

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 10TH NOVEMBER 2014 AT 6.00 P.M.

PRESENT: Councillors C. J. Spencer (Chairman), M. T. Buxton, S. J. Dudley, J. M. L. A. Griffiths, H. J. Jones, B. Lewis, R. J. Shannon, S. P. Shannon and L. J. Turner (during Minute No's 18/14 to part of 23/14)

Officers: Mrs. S. Sellers, Ms. J. Willis, Mr. D. Etheridge, Ms. B. Houghton, Mrs. A May and Mrs. P. Ross

18/14 **APOLOGIES**

Apologies for absence were received from Councillors J. S. Brogan, K. A. Grant-Pearce and P. A. Harrison

19/14 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

20/14 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 22nd September 2014 were received.

RESOLVED that the minutes be approved as a correct record.

(Note: that under this item the Committee agreed to alter the running order of the agenda).

21/14 **DEREGULATION BILL (IMPLICATIONS FOR ALCOHOL AND TAXI LICENSING) - VERBAL UPDATE**

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) provided the Committee with a verbal update on the Deregulation Bill (Implications for Alcohol and Taxi Licensing).

The Bill was described as "A bill to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions; and for connected purposes."

The Senior Licensing Practitioner informed the Committee that the Bill had now reached the Committee Stage in the House of Lords where debates had been held on Clauses 1 to 58 of the Bill. Additional sittings were scheduled from 11th November through to the 20th November 2014. The Senior Licensing Practitioner provided Members with a brief update on Clauses 1 to 58 of the Bill:-

- Clause 1 - Private Hire Vehicles: Circumstances in which driver licence required.
- Clause 11 - Taxis and private hire vehicles: duration of licences
- Clause 12 - Private hire vehicles: sub-contracting
- Clause 52 - Sale of Alcohol: community events etc. and ancillary business sales
- Clause 53 - Temporary event notices: no requirement to renew
- Clause 54 - Personal licences: no requirement to renew
- Clause 55 - Sale of liqueur confectionery to children under 16: abolition of offence
- Clause 56 - Late night refreshment
- Clause 57 - Removal of requirement to report loss or theft of licence etc. to the police
- Clause 58 – Exhibition of films in community premises

The Senior Licensing Practitioner responded to Members' questions with regard to businesses offering 'complimentary' alcoholic drinks to customers. The Deregulation Bill aimed to make it easier for premises and businesses to run their business with a certain amount of flexibility with regards to 'complimentary' alcoholic drinks being offered.

Councillor J. M. L. A. Griffiths requested that once the scheduled sittings on the Deregulation Bill had taken place in the House of Lords and the Bill had received Royal Assent, that Members be fully briefed and trained on all implications of the Deregulation Bill.

RESOLVED that the verbal update provided by the Senior Licensing Practitioner, Worcestershire Regulatory Services, be noted.

22/14

REQUEST FROM BROMSGROVE TAXI ASSOCIATION FOR CHANGES TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICIES

The Committee was asked to consider a request received by Licensing Officers, Worcestershire Regulatory Services (WRS) from Mr. L. Eacock, Chairman, Bromsgrove Taxi Association in respect of suggested changes to the Council's current Hackney Carriage and Private Hire Vehicle Licensing Policies and Procedures.

The Senior Licensing Practitioner, WRS introduced the report and in doing so informed the Committee that the Council's current policies in relation to the operation of Hackney Carriage and Private Hire Licences was set out in the Council's Taxi Handbook and associated guidance issued by the Council. Currently no scheduled reviews were due to be undertaken in relation to the

Council's policies, but officers did ensure that the Council's policies were continually kept up to date to reflect any relevant changes in legislation.

WRS Officers were proposing to hold further discussions with members of the Taxi Association to seek further information on their views with regard to the Council's current policies and procedures. Members' attention was drawn to the fact that some of the legislative changes to the rules around Private Hire and Hackney Carriage licensing would come into effect as part of the Deregulation Bill (as referred to in Minute Number 21/14 above). Therefore there was some benefit in delaying a full review of driver licensing until the Deregulation Bill was approved.

