

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 25TH MARCH 2024, AT 6.00 P.M.

PRESENT: Councillors J. Elledge (Chairman), B. McEldowney (Vice-Chairman), A. M. Dale (during Minute No's part of 41/23 to 44/23), S. M. Evans, D. J. A. Forsythe, D. Hopkins, C.A. Hotham, B. Kumar, S. R. Peters, S. A. Robinson and H. D. N. Rone-Clarke

Officers: Ms. N Cummings, Mr. N. McMenamin and Mrs. P. Ross

38/23

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

No apologies for absence were received.

39/23

DECLARATIONS OF INTEREST

Councillors C. A. Hotham and H. D. N. Rone-Clarke asked for it to be noted that with regard to Agenda Item Number 5 (Minute No. 42/23), Gambling Act 2005 – Review of Statement of Principles; that they both attended Barnt Green Social Club.

40/23

MINUTES

The minutes of the Licensing Committee meeting held on 12th January 2024 were submitted.

RESOLVED that the minutes of the Licensing Committee meeting held on 12th January 2024, be approved as a correct record.

41/23

HACKNEY CARRIAGE STAND IN MARKET STREET SERVICE ROAD - CONSIDERATION OF OBJECTIONS / REPRESENTATIONS

The Committee received an update report with regard to representations or objections received to the advertisement of the proposal to amend the District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1).

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), reminded Members that: -

On 12th January 2024, Licensing Committee Members had instructed officers to carry out the required consultation and to arrange for the

required public notice to appear in a local newspaper; of the proposal to amend the District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1).

Licensing Committee Members had also agreed that should any representations or objections to the proposal be received, that these would be brought back before Licensing Committee Members for consideration before a decision was taken about whether to proceed with the amendment being made to the Order.

The advertisement of the proposal was now completed and one representation had been received, as detailed at Appendix 4 to the report.

The representation questioned the process that was followed to advertise the proposed changes. The representation also questioned what impact the proposed changes would have on buses and those that use them, asserting that Crown Close was a very busy area.

The Principal Officer (Licensing) WRS, reassured Members that, as detailed in the report; that the advertising of the proposed changes had been carried out in accordance with the requirements of section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

Members were further informed that officers had been advised that providers of bus services had been consulted with on the proposed changes by relevant officers at Worcestershire County Council and that no objections had been raised.

No objections or representations had been received from West Mercia Police in respect of the proposed changes.

Officers believed that making the proposed change to the stand for hackney carriages would not unreasonably prevent access to any premises and would not impede the use of any points authorised for the taking up or setting down of passengers by a local service or PSV operator's licence.

The following Appendices were also included with the report: -

- | | |
|------------|---|
| Appendix 1 | Plan showing original location of hackney carriage stand. |
| Appendix 2 | Drawing showing intended layout of hackney carriage stand from 2020. |
| Appendix 3 | Drawing showing proposed location of the additional space for a hackney carriage to stand for hire. |

Appendix 5 Excerpt from “Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure.”

In response to several questions from Committee Members, with regard to public safety and potential passengers getting into a hackney carriage that was ranked on the proposed fifth taxi rank space. The Principal Officer (Licensing), WRS, commented that this should not create an issue.; as passengers using the rank would be expected to use the hackney carriage that was ranked in the first space.

Some Members reiterated this and agreed that passengers would use the hackney carriage ranked in the first space, and should any passengers try and access a hackney carriage ranked in the fifth (or other spaces) would be directed by the licensed driver to use the first hackney carriage vehicle.

The hackney carriage rank was a feeder rank, whereby licensed drivers would use the other four spaces to sit and wait and move along the rank, as soon as the first ranked vehicle was hired.

Some Members felt that it was appropriate that the local resident who had submitted a representation (Appendix 4) be advised that the Committee had taken into account their representation. The Principal Officer (Licensing) WRS, agreed to inform the local resident.

RESOLVED:

- a) that officers undertake the required legal processes to make, alter or revoke the District Council of Bromsgrove (Hackney Carriage Stands) Order 2020 (No.1) as necessary in order to implement the additional space for hackney carriages to stand for hire, as detailed at Appendix 3 to the report.

42/23

GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES - APPROVAL TO CARRY OUT CONSULTATION

The Committee considered a report which detailed the Gambling Act – Review of Statement of Principles. Members were asked to approve the draft revised Statement of Principles, as attached at Appendix 1 to the report; for the purpose of consultation with relevant parties, as detailed on page 30 of the main agenda report.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that the Council’s current Statement of Principles under the Gambling Act 2005 had taken effect on 31st January 2022.

In accordance with the provisions of the Act, the Council was required to determine and publish a Statement of Principles every three years.

Therefore, a new Statement of Principles must be published by 31st January 2025.

Members' attention was drawn to paragraph 3.9 in the report, which detailed that in April 2023, the government published a long awaited white paper entitled 'High Stakes: Gambling Reform for Digital Age', following the review of the Government Act 2005 that was first launched in December 2020.

