

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 13TH JUNE 2016 AT 6.10 P.M.

PRESENT: Councillors M. T. Buxton, R. L. Dent, P. Lammas, C. M. McDonald, K.J. May, S. P. Shannon, P.L. Thomas and S. A. Webb

Observers: Councillor R. J. Laight, Portfolio Holder for Environmental Services and Regulatory Services

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

1/16 **ELECTION OF CHAIRMAN**

Nominations for Chairman were received in respect of Councillors M. T. Buxton and B. T. Cooper.

RESOLVED that Councillor B. T. Cooper be elected as Chairman for the ensuing municipal year.

2/16 **ELECTION OF VICE-CHAIRMAN**

A nomination for Vice-Chairman was received in respect of Councillor C. J. Spencer.

RESOLVED that Councillor C. J. Spencer be elected as Vice-Chairman for the ensuing municipal year.

3/16 **ELECTION OF CHAIRMAN TO PRESIDE AT THE MEETING**

In the absence of the elected Chairman, Councillor B. T. Cooper and the elected Vice-Chairman, Councillor C. J. Spencer for the ensuing municipal year; a nomination for Chairman to preside at the meeting was received in respect of Councillor P. L. Thomas.

RESOLVED that Councillor P. L. Thomas be elected as Chairman to preside at the meeting.

4/16 **APOLOGIES**

Apologies for absence were received from Councillors B. T. Cooper, S. R. Peters, C. J. Spencer and L. J. Turner. The Committee was advised that Councillor K. J. May was attending as the substitute member for Councillor C. J. Spencer.

5/16 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

6/16 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 14th March 2016 were submitted.

RESOLVED that, subject to it being noted with regard to the misspelling of Royal Assent, that the minutes of the meeting held on 14th March 2016 be approved as a correct record.

7/16 **LICENSING ANNUAL REPORT 2015/ 2016**

The Committee considered the Licensing Annual Report 2015/2016 which provided an overall view of the activities, under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing, and to inform the Committee on any issues anticipated in the ensuing year. The report detailed the work carried out by Worcestershire Regulatory Services (WRS) Enforcement and Licensing Teams for Bromsgrove District Council.

The Senior Licensing Practitioner, WRS, introduced the report and in doing so informed the Committee that the Street Amenity Policy had now been approved and that a Street Amenity application had been received by WRS.

During 2015/2016 the Council's Statement of Principles under the Gambling Act 2005 was reviewed and a revised Statement of Principles was published with effect from 31st January 2016.

The Council's current Statement of Licensing Policy under the Licensing Act 2003 was published with effect from 1st May 2014. The Statement of Licensing Policy was due to be revised prior to the 1st May 2019. In 2016 the Council also consulted on and adopted the first comprehensive policy on the licensing of Sex Establishments within the District.

The report further informed Members that during December 2015 a late night enforcement operation in partnership with West Mercia Police had been conducted. WRS licensing officers and police officers had visited a number of licensed premises in order to carry out spot checks on licensed vehicles. The Council's depot was utilised to carry out mechanical safety checks on vehicles that had been checked at the roadside but also required additional scrutiny.

The report also detailed the following information:-

- New licences issued and granted by Bromsgrove District Council in 2015/2016, under the Licensing Act 2003.
- Premises that continued to be licensed by Bromsgrove District Council under the Gambling Act 2005.

- The number of Hackney Carriage and Private Hire licensed vehicles and drivers, which had increased slightly over the course of the year.
- The number of Site Licenses and Mobile Collector Licences issued under the Scrap Metal Dealers Act 2013.

WRS licensing officers kept in regular contact with the appointed taxi trade representatives by phone and one to one meetings when required and regularly attended and represented Bromsgrove District Council at a number of local and regional meetings.

In 2014 a site management agreement was negotiated and entered into with the Public Fundraising Regulatory Association (PFRA) in order to regulate face-to-face fundraisers in the town centre.

In response to Members, the Senior Licensing Practitioner, WRS informed the Committee that there was no specific legislation to consider when imposing a 'cap' on the number of Hackney Carriage Vehicles licensed in the district. Not many authorities imposed a 'cap' on the number of Hackney Carriage Vehicles licensed. Worcester City Council had recently imposed a 'cap' whereby no new hackney carriages were granted a licence unless they replaced an existing vehicle.

