

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

THURSDAY, 29TH SEPTEMBER 2022, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. P. Douglas, C.A. Hotham, A. D. Kriss, S. A. Robinson, H. D. N. Rone-Clarke and M. Thompson

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

9/22 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors A. B. L. English, C. J. Spencer and M. A. Sherrey.

10/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

11/22 **MINUTES**

The minutes of the Licensing Committee meeting held on 11th July 2022 were submitted.

RESOLVED that the minutes of the Licensing Committee meeting held 11th July 2022, be approved as a correct record.

12/22 **REVIEW OF STREET COLLECTION POLICY**

The Committee considered a report on the review of the Council's Street Collection Policy.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing informed the Committee that, the Council regulated charitable collections taking place in any street or public place under the Police, Factories, etc (Miscellaneous Provisions) Act 1916.

The Council could regulate collections where there was a collection of money or the selling of articles for the benefit of charitable purposes (cash collections).

Street collections were an important method of fund raising for charitable

Causes. However, they can cause annoyance to the public if not suitably controlled and managed. This could lead to the public avoiding certain areas where they believed they would be asked to donate money every time they visited a certain area.

The current Street Collection policy was approved by the Licensing Committee on 22nd September 2014 and took effect from the 1st January 2015. It had therefore, been a number of years since the policy was last subject to review.

A revised version of the policy was therefore created, as detailed at Appendix 1 to the report. The Licensing Committee had previously resolved that officers should carry out a consultation exercise on the revised version of the policy. The consultation exercise was undertaken from 23rd June 2022 to 27th August 2022.

The following were all contacted and asked for their views on the updated policy document:

- Those who had applied for permits in recent years
- Local charities
- Representatives of charitable organisations
- Parish Councils
- Bromsgrove District Councillors
- Bromsgrove Centres Manager
- Markets Manager

In addition, the consultation exercise was made available via the Council's website and publicised via the local press and social media channels.

During the consultation exercise, the only responses received were from the Bromsgrove Centres Manager and the Markets Manager.

The Centres Manager noted that the regulations, as set out in the policy document, included one that stated "collectors must remain within the location as defined in the Permit and must remain stationary." The Centres Manager had asked if Licensing Officers could work with her and the Markets Manager to identify suitable locations for collectors to be positioned on Bromsgrove High Street. Officers were happy to do this but did not consider that any changes to the revised policy were required in order to facilitate this.

The Markets Manager had requested whether additional requirements could be included in the regulations to stop any collectors from being within the immediate vicinity of any market trader, in order to ensure that anyone who did not wish to make a donation to the charitable cause was not dissuaded from visiting that market trader.

The Markets Manager had also requested whether the regulations could make it explicit that collectors should not shake their tins, which he considered to be a form of harassment of those who did not wish to make a donation.

Officers could see no particular concern with including these additional conditions within the revised policy document and had therefore made the amendments to the version of the policy consulted upon. This further revised version of the policy was detailed at Appendix 2 to the report.

Members were therefore, being asked to consider the responses received during the consultation exercise and to resolve to adopt the revised version of the Council's Street Collection Policy, as detailed at Appendix 2 to the report, with effect from 1st October 2022.

In response to questions from Members, the Principal Officer (Licensing), WRS, explained that cash collections could be regulated under the Street Collection Policy, however, it did not cover face to face fundraisers who asked people in the street or other public places to sign up to donating to charitable causes by direct debit. The Council therefore could not regulate this type of collection, however, the Council had engaged with the Public Fundraising Regulatory Association (PFRA) and had established a Site Management Agreement to control this type of collection.

The Site Management Agreement restricted direct debit collections to just two days of the week (Mondays and Wednesdays). This avoided any clashes with street (cash) collections and market days.

Members questioned street collection permits not normally being granted in the Town Centre (St. John's Ward), as St. John's Ward no longer existed and that the Town Centre was covered by three different ward areas:- Bromsgrove Central, Sanders Park and Sidemoor.

In response the Principal Officer (Licensing) WRS, noted this and agreed to amend the revised Street Collection Policy.

