

MEETING OF THE LICENSING COMMITTEE

MONDAY 15TH JULY 2019 AT 6.00 P.M.

COMMITTEE ROOM, PARKSIDE SUITE - PARKSIDE

MEMBERS: Councillors A. B. L. English, M. Glass, C.A. Hotham, S. A. Hughes,

H. J. Jones, H. D. N. Rone-Clarke, M. A. Sherrey, C. J. Spencer,

P. J. Whittaker, M. Thompson and J. Till

AGENDA

- 1. Election of Chairman for the ensuing Municipal Year
- 2. Election of Vice-Chairman for the ensuing Municipal Year
- 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 17th April 2019 (Pages 1 4)
- 6. Hackney Carriage Stand in Market Street Service Road (Pages 5 12)
- 7. Licensing Annual Report 2018/2019 (Pages 13 18)
- 8. Licensing Committee Work Programme (Pages 19 20)
- 9. 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

5th July 2019







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- Meeting Agendas
- Meeting Minutes
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Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- > The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE**. However, the Member must not use these rights to seek to improperly

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

MEETING OF THE LICENSING COMMITTEE

WEDNESDAY, 17TH APRIL 2019, AT 5.00 P.M.

PRESENT: Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman),

M. T. Buxton, M. Glass, S. R. Peters, S. P. Shannon, M. A. Sherrey,

L. J. Turner and S. A. Webb

Invitees: Mr. A. Higginson and Mr. P. Cooper, Worcestershire County

Council

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

31/18 **APOLOGIES**

Apologies for absence were received from Councillors H. J. Jones and C. M. Mc Donald.

32/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

33/18 **MINUTES**

The minutes of the Licensing Committee held on 18th March 2019 were submitted.

RESOLVED that the minutes of the Licensing Committee held on 18th March 2019, be approved as a correct record.

The Chairman welcomed Mr. A. Higginson and Mr. P. Cooper, Worcestershire County Council to the meeting.

34/18 HACKNEY CARRIAGE STAND IN MARKET STREET SERVICE ROAD

The Committee considered a report which detailed a proposal to relocate the current appointed hackney carriage stand in Market Street service road.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) informed the Committee that, as detailed in the report, officers had recently been made aware of some upcoming improvements being made by Worcestershire County Council (WCC) for new walking and cycle routes around Bromsgrove.

Licensing Committee 17th April 2019

The County Council's £3.4 million project aimed to reduce congestion in Bromsgrove by providing alternative travel choices to local residents to reduce short journeys made by car.

The improvements would form part of a wider transport and highways plan for the area and would see an additional six recognised walking and cycling paths being introduced over the next two years. The work would also include improvements to other recognised cycle ways across Bromsgrove.

One aspect of the proposed improvements would impact on the existing hackney carriage stand appointed by Bromsgrove District Council in the Market Street service road (the bus station). It was anticipated that the proposed works at this location would take place in summer 2019.

The Senior Practitioner (Licensing), WRS, highlighted that the highway improvements planned at this location would remove two of the five spaces, currently provided for hackney carriages to stand for hire, thus reducing the number of available spaces to three.

Officers had emphasised that this particular hackney carriage stand was already prone to overcrowding in the daytime and that any proposal to reduce the number of existing spaces available for hackney carriage vehicles to stand for hire, would exacerbate the situation.

Members were further informed that following further dialogue with officers from WCC, a proposed solution was put forward. The proposed solution would see the hackney carriage stand being relocated across the road from its current positon, thereby retaining all five spaces, as detailed at Appendix 1 to the report.

The Senior Practitioner (Licensing), WRS, explained to the Committee that officers considered that the revised proposal was the best available option for retaining five spaces for hackney carriages to stand for hire at this particular location. There were also some benefits to the proposed relocation, in that hackney carriages would no longer be standing spaced out between entrances to properties that should be kept clear. Also passengers would be able to enter vehicles from the near side without having to walk out into the road.

Members were advised that, in order to implement the proposed location, it would be necessary for the Council to undertake the required legal process to appoint a new hackney carriage stand and revoke the appointment of the existing hackney carriage stand at this location, as detailed in paragraphs 3.16 and 3.17 in the report.

In response to questions from Members, the Senior Practitioner (Licensing), WRS, confirmed that as well as consulting with the chief officer of the police, that licensed taxi drivers would also be consulted with. WCC had already consulted with the bus transport companies.

Licensing Committee 17th April 2019

Members expressed their concerns with regard to potential over-ranking at the proposed new location; as they had witnessed over-ranking at the existing location on many occasions.

