



# Licensing Committee

Mon 6 Nov  
2017  
7.00 pm

Committee Room Two  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

*making  
a  
difference*

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

**If you have any queries on this Agenda please contact:-**

**Pauline Ross  
Democratic Services Officer**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH**

**Tel: (01527) 881406**

**e.mail: / [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk)**

# Licensing Committee

Monday, 6th November, 2017

7.00 pm

Committee Room 2 Town Hall

## Agenda

### Membership:

Cllrs:

Pat Witherspoon (Chair)  
Andrew Fry (Vice-Chair)  
Tom Baker-Price  
Roger Bennett  
Natalie Brookes  
Anita Clayton

Pattie Hill  
Gay Hopkins  
Antonia Pulsford  
Rachael Smith  
Jennifer Wheeler

### 1. Apologies

### 2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

### 3. Minutes (Pages 1 - 6)

To confirm as a correct record the minutes of the Licensing Committee held on 17<sup>th</sup> July 2017.

(Minutes attached)

### 4. Child Sexual Exploitation Training - Verbal Update

### 5. Approval of the revised Hackney Carriage and Private Hire Policies (Pages 7 - 18)

### 6. Draft Revised Street Trading Policy (Pages 19 - 54)

### 7. Street Trading - Designation of Streets (Pages 55 - 60)

### 8. Further consideration of a Penalty Point Scheme for Hackney Carriage and Private Hire Licence Holders (Pages 61 - 72)

### 9. Licensing Committee Work Programme (Pages 73 - 74)

This page is intentionally left blank



## Licensing Committee

Monday, 17 July 2017

### MINUTES

#### **Present:**

Councillor Pat Witherspoon (Chair) (during Minute No's 1 and part of 6), Councillor Andrew Fry (Vice-Chair, in the Chair during Minute No's part of 6 to 7) and Councillors Roger Bennett, Natalie Brookes, Anita Clayton, Pattie Hill, Gay Hopkins, Antonia Pulsford and Jennifer Wheeler

#### **Officers:**

Timothy Bishop and Dave Etheridge

#### **Democratic Services Officer:**

Pauline Ross

#### **1. APOLOGIES**

Apologies for absence were received on behalf of Councillors Tom Baker-Price and Rachael Smith.

#### **2. DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **3. MINUTES**

##### **RESOLVED that**

**the minutes of the meeting of the Licensing Committee held on 6th March 2017 be confirmed as a correct record and signed by the Chair.**

.....  
Chair

## Licensing Committee

Monday, 17 July 2017

---

#### 4. FURTHER CONSIDERATION OF THE RESULTS OF THE EARLIER CONSULTATION ON 'IMPROVING DISABLED PEOPLE'S ACCESS TO REDDITCH TAXI FLEETS' TASK GROUP

Following on from the Licensing Committee meeting held on 6th March 2017, Members received a further update with regard to the "Improving Disabled People's Access to Redditch Taxi Fleets" consultation document produced by Worcestershire Regulatory Services (WRS).

During the meeting held on 6th March 2017, Members had expressed their concern with regard to the following:-

- Redditch Taxi Association (RTA) had suggested in their response to the consultation that not all licensed drivers had received the additional consultation document so were therefore unable to respond.
- The low level number of responses received to the consultation from the relevant agencies. Members requested that officers clarified that all relevant agencies, as listed below, had been consulted with:-
  - Older People's Forum
  - Community Forum
  - Health and Well Being Group
  - BARN (Bromsgrove and Redditch Network)
  - DAR (Disability Action Redditch)
  - Town Centre Partnership

The Senior Practitioner (Licensing), WRS, introduced the report and in doing so informed the Committee that despite requests being made by Licensing Officers, WRS, RTA had not provided details of any of the licence holders who had not received the consultation document when originally distributed.

Officers were also able to confirm that, after liaising with the Council's Engagement and Equalities Advisor, all of the agencies as detailed in the preamble above had been given the opportunity to respond to the consultation document.

Therefore officers were of the opinion that any further consultation with licence holders or agencies was an unnecessary step to take.

Members commented that officers had done as much as possibly with regard to liaising with RTA. They were also pleased to note that, despite the low responses received, that all of the relevant

## Licensing Committee

Monday, 17 July 2017

---

agencies had been given the opportunity to respond to the consultation document.

The Senior Practitioner (Licensing), WRS, responded to questions from Members and explained that the number of licensed hackney carriages had stayed constant for the last few years. By lowering the required age to allow new applications for hackney carriages to be made for vehicles less than six years old, it was hoped that this would incentivise licensed drivers to purchase suitable vehicles at a lower cost. It was envisaged that as a result of this policy change that there would be an increase in the number of wheelchair accessible hackney carriages in the borough.

Members suggested that should the implementation of the legislation locally, on Section 165-167 of the Equality Act 2010, as detailed in Minute Number 5, be approved by Council; that any media campaign conducted included additional information with regard to assistance dogs and the Royal National Institute of Blind People (RNIB) Guidance be included so that licensed drivers and passengers were aware of their role and responsibilities when travelling by taxi.

### **RESOLVED that**

- a) the Hackney Carriage Vehicle Licensing Policy be amended to allow applications for new hackney carriages to be made for vehicles that are less than six years old, meet European M1 safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle; and**
- b) the Driver Licence Policy be amended to require that refresher training be provided on driving standards and disability awareness to taxi drivers every three years.**

### **5. EQUALITY ACT 2010 - SECTIONS 165 TO 167 POSITION STATEMENT ON THE MAINTENANCE OF A LIST OF DESIGNATED VEHICLES**

Following on from the meeting held on 6th March 2017 whereby Members received a legislative update report on Section 165 to 167 of the Equality Act 2010 – Taxi and Private Hire Passengers in Wheelchairs.

Members were asked to further consider a report which highlighted the recently enacted provisions of sections 165 to 167 of the Equality Act 2010 with regard to local authorities maintaining a list of designated vehicles in accordance with section 167 of the Act.

## Licensing Committee

Monday, 17 July 2017

---

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), informed the Committee that on 7th February 2017 the Department for Transport (DfT) announced their intention to implement sections 165 to 167 of the Equality Act 2010 and made the Equality Act 2010 (Commencement No. 2) Order which subsequently took effect on 6th April 2017.

As a result of this change to the law, drivers of designated wheelchair accessible taxi and private hire vehicles were now obliged to:-

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users

The new rules in England, Wales and Scotland, applied to both taxis and private hire vehicles and affected vehicles that were designated as wheelchair accessible.

Drivers found to be discriminating against wheelchair users faced fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons were able to apply for an exemption from the new requirements.

The new powers only applied in those areas where the licensing authority had decided to maintain a list of designated vehicles under section 167 of the Equalities Act 2010, and where the driver was driving a vehicle included on the list of designated vehicles maintained by the licensing authority.

A vehicle can then be added to the list of designated vehicles provided:

- (a) it was either a taxi or private hire vehicle, and
- (b) it conformed to such accessibility requirements as the licensing authority thought fit.

The Department for Transport published guidance, as detailed at Appendix 1 to the report, detailed the accessibility requirements that licensing authorities should apply. Licensing authorities that decided to maintain a list of vehicles under section 167 of the Equality Act 2010 had a legal obligation to have regard to this guidance under section 167 (7).

The list should set out details of the make and model of the vehicle, if the vehicle was a taxi or private hire vehicle and state the name of the operator.



## Licensing Committee

Monday, 17 July 2017

---

Drivers could not opt out from being on the list. If Licensing Officers, WRS, deemed that the vehicle met the requirements, the relevant details as detailed in the preamble above, would be included on the list.

Members commented that should the draft position statement be adopted, that WRS should raise awareness, with regard to sections 165 to 167 of the Equality Act 2010, with the public and the taxi trade to ensure they were fully aware of the requirements of the Act.

**RECOMMENDED that the draft position statement, as detailed at Appendix 2 to the report, with regard to sections 165 to 167 of the Equality Act 2010, be adopted.**

### 6. LICENSING ANNUAL REPORT 2016/2017

The Committee considered the Licensing Annual Report 2016/2017 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 Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) responded to questions from Members with regard to the information, as detailed in paragraph 3.19 Scrap Metal Dealers.

Members were informed that there had been a significant reduction in the number of licences in force compared to the previous year. A number of licence holders had not renewed their licences when due for renewal towards to the end of 2016. Officers would continue to establish if any of those who had not renewed their licence were still acting as scrap metal dealers. There had been a decrease across the county with the number of mobile collectors renewing their licences.

Reminders to renew their licences had been issued, but the vast majority had not responded. Officers would look at issuing a further reminder, with the possibility of including a reply slip stating 'No Longer Collecting', requesting that the slip be returned to WRS, in the prepaid envelope provided.

Members also commented that they had noticed a reduction in the number of mobile collectors, now collecting in the borough.

Members thanked the Senior Practitioner (Licensing), WRS, for his comprehensive report and requested that it would be useful if the annual report for 2017/2018 showed the previous year's figures for premises licences, as per the information detailed for Hackney

# **Licensing Committee**

**Monday, 17 July 2017**

---

carriage and private hire licences, as shown in paragraph 3.15 in the report.

**RESOLVED that**

**the Licensing Annual Report 2016/2017, as presented, be noted.**

**7. LICENSING COMMITTEE WORK PROGRAMME 2017/2018**

The Committee considered the Licensing Committee Work Programme for the 2017/2018 Municipal Year.

**RESOLVED that**

**the Licensing Committee Work Programme 2017/2018 be noted.**

The Meeting commenced at 7.00 pm  
and closed at 8.00 pm

**LICENSING  
COMMITTEE**6<sup>th</sup> November 2017**APPROVAL OF REVISED HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICIES**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

Members are asked to formally approve revised Hackney Carriage and Private Hire Vehicle and Driver Policies following the decisions taken at the last Licensing Committee meeting in response to the Overview and Scrutiny Committee's "Improving Access for People with Disabilities to Redditch Taxi Fleets" Short, Sharp Review.

