



# Licensing Committee

Mon 4 Mar  
2019  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

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**If you have any queries on this Agenda please contact  
Sarah Sellers**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH  
Tel: (01527) 64252 ext 2884**

**e.mail: / [sarah.sellers@bromsgroveandredditch.gov.uk](mailto:sarah.sellers@bromsgroveandredditch.gov.uk)**

# Licensing

COMMITTEE

Monday, 4th March, 2019

7.00 pm

Council Chamber - Town Hall  
Redditch

## Agenda

### Membership:

Cllrs:	Anita Clayton (Chair)	Pattie Hill
	Roger Bennett (Vice-Chair)	Antonia Pulsford
	Joanne Beecham	Yvonne Smith
	Pat Witherspoon	Jennifer Wheeler
	Andrew Fry	Gareth Prosser
	Julian Grubb	

### 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 - 12)

To confirm as a correct record the minutes of the Licensing Committee held on 5th November 2018.

### 4. Consultation on amendments to licensed driver training and assessment requirements - consideration of responses (Pages 13 - 44)

### 5. Consultation on vehicle age limits for hackney carriage and private hire vehicles - consideration of responses (Pages 45 - 90)

### 6. Consultation on revised Statement of Policy under Licensing Act 2003 - consideration of responses (Pages 91 - 140)

### 7. Public Speaking at Licensing Committee (report to follow)

At Council on the 25<sup>th</sup> February 2019 Members will be asked to consider whether public speaking arrangements should be introduced at those Committee meetings where the rules currently do not permit public speaking take place. Should this proposal be approved this will have implications for the Licensing Committee, and Members will then be asked to consider setting appropriate arrangements for public speaking at future meetings of the Licensing Committee. A report setting out further information will follow dependent on the outcome of consideration of this matter at Council.

### 8. Work Programme (Pages 141 - 142)

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# Licensing

## Committee

Monday, 5 November 2018

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### MINUTES

**Present:**

Councillors Roger Bennett, Joanne Beecham, Pat Witherspoon, Julian Grubb, Pattie Hill, Antonia Pulsford, Yvonne Smith and Bill Hartnett

**Also Present:**

**Officers:**

Dave Etheridge and Vanessa Brown

**Committee Services Officer:**

Sarah Sellers

**15. APOLOGIES**

Apologies for absence were received from Councillors Anita Clayton, Gareth Prosser and Jennifer Wheeler. Councillor Bill Hartnett attended as substitute for Councillor Jennifer Wheeler.

In the absence of Councillor Anita Clayton (Chair) the meeting was chaired by Cllr Roger Bennett as Vice-Chair.

**16. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**17. MINUTES**

**RESOLVED that**

**the minutes of the meeting of the Licensing Committee held on 3<sup>rd</sup> September 2018 be confirmed as a correct record and signed by the Chair.**

.....  
Chair

**18. CONSIDERATION OF OBJECTION TO PROPOSED HACKNEY CARRIAGE TABLE OF FARES**

Members received a report setting out the outcome of the consultation exercise regarding changes to the Hackney Carriage Table of Fares, and asking Members to consider the Revised Table of Fares attached to the report at Appendix 3.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report. Members were advised that the proposed Table of Fares approved at the Licensing Committee meeting on 16<sup>th</sup> July 2018 had been advertised in the press on 22<sup>nd</sup> August 2018 inviting any parties with comments to make to do so by 19<sup>th</sup> September 2018.

One objection had been received from a member of the public, and Members were referred to the copy of the objection at Appendix 2. The SPL explained that the objection did not relate to the proposed increase in the level of fares but to the use of imperial measurements in the table.

Summarising the objection, the SPL explained that the issue raised was that the member of the public believed that the table should be expressed entirely in metric units. Members were advised that whilst a small number of local authorities set out their table of fares in metric units (kilometres), the vast majority of local authorities used miles. The use of miles was accepted in the UK and well understood by the general public and the taxi trade.

A point regarding interpretation of the relevant regulations regarding use of metric measurements had been made by the member of the public. Officers had considered this but were of the view that use of imperial measurements was permitted under the regulations, and could not be said to be unlawful.

As the point had been raised, the SPL had re-visited the text of the table and this had been updated to show the distance measurements both in miles as previously and in metric units in brackets. The updated table, referred to as the Revised Table of Fares was attached at Appendix 3 of the report.

With regard to Appendix 3, Members commented that miles were the units that were commonly understood. They noted that Table 3 had been updated to include reference to metric units and did not see that this presented any issues.

**RESOLVED that**

**The Revised Table of Fares at Appendix 3 of the report be brought into effect from 16<sup>th</sup> November 2018.**

**19. FURTHER CONSIDERATION OF AMENDMENTS MADE TO HACKNEY CARRIAGE HACKNEY AND PRIVATE HIRE DRIVER LICENSING POLICY**

Members were asked to consider a report setting out information regarding the requirement for drivers to undertake disability awareness training and driving assessments as introduced in the Council's Hackney Carriage and Private Hire Driver Licensing Policy in November 2017.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and summarised the background. Members were reminded that the current Hackney Carriage and Private Hire Driver Licensing Policy (the revised policy) had come into effect on 1<sup>st</sup> December 2017 (Appendix 1).

The revised policy had included a new requirement that licensed drivers undertake disability awareness training and driving standards assessments every three years. Prior to the policy being introduced drivers had only been required to undertake such training once when they first became licensed.

These new requirements had resulted from an Overview and Scrutiny Task Group which had looked into issues around access to the Redditch taxi fleet by people with disabilities.

The recommendations made by the Task Group had been accepted by Licensing Committee subject to a consultation exercise being carried out in relation to those recommendations that would result in changes to the Hackney Carriage and Private Hire Driver Licensing Policy.

Through the consultation exercise it became apparent that there was significant opposition from the Redditch Taxi Association to the additional training requirements. Following further consideration of the issue by Licensing Committee at its meetings in March 2017 and July 2017, the decision to adopt changes as set out in the revised policy was made by Members in November 2017.

Following the adoption of the revised policy there was further feedback to Members from the licensed trade regarding the changes and concerns were expressed at the Taxi Forum in January 2018.

For this reason Members considered the matter again at their meeting on 5<sup>th</sup> March 2018 and officers were tasked to look at alternative ways to fund the disability awareness training and driving assessments and all options for targeting disability awareness training and driving assessments.

The SPL advised that with regard to funding, no other sources of funding had been found to cover the cost of the three yearly disability awareness training and driving assessments which is currently paid for by the drivers. With approximately 530 licensed drivers the cost was in the region of £30k over three years.

Officers had investigated whether there were any alternative providers for the training, but had concluded that the County Council Driver Training Team which provided the disability awareness training and driving assessments offered the lowest prices.

Officers had also investigated options for targeting additional training to drivers who had been the subject of repeated or serious complaints regarding their standard of driving or treatment of disabled persons. The SPL advised that Licensing Sub-Committee could if appropriate suspend a driver's licence until additional training had been completed. This would be an approach that could be used to allow training to be targeted at specific drivers.

During the course of the debate Members discussed the option of relaxing the requirements for drivers to complete the disability awareness training and driving assessments once every three years. In doing so Members commented that the current requirements could be seen as onerous and that a better approach might be to have a system where training was targeted at drivers who had infringed the rules or been subject to complaints. It was noted that the vast majority of drivers in Redditch maintained very high standards. Members commented that the taxi drivers themselves met often and shared information and that through this type of networking there would be an element of the drivers themselves helping to maintain good standards.

The overall view of the Committee was that notwithstanding the previous imposition of the three year requirement, that looking at this issue afresh there were arguments in favour of this being relaxed and of a consultation exercise taking place. It was moved and seconded that a consultation should take place in relation to amending the revised policy to take out the requirement for drivers to undertake disability awareness training and driving assessments every three years.



During the course of the debate Members also discussed issues around licensed drivers from outside of Redditch being able to operate as either Hackney Carriage Drivers or Private Hire Drivers in the Borough. At the request of Members the SPL outlined the rules in this regard and in doing so clarified that:-

- Hackney Carriages, where they have been pre-booked, can work anywhere in the country, although they cannot ply for hire outside their area;
- Private Hire drivers can do jobs outside the area in which they are licenced; and
- It is not unlawful for a private hire operator to accept a booking in one area and pass it to an operator licensed by a different local authority to fulfill.

**RESOLVED that**

- 1. Members note the outcome of the officer investigations set out in the report.**
- 2. Members note the requirements introduced in the Council's Hackney Carriage and Private Hire Driver Licensing Policy in November 2017.**
- 3. Officers be tasked to carry out a consultation exercise in relation to amending the Hackney Carriage and Private Hire Driver Licensing Policy to remove the requirement that drivers undertake disability awareness training and driving assessments every three years.**

**20. CONSIDERATION OF A REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE LIMITS**

Members received a report regarding the age limits for vehicles as set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies. The report invited Members to consider whether a consultation should be carried out regarding the age limits and set out statistics regarding the number of applications contrary to policy that Members had approved in the previous two years.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and reminded Members of the current age limits for the different types of vehicles as set out in the table at Appendix 1.

The SPL explained that the number of applications by drivers to go outside policy was significant, and of the applications made a high percentage related to owners whose vehicles were reaching the

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age of 9 years who wanted an extra year. Every application made had to be considered by Members sitting on the Licensing Sub-Committee (Taxis). Processing and determining these applications formed a notable part of the workload of the licensing officers, democratic services officers and of the Committee members themselves when sitting on the Licensing Sub-Committee.

It was noted the Committee had previously considered a report regarding making changes to the vehicle age limits in November 2016, but at that time Members had decided to leave the age limits as they were.

The SPL provided data for the two years from September 2016. During this period there had been 52 applications made and referred to Licensing Sub-Committee for vehicles that did not meet the age requirements in the Council's Policy.

40 of the applications related to saloon vehicles which had reached the age of 9 years and the proprietor wanted an extra year. Of the 40 applications 36 were determined of which 31 were granted and 5 refused. This represented an approval rate of 86%.

The figures showed that a significant percentage of applications were being granted.

The SPL advised Members that the Redditch Taxi Association had for some time been asking for the age limit on renewal to be increased from 9 years to 10 years.

Taking into account the data for 2016 to 2018, the representations from the Redditch Taxi Association and the time and cost of putting the applications through Sub-Committee, Members were being asked to look afresh at whether the age limits should be amended.#

In response to questions from Members, the SPL provided details of the age limits for vehicles which had been adopted by other district councils in Worcestershire as follows:-

Bromsgrove District Council	<u>Hackney Carriage/ Private Hire</u> Renewal of Saloon vehicles 10 years Renewal of Wheelchair Accessible Vehicles (WAVS) 12 years
Worcester City Council	<u>Hackney Carriage</u> Renewal of Saloon vehicles 8 years Rear access WAV 10 years Side access WAV 12 years London International Hackney Carriage 15 years

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	<u>Private Hire</u> Renewal of Saloon vehicles 10 years WAV 12 years
Wychavon District Council	<u>Hackney Carriage</u> Renewal of Saloon vehicles 10 years WAV 12 years  <u>Private Hire</u> Renewal of Saloon vehicles 10 years WAV no age limit
Malvern Hills District Council	<u>Hackney Carriage/ Private Hire</u> Saloon 8 years Vehicle licenced for 5 to 8 passengers 10 years WAV 12 years
Wyre Forest District Council	<u>Hackney Carriage</u> All vehicles (must be WAV) 10 years  <u>Private Hire</u> All vehicles 7 years

It was noted that the age limits varied in different locations and that the closest neighbours to Redditch, Bromsgrove, were operating a 10 year limit as opposed to the 9 years in Redditch.

In further discussion Members commented that increasing the limit for saloon vehicles from 9 years to 10 years should be considered. The standard of vehicles of that age coming to Sub-Committee for extensions was generally extremely good, and the addition of a year would bring Redditch into line with Bromsgrove.

Members went on to consider the Table at Appendix 1 in detail and discussed a numbers of changes to the age limits for new vehicles, replacement vehicles and for the renewal of vehicles that they felt should be subject to consultation.

It was noted that if the age limit on renewal was to be increased from 9 years to 10 years, then provision should also be made for the requirement of three inspections a year to apply during 9<sup>th</sup> year and the 10<sup>th</sup> year.

A proposal was moved and seconded that a consultation proceed on the basis of the amended age limits that the Members had discussed.

**RESOLVED that**

**Officers be tasked to carry out a consultation exercise in relation to amending the age limits for vehicles as set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies in accordance with the amended version of Appendix 1 attached to these minutes.**

**21. GAMBLING ACT 2005 - CONSIDERATION OF RESPONSES TO CONSULTATION ON REVISED STATEMENT OF PRINCIPLES**

Members received a report setting out the outcome of the consultation exercise regarding the Gambling Act 2005 Draft Statement of Principles, and seeking approval of the Revised Draft Statement of Principles attached to the report at Appendix 2.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and advised Members that the current Statement of Principles for the Council had come into force in January 2016. Under the Gambling Act 2005 there was a requirement to renew the Statement of Principles every three years. Accordingly, an updated version would need to be adopted to come into effect no later than 31<sup>st</sup> January 2019.

It was noted that Members at Licensing Committee had approved a Draft Statement of Principles for consultation purposes on 12<sup>th</sup> March 2018. The consultation had been sent to the relevant statutory consultees including the police, responsible authorities and other public bodies. The consultation had also been open to members of the public and had been made available on the Council's website and publicised through social media and the local press. The consultation period had run from 4<sup>th</sup> May 2018 to 27<sup>th</sup> July 2018.

The SPL summarised the two substantive responses which had been received from the Public Health Team at Worcestershire County Council and a consultant specialising in gambling matters.

The Public Health Team had requested some minor changes to the wording in part 10 of the Statement of Principles. It was noted that this section dealt with engagement between Public Health and the Council with regard to addressing gambling-related harm. The changes had been suggested by Public Health to reflect a firmer commitment to engagement with them in this area. It was confirmed that the changes had been agreed and incorporated into the amended Revised Draft Statement of Principles.

With regard to the second response from the consultant, it was explained that the point raised regarding the need for Basic Disclosure certificates to be provided where unlicensed family entertainment centres were operated by limited companies had been accepted. Accordingly paragraph 19.5 of the Revised Draft Statement of Principles had been amended to require each director of the company to provide a Basic Disclosure Certificate.

Regarding the second paragraph of the response, it was confirmed that the issues referred to had been considered, but officers had decided not to make any changes to the Revised Draft Statement of Principles. In forming that view they had taken into consideration:-

- That the wording of the Revised Draft Statement of Principles would not imply that gambling premises are inappropriate in town centres;
- That Part 10 of the Revised Draft Statement of Principles acknowledged that Public Health is not a responsible authority; and
- That the wording of Part 10 with regard to public health issues was appropriate, and each individual application would be considered on its merits.

**RECOMMENDED that**

**The Revised Draft Statement of Principles at Appendix 2 be approved and published**

**22. WORK PROGRAMME**

Members considered the work programme for the Committee for 2018/2019.

