

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 17TH MARCH 2014 AT 6.00 P.M.

PRESENT: Councillors C. J. Spencer (Vice-Chairman), S. J. Baxter, J. S. Brogan, M. T. Buxton, S. J. Dudley, K. A. Grant-Pearce (substituting for P. A. Harrison), J. M. L. A. Griffiths, H. J. Jones, R. J. Shannon and S. P. Shannon

Officers: Mrs. V. Brown, Mr. D. Etheridge, Mrs. A May (observing) and Mrs. P. Ross

28/13 **APOLOGIES**

Apologies for absence were received from Councillors R. L. Dent and P.A. Harrison. Councillor K. A. Grant-Pearce confirmed he was attending as a substitute Member.

29/13 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

30/13 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 25th November 2013 were submitted.

RESOLVED that the minutes be approved as a correct record.

31/13 **WORCESTER ROAD HACKNEY CARRIAGE STAND - NEW PROPOSAL**

Following on from the Licensing Committee meeting held on 25th November 2013 consideration was given to a further report that provided Members with details of a new proposal to provide additional spaces for hackney carriages to stand and ply for hire in Worcester Road.

The Senior Licensing Practitioner introduced the report and in doing so drew Members' attention to the original proposal which had been put forward by the Taxi Trade as detailed in the report presented to Licensing Committee Members on 25th November 2013. After considering the responses received and the objections raised in the 28 day public consultation, on the original proposal undertaken by Worcestershire Regulatory Services (WRS), Members had agreed that officers be tasked to explore other options for creating additional rank spaces in the Worcester Road area.

In December 2013 officers met with the following key stakeholders; West Mercia Police Traffic Management Advisor, Worcestershire County Council Highways Senior Traffic Management Engineer and Mr. Eacock Bromsgrove Taxi Association. The meeting included a site visit to Worcester Road and the surrounding area to consider and evaluate the options to increase the provision of space for hackney carriages to stand and ply for hire at night. The proposal, as detailed at sections 3.14 and 3.15 in the report, was agreed by all key stakeholders to be the best and only realistic available option for increasing provision for hackney carriages to stand at night in Worcester Road. Councillor R. J. Shannon expressed his concerns that Ward Members had not been invited to attend the meeting with key stakeholders as he felt they should have been invited to attend.

The intention was that the proposed hackney carriage stand would operate predominately as a 'feeder' to the existing part-time stand. If the proposed stand operated in this way, it would ensure that passengers could enter vehicles directly from the pavement on the nearside. This was considered to be safer than having to enter the vehicle from the middle of the road, where there could be an increased traffic accident risk on a relatively narrow road. The Senior Licensing Practitioner further informed Members, that as detailed in the report, it was understood that the current management of the nightclub in Worcester Road had offered to provide marshals to help manage the taxi queue and direct passengers to enter taxis from the existing part-time rank rather than the proposed 'feeder' facility.

Worcestershire County Council Highway's Unit had confirmed to officers that there was no requirement to amend any existing Traffic Regulation Orders to implement the proposal being put forward. This would significantly reduce the timescale for establishing a hackney carriage stand.

The Council's Legal Advisor responded to Members' questions and in doing so clarified that the proposal being put forward was to create an appointed stand for hackney carriages that would act as a 'feeder' facility. Members were correct and passengers would be able to access taxis directly from the proposed 'feeder' facility area. It was anticipated that the marshals would direct passengers to the existing rank and away from the 'feeder' facility. Councillor S. P. Shannon expressed his concerns and questioned if compromise had been made with financial costs taking precedent over the safety of passengers. He stated, as clarified by the Council's Legal Advisor that passengers could access taxis directly from the proposed 'feeder' facility and possibly attempt to access vehicles via the roadside rather than via the footpath on a busy road. Therefore he felt unable to support the recommendation to conduct a 28 day public consultation process on the proposed hackney carriage stand.

Councillor R. S. Shannon highlighted that he understood it was only a 'gentleman's agreement' whereby the nightclub had suggested they would provide marshals. What would happen if the ownership of the nightclub changed or marshals were unavailable to work until 3 a.m. He expressed further concern that passengers would try and access taxis directly from the

'feeder' facility and access them roadside, therefore he could not support the recommendation to conduct a 28 day public consultation process on the proposed hackney carriage stand. He felt that additional options should have been presented to the Licensing Committee.

The Senior Licensing Practitioner responded to Member's questions and clarified that the proposal being put forward would not impede on any premises entrances/driveways or cause any obstruction to premises in Worcester Road.

Councillor J. M. L. A Griffiths felt that the consideration of additional rank spaces had gone on for some time. Officers had scoped other options which were not supported by all stakeholders consulted with and she felt that as a consulted stakeholder the police would not compromise passenger safety.