**2. RECOMMENDATIONS**

**Members are asked to RESOLVE to approve the revised Driver Licensing Policy at Appendix 1 to take effect on 1<sup>st</sup> December 2017.**

**Members are asked to RESOLVE to approve the revised Hackney Carriage Licensing Policy at Appendix 2 to take effect on 1<sup>st</sup> December 2017.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs involved in carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 Proper consultation on the proposals to amend the Council's policies was undertaken to minimise the risk of legal challenge if the proposals are subsequently implemented.

**LICENSING  
COMMITTEE**6<sup>th</sup> November 2017

---

**Service / Operational Implications**

- 3.3 On 17<sup>th</sup> July 2017 the Licensing Committee resolved to proceed with the implementation of the following proposed changes to the Council's Hackney Carriage and Private Hire Vehicle and Driver Policies:
- to allow applications for new hackney carriages to be made for vehicles that are less than six years old, meet European M1 safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle.
  - The Driver Licence Policy be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years.
- 3.4 These proposed changes were recommended to the Licensing Committee following the Overview and Scrutiny Committee's "Improving Access for People with Disabilities to Redditch Taxi Fleets" Short, Sharp Review and were subject to extensive consultation.
- 3.5 The responses received during the consultation were considered carefully by Members at the Licensing Committee meetings on 6<sup>th</sup> March 2017 and then again on the 17<sup>th</sup> July 2017.
- 3.6 Following the decision taken on 17<sup>th</sup> July 2017, officers have updated the relevant policies to reflect the decision taken and Members are now asked to resolve to formally approve the revised policy documents.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

- Appendix 1 – Revised Hackney Carriage and Private Hire Driver Licensing Policy
- Appendix 2 – Revised Hackney Carriage Vehicle Licensing Policy

**LICENSING  
COMMITTEE**

6<sup>th</sup> November 2017

---

**AUTHOR OF REPORT**

Name: Dave Etheridge – Senior Practitioner (Licensing)  
Worcestershire Regulatory Services

E Mail: [dave.etheridge@worcestershire.gov.uk](mailto:dave.etheridge@worcestershire.gov.uk)

Tel: (01905) 822799

This page is intentionally left blank

**REDDITCH BOROUGH COUNCIL - DRIVER LICENSING POLICY**  
**(REVISED WITH EFFECT 1<sup>ST</sup> DECEMBER 2017)**

**APPLICATION FOR A HACKNEY CARRIAGE AND/OR PRIVATE  
HIRE VEHICLE DRIVER'S LICENCE**

The Driver's Licence covers the driving of either/both Hackney Carriage and Private Hire Vehicles and is valid for one year from the date of grant.

**Criteria for Hackney Carriage and Private Hire Drivers:**

- Applicants must be over 21 years of age;
- Applicants must hold a DVLA driver's licence or an equivalent E.U. member state driving licence;
- Applicants should have at least 2 years driving experience in the relevant class of vehicle in the UK;
- Applicants must have good conversational English
- Applicants for new licences must be free from previous convictions and cautions, other than for minor traffic offences.
- Applicants for any new driver licences must pass the Council's essential skills test.
- Applicants for new hackney carriage driver licences or dual hackney carriage/private hire driver licences, must pass the Council's knowledge test before issue of a licence;
- Applicants for any new driver licences must pass a Driving Assessment test with Worcestershire County Council before issue of a licence;
- Applicants for any new driver licences must undertake a disability awareness training course conducted by Worcestershire County Council or demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving)
- Applicants should be medically fit to drive hackney carriages or private hire vehicles and shall give proof of their medical fitness by completing and submitting a medical certificate carried out by a registered medical practitioner authorised by this Council (to the Driver and Vehicle Licensing Agency's Group 2 medical standards). This medical will include a drugs test.

Age 21 – 45 Medical/drugs test on first application

Age 45 – 65 Medical/drugs test every five years

Age 65 plus Medical/drugs test every year

**Foreign Nationals and other persons who have lived abroad**

If you are a foreign national and/or have lived abroad within the last twenty years for a period of 16 weeks or more then you will be required to produce a document from the relevant Government or Embassy of your country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record. This document must provide contact details for the Embassy or Government, in order that Officers can validate its authenticity.

Any relevant offences will be put before the Council's Licensing Committee so that they can make an informed decision as to the suitability of the applicant.

Although the Council does not employ drivers who are the recipients of Hackney Carriage and Private Hire Licences it is recommended, in the Department for Transport Best Practice Guidance, to establish that an applicant has the right to work as part of the determination of whether an applicant is a 'fit and proper' person to hold a licence. Consequently you will be required to prove your right to work in the UK. This can be done by submitting a National Insurance Number and Customs and Revenue Code numbers.

**Those who do not meet the criteria**

Under taxi licensing legislation, the Council has to ensure that anyone holding a licence is a 'fit and proper person'.

Where there is any doubt as to whether the applicant is a 'fit and proper' person, for instance because the DBS or DVLA checks have shown the applicant has criminal or motoring convictions, the Licensing Team may not have the authority to grant or renew an application.

In these circumstances a report will be compiled by the Licensing Officer outlining the details and presented to the Committee.

Applicants are entitled to attend the meeting to explain the circumstances of their conviction (or other reason for referral) and speak in support of their application. They are entitled to be accompanied by a representative (who may be either legally qualified or a 'lay' representative).

In respect of criminal convictions, the Committee will have regard to the supplemental guidelines relating to the relevance of convictions.



## Renewal of a Driver's Licence

A licence holder must apply for renewal of their licence whilst the existing one is still in force.

A reminder letter will usually be sent to the licence holder approximately 4-6 weeks before the current licence expires. If the renewal application is received more than 14 days after the expiry of the previous licence it will be treated as a new application.

When renewing a licence the applicant must submit the completed renewal application form, to the One Stop Shop, or by post to the address shown at the front of this handbook, together with the following supporting documentation:

- Application form for Disclosure and Barring Service check (where applicable);
- Medical report/drugs test (where applicable);
- DVLA licence showing current address;
- DVLA mandate;
- Licence fee;
- Two passport sized photographs.

With effect from 1<sup>st</sup> July 2014 a driver licence holder applying to renew their licence must have undertaken a disability awareness training course conducted by Worcestershire County Council or demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving).

***With effect from 1<sup>st</sup> December 2017, holders of driver licences must undertaken refresher training in disability awareness and must pass a Driving Assessment test with Worcestershire County Council at least every three years.***

Applicants for renewal of licences must be free from new convictions since the date of the grant of their last licence, other than minor traffic offences.

If the DBS or DVLA checks do not arrive prior to the expiry of the existing licence, drivers will be permitted to carry on driving hackney carriage and private hire vehicles, providing their application was received prior to the expiry date of the existing licence.

If the DBS disclosure reveals a conviction/s not disclosed by the licence holder, then the licence holder will be referred to the Committee for a decision as to whether their licence should be suspended or revoked.

If a licence holder is going on an extended holiday, they may apply for a renewal before they go, or give someone else written permission to renew their licence on their behalf.

**Issue of Licence**

An application will only be granted, and the licence issued, once the application has been properly completed and approved.

Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions) Act 1976

**Hackney Carriage Licensing Policy**  
(Revised with effect 1<sup>st</sup> December 2017)

1. The Council will licence any suitable motor vehicle for use as a hackney carriage.
2. The licence will be granted for a period not exceeding twelve months.
3. The onus is on the vehicle owner to ensure the vehicle meets the following criteria; failure to do so, may lead to refusal of licence or suspension of that vehicle.
4. For the purposes of this policy a suitable motor vehicle means a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria;
  - manufactured from new as a right hand drive vehicle;
  - constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
  - has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
  - where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
  - has an engine capacity of more than 1250cc;
  - has no side facing seats;
  - each provided seat has a minimum width of 431 mm (17 Inches) per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
  - the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
  - the boot or luggage compartment is separated from the passenger compartment by a suitable barrier

5. ***Applications for additional licences for Hackney Carriages will be granted only to approved vehicles which are less than 6 years old (72 months), meet the European “M1” safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle.***
6. Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.
7.
  - (1) replacement vehicles must be less than 6 years old (72 months) from the date of first registration of the vehicle as new by the Driver and Vehicle Licensing Agency.
  - (2) Vehicles more than 9 years old (108 months) from date of first registration of the vehicles as new by the Driver and Vehicle Licensing Agency will not normally be licensed. However, if vehicles are constructed or adapted to load and convey wheelchair bound passengers, they will be licensed up to 12 years old (143 months) from the date of first registration as new by the Driver and Vehicle Licensing Agency.
8. Any vehicles up to the age of 9 years will be subject to two vehicle inspection tests per year; over the age of 9 years the vehicle will be subject to three tests per year.  
  
 The age of the vehicle is reckoned from the date of first registration shown on the Vehicle Registration Certificate (V5 or V5c).
9. Applications be granted in respect of vehicles specifically intended for use as a taxibus as set out in paragraph 11.
10. Persons who hold existing hackney carriage vehicle licence be permitted to “transfer” those licences only to a vehicle of similar type (e.g. saloon car to saloon car), unless the replacement vehicle meets or is based on either the European “M1” safety standards or specification used by the Metropolitan Public Carriage Office, and has facilities for carrying a person with disabilities in a wheelchair within the vehicle
11. Suitable licensed hackney carriages specifically approved by the Borough Council which comply with the provisions of the Transport Act 1985 and notified and registered with the Traffic Commissioner may be approved for use as Taxi Buses with passengers permitted to travel at separate fares.
12. Before licensing a motor vehicle as a hackney carriage the authorised officer will also be satisfied that the following requirements are met:
  - The applicant must be the proprietor or part-proprietor of the vehicle. “Proprietor” means the legal owner (or part-owner) or the person (or registered company) having possession of the vehicle under the terms of a hire purchase agreement.