With regard to the meeting on 4<sup>th</sup> March 2019, the Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) pointed out that there were two items arising from the agenda that would require consultation exercises to be carried out. He stated that if possible he would try to combine the questions about the training requirements, and the questions about the vehicle age limits into one questionnaire. This would then allow for Members to receive a report on each of those matters for the March meeting.

Members requested that an item be added to the work programme to provide an update on the operation of the Penalty Points

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Scheme. The SPL indicated that this could be looked at but it might not be ready for the March meeting.

Members also asked about any current plans for officers to carry out enforcement checks on licensed vehicles for example with VOSA (the Vehicle and Operator Services Agency). The SPL responded that it was difficult to get involvement from VOSA. Licensing Officers had powers that could be used to carry out inspections independently by the issuing of direction notices to drivers. However, these were not always effective as there was an element of advance warning. The only other option would be to carry out an operation jointly with the police who had powers to stop vehicles.

The SPL stated that he would find out if a vehicle enforcement exercise could be scheduled in to take place before the next meeting. In doing so he pointed out that due to the requirement in Redditch for vehicles to undergo testing twice yearly, the standard of vehicles was generally at a good level compared to other districts.

## **RESOLVED that**

**The Licensing Committee Work Programme 2018/2019, and the additional updates detailed in the preamble above, be noted.**

The Meeting commenced at 7.00 pm  
and closed at 8.07 pm

**Amended Appendix 1**

	<b>Current Policy - Hackney Carriage</b>	<b>Current Policy - Private Hire</b>
New (additional) vehicles being licensed	Must be <u>wheelchair accessible</u> and under 6 7 years of age.	Must be under 6 7 years of age
Replacement vehicles	Must be under 6 7 years of age (and wheelchair accessible if replacing a wheelchair accessible vehicle)	Must be under 6 7 years of age
On Renewal	Can be no older than 9 10 years of age unless wheelchair accessible when it can be no older than 12 years of age.	Can be no older than 9 10 years of age unless wheelchair accessible when it can be no older than 12 years of age.
Inspections	<p>Vehicles up to 9 years of age must be inspected twice per year.</p> <p>Vehicles over 9 years of age must be inspected three times per year.</p>	<p>Vehicles up to 9 years of age must be inspected twice per year.</p> <p>Vehicles over 9 years of age must be inspected three times per year.</p>

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**LICENSING  
COMMITTEE**4<sup>th</sup> March 2019**CONSIDERATION OF RESPONSES TO THE CONSULTATION ON  
AMENDING THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE  
DRIVER LICENSING POLICY – TRAINING REQUIREMENTS**

Relevant Portfolio Holder	Councillor G Prosser
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**

On 5<sup>th</sup> November 2018, the Licensing Committee considered a report in relation to additional training and assessment requirements introduced into the Council's Hackney Carriage and Private Hire Driver Licensing Policy in November 2017.

Following consideration of the report, Members resolved to task officers to carry out a consultation exercise in relation to amending the Hackney Carriage and Private Hire Driver Licensing Policy to remove the requirement that drivers undertake disability awareness training and driving assessments every three years.

That consultation exercise has now taken place and Members are asked to consider the responses received and determine what changes (if any) they wish to make to the Council's policies as a result.

**2. RECOMMENDATIONS**

**That Members consider the responses received during the consultation exercise and RESOLVE what amendments (if any) they wish to make to the Council's Hackney Carriage and Private Hire Driver Licensing Policy shown at Appendix 1.**

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

- 3.1 The costs of the consultation were met from existing budgets held by Worcestershire Regulatory Services.

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**Legal Implications**

- 3.2 The Council has an adopted Hackney Carriage and Private Hire Driver Licensing Policy that can be amended following consultation and proper consideration.
- 3.3 Members are reminded that the primary consideration in Licensing Hackney Carriage and Private Hire drivers is the safety of the travelling public and that the Policy that governs this should reflect that. However, the Policy should have regard to those who are to be licensed and be implemented in a fair and reasonable way.

**Service / Operational Implications**

- 3.4 On the 6<sup>th</sup> November 2017, the Licensing Committee resolved to approve a revised policy for the licensing of Hackney Carriage and Private Hire drivers with effect on 1<sup>st</sup> December 2017.
- 3.5 The revised Policy introduced a new requirement that licensed drivers undertake disability awareness training and driving standards assessments every three years. Prior to the revised Policy taking effect, drivers only needed to undertake such training and assessments on one occasion – when they first became licensed.
- 3.6 These new requirements were originally recommended to be introduced into Policy by the Overview and Scrutiny Board, Improving Disabled People's Access to Redditch Taxi Fleet Task Group and were implemented with effect from 1<sup>st</sup> December 2017 following careful consideration of the results of a consultation exercise that took place towards the end of 2016.
- 3.7 A copy of the current Hackney Carriage and Private Hire Driver Licensing Policy can be seen at **Appendix 1**.
- 3.8 Since the decision to introduce these new requirements some Members have been contacted by licensed drivers concerned by them.
- 3.9 Furthermore, at a Taxi and Private Hire Liaison Forum held on 31<sup>st</sup> January 2018, over 100 licensed drivers attended and strongly expressed similar concerns.
- 3.10 The concerns that continue to be raised are that the new requirements introduced a disproportionate and unjustified burden on licensed drivers. The licensed drivers appeared to express the view that additional training and tests should only be required of drivers that

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have been the subject of a relevant complaint against them that has been upheld.

- 3.11 In light of the strength of feeling that was clear to those elected Members present at the Taxi and Private Hire Liaison Forum, the Chairman of the Licensing Committee agreed that Members would give the matter further consideration at the next Licensing Committee.
- 3.12 Therefore on the 5<sup>th</sup> March 2018, the Licensing Committee gave further consideration to the matter and following a lengthy discussion, Members agreed that further information was needed to enable them to discuss alternative options at a future meeting.
- 3.13 Further information was then considered by the Licensing Committee on the 5<sup>th</sup> November 2018 before Members resolved to task officers to carry out a consultation exercise in relation to amending the Hackney Carriage and Private Hire Driver Licensing Policy to remove the requirement that drivers undertake disability awareness training and driving assessments every three years.
- 3.14 The consultation was undertaken in conjunction with a further consultation relating to taxi and private hire licensing, which was also approved by Members of the Licensing Committee at their meeting on 5<sup>th</sup> November 2018.
- 3.15 The consultation exercise was commenced on 3<sup>rd</sup> December 2018 and was open for responses until 31<sup>st</sup> January 2019. A survey was created to facilitate the consultation. A copy of the survey can be seen at **Appendix 2**.
- 3.16 A copy of this was sent to all licensed drivers and also to the following organisations or people:
- Redditch Borough Councillors
  - Redditch Community Panel
  - West Mercia Safer Roads Partnership
  - West Mercia Police (North Worcestershire Licensing)
  - Worcestershire County Council (Driver Training)
  - Worcestershire County Council (Corporate Equality and Diversity Manager)
  - Feckenham Parish Council
  - National Taxi Association
  - National Private Hire Association
  - Guide Dogs
  - Managers Responsible for Crossgates Depot

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- 3.17 An electronic version of the consultation survey was also hosted on the Council's website and attempts were made to publicise the consultation via the press and social media.
- 3.18 In total 186 responses were received during the consultation. All of these respondents answered the question relating to the removal of the the requirement that drivers undertake disability awareness training and driving assessments every three years.
- 3.19 Of these 186 respondents, 123 came from licence holders in the hackney carriage or private hire trade. The remaining 63 respondents were a mixture of members of the public (54), elected Members (1), charities representing disabled groups (1) or individuals who did not indicate what capacity they were responding in (7).
- 3.20 138 of the 186 respondents (74.2%) agreed with the proposal to remove the requirement to undertake disability awareness training and driving assessments every three years. 48 respondents (25.8%) did not agree with the proposal.
- 3.21 Perhaps unsurprisingly the vast majority of those in favour of removing the requirements were licence holders in the hackney carriage and private hire trades. The majority of the other respondents to the consultation were not in favour of removing the requirements.
- 3.22 The comments received from respondents in addition to their "yes" or "no" response, can be seen at **Appendix 3**.
- 3.23 Members are asked to consider the responses received during the consultation exercise and resolve what amendments (if any) they wish to make to the Council's Hackney Carriage and Private Hire Driver Licensing Policy shown at **Appendix 1**.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

- Appendix 1 – Hackney Carriage and Private Hire Driver Licensing Policy
- Appendix 2 – Consultation survey
- Appendix 3 – Comments received during consultation

**LICENSING  
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**4<sup>th</sup> March 2019**

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**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

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**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 undertake 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.

**REDDITCH** BOROUGH COUNCIL



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## **Consultation**

# **Proposed Amendments to Hackney Carriage and Private Hire Driver and Vehicle Licensing Policies**



**November 2018**

## BACKGROUND

The Licensing Committee of Redditch Borough Council has resolved to carry out this consultation as part of its consideration of some proposals to amend the Council's current policies for the licensing of hackney carriage and private hire vehicles and drivers.

These proposals have been brought forwards as a result of the Council's ongoing dialogue with representatives of the hackney carriage and private hire trade in Redditch and are being considered with the aim of reducing reduce some of financial and administrative burdens that the existing policies create for both licence holders and the Council itself.

There are two main areas in the Council's current policies that this consultation will address:

- 1) The requirements for drivers to undertake certain training and assessments every three years.
- 2) The requirements contained in the hackney carriage and private hire vehicle licensing policies that set out the maximum age a vehicle must be when it is first licensed and the maximum age that vehicles can be licensed until.

Responses to this consultation can be emailed to [enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk) using the subject line "Redditch Taxi Consultation."

Responses can also be submitted via the post to:

Redditch Taxi Consultation  
Worcestershire Regulatory Services  
Wyre Forest House  
Finepoint Way  
Kidderminster  
Worcestershire  
DY11 7WF

The consultation will be open for responses until **31 January 2019**. All responses received during the consultation period will be considered by the Licensing Committee before any decisions are taken about which, if any, of the proposals will be implemented.

## THE CONSULTATION QUESTIONS

Redditch Borough Council is proposing to **remove** the following requirement from its policy on the licensing of **hackney carriage and private hire drivers**:

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

Instead licence holders will only have to undertake these training and assessment requirements when they first become licensed or when a Licensing Sub-Committee resolves that an individual driver needs to undertake further training or assessment following receipt of relevant and verifiable complaints.

Do you agree with this proposal?

**YES**

**NO**

Please provide reasons for your answer above.

The Council's policy on the licensing of **hackney carriage vehicles** currently states:

*"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."*

The Council proposes to **amend** the policy so that it states:

*"Applications for additional licences for Hackney Carriages will be granted only to approved vehicles which are less than **7 years old (84 months)**, meet the European "M1" safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle."*

Do you agree with this proposal?

**YES**

**NO**

Please provide reasons for your answer above.

The Council's policy on the licensing of **hackney carriage vehicles** currently states:

*"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."*

The Council proposes to **amend** the policy so that it states:

*"replacement vehicles must be less than **7 years old (84 months)** from the date of first registration of the vehicle as new by the Driver and Vehicle Licensing Agency."*

Do you agree with this proposal?

**YES**

**NO**

Please provide reasons for your answer above.

The Council's policy on the licensing of **hackney carriage vehicles** currently states:

*"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."*

The Council proposes to **amend** the policy so that it states:

*"Vehicles more than **10 years old (120 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."*

Do you agree with this proposal?

**YES**

**NO**

Please provide reasons for your answer above.



The Council's policy on the licensing of **private hire vehicles** currently contains a requirement that:

*"The vehicle is not more than 6 years old (72 months) on the day the licence is issued."*

The Council proposes to **amend** the policy so that this requirement states:

*"The vehicle is not more than **7 years old (84 months)** on the day the licence is issued."*

Do you agree with this proposal?

**YES**

**NO**

Please provide reasons for your answer above.

The Council's policy on the licensing of **private hire vehicles** currently contains a requirement that:

*"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 be licensed."*

The Council proposes to **amend** the policy so that this requirement states:

*"Vehicles more than **10 years old (120 months)** from date of first registration of the vehicles as new by the Driver and Vehicle Licensing Agency will not be licensed."*

Do you agree with this proposal?

**YES**

**NO**

Please provide reasons for your answer above.

The Council's policies on the licensing of **both hackney carriage and private hire vehicles** both contain the following requirement:

*"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."*

Notwithstanding the other proposals set out earlier in this consultation document, the Council proposes **to make no amendments** to its policies insofar as they set out the frequency of vehicle inspections required of vehicles of different ages.

Do you agree with this proposal?

**YES**

**NO**

Please provide reasons for your answer above.

In what capacity are you responding to this consultation?			
Licensed Hackney Carriage / Private Hire Driver		Licensed Private Hire Operator	
Member of the Public		Elected representative	
Other (please specify)			

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The consultation will be open for responses until **31 January 2019**. All responses received during the consultation period will be considered by the Licensing Committee before any decisions are taken about which, if any, of the proposals will be implemented.

**Comments received on proposal to remove the requirement to undertake disability awareness training and driving assessments every three years.**

<p>Hi I have done driving standards assessment and disability awareness Coarse and NVQ I agree with requirement for Driving Assessment as I have been driving taxi /private hire for 25 years on my last badge renewal I had to do DSA I would expect to do this if I had complaints of my driving standard or if I had penalty points in the area I work 6 penalty points my licence is under review as of disability courses if new approaches are beneficial update courses to all in the trade as required</p>
<p>Once a driver has passed the required tests, there should be no need to refresh.</p>
<p>Unfortunately driver standards are woefully poor at times, occasionally verging on the downright dangerous.</p>
<p>Driving standards slacken with time. The initial assessment when the driver first applies for their licence would be like a car driving licence where it is a licence for life.</p>
<p>Regular training and assessments is valid for drivers who are responsible for others safety.</p>
<p>I think that it is important to have a specific requirement. This proposal lowers the current standard and is not helpful to users or to providers.</p>
<p>Drivers need to have continued refresher training as well as an ability and fitness to drive checks.</p>
<p>It's important for all drivers to be safe and up to date with current driving standards frequently as they carry passengers.</p>
<p>Bad habits can spill in three years let alone for ever.</p>
<p>Disability awareness should be maintained not just at the beginning, a driver who has driven for many years will have not carried out any updated training</p>
<p>It's a reduction of standards</p>
<p>Public protection is paramount in this area and to remove all checks after the initial one would seem a step too far for me. Extend the period between checks by all means (5-7 years might not be seen as unreasonable), but we should retain a system which brings the licensee into contact with the Authority at certain points in their driving career.</p>

<p>Remember the bus driver from Coventry still a bus driver at 77 and caused a fatal accident</p>
<p>Updated disability training is a must and at regular intervals. Leaving it to people to complain before needing to undertake such training is watering down and leaving disabled persons at risk</p>
<p>I work with several groups of people who would come under the banner of 'disability', practices move on so quickly nowadays with regards on how to help and encourage people from that group, that it is important that drivers who will be transporting these people, are up to date as possible with new awareness in this group. it is no acceptable to wait until a complaint comes in</p>
<p>Research shows that all drivers take on lazy habits over time. To be safe drivers our cabbies need to show they are able and safe, especially as many are not young and eyesight will deteriorate etc.</p>
<p>Refresher training would ensure that the driver's knowledge is up to date and A Driving Assessment test every three years would help prevent drivers lapsing into bad habits.</p>
<p>Most drivers are likely to respect disability awareness and therefore should not experience the burden of repeated training. I am satisfied that any subsequent complaint can be handled by the Licensing Sub-committee.</p>
<p>The taxi drivers should have to pass an assessment every year or so as I think they get complacent in how they drive and speaking from being an owner if a car you get into bad habits but taxis have members of the public in their care so need to be the best at what they do all the time and should be tested on it regularly as should bus drivers or any job where there is the responsibility to the public.</p>
<p>Given the "lack of consideration to other road user in general;" I would agree personally that the Original refresher training in disability awareness and must pass a Driving Assessment test with Worcestershire County Council at least every three years" must stand! Given my experience on the road, the " Complacency in general by both Taxi &amp; Bus companies to other road users, when I travel 20 miles to Worcester there and back every day is a general complaint!</p>
<p>I think with the responsibility of driving paying customers drivers must be assessed regularly for public safety</p>
<p>Unless disability legislation were to change there is no need to reiterate the original training</p>
<p>The behaviour of many taxi drivers is terrible. They need all the training they can get</p>

I believe we already have some dangerous complacent drivers in Redditch and by taking away the strict training rules they will just get worse

The refresher training seems irrelevant unless there is a change in legislation.