The white paper contained a number of proposals for reforming Gambling regulation in the following areas:

- Online protections – players and products
- Marketing and advertising
- The Gambling Commission's powers and resources
- Dispute resolution and consumer redress
- Children and young adults
- Land-based gambling

Whilst many of the proposed reforms were not directly relevant to the role that the Council played in the regulation of gambling activities, there were some proposed changes that were directly relevant. These included:

- Proposals to relax the rules on the split of low and medium maximum stake machines in certain licensed gambling premises.
- A review of the premises licence fees cap for local authorities.
- Introducing new powers to local authorities to conduct cumulative impact assessments for gambling premises.
- Proposals to change the rules that allow under 18s to play Category D gaming machines that pay cash prizes.
- Proposals to make provisions within the Gambling Commission's code of practise on the siting of gaming machines in licensed premises legally binding.

Following the publication of the white paper, several different consultations were undertaken by both the Department for Culture, Media and Sport and the Gambling Commission concerning the various proposals for legislative reform.

At this stage however, it was unclear as to when the government would bring forward the required legislation to implement the proposed reforms.

This presented something of a dilemma for licensing authorities such as Bromsgrove District Council, as they were required before each successive three-year period, to prepare and publish a Statement of Principles that they proposed to apply in exercising their functions under

the Act during that period. The Council's next Statement of Principles needed to be prepared and published before 31st January 2025.

As the timescales for legislation to be brought forward were unclear at this stage, officers were recommending that no substantive changes be made to the Statement of Principles at the present time and therefore very few changes were proposed in the draft Statement of Principles as detailed at Appendix 1 to the report.

The only changes that officer's believed need to be made at the present time were as follows:

- Updating the dates shown on the front page.
- Updating the population figure given in the introduction to reflect the latest census figures.
- Updating the dates between which consultation on the draft statement of principles will have taken place.
- Updating the list of consultees at Appendix B of the statement of principles to include additional gambling and other relevant trade associations.

As well as having to prepare and publish a new Statement of Principles before every successive three-year period, licensing authorities were also able to review their statements during those three-year periods and revise the statement at any point in time if necessary.

Whilst officers did not believe that any substantive changes were required to the Statement of Principles at this present time, it was considered highly likely that a revised Statement of Principles would need to be prepared and published between 31st January 2025 and 31st January 2028 in order to make any revisions that may be necessary as a result of any regulatory reforms enacted in connection with the proposals set out in the white paper.

In light of this, only minor revisions had been included in the draft Statement of Principles.

Consultation on the revised draft Statement of Principles would take place with all of the relevant parties, as detailed in paragraph 3.20 of the report. The consultation would also be made available for comment via the Council's website and published via social media and local press. Given that the proposed changes to the existing Statement of Principles were very minor, the consultation would be carried out over a period of six to eight weeks.

Any responses received to the consultation would be presented to a future meeting of the Licensing Committee.

It was noted that the facing page of the Draft Statement of Principles showed 2022 – 2025 and that this needed to be amended to 2025 – 2028.

The Principal Officer (Licensing), WRS, explained that the minor changes would be highlighted in the draft Statement of Principles, enabling those consulted with to clearly see the changes.

Councillor H. D. N. Rone-Clarke queried the wording in paragraph 23.3 of the draft Statement of Principles, Members agreed that the wording be amended to include the word 'and':

"23.3 An arrangement is a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes **and**
- the first of those processes relies wholly on chance".

RESOLVED that subject to the amendments as detailed in the preamble above, that the draft revised Statement of Principles, as detailed at Appendix 1 to the report, be approved for the purpose of consultation with relevant parties.

43/23

LICENSING COMMITTEE WORK PROGRAMME - MARCH 2024

The Committee considered the Work Programme for 2023/2024.

Councillor D. Hopkins briefly explained that having chaired a recent Licensing Sub-Committee (Taxi) Hearing, several questions were raised with regards to the Council's Hackney Carriage and Private Hire Licensing Policy, with regard to the renewing of a vehicle licence for Hackney Carriage vehicles that had been graded as Category 'C' and 'S' write offs for insurance purposes.

Due to a change in the Council's Hackney Carriage and Private Hire Licensing Policy in September 2022, vehicles previously licensed by the Council, were now having to come before Sub-Committee Members for their renewal applications to be considered. The taxi trade had commented that this was unfair to drivers who had already had their applications approved under the Council's previous policy.

Therefore, could it be included on the Licensing Committee Work Programme 2024/2025, for Members consideration. Giving Members the opportunity to look at the Hackney Carriage and Private Hire Licensing Policy wording with regard to vehicles that were graded as Category 'C' and 'S' write offs; and to consider introducing 'Grandfather' rights'.

On being put to the vote, it was

RESOLVED that the Licensing Committee Work Programme for 2024/2025, be updated to include the item discussed and agreed, as detailed in the preamble above.

44/23

ANY ENFORCEMENT / APPEALS UPDATES - VERBAL

There were no Enforcement / Appeals updates.

The meeting closed at 6.35 p.m.

Chairman