The Principal Officer (Licensing), WRS, further responded to questions from the Committee with regard to buskers and Big Issue sellers.

RESOLVED that following the amendment to the revised Street Collection Policy, with regard to the Ward Areas, as detailed in the preamble above, that

- a) the revised version of the Council's Street Collection Policy, as detailed at Appendix 2 to the report, be approved with effect from 1st October 2022.

13/22

HACKNEY CARRIAGE TABLE OF FARES

The Committee considered a report on the Hackney Carriage Table of Fares.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing informed the Committee that, in March 2022, the Licensing Committee had approved the advertisement of a revised table of fares which was subsequently implemented in May 2022.

At the time this decision was reached, Members also decided that the table of fares should be reviewed annually and that an interim review should take place during the second half of 2022 if the circumstances merited this.

Officers had also recently received a request submitted on behalf of hackney carriage licence holders, for the table of fares to be further varied to address some unintended consequences that were noticed by licence holders since the implementation of the revised table of fares in May 2022.

The current table of fares, as detailed at Appendix 1 to the report, were approved by the Licensing Committee at its meeting on 14th March 2022 and took effect on 16th May 2022.

The report also detailed, on page 30, the weekly fuel price data provided by the Department for Business, Energy and Industrial Strategy (BEIS); showing the average price of fuel in the week commencing 14th March 2022; and in the week commencing 12th September 2022, according to the same statistics, the average price of fuel.

This showed that fuel prices had continued to rise since March 2022. Fuel prices peaked in July 2022 but had been coming down gradually since then. The increase in fuel prices since March 2022 was despite the temporary 5p per litre reduction in fuel duty, effective from 6pm on 23rd March 2022.

The cost of fuel was of course only one factor that Members should consider when determining whether it was appropriate to vary the table of fares. Also, of relevance would be other general increases in the cost of living for hackney carriage proprietors.

As detailed on page 30 of the report, according to the data compiled by the Office for National Statistics (ONS), the Consumer Prices Index (CPI) rose by 9.9% in the 12 months to August 2022, up from 7.0% in March 2022 but down slightly from 10.1% in July 2022. The Bank of England had predicted that inflation would climb to around 13% later this year, driven by the unprecedented increase in energy prices. Inflation was then predicted to remain high throughout much of 2023 before

beginning to fall towards the Bank of England target of 2%. Since the current table of fares had taken effect, officers were approached by representatives of the hackney carriage trade in Bromsgrove in respect of some unintended consequences that had been created by the new table of fares.

These included the fact that drivers of vehicles capable of carrying more than 4 passengers were now often not able to charge as much for journeys involving more than four passengers as they were under the previous table of fares from that was in operation from 1st August 2013 to 15th May 2022.

This was because the structure of the table of fares was amended in such a way as to remove the ability for drivers to charge 50% more than the standard tariff for those journeys involving the carriage of more than 4 passengers. Although an additional charge was included in the table of fares to allow the charging of £1 for every passenger in excess of 4, this did not provide the same level of recompense to drivers, particular for longer journeys involving the carriage of 5 or 6 passengers.

The trade representatives had therefore requested that the table of fares be amended to allow drivers to charge the Tariff Two rates for any journey where the number of passengers being transported exceeded four. As a consequence, the extra charge per passenger in excess of four would need to be removed from the table of fares.

Additionally, it was also highlighted that under the current table of fares, the mileage rate was the same on both Tariff One and Tariff Two – equivalent to £2.00 per mile. The flag charge was higher on Tariff One than it was on Tariff Two, but the trade representatives felt that the mileage rate should also be higher on Tariff Two to provide an additional incentive and recompense for drivers to work after midnight.

They had therefore requested that the mileage rate on Tariff Two be increased from 20p per 176 yards to 30p per 176 yards.

The trade had also requested that the mileage rate on Tariff Three be increased from 30p per 176 yards to 40p per 176 yards to provide further incentive and recompense for drivers to work on Christmas Day, Boxing Day and New Year's Day.

