

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 27TH MARCH 2023, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. P. Douglas, A. B. L. English, C.A. Hotham, A. D. Kriss, S. A. Robinson, C. J. Spencer and M. Thompson

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

16/22 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors H. D. N. Rone-Clarke and M. A. Sherrey.

17/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

18/22 **MINUTES**

The minutes of the Licensing Committee meeting held on 29th September 2022 were submitted.

RESOLVED that the minutes of the Licensing Committee meeting held 29th September 2022, be approved as a correct record.

19/22 **HACKNEY CARRIAGE & PRIVATE HIRE AGE LIMITS AND TESTING ARRANGEMENTS - CONSULTATION RESPONSES**

Following on from the Licensing Committee meeting held on 19th September 2022, whereby Members approved for the purpose of consultation, the proposals to amend parts of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy; with regard to vehicle age limits and testing arrangements for licensed vehicles.

Members were asked to consider the responses received to the consultation, as detailed at Appendix 2 to the report; the suggested Vehicle Age Limits, as detailed at Appendix 1 to the report; and the draft, revised Hackney Carriage and Private Hire Licensing Policy, as detailed at Appendix 3 to the report.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), informed the Committee that as detailed in the report; at the

Licensing Committee meeting held on 14th March 2022, the Committee approved the adoption of a new Hackney Carriage and Private Hire Licensing Policy which took effect on 1st September 2022.

Towards the end of that meeting, Members also discussed the Work Programme for 2021/22 and requested that reports be presented to future meetings of the Committee as follows: -

- 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; and
- The number of Wheelchair Accessible Vehicles (WAVs) licensed by the Council, ways to incentivise drivers to purchase WAVs and an estimate of the number of WAVs the district needed.

As detailed in the preamble above, at the meeting held on 19th September 2022, Members of the Licensing Committee considered a report as presented by officers to try and address those requests and to set out the details of some of the dialogue that had taken place between officers and representatives of hackney carriage and private hire drivers licensed by the Council in respect of the current vehicle age policies.

Members' attention was drawn to paragraph 3.6 in the report and pages 18 and 19 of the report, which highlighted the Council's current policy on the licensing of vehicles to be used as a hackney carriage or private hire vehicle and the requirements in respect of the age of the vehicle.

Currently licensed vehicles that were less than 7 years of age were required to be examined at the Council's Depot once per year, just before a licence for the vehicle was granted or renewed. Vehicles that were over the age of 7 years were also required to have a further examination 6 months after the licence for the vehicle had taken effect.

Following consideration of the officer's report, Members had requested that officers carried out a consultation on amending the vehicle age limits to those detailed at Appendix 1 to the report. Members further requested that officers carried out a consultation on amending the vehicle testing arrangements as follows: -

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)
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A consultation exercise was undertaken between 4th January 2023 and 3rd March 2023. An online consultation survey was also used in order to enable people to give their views on the proposed amendments. A link to the consultation survey was also provided via the Council's website and advertised via social media channels. Paragraph 3.17 in the report detailed who the consultation was sent to.

The responses received to the questions that were asked in the consultation survey was detailed at Appendix 2 to the report. The majority of those who had responded to the consultation were supportive of amendments being made to parts of Council's Hackney Carriage and Private Hire Vehicle Licensing Policy in respect of vehicle age limits, as proposed. Opinion was however more divided on whether or not the Council should amend the vehicle testing amendments to require an additional inspection for vehicles over 10 years of age.

Notwithstanding the mixed opinions expressed on this proposal, officers still believed that requiring extra examinations of these older vehicles provided an additional safeguard for the public, which would help to counterbalance any potential risk that might be posed by relaxing vehicle age limits for hackney carriage and private hire vehicles.

The Principal Officer (Licensing), WRS, highlighted that Members were now being asked to consider the responses received during the consultation exercise.

Appendix 3 to the report was the draft revised version of the Council's Hackney Carriage and Private Hire Licensing Policy, which incorporated the amendments, as proposed, during the consultation exercise. The parts of the policy that had been amended were highlighted for ease of reference.

The Principal Officer (Licensing), WRS responded to questions from the Committee with regard to MOT's and vehicles being examined at the Council's Depot, and in doing so stated that, not all local authorities had this facility 'in house'. There had been some recent issues with capacity at the depot during January / February 2023, with some drivers struggling to get MOT tests and retest appointments at the depot. As suggested in the consultation responses and should Members be minded to; officers could carry out a further consultation with regard to drivers being able to use other MOT test centres and not just the Council's depot.

