Public Document Pack

Licensing Committee

Thu 11th Aug 2011 7.30 pm

Council Chamber Town Hall Redditch



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- In addition, the public now has a right to be present when the Council determines "Key Decisions" unless the business would disclose confidential or "exempt" information.
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Welcome to today's meeting. Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments: tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

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If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency
Assembly Area is on
Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

 Where the item relates or is likely to affect your registered interests (what you have declared on the formal Register of Interests)

OR

 Where a decision in relation to the item might reasonably be regarded as affecting your own well-being or financial position, or that of your family, or your close associates more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? Declare the existence, and nature, of your interest and stay

- The declaration must relate to specific business being decided a general scattergun approach is not needed
- Exception where interest arises only because of your membership of another public body, there is no need to declare unless you speak on the matter.
- You can vote on the matter.

IS IT A "PREJUDICIAL INTEREST"?

In general only if:-

- It is a personal interest <u>and</u>
- The item affects your financial position (or conveys other benefits), or the position of your family, close associates or bodies through which you have a registered interest (or relates to the exercise of regulatory functions in relation to these groups)

and

 A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? Declare and Withdraw

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



11th August 2011 7.30 pm

Committee

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Michael Braley (Chair) Gay Hopkins (Vice-Chair) Peter Anderson Andrew Brazier	Bill Hartnett Roger Hill Robin King Alan Mason
	Michael Chalk Anita Clayton	Phil Mould Jinny Pearce
	Andrew Fry	Brenda Quinney

Andrew Fry Malcolm Hall

1.	Apologies	To receive the apologies of any Member who is unable to attend this meeting.	
2.	Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.	
3.	Minutes (Pages 1 - 8) Chief Executive	To confirm as a correct record the minutes of the meeting of the Executive Committee held on (Minutes attached)	
4.	Vehicle Inspection Fee Structure (Pages 9 - 18) Head of Worcestershire Regulatory Services	To consider objections received to the proposed fee structure for vehicle inspections following the publication of the statutory notice as required by the Local Government (Miscellaneous Provisions) Act 1976. (Report attached)	

All Wards;

Committee

5. Exclusion of the Public

Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution:

"that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act, as amended."

These paragraphs are as follows:

Subject to the "public interest" test, information relating to:

- Para 1 any individual:
- Para 2 the identity of any individual;
- Para 3 financial or business affairs;
- Para 4 labour relations matters;
- Para 5 <u>legal professional privilege</u>;
- Para 6 a notice, order or direction;
- Para 7 the <u>prevention, investigation or</u>
 <u>prosecution of crime;</u>
 may need to be considered as 'exempt'.



Committee

14th July 2011

MINUTES

Present:

Councillor Michael Braley (Chair), Councillor Gay Hopkins (Vice-Chair) and Councillors Andrew Brazier, Anita Clayton, Malcolm Hall, Bill Hartnett, Roger Hill, Alan Mason, Phil Mould and Jinny Pearce

Also Present:

Councillor Juliet Brunner (Portfolio Holder for Community Safety & Regulatory Services

Officers:

C Flanagan, S Garratt, N McMenamin and G Revans

Committee Officers:

D Sunman

1. APOLOGIES

Apologies for absence were received on behalf of Councillors Anderson, Fry and R King.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

RESOLVED that the minutes of the Licensing Committee held on 17th January 2011 be confirmed as a correct record and signed by the Chair.

4. PETITION - UNICORN HILL TAXI RANK

The Committee considered a petition requesting the re-siting of the Hackney Carriage rank on Unicorn Hill or restricting its hours of operation.

Members were informed that the petition had been received by the Overview and Scrutiny Committee at their meeting on 24th May 2011 and had been referred to this Committee, as the appropriate body, for further consideration.

	•
Chair	

Committee 14th July 2011

The Petition Organiser attended the meeting and outlined the concerns of the business owners / traders located on Unicorn Hill regarding the detrimental effect on trade which had arisen since a taxi rank had been sited on the left side of Unicorn Hill (looking down from the churchyard). He reported that several businesses had been forced to close and that the concern of local businesses was that, due to lack of parking, more would follow. He asked that consideration be given by the Council to re-siting the taxi rank (perhaps to the station car park or Bates Hill) or restricting the time of their rank usage to 5.30pm onwards and that consideration of providing some 'short stay' parking bays in Unicorn Hill would be helpful.

