wheelchair. Neither applicant identified any factors that would encourage them to purchase such a vehicle.
- 3.13 Seven surveys were received to the consultation survey sent out via the other relevant organisations referred to in paragraph 3.10 and placed on the Council's website. A table showing the responses to each question is at **Appendix 4**.
- 3.14 The majority (71%) of respondents strongly agree that there are not enough wheelchair accessible taxis in Bromsgrove. Only one respondent agreed that they found wheelchair accessible vehicles difficult to access and preferred saloon style vehicles.
- 3.15 6 out of the 7 respondents either use a wheelchair or care for a person who does. Of these the vast majority of respondents said that they or the person they care for prefers to travel in a taxi whilst remaining seated in their wheelchair. All of the respondents also agreed that they currently book taxis in advance that meets their needs. The majority of respondents were put off from trying to obtain a taxi at a rank as they are unlikely to find a vehicle that meets their needs.

## LICENSING COMMITTEE

13<sup>th</sup> June 2016

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- 3.16 Members are asked to consider the responses received during these additional consultations and decide whether they feel there is sufficient evidence to make any further amendment to the Council's policies in relation to WAVs or if there are other options they wish to explore to increase the number of WAVs licensed as hackney carriages in the Bromsgrove district.

### **4. RISK MANAGEMENT**

- 4.1 The carrying out of consultation on the proposals under consideration was intended to mitigate any risks associated with changing the Council's policies without sufficient evidence to justify such changes.

### **5. APPENDICES**

Appendix 1 – Consultation Document (Licence Holders)  
Appendix 2 – Consultation Document (General)  
Appendix 3 – Responses from licence holders  
Appendix 4 – Summary of the responses from the public

### **AUTHOR OF REPORT**

Name: Dave Etheridge – Senior Practitioner (Licensing)  
Worcestershire Regulatory Services

E Mail: [dave.etheridge@worcsregservices.gov.uk](mailto:dave.etheridge@worcsregservices.gov.uk)

Tel: (01905) 822799



## WHEELCHAIR ACCESSIBLE VEHICLES – CONSULTATION

Do you currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair?

<b>YES</b>	
<b>NO</b>	

If you do not currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair, which of the following statements is applicable to your own personal circumstances (tick as many as apply to you)

I do not have a wheelchair accessible vehicle (WAV) because:	
They cost too much to buy	
They cost too much to run	
There is not enough demand for WAVs in Bromsgrove	
I don't want to have the hassle of transporting people in their wheelchairs	
I don't feel I would be capable of loading a wheelchair into such a vehicle	
They have a poor resale value	
They are not accessible to all passengers (such as the elderly or visually impaired)	
They are not attractive vehicles to look at	
Are there any other reasons why you do not operate a wheelchair accessible hackney carriage? If so write them here:	

# Agenda Item 8

Which of the following measures would encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove (please tick as many as apply to you)

If grants were available to help subsidise the purchase costs	
If the Council charged a lower licence fee for WAVs	
If the Council allowed a WAV to be used for longer	
If my business got good publicity as a result	
If there was preferential treatment for WAVs on the taxi ranks	
None of the above would encourage me to purchase a WAV	
<p>Are there any other measures that could be taken to encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove?</p> <p>If so write them here:</p>	

Please return this questionnaire in the envelope provided or by email to [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk) using the subject line "Bromsgrove WAVs"

Consultation on the Provision of Wheelchair Accessible Hackney Carriages (Taxis)

Section 1

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly disagree	Don't know
There are not enough taxis available in Bromsgrove that are wheelchair accessible vehicles						
I find wheelchair accessible vehicles difficult to access and prefer traditional "saloon" style vehicles.						

Section 2

Do you use a wheelchair or care for someone who does?

