



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

TUESDAY, 3RD JUNE 2008 AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Dr. D. W. P. Booth JP, Miss D. H. Campbell JP, R. J. Deeming, Mrs. R. L. Dent, D. Hancox, Ms. J. A. Marshall, D. McGrath, S. P. Shannon, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, L. J. Turner, M. J. A. Webb and P. J. Whittaker

AGENDA

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held in public session on 10th March 2008 (Pages 1 - 2)
4. Application for Street Trading Consent (Pages 3 - 6)
5. Appointment of a New Hackney Carriage Stand (Pages 7 - 14)
6. 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
7. 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:-

"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 paragraphs of that Part being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>
8	1, 2 and 3 "

8. To confirm the accuracy of the confidential minutes of the Licensing Committee held on 10th March 2008 (Pages 15 - 16)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

22nd May 2008

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 10TH MARCH 2008, AT 2.00 P.M.

PRESENT: Councillors D. Hancox (Chairman), Mrs. R. L. Dent (Vice-Chairman),
Ms. J. A. Marshall, S. P. Shannon, Mrs. M. A. Sherrey JP and L. J. Turner

Officers: Mrs. D. Warren, Mrs. S. Smith and Mr. A. Jessop.

33/07 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dr. D. W. P. Booth J. P., R. J. Deeming, D. L. Pardoe and Mrs. C. J. Spencer.

34/07 DECLARATIONS OF INTEREST

No declarations of interest were received.

35/07 MINUTES

The minutes of the meeting of the Licensing Committee held in public session on 11th February 2008, were submitted.

RESOLVED that the minutes be approved as a correct record.

36/07 LOCAL GOVERNMENT ACT 1972

RESOLVED that, under Section 100 1 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 1 of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being as set out below, and that it was in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
37/07	1, 2 and 3
38/07	1, 2 and 3

37/07 CONFIDENTIAL MINUTES

The minutes of the meeting of the Licensing Committee held in private session on 11th February 2008, were submitted.

RESOLVED that the minutes be approved as a correct record.

38/07 **RENEWAL OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE
DRIVER'S LICENCE**

RESOLVED that the application be approved.

(NOTE: Under Section 4, Paragraph 16.7 of the Council Procedural Rules, Councillors Ms. J. A. Marshall and Mrs. M. A. Sherrey J. P. requested that it be recorded that they had voted against the resolution).

The meeting closed at 3.10 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

3RD JUNE 2008

APPLICATION FOR STREET TRADING CONSENT

Responsible Portfolio Holder	Councillor Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 To consider an application for Street Trading consent to permit the sale of ice cream and sorbets in Bromsgrove High Street.

2. RECOMMENDATION

- 2.1 That Members are asked to consider either granting the application subject to the Council's standard conditions together with those recommended by Environmental Health; or refuse the application.

3. BACKGROUND

- 3.1 The Council has received an application to sell ice cream, sorbets and possibly chocolates and fruit salad from a mobile unit in the High Street, Bromsgrove every Monday through to Saturday from 10.30 a.m. to 5.30 p.m. during the months of April to October.
- 3.2 When considering an application for street trading consent, the Council consults with Environment Health, Economic Development, Street Scene and Community and Legal Services.
- 3.3 No objections were received from both Environmental Health and Street Scene and Community, subject to the food unit complying with the provisions of current food safety and health and safety legislation.
- 3.4 Objections have however been received from Economic Development on the following grounds:
- that the positioning of the unit would interfere with the layout of the regular Farmers' Market;
 - Existing traders and shopkeepers would object;
 - Existing traders in Chapel Precinct have requested that stalls are not positioned in the vicinity of the Houseman Statue as it impedes access and visibility to their premises.

3.5 Although the Council has a number of designated consent streets in the district, which includes the High Street for street trading, at present the Council's policy is not to grant Street Trading Consents except in the most exceptional circumstances. The only permits which are now granted are (a) for the regular Farmer's Market (b) for the annual Elizabethan Street Market and (c) for the hot dog stall which trades in conjunction with the Christmas Lights switch-on.

3.6 Members' may wish to further note that Officers' are in the process of reviewing the Council's Policy with regard to Street Trading with a view to extending the Policy to incorporate the whole district including lay-bys, as well as reviewing the current fee structure. A report will be submitted to Members in due course.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5. LEGAL IMPLICATIONS

5.1 Street Trading Consents are issued in accordance with Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Paragraph 2 of the Act permits the Council to grant a consent if they think fit.

5.2 In accordance with paragraph 7(4) and 7(5) of the Act, when granting a street trading consent, the Council may attach conditions to it as they consider reasonable necessary to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise).

5.3 Paragraph 8 of the Act, further permits the Council to include in a street trading consent permission for its holder to trade in a consent street from a stationary van, cart, barrow or other vehicle or from a portable stall.

5.4 Paragraph 10 of the Act states that a consent may be granted for any period not exceeding 12 months, but may be revoked at any time.

