

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING COMMITTEE**

**MONDAY 12TH JUNE 2017, AT 6.00 P.M.**

PRESENT: Councillors M. T. Buxton, R. L. Dent, M. Glass (substituting for J. M. L. A. Griffiths), C. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey (substituting for H. J. Jones), C. J. Spencer (during Minute No's 1/17 to part of 6/17) P.L. Thomas (during Minute No's 1/17 to 7/17), L. J. Turner and S. A. Webb

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

1/17      **ELECTION OF CHAIRMAN**

A nomination for Chairman was received in respect of Councillor R. L. Dent.

**RESOLVED** that Councillor R. L. Dent be elected as Chairman for the ensuing municipal year.

2/17      **ELECTION OF VICE-CHAIRMAN**

A nomination for Vice-Chairman was received in respect of Councillor C. J. Spencer.

**RESOLVED** that Councillor C. J. Spencer be elected as Vice-Chairman for the ensuing municipal year.

3/17      **APOLOGIES**

Apologies for absence were received from Councillors J. M. L. A. Griffiths and H. J. Jones. The Committee was advised that Councillors M. Glass and M. A. Sherrey were attending as substitute Members for Councillors Griffiths and Jones respectively.

4/17      **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5/17      **MINUTES**

The minutes of the meeting of the Licensing Committee held on 13th March 2017 were submitted.

**RESOLVED** that the minutes of the meeting held on 13th March 2017 be approved as a correct record.

6/17

**HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME - RESULTS OF CONSULTATION**

The Committee considered the responses received to the consultation survey conducted on the proposed introduction of Hackney Carriage and Private Hire Penalty Points Scheme.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so reminded the Committee that at the Licensing Committee meeting held on 14th November 2016; Members approved for a consultation survey to be carried out with licence holders and other relevant organisations on the proposed introduction of a Hackney Carriage and Private Hire Penalty Points Scheme.

The Senior Licensing Practitioner, WRS, drew Members' attention to Appendix 3 to the report, which provided a summary of the consultation responses received and Appendix 4 to the report which detailed additional observations from a licensed driver.

The Senior Licensing Practitioner, WRS, further informed the Committee that a total of fifteen responses were received. Twelve responses from licensed drivers, two from Parish Councils and one from a district councillor. Those licensed drivers who responded were not in favour of the introduction of a Hackney Carriage and Private Hire Penalty Points Scheme.

The Senior Licensing Practitioner, WRS, explained that there were a number of offences or acts of non-compliance that respondents felt that the Council should not have included within the penalty points scheme. One of which was the requirement to carry a first aid kit. Officers were aware that currently Bromsgrove District Council's licensing conditions did not require drivers to carry a first aid kit in their vehicles and therefore agreed that the failure to carry a first aid kit should be removed from the scope of any penalty points scheme implemented by the Council.

Both Parish Councils who had responded to the consultation survey made suggestions regards amending the number of points issued in respect of different offences and acts of non-compliance.

Appendix 4 to the report detailed a number of observations for consideration by the Committee which were submitted by a licensed driver.

The Senior Licensing Practitioner, WRS, highlighted that a very small number of complaints / non-compliances were received by WRS. The vast majority of drivers did comply and carried out a very good job. The

introduction of such a scheme would enable officers from WRS an additional mechanism for dealing with minor offences and acts of non-compliance and would help identify drivers who repeatedly offended or failed to comply with the licensing requirements placed upon them.

The Senior Licensing Practitioner, WRS responded to a number of questions from Members and clarified a number of points with regard to the offences as listed on page 11 in the report and that other local authorities operated similar penalty points schemes.

Further discussion followed whereby Members commented that the introduction of such a scheme would help to address some of the concerns previously raised by Licensing Committee Members; with over ranking being one of the concerns raised.

Councillor S.R. Peters sought clarification from the Senior Licensing Practitioner, WRS, with regard to whether penalty points could be awarded regardless of the geographical location and if so, could that be made clear in the proposed penalty points scheme.

