

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

13TH MARCH 2017 AT 6.00 P.M.

PRESENT: Councillors R. L. Dent (Chairman), R. J. Deeming, J. M. L. A. Griffiths, M. A. Sherrey, P.L. Thomas, L. J. Turner and S. A. Webb

Officers: Mrs V. Brown, Mr D. Etheridge and Ms R. Cole

22/16 **APOLOGIES**

Apologies for absence were received from Councillors M. T. Buxton, B. T. Cooper, C. M. McDonald, S. R. Peters and C. J. Spencer. The Committee was advised that Councillors R. J. Deeming and M. A. Sherrey were attending as substitute Members for Councillors Cooper and Spencer respectively.

23/16 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

24/16 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 18th January 2017 were submitted.

RESOLVED that the minutes of the meeting held on 18th January 2017 be approved as a correct record.

25/16 **LEGISLATIVE UPDATE**

The Committee considered a report which highlighted changes to legislation which had either taken place or were proposed to come into effect in the near future and which related to Licensing functions.

The Senior Practitioner (Licensing) WRS highlighted a number of areas of legislative change and drew the attention of Members to the appendices to the report in each case which set out the changes in more detail.

The Immigration Act 2016

The main impact was in respect of Section 5 of the Act in relation to Taxi and Private Hire Licensing functions. The provisions mean that Hackney

Carriage and Private Hire Driver and Operator Licences must not be issued to those who are illegally present in the UK, those who are not permitted to work or those who are permitted to work but are subject to a condition prohibiting them from holding such a licence.

It was reported that Licensing Officers had received additional training from the Home Office Immigration Enforcement Team on the new provisions and on increased document fraud awareness. Members were informed that the cost to the Authority was minimal and that it was more about increased awareness of potential areas of difficulty.

Policing and Crime Act 2017

It was noted that the Act contained provisions which would impact on both Taxi Licensing and the Licensing of Alcohol and Late Night Refreshment under the Licensing Act 2003. These included:

- Statutory Guidance on Protecting Children and Vulnerable Adults - the Secretary of State may issue Guidance to public Authorities as to how their licensing functions under Taxi and Private Hire Vehicle legislation may be exercised so as to protect children and vulnerable individuals from harm;
- Personal Licences – Licensing Authorities would have the power to suspend or revoke a Personal Licence. The Licence Holder would still have the opportunity to make representations to the Licensing Committee;
- Licensing Act 2003: Addition of Further Relevant Offences - this would increase the number of “Relevant Offences” conviction for which would be grounds for refusing, suspending or revoking an existing Personal Licence;
- Licensing Act 2003: Guidance to Local Authorities - this would no longer have to come before Parliament for approval before it comes into effect;
- Cumulative Impact Policies – these would be placed on a statutory basis .At present this Council does not have a Cumulative Impact Policy;
- Late Night Levy Requirements – changes to be introduced to make the Late Night Levies more flexible but with greater transparency.

Section 165-167 of the Equality Act 2010 – Taxi and Private Hire Passengers in Wheelchairs

It was reported that new guidance had been published by the Department for Transport on the new provisions of the Equality Act 2010.

From April 2017 drivers of designated wheelchair accessible Taxis and Private Hire Vehicles would be obliged by law to:

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users

Drivers found to be discriminating against wheelchair users may be fined up to £1000 and/or have their vehicle licence suspended or revoked by their Licensing Authority.

It was noted that further updates and reports in relation to the change in the law would be brought to this Committee later in the year. In addition there would be attempts to raise the awareness of Licensed drivers of the changes in the law and potential impact on them.

Animal Licensing Proposals (DEFRA)

Following a consultation with stakeholders as part of a review of animal establishment licensing in England, DEFRA had issued a document “The Review of Animal Establishments Licensing in England – Next Steps”. This related to the updating and combining of the current licensing regimes which regulate the sale of pet animals, dog and cat boarding, dog breeding and riding schools.

It was noted that further progress reports would be submitted to the Committee when the information on the review was available.

It was

RESOLVED that the contents of the report on legislative updates be noted.

26/16

REVISED STREET TRADING POLICY - APPROVAL FOR CONSULTATION

Members considered a revised Street Trading Policy as the existing Policy had been in place since July 2011. It was recognised as good practice to have a Street Trading Policy so that applications were dealt with on a consistent and transparent basis. It was also important to review the Policy from time to time to ensure that it remained fit for purpose.

Members considered the draft of the revised policy set out in Appendix 2 to the report. It was noted that the proposed policy was a more comprehensive and detailed document than that currently in place. The draft incorporated the standard conditions which would mean that all parties would have easier access to these. The additional information included in respect of the application process would also assist all parties involved to achieve a consistent and transparent approach to undertaking Street Trading Functions.

It was reported that the draft revised policy was based on a template being developed across Worcestershire in an attempt to harmonise where appropriate, licensing policies and procedures.

Members were reminded that the Street Trading Policy also covered traders such as flower sellers and catering vans located within laybys. It was possible that views would be expressed on areas where street trading could be extended.

It was reported that it was intended to undertake a consultation exercise in respect of the proposed revised policy and that it was proposed to issue a questionnaire for this purpose. The public would be invited to respond together with existing Street Traders and stakeholders including the Police, County Highways, Local Members and Parish Councils. In response to questions from Members it was confirmed that the Centres Manager would also be consulted.

It was anticipated that the consultation would last for 12 weeks, and that the results would be reported back to the September meeting of this Committee.

Following discussion it was

RESOLVED that the draft revised Street Trading Policy as set out in Appendix 2 to the report be approved for the purpose of consultation with relevant parties.

27/16

LICENSING COMMITTEE WORK PROGRAMME

The Committee considered the Work Programme for 2017/18.

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 6.42 p.m.

Chairman