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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 24TH MARCH 2025 AT 6.00 P.M.

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

MEMBERS: Councillors J. Elledge (Chairman), C.A. Hotham (Vice-Chairman), J. Clarke, A. M. Dale, S. M. Evans,
D. J. A. Forsythe, D. Hopkins, H. J. Jones, B. Kumar,
R. E. Lambert, P. M. McDonald, S. R. Peters and
S. A. Robinson

<u>AGENDA</u>

- 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. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 11th November 2024 (Pages 5 - 18)
- 4. Primate Keeper Licensing (Pages 19 24)
- 5. Mandatory Safeguarding Training for Licensed Hackney Carriage and Private Hire Drivers - responses received (Pages 25 - 40)
- 6. Licensing Committee Work Programme March 2025 (Pages 41 42)
- 7. To consider any other business, details of which have been notified to the Assistant Director, Legal, Democratic & Property 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.
- 8. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"<u>RESOLVED</u>: 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(s) of business on the grounds that it/they involve(s) 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:-

Item No.	Paragraph	
9	5	"

9. Any Enforcement / Appeals Updates

Sue Hanley Chief Executive

Parkside Market Street BROMSGROVE Worcestershire B61 8DA

14th March 2025

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

Parkside, Market Street, Bromsgrove, B61 8DA Tel: 01527 881406 Email: p.ross@bromsgroveandredditch.gov.uk

Notes:

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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Licensing Committee 11th November 2024

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 11TH NOVEMBER 2024, AT 6.00 P.M.

PRESENT: Councillors J. Elledge (Chairman), S. Ammar, S. M. Evans, D. J. A. Forsythe, D. Hopkins, C.A. Hotham, B. Kumar, R. E. Lambert and P. M. McDonald

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

11/24 ELECTION OF VICE-CHAIRMAN

<u>RESOLVED</u> that Councillor C. A. Hotham be elected Vice-Chairman of the Committee for the remainder of the municipal year.

12/24 APOLOGIES

Apologies for absence were received from Councillors J. Clarke, A. M. Dale, H. J. Jones, and S. Robinson.

13/24 DECLARATIONS OF INTEREST

There were no declarations of interest.

14/24 **MINUTES**

The minutes of the Licensing Committee meeting held on 22nd July were submitted.

<u>RESOLVED</u> that the minutes of the Licensing Committee meeting held 22nd July 2024, be approved as a correct record.

15/24 REVISED STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 - CONSIDERATION OF RESPONSES RECEIVED TO THE CONSULTATION

Following on from the Licensing Committee meeting held on 25th March 2024, whereby Members approved the draft revised Statement of Principles for the purpose of consultation; Members were now being asked to consider the responses received to the consultation.

The Principal Officer (Licensing) Worcestershire Regulatory Services (WRS) reminded the Committee that the Council's current Statement of

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Principles under the Gambling Act 2005 had taken effect on 31st January 2022. In accordance with the provisions of the Act, the Council was required to prepare and publish a Statement of Principles every three years. As a result, a new Statement of Principles must be published by 31st January 2025.

Section 349 of the Gambling Act 2005 required that the licensing authority produced, consult on and published a Statement of the Principles that it proposed to apply when exercising its functions under the Act.

The Act also required that the Statement of Principles be kept under review and re-published at least every three years.

When preparing a Statement of Principles, the Council was required to consult with:-

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

In April 2023 the government published a long-awaited white paper entitled "High Stakes: Gambling Reform for the Digital Age." The White Paper sets out the government's plan for reform of gambling regulation, following the review of the Gambling Act 2005 that was first launched in December 2020.

The white paper contained a number of proposals for reforming gambling regulation in the following areas:

- Online protections players and products
- Marketing and advertising
- The Gambling Commission's powers and resources
- Dispute resolution and consumer redress
- Children and young adults
- Land-based gambling

Whilst many of the proposed reforms were not directly relevant to the role that the Council played in the regulation of gambling activities, there were some proposed changes that were directly relevant. These included:

- Proposals to relax the rules on the split of low and medium maximum stake machines in certain licensed gambling premises.
- A review of the premises licence fees cap for local authorities.
- Introducing new powers to local authorities to conduct cumulative

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impact assessments for gambling premises.

- Proposals to change the rules that allow under 18s to play Category D gaming machines that pay cash prizes.
- Proposals to make provisions within the Gambling Commission's code of practise on the siting of gaming machines in licensed premises legally binding.

At this stage however, it was unclear when the government would bring forward the required legislation to implement the proposed reforms.

The consultation on the revised draft Statement of Principles had taken place with all relevant parties including:

- The Chief Officer of West Mercia Police
- The Gambling Commission
- All other responsible authorities identified under the Act
- Relevant Trade Associations
- Public Health
- Organisations working with people who are problem gamblers
- Parish Councils
- The general public

The Principal Officer (Licensing), WRS further informed Members that the consultation exercise on the draft Statement of Principles was carried out between 5th July 2024 and 16th August 2024.

The consultation was also made available for comment via the Council's website and publicised via social media.

The Operations Manager of the Lotteries Council had responded to the consultation to say that they had reviewed the draft Statement of Principles and had no comment to make.

A Bromsgrove District Councillor had also responded to the consultation and had confirmed that they had no comments to make.

No other responses were received during the consultation period, which officers consider was unsurprising given the minimal changes that were being proposed to the existing Statement of Principles.

In light of the lack of responses, officers did not believe that any further amendments needed to be made to the draft Statement of Principles, as consulted on.

Therefore, Licensing Committee Members were asked to consider the responses received and to recommend to Council that the draft Statement of Principles, as detailed at Appendix 1 to the report, be approved and published with effect from 31st January 2025.

RECOMMENDED that

- a) the revised Statement of Principles, as detailed at Appendix 2 to the report, be approved; and
- b) the Statement of Principles be published by 31st January 2025.