The standard of Taxi driving around the town is poor. Drivers frequently break speed limits, undertake on the left hand side and pull out in front of oncoming traffic. Passenger safety should be the first concern. Some licenses are passed to other drivers and there are too few checks on identity.

I think that if a licence holder passes this assessment and knows that if there are complaints that can be proved then this should be acceptable. Also a log will have to be kept to ensure that the driver does not have several complaints.

I feel as the laws can change all drivers must understand the full awareness of disability and be kept up to date of the changes by refresher courses, as and when needed.

I feel regular refresher training in disability awareness is essential although maybe every 5 years. It is important to know that all drivers are clear on disability legislation which does change relatively regularly. I don't know what the 'driving assessment test' entails so I don't feel I can comment on this aspect.

Driving assessments every three years are reasonable for the safety of the public

I think people who are licensed to carry members of the public from A to B in Hackney carriage or private hire cars should be reassessed as it is now, every three years. I am surprised that more checks are not done on these as I have seen vehicles with broken lights and the drivers smoking, and also no seat belts and being on a mobile phone!

Driver retraining every three years means that they are aware of updates to legislation and that their competence is checked on a regular basis. In industry it is generally a requirement that a CPD (Continuous Professional Development) file is maintained by each individual.

Having been in incidents that I would class as near misses but could have resulted in fatal accidents (Including me and the driver amongst the fatalities) twice whilst being driven by Redditch taxi drivers in the last 10 years I would suggest that passing the Driving Test Assessment is essential. Hopefully the test would weed out the bad drivers.

I think it would be reasonable for there to be refresher disability training but every five years would be reasonable

<p>Through past experience I have never been confident that complaints of drivers are logged or followed up.</p>
<p>I believe that as standards, legislation, society and technology changes, the testing should adapt to these changes also, one test when commencing in this area, will not maintain high standards and a failing in the future will occur</p>
<p>Road traffic changes constantly, also when carrying passengers daily cars should be in very good condition</p>
<p>Better standards</p>
<p>All people in service related occupations should have regular in service training and refresher training. This is common in many occupations and if maintained for hackney carriage and private hire drivers would maintain and increase confidence in the service provided.</p>
<p>It is better to equip people with the up to date information, policy etc. then to wait until complaints have been made. Damaging for both parties.</p>
<p>It is important that the drivers are aware of changes on disability aids in use, and should be reminded of them and their ability to carry out their work assessed in a regular basis. If they worked in an office their work would probably be assessed on an annual basis</p>
<p>Drivers are operating in the public service area; by refreshing every 3 years there is less scope for mistakes and the ability to claim ignorance of a requirement (as seen in B'ham recently).</p> <p>It is also an opportunity to assess the driver's competence and "train" drivers to the required standard so that the expected standards of driving are maintained.</p> <p>I see occasions when driving is of a poor standard so perhaps 3 years is too long?</p> <p>If training is only given when a licensing Sub-Committee resolves that an individual needs further training then this is "closing the door after the horse has bolted" - far better to be pro active and avoid offence to anyone or to lapse into poor driving habits.</p>
<p>I feel that there is no need for Disability awareness training to be repeated, but that drivers should still undergo a regular Driving Assessment. However, this could be amended to every 4 or 5 years. (In my experience, people who drive for a living tend to become quite aggressive drivers, especially when they have deadlines to meet.)</p>
<p>Disability legislation and qualification for a disability changes, you need to keep up with this. The fault default of response to complaints is not the best way to have consistency.</p>



Removing this clause will allow standards to drop and they aren't the best as it is.

As long as we are vigilant in ensuring that ALL drivers will have to do this training once, then unless there has been a breach reported or an incident logged that brings their understanding into question, it probably does not require further refreshers.

It would be helpful if a synopsis of the areas covered in the training were put on a web page that the drivers could access should they have any questions or worries about certain areas covered.

Transport and technology is constantly updating, and drivers/operators should be able to confirm that they have kept pace of, and are aware of these changes, though perhaps 5 yearly checks may be a compromise between cost savings and keeping up standards, as is presently the case with PCV & HGV drivers (i.e. driver qualification cards, awarded after completion of a course, renewable every 5 years) These courses cover all transport related issues, including disability awareness, and the most recent traffic legislation etc.

Driving assessments are needed to ensure no deterioration of skills

It's just another cost saving exercise that will not raise standards.

The bit about relevant and verifiable complaints is yet another very detrimental change - a complaint can therefore become (or may become) easier to dismiss - without any further investigation etc. etc.

This is not an onerous requirement, and as an occasional user of local taxis, I would want to be assured that drivers are re-assessed on a regular basis.

Why does RBC consider such a requirement to be unnecessary?

By removing this requirement you are becoming reactive rather than pro-active. Waiting for a complaint before asking someone to undertake refresher training seems wrong. Surely it is far better that people are fully aware of their responsibilities.

Also, it may be that people get upset by certain drivers but don't want to make a formal complaint. Or, based on their level of disability, they may not feel able to make a complaint. This would mean that the individual concerned would carry on without any further training. However, I do think that the three year period mentioned is perhaps too soon, Perhaps every five years would be more appropriate.

A regular test is important to ensure driving standards are maintained

It will save money
Point system already exists
Disability awareness & driving assessment should only be conducted at beginning, when/before licence is granted, as nothing is altered afterwards, unless there is sufficient evidence showing the driver has fallen below the expected standard required to carry out their duties for which the points scheme has also been implemented.
Been driving taxis for 26-27 years, I've never had a problem with the public. With penalty point scheme you can dig out bad drivers. DVLA do not make you do re-test every three years unless you have a medical condition or dangerous driving ban.
We had training so it's enough
As an experienced driver I believe all new applicants must re-take tests as this why complaints are being made. Licensing needs to retained as they are the problem.
Have been taxis for many years always helped customers. Still have a clean licence. Licensing needs to make sure they recruit proper & fit drivers. This is why council get complaints.
Driver standards are best in county, if a driver has done bad then they should be punished, not all drivers.
I have been driving for 29 years as a cabby, never had a complaint and we try our best as cabbys to make sure our customers get the best service. Licencing needs to stop taking brown envelopes who allow bad drivers in, open your eyes.
I have been driving 10 years, never had a problem. DVLA does not make drivers re take test every 3 years unless you have a medical condition or dangerous driving. Make drivers who have complaints against them
We have a penalty point scheme in place therefore any driver who fails to drive properly should be made to do extra tests.  Even the DVLA do not make you do a retest every three years.
No need. Point scheme will root out bad drivers in a fair manner.

Point scheme already exists
Points scheme already exists for this purpose
Age restrictions don't mean safer vehicles more tests does not guarantee improved quality. Just more expense for driver, money for tester
Point scheme already does this rooting out bad drivers
No evidence to support this will work. Point scheme already does this.
Point scheme exists
Point system already in place
Point scheme already exists
Point scheme already exists
Points system exists
Re-applying for jobs not fair, even DVLA don't do it. No one in Worcs umbrella does it. Point System targets bad drivers.
System already in place for bad drivers
Do admin staff do GCSE English if Grammar error? No. So why re-test? DVLA don't agree with you, it's so unfair to re-do test, borderline criminal.
Not fair. Have point system for bad drivers.
Points system already exists for bad drivers
Point system will weed out offenders
No point having a point system

<p>In line with Worcs?</p> <p>No, just bullying Redditch drivers. No test for others under Worcs umbrella or bus drivers, coach drivers, couriers or general public so why Redditch drivers? Because its not fair</p>
<p>Not fair to do test again</p>
<p>No one else does it in Worcs</p>
<p>Not good for job security we have points for bad drivers</p>
<p>No need. We have points to get rid of bad drivers.</p>
<p>Already have point scheme that targets drivers who accumulate points. No evidence to suggest drivers need more training and law does not change every 3 years that would affect taxi trade</p>
<p>No point having a point system</p>
<p>We already have a scheme put in place that targets that have had more points. No law change, so putting training in place every 3 years is inadequately because this does not effect taxi vehicles in their trade anyway.</p>
<p>Reason being we already have point scheme that targets drivers. I also believe there is no evidence that drivers require more training.</p>
<p>Why have points? If we have to do test again. Point system is more fair, targeting bad drivers.</p>
<p>Sounds like discrimination, look at % of others doing it? Why hate Redditch drivers? Make whole county do this? No one else do driving test refresher.</p>
<p>Not fair, no trade, buses, couriers or others re-do driving test, even DVLA don't, victimising Redditch taxi drivers only. Feel bullied. Act like you have a vendetta.</p>
<p>Re-applying for jobs makes it poor motivation which affects quality of service, makes point system obsolete.</p>

We already have a scheme put in place that targets that have had more points.  
No law change, so putting training in place every 3 years is inadequate because this does not affect taxi vehicles in their trade in anyway.

We already have a scheme put in place that targets drivers that have had more points.  
Putting drivers in training every 3 years is inadequate.

No point having a point system

Unfair on so many levels. Not fair compared to rest of Worcs. Feel like we being victimised.

Taxi drivers will fall into a 'don't care' or 'forgot' attitude. We came home from a holiday in Spain and the Taxi driver drove at speed of 80. He nearly had us under a massive lorry as we were approaching a motorway or clearway from slip road. When I complained to Taxi Office they replied 'don't ask for driver 8 or some such words. See I can't remember what number not to ask for only 5 months later. Someone has to check them.

Testing every 3 years makes the points system obsolete, and lets be honest, drivers who passed 10, 15 or 30 years ago learned differently, so it's not practical or fair. No other trades do this i.e. bus drivers and some do (Dr), we're not doctors.

I think doing a driving test again is unfair and unreasonable, as we already have a points system in place.

I think doing driving test again is unfair as we already have a points system in place

I think doing a driving test again is unfair and unreasonable as we already have a points system in place.

I think done a driving test again is unfair and unreasonable as we already have a points system in place.

You only need to be trained once. There is no need for people who comply to standards to be penalised they are doing correctly, and is not fair paying for and been out of pocket for something they don't need to do.

I think if someone put a new vehicle ( such as 2018-2019) they should have one test a year until the vehicle is 6 years old then two tests until 9 years of age and 10 years or over 3 tests per year

My opinion is instead of having a separate age cap for licensing why not just cap the age at 9 years for example if someone put a 8 year old vehicle then they allowed to use only for two years and no more committee

When a driver drives a vehicle regularly his driving skills improve as his driving hours increase resulting him/her being a better driver than before, which I believe is a good step to reduce burden on council/licence holder

Taxis and private hire vehicles (PHVS) and the door to door service they provide are essential for disabled people. In particular, they are essential for the independence of blind and partially sighted people, who are unable to drive or often unable to use public transport. However, accessing taxis and PHVs can be a major challenge for assistance dogs owners: a Guide dog survey found that 42% of assistance dog owners were refused by a taxi or PHV drivers in a one year period because of their dog- despite this being a criminal offence under the equality act 2010. such access refusals can have a significant impact on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence.

A Guide dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusal have on assistance dog owners. The best way to ensure drivers know their legal obligations and how best to offer assistance to their customers with vision impairments is through disability equality training for all taxi and PHV drivers.

Due to the importance of this training, Guide Dogs does not agree with the proposal to remove the requirement for refresher training in disability awareness every three years. Further, holding refresher training every few years is common across other forms of transport - for example office of rail and road have recently proposed for staff to receive 'refresher' disability training every two years.

Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and re investigated.

It is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. We therefore recommend a zero-tolerance approach to enforcement of the Equality Act and advise that failure to carry an assistance dog should result in 12 penalty points and immediate revocation of their licence. Requiring a driver to undertake refresher disability training is not proportionate response to an illegal access refusal.

Further, drivers who refuse access to a guide dog owner may not have a complaint made about them: while our survey shows that 42% of assistance dog owners have been refused over a one year period, only 54% of respondents said they would 'definitely' or 'very likely' report an access refusal. In part, the underreporting is due to challenges of reporting especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued. Therefore waiting for a complaint before requiring training is insufficient.

The consequences of delayed travel combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities take a significant toll on assistance dog owners. Apart from feelings of anger and embarrassment, refusals can undermine the independence that assistance dogs bring to their owners. Assistance dog owners also reported that the stress of refusals has had a detrimental impact on their mental

health and on whether they feel able to leave the house. This also has a negative impact on their ability to access work and other opportunities. As guide dog owners report:

"Each refusal is crushing, confidence shattering, rejecting and traumatic. I always feel that I don't want to go out after- but work dictates I must" Guide dog owner, Stevenage

"I was left on my own at the side of the road in the dark. I am deaf and unable to phone for help and it made me feel very vulnerable. It makes me feel afraid to go out" Assistance dog owner

"I was very upset, it was dark, raining and 10pm at night. I was scared. I avoid evening invites, as I worry about getting home. I lose out on the chance of socialising with friends, which is bad, as I have no family." Guide dogs owner, Rochester.

"I used to have a very tough two hour commute to work. The taxi part of the journey was the shortest bit travel wise, but it always ended up being the bit that held me up the most because I was having to spend time facing drivers who wouldn't take me with my dog...It's good that my contract was flexi hours otherwise I'm sure I would have been sacked for being late all the time- it happened so often" Guide dog owner, Daventry.

Disability equality training focuses on the concept of people being disabled by society's barriers and attitudes. It highlights the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

Many of the positive experiences disabled people report when using taxis and PHVs come about following disability equality training. Councils that have introduced disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.

We therefore do not agree that refresher training should only occur when a licensing sub-committee resolves that a driver needs to following receipt of relevant and verifiable complaints, as if a complaint was received in this area, it should result in revocation of license. We also advise being proactive in this area to prevent access refusals from ever occurring, rather than being reactive and only requiring training following an instance of discrimination. We instead recommend that refresher disability awareness training is required every few years.