The Senior Licensing Practitioner, WRS highlighted that the Council would be required to have robust evidence in place in order to impose a 'cap' on the number of Hackney Carriage Vehicles licensed in the district

A survey would need to be conducted every three years and consultation with the taxi trade in order to provide robust evidence that there was a need to impose a 'cap' on the number of Hackney Carriage Vehicles licensed in the district; and that any imposed 'cap' would not leave any unmet demand in the district. Any imposed 'cap' could be challenged; hence the reason to ensure that there was robust evidence in place before imposing a 'cap'.

In response to Councillor S. P. Shannon, the Senior Licensing Practitioner, WRS informed the Committee that there was no ability to 'cap' the number of scrap metal collector licenses issued in the district.

In response to questions from Members the Senior Licensing Practitioner, WRS reminded the Committee of the recent site management agreement that was negotiated and entered into with the Public Fundraising Regulatory Association (PFRA) in order to regulate face-to-face fundraisers in the town centre. With regards to street collections, the Council has a street collection policy that was approved by Licensing Committee Members on 22nd September 2014.

RESOLVED: that the Licensing Annual Report 2015/2016 be noted.

DRAFT SCRAP METAL LICENSING POLICY - APPROVAL FOR CONSULTATION

The Committee considered a report to approve, for the purpose of consultation with relevant parties, the draft Scrap Metal Licensing Policy and Guidelines, as detailed at Appendix 1 to the report, for the licensing of scrap metal sites and collectors in the district.

The Senior Licensing Practitioner, Worcestershire Regulatory Service (WRS) introduced the report and in doing so, reminded Members that the Scrap Metal Dealers Act 2013 was introduced to replace the previous regulatory scheme for scrap metal dealers and for vehicle dismantlers. The Scrap Metal Dealers Act 2013 required anyone who dealt in scrap metal to obtain and display a relevant licence and provided both the police and local authorities with more powers of entry and inspection; as well as allowing a more thorough application process whereby licences could be refused and subsequently revoked if scrap metal dealers were deemed 'unsuitable'.

Licensing Committee Members had previously received briefing reports during Licensing Committee meetings held on 20th March 2013 and 17th March 2014, on the provisions of the Scrap Metal Dealers Act 2013. The Act came into force on 1st October 2013, with full enforcement powers coming into effect on 1st December 2013.

The Senior Licensing Practitioner, WRS drew Members' attention to page 19 of the report, paragraph 1.4, which detailed those to be consulted with on the draft Scrap Metal Licensing Policy and Guidelines, as detailed at Appendix 1 to the report.

RESOLVED:

- (a) that the draft Scrap Metal Licensing Policy and Guidelines, as detailed at Appendix to the report, be approved for the purpose of consultation with relevant parties, as detailed in the report; and
- (b) that following consultation the responses received be presented to a future meeting of the Licensing Committee.

WHEELCHAIR ACCESSIBLE VEHICLES (WAV'S) - CONSULTATION RESULTS

Following on from the Licensing Committee meeting held on 9th November 2015; whereby Members agreed to a further consultation being conducted in order to ascertain if there was an unmet demand for Wheelchair Accessible Vehicles (WAVs) within the district. Members were asked to consider the results of the additional consultation undertaken by Worcestershire Regulatory Services (WRS) with regards to WAVs.

The Senior Licensing Practitioner, WRS, presented the report and in doing so reminded Members that following consideration of the initial consultation results, Members had expressed their concerns about the

low number of licensed Wheelchair Accessible Vehicles (WAVs) within the district. Licensing Committee Members had therefore agreed that a further consultation be conducted in order to ascertain if there was currently an unmet demand for WAVs as Hackney Carriages within the district or if this was the perception.

In late November 2015 licence holders were sent a copy of the questionnaire, as detailed at Appendix 1 to the report. An additional questionnaire, as detailed at Appendix 2 to the report, was sent to all members of the Bromsgrove Engagement and Equalities Forum, all members of Bromsgrove and Redditch Network (BARN), the Worcestershire and Warwickshire Royal Voluntary Service and the Life After Stroke Centre. A copy was also placed on the Council's website, a press release was issued in order to draw attention to the consultation and social media channels were also utilised in order to raise awareness of the consultation.

The Senior Licensing Practitioner, WRS, drew Members' attention to the responses received, as detailed at Appendices 3 and 4 to the report.