16/24 RENEWAL OF LICENCES FOR VEHICLES PREVIOUSLY WRITTEN OFF - CONSIDERATION OF RESPONSES RECEIVED TO THE CONSULTATION

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS) reminded Licensing Committee Members that the Committee had previously directed officers to carry out a short, targeted consultation exercise with a view to resolving an issue that had arisen for the hackney carriage and private hire trade in Bromsgrove; following the Council adopting a new Hackney Carriage and Private Hire Licensing Policy on 1st September 2022.

The Council had implemented a new Hackney Carriage and Private Hire Vehicle Policy with effect from 1st September 2022, which was later amended with effect from 1st April 2023.

The policy contained requirements in respect of the licensing of vehicles to be used as a hackney carriage or private hire vehicle, as detailed at Appendix 1 to the report.

During the Licensing Committee meeting held on 11th November 2024, Members were informed that one of the changes that the new policy had introduced was a stipulation that the Council would no longer licence any vehicle to be used as either a hackney carriage or private hire vehicle if it had been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Paragraphs 3.1.10 and 3.2.10 of the policy sets this out in respect of those vehicles being licensed by the Council to be used as a hackney carriage or private hire vehicle for the first occasion.

The new policy stated that the Council would also not renew any licence to use a vehicle as a hackney carriage if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes. Paragraphs 3.3.11 and 3.4.11 of the policy being the relevant paragraphs in the policy.

The wording currently used in paragraphs 3.3.11 and 3.4.11 of the policy meant that vehicles that were licensed before the new policy had taken effect, and were previously graded as a Category A, Category B or Category C or Category S write-off, would no longer comply with the Council's policy, even though vehicle had been licensed for a number of years without any issues arising.

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The consultation exercise took place between 13th August 2024 and 27th September 2024. As well as being sent to licence holders by email, the details of the consultation exercise were also sent to:

- West Mercia Police
- Police and Crime Commissioner
- Worcestershire County Council School Transport
- Community Safety
- Bromsgrove Depot Management
- National Taxi and Private Hire Trade Associations

The consultation was undertaken using an online survey tool. The background to the consultation exercise was set out and then two short questions were asked. The questions asked and the responses received were summarised in Appendix 3 to the report.

Responses were received from a variety of respondents including licensed drivers, Councillors and members of the public. Responses were also received from the Police and the National Private Hire and Taxi Association (NPHTA). With the majority of respondents (78.6%) agreeing with the Council amending the wording contained in Paragraphs 3.3.11 and 3.4.11 of the Council's Hackney Carriage and Private Hire Vehicle Policy.

Members were now being asked to consider the results of the consultation exercise and if a minor amendment to the Hackney Carriage and Private Hire Licensing Policy should be made to the wording contained in paragraphs 3.3.11 and 3.4.11 of the policy. Officers had proposed alternative wording, as detailed at Appendix 2 to the report.

Officers believed that the amended wording would mean that anyone who had licensed a vehicle prior to the implementation of the new policy (in September 2022) would still be able to continue using the vehicle as a hackney carriage or private hire vehicle for as long as it complied with the Council's other requirements, even if the vehicle was graded as a Category A, Category B or Category C or Category S write-off when it had first been licensed.

The Principal Officer (Licensing), WRS responded to a number of questions from the Committee and in doing so stated that any vehicles one they reached their natural end of life would need to be replaced; or even replaced earlier if the vehicle was expensive to maintain. The tests carried out at the Council's depot were very rigid.

Worcestershire County Council, Worcestershire Taxi Driver Training involved a day of training. Applicants must sit and pass a written multiple-choice test. The training covered a number of subjects, which included:-

Safeguarding

- Licence Conditions
- Vehicle Conditions
- Customer Safety and care
- Disability Awareness

RESOLVED that

- a) paragraphs 3.3.11 and 3.4.11 of the current Hackney Carriage and Private Hire Licensing Policy be amended, as detailed at Appendix 2 to the report; and
- b) the draft Hackney Carriage and Private Hire Licensing Policy, as detailed at Appendix 4 to the report (with the amended paragraphs) be approved to take effect from 12th November 2024.

17/24 **REVIEW OF HACKNEY CARRIAGE TABLE OF FARES**

Members received a report on the review of Hackney Carriage Table of Fares.

The Principal Officer (Licensing) Worcestershire Regulatory Services (WRS) informed the Committee that the Council had responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate within the district. It was considered good practice to review the table of fares on a regular basis.

Hackney Carriage ("Taxi") fares were made up of an initial hiring charge and a "mileage" rate, both of which are expressed in terms of distance and / or time per unit cost. This was because when a hired taxi was stationary or moving slowly in traffic the meter continues charging, but by time, instead of distance.

Fuel costs did reach a high level, however fuel prices were now coming down and had returned to more normal levels of pricing.

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 litre	per	Change
Ultra-low sulphur petrol	134.41p		↓ 18.8%
Ultra-low sulphur diesel	139.71p		↓ 26.4%

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During this annual review of fares, officers did approach the taxi trade, and unfortunately a response was not received from Bromsgrove Taxi Association. Hackney carriage drivers currently were not looking to increase their fares, however, should they require a further review in 12 months' time or earlier, officers would assist.

The Principal Officer (Licensing), WRS responded to questions from the Committee and in doing so clarified that drivers licensed by other authorities would use their table of fares. Private Hire drivers did have a reputation all over the Country for under cutting hackney carriage fares. The licensing of hackney carriages was declining and applications for private hire licences were increasing. Hackney carriage maximum fares were set and most hackney carriage drivers would have and use meters with set tariffs. However, they were still able to charge less if they wanted to, they would still have to run their meter, but they could still offer passengers a discount. The difficulty for hackney carriage drivers was their running costs and the level of competition, hence no fare increase being asked for.

The Principal Officer (Licensing), WRS further explained the tariffs applicable for journeys of up to four passengers and where there were five or more adult passengers.

