

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING COMMITTEE**

**MONDAY, 24TH JUNE 2013 AT 6.05 P.M.**

PRESENT: Councillors Mrs. R. L. Dent (Chairman), Mrs. C. J. Spencer (Vice-Chairman), Mrs. S. J. Baxter, J. R. Boulter, Ms. M. T. Buxton, S. J. Dudley, Miss P. A. Harrison, Mrs. H. J. Jones, R. J. Shannon and S. P. Shannon

Invitees: Mr. L. Eacock, Chairman, Bromsgrove Taxi Association

Officers: Mrs. V. Brown, Mr. N. McMenamin, Mr. C. Santoriello-Smith and Mrs. P. Ross

8/13 **APOLOGIES**

Apologies for absence were received from Councillors Mrs. J. M. L. A. Griffiths, J. S. Brogan and K. A. Grant-Pearce.

9/13 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

10/13 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 20th May 2013 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

11/13 **DPPO - DESIGNATED PUBLIC PLACES ORDER - REVIEW UPDATE**

Members considered a report which provided an update on the Designated Public Place Orders (DPPOs) review that had been suspended until July 2013 and the new legislation in the Anti-Social Behaviour Crime and Policing Bill.

Members were reminded that at the Licensing Committee meeting held on 16th April 2012 the DPPOs review was suspended until July 2013 to allow officers to arrange for a change of signage across the district and to undertake a programme of public awareness raising activities.

The Senior Community Safety Officer introduced the report and in doing so informed the Committee that Bromsgrove District Council had granted 22 DPPOs to tackle adult alcohol-related anti-social behaviour.

In December 2012 the Draft Anti-Social Behaviour Crime and Policing Bill was published. This legislation proposed to replace 19 existing powers to tackle anti-social behaviour with new powers. A new Public Space Protection Order (PSPO) was proposed to replace DPPOs. A PSPO could be issued by the local authority if it was satisfied that activities taking place in a public place within the district were having a detrimental effect on the quality of life of those in the surrounding area. In light of these planned legislative changes it was recommended that any review of DPPOs should be suspended until the Anti-Social Behaviour Crime and Policing Bill received Royal Assent, which was likely to be in May or October 2014.

The transitional arrangements from DPPOs to PSPOs were set out in Section 68 of the Bill. Any DPPOs in place prior to the commencement of the Act would not be repealed or amended by the Act for a period of 3 years. At the end of the 3 year transitional period any DPPOs still in force would remain in force as if they were provisions of a PSPO. During the 3 year transitional period a review of all DPPOs should be considered prior to them becoming PSPOs. This would provide the Council with the opportunity to ensure that its PSPOs were appropriate, proportionate and used to their full potential.

The Senior Community Safety Officer responded to Members' questions in respect of the delays in replacing current signage and if there would be a need to replace newly erected signage once the Bill had received Royal Assent. The Senior Community Safety Officer was tasked to provide Committee Members with more detailed information with regard to the outstanding areas where signage had yet to be replaced.

**RESOLVED:**

- (a) that the review of current Designated Public Place Orders (DPPOs) in the Bromsgrove District be deferred until the Anti-Social Behaviour Crime and Policing Act obtains Royal Assent; and
- (b) that officers be requested to provide a further update report to Licensing Committee Members to brief them on the new legislation in the Anti-Social Behaviour Crime and Policing Act once the Act has received the Royal Assent.

12/13 **LICENSING ANNUAL REPORT**

The Committee considered an annual report which provided an overall view of functions carried out by Worcestershire Regulatory Services (WRS) Enforcement and Licensing Teams for Bromsgrove District Council during 2012/2013.

The Senior Licensing Practitioner introduced the report and in doing so informed the Committee that since 1st June 2010 the WRS Licensing Team had taken over the statutory functions of licensing and enforcement of regulated activities and businesses operating under the Licensing Act 2003, the Gambling Act 2005 and taxi licensing on behalf of Bromsgrove District Council.

The report detailed the number of new licences issued and granted by Bromsgrove District Council in 2012/2013, under the Licensing Act 2003 and the number of premises which had continued to be licensed by the Council under the Gambling Act 2005. The number of Hackney Carriage and Private Hire licensed vehicles and drivers had remained fairly consistent within the District.