Already have point scheme that targets drivers who accumulate points. No evidence to suggest drivers need more training and law does not change. Every 3 years that would affect taxi trade.

Already have point scheme that targets us who accumulate points, no evidence to suggest drivers need more training not change every 3 years

Already have point scheme that targets drivers who accumulate points.

No evidence to suggest drivers need more training and law does not change every 3 years that would affect taxi trade.

As there is already a point based system in place, which will automatically pin point drivers that are constant re-offenders there is no need to introduce any new measures. Drivers have to undergo driving assessment when first applying for licence and majority have done the disability awareness when applied for licence, and the disability legislation does not change that often that it has a direct impact on the taxi industry, to require an assessment every three years.

Already have point scheme that targets drivers who accumulate points. No evidence to suggest drivers need more training and law does not change every 3 years that would affect taxi trade.

Already have point scheme that targets drivers who accumulate points. No evidence to suggest drivers need more training and law does not change every 3 years that would affect taxi trade.

There is a point scheme already in place to target drivers who accumulate points. No evidence to suggest drivers need more training and also the law does not change every 3 years that would affect taxi trade.

There is already a point scheme in place which means drivers who accumulate lots of points are dealt with effectively.  
Further there is no research to suggest that drivers need more training. Also any changes to training should be provided only when the law changes.

We have a penalty point scheme therefore any driver who fails to drive properly made to do extra test. Even DVLA do not make you to do retest



**LICENSING  
COMMITTEE**4<sup>th</sup> March 2019**CONSIDERATION OF RESPONSES TO CONSULTATION ON AMENDING  
THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE  
LICENSING POLICIES –VEHICLE AGE LIMITS**

Relevant Portfolio Holder	Councillor G Prosser
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**

On 5<sup>th</sup> November 2018 the Licensing Committee considered a report and resolved to carry out consultation on amending the existing applicable age limits for vehicles that are set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies.

That consultation exercise has now taken place and Members are asked to consider the responses received and determine what changes (if any) they wish to make to the Council's policies as a result.

**2. RECOMMENDATIONS**

**That Members consider the responses received during the consultation exercise and RESOLVE whether or not they wish to make any amendments to the existing applicable age limits for vehicles that are set out in the Council's Hackney Carriage Vehicle Policy shown at Appendix 1 and the Private Hire Vehicle Policy shown at Appendix 2.**

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

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

**LICENSING  
COMMITTEE**4<sup>th</sup> March 2019

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**Legal Implications**

- 3.2 Council's are free to adopt policies on the licensing of hackney carriage and private hire vehicles. These policies can include requirements relating to the age of vehicles that the Council will consider issuing licences in respect of. However each case must be considered on its own merits and the Council can depart from its own policies and grant a licence in respect of a vehicle that does not meet the normal requirements where there are exceptional reasons for doing so.

**Service / Operational Implications**

- 3.3 The Council's Hackney Carriage Vehicle Policy was last amended with effect from 1<sup>st</sup> December 2017 and the Council's Private Hire Vehicle Policy was last amended with effect from 1<sup>st</sup> August 2013.
- 3.4 These policies both contain requirements in relation to the age of vehicles. A copy of the Council's Hackney Carriage Vehicle Policy is shown at **Appendix 1** and a copy of the Council's Private Hire Vehicle Policy is shown at **Appendix 2**.
- 3.5 It is open to applicants to request that the Council departs from its normal policies if there are exceptional reasons for doing so. Where a person submits an application to licence a vehicle that does not meet the Council's policy, the application is referred to a Licensing Sub-Committee for consideration and determination.
- 3.6 On 5<sup>th</sup> November 2018, Members of the Licensing Committee considered a report which set out the large number of occasions in recent years that Licensing Sub-Committees had granted applications to licence vehicles that fell outside of the existing policy requirements in respect of the age of the vehicle.
- 3.7 Members were also reminded that preparing for and attending Licensing Sub-Committees is costly and time consuming for both the Council and licence applicants.
- 3.8 In addition, Members were advised that the Redditch Taxi Association have repeatedly requested during liaison meetings that consideration be given to amending the vehicle age requirements to allow saloon-type vehicles to be licensed until they are ten years of age.

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- 3.9 Following consideration of the report, Members resolved to task officers to carry out a consultation exercise on a number of proposed amendments to the age limits set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies.
- 3.10 The consultation was undertaken in conjunction with a further consultation relating to taxi and private hire licensing, which was also approved by Members of the Licensing Committee at their meeting on 5<sup>th</sup> November 2018.
- 3.11 The consultation exercise was commenced on 3<sup>rd</sup> December 2018 and was open for responses until 31<sup>st</sup> January 2019. A survey was created to facilitate the consultation. A copy of the survey can be seen at **Appendix 3**.
- 3.12 A copy of this was sent to all licensed drivers and also to the following organisations or people:
- Redditch Borough Councillors
  - Redditch Community Panel
  - West Mercia Safer Roads Partnership
  - West Mercia Police (North Worcestershire Licensing)
  - Worcestershire County Council (Driver Training)
  - Worcestershire County Council (Corporate Equality and Diversity Manager)
  - Feckenham Parish Council
  - National Taxi Association
  - National Private Hire Association
  - Guide Dogs
  - Managers Responsible for Crossgates Depot
- 3.13 An electronic version of the consultation survey was also hosted on the Council's website and attempts were made to publicise the consultation via the press and social media.
- 3.14 In total 186 responses were received during the consultation. Of these 186 respondents, 123 came from licence holders in the hackney carriage or private hire trade. The remaining 63 respondents were a mixture of members of the public (54), elected Members (1), charities representing disabled groups (1) or individuals who did not indicate what capacity they were responding in (7).
- 3.15 Not all of the respondents answered the questions relating to the proposals regarding vehicle age limits. Between 171 and 179 respondents answered each question relating to the proposals to amend the vehicle age limits set out in the Council's policies.

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- 3.16 An overview of the results of the consultation questions relating to vehicle age limits, including the comments made by individual respondents, can be seen at **Appendix 4**.
- 3.17 The vast majority of respondents were in favour of making the proposed amendments to the vehicle age limits. This is perhaps unsurprising given the large number of licence holders who responded to the consultation.
- 3.18 In relation to the proposal to continue testing vehicles over 9 years of age three times per year, only 36.7% of respondents agreed with this proposal and 63.3% disagreed. Examining the comments suggests that some respondents felt that three tests per year was excessive whilst others felt vehicles should be tested more often.
- 3.19 Members are asked to consider the responses received during the consultation exercise and resolve whether or not they wish to amend the existing applicable age limits for vehicles that are set out in the Council's Hackney Carriage Vehicle Policy at **Appendix 1** and the Private Hire Vehicle Policy set out at **Appendix 2**.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

- Appendix 1 – Hackney Carriage Vehicle Policy
- Appendix 2 – Private Hire Vehicle Policy
- Appendix 3 – Consultation survey
- Appendix 4 – Consultation responses

**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

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.

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Local Government (Miscellaneous Provisions) Act 1976

## Private Hire Vehicle Licensing Policy

Adopted by Licensing Committee on 1<sup>st</sup> July 2013



The Council will licence any suitable motor vehicle for use as a private hire vehicle.

The licence will be granted for a period not exceeding twelve months.

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.

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
- each provided seat is accessible without the need to remove or fold, or tip up any other seat;
- 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

Before licensing a motor vehicle as a private hire vehicle 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 private hire vehicle or hackney carriage.
- The vehicle is not of such design or appearance as to lead any person to believe it is a hackney carriage.
- The vehicle has valid certificate (or cover note) of motor insurance cover for private 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 is not more than 6 years old (72 months) on the day the licence is issued.
- Vehicles constructed or adapted to load and convey wheelchair bound passengers 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.
- 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 be licensed.
- 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).

- Any owners or proprietor of a prestigious vehicle such as a veteran car, Limousine, or Rolls Royce, or other unusual vehicle such as a rickshaw or motor cycle and sidecar which is intended for use at a special occasion or special event, who is aggrieved by these age restrictions may apply to the Licensing Officer who may exempt the vehicle from the restrictions. Such

vehicles will be required to undergo an assessment at Crossgates Garage, be in good condition and be suitable for its intended use. Each application will be judged on its merits.

- 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 private hire vehicle 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.

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**Appendix 3 – Consultation Survey**

Please see Appendix 2 of agenda item 4 at pages 23 to 32

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**Results of consultation on amending the age limits for vehicles that are set out in the Council’s Hackney Carriage and Private Hire Vehicle Licensing Policies.**

	YES	NO
<p>The Council’s policy on the licensing of <b>hackney carriage vehicles</b> currently states:</p> <p><i>“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.”</i></p> <p>The Council proposes to <b>amend</b> the policy so that it states:</p> <p><i>“Applications for additional licences for Hackney Carriages will be granted only to approved vehicles which are less than <b>7 years old (84 months)</b>, meet the European “M1” safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle.”</i></p> <p>Do you agree with this proposal?</p>	<p><b>167</b> <b>(93.3%)</b></p>	<p><b>12</b> <b>(6.7%)</b></p>

**Comments received:**

As of age on any vehicle is soon focusing on economics with constant pressure lower emissions and economy is in favour of all people in this trade 6 years is two old 4 years unless very low emissions can be achieved emissions are where the standards should be focusing on future transport as of London setting lower emission zones this will spread as of Birmingham looking at this in next two years

Modern vehicles are designed to last far longer than they were many years ago, furthermore the cost implications have a massive impact on the trade, and we are not talking hundreds of pounds difference, we are talking thousands of pounds

Don't really see why a 7 year old vehicle is very different from a 6 year old one.

Cars even older than that have been proven to be safe.

As long as vehicles are maintained correctly I think this is acceptable.

I cannot see the justification for reducing the age of the vehicle. There needs to be some data supplied to explain why this vehicle age increase does not compromise safety for passengers.

<p>As long as the vehicle is still fit for road use.</p>
<p>Again it's important that the vehicles the drivers are driving are safe and road worthy restricting the age of the vehicles means this is more likely to be the case</p>
<p>Vehicles are getting safety and more road worthy by the year</p>
<p>Six years is too old, seven it's close to becoming a banger</p>
<p>Vehicle construction and maintenance standards are probably better now than they were when the policy was first introduced (or last amended). Seven years seems a not inappropriate maximum age for vehicles being put to this use.</p>
<p>The history of the vehicle must be confirmed as I had a car but the engine became faulty but I was asked to sell as a taxi</p>
<p>Once again watering down a policy which should be improved upon</p>
<p>No problem as European directive</p>
<p>Modern cars don't age as quickly. But I think mileage is a better measure of age than chronology.</p>
<p>Why increase the starting age? A six year old vehicle could have worked hard for that period.</p>
<p>You have not explained the reason behind the proposed change so I can't give my agreement.</p>
<p>If they pass the criteria required and are safe fir purpose then I think that clause if ok.</p>
<p>My reason is if meets the current up to date requirement as stated: meet the European "M1" safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle.", then I agree with this change.</p>
<p>fine 7 yr old cars are fine</p>
<p>The age of a vehicle does not necessarily determine its roadworthiness a better indication is the amount of miles it has done</p>



As long as vehicles are roadworthy that should be good
As long as the vehicle is fit for use age isn't a problem
this will get older more polluting cars off our roads
Modern cars are likely to have a longer life span and be mechanically reliable.
I think that modern cars have a longer life especially if they are maintained properly and driven sensibly.
To ensure the carriages are of a fit and road worthy condition.
Cars today remain in better driving condition than in the past
Cars of 7 years old or less are fairly new in regards to modern vehicles
Cars are longer lasting than they used to be. However it might be appropriate to consider the emissions from vehicles to improve the environment - say Euro 5 compliance - to remove some of the dirty emissions from high use vehicles.
I assume you have safety data to back this up
It seems to me that all carriages are stringently checked over on a regulator basis.
If tested and passes the age of vehicle should not matter, if well maintained
safety standards are definitely required when dealing with public
For Hackney carriage not for Private Hire
7 year old vehicles could be in poor general state irrespective of age but more dependent on mileage and former type of use.
The wear on a vehicle used as a taxi is extensive and I feel 6 years is old enough.

The quality of car construction over the last 10 years has improved greatly
Yes as this may avoid the expense of replacing a vehicle in the town's fleet but there must come a time when a vehicle reaches the end of its life even though it may still function as a vehicle. Improvements in design, efficiency, economy and safety must result in there being an upper age limit for vehicles.
Modern cars are more reliable.
Modern cars can run efficiently for the increased time period
This would again drop standards! Uber cabs have an age limit of 5 years; this is what you should be aiming for.
Should be less than 3 years old on first licence as older vehicles are more polluting
Seven years should not be a detrimental age for a vehicle so no safety issues should arise from this change.
Provided that the vehicle is subject to a rigorous check and meets all safety aspects associated with the fact that these vehicles will spend a lot of time presumably in daily service.
A detrimental change.
7 - year old vehicles, which are in any event subject to MOT tests, should be fine for use as taxis.
The age of the taxi should be lowered not increased. It is difficult for all taxis to have facilities for disabled. Taxis with disabled facility are important and there should be a % in the total number of licences issued.
It's fairer to owners
Cost a lot of money in first place.
The cars are kept in high standard due to lack of trade and too many drivers and taxis; this will help to purchase a better vehicle.
Our cars are good condition and this will help buy better cars as trade is slow and too many drivers and cars

<p>More drivers may acquire a vehicle of this type. Cheaper than £10 fares by taxi companies.</p>
<p>It will encourage drivers to get more WAV's and hopefully reduces cost of travel for disabled customers.</p>
<p>If the taxi is fit and proper to pick up passengers the age should not be of concern. Standards of cars in Redditch are probably best in the county. Plus cost of getting a car one year older has significant savings.</p>
<p>Age restrictions don't ensure safety of vehicle</p>
<p>Main purpose is for vehicles is safety age restriction on vehicles does not improve</p>
<p>Main objective is to have safe and fit for purpose vehicles</p>
<p>All cars can be in bad condition but older ones at more risk of things wearing out. Unless the driver loves his car.</p>
<p>All brand new vehicles should have only one test per year until the age of 6 year or 7 year then two tests. It will encourage drivers to buy new vehicles and it will give better image to the Redditch council</p>
<p>My personal opinion is instead of having a separate age cap for initial licensing and continuous licensing, why not just cap the age at 9 years for example. This will allow cars up to 9 years old to be licensed, even if for only 1 year. Once it is older than 9 years it should be replaced, simple. It makes more sense than allowing a 7 year old vehicle to be licensed and continued to be until it is 9-10 years old.</p>
<p>The main reason for this answer is that the age of the vehicle does not mean anything i.e. the newer the vehicle doesn't mean it is more safe for passengers or economical or environmentally friendly</p>
<p>Main objective is to have safe and fit for purpose vehicles and age restriction on vehicles does not improve either.</p>