The Senior Licensing Practitioner, WRS, highlighted that only two responses had been returned from licence holders, as detailed at Appendix 3. Neither of the respondents currently owned a hackney carriage vehicle capable of carrying a passenger who could remain seated in their wheelchair whilst travelling. Neither respondent had identified any factors that would encourage them to purchase a WAV.

The Senior Licensing Practitioner, WRS, further informed the Committee that there had been considerable opposition from the taxi trade as they did not consider that there was currently a demand for WAVs in the district.

Only seven completed surveys were received to the consultation survey sent out to the relevant organisations, as detailed in the preamble above. A table of those responses was detailed at Appendix 4 to the report. The majority (71%) of respondents strongly agreed that there were not enough WAVs in Bromsgrove. Only one respondent agreed that they found WAVs difficult to access and preferred saloon style vehicles. Six out of the seven who responded either used a wheelchair or cared for a person who did. The vast majority of respondents said that they preferred to travel in a taxi whilst they remained seated in their wheelchair. All of those who responded agreed that they pre-booked taxis that met their requirements.

The Senior Licensing Practitioner, WRS, informed Members that passengers who wanted to remain seated in their wheelchair whilst travelling in a taxi would struggle to find a suitable vehicle on the taxi ranks in the district.

Councillor S.P. Shannon raised several questions with regard to the improved facilities for wheelchair users that would be provided at the

new railway station. He felt that there was some resistance to supply a suitable taxi service. It was a slow change getting buses adapted, but this had now been achieved and had made it easier for wheelchair users to access the bus services provided. With the facilities that would be made available at the new railway station there could be a potential increase in wheelchair users visiting Bromsgrove, which would potentially see an increased need in the number of WAVs needed within the district. Councillor S. P. Shannon further asked if there was a quota requirement in other authorities for WAVs.

In response the Senior Licensing Practitioner, WRS, informed the Committee that Redditch Borough Council had adopted a policy that applications for additional licences for Hackney Carriages would only be granted to approved new vehicles with facilities for carrying a disabled person in a wheelchair within the vehicle. All Hackney Carriage vehicles licensed by Coventry City Council must have access for wheelchairs. Wyre Forest District Council only licenced new vehicles of a purpose built design for use as Hackney Carriages. The vehicle must be designed and developed exclusively for use as a wheelchair accessible taxi.

The Senior Licensing Practitioner, WRS, further informed the Committee that the perception within the taxi trade was that WAVs were expensive to purchase and maintain and that the taxi trade felt there was not a huge demand for WAVs in the district. He felt that perhaps the taxi trade needed more information about the cost of purchasing and maintaining WAVs. The low number of WAVs in the district was not good, hopefully the new railway station could make drivers realise there was a demand. Licensing officers could look at incentives to encourage drivers to purchase WAVs. He would reiterate that robust evidence would need to be documented if Members were minded to change the Council's current policy.

Members continued with further questions and debate with regard to the Council having a duty to ensure that the demand for WAVs was met. Some Members expressed their concerns in respect of amending the Council's current policy and felt it would be unfair to demand that Hackney Carriage applications only be approved if the vehicle has access for wheelchairs; whilst other Members felt that the Council's current policy should be changed. Wyre Forest had been challenged legally regards their policy but had won the challenge. There was a requirement to ensure equality and diversity and that everyone was treated equally, the responses received to the survey sent to relevant organisations had shown that 71% of respondents strongly agreed that there were not enough WAVs in Bromsgrove.

The Council's Legal Advisor further reiterated the comments made earlier by the Senior Licensing Practitioner, WRS, robust evidence would be needed to support any policy changes. She would agree that perhaps the taxi trade needed more information about the costs of purchasing and maintaining WAVs.

The Senior Licensing Practitioner, WRS, clarified that he had not been provided with any information from the agencies, as detailed in paragraph 3.10 in the report, as to the number of clients they had asked to respond to the survey.

Following further debate it was agreed that

RESOLVED:

- (a) that Licensing Officers, WRS, explore other options to potentially increase the number of Wheelchair Accessible Vehicles (WAVs) licensed as hackney carriages in the Bromsgrove district; and
- (b) that the findings be brought back to a future meeting of the Licensing Committee.

10/16

LICENSING COMMITTEE WORK PROGRAMME 2016 / 2017

The Committee considered the Work Programme for 2016/2017.

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

The meeting closed at 7.15 p.m.

Chairman