- The vehicle is not currently licensed by another local authority as a hackney carriage or private hire vehicle.
- The vehicle has valid certificate (or cover note) of motor insurance cover for public hire use.
- The vehicle must adhere to the National Inspection Standards, adopted by this Council and written by the Technical Officer Group in conjunction with the Public Authority Transport Network, the Freight Transport Association and endorsed by VOSA.
- The vehicle, if constructed or adapted for wheelchair bound passengers, can convey them securely in either the forward or rear facing position and all wheelchair restraints are BSI or CE marked, in good condition and operate correctly. Lifting equipment, if fitted for the purpose of loading passengers into the vehicle, complies with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 and is certified as safe.
- All requests for advertising are submitted by the owner for prior written approval by the authorised Officer. Advertising must not relate to alcohol tobacco or any matter which may cause an offense.
- The plate identifying the vehicle as a hackney carriage and stating the number of persons permitted to be carried therein, shall be securely fitted externally at the rear of the vehicle, be clearly visible and below the window line. A frame holder will be permanently fixed to the vehicle and the licence plate fitted to the holder in the prescribed manner.
- The vehicle if converted or modified after manufacture to run on an alternate fuel supply, a valid fuel conversion installation certificate or safety report is presented for inspection and any additional fuel cut-off switches are correctly identified.

This page is intentionally left blank

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**6<sup>th</sup> November 2017**DRAFT REVISED STREET TRADING POLICY**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

The Council's current street trading policy has been in place since July 2012. It is believed that given the length of time since the policy was adopted, it is appropriate to carry out a review of the street trading policy and to carry out consultation on a draft revised policy.

**2. RECOMMENDATIONS**

**That Members RESOLVE to approve the draft revised street trading policy at Appendix 2 for the purpose of consultation with relevant parties.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs associated with carrying out the consultation on the draft policy would be met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 ("the Act") as amended allows local authorities to adopt provisions concerning the control of street trading. Under the Act there is no legal requirement for the Council to have a policy on how it proposes to control street trading under the Act.
- 3.3 However it is considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its functions are carried out. It is also considered best practise to review any such policy adopted from time to time.

**Service / Operational Implications**

- 3.4 Council's usually control street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications that the street trading creates. Controlling street trading also allows Councils to manage the impact street trading has on the local economy.
- 3.5 The control of street trading can also be of benefit to traders who can obtain greater security over their "pitch" if they are the only person who has the Council's consent to trade there.
- 3.6 Officers believe that it is important that where a Council decides to exercise control over street trading, the Council should adopt a street trading policy, which sets out clearly how applications for street trading consents will be dealt with and what principles will be applied when determining applications made for street trading consents. It is also believed that such a policy should be reviewed from time to time to ensure it is still appropriate and in line with the Council's aims and objectives in controlling street trading.
- 3.7 A copy of the Council's current street trading policy and standard conditions can be seen at **Appendix 1**. The policy and standard conditions have been in place since July 2012. It has therefore been more than five years since these have been formally reviewed. Therefore officers believe the policy and conditions should now be subject to review.
- 3.8 A draft revised street trading policy has been produced and is attached at **Appendix 2**. The draft revised street trading policy is a more comprehensive and detailed document than the current street trading policy and incorporates the standard conditions. The draft revised policy aims to provide as much information and guidance as possible to assist applicants, consent holders, officers and Members with a view to achieving a transparent and consistent approach to how the Council's street trading functions are carried out.
- 3.9 The draft revised policy begins by giving an introduction to the District. This is followed by a section explaining what the policy is and what objectives it seeks to achieve.
- 3.10 The draft revised policy then sets out the legislative framework within which the Council controls street trading, and explains that streets in the District have been designated as "consent streets" and those that are designated as "prohibited streets."



**LICENSING COMMITTEE**6<sup>th</sup> November 2017

---

- 3.11 The draft revised policy goes on to explain the requirements involved in making an application for a street trading consent. This includes reference to the documentation that must be submitted with an application.
- 3.12 The draft revised policy sets out the way in which applications will be consulted upon and determined.
- 3.13 The application will be notified to a number of relevant stakeholders and other interested parties so that they have the opportunity to pass comment on the application and lodge any objections during a period of 28 days following on from the date that the application is made.
- 3.14 In addition however a further requirement is proposed in respect of applications for new consents, where the trading is proposed to take place from a fixed location. The applicant in these circumstances would be expected to display a public notice at the site of the proposed trading for at least 21 consecutive days from the date the application is made.
- 3.15 The draft policy explains that where representations or objections are received, officers will, in the first instance, explore the possibility that a compromise solution can be reached between the applicant and the person or persons making the objection or representation. If this is not possible, the draft policy explains that the applicant has the right for their application to be referred to a Licensing Sub-Committee for determination.
- 3.16 The draft policy goes on to set out the key considerations that will be taken into account by a Licensing Sub-Committee when determining an application for a street trading consent. The options available to a Licensing Sub-Committee are also set out within the draft policy.
- 3.17 The draft policy also seeks to set out the Council's approach to enforcement and complaints in respect of street trading activity. This is done in the interests of fairness and transparency and with a view to promoting consistency.
- 3.18 The draft revised policy is based on a template policy that officers are hoping to be able to implement across Worcestershire as part of the on-going effort to try harmonise as many licensing policies and procedures as possible across the county.
- 3.19 This report has been submitted to seek approval of the draft revised policy so that it can be consulted upon with the public and relevant stakeholders.

**LICENSING COMMITTEE**6<sup>th</sup> November 2017

---

3.20 It is proposed use a consultation questionnaire to elicit views on the following matters set out in the draft policy:-

- The objectives of the policy
- The application procedures
- The key considerations
- The standard conditions
- Any other observations

3.21 The results of the consultation exercise would be brought back to the Licensing Committee for consideration before any decision is taken whether to adopt a revised street trading policy.

**4. RISK MANAGEMENT**

4.1 In order to minimise the risk of legal challenge to any policy subsequently adopted, proper and effective consultation on the draft revised street trading policy is being recommended.

**5. APPENDICES**

Appendix 1 – Existing Street Trading Policy and Conditions

Appendix 2 – Draft Revised Street Trading Policy

**AUTHOR OF REPORT**

Name: Dave Etheridge – Senior Practitioner (Licensing)  
Worcestershire Regulatory Services

E Mail: [dave.etheridge@worcsregservices.gov.uk](mailto:dave.etheridge@worcsregservices.gov.uk)

Tel: (01905) 822799



## STREET TRADING - POLICY STATEMENT

### UNDERLYING PRINCIPLES

1. Street Trading is regarded as an acceptable activity in Redditch within the consented areas (Appendix A), provided that it is located where it can make a positive contribution to add interest, vibrancy, and diversity to the area and does not give rise to problems associated with Crime and Disorder.
2. The Council is the responsible authority for granting Street Trading Consents in Redditch and will ensure that traders operate in accordance with conditions attached to such Consents (Appendix B).
3. The Council accepts that Redditch comprises distinct areas with differing historic and commercial characters, and varying streetscape qualities, which should be individually developed and promoted.
4. The Council will consult with the following agencies:
  - The Highways Authority – Worcestershire County Council;
  - The Chief Officer of Police;
  - Worcestershire Regulatory Services – Compliance Team;
  - The Councils Street Scene and Community Services Team;
  - The Council's Community Safety Team;
  - Trading Standards;
  - The Parish Council (if any) in which the Trading Unit is to be located;
  - The Ward Councillors; and
  - The owners/occupiers of any properties near to the proposed location of trading site.
  - Any other relevant agency
5. The Crime and Disorder Act (1998) stresses the need to take positive action to combat crime and the fear of crime. Therefore, prior to granting any Street Trading Consent the Council will pay particular attention to any potential crime and disorder arising directly or indirectly from the Consent and will give significant weight to the views of the Police and Community Safety Officer.
6. The Council may issue Consent for up to one year or a lesser period where appropriate if the trading activity is seasonal or of a temporary nature.
7. Applications will only be considered where an applicant has completed an application form and will not be granted unless an applicant has paid the appropriate Consent fee.

8. Applications for a Street Trading Consent will be considered and determined under the Council's Scheme of Delegation by the Head of Worcestershire Regulatory Services, or otherwise by the Council's Licensing Sub-Committee.
9. Where more than one trader applies for Consent to trade from an approved site, the applications will be referred to the Council's Licensing Sub-Committee.

### **CRITERIA FOR CONSIDERING APPLICATIONS FOR STREET TRADING CONSENTS**

When considering an application for a Street Trading Consent, the Council will take into account the following matters when reaching its decision:

1. Responses from Consultees and other interested parties.
2. The proposed siting and design of the street trading vehicle and whether or not it enhances the area within the immediate vicinity.
3. Any potential obstruction to the free flow of pedestrians or of vehicles in the street, with special regard for the visually impaired.
4. Road safety, either arising from the siting of the street trading vehicle or as a result of customer visiting or leaving the site, including existing traffic orders and waiting restrictions.
5. The nature of the proposed goods to be traded and whether this will create conflict with the trade of adjacent, established shops.
6. Whether the proposed siting of the street trading vehicle obstructs the frontage of adjacent established shops.
7. The numbers, distribution and location of existing street trading consents.
8. The likelihood of excessive noise, odour and litter being generated.
9. Whether the proposal would conflict with any other policies of the Council.

