

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 13TH NOVEMBER 2023, AT 6.00 P.M.

PRESENT: Councillors B. McEldowney (Vice-Chairman), A. M. Dale, S. M. Evans, D. J. A. Forsythe, D. Hopkins, C.A. Hotham, B. Kumar, S. R. Peters, S. A. Robinson and H. D. N. Rone-Clarke

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

14/23 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor J. Elledge.

15/23 **DECLARATIONS OF INTEREST**

Councillor C. A. Hotham declared with regard to Agenda Item No. 10 – Appeal Update (Minute No. 22/23), in that he was a Member of the Licensing Sub-Committee for the premises review Hearing, and also in relation to the Appeal proceedings.

Councillor S. A. Robinson declared with regard to Agenda Item No. 10 – Appeal Update (Minute No. 22/23), in that she was the Reserve Member for the Licensing Sub-Committee and as such had received the Licensing Sub-Committee agenda and associated papers for the premises review Hearing.

16/23 **MINUTES**

The minutes of the Licensing Committee meeting held on 4th September 2023 were submitted.

RESOLVED that the minutes of the Licensing Committee meeting held on 4th September 2023, be approved as a correct record.

17/23 **HACKNEY CARRIAGE TABLE OF FARES - ANNUAL REVIEW**

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS) presented the report and in doing so stated, that as detailed in the report, Section 65 (1) of the Local Government (Miscellaneous Provisions) Act 1976 stated that a district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the

hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.

Members were reminded that having approval the revised table of fares at the Licensing Committee meeting on 14th March 2022, Members had expressed the view that the table of fares should be regularly reviewed in order to avoid a situation whereby a large increase was requested following several years without a review having taken place.

The table of fares applied to hackney carriage vehicles only, private hire operators were free to agree their hiring charges in advance with their customers, normally at the time of booking the journey.

The current table of fares was included at Appendix 1 to the report. This table of fares was approved by Licensing Committee Members during the meeting held on 29th September 2022 and had taken from 7th November 2022.

It was now around a year since the current table of fares had taken effect and officers had prepared a report in order for Members to have an opportunity to review the table of fares, as requested by Licensing Committee Members.

The Chairman of Bromsgrove’s Taxi Association was approached by officers to see if the members of that Association would like to request any amendments to the current table of fares; and they had confirmed that members of the Taxi Association do not wish to request any further increase in the table of fares at the present time. They were concerned that a further increase would price them out to customers and that they would then be more expensive than private hire vehicles. Officers did reiterate that the table of fares was the maximum charge and that hackney carriage drivers could charge less.

According to data from the Department for Energy Security & Net Zero, the average price per litre of ultra-low sulphur petrol and ultra-low sulphur diesel in the week when the existing table of fares took effect was: -

	Pence per litre
Ultra-low sulphur petrol	165.62p
Ultra-low sulphur diesel	189.79p

According to the same data, the average price per litre of ultra-low sulphur petrol and ultra-low sulphur diesel at the time this report was prepared was: -

	Pence per litre	Change
Ultra-low sulphur petrol	154.63p	- 6.6 %
Ultra-low sulphur diesel	162.19p	- 14.5 %

The Principal Officer (Licensing), WRS, responded to questions from Members on the comparison / competitive fares charged by Uber drivers.

The Principal Officer (Licensing), WRS stated that Members were being asked to note the report and that no further action was required at the present time. A further review would be held in around twelve months' time or earlier if there was a pressing need to do so.

RESOLVED that the review of Hackney Carriage Table of Fares be noted and that no further action be taken.

18/23

LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY - CONSIDERATION OF RESPONSES RECEIVED TO CONSULTATION

Following on from the Licensing Committee meeting held on 7th August 2023, whereby Members approved the draft revised Statement of Licensing Policy for the purpose of consultation. Members were now being asked to consider the responses received to the consultation and the changes incorporated into the revised draft Statement of Licensing Policy as a result of the responses received.

It was noted that Bromsgrove District Council's existing Statement of Licensing Policy was published with effect from 1st April 2019.