<u>RESOLVED</u> that the report on the Review of Hackney Carriage Table of Fares, be noted.

18/24 BUSINESS AND PLANNING ACT 2020 - CONSULTATION ON DRAFT POLICY ON PAVEMENT LICENSING

Members received an update on the Business and Planning Act 2020 consultation on the draft Policy on Pavement Licensing.

The Principal Officer (Licensing), WRS explained that Members had previously approved a draft Policy on Pavement Licensing for the purpose of consultation with relevant stakeholders and were now being asked to consider the responses received during the consultation exercise, and to approve and adopt a finalised Policy on Pavement Licensing.

In July 2020, the Business and Planning Act 2020 was enacted. The legislation was expedited through Parliament to make provisions relating to the promotion of economic recovery and growth as the country emerged from various restrictions that were put in place in response to the global Covid-19 pandemic.

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The legislation was put in place very quickly and was commenced as soon as it was enacted. That meant that there was very little time available to put in place policies and procedures for dealing with applications.

Worcestershire Regulatory Services agreed to take on the temporary pavement licensing functions on behalf of the Council as they were best placed to do so given that they already carried out functions on the Council's behalf under the Licensing Act 2003.

The provisions in part 1 of the Business and Planning Act 2020 were originally only intended to remain in place for a temporary period, and section 10 of the Act originally stated that the provisions would expire at the end of 30 September 2021.

However, the temporary regime was subsequently extended on three separate occasions before a decision was taken to make it a permanent licensing regime. The regime was made permanent on 31 March 2024 by virtue of the commencement of provisions made in the Levelling Up and Regeneration Act 2023.

Now that the pavement licensing regime had been made permanent, it was necessary to review and revise the Council's Policy on Pavement Licensing to ensure that it was fit for purpose and reflected the amendments made to the regime since it was first introduced.

A draft Policy on Pavement Licensing was prepared by officers and presented to Members at the Licensing Committee meeting held on 22nd July 2024. The draft policy was based on a template that had been created to form the basis for similar policies across all six district Councils in Worcestershire.

The draft policy was drafted with reference to the guidance on pavement licences published by the Department for Levelling Up, Housing and Communities (DLUHC) on 2nd April 2024 under section 8 of the Business and Planning Act 2020.

The draft policy sets out how people applied for a licence, how those applications would be advertised and consulted upon and how they would be determined. The draft policy also sets out the standard duration of licences and the conditions that licences were granted or deemed to have been granted, would be subject to.

The draft policy further detailed the approach to be taken in respect of compliance and enforcement activities in respect of the pavement licensing regime.

Members of the Licensing Committee approved the draft Policy on Pavement Licensing for the purpose of consultation with relevant stakeholders, subject to some minor amendments. These included the

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inclusion of Parish Councils in the list of those who would be consulted with on applications received.

The consultation exercise was undertaken between 12th August 2024 and 25th October 2024. The consultation exercise was facilitated using an online survey tool that asked respondents for their views and suggestions in respect of the items shown at paragraph 3.22 on page 182 of the main agenda pack.

The consultation survey was sent to the following:

- Highway Authority Worcestershire County Council
- West Mercia Police Licensing Team
- Hereford and Worcester Fire & Rescue Service
- Environmental Health (WRS)
- Centres Manager for Bromsgrove District Council
- Planning Department at Bromsgrove District Council
- Worcestershire Safeguarding Children Partnership
- Director of Public Health (Worcestershire County Council)
- Trading Standards (Worcestershire County Council)
- Engagement, Equalities and Policy Team at Bromsgrove District Council
- Sensory Impairment Team at Worcestershire County Council
- District Councillors
- Parish Councils
- Representative bodies of local businesses
- National trade bodies for hospitality businesses
- Local and national representative bodies for those with disabilities
- Those who held or had applied for pavement licences from the Council previously.

A link to the consultation survey was also hosted on the consultations page of the Council's website and publicised via social media channels.

In total nine people responded to one or more of the questions asked in the consultation survey, although only four respondents chose to answer every question. A summary of the responses received was included in Appendix 1 to the report.

Whilst there were only a small number of responses received, the majority of respondents agreed with:

- The process proposed for those applying for grant of a pavement licence
- The process proposed for those applying for the renewal of a licence
- The list of those who will be consulted on applications
- The approach to be taken when determining applications
- The granting of licences for a period of two years
- The list of standard conditions for pavement licences

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• The proposed approach to compliance and enforcement

One respondent suggested that letters should be sent to residential addresses when an application was received. Officers did not believe that this was necessary as the applicant had to display a public notice at the premises. The costs and time constraints involved also made this something that officers could not support.

One respondent suggested that licences should be issued for one year at a time, with another suggesting they should be granted indefinitely. The relevant legislation did not permit a licence to be granted for more than two years.

Officers believed that granting licences for the maximum two-year period would reduce administrative and financial burdens on businesses and the licensing authority.

Members were reminded that the licensing authority had the power to revoke licences where circumstances justified such a decision.

One respondent also suggested that small local businesses should be allowed to place a small amount of furniture adjacent to their property (not on the highway) without a licence. Members were further reminded that no pavement licence was required if the furniture concerned was not being placed on part of a relevant highway.

Having considered the responses received during the consultation exercise, officers were of the opinion that the Council did not need to make any further amendments to the draft Pavement Licensing Policy that was consulted upon.

Therefore, Members were being asked to approve and adopt the draft Policy on Pavement Licensing, as detailed at Appendix 2 to the report; and to take effect immediately.

Members raised a number of questions with regards to the cost of such a licence, who determined if an area was on the Highway and compliance and enforcement.

The Principal Officer (Licensing), WRS in response stated that any fees would need to be ratified by Full Council at the fees and charges setting process. The fees currently would be:-

- £500 for the granting of a pavement licence.
- £350 for the renewal of a pavement licence.

Any businesses that already held a pavement licence could apply for a two year licence once their current licence had expired.