Licensing Officers attended the Taxi Forum which the licensed Hackney Carriage and Private Hire trade held approximately 4 times a year. This forum continued to be a useful opportunity for members of the trade to raise and discuss any issues which they felt were current and relevant with the Council. Licensing Officers kept in regular contact with the appointed taxi trade representatives. WRS Licensing Team officers regularly attended and represented Bromsgrove District Council at a number of local and regional meetings as detailed at paragraph 3.16 of the report.

The Senior Licensing Practitioner responded to Members' questions with regard to the accuracy of the number of betting premises as detailed at paragraph 3.9 of the report. The Senior Licensing Practitioner agreed to clarify the figure shown with officers and to provide Members with further detailed information on the location of the betting premises within the District.

The Senior Licensing Practitioner responded to Councillor S. P. Shannon in respect of the volume of personal licenses due for renewal in 2015. Members were informed that WRS would have a strategy in place to deal with the high number of re-applications for the District in 2015.

**RESOLVED** that the Licensing Annual Report 2012/2013 be noted.

13/13 **HACKNEY CARRIAGE FARE INCREASE - REQUEST**

The Committee were asked to consider a report which detailed a formal request received by the Council from the Bromsgrove Taxi Association to increase the mileage rates charged to passengers by adding 50 pence to the flag charge. The flag charge was the initial amount displayed on the meter and charged for the first mile of the journey.

The Senior Licensing Practitioner introduced the report and in doing so informed the Committee that the Bromsgrove Taxi Association had only requested an increase on the flag charge and had not requested an increase on the running mile cost or any change to any other tariff or surcharge. The formal request from the Bromsgrove Taxi Association, as detailed at Appendix 2 to the report, highlighted a rise of 14.3% over the last five years, this equated to 2.86% per annum, increasing the flag charge from £3.50 to £4.00. As a consequence, the Council had consulted with all Hackney Carriage owners on the proposal put forward by the Bromsgrove Taxi Association. Paragraph 3.8 of the report detailed the responses received.

Members were informed there was a statutory requirement to publish the proposal in the form of a Notice, specifying the day on which it would come into force, in at least one local newspaper and to allow 14 days for any objections to be made. During that period a copy of the Notice must be made available for inspection at the Council offices at all reasonable hours.

At the invitation of the Chairman, Mr. L. Eacock spoke, as Chairman of the Bromsgrove Taxi Association. He informed the Committee that there had not been an increase in fares in the last five years. Bromsgrove Taxi Association had made a formal request to increase the flag charge only. Licensed drivers had faced an increase in fuel charges and insurance costs.

**RESOLVED:**

- (a) that Members agree to vary the Hackney Carriage table of fares as proposed by the Bromsgrove Taxi Association; and
- (b) that authority be delegated to the Head of Worcestershire Regulatory Services to carry out the required advertising of the variation and to implement the variation if no objections were received.

14/13 **FEES AND CHARGES**

The Committee considered a report which requested authorisation to consult on proposed increases to the fees and charges charged for Hackney Carriage Vehicle licenses and Private Hire Vehicle licences and operator licenses.

The Senior Licensing Practitioner informed the Committee that in accordance with section 70 of the Local Government (Miscellaneous Provisions) Act 1976, where fees in respect of Hackney Carriage and Private Hire and operator licenses were varied, this had to be advertised before the increases could be implemented. At the Cabinet meeting held on 22nd February 2012 Members approved an increase to the fees and charges in respect of Hackney Carriage Vehicle licenses and Private Hire Vehicle licenses and operator licenses. Unfortunately, due to a communication error these proposed fees were not advertised after being approved by Cabinet.

Approval was being sought to advertise the proposed fees with a view to implementing them as soon as possible. Paragraphs 3.10 and 3.11 of the report detailed the necessary actions to be taken if any objections were made during the consultation period.

**RESOLVED:**

- (a) that authority be delegated to the Head of Worcestershire Regulatory Services to consult on the increases made to the fees and charges for Hackney Carriage Vehicle licenses and Private Hire Vehicle licenses and operator licences, and to implement the increased fees if no objections were received or if all objections received were withdrawn.

15/13 **LICENSING COMMITTEE WORK PROGRAMME 2013/2014**

Members were asked to consider the Licensing Committee Work Programme 2013/2014.

**RESOLVED** that the Licensing Committee Work Programme 2013/2014 be noted.

The meeting closed at 7.52 p.m.

Chairman