The Senior Practitioner (Licensing), WRS, explained that over-ranking usually occurred during the daytime. Licensing officers, WRS and civil enforcement officers could deal with over-ranking. If licensing officers witnessed over-ranking they would evidence it and issue points, under the Council's Hackney Carriage and Private Hire Penalty Points Scheme, to the offending driver.

He would ensure that it was made very clear to licensed drivers, that there would be serious implications if they were caught over-ranking at the new location and that over-ranking would not be tolerated.

Licensing officers would need to ensure that robust enforcement was carried out and that this message was highlighted to licensed drivers, in order to ensure that there was no potential for over-ranking at the new location.

Members were further reminded that the Council's Hackney Carriage and Private Hire Penalty Points Scheme detailed that 'Failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking)' was included as a breach and carried penalty points. Members were further reminded that any driver who accumulated 12 points in a two year period would be referred to a Hearing of the Licensing Sub-Committee for a review of whether the individual remained a fit and proper person to hold such a licence.

In response to questions from Members, Mr. A. Higginson, WCC, explained that the £3.4 million improvements would be funded through a Department for Transport initiative, to form part of a wider transport and highways plan that would see additional / improved walking and cycling pathways over the next two years. It was also to encourage people to think about how they travelled and the wider health benefits of walking and cycling.

Bromsgrove had a very limited infrastructure to support walking and cycling, forcing some local people to drive short distances. The plan was to make the transport network more efficient, particularly at peak times and to help reduce congestion, by providing new and improved links between the town centre and residential areas. The improvements would see a direct link for pedestrians from Asda to the main town centre shopping area. There would be an upgrade of the existing controlled crossings on Kidderminster Road and Market Street being made into toucan crossings. Widening the paths in some areas would accommodate both pedestrians and cyclists. There would be clear signage informing cyclists of when / where they should dismount their bikes and where cycling was prohibited.

<u>Licensing Committee</u> 17th April 2019

WCC had discussed the proposed plans with the bus operators and they were happy with the proposed reduction of bus shelters from 5 to 4.

Members were of the opinion that the taxi rank should be kept by the bus station, it was felt that public transport should be more integrated than it currently was. However, the bus station and taxi rank were easily accessible from the town centre, with buses now available to link to Bromsgrove train station.

RESOLVED

- a) that officers be instructed to conduct a 28 day public consultation process on the proposed relocation of the hackney carriage stand in the Market Street service road; and
- b) that any objections received to the public consultation, be brought back to a meeting of the Licensing Committee for consideration, before a decision was made whether to proceed with the relocation of the hackney carriage stand in the Market Street service road.

The Chairman took the opportunity to express her sincere thanks to Members of the Licensing Committee who were not standing again and to all Members of the Licensing Committee for their valued help and support to her, as Chairman.

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The meeting closed at 5.41 p.m.

Chairman

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HACKNEY CARRIAGE STAND IN MARKET STREET SERVICE ROAD

Relevant Portfolio Holder	Councillor A D Kent	
Portfolio Holder Consulted	No	
Relevant Head of Service	Simon Wilkes – Head of	
	Worcestershire Regulatory Services	
Wards Affected	St Johns (directly)	
	All Wards (indirectly)	
Ward Councillor Consulted	N/A	
Non-Key Decision		

1. SUMMARY OF PROPOSALS

1.1 To advise members of the response received to a recent consultation on a proposal to relocate the current appointed hackney carriage stand in the Market Street service road.

2. **RECOMMENDATIONS**

Members are asked to RESOLVE:

- (a) Whether or not they wish to proceed with the relocation of the hackney carriage stand as proposed and shown on the drawing at Appendix 1; and,
- (b) If Members decide they wish to proceed with the proposal to relocate the hackney carriage stand, to instruct and delegate authority to officers to carry out the legal process required in consultation with the officers delivering the Worcestershire County Council project to make improvements to walking and cycle routes around Bromsgrove.

3. KEY ISSUES

Financial Implications

- 3.1 The cost of the public notice and other administrative costs were met from existing budgets held by Worcestershire Regulatory Services.
- 3.2 In the event that the proposed stand is appointed the cost of any additional signage and road markings required would need to be met by Worcestershire County Council as part of their budget for the walking and cycle route improvements

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Legal Implications

- 3.3 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create, amend and revoke hackney carriage stands (ranks). This allows district councils to "appoint stands for Hackney Carriages" either on public highways or private land and the stands can be for either continual or part-time use.
- 3.4 Under the Local Government (Miscellaneous Provisions) Act 1976 s63 a district council is required to publish a notice in a local newspaper and wait 28 days from publication, after which Members will need to consider any written representations of objections made.
- 3.5 Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand a district council is required to give notice to the chief officer of police.
- 3.6 Additionally a district council cannot create a hackney carriage stand:
 - (a) so as unreasonably to prevent access to any premises;
 - (b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
- (c) on any highway except with the consent of the highway authority; the maximum number of permissible points has been reached, is taken at the appropriate level, based on the merits of each individual case.