YES
 ☐

NO
 ☐

If you have answered "NO" please ignore section 3 and move on to Section 4

### Section 3 – Questions for wheelchair users or those who act as a carer for a wheelchair user

If you use a wheelchair or care for someone who does, please answer the following questions:

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
I or the person I care for, prefers to be transported in a taxi whilst remaining seated in my/their wheelchair						
I always pre-book a taxi so that I know I can find a vehicle that allows me or the person I care for, to be transported whilst remaining seated in my/their wheelchair						
I am put off from trying to hire a taxi from a taxi rank in the Bromsgrove District as I am unlikely to find a vehicle that allows me or the person I care for to be transported in the way that I/they would prefer to be transported.						

	<b>All the time</b>	<b>Most of the time</b>	<b>Frequently</b>	<b>Occasionally</b>	<b>Once</b>	<b>Never</b>
I have attempted to hire a taxi from a taxi rank in the Bromsgrove District but failed to find a vehicle that allows me or the person I care for to be transported in the way I / they would prefer to be transported.						

**Section 4 – Other Comments**

Do you have any other comments to make regarding the provision of wheelchair accessible taxis in the Bromsgrove area?  
If so, write them here:

Section 5 – Equalities Monitoring Data

Do you consider yourself to have a disability?

Yes	
No	
Prefer not to say	

What is your gender?

Male	
Female	
Other	
Prefer not to say	

How old are you?

0 – 16	
16 – 24	
25 – 29	
30 – 34	
35 – 39	
40 – 44	
45 – 49	
50 – 54	
55 – 59	
60 – 64	
65 +	
Prefer not to say	

## How would you describe your ethnicity?

<b>White</b>	English	
	Welsh	
	Scottish	
	Northern Irish	
	Irish	
	Gypsy / Traveller	
	Other white background	

<b>Mixed/multiple ethnic groups</b>	White and Black Caribbean	
	White and Black African	
	White and Asian	
	Any other mixed background	

<b>Asian / Asian British</b>	Indian	
	Pakistani	
	Bangladeshi	
	Chinese	
	Any other Asian background	

<b>Black/ African/ Caribbean/ Black British</b>	African	
	Caribbean	
	Any other Black / African / Caribbean background	
	Black British	

<b>Other ethnic groups</b>	Arab	
	Any other ethnic group	

<b>Prefer not to say</b>	Prefer not to say	
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## WHEELCHAIR ACCESSIBLE VEHICLES – CONSULTATION

Do you currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair?

YES	<input type="radio"/>
NO	<input checked="" type="checkbox"/>



If you do not currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair, which of the following statements is applicable to your own personal circumstances (tick as many as apply to you)

I do not have a wheelchair accessible vehicle (WAV) because:	
They cost too much to buy	<input type="checkbox"/>
They cost too much to run	<input type="checkbox"/>
There is not enough demand for WAVs in Bromsgrove	<input checked="" type="checkbox"/>
I don't want to have the hassle of transporting people in their wheelchairs	<input type="checkbox"/>
I don't feel I would be capable of loading a wheelchair into such a vehicle	<input type="checkbox"/>
They have a poor resale value	<input type="checkbox"/>
They are not accessible to all passengers (such as the elderly or visually impaired)	<input type="checkbox"/>
They are not attractive vehicles to look at	<input type="checkbox"/>
Are there any other reasons why you do not operate a wheelchair accessible hackney carriage? If so write them here:	

# Agenda Item 8

Which of the following measures would encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove (please tick as many as apply to you)

If grants were available to help subsidise the purchase costs	<input type="checkbox"/>
If the Council charged a lower licence fee for WAVs	<input type="checkbox"/>
If the Council allowed a WAV to be used for longer	<input type="checkbox"/>
If my business got good publicity as a result	<input type="checkbox"/>
If there was preferential treatment for WAVs on the taxi ranks	<input type="checkbox"/>
None of the above would encourage me to purchase a WAV	<input checked="" type="checkbox"/>
<p>Are there any other measures that could be taken to encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove?</p> <p>If so write them here:</p>	

Please return this questionnaire in the envelope provided or by email to [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk) using the subject line "Bromsgrove WAVs"

## WHEELCHAIR ACCESSIBLE VEHICLES – CONSULTATION

Do you currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair?