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There was a brief reference to the Highways Act 1980. Officers would look at each application case by case. Worcestershire County Council, Highways had specific maps (which were included on their website), as to the areas whereby curtilages were deemed to be on the highway. It was not always abundantly clear to businesses if the area outside of their premises was deemed as being on the highway, hence the reason why officers liaised closely with WCC Highways and businesses as to whether a pavement licence was actually required or not.

With regards to compliance and enforcement, Members were informed that compliance and enforcement officers would look to 'fact find' before engaging with businesses on any non- compliance issues and a staged approach to any possible enforcement action.

<u>RESOLVED</u> that the draft Policy on Pavement Licencing, as detailed at Appendix 2 to the report, be approved and adopted with immediate effect.

19/24 TERRORISM (PROTECTION OF PREMISES) BILL (MARTYN'S LAW) -VERBAL UPDATE

Members received a verbal update from the Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), on The Terrorism (Protection of Premises) Bill (Martyn's Law).

At the Licensing Committee meeting held on 7th August 2023, Members received an information report on the Terrorism (Protection of Premises) draft Bill "Martyn's Law" which had been published in draft form by the Government to allow for pre-legislative scrutiny of the legislation by the Home Affairs Select Committee.

The Terrorism (Protection of Premises) draft Bill was in response to the twenty-two people who were killed, and the hundreds of others injured, in a terror attack at the end of a concert taking place at the Manchester Arena in 2017.

The Government launched a public consultation in February 2021 on proposals to bring in legislation to implement a "Protect Duty" to ensure that those responsible for publicly accessible locations were ready and prepared to take appropriate action, were a terrorist attack to happen.

The "Protect Duty" had also become widely known as "Martyn's Law" in tribute to Martyn Hett who lost his life in the Manchester Arena attack.

Alongside its consultation response document, the Government published a draft version of the Terrorism (Protection of Premises) Bill.

The first reading of the Bill took place on 12th September 2024, with the second reading on 14th October 2024. The Bill was now proceeding through the Committee stage.

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Members were reminded that qualifying public premises may be located within other premises, such as a retail store within a shopping centre. The requirements would not apply to premises (or parts thereof) that were used as private dwellings or offices.

Qualifying public premises may be either standard duty premises or enhanced duty premises. Enhanced duty premises were those with a public capacity of 800 individuals or more. A Standard tier premises initially applied to those with a capacity of more than 200 people but under 800. This had now been changed to a capacity of more than 300 people but under 800. An Enhanced tier premises would apply to premises with a capacity of more than 800 individuals.

Clarification had been given as to who would be 'The Regulator.' The regulator would be the Security Industry Authority (SIA) who would primarily provide a guidance function for businesses; and also have the ability to impose a range of civil sanctions which would be utilised to address non-compliance. However, local authorities would still have a role to play.

Going forward, the Bill would help to mitigate possible terrorist attacks.

<u>RESOLVED</u> that the verbal update on The Terrorism (Protection of Premises) Bill (Martyn's Law) be noted.

20/24 FREQUENTLY ASKED QUESTIONS (FAQ) COUNCIL'S WEBSITE, LICENSING PAGES - VERBAL UPDATE

Members received a verbal update on including Frequently Asked Questions (FAQ) on the licensing pages of the Council's website.

The suggestion of FAQ had come about following a report presented to Members at the Licensing Committee meeting held on 22nd July 2024, on the proposed changes to the Council's Hackney Carriage and Private Hire Vehicle Policy, 1st September 2022, in respect of vehicles previously written off.

During that meeting, Members had asked that following the consultation responses received to the proposed changes to the Council's Hackney Carriage and Private Hire Vehicle Policy, with regards to vehicles previously written off; could information on the changes, if approved by the Committee, be included on the Council's website licensing pages, under 'Frequently Asked Questions (FAQ).

The Principal Officer (Licensing), WRS had agreed to scope this and had stated that the Council's Hackney Carriage and Private Hire Licensing Policy was a lengthy and detailed document, so it could prove useful to look at condensing the contents into salient points, including any policy changes, and also questions that WRS licensing officers were frequently asked into a FAQ section on the Council's licensing web pages.

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Members felt that having this information on the Council's website licensing pages would be useful for ease of access to licensing information for applicant's, licensed drivers and operators.

The Principal Officer (Licensing), WRS informed Members that having liaised with WRS colleagues, he was made aware that officers were currently implementing an Automation Project for licensing forms to be submitted electronically (on-line). The Temporary Events Notice (TEN) form had gone live during September 2024, with other licensing forms being made available electronically during the Automation Project.

WRS colleagues working on the Automation Project had also planned to do some work alongside the electronic forms in creating a FAQ section. Once some of the specific forms, in the Automation Project schedule, e.g., Premises Licence Applications and variations etc. were embedded; WRS colleagues would move onto Taxi Applications.

There was no definite timescale for the creation of electronic forms for Taxi Applications, but officers would ensure that FAQ were included on the Council's website once the forms were embedded.

The Principal Officer (Licensing), WRS highlighted that by doing this it may also reduce the number of similar enquires that licensing officers received.

<u>RESOLVED</u> that the verbal update of Frequently Asked Questions on the Council's website, licensing pages be noted.

21/24 LICENSING COMMITTEE WORK PROGRAMME 2024/2025

The Committee considered the Work Programme for 2024/2025.

<u>**RESOLVED</u>** that the Licensing Committee Work Programme for 2024/2025, be noted.</u>

22/24 ANY ENFORCEMENT / APPEALS UPDATES

There were no Enforcement / Appeals updates.

At this stage in the meeting the Chairman took the opportunity to inform Members that the Principal Officer (Licensing), WRS would be leaving the authority to take up a new role.

The Chairman and Members expressed their sincere thanks to the Principal Officer (Licensing), WRS.

The meeting closed at 7.06 p.m.