Service / Operational Implications

Background

- 3.7 The proposal to relocate the hackney carriage stand is as a result of a upcoming improvements being made by Worcestershire County Council to walking and cycle routes around Bromsgrove.
- 3.8 The County Council's £3.4 million project aims to reduce congestion in Bromsgrove by providing alternative travel choices to local residents to reduce short journeys made by car.

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- 3.9 The improvements form part of the wider transport and highways plan for the area and will see an additional six recognised walking and cycling pathways being introduced over the next two years. The work will also include improving other recognised cycleways across Bromsgrove.
- 3.10 One aspect of the proposed improvements impacts on the existing hackney carriage stand appointed by Bromsgrove District Council in the Market Street service road (the bus station). The proposed works at this location are anticipated to take place in late Summer 2019.
- 3.11 Following dialogue with officers from the County Council, relocating the current hackney carriage stand to the proposed location was considered to be the best available option. There are some benefits to the relocation, with hackney carriages no longer standing spaced out between entrances to properties that need to be kept clear. Also passengers would be able to enter vehicles from the near side without having to walk out into the road.
 - A drawing showing the proposed location for the new hackney carriage stand is provided at **Appendix 1**
- 3.12 On 17th April 2019, the Licensing Committee considered a report concerning the proposal to relocate the appointed stand for hackney carriages in the Market Street service road (the bus station). Members resolved to instruct officers to conduct the required consultation and any objections received to the public consultation be brought back to a meeting of the Licensing Committee for consideration.
- 3.13 The required public notice appeared in the Bromsgrove Advertiser on 8th May 2019 and gave until 5th June 2019 for objections to be made in relation to the proposals.
- 3.14 In addition to the public notice appearing in a local newspaper, all licence holders were written to in order to make them aware of the proposals and inviting them to make comment on them. Public notices were also put up on lampposts adjacent to the existing hackney carriage stand and the location of the proposed stand. The Chief Officer of Police has also been consulted on the proposals with correspondence sent via the Bromsgrove Safer Neighbourhood Team Inspector and Sergeant.
- 3.15 Licensing Officers have had concerns about the proposals raised verbally by some licence holders both on the phone and at licensing surgeries. Some licence holders have verbally suggested alternatives to the location being proposed. Officers reminded these licence holders of the opportunity to respond in writing to the formal consultation exercise, however despite this, no written responses have been received from any licence holders.

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- 3.16 An emailed response has been received from the County Councillor for the Bromsgrove Central Division, Councillor Rita Dent. Councillor Dent raises some concerns about the proposals that she believes need to be given consideration. A copy of Councillor Dent's email can be seen at **Appendix 2.**
- 3.17 Members are asked to consider the response received to the consultation on a proposal to relocate the current appointed hackney carriage stand in the Market Street service road and decide if they wish to proceed with the proposed relocation of the stand for hackney carriages and, if so, to delegate authority to officers to carry out the legal process required in consultation with the officers delivering the Worcestershire County Council project to make improvements to walking and cycle routes around Bromsgrove.

4. RISK MANAGEMENT

4.1 None

5. APPENDICES

Appendix 1 – Drawing showing proposed location of hackney

carriage stand.

Appendix 2 – Response from County Councillor for the

Bromsgrove Central Division, Cllr Rita Dent.