YES	
NO	✓

If you do not currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair, which of the following statements is applicable to your own personal circumstances (tick as many as apply to you)

I do not have a wheelchair accessible vehicle (WAV) because:	
They cost too much to buy	✓
They cost too much to run	✓
There is not enough demand for WAVs in Bromsgrove	✓
I don't want to have the hassle of transporting people in their wheelchairs	✓
I don't feel I would be capable of loading a wheelchair into such a vehicle	
They have a poor resale value	
They are not accessible to all passengers (such as the elderly or visually impaired)	✓
They are not attractive vehicles to look at	✓
<p>Are there any other reasons why you do not operate a wheelchair accessible hackney carriage? If so write them here:</p> <p><i>Hackney Carriage meters are set to charge for mileage and time (when stationary), this is how the driver earns his money. However this starts at the beginning of the journey and <del>ends</del> stops at the end of the journey! No allowance is made for the loading and unloading of a wheelchair, which, on shorter journeys, can be as long as the journey itself! It's hard to make a living as a hackney carriage driver, but with all the additional costs of running a WAV together with the reduced income (because jobs take much longer) it would be almost impossible to make a living running a WAV.</i></p>	

# Agenda Item 8

Which of the following measures would encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove (please tick as many as apply to you)

If grants were available to help subsidise the purchase costs	<input type="checkbox"/>
If the Council charged a lower licence fee for WAVs	<input type="checkbox"/>
If the Council allowed a WAV to be used for longer	<input type="checkbox"/>
If my business got good publicity as a result	<input type="checkbox"/>
If there was preferential treatment for WAVs on the taxi ranks	<input type="checkbox"/>
None of the above would encourage me to purchase a WAV	<input checked="" type="checkbox"/>
<p>Are there any other measures that could be taken to encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove?</p> <p>If so write them here:</p>	

Please return this questionnaire in the envelope provided or by email to [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk) using the subject line "Bromsgrove WAVs"

## Consultation on the Provision of Wheelchair Accessible Hackney Carriages (Taxis)

### Section 1

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly disagree	Don't know
There are not enough taxis available in Bromsgrove that are wheelchair accessible vehicles	5	0	0	0	0	2
I find wheelchair accessible vehicles difficult to access and prefer traditional "saloon" style vehicles.	0	1	1	0	3	1

### Section 2

Do you use a wheelchair or care for someone who does?

YES	6	NO	1
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*If you have answered "NO" please ignore section 3 and move on to Section 4*

### Section 3 – Questions for wheelchair users or those who act as a carer for a wheelchair user

If you use a wheelchair or care for someone who does, please answer the following questions:

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Don't know</b>
I or the person I care for, prefers to be transported in a taxi whilst remaining seated in my/their wheelchair	5	0	1	0	0	0
I always pre-book a taxi so that I know I can find a vehicle that allows me or the person I care for, to be transported whilst remaining seated in my/their wheelchair	6	0	0	0	0	0
I am put off from trying to hire a taxi from a taxi rank in the Bromsgrove District as I am unlikely to find a vehicle that allows me or the person I care for to be transported in the way that I/they would prefer to be transported.	4	1	0	0	1	0

	<b>All the time</b>	<b>Most of the time</b>	<b>Frequently</b>	<b>Occasionally</b>	<b>Once</b>	<b>Never</b>
I have attempted to hire a taxi from a taxi rank in the Bromsgrove District but failed to find a vehicle that allows me or the person I care for to be transported in the way I / they would prefer to be transported.	1	1	1	0	1	2