5.5 There is no right of appeal against the refusal to grant a street trading consent.

6. COUNCIL OBJECTIVES

6.1 This proposal contributes to the Council's objective "Sense of community and well being".

7. RISK MANAGEMENT

7.1 There are no risks associated with the detail included in this report.

8. CUSTOMER IMPLICATIONS

8.1 The applicant will be notified in writing of the decision of the Council within five working days.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no equalities and diversity implications.

10. VALUE FOR MONEY IMPLICATIONS

10.1 There are no value for money implications.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Policy Policy implications are set out in paragraph 3.5 above.
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No

Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

St. Johns Ward.

14. APPENDICES

None.

15. BACKGROUND PAPERS

Email received from Economic Development
Email received from Environment Health
Email received from Street Scene and Community

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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

3RD JUNE 2008

APPOINTMENT OF A NEW HACKNEY CARRIAGE STAND

Responsible Portfolio Holder	Councillor Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 To consider creating a new Hackney Carriage Stand (rank) outside the Golden Cross Hotel, High Street, Bromsgrove. The proposed rank will accommodate 5 vehicles.

2. RECOMMENDATION

- 2.1 That Members approve the creation of a new Hackney Carriage Stand outside the Golden Cross Hotel, High Street, Bromsgrove, in accordance with the attached plan, subject to the necessary amendments being made to Traffic Regulation Orders.

3. BACKGROUND

- 3.1 The Council has been approached by the Police Authority to look at introducing an additional Hackney Carriage Stand in the Town area to help reduce crime and disorder during the evenings, as well as enhancing current taxi rank provision by making proper provision for public transport providers and users.

- 3.2 At present the Council operates the following Hackney Carriage Stands:

The Strand (outside Oceans fish bar) - Two spaces

The Bus Station - Five spaces

Hanover Street Car Park (evenings only) - Six spaces
(this rank may be affected by the town centre re-development project)

- 3.3 At present the Council currently licenses 77 Hackney Carriage owners, who mainly operate from the rank at the Bus Station.

- 3.4 Following meetings with the Police Authority and the Worcestershire County Council, the Highways Authority have put forward the following detailed proposal in respect of the new rank:
- Proposed loading/unloading 7am-7pm and hackney carriage stand 7pm-7am (equivalent to 3 spaces), from a point 4 metres south-west of the northern property boundary of no. 24 High Street for a distance of 15 metres in a south-westerly direction; and
 - Proposed full-time hackney carriage stand (equivalent to 2 spaces), from a point 19 metres south-west of the northern property boundary of no. 24 High Street for a distance of 10 metres in a south-westerly direction.
- 3.5 Members may wish to note that if the Traffic Regulation Order is amended to incorporate the new rank, the daytime usage of the existing 'loading bay' as set out in the first bullet point above, will prevent any long stay parking (this would also apply to Blue Badge Permit Holders) and would only be used for loading and unloading of any vehicle. If long stay parking was permitted, it could prevent goods vehicles using the lay-by and could encourage them to off-load deliveries elsewhere, possible in hazardous locations.
- 3.6 A plan showing the location of the proposed rank is attached at Appendix 'A'.
- 3.7 No objections have been received from the public following the publication of a notice in the Bromsgrove Standard. Formal consultation has also taken place with the local Police Authority, the Chief Constable and the Highways Authority, who have no objections to the proposal.
- 3.8 All Hackney Carriage Owners have been consulted on the proposal and the majority of the responses received were in favour of the proposed rank in this location.
- 3.9 Should Members approve the detailed proposal, the Highways Authority will then be in position to start their consultation process to amend the Traffic Regulation Order.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the public notice and other administrative costs will be met from existing budgets.
- 4.2 The cost of the signage and appropriate road markings will be met by the Police Authority through the Crime and Disorder Reduction Partnership.
- 4.3 The cost of amended the Traffic Regulation Order will be met by the Highways Authority.

5. LEGAL IMPLICATIONS

- 5.1 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create and revoke ranks.
- 5.2 The Traffic Regulation Order would need to be amended and the Worcestershire County Council's Highways Unit have the power to do this.

6. COUNCIL OBJECTIVES

- 6.1 This proposal contributes to the Council's objective "Sense of community and well being".

7. RISK MANAGEMENT

- 7.1 The main risk associated with the detailed included in this report are:
- To ensure that public transport is readily available, accessible and effective in contributing to the night time economy.
- 7.2 This risk is being managed as follows:

Risk Register: Planning and Environment Services
Key Objective Ref No. 8
Key Objective: Effective, efficient and legally compliant Licensing Service

8. CUSTOMER IMPLICATIONS

- 8.1 All Hackney Carriage owners will be notified in writing before the new rank takes effect and will be kept informed of progress via newsletters.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 Although the proposed new rank will provide additional public transport facilities, blue badge permit holders will not be permitted to park on the taxi rank and will only be permitted to park in the loading/unloading lay-by for as long as it takes to load/unload their vehicle. However, permit holders will still be able to park for up to 3 hours on the remaining single and double yellow lines in the vicinity, providing they are not causing an obstruction.

