

# Public Document Pack



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE LICENSING COMMITTEE**

FRIDAY 12TH JANUARY 2024

AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

MEMBERS: Councillors J. Elledge (Chairman), 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

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. 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.
3. Hackney Carriage Stand in Market Street Service Road (Pages 5 - 14)
4. 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.
5. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of items of business containing exempt information:-

**"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 item of business on the grounds that it involves 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:-

<u>Item No.</u>	<u>Paragraph</u>	
6	5	"

6. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 13th November 2023 (Pages 15 - 24)

Sue Hanley  
Chief Executive (Interim)

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

14th December 2023

**If you have any queries on this Agenda please contact  
Pauline Ross  
Democratic Services Officer**

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**Note:**

**Although this is a public meeting, there are circumstances when the Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.**



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**HACKNEY CARRIAGE STAND IN MARKET STREET SERVICE ROAD**

Relevant Portfolio Holder	Councillor Taylor
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 a proposal to amend the current appointed hackney carriage stand in the Market Street service road, to request that Officers are instructed to conduct a 28-day public consultation on the proposals; and that if no representations or objections are received, officers are given delegated authority to carry out the remaining legal processes required to make the amendment to the relevant hackney carriage stand.

**2. RECOMMENDATIONS**

**Members are asked to RESOLVE that:**

**Officers be instructed to advertise the proposal to amend the District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1) and,**

**That if any representations or objections are received, these will then be brought back before the Licensing Committee for consideration before a decision is taken about whether to proceed with the amendment being made to the Order; or,**

**That if no representations or objections are received regarding the proposed amendment, officers be directed and given delegated authority to carry out the remaining legal processes required to make the amendment to the Order.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Worcestershire Regulatory Services.
- 3.2 In the event that the amendment to the Order is made the cost of any additional signage and road markings required would be met by Worcestershire County Council.

**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**

- 3.5 In 2019, the Licensing Committee were made aware of some improvements being made by Worcestershire County Council to walking and cycle routes around Bromsgrove.
- 3.6 One aspect of these improvements impacted on the existing hackney carriage stand appointed by Bromsgrove District Council in the Market Street service road (the bus station).
- 3.7 The improvement works required the relocation of the hackney carriage stand and the County Council committed to ensure that the same number of spaces would be retained for hackney carriages to stand and ply for hire, albeit they would be on the opposite side of the road.
- 3.8 A plan showing the location of the hackney carriage stand prior to the changes is shown at **Appendix 1**. A plan showing the new location of the hackney carriage stand is at **Appendix 2**. These plans show that it was intended that space for five hackney carriages to stand for hire was going to be retained.
- 3.9 Having consulted on and advertised the proposal to relocate the hackney carriage stand, the Licensing Committee instructed and delegated authority to officers to carry out the required legal processes to appoint a new hackney carriage stand at the location.
- 3.10 The District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1) was subsequently made in December 2020 and the hackney carriage stand was relocated as part of the improvements made to walking and cycling routes in Bromsgrove.
- 3.11 Unfortunately since the relocation of the hackney carriage stand it has become apparent that the relocated stand is only actually long enough to be able to accommodate four vehicles and not the five originally intended and that were previously provided for prior to the relocation to the opposite side of the road.
- 3.12 Following engagement with Worcestershire County Council, it has been agreed that a further space for a hackney carriage to stand and ply for hire can be located in the bus station area. The location of this additional space is shown on the drawing at **Appendix 3**.
- 3.13 Worcestershire County Council has confirmed that once Bromsgrove District Council has carried out the required legal processes to amend the current Hackney Carriage Stand Order, they will get relevant signage and road markings in place.

- 3.14 The first stage of the legal process when amending a Hackney Carriage Stand Order is to consult on the proposals with the chief officer of police and via a public notice that needs to be published in a local newspaper.
- 3.15 Members are therefore asked to instruct officers to carry out the required consultation and to arrange for the required public notice to appear in a local newspaper.
- 3.16 If any representations or objections are received these will then be brought back to the Licensing Committee for consideration later in the year.
- 3.17 However Members are asked to resolve that, if no such representations or objections are received, officers are instructed and given delegated authority to carry out the remaining legal processes in order to make the amendment to the Hackney Carriage Stand Order. This would enable officers to move forwards more quickly with the legal processes if there are no representations or objections that need consideration by Members.

#### **4. RISK MANAGEMENT**

- 4.1 No risk management implications have been identified.