	YES	NO
<p>The Council's policy on the licensing of <b>hackney carriage vehicles</b> currently states:</p> <p><i>“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.”</i></p> <p>The Council proposes to <b>amend</b> the policy so that it states:</p> <p><i>“replacement vehicles must be less than <b>7 years old (84 months)</b> from the date of first registration of the vehicle as new by the Driver and Vehicle Licensing Agency.”</i></p> <p>Do you agree with this proposal?</p>	<p><b>159</b> <b>(89.8%)</b></p>	<p><b>18</b> <b>(10.2%)</b></p>

<b>Comments received:</b>
4 years as stated in last question
A new vehicle is a new vehicle, so the same age restrictions should be implemented to both
Same as previous answer
Cars even older than that have been proven to be safe.
As previous
Isn't this a repeat of the previous question? The same argument applies.
Once a vehicle has had is use it should be replaced with a newer car not more than 3 years old. This would help with safety of the vehicle and regulations to do with emissions and pollution.
See previous answer
See previous comments

<p>The reason set out in in section 2 would also apply to this section.</p>
<p>As previous page</p>
<p>I do not agree with watering down policies that could affect the public and in particular those that are disabled</p>
<p>No problem with this change</p>
<p>See previous answer.</p>
<p>You have given no reason for the proposed change so I can't give my agreement.</p>
<p>Again as before as long as the vehicle is suitable and safe and meets the required criteria it is ok.</p>
<p>My reason is if meets the current up to date requirement as stated: from the date of first registration of the vehicle as new by the Driver and Vehicle Licensing Agency.”, then I agree with this change.</p>
<p>As with previous answer</p>
<p>See previous comment</p>
<p>See previous</p>
<p>As pervious answer</p>
<p>Modern cars have a better longevity nowadays.</p>
<p>Same as in previous question</p>
<p>As previous answer</p>
<p>Cars are longer lasting than they used to be. However it might be appropriate to consider the emissions from vehicles to improve the environment - say Euro 5 compliance - to remove some of the dirty emissions from high use vehicles.</p>

Again I presume as an organisation you have data backing this up
As previous answer and one year more is marginal.
To old at 84 months
Newer the better
See question 2
The wear on vehicles used as taxis is extensive. I feel 6 years is old enough.
Improvements in design, efficiency, economy and safety must result in there being an upper age limit for vehicles therefore there needs to be a push towards newer vehicles that would provide service for longer. Newer vehicles would/should be less polluting, more reliable and ultimately cost less to run.
Same as previous answer
As before
This would drop standards. As previously stated Uber is 5.
Less than 3 years old unless low emissions vehicle
Seven years is not a detrimental age for a vehicle that has passed all the DVLA requirements
Air pollution issues, as these vehicles spend so much time with engines running.
Another detrimental change.
See previous answer
The age of vehicle should be reduced not increased.
It is fairer to owners

Increasing age of replacement vehicles whether hackney/private from 6 years to 7 years is a plus factor as newer cars are quite expensive, if you want a half decent one, with full spec i.e. auto, leathers all the other extra gadgets, as all these extras provide a comfy ride for passengers and are more convenient for the driver, provided vehicle is kept in a well presentable, roadworthy condition.

We have a modern fleet of cars regularly serviced. Plus buying a car 1 year older is helpful in current state of taxi trade.

Same as previous question

Same as other question

Most cars in Redditch are good and well maintained I think this should help all drivers.

In current times it will help all drivers as times are hard

With the amount of taxis in Redditch it's only right the drivers get savings, so we can survive.

Nice car and or modern and or well maintained giving us 1 more year has cost saving which are important because the taxi trade in Redditch is very hard.

Same as reason before

Main objective is to have safe and fit for purpose vehicles and age restriction on vehicles does not improve either.

Main objective is to have safe fit for purpose vehicles and age restriction on vehicles does not improve either

We need safe vehicles that are able to carry out their jobs in safe and secure manner, age restrictions is not sufficient as the vehicle should be safe to use.

We need safe vehicles that are able to carry out their jobs in safe and secure manner. Age restrictions are not sufficient as the vehicle should be safe to use.

I agree with the above amendment because taxi drivers are part of the community as well and times are financially hard at the moment for everybody and the cost of replacing vehicles is considerably rising. Also neighbouring councils are using even older cars. The condition and the safety of the vehicle should be more important than the age.

Year or two should not make difference if got MOT etc.
Age restriction is not sufficient. It's not the age of the vehicle; it comes down to driver's maintenance on vehicle.
Main objective is to have safe and fit for purpose vehicles and age restriction on vehicles does not improve either
Main point is to have safe and road worthy and fit for work
Main objective is to have safe and fir for purpose vehicles and age restriction on vehicles does not improve either.
Age of vehicle doesn't make it any safer for passengers so in my opinion such policy should be scrapped and should go on its individual inspection merit
Main objective is to have safe and fir for purpose vehicles and age restriction on vehicles does not improve either.
Main objective is to have safe and fit for purpose vehicles and age restriction on vehicles does not improve either.
If the car is safe and fit for purpose then the age of the vehicle is pointless



	YES	NO
<p>The Council's policy on the licensing of <b>hackney carriage vehicles</b> currently states:</p> <p><i>"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."</i></p> <p>The Council proposes to <b>amend</b> the policy so that it states:</p> <p><i>"Vehicles more than <b>10 years old (120 months)</b> 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."</i></p> <p>Do you agree with this proposal?</p>	<p><b>156</b> <b>(89.7%)</b></p>	<p><b>18</b> <b>(10.3%)</b></p>

**Comments received:**

Difficult answer current mot requirements and incoming requirements will it be possible to uphold to a new vehicle today still running around in twelve years time if this is accepted this policy should may be reviewed maximum of every three years and mentioned in current licence conditions to stop future confusion

Again, vehicles are designed to last much longer now

As previously stated, don't see why an extra 12 months should make a vehicle substantially less suitable and this should help providers keep down costs.

Cars even older than that have been proven to be safe. It is financially beneficial.

Providing vehicles are maintained correctly

I cannot agree with accepting an increase in the age of allowable vehicles.

No they are too old at that age.
See previous answer
At nine years old the vehicle is nearing the end of its life. A vehicle used for this purpose is under more than average wear and tear. This results in higher maintenance costs to keep the vehicle in good order. This, in some circumstances, may result in essential work being left due to higher costs. I feel the temptation to ignore faults to be too great.
To have a measure calculated to safeguard the public would seem to me to require the same safety standard for everyone, both able bodied and wheelchair bound passengers.
Any vehicle can and will deteriorate
Refer to previous answers. No watering down policies that affect persons with disabilities
No problem with this change
Difference between 9 and 10 years is irrelevant. It should be done in mileage not years.
Subject to MOT & service records being available for inspection.
No reason given for this change so no agreement from me.
If I am reading and understanding this correctly it contradicts the last clause.
Reason is that I agree with the proposed change "vehicle more than 10 years old (120 months) from the date of first registration of the vehicle as new by Driver and Vehicle Licensing Agency. "The rest as stated!
Why should disabled people have older vehicles
See previous comment
As long as in good roadworthy condition

As long as fit for purpose
I would think that if somebody has made an investment in converting a wheelchair adapted vehicle it would be more economic for them to be able to use it for longer.
As previous answer
As long as the driver drives with disabled passengers in mind and that any complaints are dealt with.
Answer as previous question
Makes sense
Cars are longer lasting than they used to be. However it might be appropriate to consider the emissions from vehicles to improve the environment - say Euro 5 compliance - to remove some of the dirty emissions from high use vehicles.
Too old
More adapted vehicles the better
10 year old vehicles are too old for this type of work.
Vehicles adapted to carry wheelchair bound passengers need to be 100% safe and I do not think that a vehicle of 12 years being used as a taxi can be totally reliable.
This course of action would simply prolong the inevitable and the vehicle must be replaced. A 12 year old vehicle is far too old but if the specialist vehicle has a clean record i.e. no accident damage or repaired write off then an extension to 12 years may be suitable. The danger is the town could end up with a fleet of up to 12 year old vehicles that are all adapted for wheelchair bound passengers as it avoids drivers investing in their stock.
Why do you want to drop standards? Again this is not in consumers interests. Did a taxi firm write this questionnaire?????
I think that with the amount of use a taxi generally has, 10 years might be pushing things a little and could result in further safety issues for passengers and drivers alike.

Due to the cost of replacing these vehicles, this policy would help keep costs down.
Another detrimental change.
Seems a reasonable adjustment
Taxis which convey disabled passengers should be less than 9 year's old when first registration. We should be looking to all taxis being newer not older vehicles.
Hopefully it will make more adapted vehicles available.
Age restriction is not of concern once a vehicle is granted licence; it is then tested by the local borough council twice annually, once every six months for it to be kept in a well maintained condition. Fit for purpose. So age restriction is irrelevant.
Us drivers in Redditch have I believe best cars & standards in county despite having or going through tough time. Saves licensing & committee & drivers going in for extension.
I agree with the increase but would suggest removal of expiry as to when the vehicle gives problems. A driver will replace it anyway.
Better cars can be bought slightly older but last longer and better make and model.
Because most drivers keep cars well maintained this is a must.
Same as last question
Again it helps drivers in these hard times
Saves licensing time and driver inconveniences sending good cars to the committee
I agree as going through the process with the committee for extension is time consuming to both licensing and myself as a driver
Refer to hackney carriage answers
Vehicles are tested by the council twice a year and once passed and deemed safe and fit for purpose are issued a licence so there is no need for an age restriction policy.

<p>Vehicles are tested twice a year by council and vehicles are fit for purpose and issued a licence so there should not be an age restriction policy</p>
<p>We have 2 checks a year. These checks are carried out by the council all safety adequate measures are carried out by law and according to policy. Age restriction policy should be removed as the safety is maintained and checked twice a year.</p>
<p>We have 2 checks a year. These checks are carried out by the council; all safety adequate measures are carried out by law and according to policy. Age restriction policy should be removed as the safety is maintained and checked within twice a year.</p>
<p>We have 2 inspection tests every year, the checks are carried out by Redditch council. Vehicles are highly maintained and age restriction should be removed.</p>
<p>This sounds ok. Adaptions cost a lot of money and as long as fittings are checked regularly and treated properly 12 years is ok. Dial a Ride, Rural Ride, it may mean if have to replace more often the Dial a Ride would stop running, trapping lots of people in their houses.</p>
<p>There are 2 checks a year by Redditch council all safety measures are carried out by law according to policies.</p>
<p>If carrying disabled passenger they should be licensed as private hire vehicles. There is no difference in wear and tear of vehicle. In fact they probably take more wear and tear, because they have to use hydraulics etc. If a private hire vehicle remains pristine condition through licensing why can't their licences be extended?</p>
<p>Vehicles are tested by the council twice a year, and once passed and deemed safe and fit for purpose are issued a licence so there is no need for an age restriction policy.</p>
<p>Vehicle are tested by council twice a year its get pass should not be restriction policy</p>
<p>Vehicles are tested by the council twice a year and once passed and deemed safe ad fit for purpose are issued a licence so there is no need for an age restriction policy.</p>
<p>Refer to previous answers</p>
<p>Vehicles are tested by the council twice a year and deemed safe and fit for purpose are issued a licence so there is no need for an age restriction policy.</p>
<p>Vehicles are tested by the council twice a year and deemed safe and fit for purpose are issued a licence so there is no need for an age restriction policy.</p>

Taxi vehicles are tested by the council twice a year and once passed and deemed safe and fit for purpose are issued a licence so there is no need for an age policy.

As the vehicles are tested by the council twice a year who check whether the vehicle is safe therefore there is no need for age restriction policy.

I agree as going through the process of getting extra from committee is time consuming for everyone involved.

	YES	NO
<p>The Council's policy on the licensing of <b>private hire vehicles</b> currently contains a requirement that:</p> <p><i>"The vehicle is not more than 6 years old (72 months) on the day the licence is issued."</i></p> <p>The Council proposes to <b>amend</b> the policy so that this requirement states:</p> <p><i>"The vehicle is not more than <b><u>7 years old (84 months)</u></b> on the day the licence is issued."</i></p> <p>Do you agree with this proposal?</p>	<p><b>154</b> <b>(90.1%)</b></p>	<p><b>17</b> <b>(9.9%)</b></p>

<b>Comments received:</b>
Reduced to maximum 4 years old for issue no older than 8 years from new unless zero emissions can be achieved
The same age restrictions should apply to all licensed vehicles
As previously stated
Cars even older than that have been proven to be safe.
As previous
This is a continuing repeat of the previous questions. I consider that increasing vehicle age is a retrograde step.
Vehicles are safer these days
Lowering of standards
The same reason given in section 2 would seem to apply here.
Shorten time not increase

No - as previous answers
No problem with this change
See answer for Hackney Carriages.
What is the purpose of this change and will it affect safety? No agreement from me.
As answered before
The reason is concurrent with the aforementioned answers given to the period of 7 years old (84 months) on the day the licence is issued!
yes same answer was similar to earlier
See previous comment
see previous answer
As previous answer
Vehicles last longer nowadays.
As answer 3
Cars are longer lasting than they used to be. However it might be appropriate to consider the emissions from vehicles to improve the environment - say Euro 5 compliance - to remove some of the dirty emissions from high use vehicles.
Too old
As previous answer
Same as previously stated.



Improvements in design, efficiency, economy and safety will be achieved sooner for the public if newer vehicles are used. I would question age only as a measure of a vehicles suitability; mileage and service and MOT record are also important. We have seen what happens if you rely on old vehicles with the service provided by Diamond buses. Newer is better.

As per all my previous answers!

Less than 3 years old unless below certain emissions level reduce emissions

As stated before, this is not a particularly different age in the vehicle and should not cause any safety issues

These vehicles tend not to have as much wear & tear as Hackney vehicles.

Another detrimental change.  
Newer vehicles have better design safety features to cater for all passengers - and the disabled etc. etc.

See previous response. We should be aiming for all taxis to be younger vehicles considering the mileage they cover each year.

To keep in line with other changes

Same rule should apply to PHV as HCV regarding age, as these vehicles are also tested twice a year, fees are same for both, so the rules should also be the same, apart from the fact they can't ply for hire. Booking only.

Explanation on previous questions

Same as previous question

Yes because the P/H trade is dying with the amount of taxis being passed. Will save on expenses.

Refer to hackney Carriage answers

Refer to hackney carriage answers

Answers refer to hackney carriage answers
Answers refer to hackney carriage answers
7 Years sounds ok if regular tests vehicles pass. AND THE DRIVER PASSES.
Why have 2 taxi mots per year, when you're proposing a vehicle to be older to start with. This is a contradiction in itself.
I would say 9 years so they can use the vehicle for one year. It will make a new vehicle all fleet and done less work as a taxi
Refer to hackney carriage answers
Refer to hackney carriage answers
Refer to hackney carriage answers
Refer to previous answers
Refer to hackney carriage answers
Refer to hackney carriage answers
Refer to hackney carriage answers
As the car is still safe and fit for purpose.