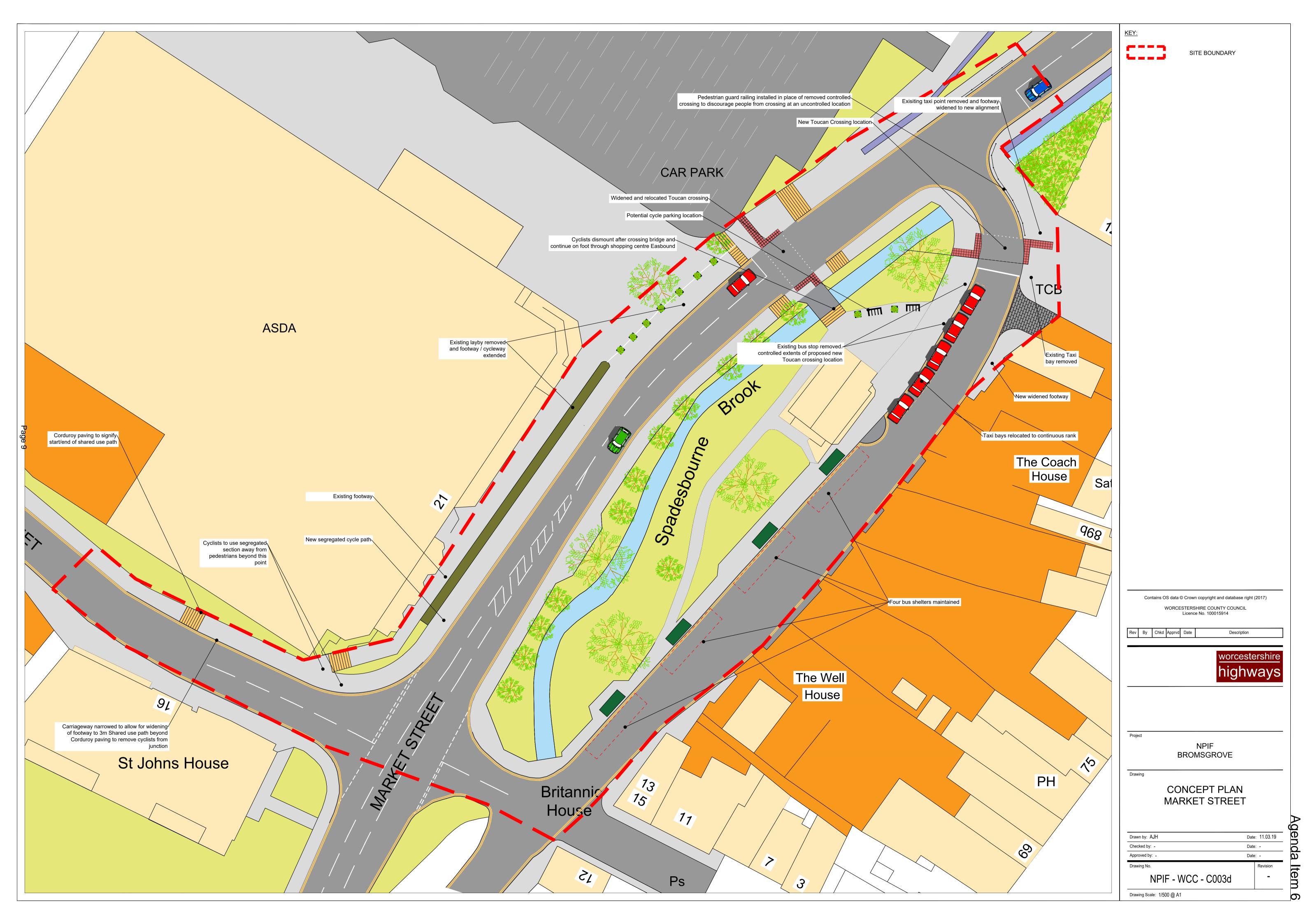
AUTHOR OF REPORT

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From: "Dent, Rita (Councillor)"

Date: 23/05/2019 10:47 (GMT+00:00)

To:

Subject: Hackney carriage stand market street

I would like to comment on the Forth coming taxi rank alterations

The over ranking can we controlled by having yellow lines

The moving from one side to the other, my concerns are safety

The traffic management/bus management have agreed that it was an issue

Since then they have decided to have drivers report any incidents at this area

My concerns are that this should be in writing for the committee to see so they are confident and for their piece of minds that it was at least looked at

Also for my piece of mind as it is part of my Ward

Kind Regards

County Cllr Rita Dent

Member for Bromsgrove Central Division



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LICENSING ANNUAL REPORT 2018/19

Relevant Portfolio Holder	Councillor A D Kent
Portfolio Holder Consulted	Yes
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 that the contents of the licensing Annual Report 2018/2019 be noted.

3. KEY ISSUES

Financial Implications

3.1 None.

Legal Implications

3.2 None

Service / Operational Implications

3.3 Since 1st 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 and House to House Collections. The Council retains full policy and statutory responsibility for all licensing functions.

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- 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 the past twelve months, the Council's Statement of Principles under the Gambling Act 2005 has been reviewed and a revised Statement of Principles was approved by Council to take effect on 31st January 2019. The next scheduled review will need to be completed by 31st January 2022.
- 3.6 During the past twelve months, the Council's current Statement of Licensing Policy under the Licensing Act 2003 was also reviewed and a revised Statement of Licensing Policy was approved by council to take effect on 1st April 2019. The next scheduled review of the Statement of Licensing Policy will need to be completed no later than 1st April 2024.
- 3.7 Licensing Officers participate in meetings of the Bromsgrove Town Centre Management Group with partners including the Police, Street Pastors, CCTV, Community Safety and the North Worcestershire Economic Development Partnership.
- 3.8 Licensing Officers have recently commenced assessments of premises seeking accreditation for 2019 under the Bromsgrove "Best Bar None" scheme, which is a project being led by the Council's Centres Manager.

