

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING COMMITTEE**

**MONDAY, 12TH NOVEMBER 2018, AT 6.00 P.M.**

PRESENT: Councillors R. L. Dent (Chairman), M. T. Buxton, M. Glass,  
C. M. McDonald, P. M. McDonald (Substitute), S. R. Peters, L. J. Turner  
and S. A. Webb

Officers: Mrs. V. Brown, Mr. D. Etheridge and Ms F. Mughal

16/18 **APOLOGIES**

Apologies for absence were received on behalf of Councillors H. Jones, M.A. Sherry, C.J. Spencer and S.P. Shannon. The Committee was advised that Councillor P. M. McDonald was in attendance as the substitute Member for Councillor S.P. Shannon.

17/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

18/18 **MINUTES**

The minutes of the Licensing Committee held on 11th September 2018 were submitted.

**RESOLVED** that the minutes of the Licensing Committee held on 11th September 2018, be approved as a correct record.

19/18 **LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY**

Members considered a report in relation to the review of the Statement of Licensing Policy following consultation with relevant authorities and interested parties.

In presenting the report, the Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) highlighted that in accordance with the provisions of the Act 2003, the Council was required to review its Statement of Licensing Policy at least every five years. The policy was last reviewed in 2014. Therefore a revised Statement of Licensing Policy was required to be published by 1st April, 2019.

Members were circulated comments that had been received arising from the consultation on the matter. It was reported that a total of five responses had been received.

The Director of Public Health requested that a section be added to the Statement of Licensing Policy in all districts recognising the contribution of public health to the licensing process. Such a section has been added into the draft revised Statement of Licensing Policy between paragraphs 7.21 and 7.23.

Dodford and Grafton Parish Council felt paragraph 21.4 was too vague and that a specific number should be provided. As a result, the draft revised Statement of Principles had been amended and a new paragraph inserted (at 21.5) to make clear the restrictions placed on the serving of "late" temporary event notices by personal licence holders and others.

A representative of the Musician's Union raised a number of concerns. The amendments proposed and subsequently agreed were set out in the report.

The Senior Licensing Practitioner, WRS, informed the Committee that the Licensing Authority would investigate any complaints made against licensed premises. However, the complainants would be advised to raise the complaint directly with the licensee or business concerned, in the first instance.

**RECOMMENDED** that the Council be recommended to approve the revised Statement of Licensing Policy, subject to amendments, and published to take effect on 1st April, 2019

20/18

### **HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME - REVIEW OF THE SCHEME**

The Committee was presented with a report on the review of the Hackney Carriage and Private Hire Penalty Points Scheme. The scheme had been in operation since November 2017. The report provided Members with an update on the operation of the scheme.

All drivers, operators and vehicle proprietors were required to agree to be bound by the scheme upon grant and renewal of their licence. Since the implementation of the scheme, nine penalty point notices had been issued to drivers licensed by the Council, these included:

- Incorrect display of taxi licence plates;
- Smoking in a licensed vehicle;
- Failing to display a roof sign;
- Dangerous parking; and
- Failing to behave in a civil and orderly manner.

Members raised concerns about vehicle engines left running whilst stationary and therefore proposed that this could be included in the Penalty Points Scheme, ensuring that there was no contravention to the Air Quality Law and Policy. The Senior Licensing Practitioner, WRS, commented that the scheme would be reviewed in the future in order to meet the Members' views. He further advised that the Act was enforced in the Highway Code under the Road Traffic (Vehicle Emission's) Regulations 2002, which stated "you must not leave a vehicle's engine running unnecessarily whilst the vehicle was stationary on a public road, doing this could incur a fixed penalty fine".

The Council's Legal Advisor, advised that a breach of this condition could be applied to offence 27 stated in the report, which stated 'failing to comply with a requirement properly made by an authorised officer or constable'.

It was noted that failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking) was also included in the breach of condition.

Members requested that an update of the scheme be provided at the next meeting of the Licensing Committee.

**RESOLVED** that Hackney Carriage and Private Hire Penalty Points Scheme be noted.

21/18

### **VERBAL UPDATE - IMPLEMENTATION OF ANIMAL ACTIVITY LICENSING REGULATIONS**

Members would be aware that the Government had published the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 under section 13 of the Animal Welfare Act 2006. The regulations came into effect on 1st October, 2018 and introduced a new licensing regime to replace the licensing and registration regimes currently in place.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) gave a verbal update on the implementation of Animal Activity Licensing Regulations.

Members were informed that all businesses had been contacted in writing and been advised that they needed to apply for a licence under the new regulations by 31st December, 2018.

In respect of the current licence holders, around 173 licence applications were anticipated across the County and to date 20 licence applications had been received from businesses in Bromsgrove. A vast number of businesses were still operating under the previous licence. Members were informed that this was due to further amendments made to the document and that all licence holders had to have an inspection prior to the licence being issued and as well as being star rated.

Members were advised that recruitment for an additional licensing officer was ongoing and that current officers were working extremely hard to process the applications. In addition, vets were also helping out with the inspections.

With regards to the backlog and without prejudice, businesses would be given authority to operate under the old licence pending determination of their application under the revised regime. It was anticipated that all businesses would be issued a new licence by the 1st April, 2019.

Members were further informed that there was an appeal process to the First-tier Tribunal if any licence was not granted.

The Senior Licensing Practitioner, WRS, concluded his update and advised Members if they had any enquiries from businesses in relation to the licence, to contact the Licensing Office for further assistance.

22/18

**LICENSING COMMITTEE WORK PROGRAMME 2018/2019**

The Committee considered the Work Programme for 2018/19. It was agreed that the Hackney Carriage and Private Hire Penalty Points Scheme update would be included in the Work Programme for March 2019.

**RESOLVED** that the Licensing Committee Work Programme for 2018/19 be noted.

The meeting closed at 6.33 p.m.

Chairman