The Senior Licensing Practitioner drew Members' attention to Appendix 2 of the report, which summarised the observations and comments from WRS officers in relation to the proposals put forward by the Taxi Association. Officers felt that the next stage in the process would be for the Head of WRS to organise an open forum for Hackney Carriage and Private Hire Vehicle Licence holders to discuss the proposals being put forward by the Chairman, Bromsgrove Taxi Association.

If Members were mindful and agreed that further discussions could take place with the taxi trade, officers would present a further report to Licensing Committee Members detailing the outcome of those discussions. Members would then have more detailed information to make an informed decision as to whether a formal consultation should then be conducted as a result of the initial discussions.

The Senior Licensing Practitioner, WRS responded to Members' questions with regard to the following items in the summary of proposals as detailed at Appendix 2 to the report:-

- Return to a two-tier system (private hire or hackney carriage). Officers thought there could be some merit in offering a "private hire only" option as an alternative to the current dual hackney carriage / private hire vehicle driver's licence. Applicants for such "private hire only" licences would not necessarily need to undertake a geographical knowledge test as private hire drivers were booked in advance and therefore had the opportunity to research the route to the required destination. Officers were mindful of the impact that the Deregulation Bill could have on driver licensing and were of the opinion that it would be worth delaying any changes to driver licensing policies and procedures until the Deregulation Bill had been implemented.
- Currently the set fee for a driver's licence covered the cost of administering the licence application and the knowledge test. Members were informed that applicants could take more than one knowledge test at no additional cost. It was suggested that new applicants pay separately to undertake each knowledge test. Officers were in agreement with this proposal.
- All new applicants to sit a Maths and English test. Other authorities in the County required applicants to undertake an "essential skills" test alongside the knowledge test. Officers broadly supported the introduction of such a test to promote and improve standards generally.

- Introduction of a requirement that new hackney carriage vehicles entering the licensed fleet were under five years of age when first licensed. Currently any vehicle deemed suitable under the age of 10 years could be licensed as a hackney carriage. This proposed amendment could potentially generally improve the standard of vehicles, but would need to be subject to consultation with the licensed trade and other interested parties.

Members raised questions with regards to the current low number of wheelchair accessible hackney carriage vehicles currently licensed by the Council. With the introduction of improved facilities for disabled users at the district's new railway station, it was questioned where this might have an impact on customers wanting to use hackney carriages in the district.

Further discussion took place on the age and mechanical condition of vehicles over seven years of age. The Senior Licensing Practitioner informed Members that when a vehicle reached seven years of age from the date of first registration, it was required to undergo an MOT (Ministry of Transport) test and vehicle inspection every six months at the Council's depot. The Council's Taxi Handbook stated that the age limit of a vehicle could be waived if the vehicle was special or prestigious as designated by the Licensing Officer, then presented to a meeting of the Licensing Sub Committee for visual inspection in order for Members to determine if they should go outside the Council's policy with regard to age exemption. Members further discussed the possibility of standardising vehicles in the district as other authorities had, by limiting the age of vehicles and only allowing a specific colour of vehicle to be licensed or vehicles made to display a specific logo.

Councillor S. P. Shannon welcomed the Taxi Association report, which had highlighted ways to improve the image and reputation of the taxi trade in the Bromsgrove district. In his opinion it was a very positive step.

Members noted that the report had enabled a number of important issues and concerns of the Taxi Association to be discussed. Members were in agreement that there would be some benefit in delaying a review of driver licensing as some of the legislative changes to the rules around Private Hire and Hackney Carriage licensing would come into effect as part of the Deregulation Bill, which was expected to receive Royal Assent before May 2015.

RESOLVED:

- (a) that the contents of the report from the Bromsgrove Taxi Association be noted,
- (b) that the Head of Worcestershire Regulatory Services be tasked to organise open forums for Hackney Carriage and Private Hire Licence Holders to discuss the proposals more widely, and
- (c) that all proposals and consultation documents be brought back to a future meeting of the Licensing Committee for comment.

The Committee considered a report that provided an update in respect of the new powers and reforms in the Anti-Social Behaviour, Crime and Policing Act 2014. The report also highlighted the Public Spaces Protection Order and the new Community Trigger process.

The Chairman welcomed Judith Willis, Head of Community Services and Bev Houghton, Community Safety Manager to the meeting.