<u>Chairman</u>

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24 March 2025

PRIMATE KEEPER LICENSING

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Director of
	Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. <u>SUMMARY OF PROPOSALS</u>

- 1.1 The Animal Welfare (Primate Licences) (England) Regulations 2024 were made in March 2024 and are due to take effect from 6 April 2025. The regulations introduce a new licensing regime for those that keep primates in England.
- 1.2 Under these regulations, the Council will be responsible for considering and determining applications for licences as well as undertaking compliance and enforcement activities.
- 1.3 This report has been prepared to provide the Licensing Committee with information on the background and details of the licensing regime that is coming into effect.

2. <u>RECOMMENDATIONS</u>

- 2.1 Members are asked to:
 - i. Note the contents of the report and the implications of the Animal Welfare (Primate Licences) (England) Regulations 2024 on the Council.
 - ii. Recommend to Council that the Fees applicable to Primate Keeper Licences are set.

3. KEY ISSUES

<u>Summary</u>

3.1 BACKGROUND TO THE REGULATIONS

3.2 The RSPCA estimates that there are up to 5000 primates that are owned

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LICENSING COMMITTEE

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Agenda Item 4

privately in Britain. The most commonly kept species are believed to be common marmosets, tamarins and squirrel monkeys.

- 3.3 Primates are highly intelligent, long-lived animals who form intricate social relationships with each other and experience emotions, and suffer, in a similar way to humans. Meeting the complex physical and behavioural needs of these wild animals in captivity is incredibly difficult and even modern zoos and research facilities, with all their resources and expertise, are still trying to overcome serious welfare problems.
- 3.4 Some of the consistent areas of concern for primates kept as pets that can cause serious suffering are:
 - Social isolation
 - Early weaning
 - Cramped and inappropriate housing
 - Poor diet
- 3.5 Animal welfare organisations, including the RSPCA and Born Free have campaigned for over 20 years to end the keeping of primates as pets.
- 3.6 At the 2019 general election, the Conservative, Labour and Liberal Democrat manifestos all contained commitments to ban the keeping of primates as pets.
- 3.7 Following the Conservative victory at the 2019 general election, a call for evidence was undertaken in which 98.7% of respondents expressed support for a ban on keeping, breeding, acquiring, gifting, selling or otherwise transferring primates, apart from to persons licensed to keep primates to zoo-level standards.
- 3.8 Measures to end the keeping of primates as pets were then included in the DEFRA "Action Plan for Animal Welfare" and formed part of the Animal Welfare (Kept Animals) Bill laid before Parliament. However the government took the decision in May 2023 to drop this bill amid concerns about "scope-creep." The government announced that they would instead bring forward measures contained in the bill individually during the remainder of the Parliament.
- 3.9 In June 2023, DEFRA consulted again on making regulations under section 13 of the Animal Welfare Act 2006 to introduce a licensing regime and high standards of care and welfare for primates kept as pets.
- 3.10 On 5 March 2024, the Animal Welfare (Primate Licences) (England) Regulations 2024 were made under section 13 of the Animal Welfare Act 2006. This is the same primary legislation under which licensing regimes have previously been implemented for those involved in:

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- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

3.11 THE ANIMAL WELFARE (PRIMATE LICENCES) (ENGLAND) REGULATIONS 2024

- 3.12 The Animal Welfare (Primate Licences) (England) Regulations 2024 will come into force in two phases on 6 April 2025 and 6 April 2026.
- 3.13 It will become an offence to keep a primate in England without a licence from 6 April 2026. The only exemptions to the requirement to hold a licence will be where the primates concerned are being kept in a licensed zoo or a place specified in a licence under section 2C of the Animals (Scientific Procedures) Act 1986.
- 3.14 Applications for licences can begin to be made from 6 April 2025 onwards. The licensing authority for the purposes of the regulations is the local authority in whose area the premises at which a primate is kept or is to be kept are situated.
- 3.15 An application may not be made by an individual who is under the age of 18 or who is disqualified from keeping primates under any of the following:
 - section 34(2) of the Animal Welfare Act 2006
 - section 1 of the Protection of Animals (Amendment) Act 1954
 - section 40(1) of the Animal Health and Welfare (Scotland) Act 2006
 - section 33(1) of the Welfare of Animals Act (Northern Ireland) 2011
- 3.16 On receipt of an application for a licence, the local authority will be required to arrange for a suitable person to inspect the premises specified in the application to determine whether the licence conditions are likely to be met if the application were to be granted.
- 3.17 Following that inspection, if satisfied that the licence conditions are likely to be met, the local authority must grant the applicant a primate licence with effect from such date as it may determine. If the local authority is not satisfied that the licence conditions are likely to be met, it must refuse the application. Licences will normally be granted for a period of up to three years and then expire.
- 3.18 The licence conditions that must be met are set out in Schedule 1 of the regulations and will be supported by detailed guidance that will be given by the Secretary of State in accordance with regulation 20. The conditions will set high care and welfare standards similar to those that are required to be met when primates are kept in licensed zoos.

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- 3.19 The regulations also contain provisions relating to inspections and enforcement. A local authority that has granted a primate licence may, during the licence period, arrange for a suitable person to inspect the premises specified in the licence to determine whether the licence conditions are being met and must do so at least once in that period unless the licence was granted for a period of less than one year.
- 3.20 It will be an offence to for a licence holder to fail to comply with a licence condition. The offence carries a penalty of an unlimited fine. Local authorities will also have the power to serve a "rectification notice" as an alternative to prosecuting a licence holder who fails to comply with a licence condition.
- 3.21 A rectification notice must:
 - state that the local authority considers that the holder of the licence is failing to meet a licence condition, and why;
 - specify the steps that the local authority considers that the holder of the licence needs to take to comply with the licence condition;
 - specify a period not exceeding two years in which those steps are to be taken ("the rectification period");
- 3.22 Where a rectification notice has been given, the local authority cannot bring proceedings for non-compliance with any of the licence conditions identified in the notice before the end of the rectification period and if the required steps are taken during the rectification period, no proceedings can be brought subsequently for that non-compliance. The local authority may extend the rectification period, and may do so more than once, so long as the rectification period as extended does not exceed two years.
- 3.23 A local authority that has granted a primate licence may also revoke or vary the licence if the local authority is satisfied that the holder of the licence has failed to:
 - comply with a licence condition;
 - allow access for an inspection;
 - pay a fee charged; or
 - take the steps specified in the rectification notice.
- 3.24 This reference to varying a primate licence means varying it by:
 - reducing the number of any primates of any species that is authorised
 - to be kept under the licence; or
 - removing any species of primate specified in the licence