Members were informed that following receipt of the petition a consultation exercise had been carried out with the relevant agencies, which included West Mercia Police, West Mercia Road Traffic Management Police, Redditch Taxi Association and Worcestershire County Council (WCC). The consensus amongst those consulted was that the current location of the taxi rank was the most ideal location to service travellers on that side of the town.

Officers reported that in a previous consultation carried out in 2003/04 WCC Highways Department had advised that it would not be legally possible to provide road markings for short term parking in the day time and a taxi rank at night because of the different road markings that would be required.

Members were informed that the suggestion by the petitioners to move the rank to the station car park was not viable as the Council has no right of access to Private Land and previous enquiries had resulted in a negative response from the land owners.

RESOLVED that

- 1) the Petition and the report be noted; and
- 2) no further action be taken.

5. VEHICLE INSPECTION FEE STRUCTURE - PETITION AND OBJECTIONS

Councillor Alan Mason declared that he might have a predetermined view in relation to this agenda item as he had attended meetings with Redditch Taxi Association. He took no part in any discussion regarding this item and was not involved in the decision made.

Committee 14th July 2011

The Committee considered objections received to the proposed fees structure for vehicle inspections following the publication of the statutory notice as required by the Local Government (Miscellaneous Provisions) Act 1976.

Officers reported that the fees originally proposed had been set at £50 each for a Vehicle Inspection and a Vehicle Inspection Re-test. Following verbal objections by taxi drivers these fees had been reconsidered and had been amended to:

Vehicle Inspection Test £50 Vehicle Inspection Re-test £25

These amendments had been advertised and consulted upon.

Members were informed that the amended fees were in line with those charged by other local authorities within Worcestershire and reflected the actual cost of the work which would be undertaken at Crossgates Depot.

A new post had been created at Crossgates Depot to carry out 6 monthly testing of the Hackney Carriage and Private Hire Vehicle fleet, including re-tests and accidental damage tests. Detailed costings for the new post were circulated to members.

The Committee heard representations made on behalf of Redditch Taxi Association and their suggestion that the fee for the Vehicle Inspection Test be set at £37 with no additional charge for a re-test, should one be required.

Members agreed that they did not have sufficient detailed information on costs to be able to make an informed decision on the issue. They requested that Officers prepare a further report for discussion at a later meeting.

RESOLVED that

an additional meeting of Licensing Committee be convened on Thursday, 11th August 2011 at 7.30pm to consider a further report on the Vehicle Inspection Fee Structure.

6. STREET TRADING POLICY - REVIEW

The Committee received a report on a review of the current Street Trading Policy.

Officers reported that the current Street Trading Policy and its fee structure had not been reviewed since its introduction in 1989.

Committee 14th July 2011

The Committee's approval was sought of the following documents to allow a twelve week public consultation exercise to take place:

- Street Trading Policy Statement (Appendix 1)
- Street Trading Information Pack (Appendix 2)
- Street Trading Standard Conditions (Appendix 3)

Members noted that Appendix 3 of the report included the new proposed fees structure for Street Trading Consents.

RESOLVED that

- the contents of the draft Street Trading Policy Statement, the draft Customer Information Pack and the draft Standard Conditions, attached as Appendices 1 to 3 of the report, be approved; and
- 2) the approved draft versions of the documents, as specified in 1) above, be subject to public consultation, such consultation to take place over a 12 week period with the responses being reported back to the Licensing Committee.

7. LICENSING ACT 2003 - HALF YEARLY REPORT

The Committee received a review of the functions carried out in relation to the Licensing Act 2003 by the Council and other responsible authorities over the previous six months.

Inspector Ian Joseph of West Mercia Police provided an update on the Police's activity in relation to licensing matters. He reported that the amount of crime associated with the Night Time Economy in Redditch town centre had reduced from 6.1% of the total crime in 2008/09 to 5.3% in 2010/11. He reported that the majority of the offences in the town centre were assault and public order offences and that 14% of reported incidents had related to drugs offences. He reported that this increase in drug offences was as a result of high profile operations that had targeted the supply of drugs and led to increased detections.

Inspector Joseph informed members by the Partnership Analyst that two local premises had been identified where crime and disorder might occur. The Police and the Local Authority would be working together to address the issues.

He reported that another initiative, Operation Vellum, had been successful in dealing with increased concerns regarding a group of people regularly breaching the Designated Public Place Order

Committee 14th July 2011

(DPPO) in and around Redditch town centre by drinking alcohol and engaging in antisocial behaviour.