RESOLVED:

- (a) that a 28 day public consultation process on the proposed Worcester Road Hackney Carriage Stand be conducted; and
- (b) that any objections received be brought back to the Licensing Committee for consideration before a decision be taken to proceed with the appointment of the proposed Worcester Road Hackney Carriage Stand.

32/13 **SCRAP METAL DEALERS ACT 2013 - UPDATE ON IMPLEMENTATION**

The Committee received an update report on the implementation of the Scrap Metal Dealers Act 2013.

The Senior Licensing Practitioner presented the report and in doing so informed Members that the Scrap Metal Dealers Act 2013 came into force on 1st October 2013. When all of the provisions of the Act came fully into force on 1st December 2013, press releases were arranged in order to raise awareness amongst the scrap metal industry and the general public about the new licensing requirements. All of the applications received were subject to consultation with West Mercia Police and the Environment Agency. In total six site licences had been issued to scrap metal dealers operating sites in Bromsgrove district. Additionally nine licences had been issued to mobile collectors, which allowed them to collect scrap metal within Bromsgrove district.

The Senior Licensing Practitioner drew Members' attention to the recent operations conducted in partnership with West Mercia Police, as detailed in sections 3.10 to 3.13 in the report.

The Senior Licensing Practitioner responded to Members' questions and informed the Committee that mobile collectors could take their scrap metal to any licensed site, but would have to hold a licence for every area they actually collected in. Officers from Worcestershire Regulatory Services (WRS) did not have any powers to stop vehicles, officers worked in partnership with agencies who had those powers; West Mercia Police, HM Revenue & Customs and Vehicle & Operator Services Agency (VOSA). Officers were available to work

outside of normal working hours but this depended on partner agencies availability.

RESOLVED that the Scrap Metal Dealers Act 2013 update on implementation be noted.

33/13 **LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY
CONSULTATION RESPONSES RECEIVED**

Following on from the meeting held on 25th November 2013 the Committee considered a report which detailed the responses received during the consultation on the draft revised Statement of Licensing Policy.

The Senior Licensing Practitioner presented the report and in doing so drew Members' attention to the only response received during the consultation period from Hereford and Worcester Fire and Rescue Service, as detailed at Appendix 1 to the report. The suggested minor amendments to the draft revised Statement of Licensing Policy had been incorporated into the final Statement of Licensing Policy as detailed at Appendix 2 to the report.

RECOMMENDED: that the Council adopts the revised Statement of Licensing Policy, as detailed at Appendix 2 to the report and that the policy be published with effect from 1st May 2014.

34/13 **HOME OFFICE CONSULTATION ON FEES UNDER THE LICENSING ACT
2003**

The Committee considered a report which provided details of the Home Office eight week consultation on the implementation of locally set fees under the Licensing Act 2003 and the draft response to the consultation from Worcestershire Regulatory Services on behalf of the six licensing authorities in Worcestershire.

The Senior Licensing Practitioner introduced the report and informed Members that the centrally set fees under the Licensing Act 2003 had remained unchanged since 2005. The implementation of locally set fees would enable licensing authorities to achieve full cost recovery in delivering their functions under the Licensing Act 2003. Section 121 of the Police Reform and Social Responsibility Act 2011 introduced a power for the Home Secretary to prescribe in regulations that these fee levels should be set by individual licensing authorities. Locally set fees could not be used to raise extra revenue, nor were they tools to tackle crime. Fees must be based on recovering the costs that licensing authorities incurred when carrying out their licensing functions.

The Home Office was now moving towards the implementation of locally set fees and on 13th February 2014 launched an eight week consultation on the issue of locally set fees, as detailed at Appendix 1 to the report. Officers from Worcestershire Regulatory Services (WRS) had drafted a response to the consultation, as detailed at Appendix 2 to the report, to be submitted to the Home Office by 10th April 2014.

RESOLVED that the responses to the Home Office consultation on fees under the Licensing Act 2003, as detailed at Appendix 2 to the report be noted and the Licensing and Support Services Manager, Worcestershire Regulatory Services be tasked to submit the responses on behalf of Bromsgrove District Council.

35/13 **LICENSING COMMITTEE WORK PROGRAMME 2014/2015**

The Committee considered the Work Programme for 2014/2015.

In response to Councillor H.J. Jones the Democratic Services Officer informed Members that with regard to a further update on the DPPO- Designated Public Places Order, as detailed on the work programme, she would check with officers if a report would be presented to the next meeting of the Licensing Committee.

RESOLVED that the Work Programme 2014/2015 be noted.

The meeting closed at 6.40 p.m.

Chairman