3.26 **PREPARATION AND NEXT STEPS**

3.27 Officers are currently preparing for the implementation of the regulations. A dedicated webpage has been created on the Councils website to provide information about the new licensing requirements. This webpage will continue

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to be developed as further information becomes available. The implementation of the licensing regime will also be publicised with the help of the Council's Communications Team.

3.28 An application form is being developed and proposed fees have been calculated as follows:

Application for the grant of a licence	£366.00
Application for renewal of a licence	£300.00
Application for variation of a licence	£267.00
Inspections fees	£182.00

- 3.29 Back-office systems are also in the process of being updated to enable applications to be logged and processed and to enable licences to be issued.
- 3.30 Officers are also working to try and gather information and intelligence from relevant professionals and the public in order to try and identify any primates that are being kept in the Council's area and whose keepers will need to apply for a licence.

3.31 CONSULTATION

3.32 No consultation is required.

3.33 MONITORING

- 3.34 The Secretary of State may require a local authority to provide any of the following information to the Secretary of State:
 - the number of primate licences in force in the authority's area;
 - the number of primates by species in the authority's area kept under primate licences;
 - the level of fees charged by the authority under the regulations;
 - any other information relating to the discharge of the authority's functions under the regulations that the Secretary of State may reasonably require.
- 3.35 The Secretary of State may require any relevant information is provided within such period as they may reasonably require, which must be at least a period of one month from the date on which the information was requested.

4. FINANCIAL IMPLICATIONS

4.1 Local authorities can charge a fee in respect of any application relating to a primate licence and can also charge a fee in respect of any inspection which it must or may arrange under the regulations. Licence fees should be calculated based on cost recovery and will be reviewed annually to ensure they are set at the right level.

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5. <u>LEGAL IMPLICATIONS</u>

5.1 The Animal Welfare (Primate Licences) (England) Regulations 2024 have been made under section 13 of the Animal Welfare Act 2006 and place powers and responsibilities on the Council in respect of the licensing of those that keep primates in their area.

6. <u>RISK MANAGEMENT</u>

- 6.1 Failure to implement the new licensing regime correctly would leave mean that the Council is not fulfilling its statutory obligations as the licensing authority for licences issued under the Animal Welfare (Primate Licences) (England) Regulations 2024.
- 6.2 Any primate being kept in the Council's area otherwise than in accordance with the prescribed licence conditions, may experience serious suffering as a result.

7. BACKGROUND PAPERS

7.1 The Animal Welfare (Primate Licences) (England) Regulations 2024

AUTHOR OF REPORT

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MANDATORY SAFEGUARDING TRAINING FOR LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Cllr Kit Taylor
No
Simon Wilkes – Director of
Worcestershire Regulatory Services
All Wards
N/A

1. <u>SUMMARY OF PROPOSALS</u>

1.1 To inform Members of the outcome of the recent 12-week consultation with relevant stakeholders and members of the public on the proposal to introduce mandatory safeguarding refresher training for all Bromsgrove District Council licensed hackney carriage and private hire drivers and ask that the recommendation as set out below be considered and approved.

2. <u>RECOMMENDATIONS</u>

2.1 Members are asked to:

Approve an amendment to the existing Hackney Carriage and Private Hire Driver Licensing Policy, as set out below and in Appendix 2:

That with effect from 1st April 2025 each time a licence holder renews their licence they must undertake safeguarding training delivered by the Council's approved training provider prior to submitting their renewal application.

3. KEY ISSUES

- 3.1 Consultation on the proposed policy amendment took place over a 12week period. It comprised of a survey which was available to complete online via the Council's website and was promoted by the Council's Communications Team, across a range of channels. Information on the consultation, along with details on how to respond were sent directly to:
 - Bromsgrove District Council licensed drivers, vehicle proprietors and private hire operators
 - National Private Hire and Taxi Association

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- Licensed Private Hire Car Association
- West Mercia Police
- Safer Roads Partnership
- West Mercia Police and Crime Commissioner
- Worcestershire County Council Relevant contacts at Worcestershire County Council, including those responsible for safeguarding children and adults and arranging home to school transport
- Relevant interest groups, including those that represent people with disabilities and the elderly
- Relevant local business groups
- District, Town and Parish Councillors
- 3.2 In total there were 22 responses received to the online survey. Of the 22 respondents, 12 were holders of a taxi/private hire driver licence, 1 response was received from a user of hackney carriage and private hire vehicles, 5 were from local councillors. There were also 4 other independent responses from external bodies which included responses from West Mercia Police, the Crime Commissioner and a Police Licensing Officer.
- 3.3 In response to question 3, 40.9% of respondents indicated that they agree with the Councils proposal to introduce mandatory safeguarding awareness training for all existing hackney carriage and private hire drivers as a requirement for renewing their licence. 54.6% disagreed.
- 3.4 There were 11 detailed responses received in relation to making the training mandatory, with seven of the respondents opposed to the implementation of Safeguarding Refresher Training. Four of the eleven respondents welcomed the proposal believing it offers protection to transport users. The majority of concerns raised were around the training having already been received by the drivers albeit many years ago. The recommendation for the proposal took into consideration the comments regarding taxi drivers are our eyes and ears and deal with the most vulnerable in our society therefore knowing what to do in various situations comes with many benefits.
- 3.5 In summary, the consultation results from those who expanded on their responses, highlighted a mixed reaction to the introduction of safeguarding awareness refresher training for all existing licence holders from 1 April 2025. When asked directly should the proposed refresher training be implemented, 40.9% were in favour; 45.5% opposed; and 13.6% had no firm opinion.