#### **5. APPENDICES**

- Appendix 1 – Plan showing original location of hackney carriage stand
- Appendix 2 – Drawing showing intended layout of hackney carriage stand from 2020
- Appendix 3 – Drawing showing proposed location of the additional space for a hackney carriage to stand for hire

#### **AUTHOR OF REPORT**

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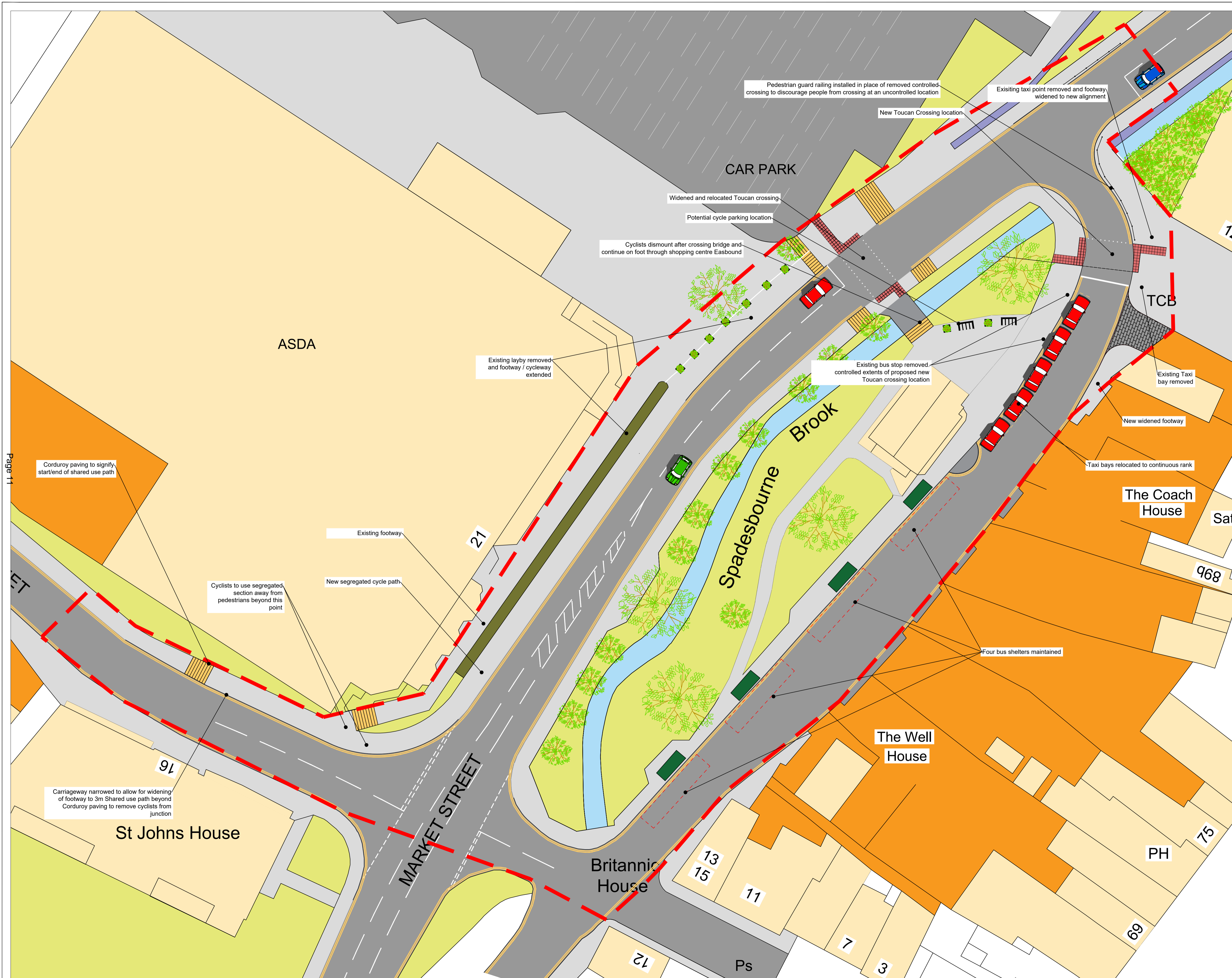
Title: Taxi Rank - Market Street Service Road

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KEY:



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Rev	By	Chkd	Apprvd	Date	Description