Some Members commented that they had read the questions asked and the responses received to the consultation in some detail, more specifically, the complaint raised with regard to additional testing and had found their argument quite persuasive. As were the comments received about being able to use other MOT test centres, since some drivers had had to wait for an MOT test appointment at the Council's depot.

Some Members further commented that they were reluctant to allow tests at other MOT test stations for vehicles licensed in the District. Plus, they could see no reason why a vehicle over 12 years of age should require further testing, as suggested in the officer's report; since modern vehicles were built to last longer. Members further highlighted that the majority of age criteria vehicles currently presented at Sub-Committee (taxi) Hearings had been in a good condition and that Members had granted the majority of age criteria applications.

Following on from this discussion an Alternative Recommendation was proposed by Councillor A. D. Kriss and seconded by Councillor P. J. Whittaker.

The Alternative Recommendation was with regard to vehicle age requirements as follows: -

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

It was further agreed that in order to reflect the amended recommendation, that the draft revised Hackney Carriage and Private Hire Licensing Policy, be amended as follows: -

Page 73 of the main agenda report -

Paragraph 3.15.3 be amended to read: -

“Where a vehicle is more than seven years of age on the date the licence was issued, it must also be presented for further inspection within a four-week period beginning on the date six months after the licence issue date”.

Paragraph 3.15.4 to be removed.

“Where a vehicle is more than ten years of age on the date the licence was issued, it must also be presented for an inspection within a four-week period beginning on the date four months after the licence issue date and again within a four-week period beginning on the date eight months after the licence issue date”.

Page 97 of the main agenda report -

Paragraph C.19 be amended to read: -

“Where a vehicle is more than seven years of age on the date the licence was issued, it must also be presented for further inspection within a four-week period beginning on the date six months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5)”.

Paragraph C.20 be removed.

“Where a vehicle is more than ten years of age on the date the licence was issued, it must also be presented for an inspection within a four-week period beginning on the date four months after the licence issue date and again within a four-week period beginning on the date eight months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5)”.

Page 101 of the main agenda report -

Paragraph D.19 to read: -

“Where a vehicle is more than seven years of age on the date the licence was issued, it must also be presented for further inspection within a four-week period beginning on the date six months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5)”.

Paragraph D.20 to be removed.

“Where a vehicle is more than ten years of age on the date the licence was issued, it must also be presented for an inspection within a four-week period beginning on the date four months after the licence issue date and again within a four-week period beginning on the date eight months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5)”.

RESOLVED that subject to the amendments, as detailed in the preamble above, the draft revised Hackney Carriage and Private Hire

Licensing Policy, as detailed at Appendix 3 to the report, be approved with effect from 1st April 2023.

20/22

REVIEW OF REVISED SEX ESTABLISHMENT POLICY - CONSULTATION RESPONSES

Following on from the Licensing Committee meeting held on 11th July 2022, whereby Members approved for the purpose of consultation, the draft revised Sex Establishment Licensing Policy.

Members were asked to consider the responses received to the consultation for the purposes of adopting the revised Sex Establishment Licensing Policy, as detailed at Appendix 2 to the report.

The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended, allowed local authorities to adopt provisions concerning the regulation of sex establishments. Under the Act there was no legal requirement for the Council to adopt a policy on how it proposed to licence sex establishments under the Act. However, it was considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its licensing functions were carried out.

Members were further informed that there were no such establishments in the District and that there had been none for the last 10/12 years, and no enquiries about opening such an establishment had ever been made. However, as detailed in the preamble above, it was considered good practice to adopt such a policy.

The Principal Officer (Licensing), WRS, drew Members attention to section 3.21 in the report, which detailed the list of those consulted with. The consultation exercise was carried out between 7th October to 7th December 2022. The consultation exercise was also hosted on the Council’s website and also publicised via social media channels.

The only response received was sent on behalf of The Director of Public Health for Worcestershire, which had requested that The Director of Public Health be added to the list of consultees and were notified of applications received, as detailed at Appendix 1 to the report.

Officers were in agreement that this was an appropriate amendment and therefore the revised policy was updated.

In response to questions from Members with regard to the “display of nudity” means -, as detailed on page 143 of the main agenda report; officers explained that the definition was taken directly from the Act.

RESOLVED that the revised, draft Sex Establishment Licensing Policy, as detailed at Appendix 2 to the report, be approved with effect from 1st April 2023.

21/22

LICENSING COMMITTEE WORK PROGRAMME 2022/2023

The Committee noted the Work Programme for 2022/2023. Officers briefly explained that the Work Programme would be updated for the new municipal year 2023/2024.

RESOLVED that the Licensing Committee Work Programme for 2022/2023, be noted.

The meeting closed at 6.35 p.m.

Chairman