The Community Safety Manager introduced the report and in doing so informed the Committee that the Anti-Social Behaviour Crime and Policing Act received royal assent on 13th March 2014 and its provisions came into force on 20th October 2014. The Act repeals nineteen powers in relation to anti-social behaviour and reduces them to seven broad ranging powers.

Updated statutory guidance was issued in July 2014 and was written primarily for police officers, councils and social landlords who could use the powers. The guidance outlined how to make the best use of the new legislation to protect the public against anti-social behaviour and nuisance.

The Public Space Protection Order (PSPO) was the most relevant to Licensing Committee Members. It was an order designed to protect spaces from persistent anti-social individuals or groups and could include reasonable restrictions and requirements. PSPOs replaced Designated Public Place Orders, (DPPO's, also referred to as Alcohol Restriction Zones), and would still allow alcohol to be confiscated from those behaving or likely to behave in an anti-social manner. Failure to comply remained an offence. PSPOs also replaced Gating Orders and Dog Control Orders.

PSPOs could be issued by Councils following consultation with the police, Police and Crime Commissioner and other relevant bodies. Council officers, with the powers granted by their Chief Executive, would be able to enforce the restrictions and requirements, alongside police officers, police community support officers and any other officer designated under the Community Safety Accreditation Scheme.

Where a DPPO, Gating Order or Dog Control Order was still currently in force, these would continue to be valid for a period of three years, following the commencement date of the new legislation, 20th October 2014. After three years it would become a PSPO. However, councils did not have to wait and could review the need for their current DPPOs ahead of the three year transition period.

The Community Safety Manager drew Members' attention to page 36 of the report, which highlighted that decision making in relation to DPPOs had traditionally been a function of the Licensing Committee. There were twenty two DPPOs in force in the district. In 2011 in order to comply with Home Office Guidance, local authorities were advised to review DPPOs in their area. Members were reminded that although some work on a review had commenced, Members subsequently agreed to place the review on hold to allow public awareness raising work to be undertaken. In addition to this new

signage for the existing DPPOs was installed. Members were reminded that following on from the meeting held on 24th June 2013, it was agreed that the review of the current DPPOs in the district be deferred until Members had received an update on the new legislation with regards to the Anti-Social Behaviour Crime and Policing Act.

The Community Safety Manager briefly informed the Committee of the Community Trigger. The Community Trigger enabled victims who felt that they had not received an adequate response to anti-social behaviour to call for a review of their case by the responsible agencies identified in the Anti-Social Behaviour Crime and Policing Act; district councils, the police, registered providers of social housing (who were co-opted in to the group) and Clinical Commissioning Groups in England.

North Worcestershire Community Safety Partnership and South Worcestershire Community Safety Partnership (CSPs) had led the development of the Community Trigger on behalf of Worcestershire's local authorities and the other responsible agencies. A Worcestershire wide Community Trigger process had been agreed to ensure a consistent approach and to avoid confusion for victims.

The term anti-social behaviour was used to describe a broad range of day-to-day incidents of crime, nuisance and disorder that made people's lives a misery. The reforms were designed to put victims at the heart of the response to anti-social behaviour and to give professionals the flexibility to respond appropriately to different situations and to ensure that vulnerable victims were supported and protected.

The Community Safety Manager responded to Members' questions and reiterated that anti-social behaviour should be looked at as a whole and not just alcohol related incidents. In terms of a review of the existing DPPOs, officers would need to look at any current data associated with the existing DPPOs and the strength of that data. Residents should be informed of the recent changes and their views should be taken into account; so that residents were comfortable with the changes and what was happening with the introduction of the Anti-Social Behaviour Crime and Policing Act.

The Community Safety Manager further informed the Committee that officers intended to provide a more detailed report to a future meeting of the Licensing Committee which would cover the proposals for the transition from DPPOs to PSPOs.

RESOLVED that the contents of the Anti-Social Behaviour Crime and Policing Act report, be noted.

24/14

SITE MANAGEMENT AGREEMENT BETWEEN BROMSGROVE DISTRICT COUNCIL AND PUBLIC FUNDRAISING REGULATORY ASSOCIATION (PFRA)

Following on from the Licensing Committee meeting held on 23rd June 2014, Members were asked to consider on update on the progress made following

discussions with the Public Fundraising Regulatory Authority (PFRA) and officers from Worcestershire Regulatory Services (WRS) with regard to establishing a Site Management Agreement to regulate face to face fundraising by way of direct debit in Bromsgrove Town Centre; and to consider the draft Site Management Agreement as detailed at Appendix 1 to the report.