The Principal Officer (Licensing), WRS, presented the report and in doing so informed Members that the consultation exercise was carried out from 11th August until 20th October 2023. It was noted that these dates had been omitted from paragraph 3.12, on page 17 of the main agenda report.

Two responses to the consultation survey were received one from a Parish Councillor and a consultee responding on behalf of the Chief Officer of West Mercia Police, as detailed at Appendix 2 to the report.

The consultee on behalf of the Chief Officer of Police was supportive of all of the proposed amendments to the Statement of Policy document and did not believe that any further revisions were required.

The Parish Councillor was also supportive of the proposed amendments to the Statement of Policy document, but had made a number of comments including a suggestion that the Council should make a further

change to the document to say that noise issues reported to local authorities should be followed up and actioned where appropriate.

As detailed in the report, officers believed that the Statement of Licensing Policy already addressed this issue in paragraphs 6.28 to 6.34 (Prevention of public nuisance), paragraphs 11.1 to 11.14 (Reviews) and paragraphs 17.1 to 17.7 (Enforcement and complaints). On that basis, officers were of the opinion that the comments received from the Parish Councillor did not require any further amendment to be made to the revised Statement of Licensing Policy document.

However, Members were asked to note that, during the consultation period, officers noticed that a further minor change was required to the text of the draft Statement of Licensing Policy at paragraph 6.37. The change was necessary in order to reflect the fact that the United Kingdom (UK) had left the European Union (EU) and to make clear that photocard driving licences issued in both the UK and EU were acceptable forms of proof of age.

The Principal Officer (Licensing), WRS, responded to questions from Members with regards to: -

- sufficient members of staff in place that have undertaken first aid training.
- Terrorism (Protection of Premises Bill) / Martyn's Law.
- Number of responses received to the Consultation.
- Licensing Conditions and Planning Conditions.
- Fire Safety.
- Representations made by the police, as referred to in paragraph 7.12.

The Principal Officer (Licensing), WRS, further clarified that the Statement of Licensing Policy was usually reviewed every 5 years, but Members were not restricted to this timeline. However, officers envisaged that further information and guidance would be issued on the Terrorism (Protection of Premises Bill) Martyn's Law, as this legislation was still under development and any other substantial changes; may require an earlier review of the Statement the Statement of Licensing Policy.

A small typo error was noted in paragraph 7.12. The Democratic Services Officer noted this and advised that this would be corrected.

RECOMMENDED that

- (a) Council approve the revised Statement of Licensing Policy, as detailed at Appendix 3 to the report, and
- (b) the Statement of Licensing Policy be published to take effect on 1st April 2024.

19/23

LICENSING COMMITTEE WORK PROGRAMME 2023/2024

The Committee considered the Work Programme for 2023/2024.

A brief discussion took place, whereby it was noted that Councillor S. Robinson had made a request to the Licensing Committee Chairman, that an item of business be considered by Licensing Committee Members; namely the Hackney Carriage Rank, Crown Close (Bromsgrove Bus Station).

Following a brief explanation by Councillor S. Robinson on the issues raised at the Hackney Carriage Rank, Crown Close; Members were in agreement with Councillor S. Robinson that this item of business should be included on the Committee's Work Programme and considered before the next meeting of the Committee on 25th March 2023.

On being put to the vote, it was

RESOLVED that

- a) an additional meeting of the Licensing Committee be arranged;
- b) officers be tasked to prepare a report on the Hackney Carriage Rank, Crown Close, to be presented at the additional meeting; and
- c) the Licensing Committee Work Programme 2023/2024 be updated to reflect this.

20/23

LOCAL GOVERNMENT ACT 1972

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so: -

Minute No.	Paragraph
21/23	5
22/23	5
23/23	5

21/23

CONFIDENTIAL MINUTES

The confidential minutes of the Licensing Committee meeting held on 4th September 2023 were submitted.

RESOLVED that the confidential minutes of the Licensing Committee meeting held on 4th September 2023, be approved as a correct record.

22/23

APPEAL UPDATE - VERBAL

(During the consideration of the following item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed which related to; information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

23/23

ANY ENFORCEMENT / APPEALS UPDATES

There were no Enforcement / Appeals updates.

The meeting closed at 7.16 p.m.

Chairman