#### Section 4 – Other Comments Received

<p>You find that you pay more than someone else for a taxi.</p>
<p>I actually have only heard of 2. Charges seem higher if you have a wheelchair, especially a motorised one.</p>
<p>It would be good to have wheelchair accessible taxis – otherwise disabled people always have to think in advance and make sure a vehicle is ordered for their trips out. Sometimes that is not always possible.</p>
<p>My husband rarely uses taxis as we prefer to use BURT wherever possible which provides an excellent service. We would like to see this service extended with further funding from BDC.</p>
<p>As a parish councillor (Lickey and Blackwell PC) I have never received a complaint about the lack of WAV taxis but it may be that I am not the most appropriate member to complain to.</p>
<p>I have Charcot-Marie-Tooth disease, a peripheral neuropathy which severely limits the use of my arms and legs. I am unable to walk and have restricted movements in my arms meaning I am totally reliant on my power wheelchair for mobility. I can no longer drive myself at all, and gave up my Motability vehicle some three years ago.</p> <p>I live alone and strive to retain as much independence as I can. Currently there is only one accessible taxi in Bromsgrove operated by a self-employed owner driver. There are other firms in Droitwich (Blue Door) and Redditch (Mr Taxi) which offer such a service but both charge premiums as they need to cover the additional distances to pick up in Bromsgrove.</p>

This means that there are often times when I am unable to participate in social activities at times which are unsociable but not unreasonable, without incurring prohibitive additional costs even if the taxis are available. For example; I am a regular patron of the Artrix theatre in Bromsgrove.

Between February and April 2016 I have tickets to attend six different shows all of which will finish between 10pm and 11pm. I have managed to book taxis to the venue at a cost of £6.00 per journey from my home in ..... to the venue, but this is usually the last journey of the day for that Bromsgrove based sole operator. To book a return journey would cost between £15 & £18 from operators based outside Bromsgrove. This results in me having to make my way home alone in my power chair at the mercy of the weather.

I have never been able to access an appropriate taxi from the main taxi rank; and often have to rely on arranging trips to fit in with the one taxi that may be available rather than arranging transport to suit my needs as most taxi users can do most of the time.

Given the current ability for the adaptation of vehicles to be made relatively easy in many types of larger vehicles it would not seem unreasonable to demand that any company which offers taxi's capable of taking five or more passengers in one journey (i.e. people carrier type vehicles) should have to provide valid reasons why such a vehicle cannot be converted to serve the requirements of wheelchair users. This should go some way to at least recognising the needs of wheelchair users in the district.

## Section 5 – Equalities Monitoring Data



Do you consider yourself to have a disability?

Yes	5
No	2
Prefer not to say	0

What is your gender?

Male	2
Female	5
Other	0
Prefer not to say	0

How old are you?

0 – 16	0
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16 – 24	0
25 – 29	1
30 – 34	0
35 – 39	0
40 – 44	0
45 – 49	0
50 – 54	1
55 – 59	0
60 – 64	0
65 +	5
Prefer not to say	0

How would you describe your ethnicity?

White	English	6
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	Welsh	0
	Scottish	0
	Northern Irish	0
	Irish	0
	Gypsy / Traveller	0
	Other white background	0

<b>Mixed/multiple ethnic groups</b>	White and Black Caribbean	0
	White and Black African	0
	White and Asian	0
	Any other mixed background	0

<b>Asian / Asian British</b>	Indian	0
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	Pakistani	0
	Bangladeshi	0
	Chinese	0
	Any other Asian background	0

<b>Black/ African/ Caribbean/ Black British</b>	African	0
	Caribbean	0
	Any other Black / African / Caribbean background	0
	Black British	0

<b>Other ethnic groups</b>	Arab	0
	Any other ethnic group	0

<b>Prefer not to say</b>	Prefer not to say	1
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## **LICENSING COMMITTEE**

**13th June 2016**

### **13th June 2016**

Licensing Annual Report

Draft Scrap Metal Licensing Policy – Approval for Consultation

Wheelchair Accessible Vehicles (WAV's) – Consultation results

### **12th September 2016**

Hackney Carriage and Private Hire Penalty Points Scheme

Street Trading Policy - Review

### **14th November 2016**

Draft Scrap Metal Licensing Policy – Consultation Results

### **13th March 2017**

**To Be Allocated To Suitable Available Dates in 2016/2017**

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