The Senior Licensing Practitioner, WRS, responded and stated that points could be awarded to a driver, proprietor and/or operator, regardless of the geographical location of the offence or breach of condition identified.

Councillor S.R. Peters requested that it be recorded that he had abstained from voting on this matter.

**RESOLVED:**

- (a) that the Hackney Carriage and Private Hire Penalty Points Scheme be amended to include information on geographical area;
- (b) that as detailed at Appendix 1 to the report, Offence Number 8, failure to provide a first aid kit, be removed; and
- (c) that following the amendments, as detailed in the pre-amble above, the Hackney Carriage and Private Hire Penalty Points Scheme be approved.

7/17

**EQUALITY ACT 2010 - SECTION 167 - LIST OF WHEELCHAIR ACCESSIBLE VEHICLES**

Following on from the meeting held on 13th March 2017, whereby Members received a legislative update report on Section 165 to 167 of the Equality Act 2010 – Taxi and Private Hire Passengers in Wheelchairs.

Members were asked to further consider a report which highlighted the recently enacted provisions of sections 165 to 167 of the Equality Act 2010 with regard to local authorities maintaining a list of designated vehicles in accordance with section 167 of the Act.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), informed the Committee that on 7th February 2017 the Department for Transport (DfT) announced their intention to implement sections 165 to 167 of the Equality Act 2010 and made the Equality Act 2010 (Commencement No. 2) Order which subsequently took effect on 6th April 2017.

As a result of this change to the law, drivers of designated wheelchair accessible taxi and private hire vehicles were now obliged to:-

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

The new rules in England, Wales and Scotland, applied to both taxis and private hire vehicles and affected vehicles that were designated as wheelchair accessible.

Drivers found to be discriminating against wheelchair users faced fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons were able to apply for an exemption from the new requirements.

The new powers only applied in those areas where the licensing authority had decided to maintain a list of designated vehicles under section 167 of the Equalities Act 2010, and where the driver was driving a vehicle included on the list of designated vehicles maintained by the licensing authority.

A vehicle can then be added to the list of designated vehicles provided:

- (a) it was either a taxi or private hire vehicle, and
- (b) it conformed to such accessibility requirements as the licensing authority thought fit.

The Department for Transport published guidance, as detailed at Appendix 1 to the report, detailed the accessibility requirements that licensing authorities should apply. Licensing authorities that decided to maintain a list of vehicles under section 167 of the Equality Act 2010 had a legal obligation to have regard to this guidance under section 167 (7).

The list should set out details of the make and model of the vehicle, if the vehicle was a taxi or private hire vehicle and state the name of the operator.

Drivers could not opt out from being on the list. If Licensing Officers, WRS, deemed that the vehicle met the requirements, the relevant details as detailed in the preamble above, would be included on the list

In response to questions from Members, the Senior Licensing Practitioner, WRS, clarified that the list would not show any specific contact details.

Members were further informed that the Senior Licensing Practitioner, WRS, had issued letters to all proprietors of Wheelchair Accessible Vehicles (WAV's), with regard to their specific contact information being included on the Council's website. There were currently nine proprietors of WAV's and only two had responded. The Senior Licensing Practitioner, WRS, highlighted that specific contact details could not be included on the Council's website without the proprietors consent.

**RECOMMENDED** that the draft position statement, as detailed at Appendix 2 to the report, with regard to sections 165 to 167 of the Equality Act 2010, be adopted.

8/17

### **STREET TRADING - DESIGNATION OF STREETS**

The Committee considered a report which detailed the draft revised Street Trading Policy.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that prior to commencing the formal consultation exercise, he had met with the Bromsgrove Centres Manager to discuss the way that street trading was currently controlled.

As a result of that meeting, it was agreed that whilst reviewing the Council's Street Trading Policy, it would be worthwhile reviewing the current arrangements for designating where and how street trading was controlled.

The Senior Licensing Practitioner, WRS and the Bromsgrove Centres Manager were of the opinion that it would be preferable to designate all streets in the District as 'consent' streets with the removal of any 'prohibited' streets.

Appendix 1 to the report, detailed those streets designated as 'prohibited' and 'consented' streets.