The Senior Licensing Practitioner (WRS) introduced the report and informed the Committee that as a result of those discussions a draft Site Management Agreement had been produced. The draft Site Management Agreement restricted fundraising to the pedestrianised area of Bromsgrove High Street between New Road and Stratford Road. The number of collectors permitted to visit on any one day would be restricted to five, with fundraising taking place on Mondays, Wednesdays and Thursdays only. At the Licensing Committee meeting held on 23rd June 2014, Members had requested that fundraising be restricted to just two days per week on Mondays and Wednesdays, due to the possible impact on market traders and visitors to the high street. WRS officers had used this basis as a starting point during their discussions with the PFRA. However after consulting with its membership on the proposed site management arrangements, their membership had indicated that the demand was such that three days per week would be required to collect in Bromsgrove high street.

Councillor R. J. Shannon welcomed the report. He had received feedback from residents in his constituency with regard to the excessive number of face to face collectors in Bromsgrove high street, and questioned the need for the PFRA to have face to face collectors operating three days a week.

Councillor J. M. L. A. Griffiths reiterated that at the Licensing Committee meeting on 23rd June 2014, and as already stated, Members had initially requested that face to face collectors be restricted to two days per week, Mondays and Wednesdays due to the possible impact on market traders and visitors to the high street.

In response, the Senior Licensing Practitioner (WRS) highlighted that without a Site Management Agreement, face to face collectors could operate in Bromsgrove high street seven days a week. The PFRA membership consisted of charitable organisations and that 95% of charitable organisations were signed up to the PFRA membership. It was those charitable organisations that had indicated there was a need to operate three days per week in Bromsgrove high street. The Senior Licensing Practitioner explained that the PFRA could walk away from the Site Management Agreement, which would result in face to face collectors remaining unregulated. A Site Management Agreement would regulate face to face collectors. Anyone collecting for a charitable organisation via the PFRA would be subject to their code of conduct and therefore the PFRA would respond to any complaints received and would issue penalties according to its rules.

Members agreed that further discussion with the PFRA was required and that during those discussions, WRS officers should highlight that Licensing Committee Members had requested restricting collecting to two days per week due to the possible impact on market traders and visitors to the high street, or

in the alternative, reducing the number of collectors operating over a three day period.

RESOLVED:

- (a) that the contents of the report and the contents of the draft Site Management agreement be noted,
- (b) that the Head of Worcestershire Regulatory Services be authorised to renegotiate the draft Site Management Agreement with the PFRA in accordance with the comments made by Members as to the number of collection days or alternatively the number of face to face collectors operating; and
- (c) that the results of the renegotiation discussions be brought back to the next Licensing Committee.

25/14 **LICENSING COMMITTEE WORK PROGRAMME 2014/2015**

The Committee considered the Work Programme for 2014/2015.

The Council's Legal Advisor informed the Committee that in agreement with the Chairman an extra meeting of the Committee would be held in January 2015 for Members to receive an initial report on the Street Amenity Policy.

RESOLVED that the Licensing Committee Work Programme be updated to include the items discussed and agreed during the course of the meeting.

26/14 **ANY OTHER BUSINESS**

With the agreement of the Chairman, the following items were noted for information.

The Senior Licensing Practitioner responded to Councillor R. J. Shannon with regard to the new Worcester Road 'feeder' taxi rank. Members were informed that appropriate signage had been erected. Worcestershire County Council had been contacted with regard to the necessary road markings (yellow lines). The Senior Licensing Practitioner agreed there was a need to raise public awareness of the new taxi rank operating hours and civil parking enforcement.

The Senior Licensing Practitioner responded to Councillor S. P. Shannon with regard to the current refurbishment work being carried out at Bromsgrove Railway Station. The work had caused disruption, specifically to spaces used by blue badge holders and the waiting area used by taxi drivers.

The Senior Licensing Practitioner noted the concerns raised and agreed to liaise with relevant officers and agencies with regard to their concerns and would endeavour to keep Councillor R.J. Shannon and S. P. Shannon updated.

The meeting closed at 8.09 p.m.

Chairman