CONSENTED STREETS	PROHIBITED STREETS
<p><b>ALL STREETS WITHIN REDDITCH DISTRICT EXCEPT THOSE DESIGNATED AS PROHIBITED STREETS AND THE TOWN CENTRE USED FOR MARKET PURPOSES.</b></p>	<p> <b>Alders Drive</b>  <b>Alvechurch Highway</b>  <b>Alcester Highway</b>  <b>Battens Drive</b>  <b>Birmingham Road</b>  <b>Birchfield Road</b>  <b>Bromsgrove Highway</b>  <b>Callow Hill Lane</b>  <b>Coldfield Drive</b>  <b>Coventry Highway</b>  <b>Claybrook Drive</b>  <b>Dagnell End Road</b>  <b>Evesham Road</b>  <b>Far Moor Lane</b>  <b>Greenlands Drive</b>  <b>Headless Cross Drive</b>  <b>Holloway Drive</b>  <b>Icknield Street</b>  <b>Icknield Street Drive</b>  <b>Lower Common Lane</b>  <b>Middle Piece Drive</b>  <b>Moons Moat Drive</b>  <b>Old Forge Drive</b>  <b>Papermill Drive</b>  <b>Redditch Ringway</b>  <b>Rough Hill Drive</b>  <b>Salters Lane/Hewell Road</b>  <b>Warwick Highway</b>  <b>Washford Drive</b>  <b>Windsor Road/Middle House Lane</b>  <b>Woodrow Drive</b>  <b>Windmill Drive</b> </p> <p> <b>Droitwich Road, Feckenham</b>  <b>Alcester Road, Feckenham</b>  <b>Saltway, Feckenham</b>  <b>High Street , Feckenham</b>  <b>Church Road, Astwood Bank.</b> </p>

This page is intentionally left blank

**REDDITCH BOROUGH COUNCIL****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****STREET TRADING - STANDARD CONDITIONS**

1. Redditch Borough Council ("the Council"), pursuant to Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act") have resolved that Schedule 4 to the Act, to control street trading in the district should come into force from 2012.
2. The Council has resolved that every street within the area of the district of Redditch is to be designated as a Consent Street" under the Act, ( except those shown at Appendix One and nominated as Prohibited Streets ) which means a street in which street trading is prohibited without a Consent issued by the Council.
3. A street trading Consent is issued by the Council subject to the following conditions, insofar as they do not conflict with or are amended by any specific conditions imposed on the grant of the Consent:-
  - (a) The Consent is valid for the period shown on the Consent
  - (b) The Consentee shall pay a fee to the Council in accordance with the approved list of fees.
  - (c) The Consent may be surrendered by the Consentee at any time, providing that the Council shall repay to the Consentee that part of the fee considered by the Council appropriate for the unexpired period of the licence, less £35 for administrative expenses, the exception being the day rate.
  - (d) The Consent holder must at all times while trading display in a conspicuous position the Consent issued by the Council.
  - (e) The Consentee shall not carry on his/her trade in such a way as to cause obstruction of any part of the street in which he/she is trading, or danger to persons using the street.
  - (f) The Consentee shall not carry on his/her trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity.
  - (g) The Consentee shall not sell any type of food, goods or merchandise other than that specified in the Consent.
  - (h) The Consentee shall provide and maintain, where appropriate, adequate facilities for the collection of litter resulting from his/her trading and at the close of each trading day shall remove any litter resulting

from his/her trading from the street. The Consentee shall be responsible for any damage to the highway or otherwise resulting from the trading activity.

- (i) The Consentee shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse occurring from the trading activity and shall not discharge any waste water to the street surface or to the surface water drains.
- (j) The Consentee shall not use any television, tape recorder or other device for the reproduction of sound while trading without the express permission of the Council.
- (k) The Consentee shall not trade outside the times and days permitted by the Consent
- (l) The Consentee shall not trade in any location other than the location permitted by the Consent
- (m) Any vehicle, stall or container used by the Consentee in the course of street trading shall be constructed and maintained to the satisfaction of the Council and shall comply with legislation in force at the time or any relevant British Standard.
- (n) The use and storage of liquid petroleum gas shall comply with the Code of Practice or requirements of the Fire Officer.
- (o) The Consent shall not operate for any other purpose than to permit the Consentee to trade in a Consent street in accordance with the conditions imposed. The Consentee must ensure that he/she has obtained any other approval or registration required under any other statutory provisions relevant to his/her trade.
- (p) The Consentee must be 18 years of age or over and shall be responsible at all times for control of the stall. Any persons assisting on the stall shall be 18 years of age or over.
- (q) The Consent is personal to the Consent holder and shall not be assigned or transferred to any other person or company.
- (r) The Consent holder or his employee must move his vehicle/stall or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- (s) Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.
- (t) The Consent holder shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council and shall



produce a valid certificate of such insurance at any time upon the request.

- (u) Nothing contained in these conditions shall relieve or excuse the Consent holder or his/her employee or agent from any legal duty or liability and the Consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from trading.
- (v) The conditions attached to the Consent may be varied by the Council at any time.
- (w) Any breach of these conditions may lead to the Consent being suspended or revoked.
- (x) In these conditions “the Consent” means a Consent issued under Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Consentee means the person named on the Consent issued by the Council and includes any employee, servant or agent of the licence holder and “the Council” means Redditch Borough Council.

This page is intentionally left blank



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# Street Trading Policy



Approved to take effect on **DATE**

**CONTENTS**

<b>SECTION</b>	<b>Page Number</b>
1 Introduction	3
2 Designation of Streets	6
3 Applications	7
4 Duration of Consent	12
5 Conditions of Consent	13
6 Appeals	14
7 Complaints and Enforcement	15
8 Amendments to Policy	16
9 Fees and Charges	17
10 Definitions	18
<b>ANNEXES</b>	
A Form of Public Notice	20
B Standard Conditions	21

## 1.0 INTRODUCTION

### 1.1 Redditch Borough

- 1.1.1 Redditch Borough Council is situated in the County of Worcestershire, which contains six District Councils in total. The Borough of Redditch is approximately 15 miles south of Birmingham. The Borough has a population of 84,500 with a higher percentage of young people (age 0-15 years) compared with the rest of the County.
- 1.1.2 There is a very diverse population within the Borough and there are four areas that are within in the top 10% most deprived in England.
- 1.1.3 Redditch Borough has many open spaces; there are six Sites of Special Scientific Interest, 24 Special Wildlife Sites and numerous local nature reserves.
- 1.1.4 There are a number of international companies established in the Borough and the Kingfisher Shopping Centre boasts many big name department stores.
- 1.1.5 Through North Worcestershire Economic Development and Regeneration and the Local Enterprise Partnership, the Council continues to support new and established businesses within the Borough to grow.
- 1.1.6 Through considering what really matters to residents, the Council has produced a set of six strategic purposes to guide us; they are based on customer demands and data and evidence about the needs of and issues affecting the people of Redditch Borough. The strategic purposes are:
- Keep my place safe & looking good.
  - Help me run a successful business
  - Help me to be financially independent
  - Help me to live my life independently
  - Help me find somewhere to live in my locality
  - Provide good things for me to see, do & visit
- 1.1.7 This policy statement aims to help further these strategic purposes.



## **1.2 The Policy**

- 1.2.1 This document states Redditch Borough Council's Policy on Street Trading, as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).
- 1.2.1 In exercising its discretion in carrying out its regulatory functions, Redditch Borough Council will have regard to this Policy document and the principles set out therein.
- 1.2.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits, with reference to the principles and procedures that are detailed in this Policy.

## **1.3 The Objectives of this Policy**

- 1.3.1 This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 1.3.2 The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 1.3.3 The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.
- 1.3.4 This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 1.3.5 The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Regulator's Code.

## **1.4 The Law**

- 1.4.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 1.4.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:

- Prohibited Streets: those which are not open to street traders
- Consent Streets: where street trading is prohibited without Local Authority consent
- Licence Streets: where trading is prohibited without a Local Authority licence

1.4.3 Local authorities can place conditions on any Consent or Licence granted. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.

1.4.4 There are, however a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed in Section 10 below (definition of 'Street Trading'). However it is important to note that exempted traders are still controlled by other regulatory legislation.

### **1.5 Licensing Act 2003**

1.5.1 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.

1.5.2 Late night refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.

1.5.3 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

## **2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING**

### **2.1 Consent Streets**

- 2.1.1 The Council has designated all streets within the Borough as consent streets except those that it has designated as prohibited streets and the Town Centre used for Market purposes.

### **2.2 Prohibited Streets**

- 2.2.1 The following streets have been designated by the Council as prohibited streets:

Alders Drive	Lower Common Lane
Alvechurch Highway	Middle Piece Drive
Alcester Highway	Moons Moat Drive
Battens Drive	Old Forge Drive
Birmingham Road	Papermill Drive
Birchfield Road	Redditch Ringway
Bromsgrove Highway	Rough Hill Drive
Callow Hill Lane	Salters Lane/Hewell Road
Coldfield Drive	Warwick Highway
Coventry Highway	Washford Drive
Claybrook Drive	Windsor Road/Middle House Lane
Dagnell End Road	Woodrow Drive
Evesham Road	Windmill Drive
Far Moor Lane	
Greenlands Drive	Droitwich Road, Feckenham
Headless Cross Drive	Alcester Road, Feckenham
Holloway Drive	Saltway, Feckenham
Icknield Street	High Street , Feckenham
Icknield Street Drive	Church Road, Astwood Bank.



### **3.0 APPLICATIONS FOR A STREET TRADING CONSENT**

#### **3.1 Advice for New Applicants**

- 3.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice, as well as clarifying any areas of uncertainty.
- 3.1.2 It is the responsibility of the applicant, in the first instance, to identify the location(s) in which they wish to trade as there is no designated list of street trading “pitches” that can be traded from.
- 3.1.3 The Council can also provide advice in relation to other legal requirements of a new Consent Holder, for example, planning permission or food safety requirements.

#### **3.2 Applications**

- 3.2.1 All applications for grant or renewal of a Street Trading Consent must be made on the Council’s prescribed application form.
- 3.2.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.
- 3.2.3 The following will also be required to be submitted with the application form:-
  - Where the proposed trading is from a fixed location, a copy of a plan at a minimum scale of 1:2000, unless an alternative scale has been specified by a Licensing Officer. This plan should clearly identify the proposed site location by marking the site boundary with a red line.
  - Where the trading is proposed to take place on a mobile basis, a list of the relevant Towns/Parishes in which trading is proposed to take place providing details where possible about specific areas.
  - Confirmation that an adequate level of third party public liability insurance is, or will be, in place during street trading activity.
  - Where the trading is to take place from private land, documentary evidence that the landowner has given their consent to the applicant to trade from their land.
  - Two passport sized photographs of the applicant and any person who will be assisting with the trading on a regular basis. One of the photographs of each person must be endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.
  - A colour photograph of any trailer, stall or other vehicle from which the street trading activities are proposed to take place.