	YES	NO
<p>The Council's policy on the licensing of <b>private hire vehicles</b> currently contains a requirement that:</p> <p><i>“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 be licensed.”</i></p> <p>The Council proposes to <b>amend</b> the policy so that this requirement states:</p> <p><i>“Vehicles more than <b>10 years old (120 months)</b> from date of first registration of the vehicles as new by the Driver and Vehicle Licensing Agency will not be licensed.”</i></p> <p>Do you agree with this proposal?</p>	<p><b>154</b> <b>(88%)</b></p>	<p><b>21</b> <b>(12%)</b></p>

<b>Comments received:</b>
As last question 4 years maximum for issue 8 years remove from service testing on all vehicles twice a year after four years focus on emission requirements as of mot
As response for hackney carriage vehicles
As previously stated
Cars even older than that have been proven to be safe. It is financially beneficial.
As previous
Again, I do not think that allowing older vehicles is in any way something that improves the situation for customers.
See previous answer
Far too old See previous comments
Nine years is a considerable age for even a modern vehicle, being put to long and hard use in the taxi trade.

Same answers
No - as previous answers
No problem with this change
Subject to MOT & service records being available for inspection.
No reason given for change so no agreement from me.
I am getting confused now as again it seems to contradict previous clauses
The reason is concurrent with the aforementioned answers given to the period of 10 years old (120 months) on the day the licence is issued!
Absolutely
See previous comment
We need to get older more polluting vehicles off the roads
Ditto
As long as vehicles are driven properly they should last that long with no problems
As before
Cars are longer lasting than they used to be. However it might be appropriate to consider the emissions from vehicles to improve the environment - say Euro 5 compliance - to remove some of the dirty emissions from high use vehicles.
Too old
As long as meet MOT standards
As previous answer

As previously stated.
Improvements in design, efficiency, economy and safety will be achieved sooner for the public if newer vehicles are used. I would question age only as a measure of vehicles suitability; mileage and service and MOT record are also important. Being 10 years from registration with the DVLA is open to question. Some right hand drive vehicles are imported for the second hand market from places like Jersey, Malta and others. These vehicles may already be 1-2 years old.
This should be reduced to 6 years not extended to even older cars.
I am unsure on this one/ I think that the best proposal is the one for 7 years age limit of vehicle being registered
I think present conditions are appropriate.
Don't lower standards!
See previous answer .We need newer taxis not older.
To keep in line with other changes
See previous answers, same ruling policy
<ol style="list-style-type: none"> <li>1. As long as the vehicle is in excellent condition it should be allowed to be plated.</li> <li>2. Age of vehicle means nothing as long as it is looked after.</li> </ol>
Answered on previously
Can do with complete removal as I won't keep a car that's costs me money so I will change it anyway.
Our vehicles are exceptionally well maintained and we should be allowed the extra year.
Vehicles are tested by the council twice a year and once passed and deemed safe and fit for purpose are issued a licence so there is no need for an age restriction policy.
Refer to hackney carriage answers

Answers refer to hackney carriage answers
Please refer to hackney carriage answers
Refer to hackney carriage answers
Refer to hackney carriage answers
Refer to hackney carriage answers
Refer to previous answers
Refer to hackney carriage answers
Refer to hackney carriage answers
Refer to hackney carriage answers
Refer to previous answers

	YES	NO
<p>The Council's policies on the licensing of <b>both hackney carriage and private hire vehicles</b> both contain the following requirement:</p> <p><i>“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.”</i></p> <p>Notwithstanding the other proposals set out earlier in this consultation document, the Council proposes <b><u>to make no amendments</u></b> to its policies insofar as they set out the frequency of vehicle inspections required of vehicles of different ages.</p> <p>Do you agree with this proposal?</p>	<p>65 (36.7%)</p>	<p>112 (63.3%)</p>

Comments received:
As answered
Bi annual testing is adequate and complies with section 50 of the LGMPA 1976
Testing is more important and relevant than simply the age of the vehicle. A car of 12 years may be found perfectly safe while one of, say, 2 years may have dangerous faults
This is more important now with the proposed changes
Good.
It works OK why change?
No change to existing
Three inspections per annum after nine years would seem an appropriate minimum testing regime, if it is accepted that vehicles will be licensed after nine years.
The older then there must be more faults
Safety first

Happy to stay the same
As we often say in the IT industry, if it's not broke, don't fix it.
If you are making the requirement that no car can be more than 7 years old how can you have a car that is 9 years old?
Reason is that I agree with the same principle as stated "to make no amendments"!
I think this is a very good proposal
Test should be carefully timed so as to leave relevant period to incorporate MOT TESTING
Stringent checks must continue
These checks are important - so that the public can be assured that they are using reliable and well maintained vehicles to transport them.
Should ensure that vehicles are in the right condition
To ensure all vehicle are safe to use on the road
It maintains the safety of the public travelling in said vehicles
Although I do think vehicles should be checked more often
Cars are longer lasting than they used to be. However it might be appropriate to consider the emissions from vehicles to improve the environment - say Euro 5 compliance - to remove some of the dirty emissions from high use vehicles.
Cars should all be tested 3 times regardless of age
No change
I accept the inspection rate as it is (although I would prefer more frequent checks) but mileage must be considered and in addition to a check every six months if mileage exceeds a manufacturers service limit.



This is a safety issue so should not be amended
Amend to '2 inspections up to 7 years old and 3 for older vehicles'
Vehicle over five years old twice a year tests vehicles over 7 years old 3 times a year
If there are no safety issues that have been raised by this requirement in the past, then there is no need to change it
Present policy is adequate.
Vehicle inspections should be more frequent than at present. This is another cost saving proposal that is detrimental.
No taxi should be 9 years old and considering mileage covered all taxis should be inspected at least three times a year or even more if mileage is deemed to be excessive ( to be decided by council )
Not necessary to change it because they need to be checked regularly
3 tests not needed
Vehicles of up to 10 year age from 1st registration date should be tested twice a year then instead of applying for extension(s) every year after that a third/fourth test should be conducted dependant on age i.e. over 10 years 3 tests per annum, over 12 years 4 tests per annum.
Do not agree with 3 tests as our vehicles are of a high standard. When was this consulted with driver's public or the DVLA?
Two tests a year are enough to ensure the cars are roadworthy regardless of age.
2 tests is a joke really for under 9 years. 3 tests is totally unfair I suggest 1 test on cars under 5 years. 2 tests over 7 years. As all cars are in great condition and there is a high pass rate on tests.

Should have 1 test for any car under 7 years and 2 tests for any car over 7 years.
If the care is in good order then two tests are more than enough
Tests should remain at 2 unless the car being tested is bad.
When was three tests passed. Cars should continue with the two tests.
Do not agree, only applicable if the car being inspected is really bad. When was this brought in???
When was the 3 test brought in and when and who consulted the test
When were these three year test amendments made? Our cars are of such a standard that three tests are not required.
No other trade has 3 tests. Not even DVLA.
3 tests are more than vans, couriers, lorry, and buses coaches. so 2 tests enough
This was a condition attached to any vehicle that was granted on extension once it was outside the age restriction policy and was not introduced via any consultation process therefore it should be amended to accept the age policy any vehicles over 10 years old 120 month from first registration wishing to apply for an extension should be subject to 3 tests per year.
Few boroughs have 3 tests, 2 is enough
Two tests enough for older cars
Change 3 tests to 2
No to 3 tests
3 test are not necessary, cars today are of a high standard

Two tests are more than sufficient to ensure safety of vehicle. No evidence to suggest 3 test needed.
2 tests ok
2 tests are ok 3 tests not practical Cars are of higher standards
No 3 tests for older cars necessary
How can you justify requirement for 3 inspections a year
No to 3 tests
2 tests enough for over 9 years
Cars are all good condition, 3 tests, no need.
Over 10 years 2 tests enough
Two test by crossgate is enough
No need for three tests
Two tests, 3 not needed
Two test plenty. Cars are maintained high standard
2 test enough
3 test without consultation
The 3 test per year rule should only apply to vehicles of over 10 years old
2 tests is plenty for safety by in house testers

3 tests unnecessary
If passed why 3 tests
Not fair
Waste of time
If pass why test more
3 tests as oppose 2 test is not necessary
As this was a condition attached to any vehicles that was granted an extension once it was outside the age restriction policy and was not introduced via any consultation process therefore it should be amended to adopt the age policy any vehicles over 10 years 120 months from first registration wishing to apply for an extension should be subject to 3 tests per year.
Any vehicle is applying over 10 years from first registration and apply for extension should be subject to 3 test per year
An extension was granted once it's outside the age restriction policy and was not introduced any consultation process. This should be amended to adapt to age policy any vehicles over 10 years old 120 months from 1st registration tests should take place per year if the above apply for extension.
Cars are excellent quality even at 10 years old.
Once in taxi, cars are maintained to high standard 3 tests pointless
Should be like Birmingham. Once passed, keep going as long as it passes.
Cars are checked and maintained to high standard
An extension was granted once it was outside the age restriction policy and was not introduced any consultation process. This should be amended to adapt to age policy any vehicles over 10 years old 120 months from 1st registration, 3 tests should take place per year if the above apply for extension.

Do any Worcs do it? Cars high standard, 3 tests waste of money
No need 3 tests
Two tests not 3
Tests every 6 months (2 tests per year) is more than sufficient considering an MOT is every 12 months. Tests every 4 months is unfair considering realistically a car does not deteriorate rapidly in 2 months for it to be a safety issue. Vehicles used in taxis are always highly maintained compared to other vehicles because they are drivers livelihood, they can't afford to have their vehicles off the road for long periods of repair so they repair the vehicles at the earliest sign and not wait for a test to point out a repair.
If it passed test, 3 times won't make a difference. Some cars at 300k are in better conditions than cars done 50k.
Two tests per year is good. How about testing each driver on the Taxi company's book. Make sure they don't send a driver who uses own car when no other driver and vehicle available.
I think it's pointless to test 3 times, if a car has been passed by in house tester for six months (in terms of test).
If they passed test, why 3 tests as oppose to 2
If they pass test why 3 tests as oppose to 2
If they pass test why 3 tests as oppose to 2
If they pass test, why 3 tests as oppose to 2
As this was a condition attached to any vehicles that was granted an extension once it was outside the age restriction policy and was not introduced via any consultation process. Therefore it should be amended to adopt the age policy i.e. any vehicle over 10 years old 120 months from first registration wishing to apply for an extension should be subject to 3 tests per year.
Any vehicle over 10 years old from first registration wishing to apply for extension should be subject to 3 tests per year

As this was condition attached to ay vehicle that was granted an extension once it was outside the age restriction policy and was not introduced via any consultation process, therefore is should be amended to adopt the age policy i.e. any vehicles over 10 years old 120 months from first registration wishing to apply for an extension should be subject to 3 tests per year.

The objection for this is that if you first licence a vehicle 6 years old it can be used for 3 years before it is subject to 3 inspections and if you licence a vehicle that is 7 years old it will be subject to 3 inspections after 2 years of use, which is unfair and not justified by any evidence that it requires to be inspected so often. the 3 inspections was introduced without any consultation or policy change and was just a condition attached to drivers applying for extensions on vehicle licence after the age limit had been reached, therefore to amend the age policy and attach such a condition is unjustified and has no basis.

As this was a condition attached to any vehicle that was granted an extension once and was outside the age restriction policy and was not introduced via any consultation process. Therefore it should be amended to adapt the age policy i.e. any vehicles over 10 years old 120 months from first registration wishing to apply for an extension should be subject to 3 tests per year.

As this was a condition attached to any vehicle that was granted an extension once and was outside the age restriction policy and was not introduced via any consultation process. Therefore it should be amended to adapt the age policy i.e. any vehicles over 10 years old 120 months from first registration wishing to apply for an extension should be subject to 3 tests per year.

The condition that has been attached to any vehicle that was granted an age extension once it was outside the age restriction policy and was not introduced via any consultation process, therefore it should be any vehicles that are over 10 years or 120 months from the first registration wishing to apply for an extension should be subject to 3 years per test.

This should only apply to vehicles which are over 10 years old from first registration and wish to apply for an extension should be subject to the 3 tests a year.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**4<sup>th</sup> March 2019**LICENSING ACT 2003 –  
REVIEW OF STATEMENT OF LICENSING POLICY**

Relevant Portfolio Holder	Councillor G Prosser
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 Statement of Licensing Policy under the Licensing Act 2003 took effect on the 1<sup>st</sup> October 2014. In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years. Therefore a new Statement of Licensing Policy must be published by 1<sup>st</sup> October 2019 at the latest.

The Licensing Committee have previously approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties and the results of that consultation exercise are now being reported back to Members.

**2. RECOMMENDATIONS**

**Members are asked to RESOLVE;**

**To recommend to Council that the revised Statement of Licensing Policy shown at Appendix 1 be approved and published to take effect on 1<sup>st</sup> June 2019.**

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

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

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**4<sup>th</sup> March 2019

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**Legal Implications**

- 3.2 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.
- 3.3 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 3.4 When revising its Statement of Licensing Policy, the Council is required to consult with:-
- the chief officer of police for the authority's area;
  - the fire and rescue authority for that area;
  - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area;
  - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
  - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
  - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
  - such other persons as the licensing authority considers to be representative of businesses and residents in its area.

**Service / Operational Implications**

- 3.5 Redditch Borough Council's existing Statement of Licensing Policy was published with effect from 1<sup>st</sup> October 2014.
- 3.6 Section 5 of the Licensing Act 2003 requires licensing authorities to review Statements of Licensing Policy every five years, and therefore a reviewed Statement of Licensing Policy must be approved by Council and published before 1<sup>st</sup> October 2019.
- 3.7 On 16<sup>th</sup> July 2018, the Licensing Committee approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties.



REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**4<sup>th</sup> March 2019

- 3.8 The draft revised policy remains based on the same template as the existing policy, which all of the Statements of Licensing Policy across Worcestershire are now based upon.
- 3.9 The revised policy contained a number of amendments and additional sections that have been made to the document to reflect changes to legislation and guidance that have taken effect since the last Statement of Licensing Policy took effect on 1<sup>st</sup> October 2014.
- 3.10 The most significant changes between the existing policy and the draft revised policy are summarised below.
- 3.11 A new section has been included to explain the implications of the Immigration Act 2006 on the exercise of the Council's functions under the Licensing Act 2003.
- 3.12 New sections have been included providing information on how the Council will deal with applications for personal licences and how it will deal with situations where it is considering suspending or revoking personal licences. The power to suspend or revoke personal licences was given to licensing authorities as a result of provisions within the Policing and Crime Act 2017.
- 3.13 The section explaining the Live Music Act 2012 and other entertainment licensing deregulation has been updated to reflect further deregulatory measures that have taken effect since the last Statement of Licensing Policy was published.
- 3.14 The section regarding cumulative impact has been rewritten to reflect changes that have been made to licensing authorities powers to adopt special policies on cumulative impact as a result of the provisions of the Policing and Crime Act 2017.
- 3.15 A new section has also been included providing information in relation to the local powers to deregulate the licensing of late night refreshment providers that were introduced under the Deregulation Act 2015.
- 3.16 Consultation on the revised draft Statement of Principles took place with all relevant parties including:
- The Chief Officer of West Mercia Police
  - Hereford and Worcester Fire and Rescue Service
  - Worcestershire County Council (Public Health)
  - All other responsible authorities identified under the Act
  - Relevant Trade Associations
  - Relevant Interest Groups, Charities and Associations
  - Feckenham Parish Council

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**4<sup>th</sup> March 2019

- 3.17 The consultation was also be made available for comment via the Council's website and publicised via social media and also through the local press. The consultation exercise commenced on 2<sup>nd</sup> October 2018 and concluded on 11<sup>th</sup> January 2019.
- 3.18 Only one response was received during the consultation period, which was submitted on behalf of the Director of Public Health at Worcestershire County Council.
- 3.19 The Director of Public Health has requested that a section be added to the Statement of Licensing Policy in all districts recognising the contribution of public health to the licensing process. Such a section has been added into the draft revised Statement of Licensing Policy between paragraphs 7.21 and 7.23. The wording has been agreed in consultation with the Public Health Directorate.
- 3.20 Members are asked to consider the response received during the consultation and resolve to recommend to Council that the revised Statement of Licensing Policy at **Appendix 1** be approved and published to take effect on 1<sup>st</sup> June 2019.