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- 3.6 Officers are aware that some drivers will have undertaken safeguarding training previously and the proposed 3-yearly update will reflect changes in guidance and legislation. The cost of the updated provision to supply these important updates would be kept to a minimum, improving standards for our drivers, service users and the Council.
- 3.7 The cost of this mandatory safeguarding training is £20.00 per applicant and will cover the 3-year licensing period. This is considered very good value, and therefore any consideration of the Council subsidising the cost of this training has been discounted. This also creates a consistent approach to applying this policy to all drivers.

4. Summary

- 4.1 In September 2022, in response to the publication of the Department of Transport's "Taxi & Private Hire Standards" the Council adopted and published a new Hackney Carriage and Private Hire Licensing Policy ('taxi policy'), which introduced a requirement for all new drivers to undertake appropriate safeguarding awareness training, as part of a wider programme of driver training, entitled the 'Competency Certificate'.
- 4.2 Following further consideration of the "Taxi & Private Hire Standards" in relation to driver training, members of this Committee received a report in July 2024 proposing the introduction of refresher training and this Committee supported the principle of undertaking a 12-week consultation exercise with trade members, key stakeholders, and the public, with the results being presented to Committee for consideration.
- 4.4 This report now presents the results of the consultation exercise, which can be found at **Appendix 1** and recommends to Members that the amendments as set out in the revised extract from the Council's current Hackney Carriage and Private Hire Licensing Policy, which can be seen at **Appendix 2** be approved and implemented.

5 **Financial Implications**

5.1 The costs of the safeguarding awareness training itself will be met by the licence holder. Officers are working closely with the training provider to keep costs to a minimum and at cost recovery.

Legal Implications

5.2 The Statutory Taxi and Private Hire Standards have been published by the Department for Transport under the powers set out in section 177 of the Policing and Crime Act 2017.

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- 5.3 Consultation on the proposal referred to in this report to amend this Council's policy was undertaken with licence holders, relevant stakeholders, and the general public over a 12-week period.
- 5.4 Appropriate consultation on any proposals to amend the Council's policies minimises the risk of legal challenge if the proposals are subsequently implemented.
- 5.5 The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice guidance" further states:

"It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), women's' groups or local traders"

6. <u>RISK MANAGEMENT</u>

- 6.1 There is a possible reputational risk to the Council, as the new hackney carriage and private hire licensing policy, introduced in September 2022, only introduced the Competency Certificate to new drivers. Although it was not intended to cause any issues the Council may want to mitigate any risk by ensuring all drivers are in some way exposed to safeguarding awareness training to protect the travelling public.
- 6.2 Having considered the above a full 12-week consultation has taken place with licence holders, key stakeholders and the general public, with the results being considered by Members prior to the amendment of the Council's Hackney Carriage and Private Hire Driver Licensing Policy.

7. <u>APPENDICES</u>

- Appendix 1 Consultation responses
- Appendix 2 Amended Hackney Carriage and Private Hire Licensing Policy extract

8. BACKGROUND PAPERS

8.1 Department for Transport guidance under section 177 of the Policing and Crime Act 2017 entitled "**Statutory Taxi & Private Hire Standards.**" <u>Statutory taxi and private hire vehicle standards - GOV.UK</u> (www.gov.uk)

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AUTHOR OF REPORT

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Consultation Questions and Responses

Q1. Are you responding as:

A licensed hackney carriage / private hire driver	
A user of taxi and / or private hire vehicles	
A trade association	0
A local group	0
A local Councillor	5
Other (please specify)	4

Others specified:

Police and Crime Commissioner for West Mercia		
Police and Crime Commissioner		
I don't think it is necessary		
Police Licensing Officer		

Q2. Are you responding on behalf of a group or organisation?

YES	3	13.6%
NO	19	86.4%

If you have answered YES, please provide details of the group or organisation you are responding on behalf of:

Police and Crime Commissioner, West Mercia		
Barnt Green Parish Council		
Police and Crime Commissioner for West Mercia		

Q3. Do you agree that all those who are licensed by Bromsgrove District Council to drive hackney carriage (taxi) and private hire vehicles should have to undergo mandatory refresher training on safeguarding awareness each time they renew their licence (every three years)?

YES	9	40.9%
NO	12	54.6%
DON'T KNOW	1	4.5%

Please provide an explanation for the answer you have given:

We have done the course once, no need to do it again. It's like asking us to all re-do our GCSE's again as a refresher course. Only new drivers should be doing this.

Taxi drivers of any kind of taxis are in a position of responsibility, they need to be aware of safeguarding issues and the risks their customers are/can be exposed to, they need to know how to what to look out for and how to help if needed.

There is no need for mandatory training for the renewal of licensing drivers. Give the drivers a bit of credit.

Although this seems a good idea, I would be curious to know does attendance at mandatory refresher training on safeguarding improve safeguarding, is there evidence for this, or does it just seem a good idea to be doing something?

I think it is extremely unnecessary

Drivers who have been doing their job for a long time should know their job and what is required by the customer in helping them whenever possible

I think it is not necessary because in my 16 years driving taxi it's not been required.

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Licenced Taxis are a trusted method of transportation, where drivers have a position of trust with customers who may be vulnerable. Safeguarding training, refreshed regularly, not only upholds the high standards expected, but also ensures the taxi driver would have the necessary understanding to act when required to ensure a passenger is safeguarded.

It is important they know how to help and how to report things.

Safeguarding is a crucial issue both for children and vulnerable adults, remembering that the situation may be the determinant of vulnerability (e.g., under influence of drink or drugs).