- Food hygiene certificates (where relevant)
- Proof of registration as a food business (where applicable)
- Satisfactory certificates confirming the safety of any gas or electrical installations within the trailer, stall or vehicle from which the street trading activities are proposed to take place.
- Certificates to confirm that any fire fighting equipment within the trailer, stall or vehicle from which the street trading activities are proposed to take place have been appropriately serviced and maintained.
- If a vehicle is to be used as part of the street trading activities, registration details of the vehicle including confirmation of the registered keeper of the vehicle and their address.
- Proof of the applicant's address and of their right to live and work in the United Kingdom.

3.2.4 Applications cannot be considered from anyone under the age of 17.

### **3.3 Processing an Application**

3.3.1 Applications for grant or renewal of a Street Trading Consent will be notified by the Council to the following:-

- West Mercia Police
- Worcestershire County Council (Highways)
- Highways England
- Any relevant Parish Council
- The Borough Councillor(s) for the Ward(s) concerned
- Environmental Health Officers at Worcestershire Regulatory Services
- The Planning Authority
- Safer Redditch
- Redditch Borough Council Environmental Services
- North Worcestershire Economic Development and Regeneration (NWEDR) team
- Trading Standards
- The owners / occupiers of any residential and/or business properties in the vicinity of the proposed location of any static trading site.
- Any other relevant organisation

3.3.2 Additionally, where the application is for grant of a new Consent in respect of a fixed location, the applicant must also advertise their application by displaying the prescribed Public Notice at the relevant location for not less than 21 days beginning with the day after the application for Consent is made to the Council. The form of the Public Notice required is shown at **Annex A** to this Policy.

3.3.3 The Council will allow 28 days from the date that the application is received and confirmed as valid, for people to make representations or objections in relation to the application.

3.3.4 Representations or objections will be accepted from any of the bodies listed at 3.3.1 and any other individual or business that can demonstrate that they would be materially affected by the proposed street trading activities.

### **3.4 Determining Applications with no Representations or Objections**

3.4.1 Where no representations or objections are received within 28 days of the application being received, Officers will grant Consent to the applicant in the terms that it was applied for.

### **3.5 Determining Applications through Mediation**

3.5.1 Where a representation or objection is received in respect of an application, a Licensing Officer will, in the first instance, attempt to mediate between the relevant parties.

3.5.2 For example, it may be possible to find a compromise position in one of the following ways:-

- amending the times during which trading will take place;
- amending the days on which trading will take place;
- adding conditions to the Consent to address specific concerns;
- granting Consent for a trial period to assess the impact; or
- amending the list of articles to be sold.

3.5.3 Where all relevant parties agree to a compromise position, the Consent will be granted by Officers, subject to the agreed amendments.

### **3.6 Determining Applications Where Mediation Is Not Possible**

3.6.1 Where representations or objections are received and it is not possible to reach an agreed compromise, the application can be referred, at the applicant's request, to the next available Licensing Sub-Committee for determination.

3.6.2 The Licensing Sub-Committee will be conducted in accordance with the Council's standard procedure.

### 3.7 Key Considerations

3.7.1 Each application will be considered on its own merits.

3.7.2 The Council will have regard to all of the circumstances and all of the representations and objections that it receives. The Council will normally grant or renew a Street Trading Consent unless, in its opinion,:-

- a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
- there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- there would be a significant loss of amenity caused by traffic, noise (whether from trading unit or its customers), light pollution, rubbish, air quality, potential for the harbourage of vermin; or
- there is already adequate like provision in the vicinity of the site to be used for street trading purposes; or
- there is a conflict with Traffic Orders such as waiting restrictions; or
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- street trading activities would undermine the safe and efficient passage along public highways and cause congestion; or
- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- the site does not allow the Consent Holder, staff and customers to park in a safe manner; or
- the trading activity would detract from the visual or other attractions of the area in which it takes place, particularly designated Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special or Scientific Interest; or
- street trading activities would conflict with the solemnity and tranquillity that can reasonably be expected at sensitive locations, such as close to a place of worship, cemetery, crematorium etc; or
- the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or
- a Consent has already been granted to another person to trade similar articles in the immediate vicinity.
- the proposed consent holder is not considered to be a suitable person to be granted a street trading consent for any reason.

### **3.8 Options Available to Licensing Sub-Committee**

3.8.1 When determining an application for grant or renewal of a Street Trading Consent, a Licensing Sub-Committee can take any of the following steps as is considered desirable with a view to meeting the objectives of this Policy:-

- (a) grant consent to the applicant as applied for;
- (b) grant consent to the applicant subject to modifications to any of the following matters:
  - (i) the days on which trading can take place;
  - (ii) the times during which trading can take place;
  - (iii) the location(s) where trading can take place;
  - (iv) the articles that can be traded;
  - (v) the conditions attached to the Consent;
  - (vi) the duration of the Consent.
- (c) refuse to grant Consent.

3.8.2 In the interests of transparency, reasons will be given for any decision taken by a Licensing Sub-Committee.

### **3.9 Grant of Consent**

3.9.1 The grant of a street trading consent does not guarantee the holder of the Street Trading Consent unimpeded access to the location(s) where they are permitted to trade.

3.9.2 There may be occasions where the trading location(s) specified on the Street Trading Consent may be unavailable to the holder of the Street Trading Consent for reasons beyond the control of the Council.

#### **4.0 DURATION OF STREET TRADING CONSENTS**

##### **4.1 Duration**

- 4.1.1 A Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.
- 4.1.2 The holder of a Street Trading Consent may at any time surrender their Consent to the Council, and it shall then cease to be valid
- 4.1.3 A Street Trading Consent will normally be granted for 12 months and will then expire.
- 4.1.4 The Council will consider granting a Street Trading Consent for a shorter duration than 12 months on application.
- 4.1.4 A Street Trading Consent may be granted for a shorter period as determined either through the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee. Consents lasting less than 12 months may be granted to provide a “trial period” during which any adverse impact of the trading can be assessed.

##### **4.2 Renewal**

- 4.2.1 Applications to renew an existing Street Trading Consent must be made at least 28 days prior to the expiry of the existing Consent.
- 4.2.2 If applications for renewal are not received at least 28 days prior to the expiry of the existing Consent, applications from other prospective traders wishing to trade at the relevant location will be considered.

## **5.0 CONDITIONS ATTACHED TO CONSENTS**

### **5.1 Standard Conditions**

- 5.1.1 When granting or renewing a Street Trading Consent, the Council may attach such conditions to it as they consider reasonably necessary.
- 5.1.2 Street Trading Consents will usually be granted subject to the standard conditions detailed in **Annex B** to this Policy.

### **5.2 Additional Conditions**

- 5.2.1 Additional conditions, over and above the standard conditions, may be imposed on a Street Trading Consent on a case by case basis. Additional conditions may be attached either as a result of the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee when granting Consent.

**6.0 APPEALS****6.1 Refusals / Attached Conditions**

- 6.1.1 The Act does not provide an applicant with any direct right of appeal against a decision to refuse the grant or renewal of a Street Trading Consent, the revocation of a Street Trading Consent, or against any restrictions or conditions imposed on a Street Trading Consent.

DRAFT



## **7.0 COMPLAINTS AND ENFORCEMENT**

### **7.1 General Principles**

- 7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 7.1.2 All decisions and enforcement actions taken by the Licensing Authority will be taken in accordance with the Regulator's Code.

### **7.2 Offences**

- 7.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-
- engaging in street trading in a prohibited street;
  - engaging in street trading in a consent street without Consent;
  - contravention of a condition in relation to trading location; and
  - contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

### **7.3 Complaints**

- 7.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.
- 7.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:-
- verbal warning;
  - written warning;
  - simple caution;
  - prosecution; or
  - referral of the Consent Holder to a Licensing Sub-Committee.
- 7.3.3 If an existing Consent Holder is referred to a Licensing Sub-Committee, the Licensing Sub-Committee may take any of the following steps as are deemed desirable to meet the objectives of this Policy:-
- take no further action;
  - give a warning to the Consent Holder;
  - amend the days on which trading can take place;
  - amend the times during which trading can take place;
  - amend the location(s) where trading can take place;
  - amend the articles that can be traded;
  - amend the conditions attached to the Consent;
  - amend the duration of the Consent; or
  - revoke the Consent.

**8.0 AMENDMENTS TO THIS POLICY**

- 8.1 Any significant amendment to this Policy will only be implemented after further consultation with the trade and the public.

For the purpose of this section, any significant amendment is defined as one that:-

- a) is likely to have a significant financial effect on licence holders;
- b) is likely to have a significant procedural effect on licence holders; or
- c) is likely to have a significant effect on the community.

DRAFT

**9.0 FEES AND CHARGES**

- 9.1 The fees charged by the Authority for Consents to trade should at least cover the cost of administering and enforcing the service.
- 9.2 The fees will be reviewed at least on an annual basis and published on the Council's website.
- 9.3 It is possible for the Authority to charge different fees for Consents that are for different durations or locations. Different fees can also be charged depending on the nature of the articles being sold and depending on whether the trading takes place at a single location or on a mobile basis.
- 9.4 Street trading fees may be waived at the discretion of the relevant Corporate Head of Service, acting in consultation with the Chairman and Vice-Chairman of the Licensing Committee. Fees may only be waived in relation to charitable or community events, or events of a similar nature. Each event will be judged on its own merits.