Finally, the trade representatives had asked that the maximum soilage charge be increased from £75.00 to £100.00. Whilst soilage charges very rarely had to be charged, the trade representatives believed that the maximum charge needed to cover the likely cost of cleaning the vehicle and to provide a level of compensation for the income lost whilst the vehicle was off the road being cleaned.

Taking into account the requests made by the trade representatives, officers had drafted a revised table of fares, as detailed at Appendix 2 to the report.

Legislation required that any changes to the table of fares were published as a public notice and objections invited. If no objections were received the fares would come into force on the named date, 7th November 2022. If there were objections, then the Council must consider them and re-set the fares with or without variations. No further statutory consultation was required at that time.

Therefore, Members were being asked to consider the requests received and, if in agreement to make the variations requested and to direct officers to undertake the legal processes required to advertise the varied tariff shown at Appendix 2 to the report, with a view to this taking effect on 7th November 2022.

However, if any objections were received when the proposed variations were advertised, then the variations could not take effect until after those objections had been considered at a future meeting of the Licensing Committee.

Members raised several questions with regard to the increase in the tariff for multi passenger vehicles carrying five or more passengers. Members expressed their concerns that this could impact on families, facing colossal amounts of money when travelling together, whereby not all passengers were adults. Therefore, the increased fare would not be shared, as would be the case if all passengers travelling were adults.

The Principal Officer (Licensing), WRS, reminded the Committee that the increase in tariffs was for hackney carriage vehicles only. The fare for private hire vehicles would be agreed when pre-booking. Multi passenger vehicles were also more expensive to run and maintain.

Further debate followed, whereby Members agreed that the 'Explanation of Tariffs Applicable', as detailed on page 35 of the report, be amended as follows:-

“Journeys where there were five or more adult passengers”.

Members were mindful that the requests with regard to the variations to the table of fares had been requested by the trade representatives, and that as detailed in the report, that officers were required to undertake the legal process of advertising the varied tariff, as detailed at Appendix 2 to the report. With this in mind, Members were of the opinion that the trade representatives would be able to raise any concerns with the amended statement, as detailed in the preamble above, should they wish to do so; and that any objections received would be brought back to a future meeting of the Licensing Committee.

RESOLVED that following the amendment, as detailed in the preamble above, to the revised table of fares for hackney carriages, 'Explanation of Tariffs Applicable', that

- a) the amended proposed table of taxi fares, as set out in Appendix 2 to the report, be advertised as a public notice and objections from the public invited in accordance with the requirements of section 65, Local Government (Miscellaneous Provisions) Act, 1976;
- b) if no objections were received from the public within 14 days of publication of the notice that the proposed tariff would come into effect on 7th November 2022; and
- c) if objections were received in the stated time, that the matter would be considered further at the next meeting of the Licensing Committee, and a decision made as to whether the variations to the table of fares should be made.

14/22

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE LIMITS

The Committee considered a report on Hackney Carriage and Private Hire Vehicle Age Limits.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing explained that the meeting of the Licensing Committee on 14th March 2022, Licensing Committee Members had approved the adoption of a new Hackney Carriage and Private Hire Licensing Policy which had taken effect from 1st September 2022.

Towards the end of that meeting, Members discussed the Work Programme for 2022/23 and had requested that a report be brought forward to future Licensing Committee meetings in respect of: -

- Revisiting the Council's vehicle licensing policies with regard to standards and age criteria for electric vehicles.
- Looking at incentives for drivers to purchase less polluting vehicles.
- The number of Wheelchair Accessible Vehicles (WAVs) licensed by the Council; and ways to incentivise drivers to purchase WAVs and an estimate of the number of WAVs the district needed.

Therefore, the report before Members, was produced to try and address all of the above requests and also to set out the details of some recent dialogue between officers and representatives of hackney carriage and private hire drivers licensed by the Council in respect of the current vehicle age policies in place.

The Council's current policy on the licensing of vehicles to be used as a hackney carriage or private hire vehicle included the following requirements in respect of the age of the vehicle.