**4. RISK MANAGEMENT**

- 4.1 Failing to prepare and publish a new Statement of Licensing Policy before 1<sup>st</sup> October 2019 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

**5. APPENDICES**

Appendix 1 – Draft Revised Statement of Licensing 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



**LICENSING ACT 2003**

**STATEMENT OF LICENSING POLICY**

**2019 – 2024**

Redditch Borough Council,  
Town Hall,  
Walter Stranz Square,  
Redditch,  
Worcestershire,  
B97 9SB

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

**Revised for the five year period from 1<sup>st</sup> June 2019**

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## 1.0 Introduction

- 1.1 Redditch Borough Council (the Council) is a licensing authority under the Licensing Act 2003 and therefore has responsibilities for the administration and enforcement of the Act within the Borough.
- 1.2 These include, among other duties, the granting of premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.3 Redditch Borough is within the County of Worcestershire and borders Warwickshire County to the east and southeast. It is surrounded by Bromsgrove District to the west and north, Stratford District to the east and southeast and Wychavon District to the southwest.
- 1.4 The Borough is situated at the outer edge of the Green Belt boundary for the West Midlands. Redditch offers easy access to the countryside and prominent local areas, including culturally rich areas such as Stratford upon Avon and naturally rich areas such as the Cotswolds.
- 1.5 The Borough lies 15 miles south of the Birmingham conurbation and Birmingham airport is approximately a 25 minute drive away.
- 1.6 Redditch Borough consists of the main town of Redditch, the villages of Astwood Bank and Feckenham and several other hamlets. It covers an area of 5,435 hectares (13,430 acres) with a population of 84,214 (2011 Census).
- 1.7 The Borough is split into the urban area of Redditch in the north, accounting for 50% of the area and 93% of the population; and the rural area to the south with 7% of the population. The rural area consists predominantly of Green Belt land, but also open countryside, as well as the villages of Astwood Bank and Feckenham.
- 1.8 Through considering what really matters to our residents we have produced a set of six strategic purposes, which are:
  - Keep my place safe and looking good
  - Help me run a successful business
  - Provide good things for me to see, do and visit
  - Help me to be financially independent (including education & skills)
  - Help me to live my life independently (including health & activity)
  - Help me find somewhere to live in my locality

This policy statement aims to support the Council in working to these strategic purposes.

## 2.0 Licensing Objectives and Aims

2.1 The Licensing Act 2003 provides a clear focus on the promotion of four key licensing objectives. As a licensing authority Redditch Borough Council will always seek to carry out its licensing functions with a view to promoting these four objectives.

The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.2 Each objective is of equal importance. There are no other statutory licensing objectives, so the promotion of the four objectives is the paramount consideration at all times.

2.3 However, the licensing authority recognises that the legislation also supports a number of other key aims and purposes. It is recognised that these are also vitally important and should be aims for everyone involved in licensing work.

They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

### 3.0 Scope of the Licensing Authority's Functions

3.1 As a licensing authority the Council is responsible for the authorisation of 'licensable activities'. The licensable activities that are required to be authorised under the Act are as follows:

- The sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment, and
- the provision of late night refreshment

3.2 The licensing authority is responsible for four different types of authorisation or permission, as follows:

- Premises licence – to use premises for licensable activities.
- Club premises certificate – to allow a qualifying club to use premises for qualifying club activities.
- Temporary event notice – to carry out licensable activities on a temporary basis for an event.
- Personal licence – to allow a person to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.



## 4.0 Purpose of the Statement of Licensing Policy

- 4.1 This statement of policy has been prepared and updated in accordance with the latest amended provisions of the 2003 Act and the latest revised guidance issued under section 182 of the Act. The statement sets out the principles the licensing authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 4.2 The main purpose of this policy is to provide clarity to applicants, responsible authorities and other persons on how the licensing authority will determine applications for the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the licensing authority. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 4.3 This policy sets out the process the licensing authority will adopt in dealing with licence applications with particular regard to the various types of premises and permissions and the various conditions that can be attached to licences if relevant representations are made. It also highlights the Council's undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.
- 4.4 When carrying out its licensing functions the Council will always have regard to this statement of policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 4.5 The licensing authority may depart from this policy or the Guidance if the individual circumstances of any case merit such a decision in the interests of promoting the four licensing objectives. Whenever the licensing authority takes a decision to depart from this policy or the Guidance, clear reasons will be given.
- 4.6 The Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it can to prevent Crime and Disorder in the Borough.
- 4.7 The statement of policy took effect on 1<sup>st</sup> June 2019 and will be kept under review. A revised statement of policy will be published no later than 1<sup>st</sup> June 2024.

## 5.0 General Principles

- 5.1 Every application received by the licensing authority will be considered on its own individual merits.
- 5.2 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions.
- 5.3 The licensing authority will aim to carry out its licensing functions in a way that promotes tourism, increases leisure and culture provision and encourages economic development within the Borough.
- 5.4 However the licensing authority will also always try and balance the needs of the wider community, local community and commercial premises, against the needs of those whose quality of life may be adversely affected by the carrying on of licensable activities, particularly within residential areas.
- 5.5 In particular the licensing authority will attempt to control any potential negative impacts from the carrying on of licensable activities, such as increased crime and disorder, anti-social behaviour, noise, nuisance, risks to public safety and harm to children.
- 5.6 The licensing authority's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 5.7 The licensing authority acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the authorisation concerned. As a matter of policy, however, the licensing authority expects every holder of an authorisation to take all reasonable steps to minimise the impact of their activities and anti-social behaviour by their patrons within the immediate surroundings of their premises.
- 5.8 "Need" concerns the commercial demand for another pub, restaurant or hotel and is a matter for the planning authority and for the market. Need is not a matter that the licensing authority can consider in carrying out its licensing functions.

## 6.0 Applications for Premises Licences and Club Premises Certificates

6.1 The relevant application forms and associated documents can be obtained from the licensing authority's website or from licensing officers during normal office hours.

6.2 Along with the application form, applicants must also submit an operating schedule and plans of the premises to which the application relates. The licensing authority would like any plans submitted to be drawn to a recognised scale, i.e. 1:50 or 1:100, or 1:150, or 1:200. The plans should also be clear and legible in all material respects, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. This should include details and the location of any fire safety equipment provided at the premises. The licensing authority does not require plans to be professionally drawn as long as they clearly show all the prescribed information.

6.3 Through their operating schedule, applicants will be expected to demonstrate the positive steps that they will take to promote the four licensing objectives.

### **Operating Schedules**

6.4 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. The licensing authority expects an operating schedule to indicate the positive steps that the applicant proposes to take to promote the licensing objectives.

6.5 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the licensing objectives.

6.6 The licensing authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the licensing authority and other responsible authorities prior to submitting them.

6.7 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.

6.8 The operating schedule must be set out on the prescribed form and include a statement of the following:-

- Full details of the licensable activities to be carried on at and the intended use of the premises;

- The times during which the licensable activities will take place;
- Any other times when the premises are to be open to the public;
- Where the licence is only required for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- Whether alcohol will be supplied for consumption on or off the premises or both;
- The steps which the applicant proposes to promote the licensing objectives.

6.9 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

#### **Guidance on Completing an Operating Schedule**

6.10 The following guidance is intended to assist applicants by setting out considerations that they should have in mind when drawing up their operating schedules. The guidance is designed to alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

#### **(a) Prevention of Crime and Disorder**

6.11 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can sometimes be a source of crime and disorder problems.

6.12 The licensing authority will expect operating schedules, where appropriate, to satisfactorily address these issues from the design of the premises through to the daily operation of the business.

6.13 The licensing authority will normally look to the police as the main source of advice on crime and disorder and therefore applicants are recommended to seek advice from West Mercia Police in relation to what steps they can take to promote the prevention of crime and disorder.

6.14 In addition when planning and preparing operating schedules applicants are advised to take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.

6.15 In addition to the requirements for the licensing authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1988 to do all it can to prevent crime and disorder in the Borough.

- 6.16 When considering all licence applications the licensing authority will take into account the measures proposed to deal with the potential for, and the prevention of, crime and disorder having regard to all circumstances of the application. Applicants should include information on these issues within the operating schedule for the premises.
- 6.17 In particular, the licensing authority will consider the actions, which are appropriate for the premises that the applicant has taken, or is proposing to take with regard to the following:
- i) the ability of the person in charge of the premises to monitor the premises at all times that it is open; although this does not mean that the designated premises supervisor has to be present at all times.
  - ii) the training given to staff regarding crime prevention measures for the premises;
  - iii) physical security features installed in the premises (e.g. position of cash registers, CCTV, toughened drinking glasses etc.);
  - iv) management attitudes (e.g. responsible pricing promotions, willingness to stagger trading, willingness to limit sales of bottles or canned alcohol for immediate consumption and preventing the sale of alcohol to people who are drunk);
  - v) any other measure as may be appropriate (e.g. participation in local Pubwatch and/or Shopwatch schemes or 'Behave or be Banned' schemes (BOBS), restrictions on 'happy hours', music wind-down policies);
  - vi) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
  - vii) where the premises are subject to age restrictions, the procedures in place to conduct age verification checks;
  - viii) the likelihood of any violence, public order or policing problems if the licence is granted.
  - ix) the employment of door safety staff licensed by the Security Industries Association (SIA)
- 6.18 Applicants for late night entertainment and alcohol premises should show that they can comply with the Home Office Guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the licensing authority and West Mercia Police on the handling of illegal drugs found on their premises.
- 6.19 The licensing authority in setting its policies and practices considering applications for licensed premises will have due regard to the current Crime and Disorder Strategy for the Area. Regard will be had to the relatively low crime levels in the area and any disproportionate effects likely to be perceived by residents and members of the public due to nuisance, anti-social behaviour and disorder arising or likely to arise as the result of granting a licence.

### **(b) Public Safety**

- 6.20 The Licensing Act 2003 covers a wide range of premises that require licensing including cinemas, nightclubs, public houses, village and community halls, schools, cafes, restaurants and fast food outlets/takeaways. Each of these types of premises present a mixture of risks, some of which may be common to most premises whilst others will be unique to specific operations. Risk assessments must reflect the local nature of risks applying to each event and or venue.

The licensing authority will expect operating schedules, where appropriate, to satisfactorily address these public safety issues. Applicants are encouraged to seek advice from licensing authority officers and the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.

6.21 Where an inspection is required for premises the licensing authority will try where possible to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire authority, police, building control and environmental health officers, as appropriate.

6.22 The identification of a safe capacity limit for premises ensures that persons can be evacuated safely from premises in cases of emergency and may be one means of promoting the Act's public safety objective. The design and layout of premises are important factors when determining a safe occupant capacity. Other factors that may influence safe occupancy limits and may need to be considered when assessing the appropriate capacity for premises or events include:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age spectrum of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary facilities
- nature and provision of facilities for ventilation

6.23 The licensing authority encourages applicants for premises licences that provide regulated entertainment (or any other premises providing a licensable activity where occupant capacity may be a public safety issue) to seek advice regarding safe occupancy levels from the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.

Where the licensing authority's discretion has been engaged following receipt of a relevant representation and it believes it is appropriate for reasons of public safety to impose a condition identifying an occupancy limit, the licensing authority will not normally seek to impose an occupancy limit different to that identified by the Fire Authority if this differs from the figure set in the applicant's Fire Risk Assessment.

### **(c) Prevention of Public Nuisance**

6.24 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on people living, working or sleeping in the area surrounding the premises.

6.25 The licensing authority is keen to protect the amenity of residents and businesses within the area surrounding a licensed premises that are affected by the carrying on of licensable activities at that premises.

- 6.26 In addition, the licensing authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The licensing authority will, therefore, try and work together with all affected parties, statutory agencies and licensed businesses to ensure a mutually beneficial co-existence.
- 6.27 When considering all licence applications, the licensing authority will take into account the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.
- 6.28 In particular the licensing authority will consider the action that is appropriate for the premises that the applicant has taken or is proposing with regard to the following:
- i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
  - ii) The structural suitability of the premises to provide the licensable activities sought including for example matters such as whether the premises benefits from double glazing and lobbied doors.
  - iii) preventing disturbance by customers arriving at or leaving the premises, particularly between 11.00 pm and 7.00 am;
  - iv) preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable, ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
  - v) ensuring staff leave the premises quietly;
  - vi) arrangements for parking by patrons and staff, and the effect of the parking on local residents;
  - vii) provision for public transport (including taxis and private hire vehicles) for patrons;
  - viii) whether licensed taxis or private hire vehicles are likely to disturb local residents;
  - ix) whether routes to and from the premises on foot, by car or other services pass residential premises;
  - x) the installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
  - xi) the use of gardens and other open-air areas;
  - xii) the location of external lighting, including security lighting that is installed;
  - xiii) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
  - xiv) preventing the consumption or supply of illegal drugs, including search procedures;
  - xv) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises;
  - xvi) the history of previous nuisance complaints proved *to have taken place* at the premises, particularly where statutory notices have been served on the present licensees.

6.29 The licensing authority is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:

- planning controls;
- powers to designate parts of the Borough as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas;
- police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
- police enforcement of the law with regard to disorder and anti-social behaviour;
- the power of responsible authorities or interested parties to request a review of the licence;
- enforcement action against those selling alcohol to people who are already drunk.

**(d) Protection of Children from Harm**

6.30 The licensing authority recognises that there are a range of activities for which licences may be sought meaning that children can be expected to visit many of these premises, often on their own, for food and /or other entertainment.

6.31 The Licensing Act 2003 does not prevent children having free access to any licensed premises. The licensing authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm. The following are examples of premises that may raise concerns:

- where there have been convictions for serving alcohol to minors, or with a reputation for under-age drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is provided;
- where there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).

6.32 The licensing authority expects personal licence holders to seek to ensure alcohol is not served to children under the age of 18, except in limited conditions allowed for by law. The licensing authority recommends that the only way to verify a person's proof of age is with reference to the following:-

- passport
- a photocard driving licence issued in a European Union country;
- a Proof of Age Standards Scheme card;
- a Citizen Card, supported by the Home Office (details from [www.citizencard.net](http://www.citizencard.net));
- an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.