**10.0 DEFINITIONS**

<b>TERM</b>	<b>DEFINITION</b>
Authorised Officer	An Officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	A Consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	The person or company to whom the consent to trade has been granted by the Council.
Consent Street	A street in which street trading is prohibited without the consent of the Council.
Council	Redditch Borough Council
Days	Refers to consecutive or calendar days unless specified otherwise.
Prohibited Street	A street in which street trading is prohibited
Street	Any road, footway or other area to which the public have access without payment, or any part of a street, including all roads, footways and areas open as a matter of fact to the public without payment, within the distance of 30 metres from the centre of those streets which are part of the public highway.
Street Trading	<p>The selling or exposing, or offering for sale of any article (including a living thing) in any street. The following are not street trading for the purposes of this Policy:-</p> <ul style="list-style-type: none"> <li>• a pedlar with a Pedlar's Certificate;</li> <li>• anything done in a Market or Fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an Enactment or Order;</li> <li>• trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980;</li> <li>• trading as a newsvendor selling only newspapers/magazines;</li> <li>• trading which is carried out at premises used as a petrol filling station, or at premises used as a shop, or in a street adjoining premises so used, and as part of the business of the shop;</li> <li>• selling things, or offering or exposing them for sale, as a roundsman;</li> </ul>

- the use for trading, under Part VIIA of the Highways Act 1980, of an object or structure placed on, in or over a highway;
- the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- the doing of anything authorised by regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.

Street Trading  
Assistant

A person engaged by the Consent Holder to assist them with their trading.

A street trading assistant will be deemed to be assisting a Consent Holder on a regular basis if they will be engaged to assist them on more than 14 days per calendar year.

## ANNEX A

## NOTICE OF APPLICATION FOR GRANT OF A STREET TRADING CONSENT

Name of Applicant	
Location	
Summary of application (hours of trading, articles to be sold, etc):	
<p><b>NOTICE IS HEREBY GIVEN</b> that an application has been made to Redditch Borough Council for a Consent to carry out street trading at the above location</p> <p>Copies of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a Consent) and of the application may be inspected at the Town Hall, Walter Stranz Square, Redditch, B98 8AH between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any representations or objections in respect of the above application must be made in writing to the council at the above address by</p> <p style="text-align: center;">_____ (28 days after the date of the application)</p>	

**ANNEX B****STREET TRADING CONSENT**  
**STANDARD CONDITIONS****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

Street Trading Consents are issued by this Council subject to the following Standard Conditions, in so far as they do not conflict with, or are amended by, any special conditions imposed on the grant of a Consent:-

Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.

- The Consent shall be valid for the period specified in the Consent, but this period shall not exceed 12 months.
- The Consent may be revoked by the Council at any time, including as a result of a breach of these conditions.
- A Consent shall be required for each trading unit (e.g. each vehicle or stall).
- A Consent shall not be assigned or transferred.
- Street trading must only be carried on by the Consent Holder or by a person engaged by the Consent Holder to assist in their trading.
- The Consent Holder must provide details and proof of the name, address, date of birth and a photograph of any person assisting them with their trading on a regular basis.
- The Consent Holder must notify the Council of any change to their address or the address of any person assisting them with their trading on a regular basis.
- Any person assisting a Consent Holder on a regular basis must be at least 17 years of age.
- Consent Holders, and any person assisting them on a regular basis, shall at all times, clearly and visibly display a valid identification badge. The badge is to be issued by the Council.
- The Council may vary or make additions to the Conditions or a Consent at any time.
- The Consent shall be limited to the days of the week, and between the hours each day, as stated on the Consent.
- The Consent Holder and/or his assistants shall only sell, or offer for sale, those goods specified in the Consent granted to the Consent Holder.

- The Consent Holder, and/or his assistants, shall only trade at the location(s) specified in the Consent.
- The Consent Holder or their assistants must allow Council officers to inspect their trading facilities and should offer all reasonable assistance to them.
- The Consent Holder, and/or his assistants, must not cause an obstruction of any street or endanger any person using it.
- The Consent Holder, and/or his assistants, must not cause nuisance (whether from noise, smell, litter or light) or annoyance by reason of the street trading activity, whether to persons using or living in the street or otherwise. In particular, but without prejudice to the generality of the foregoing, the Consent Holder shall ensure that his customers or patrons conduct themselves in an orderly manner.
- Where a trader trades from a fixed location, at least one refuse container must be provided for use by customers.
- When leaving a site the trader shall ensure that the locations in the immediate vicinity of where he has been trading are clear of refuse and waste arising from the trading.
- Traders must arrange the removal and disposal of waste arising from their trading in a lawful manner and produce evidence of any relevant trade waste agreement when required by an Authorised Officer or the Council.
- No waste matter shall be discharged onto a street or be allowed to enter a highway drain.
- The use and storage of liquefied petroleum gas shall comply with all current, relevant legislation and Codes of Practice.
- No television, radio, tape player or other device used for the entertainment of the Operator, shall be audible outside, or beyond, the trading unit.
- All signs advertising the business must be no more than 75 metres from the trading unit.

**NOTE:** The requirements as to signs advertising the business do not imply the right to display such signs which may require a necessary planning permission.

- At the end of each trading period the trader shall remove any signs advertising the business, with the exception of those attached to the vehicle or stall used for the purposes of the Street Trading Consent.
- No television, radio, tape player or other device used for the reproduction or amplification of sound during trading shall be at a level which causes nuisance or annoyance to persons using or living in the street.
- Any vehicle, stall or container used by the Consent Holder in the course of street trading shall be constructed and maintained to the satisfaction of all



reasonable requirements of the Council, the Police, Fire Officer and Highway Authorities as to its construction, safety and appearance and any changes to vehicles used in the course of trading must be notified to the Council.

- The Consent holder or his employee must move his trailer, vehicle, stall or any signage associate with their trading or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised Officer of the Council.
- The Consent Holder must ensure any gas and electrical installations are properly maintained and the relevant safety certificates must be produced on request from an Authorised Officer of the Council.
- The Consent Holder, and/or assistants, shall not trade whilst intoxicated and should behave in a civil and orderly manner at all times when trading.
- Consent holders, and any/or assistants, should wear clean and appropriate clothing.
- The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.

A Street Trading Consent does not operate as a consent for any purpose other than to permit the holder to trade on a Consent Street in accordance with any conditions imposed. The Consent Holder must ensure that he has obtained any other consent, approval or registration required under any other statutory provision relevant to his trade.

In these conditions "Consent" means a consent issued under Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; "Consent Holder" means the person named on the Street Trading Consent issued by the Council and any person employed by him to assist in his trading; "Council" means the Redditch Borough Council.

This page is intentionally left blank

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**6<sup>th</sup> November 2017**STREET TRADING – DESIGNATION OF STREETS**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

The Licensing Committee has been asked to approve consultation on a draft revised street trading policy. The Committee is now also asked to approve the advertisement of a proposal to designate all streets in the Borough as consent streets for the purposes of controlling street trading.

**2. RECOMMENDATIONS**

- 2.1 That Members RESOLVE to authorise officers to publish notice of the Council's intention to pass resolutions which will take effect on 1<sup>st</sup> September 2018 and will rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designate all streets in the Borough (as existing at the time of the making of the resolution and in the future) as consent streets.**
- 2.2 That Members RESOLVE to authorise officers to serve a copy of this notice on the Chief Officer of Police and the highway authority for the area.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs associated with publishing the required notices will be met from existing budgets held by Worcestershire Regulatory Services.**

**LICENSING COMMITTEE**6<sup>th</sup> November 2017

---

**Legal Implications**

- 3.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the selling or exposing or offering for sale of any article (including a living thing) in a street.
- 3.3 Schedule 4 also defines street as including:
- (a) any road, footway, beach or other area to which the public have access without payment; and
  - (b) a service area as defined in section 329 of the Highways Act 1980,
- 3.4 Paragraph 2 of Schedule 4 states that a district council may by resolution designate any street in their district as—
- (a) a prohibited street;
  - (b) a licence street; or
  - (c) a consent street.
- 3.5 “Prohibited street” means a street in which street trading is prohibited.
- 3.6 “Licence street” means a street in which street trading is prohibited without a licence granted by the district council.
- 3.7 “Consent street” means a street in which street trading is prohibited without the consent of the district council.

**Service / Operational Implications**

- 3.8 Council’s usually control street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications that the street trading creates. Controlling street trading also allows Councils to manage the impact street trading has on the local economy.
- 3.9 The control of street trading can also be of benefit to traders who can obtain greater security over their “pitch” if they are the only person who has the Council’s consent to trade there.
- 3.10 The Licensing Committee have been asked to approve consultation on a draft revised street trading policy.

**LICENSING COMMITTEE**6<sup>th</sup> November 2017

---

- 3.11 Alongside this, the Committee is also asked to review the current arrangements for designating where and how street trading is controlled under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.13 Currently the designation of streets is as shown at **Appendix 1**. Under these designations there are a number of named “prohibited streets” with all other streets in the Borough being designated by the Council as “consent streets.”
- 3.14 Officers consider that it would be preferable to designate all streets in the Borough as consent streets and remove any prohibited streets.
- 3.15 The rationale behind this is that such a change would allow every application to be considered on its merits and would enable street trading to be permitted in what are currently the prohibited streets, where it was felt appropriate to allow it. This could be for example to facilitate a short term community event or other similar event where the ability to allow street trading would enhance the event and provide a benefit to the wider community.
- 3.16 Additionally it is believed that the draft revised street trading policy would, if adopted, put in place a robust framework for consultation and consideration of all applications received on their own merits. Therefore the need to designate any streets as prohibited streets would be diminished.
- 3.17 There is a detailed legal procedure to follow in order to properly designate streets as consent streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The process to be undertaken can be summarised as follows:
- Council publishes notice of its intention to pass a resolution to designate streets as consent streets
  - Minimum of 28 days given for people to make representations relating to this intention
  - Any representations received are considered
  - Council passes a resolution to designate streets as consent streets
  - Notices published to advertise the making of the resolution (at least 28 days before resolution takes effect).
  - Resolution takes effect

**REDDITCH BOROUGH COUNCIL****LICENSING COMMITTEE**6<sup>th</sup> November 2017

---

- 3.18 At this stage Members are asked to authorise officers to publish notice of the Council's intention to pass resolutions which will take effect on 1<sup>st</sup> September 2018 and will rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designate all streets in the Borough (as existing at the time of the making of the resolution and in the future) as consent streets.
- 3.19 Members are also asked to authorise officers to serve a copy of this notice on the Chief Officer of Police and the highway authority for the area.
- 3.20 Any representations received in relation to this notice of intent would be brought back for consideration by the Licensing Committee after the period given for the making of representations expires.

**RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

Appendix 1 – Existing Street Trading Designations

**AUTHOR OF REPORT**

Name: Dave Etheridge – Senior Practitioner (Licensing)  
Worcestershire Regulatory Services

E Mail: [dave.etheridge@worcsregservices.gov.uk](mailto:dave.etheridge@worcsregservices.gov.uk)

Tel: (01905) 822799

CONSENTED STREETS	PROHIBITED STREETS
<p><b>ALL STREETS WITHIN REDDITCH DISTRICT EXCEPT THOSE DESIGNATED AS PROHIBITED STREETS AND THE TOWN CENTRE USED FOR MARKET PURPOSES.</b></p>	<p> <b>Alders Drive</b>  <b>Alvechurch Highway</b>  <b>Alcester Highway</b>  <b>Battens Drive</b>  <b>Birmingham Road</b>  <b>Birchfield Road</b>  <b>Bromsgrove Highway</b>  <b>Callow Hill Lane</b>  <b>Coldfield Drive</b>  <b>Coventry Highway</b>  <b>Claybrook Drive</b>  <b>Dagnell End Road</b>  <b>Evesham Road</b>  <b>Far Moor Lane</b>  <b>Greenlands Drive</b>  <b>Headless Cross Drive</b>  <b>Holloway Drive</b>  <b>Icknield Street</b>  <b>Icknield Street Drive</b>  <b>Lower Common Lane</b>  <b>Middle Piece Drive</b>  <b>Moons Moat Drive</b>  <b>Old Forge Drive</b>  <b>Papermill Drive</b>  <b>Redditch Ringway</b>  <b>Rough Hill Drive</b>  <b>Salters Lane/Hewell Road</b>  <b>Warwick Highway</b>  <b>Washford Drive</b>  <b>Windsor Road/Middle House Lane</b>  <b>Woodrow Drive</b>  <b>Windmill Drive</b> </p> <p> <b>Droitwich Road, Feckenham</b>  <b>Alcester Road, Feckenham</b>  <b>Saltway, Feckenham</b>  <b>High Street , Feckenham</b>  <b>Church Road, Astwood Bank.</b> </p>

This page is intentionally left blank



**LICENSING  
COMMITTEE**6<sup>th</sup> November 2017**FURTHER CONSIDERATION OF A PENALTY POINT SCHEME FOR  
HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

The Licensing Committee are asked to give further consideration to implementing a penalty points scheme for hackney carriage and private hire licence holders to help deal with minor offences and acts of non-compliance with licensing requirements.

**2. RECOMMENDATIONS**

**That Members consider the contents of this report and RESOLVE whether or not to direct officers to take steps to implement a penalty points scheme for hackney carriage and private hire licence holders.**

**3. KEY ISSUES****Financial Implications**

- 3.1 Any costs associated with implementing a penalty points scheme for hackney carriage and private hire licence holders would be met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 Many authorities across the UK operate penalty point schemes and there have been a number of legal challenges to same. In order to avoid such challenges being successful it is necessary to have a mechanism in place to allow for appeals against the imposition of penalty points, and to ensure that any decision in respect of whether or not to suspend or revoke a licence, once the maximum number of permissible points has been reached, is taken at the appropriate level based on the merits of each individual case.

**LICENSING  
COMMITTEE**6<sup>th</sup> November 2017

---

**Service / Operational Implications**

- 3.3 The holders of hackney carriage and private hire licences issued by the Council are subject to a number of legal requirements and licence conditions which govern how they carry out their businesses.
- 3.4 Worcestershire Regulatory Services, acting on behalf of the Council, is responsible for ensuring licence holders comply with these requirements and for taking appropriate action to deal with any licence holders who commit offences or fail to comply with their requirements.
- 3.5 There are currently a number of various options available to officers when dealing with offences or acts of non-compliance, which can be summarised as follows:
- Verbal warnings
  - Written warnings
  - Formal cautions
  - Prosecution
  - Referral to Licensing Sub-Committee
- 3.6 The way in which offences and acts of non-compliance are dealt with by officers will depend on the circumstances of each individual case and appropriate regard is had to the Regulator's Code and relevant enforcement policies.
- 3.7 Some local authorities have introduced an additional mechanism for dealing with minor offences and acts of non-compliance with hackney carriage and private hire licensing requirements in the form of penalty points schemes for their licence holders.
- 3.8 The basic principle of such a scheme, is that individuals that are found to have committed relatively minor offences or acts of non-compliance have a number of penalty points logged against their licensing records held by the authority.
- 3.9 If an individual accumulates a given number of penalty points, within a defined period, this triggers an automatic referral of the licence holder to a Licensing Sub-Committee where consideration is given to whether the individual remains a fit and proper person to hold the relevant licence.

REDDITCH BOROUGH COUNCIL**LICENSING  
COMMITTEE****6<sup>th</sup> November 2017**

- 3.10 A penalty points scheme enables officers to deal quickly and efficiently with minor compliance issues and helps to identify those that are regularly not acting in compliance with their licensing requirements so that more serious action can be considered against these individuals in a targeted and proportionate way.
- 3.11 The introduction of a penalty points scheme would not affect the Council's ability to take formal enforcement action for any offence or act of non-compliance and every case will continue to be considered on its own merits.
- 3.12 For example, a penalty points scheme would not be an appropriate mechanism for dealing with serious offences or acts of non-compliance such as employing unlicensed drivers, driving without appropriate insurance or plying for hire in a private hire vehicle.
- 3.13 During 2016 the Council carried out a consultation on introducing a penalty point scheme. The draft scheme under consideration can be seen at **Appendix 1**. The consultation results were considered in July 2016 and it was decided to defer the implementation of a penalty point scheme to allow the Redditch Taxi Association to undertake a period of self-regulation to see if this could achieve the aims of the penalty points scheme by improving compliance with licensing requirements.
- 3.14 In March 2017 the Licensing Committee considered an update report on this matter and were provided with an overview of the complaints received about hackney carriage and private hire vehicles during the periods 1<sup>st</sup> February 2016 to 31<sup>st</sup> July 2016 and 1<sup>st</sup> August 2016 to 31<sup>st</sup> January 2017. The overview provided can be seen at **Appendix 2**.
- 3.15 This showed a reduction in the number of complaints received which suggested that the efforts of the Redditch Taxi Association were showing signs of success.
- 3.16 Further discussion followed on the introduction of a penalty point scheme, with Members agreeing that WRS should continue to monitor the number of complaints received, in order to see if the number of complaints continued to reduce, since the RTA self-regulating scheme was still in its infancy.
- 3.17 Members are now asked to consider a summary of the complaints received about hackney carriage and private hire vehicles, operators and drivers between 1<sup>st</sup> February 2017 and 31<sup>st</sup> July 2017. This can be seen at **Appendix 3**.

**LICENSING  
COMMITTEE**6<sup>th</sup> November 2017

- 3.18 Members will note that there has been an increase in the number of complaints during this six month period. Some of the complaints are about matters covered by the proposed penalty points scheme, such as failing to wear a badge or display a licence plate correctly. However other complaints, such as those about poor driving standards, are not covered by the proposed penalty points scheme.
- 3.19 Members should also note that these are details of all complaints received, regardless of whether the allegations made were actually able to be proven and subsequently acted upon by officers. The summary is provided for indicative purposes only.
- 3.20 Members are asked to consider the contents of this report and resolve whether or not to direct officers to take steps to implement a penalty points scheme for hackney carriage and private hire licence holders.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

- Appendix 1 - Draft Penalty Points Scheme
- Appendix 2 – Summary of Complaints Received 1<sup>st</sup> February 2016 to 31<sup>st</sup> January 2017
- Appendix 3 - Summary of Complaints Received 1<sup>st</sup> February 2017 to 31<sup>st</sup> July 2017.

**AUTHOR OF REPORT**

Name: Dave Etheridge – Senior Practitioner (Licensing)  
Worcestershire Regulatory Services

E Mail: [dave.etheridge@worcsregservices.gov.uk](mailto:dave.etheridge@worcsregservices.gov.uk)

Tel: (01905) 822799



## **REDDITCH BOROUGH COUNCIL**

### **HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SYSTEM**

The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows:-

1. Redditch Borough Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation, byelaws or the requirements of this licence conditions are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued, there must be sufficient evidence to prove the relevant offence(s) or breach of condition(s).
3. Each case will be considered on its own merits.
4. When points are issued, the relevant proprietor, driver or operator will be sent written confirmation within five working days.
5. Points may be issued to the driver, proprietor and/or operator of a vehicle in accordance with the table below depending on the circumstances of the case.
6. Where the driver of the vehicle is also the proprietor and/or operator of the vehicle, only one set of points will be issued in respect of each offence or breach of condition identified.
7. There is a right of appeal to a Licensing Sub-Committee against any points that are issued. An administration fee must be paid to submit an appeal with this fee being refunded in full if the appeal is subsequently successful in having the points removed. If the appeal is unsuccessful the administration fee will not be refunded.
8. Points issued will remain "live" for a rolling period of two years from the date of issue. Points will be considered "spent" once it is more two years from the date of issue.