This would allow every application to be considered on its own merits and would enable street trading to be permitted in what were currently deemed 'prohibited' streets. For example, it would enable short term community events or other similar events to street trade, which would enhance and provide a benefit to the wider community.

Additionally it was felt that the draft revised street trading policy would, if Members agreed to adopt it, put in place a robust framework for consultation and consideration of applications on their own merits. Therefore the need to designate any streets as 'prohibited' would be diminished.

The Senior Licensing Practitioner, WRS, drew Members' attention to paragraph 3.17 in the report, which detailed the legal procedure that would have to be followed under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; if Members agreed to the Council's intention to pass resolutions rescinding all existing designations of streets and designate all streets in the District as 'consent' streets.

Any representations received in relation to the notice, as detailed in the preamble above, would be brought back to a future meeting of the Licensing Committee.

The Senior Licensing Practitioner, WRS, responded to questions from Members and reassured Members that each application would be determined on its own merits, provided that it was located in an area where it made a positive contribution and did not give rise to concern. Also the required consultation with the relevant agencies would still be carried out. This would include consulting with any owners / occupiers of any nearby properties near to the proposed location of the trading site.

The Senior Licensing Practitioner, WRS, responded to further questions from the Committee with regard to the potential costs and highlighted that as detailed in the report; that the costs associated with publishing the required notices would be met from existing budgets held by Worcestershire Regulatory Services.

Councillor C. M. McDonald requested that it be recorded that she had voted against the proposal.

Councillor S.P. Shannon abstained from voting on this matter.

**RESOLVED:**

- (a) that officers be authorised to publish a notice of the Council's intention to pass resolutions with effect from 1st December 2017, to rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designate all streets in the District (as existing at the time of making of the resolution and in the future) as consent streets; and
- (b) that officers be authorised to serve a copy of the notice, as detailed in the preamble above, to the Chief Officer of Police and highway authority for the area.

9/17

**ANNUAL REPORT 2016/2017**

The Committee considered the Licensing Annual Report 2016/2017 which provided an overall view of 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. The report detailed the work carried out by Worcestershire Regulatory

Services Enforcement and Licensing Teams for Bromsgrove District Council.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so drew Members' attention to paragraph 3.8 in the report, the "Best Bar None" scheme.

The scheme was a national accredited award scheme supported by the Home Office and the drinks industry which was aimed primarily at promoting responsible management and operation of alcohol licensed premises.

Two of the purposes of the scheme was to reduce alcohol related crime and disorder and to build a positive relationship between the licensing trade, police and local authorities.

The scheme also helped to promote the town or city as a safe and vibrant place to go at night and a willingness to address alcohol related crime and anti-social behaviour through the promotion of good practice and education.

Two premises in Bromsgrove Town Centre were due to be accredited under the scheme. A launch night to celebrate achieving the award was due to be held in July 2017.

As indicated in the preamble above, it was hoped that the scheme would encourage people to visit licensed venues in Bromsgrove that were deemed safe and well regulated.

The Senior Licensing Practitioner, WRS, clarified that the scheme was for licensed premises that opened during the day and not just for night clubs or venues that only opened during the evening.

The report also detailed the following information:-

- New licences issued and granted by Bromsgrove District Council in 2016/2017, under the Licensing Act 2003.
- Premises that continued to be licensed by Bromsgrove District Council under the Gambling Act 2005.
- The number of Hackney Carriage and Private Hire licensed vehicles and drivers, which had decreased slightly over the course of the year.
- The number of Site Licences and Mobile Collector Licences issued under the Scrap Metal Dealers Act 2013, which were currently in force.
- Street Collections.

The Senior Licensing Practitioner, WRS, informed the Committee that he was happy to take any further questions on the contents of the Annual Report 2016/2017.

**RESOLVED** that the Licensing Annual Report 2016/2017 be noted.

10/17

**LICENSING COMMITTEE WORK PROGRAMME 2017/2018**

The Committee considered the Work Programme for 2017/2018.

**RESOLVED** that the Licensing Committee Work Programme 2017/2018 be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 7.38 p.m.

Chairman