With regards to taxi licensing Inspector Joseph highlighted the ongoing tension concerning taxi test fees and his concerns that drivers might cause significant disruption on the roads or withdraw their services on key nights of the week in pursuit of their grievances.

Inspector Joseph provided a brief update on organisational developments affecting licensing and, in particular, that Redditch shares a Licensing Officer with the rest of the County.

The Senior Licensing Practitioner reported on behalf of Worcestershire Regulatory Services (WRS) Trading Standards that a full report would be made to the January meeting of this Committee.

Members were informed that a report had been received from the Senior Community Safety Project Officer, Redditch Borough Council and that this report would be circulated with the minutes.

RESOLVED that

the six monthly report on the Licensing Act 2003 be noted.

8. LICENSING COMMITTEE WORK PROGRAMME 2011/12

Members received an update on the Committee's Work Programme 2011/12.

Members agreed that the following items be added to the Work Programme:

Date of	Meeting	Title of Report	Comments
11th 2011	August	Vehicle Inspection Fee Structure	Additional meeting
10th 2011	October	Presentation on Regulatory Committee	
9th 2012	January	Street Trading Policy	

Committee 14th July 2011

RESOLVED that

the report be noted and the suggested amendments be included in the Work Programme.

Appendix 1: Licensing Act 2003 Cardiff Report Update - Minute 7 above refers

Chair

Appendix - Minute 7 refers

On 5th December 2007, Redditch Borough Council's Licensing Committee received and endorsed a report containing recommendations directed at improving the licensing and regulation of the Borough's night-time economy, with a particular focus on preventing and reducing violent crime.

Since this date the Committee has received two formal reports in December 2009 and July 2010 concerning the implementation of these recommendations by Redditch Borough Council officers & Elected Members, Worcestershire County Council and West Mercia Police.

The verbal update given today continues this process and recommends that it now conclude. The main reasons for this recommendation are as follows:

Firstly, the recommendations of the Cardiff report have largely now been implemented. Those recommendations that have yet to be implemented are connected to the transition to Worcestershire Regulatory Services and should be reconsidered in this context.

Secondly, the Licensing arena has undergone, and will continue to face, substantial change chiefly due to the impact of agencies restructuring through the transition to WRS and changes to the Police licensing and local policing functions. There have also been significant changes in the national policy context for licensing.

These changes present new challenges and opportunities to ensure that the core activities necessary to deliver effective regulation – identified by the Cardiff report – are maintained, namely:

- engaging with premises
- collecting evidence and intelligence
- maintaining effective partnership working
- taking appropriate enforcement action

At a time when pressure on public resources is high, particular attention must be given to maintaining the ability of the front line to deliver what matters to the public.

The Committee and relevant agencies can take encouragement that levels of reported crime related to the Redditch town centre night-time economy fell between 2008/9 and 2010/11¹. Officers have suggested that the enhanced agency focus on licensed premises during this period and the economic downturn may be connected with this reduction. Separate analysis has shown a modest decline in levels of public disorder on Unicorn Hill following the introduction of the white lighting scheme and other environmental improvements in this area.

¹ The numbers of offences were: 2008/9 = 387, 2009/10 = 328, 2010/11 = 317. Crime related to the night time economy (NTE) is defined as a range of specific types of offences (broadly including personal violence, public order, damage, drugs, sexual offences and a small number of other offences) which occur in the town centre area, either indoors or outside, between the hours of 5pm and 5am.

Appendix - Minute 7 refers

The Community Safety Partnership will continue to encourage the Committee and relevant agencies to focus on crime & disorder issues connected with the town centre night-time economy. This work forms part of Community Safety Partnership Plan priority "Safer Streets & Places." This focus is regarded as being vital to developing a vibrant, inclusive and safe town centre after dark.

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Page 9 Agenda Item 4

LICENSING COMMITTEE

11th August 2011

<u>VEHICLE INSPECTION FEE STRUCTURE – PETITION AND OBJECTIONS</u>

Relevant Portfolio Holder	Councillor Juliet Brunner - Community	
	Safety & Regulatory Services	
Portfolio Holder Consulted	Yes	
Relevant Head of Service	Steve Jorden, Head of	
	Worcestershire Regulatory Services.	
Wards Affected	All Wards	

1. SUMMARY OF PROPOSALS

Further to item 24 of the minutes of the Licensing Committee's 25th January 2010 meeting, to introduce two vehicle inspections per year. The Committee is asked to consider objections received to the proposed fee structure for vehicle inspections following the publication of the statutory notice as required by the Local Government (Miscellaneous Provisions) Act 1976.