I am committed to ensuring the safety and well-being of all residents across our region. In alignment within my new West Mercia Safer Communities Plan, I strongly support Bromsgrove District Council's proposal to implement mandatory safeguarding training for all licensed taxi drivers. Here's why I believe that this initiative is crucial:

Enhanced Public Safety

- Vulnerability Awareness: Our taxi drivers often interact with vulnerable groups, such as children, the elderly, people with disabilities, and those under the influence of substances. Safeguarding training will equip them with the skills to recognise signs of abuse, exploitation, or distress, ensuring that help can be provided promptly and appropriately.
- Crime Prevention: Trained drivers will be better prepared to identify and report suspicious activities, such as human trafficking and sexual exploitation, directly contributing to the prevention of these heinous crimes within West Mercia.

Improved Driver Responsibility and Professionalism

- Increased Accountability: By mandating safeguarding training, we ensure that all drivers are fully aware of their responsibilities towards their passengers, promoting a higher standard of professional conduct across the taxi industry in West Mercia.
- Confidence in Handling Situations: This training will give drivers the confidence to manage sensitive situations effectively, reducing the likelihood of incidents escalating into more serious problems.

- Reassurance to the Public: When the public knows that taxi drivers are trained in safeguarding, it reinforces their trust in the safety of using taxi services.
- Positive Image of the Taxi Industry: Our commitment to safeguarding enhances the reputation of the taxi industry, demonstrating that we prioritise the safety and well-being of all passengers.

Legal and Ethical Obligations

- Compliance with Regulations: Safeguarding training ensures that taxi services comply with both local and national regulations concerning the protection of vulnerable individuals, minimising legal risks for drivers and licensing authorities.
- Moral Duty: We have an ethical responsibility to protect the vulnerable members of our community. Supporting mandatory safeguarding training aligns with our moral standards and commitment to public safety.

Community Engagement and Partnership

- Strengthening Community Relations: Trained taxi drivers can act as the eyes and ears of the community, providing valuable information to law enforcement and helping to maintain a safe environment.
- Partnership with Law Enforcement: A collaborative relationship between taxi services and law enforcement enhances our community safety efforts, creating a united front against crime and exploitation.

Long-term Cost Efficiency

- Preventative Measure: Investing in safeguarding training is costeffective in the long run, preventing incidents that could lead to costly investigations, legal actions, and a loss of public trust.
- Resource Allocation: Early identification and reporting of safeguarding concerns enable law enforcement and social services to allocate resources more effectively, addressing issues before they escalate.

Conclusion

Supporting mandatory safeguarding training for all licensed taxi drivers is a key component of the new West Mercia Safer Communities Plan. It enhances public safety, builds trust in our public services, meets legal and ethical obligations, strengthens community partnerships, and promotes cost-effective preventative measures. This initiative not only benefits the immediate community but also contributes to a safer and more responsible West Mercia as a whole.

Q4. Do you agree that this requirement should come into effect on 1st April 2025 and apply to any licence holder who is applying to renew their licence after that date?

YES	9	40.9%
NO	10	45.5%
DON'T KNOW	3	13.6%

If you have answered "NO" when do you think the requirement should come into effect?

New drivers only
Never
When this question is answered. Although this seems a good idea, I would be curious to know does attendance at mandatory refresher training on safeguarding improve safeguarding, is there evidence for this, or does it just seem a good idea to be doing something?
Never
Not at all
Never
Never
Never

If you have any other comments or observations in relation to the proposal please provide these here:

Although this seems a good idea, I would be curious to know does attendance at mandatory refresher training on safeguarding improve safeguarding, is there evidence for this, or does it just seem a good idea to be doing something?

I would like to see evidence for the policy

None

No

I think there is nothing required about this issue.

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2.9.0 Application Requirements – Applicants Renewing a Licence

- 2.9.1 An applicant seeking to renew a licence to drive hackney carriage and/or private hire vehicles must:
 - Continue to benefit from the right to work in the United Kingdom (UK)
 - Be deemed by the Council to remain a "fit and proper person" to hold a licence
- 2.9.2 Before a licence to drive hackney carriage and/or private hire vehicles can be renewed, the applicant must have submitted all of the following:
 - Completed application form
 - A valid DVLA licence check code
 - Application fee
 - A recent passport sized photograph of themselves
- 2.9.3 In addition, any person who has lived outside of the UK for a period of three or more continuous months since their last licence was issued, must provide criminal records information or a "Certificate of Good Character" from each country outside the UK in which they have lived.
- 2.9.4 In addition any person renewing their licence for the first time after they reach the age of 45, 50, 55 or 60, must provide a copy of the Council's prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to their medical records and history.
- 2.9.5 Once a licence holder reaches 65 years of age they will be required to provide a copy of the Council's prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to their medical records and history.
- 2.9.6 With effect from 1st April 2025 each time a licence holder renews their licence they must undertake safeguarding training delivered by the Council's approved training provider prior to submitting their renewal application.
- 2.9.7 If an application to renew a licence to drive hackney carriage and/or private hire vehicles is received more than 14 days after the previous licence has expired, the applicant will be treated as if they were applying for a licence to drive hackney carriage and/or private hire vehicles for the first occasion.
- 2.9.8 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited).

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Agenda Item 6 BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE 24th March 2025

LICENSING COMMITTEE WORK PROGRAMME 2024/25

24th March 2025

- Responses to Consultation on Mandatory Safeguarding Refresher Training for Hackney Carriage and Private Hire Drivers
- Primate Keeper Licensing

Closed Session

 Any Enforcement / Appeals Updates – (verbal) Interim Principal Officer Licensing WRS

2025/26

- CCTV in licensed hackney carriage and private hire vehicles
- Review of Street Trading Policy

Closed Session

 Any Enforcement / Appeals Updates – (verbal) Interim Principal Officer Licensing WRS This page is intentionally left blank