Licensing Act 2003

- 3.9 The Licensing Act 2003 transferred the alcohol 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 2018/2019 are:

Personal Licenses	New	45	Total	1090
Premises Licenses	New	11	Total	308
Club Premises Certificates	New	0	Total	38
Temporary Event Notices			Total	263

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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 one application during the year 2018/19. This was an application to vary an existing premises licence, which was subject to representations from members of the public. The application was granted subject to an additional licence condition imposed with a view to preventing public nuisance.

Gambling Act 2005

Casinos

- 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	6
Family Entertainment Centres	2

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 2018/19 have been received by the Authority.

0

3.15 A number of compliance visits to premises licensed under the Gambling Act 2005 have been conducted during the year by Licensing Officers, often in partnership with Gambling Commission staff.

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Taxi Licensing

- 3.16 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.
- 3.17 The number of licensed vehicles and drivers at the end of the year 2018/19 is shown below.

	<u>17/18</u>	<u>18/19</u>
Hackney Carriage Vehicles	118	107
Private Hire Vehicles	42	41
Hackney Carriage/Private Hire Drivers	161	164
Private Hire Operators	18	17

- 3.18 Licensing Officers keep in regular contact with the appointed taxi trade representatives by phone and one to one meetings when necessary.
- 3.19 During the course of the past year, the Licensing Committee resolved to amend the wording contained in the Council's hackney carriage and private hire licensing policies in relation to the level of tint that is acceptable on the windows of licensed vehicles.
- 3.20 The Licensing Committee also carried out a review of the Council's Hackney Carriage and Private Hire Penalty Points Scheme and resolved to carry out consultation on amending the scheme to include the ability to issue penalty points to drivers who leave their engines running unnecessarily whilst their vehicles are stationary on a public road.
- 3.21 Section 177 of the Policing and Crime Act 2017 gave the Secretary of State for Transport the power to publish statutory guidance to taxi and private hire licensing authorities on how their licensing powers can be exercised in order to safeguard children and vulnerable adults.
- 3.22 In February 2019 the Department for Transport launched a 10 week consultation on a draft of the statutory guidance. This consultation was open for responses until 22nd April 2019.
- 3.23 The final version of the statutory guidance is anticipated to be published later this year at which point the Council, along with all other taxi and private hire licensing authorities, will need to have regard to the guidance when reviewing and revising its policies on the licensing of taxi and private hire vehicles.

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Animal Activity Licensing Implementation

- 3.24 Over the past twelve months, an enormous amount of work has gone into implementing the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which came into force on 1 October 2018.
- 3.25 These regulations were made under the Animal Welfare Act 2006 and replaced the licensing regimes and legislation in place for dealing with the following activities when conducted on a commercial basis:
 - Selling animals as pets
 - Providing boarding in kennels for dogs
 - Providing home boarding for dogs
 - Providing day-care for dogs
 - Providing boarding for cats
 - Hiring out horses
 - Breeding dogs
 - Keeping or training animals for exhibition

Scrap Metal Dealers

3.26 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 also scrap metal site licences. The following number of licences are currently in force:

Site Licences 6

Mobile Collector Licences 8

- 3.27 The Licensing Team is responsible for enforcing the legislation in partnership with the Police and Environment Agency.
- 3.28 Worcestershire Regulatory Services Licensing Team members regularly attend and represent Redditch Borough 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 including upcoming changes in any licensing legislation.
- 3.29 One of the Senior Licensing Practitioners is also a Member of the Local Government Association's Licensing Policy Forum.

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4. RISK MANAGEMENT

4.1 None

5. <u>APPENDICES</u>

5.1 None

AUTHOR OF REPORT

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Hackney Carriage Stand in Market Street Service Road – responses received to the consultation on the proposed WCC improvements to the cycle route

Licensing Annual Report

23rd September 2019

Penalty Points Scheme – responses received to the consultation on the proposed amendments to the scheme

18th November 2019

9th March 2020

To Be Allocated To Suitable Available Dates in 2019/2020

Review of Council's policy on the Guidance Relating to the Relevance of Convictions and Cautions for Hackney Carriage and Private Hire Drivers – Approval to consultation

Guidance Relating to the Relevance of Convictions and Cautions for Hackney Carriage and Private Hire Drivers – To consider the results of the consultation