2. **RECOMMENDATIONS**

2.1 The Committee is asked to consider the objections to the fee structure for vehicle inspections and RESOLVE that:

the Licensing Committee's decision with regards to fees made at its meeting on 25th January 2011 be confirmed, subject to the incorporation of a minor amendment made by Officers, shown within this report at paragraph 3.8.

3. KEY ISSUES

Financial Implications

3.1 The cost of re-introducing in house 6 monthly vehicle inspections and testing for Hackney Carriage and Private Hire Vehicles would be met entirely by revenue received from vehicle inspection fees. Adopting this method would place no financial burden on the Council.

Legal Implications

- 3.2 The Local Authority has powers under Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 to require vehicle inspections on up to three occasions per year.
- 3.3 It is anticipated that the fee income received would result in a break even position for the Council.

Page 10 REDDITCH BOROUGH COUNCIL

LICENSING COMMITTEE

11th August 2011

3.4 The Legal Services Manager was consulted on the original report and has also been consulted following objections received.

Service/Operational Implications

- 3.5 Members may recall the previous decision of the Licensing Committee made on 25th January 2010, which included adopting two vehicle inspection tests a year following a series of very poor spot checks of the Hackney Carriage and Private Hire fleet.
- 3.6 Due to technical reasons at Crossgates Depot, the implementation of this decision had been delayed for a period of eighteen months.
- 3.7 The actual cost of carrying out the service including any administrative processes was originally proposed and agreed as the following:

Vehicle Inspection £50.00 Vehicle Inspection re-test £50.00

3.8 Following verbal objections by the taxi drivers, Officers reconsidered these fees and made a slightly amended the re-test fee. These fees, as set out below, were then advertised and consulted upon as required.

Vehicle Inspection Test £50.00 Vehicle Inspection Re-Test £25.00

- 3.9 These fees are in line with other Local Authorities within the County and elsewhere and simply reflect the actual cost of this work being undertaken in house. A chart showing garage fees set by neighbouring Local Authorities can be seen at appendix 1.
- 3.10 Appendix 1 also shows current garage charges.
- 3.11 Appendix 3 shows projected income versus costs which would indicate a broadly cost neutral service.
- 3.12 A review of fees and charges and the service will be made following the first 6 months of operation and a report brought back to this Committee, (following the decision made by this Licensing Committee on 25th January 2010).

Customer / Equalities and Diversity Implications

3.13 Prior to implementation of the new vehicle inspection regime Officers have advertised and consulted with the taxi drivers on the set fees for

Page 11 REDDITCH BOROUGH COUNCIL

LICENSING COMMITTEE

11th August 2011

the vehicle inspections as required to do so by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.

- 3.14 There have been several objections to these fees and a breakdown of these objections can be found at appendix 2. The letters of objection are available for inspection in the background papers to this report.
- 3.15 Alongside the letters of objection a petition signed by 177 taxi drivers has been received (total number of taxi drivers licensed by Redditch is currently 400).

4. RISK MANAGEMENT

None

5. APPENDICES

Appendix 1 - Chart of neighbouring Local Authority garage fees

current testing fees.

Appendix 2 Consultation response table.

Appendix 3 Projected income and expenditure of vehicle

testing regime.

6. BACKGROUND PAPERS

Redditch Taxi Association Petition. Original letters of objection.

AUTHOR OF REPORT

Name: Sue Garratt

Senior Licensing Practitioner

Worcestershire Regulatory Services

Email <u>sue.garratt@worcsregservices.gov.uk</u>

Tel: 01527 534100

CONSULTATION ON VEHICLE INSPECTION FEES

Period 12th MAY 2011 – 9th JUNE 2011

CONSULTEE	REFERENCE	COMMENT	OFFICERS COMMENT
Redditch Taxi Association – Petition (165 Signatures)		Disagree with the Crossgates Pricing Structure	Pricing Structure was re-viewed by from original report by Officers and re-test fee lowered from £50.00 to £25.00.
Khaleel Mohammed	Letter 8th June	Rejecting new proposal, doubling fees currently at testing station.	Increase from annual test to six monthly testing will incur additional cost to driver. No compromise of the safety of the travelling public
Samir Saeed	Undated Letter	Disagree about new policy and fees – general objection – no specific comments	No Officer Comment
Amer Riz Mir	Undated Letter	Objection in general – cannot afford fees	No Officer Comment
Yassar Mahmood	Letter 7th June	Objection to fees. States not in the public interest.	No Compromise on Safety of the travelling public.
Shafiq Rasheed	Undated Letter	Objection to the proposal. Current fees at outside garages true reflection of earnings of a taxi driver – increase would impact negatively on the economic climate.	Fees are set on a recovery of costs basis only.
Redditch Taxi Association	Letter 8th June	Fees are above the normal rate of inflation. Object to retest Fee	Fees are set on a recovery of costs basis only.
		Strongly object and can see any commercial or logical reason as to why the fee should be in excess of current fees.	