9. Any driver, proprietor or operator accumulating 12 points in a two year period will be referred to a Licensing Sub-Committee for a review of whether the individual remains a fit and proper person to hold the relevant licence.
10. When a driver, proprietor or operator appears before a Licensing Sub-Committee, the following options are available to the Sub-Committee:
  - Take no further action
  - Issue a written warning
  - Extend the two year period for which the points remain live
  - Suspend the licence
  - Revoke the licence
  - Any other action that the Sub-Committee feels appropriate in the circumstances of the case
11. Any driver appearing before a Licensing Sub-Committee will have the right to make representations to the Sub-Committee and be legally represented at the hearing.
12. Any driver, proprietor or operator who has their licence suspended or revoked by a Licensing Sub-Committee will have the right to appeal against the decision to a Magistrates Court within 21 days unless in the interests of public safety, the Sub-Committee further resolves that the suspension or revocation should have immediate effect.
13. Once a Licensing Sub-Committee has considered a case involving accumulated points, the points will be treated as spent unless the Sub-Committee decides otherwise.
14. If the Sub-Committee decides that any points are to remain live, they must stipulate the date at which they will be considered spent.
15. Nothing in this penalty points system will prevent the Council from taking action under any appropriate legislation.
16. The penalty points scheme will be subject to review two years after implementation and as necessary thereafter.

**SCHEDULE – TARIFF OF POINTS ISSUED FOR OFFENCES / BREACHES**

	<b>Offence (s) / Breach of condition (s)</b>	<b>Points applicable</b>	<b>Vehicle Driver</b>	<b>Vehicle Proprietor</b>	<b>Operator (PH)</b>
1	Failing to behave in a civil and orderly manner	4	X		
2	Failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking)	3	X		
3	Failing to wear drivers badge so it is plainly visible	3	X		
4	Failing to display vehicle licence plate on the outside rear of the vehicle	3	X	X	
5	Vehicle interior in unacceptable condition	3	X	X	
6	Vehicle exterior in unacceptable condition	3	X	X	
7	Failure to provide fire extinguisher	3	X	X	
8	Failure to provide adequate first aid kit	3	X	X	
9	Taximeter defective or not clearly visible	4	X	X	
10	Failing to afford reasonable assistance with loading and unloading luggage	3	X		
11	Failure to display table of fares	3	X	X	
12	Conveying more passengers in the vehicle than permitted by the licence	4	X		
13	Leaving hackney carriage unattended on a stand	3	X		
14	Charging more than the prescribed fare for a journey	4	X		
15	When hired to do so, failing to attend at the appointed time and place without reasonable cause	3	X	X	X
16	Failing to hand in property left in a licensed vehicle by a passenger	3	X	X	X
17	Failing to notify the Council of motoring or other convictions within 7 days	4	X	X	X
18	Failing to keep appropriate records of bookings	4			X
19	Failing to notify the Council of a change of name or address	3	X	X	X
20	Refusing a fare without reasonable cause	3	X		
21	Failing to report an accident to the Council within 72 hours	3	X	X	
22	Failing to produce insurance certificate to officer on request	4	X	X	
23	Failing to produce vehicle for inspection on request	4	X	X	
24	Failure to produce booking records upon request	4			X
25	Causing or permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand	4	X		
26	Unnecessarily prolonging a journey without reasonable cause	4	X		
27	Obstructing an authorised officer or constable	3	X	X	X

28	Failing to comply with a requirement properly made by an authorised officer or constable	3	X	X	X
29	Using vehicle horn otherwise than in accordance with the rule 112 of the Highway Code.	3	X		
30	Allowing smoking in a licensing vehicle	3	X		
31	Smoking in a licensed vehicle	3	X		
32	Parking a vehicle in an illegal or dangerous position	3	X		
33	Using a vehicle with defective lights	3 (per bulb)	X	X	
34	Using a vehicle with defective tyres	6 (per tyre)	X	X	



## Redditch Taxi Complaints

**1<sup>st</sup> February 2016 – 31<sup>st</sup> July 2016**

	Received	Brief Description of Complaint
1	11.02.2016	Driver using mobile phone during journey
2	23.02.2016	Vehicle failed to arrive when booked to pick up a wheelchair user
3	25.02.2016	Allegation of use of unlicensed driver by an operator
4	02.03.2016	Inappropriate sounding of horn
5	15.03.2016	Inappropriate sounding of horn
6	16.03.2016	Poor driving standards
7	22.03.2016	Driver took picture and laughed at child with head stuck in railings
8	23.03.2016	Poor driving standards
9	24.03.2016	Licence plate not correctly displayed
10	26.04.2016	Rudeness and intimidation by driver
11	26.04.2016	Poor driving standards
12	03.05.2016	Poor driving standards
13	05.05.2016	Licence plate not correctly displayed
14	05.05.2016	Licence plate not correctly displayed
15	05.05.2016	Licence plate not correctly displayed
16	05.05.2016	Licence plate not correctly displayed
17	20.05.2016	Taxi driver urinating in a public area
18	23.05.2016	Taxi driver verbally abusive to other road user
19	13.06.2016	Overcharging allegation
20	23.06.2016	Taxi driver was "lippy"
21	23.06.2016	Poor driving standards and use of abusive language
22	11.07.2016	Driver reversed over shopping
23	14.07.2016	Licence plate not correctly displayed

### Redditch Taxi Complaints

1 August 2016 – 31 January 2017

	Received	Brief Description of Complaint
1	03.08.2016	Driver failed to report having driving licence endorsed
2	10.08.2016	Poor driving standards
3	11.08.2016	Overcharging allegation
4	12.08.2016	Passenger injured getting into taxi
5	23.08.2016	Driver parking on double yellow lines outside a school
6	01.09.2016	Complaint about driver attitude - alleged racist language and threatening behaviour
7	08.09.2016	Licence plate not correctly displayed
8	27.09.2016	Poor driving standards
9	04.10.2016	Complaint that taxi meter was not used
10	05.10.2016	Vehicle failed to turn up when booked
11	05.10.2016	Complaint about inconsiderate parking in a residential area
12	19.10.2016	Poor driving standards
13	24.10.2016	Driver rude to a member of the public
14	10.11.2016	Overcharging allegation
15	09.12.2016	Driver threatening and abusive when not paid
16	29.12.2016	Allegation of use of unlicensed drivers by an operator
17	06.01.2017	Complaint about parking on double yellow lines and blocking pavement
18	30.01.2017	Driver refused to take a guide dog

## Summary of Redditch Taxi Complaints

1<sup>st</sup> February 2017 – 31<sup>st</sup> July 2017

	Received	Brief Description of Complaint
1	03.02.2017	Passenger asked personal and intimidating questions by a taxi driver
2	09.02.2017	Poor standard of driving
3	23.02.2017	Vehicle emitting smoke
4	02.03.2017	Taxi plate incorrectly displayed
5	07.03.2017	Poor standard of driving
6	10.03.2017	Taxi parking overnight on private land
7	13.03.2017	Taxis parking on double yellow lines and littering
8	15.03.2017	Taxis are taking up all the room in a car park and drivers behaving in anti-social manner
9	23.03.2017	Driver wouldn't get out of the car to assist the customer at Shopmobility
10	23.03.2017	Taxi plate incorrectly displayed
11	05.04.2017	Poor standard of driving
12	07.04.2017	Poor standard of driving and faulty brake light
13	11.04.2017	Complaint about taxis parking in front of her house
14	13.04.2017	Concerns about fitness of vehicle
15	19.04.2017	Taxi plate incorrectly displayed
16	19.04.2017	Taxi plate incorrectly displayed
17	20.04.2017	Driver being rude and aggressive to staff on the phones at the Council's switchboard
18	25.04.2017	No plate displayed on taxi
19	26.04.2017	Taxi driver driving the wrong way down a one way street. Driver rude and aggressive when this was pointed out to him
20	08.05.2017	Taxis parking on double yellow lines and littering
21	08.05.2017	Information from police - no plate displayed, no fire extinguisher, no badge being worn
22	12.05.2017	Redditch taxi drivers going the wrong way in a no entry section of bus station.
23	17.05.2017	Road tax expired on taxi
24	25.05.2017	Poor standard of driving
25	30.05.2017	Poor standard of driving in bus station
26	31.05.2017	Complaint of verbally abusive/racist behaviour. Also adding on fees to a pre-agreed fee.
27	05.06.2017	Alleged overcharging of passengers who are wheelchair users
28	05.06.2017	Poor standard of driving
29	09.06.2017	No brake lights on vehicle
30	21.06.2017	Taxi parking on the pavement causing obstruction to wheelchair and buggy users.
31	22.06.2017	Poor standard of driving
32	29.06.2017	Poor standard of driving
33	05.07.2017	Alleged overcharging of passengers who are wheelchair users
34	06.07.2017	Allegation that hackney carriage being driven by a private hire driver licence holder
35	10.07.2017	Concerns about interior condition of vehicle and the fact one of the seatbelts was not working
36	11.07.2017	Complaint about poor service given to a wheelchair user
37	21.07.2017	Taxi driver threw a can into a hedge
38	28.07.2017	Poor standard of driving



**LICENSING  
COMMITTEE****6<sup>th</sup> Nov 2017****LICENSING COMMITTEE WORK PROGRAMME 2017/18****6<sup>th</sup> November 2017**

Approval of Revised Hackney Carriage and Private Hire Policies following the agreed Recommendations from the “Improving Disabled People’s Access to Redditch Taxi Fleet” Task Group

Draft Revised Street Trading Policy – Approval for Consultation

Review of Street Trading Street Designations

Further Consideration on the Introduction of a Penalty Point Scheme for Hackney Carriage and Private Hire Drivers

**5<sup>th</sup> March 2018**

Licensing Act 2003 — Approval for consultation on revised Statement of Licensing Policy

Gambling Act 2005 – Approval for consultation on revised Statement of Principles

Draft Revised Street Trading Policy – Consideration of Responses

Update on implementation of recommendations from “Improving Disabled People’s Access to Redditch Taxi Fleet” Task Group

**To Be Allocated To Suitable Available Dates in 2018/2019**

Review of Policy on the Relevance of Convictions for Hackney Carriage and Private Hire Drivers

Further updates on “Improving Disabled People’s Access to Redditch Taxi Fleet”

Licensing Act 2003 — Consideration of responses to consultation on revised Statement of Licensing Policy

Gambling Act 2005 – Consideration of responses to consultation on revised Statement of Principles

This page is intentionally left blank