Hackney Carriage Vehicles	
Maximum age (when first licensed)	Maximum age at renewal of licence
7 years	10 years (12 years if WAV)

Private Hire Vehicles	
Maximum age (when first licensed)	Maximum age at renewal of licence
10 years (12 years if WAV)	10 years (12 years if WAV)

Currently these requirements were the same for every vehicle and did not take into account of how the vehicle was fuelled.

The current policy did provide some incentive for drivers to licence WAVs as they could be licensed for longer than a vehicle that cannot carry a wheelchair user who remained seated in their wheelchair. However, there were still only 4 hackney carriages out of 88 and 1 private hire vehicle out of 16 licensed by the Council that was WAVs.

Recent dialogue had taken place between officers and representatives of the hackney carriage and private hire trade in which the following had been highlighted: -

- The price of second-hand vehicles had increased dramatically in recent years.
- Licence holders were suffering financial difficulties as a result of the income lost during the coronavirus pandemic with many having used their savings to meet their day to day spending needs during this time.
- Licensed vehicles were used significantly less than usual during 2020 and 2021 as a result of the travel and business restrictions imposed in response to the coronavirus pandemic.

The representatives of the hackney carriage and private hire trade had requested that consideration be given to amending the current vehicle licensing policies to relax the age limits currently imposed on vehicles licensed to be used as hackney carriage or private hire vehicles.

Officers had drawn up some suggested vehicle age limits for consideration by Licensing Committee Members. The suggested age limits were based on the following principles: -

- Incentivising the take up of less polluting vehicles.

- Incentivising the take up of WAVs.
- Recognising the economic impact of the coronavirus pandemic on hackney carriage and private hire licence holders.

The suggested age limits were detailed at Appendix 1 to the report.

Officers had suggested that if the vehicle age limits were amended to Those as detailed at Appendix 1 to the report, then the vehicle testing requirements should be simultaneously amended as detailed at paragraph 3.15 of the report.

If Members were minded to amend the current vehicle age limits and vehicle examination requirements, this would involve amending the Council's Hackney Carriage and Private Hire Licensing Policy.

Therefore, officers would advise that proper consultation on the proposals should be undertaken with licence holders and other relevant stakeholders.

Members were informed that trade representatives were in agreement with the vehicle testing requirements being amended, as detailed in paragraph 3.15 of the report. Legislation restricted examinations to a maximum of 3 scheduled examinations per year. However, officers were able to carry out random spot checks on vehicles during any enforcement exercises.

Members were further informed that should such consultation be conducted it would also provide an opportunity to try to establish how many wheelchair accessible hackney carriage / private hire vehicles were likely to be required in the district. Although this was not easy to ascertain, however, officers could consult with the relevant groups in order to try and establish this information.

Therefore, Members were being asked to consider whether officers should undertake a consultation exercise on proposals to amend the Council's vehicle age limits, as detailed at Appendix 1 to the report and to amend the Council's vehicle testing requirements to those, as detailed in paragraph 3.15 of the report.

Officers clarified that the age of a vehicle was taken from the date they were first registered with the Driver and Vehicle Licensing Agency (DVLA).

Members commented that modern vehicles were more reliable and that newer vehicles were more energy efficient and were manufactured to higher standards.

Therefore with regard to vehicle testing, Members agreed the following:-

Vehicles under 7 years of age	Examined once per year (just before a licence is granted or renewed)
Vehicles over 7 years of age and under 10 years of age	Examined twice per year (just before a licence is granted or renewed and 6 months after the licence takes effect)
Vehicles over 10 years of age	Examined three times per year (just before a licence is granted or renewed, 4 months after the licence takes effect and 8 months after the licence takes effect)

RESOLVED that officers undertake a consultation exercise on proposals to amend the Council's vehicle age limits to those shown at Appendix 1 to the report, and to amend the Council's vehicle testing requirements, as detailed in the table shown in the preamble above.

15/22

LICENSING COMMITTEE WORK PROGRAMME 2022/2023

The Committee considered the Work Programme for 2022/2023.

RESOLVED that the Licensing Committee Work Programme for 2022/2023, be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 7.04 p.m.

Chairman