TABLE OF VEHICLE TESTING

AUTHORITY	LICENCE FEE	TEST FEE	RETEST FEE	TEST PER YEAR	INHOUSE/EXTERNAL
Birmingham	£220.00 Renewal £105.00	£67.00	£25.00	1 per year Random testing Accident damage testing	In house
Bromsgrove	£290.00 Renewal £290.00	£54.00	£27.00	2 (vehicles over 7 years)	In house
Malvern	£278.00 Renewal £278.00	£60.95 incl MOT	Negation with garage	1 per year	1 garage external
Worcester	£399.00 Renewal £340.00	Not Known	Negation with garage	2 (vehicles over 8 years)	1 garage external
Solihull	£176.00 Renewal £157.00	£75.00	Negation with garage	1 per year Additional Vehicle inspections on pro-rota basis Accident damage inspections	3 garage external
Stratford	£395.00 Renewal £395.00	£45.00	Negation with garage	2 tests per year	2 garages external
Wyre Forest	£377.00 Renewal £377.00	£52.00 based on original charge.	Retest within 48 hours £27.00 Retest after 48 hours £52.00	2 per year + £10.00 MOT	In house

* Please note that not all the above fees indicate total cost recovery.

CURRENT VEHICLE TESTING COSTS

	Test Fee		
Abacus Auto Services	Auto Services £37.00		
	£50.00	Vehicle Test + MOT	
Hogan Brothers .£40.00		Vehicle Test	
	£55.00	Vehicle Test + MOT	

PROJECTED INCOME FROM VEHICLE TESTING FEES

370 vehicles x 2: £50.00 per test = £37,000.00

90 vehicles (re-test) £25.00 per test = £2,250.00

(Estimated figure of an eighth of vehicle tests completed)

37 accident damage tests £50.00 per test = £1,850.00

(Estimated figure 10% of vehicle fleet)

Total - £41,100.00

COSTS TO REDDITCH BOROUGH COUNCIL OF CARRYING OUT VEHICLE INSPECTION TESTS.

New post created, based at Crossgate's depot and managed by Paul Mills.

The post holder would be responsible for 6 monthly testing of the Hackney Carriage and Private Hire Vehicle fleet; this would also include re-tests and accident damage tests.

Vehicle Engineer Salary scale 6 £31,342.00 per annum (this figures includes salary on costs e.g. national insurance contributions)

Criteria used for calculation:

- a) There are theoretically 1440 test slots available per annum, but in reality unreasonable to expect anything like 100% utilisation.
- b) 867 would be required under the new regime
- c) Last year 204 private MOT's

On the above basis the new created post would be spending just over 80% of bay time carrying out work inspecting taxis based on the ratio between private and taxi work.

^{*} Please note that the number of vehicles is known but estimates had to be made on the number of retests and accident damage tests so that the actual income could be slightly above or slightly below the income figure but is unlikely to vary significantly.

Spare slots would enable easier booking and the mechanic can carry out administrative tasks related to the two regimes during the down periods. On the above basis the annual costs of the Council would be as follows:-

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Salary Costs (this is based on an apportionment between the taxi inspections and other work.	£25,387.00
Accommodation (based on an apportionment of floor area of the garage)	£6,000.00
Management and other on costs (includes financial, human resources, photocopying and management costs) again based on an apportionment of actual work dedicated to taxis.	£8,424.00
Other costs (stationery, mobile phone, MOT VOSA slots, PPE)	£1000.00
Total	£40,811.00

^{*}Please note that figures for salary, management and accommodation costs have been provided by Finance at Redditch Borough Council.

The above figures would indicate a break even situation in respect of the proposed charges verses costs to the Council in carrying out the proposed function.

Please note the above are actual costs and do not include such things as set up costs, down time, sickness cover arrangements etc.