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 The Council is working in partnership with the Police Authority and the Highways Authority to help keep costs down to a minimum.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The creation of the additional rank will help reduce crime and disorder and compliment the night time economy
Policy None
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (Partnerships and Projects)	Yes
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

The proposed Stand will be situated in the St. Johns Ward.

14. APPENDICES

Appendix 1 Location plan of proposed Stand

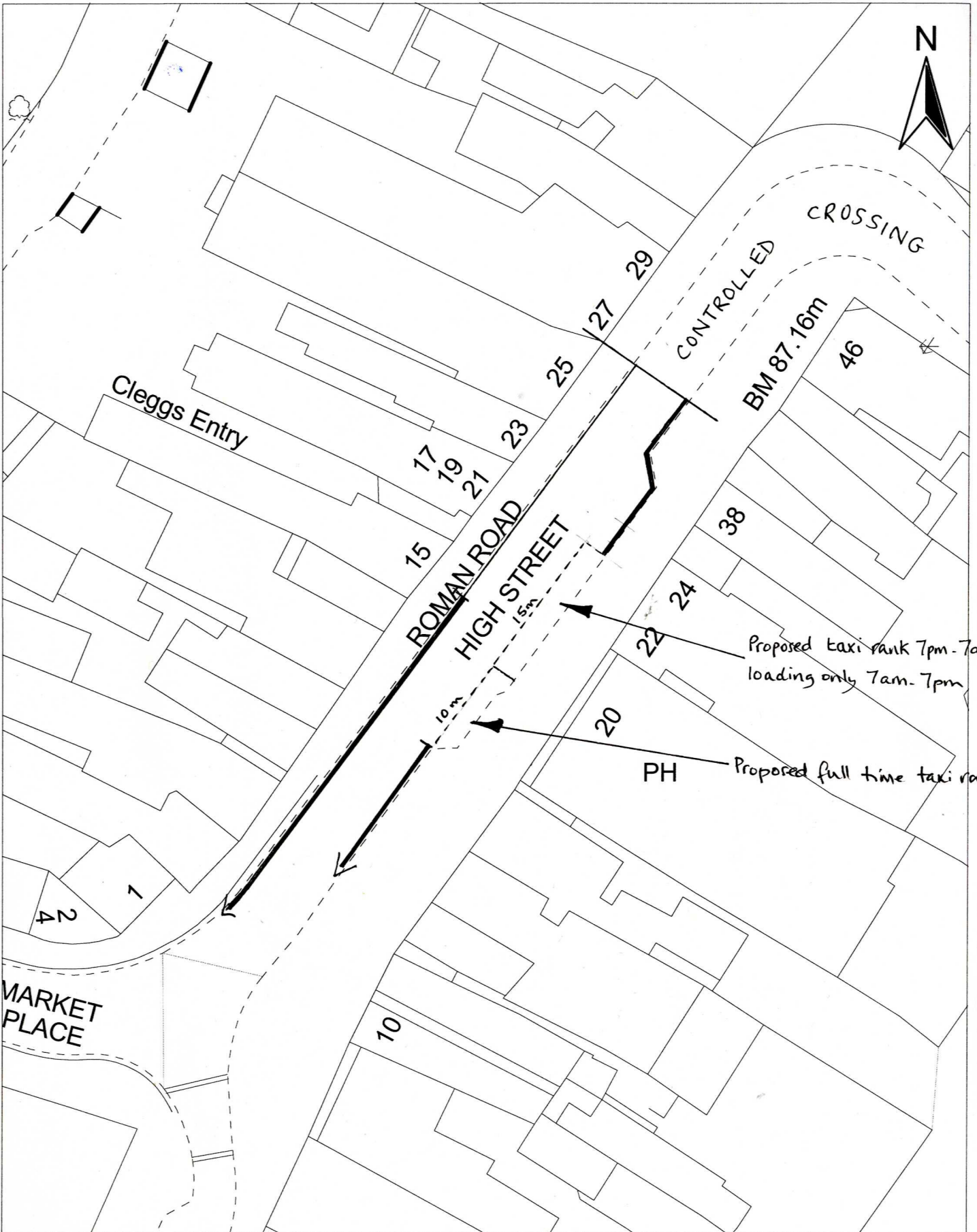
15. BACKGROUND PAPERS

Letter of response received from the Local Police Authority
Letter of response received on behalf of the Chief Constable
Emails received from the Highways Authority

CONTACT OFFICER

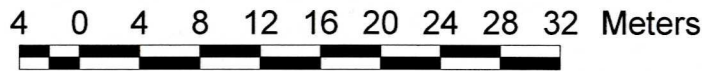
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Scale: 1:500



HIGH STREET, BROMSGROVE
 PROPOSED TAXI RANKS

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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