Project  
 NPIF  
 BROMSGROVE

Drawing  
 CONCEPT PLAN  
 MARKET STREET

Drawn by: AJH Date: 11.03.19

Checked by: - Date: -

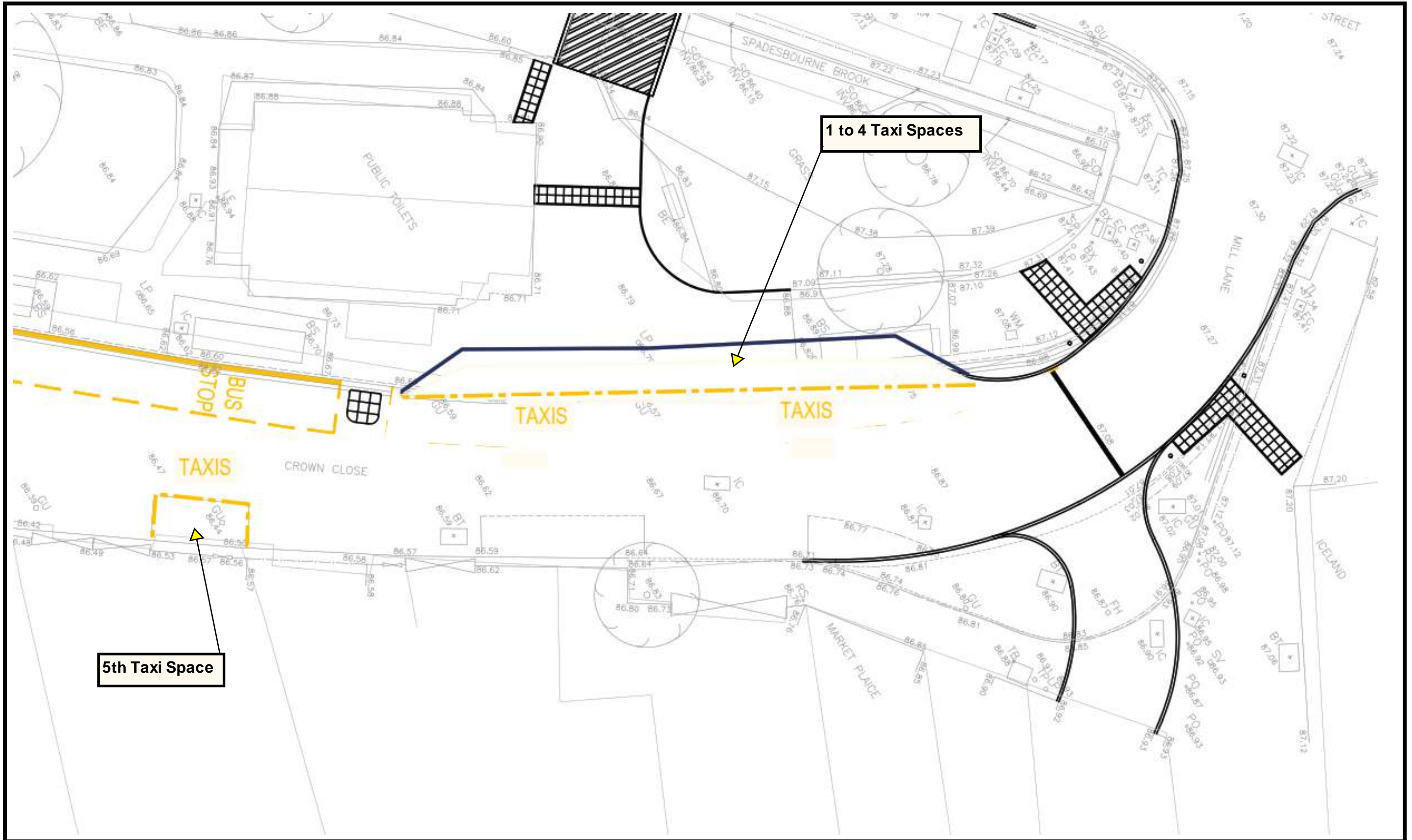
Approved by: - Date: -

Drawing No. NPIF - WCC - C003d Revision -

Drawing Scale: 1/500 @ A1



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5th Taxi Space

1 to 4 Taxi Spaces

**Location of 5 No Hackney Carriage Spaces on Crown Close -  
Otherwise Known as Market Street Service Road, Bromsgrove.**

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## **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 4<sup>th</sup> September 2023 were submitted.

**RESOLVED** that the minutes of the Licensing Committee meeting held on 4<sup>th</sup> 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

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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 14<sup>th</sup> 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 29<sup>th</sup> September 2022 and had taken from 7<sup>th</sup> 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: -

	<b>Pence per litre</b>
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: -



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	<b>Pence per litre</b>	<b>Change</b>
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 7<sup>th</sup> 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 1<sup>st</sup> April 2019.

The Principal Officer (Licensing), WRS, presented the report and in doing so informed Members that the consultation exercise was carried out from 11<sup>th</sup> August until 20<sup>th</sup> 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

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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 1<sup>st</sup> 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 25<sup>th</sup> 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 4<sup>th</sup> September 2023 were submitted.

**RESOLVED** that the confidential minutes of the Licensing Committee meeting held on 4<sup>th</sup> 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

# Agenda Item 6

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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