- 6.33 When deciding whether to limit the access of children to premises the licensing authority will judge each application on its own merits and a range of conditions may be imposed depending on the circumstances. To assist with this the licensing authority will consult with West Mercia Police and the Worcestershire Safeguarding Children Board if practical or other agencies as the licensing authority consider appropriate.
- 6.34 Where concerns have been identified in respect of individual premises and it is felt that access to the premises by children should be restricted the options available include:
- limitations on the hours when children may be present;
  - age limitations for persons under 18;
  - limitations or exclusion when certain activities are taking place;
  - full exclusion of persons under 18 when certain licensable activities are taking place;
  - limitation of access to certain parts of the premises for under 18s;
  - a requirement for an accompanying adult to be present.
- 6.35 However these options are not exhaustive and other options may be considered as the Council considers appropriate. The licensing authority also commends the adoption of the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks by prospective licensees where the licence applies to the sale of alcohol.
- 6.36 The Licensing Act details a number of offences that are designed to protect children in licensed premises and the licensing authority will work closely with the Police and Trading Standards Services to ensure appropriate and effective enforcement is undertaken, especially in relation to the sale and supply of alcohol to children.
- 6.37 The Licensing Authority will not impose any conditions that specifically require the access of children to the premises.
- 6.38 Where no conditions or restrictions are imposed, the issue of access for children remains a matter of discretion for individual licensees or clubs subject to any relevant provisions in law.
- 6.39 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example scenes of horror or violence that may be considered unsuitable for children with certain age ranges. Where a premises is used for film exhibitions, the licensing authority will normally impose conditions restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the licensing authority itself.
- 6.40 The Licensing Authority will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.
- 6.41 In considering applications, the licensing authority will take into account any evidence that age restrictions for film exhibitions are not being properly observed.

6.42 Many children attend or take part in an entertainment arranged especially for them, for example children's shows, dance and drama or school productions. Specific additional arrangements may need to be operated to ensure their safety. For example:

- an adult member of staff to be stationed at each and every exit from any level and to the outside and subject to there being a minimum of one member of staff to fifty children or part thereof.
- no child is to be permitted in the front row of any balcony unless they are supervised by an adult.

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## 7.0 Representations

- 7.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons.
- 7.2 Representations must be made to the licensing authority within the statutory period of 28 days beginning on the day after the relevant application is received by the licensing authority. Representations must be made in writing
- 7.3 Representations can be made either in support of an application or to express objections to an application being granted. However the licensing authority can only accept “relevant representations.” A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 7.4 An example of a representation that would not be relevant would be a representation from a local businessperson about the commercial damage that competition from a new licensed premises would do to their own business. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be a relevant representation.
- 7.5 In other words, representations should relate to the impact of licensable activities carried on from premises on the licensing objectives.
- 7.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.
- 7.7 Whilst the licensing authority expects representations to be evidence based, there is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

### **(a) Representations from Responsible Authorities**

- 7.8 Responsible authorities are a group of public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. A full list of contact details for the responsible authorities is provided on the licensing authority’s website.
- 7.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.
- 7.10 The licensing authority recognises that every responsible authority can make representations relating to any of the four licensing objectives. However the licensing authority would normally expect representations about the promotion of individual licensing objectives to come from the most relevant responsible authority with expertise in that particular area. For example the licensing authority would expect representations about the prevention of crime and disorder to come

primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.

- 7.11 The licensing authority recognises that the police should be its main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but also may be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations.
- 7.12 The licensing authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the licensing objectives. However the licensing authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.
- 7.13 The licensing authority recognises Worcestershire Safeguarding Children Board as being the body that is competent to advise it on the licensing objective of the protection of children from harm.
- 7.14 The licensing authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the licensing authority in exercising its functions.
- 7.15 For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.
- 7.16 As a result of the Police Reform and Social Responsibility Act 2011, the licensing authority is also now a responsible authority and can therefore make representations if it deems it appropriate to do so.
- 7.17 However the licensing authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so.
- 7.18 Such parties can make relevant representations to the licensing authority in their own right, and the licensing authority expects them to make representations themselves where they are reasonably able to do so.
- 7.19 The licensing authority also expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 7.20 In cases where a licensing authority is also acting as responsible authority in relation to the same process, the licensing authority will seek to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities.

- 7.21 The Director of Public Health has been prescribed as a responsible authority since April 2013.
- 7.22 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health is most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning.
- 7.23 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

#### **(b) Representations from Other Persons**

- 7.24 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the licensing authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.
- 7.25 The licensing authority will also reject as invalid, any representations from other persons that are deemed to be frivolous or vexatious. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous representations are essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 7.26 Decisions as to the validity of representations will normally be made by officers of the licensing authority. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 7.27 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the authority's corporate complaints procedure. A person may also challenge such a decision by way of judicial review.
- 7.28 Where a notice of a hearing is given to an applicant, the licensing authority is required to provide the applicant with copies of the relevant representations that have been made.
- 7.29 The licensing authority will normally provide copies of the relevant representations to the applicant in full and without redaction. However in exceptional circumstances, where a person satisfies the licensing authority that they have genuine reasons to fear intimidation or violence if their personal details, such as name and address, are divulged to the applicant, the copies of the representations may be redacted accordingly.

- 7.30 In such circumstances the licensing authority will still provide some details to the applicant (such as street name or general location within a street), so that the applicant can fully prepare their response to any particular representation.
- 7.31 Alternatively persons may wish to contact the relevant responsible authority or their local Councillor with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations on their behalf if appropriate and justified.
- 7.32 Further guidance on making representations is provided on the licensing authority's website.

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## 8.0 Licensing Hours

- 8.1 The licensing authority recognises the variety of premises for which licences will be sought and that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time.
- 8.2 When determining what licensing hours are appropriate for a premises the licensing authority will always consider each application on its own merits and will not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. The licensing authority will take into account requests for licensable hours in the light of:
- environmental quality;
  - residential amenity;
  - the character or function of a particular area; and
  - the nature of the proposed activities to be provided at the premises.
- 8.3 Consideration may be given to imposing stricter restrictions on licensing hours when it is appropriate to control noise and disturbance from particular licensed premises, such as those in mainly residential areas.
- 8.4 In accordance with established practice, the licensing authority encourages applicants, to include measures of good practice in their operating schedules such as a policy of prohibiting new persons from being admitted to their premises after 11.00 pm in order to reduce the risk of disorder and disturbance to members of the public late at night, where this is appropriate to the premises concerned.
- 8.6 Generally the licensing authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. There may, however, be instances where it is considered that there are good reasons for restricting those hours, for example, where police representations are made in respect of isolated shops known to be the focus of disorder and public nuisance.

## 9.0 Conditions on Licences and Certificates

9.1 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The licensing authority will ensure any conditions that are imposed on a premises licence or club premises certificate:

- Are appropriate for the promotion of the licensing objectives;
- Are precise and enforceable;
- Are unambiguous and clear in what they intend to achieve;
- Do not duplicate other statutory requirements or other duties or responsibilities placed on the business by other legislation;
- Are tailored to the individual type, location and characteristics of the premises and events concerned;
- Are not standardised and may therefore be unlawful if it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Do not replicate offences set out in the 2003 Act or other legislation;
- Are proportionate, justifiable and capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- Do not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Are written in a prescriptive format.

9.2 Although the licensing authority may use standardised forms of wording in conditions to cover commonly arising situations and circumstances, “blanket conditions” will not be applied to licences and specific conditions may be drawn up and applied to meet local need and circumstances.



## 10.0 Reviews

- 10.1 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority or any other person, may apply to the licensing authority for a review of the licence or certificate because of a problem arising at the premises in connection with any of the four licensing objectives.
- 10.2 In every case the application for review must relate to particular premises for which a licence or certificate is in force and must be relevant to the promotion of the licensing objectives.
- 10.3 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons.
- 10.4 However, the licensing authority will not normally act as a responsible authority in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so.
- 10.5 The licensing authority also expects other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is expected that environmental health will make the application for review.
- 10.6 Where responsible authorities have concerns about problems identified at premises, the licensing authority considers it good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns.
- 10.7 A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. The licensing authority believes that co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 10.8 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority will first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious.
- 10.9 A review application might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous applications are essentially categorised by a lack of seriousness. Frivolous applications would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

- 10.10 The licensing authority considers a repetitious ground for review to be one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 10.11 The licensing authority is aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion.
- 10.12 The licensing authority believes that more than one review originating from a person other than a responsible authority in relation to a particular premises should not normally be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 10.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 10.14 Guidance on applying for a review of a licence or certificate, along with the necessary forms, can be found on the licensing authority's website.

## 11.0 Minor Variations

- 11.1 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications).
- 11.2 Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.
- 11.3 On receipt of an application for a minor variation, the licensing authority will consider whether the variation could impact adversely on the licensing objectives. Decisions on minor variations will normally be delegated to licensing officers who will look at each application on its own individual merits.
- 11.4 In considering the application, the officer will consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.
- 11.5 The officer will also carefully consider any relevant representations received from other persons that are received within a period of ten working days from the 'initial day', that is to say, the day after the application is received by the licensing authority.
- 11.6 The officer will then determine the application and will contact the applicant within 15 working days, beginning on the first working day after the authority received the application, with effect either that the minor variation is granted or the application is refused.

## 12.0 Cumulative Impact

- 12.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 12.2 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 12.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 12.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 12.5 With effect from 6 April 2018, the Policing and Crime Act 2017 introduced the concept of cumulative impact assessments into the Licensing Act 2003 by inserting into the Act a new section 5A.
- 12.6 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 12.7 At the current time the licensing authority has not published a CIA as there is not currently an evidential basis on which to base such a decision.
- 12.8 If the licensing authority were to consider the publication of a CIA in the future, it would do so in accordance with the requirements of section 5A of the Licensing Act 2003 and with regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

### 13.0 Personal Licences – New Applications

- 13.1 A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.
- 13.2 Applications for personal licences should be made to the licensing authority for the area where the applicant is ordinarily resident at the time they make their application.
- 13.3
- (a) The applicant is aged 18 or over
  - (b) The applicant is entitled to work in the United Kingdom
  - (c) The applicant possesses a licensing qualification or is a person of a prescribed description
  - (d) The applicant has not forfeited a personal licence in the five year period prior to their application being made
  - (e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty
- 13.4 The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.
- 13.5 Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect.
- 13.6 Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.
- 13.7 Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the licensing authority must grant the application.
- 13.8 At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
  - The duty to promote the crime prevention objective
  - The objection notice given by the Police or Home Office
  - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
  - The seriousness of the relevant offence
  - The sentence or penalty imposed on the applicant for the relevant offence

- Any representations made by the applicant
- Any other evidence as to the previous character of the applicant

- 13.9 If, having considered all of the circumstances, the licensing authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.
- 13.10 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

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## 14.0 Personal Licences – Suspension and Revocation

- 14.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a licensing authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.
- 14.2 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.
- 14.3 The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.
- 14.4 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.
- 14.5 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.
- 14.6 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 14.7 The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.
- 14.8 If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing

authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.

- 14.9 Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.
- 14.10 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.
- 14.11 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 14.12 In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
  - The duty to promote the licensing objectives
  - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
  - The seriousness of the relevant offence
  - The sentence or penalty imposed on the licence holder for the relevant offence
  - Any representations made by the Police or Home Office Immigration Enforcement
  - Any representations made by the holder of the licence
  - Any evidence as to the previous character of the holder of the licence
- 14.13 The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.
- 14.14 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.
- 14.15 The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.



## 15.0 Immigration Act 2016 – Entitlement to Work

- 15.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.
- 15.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.
- 15.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:
- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
  - Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
  - Immigration offences, including civil penalties, are ‘relevant offences’ as defined by the 2003 Act;
  - The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
  - Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- 15.4 The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.
- 15.5 The licensing authority will also work in partnership with the Home Office (Immigration Enforcement) and West Mercia Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

## 16.0 Enforcement and Complaints

- 16.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The licensing authority will monitor premises and take any appropriate enforcement action to ensure compliance. Only complaints linked to a licensing objective will be investigated.
- 16.2 The licensing authority's general approach to enforcement will be to target problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. Principles of risk assessment and targeted inspections (in line with the recommendations of the Hampton review) will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are used efficiently and are more effectively concentrated on problem premises.
- 16.3 In most cases a graduated form of response will be taken to resolve issues of non-compliance, although it is recognised that in serious cases a prosecution or application for review are the appropriate means of disposal.
- 16.4 All decisions and enforcement actions taken by the licensing authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.
- 16.5 The licensing authority will continue to employ officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with West Mercia Police and other relevant partners in enforcing licensing legislation.
- 16.6 The licensing authority is happy to investigate complaints against licensed premises of any description. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.
- 16.7 Where a person has made a complaint then the licensing authority may initially arrange a mediation meeting to try and address, clarify and resolve the issues of concern. This process will not override the right of any person to ask the licensing authority to review a licence or certificate or for any licence/certificate holder to decline to participate in a mediation meeting.

## 17.0 Integrating Strategies and Partnership Working

17.1 The Council regards its licensing function as the most appropriate tool in ensuring that the licensing objectives are promoted and will avoid, as far as is possible, any duplication with other regulatory regimes and legislation.

17.2 Licensing Committee, when appropriate, will be informed of relevant county and local strategies. The report may include information relating to:

- Local crime prevention strategies;
- Needs of the local tourist economy;
- Any cultural strategy for the area;
- Employment issues in the area;
- Any relevant planning matters so as to ensure the clear distinction between licensing and planning functions, and
- Local relevant partnerships and their objectives.

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## 18.0 Equal Opportunities

- 18.1 The Equality Act 2010 places a legal obligation on the licensing authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 18.2 The licensing authority will look to discharge this duty by making arrangements where appropriate to provide information in a format that meet the requirements of those with special needs such as large type, audio information and information in foreign languages. Specific needs will be dealt with on an individual basis.

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## **19.0 Administration, Exercise and Delegation of Functions**

- 19.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 19.2 The licensing authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide an efficient service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with those matters.
- 19.3 In addition, it is expected that many of the decisions and functions will be largely administrative with no perceived areas of contention and, in the interests of efficiency and effectiveness, these are delegated to officers. Attached at Appendix A to this licensing policy is a table of delegated functions setting out the agreed delegation of decisions and functions to the Council's Licensing Committee, Sub-Committees and officers.
- 19.4 These delegations are without prejudice to officers referring an application to a Sub-Committee or the Licensing Committee if considered appropriate in the circumstances of the case.

## **20.0 Relationship with Planning**

- 20.1 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 20.2 There is no legal basis for the licensing authority to refuse a licence application because the relevant premises does not have planning permission, or where there are conditions on the relevant planning permission.
- 20.3 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

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## 21.0 Temporary Event Notices

- 21.1 The Licensing Act 2003 provides for certain occasions when small scale events (for no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing that advance notice is given to the licensing authority, police and environmental health. The police and environmental health can only object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.
- 21.2 The law states that for a standard temporary event notice, at least ten working day's notice must be given but the licensing authority recommends that, wherever possible, at least two month's notice be given to hold these events, to allow it to help organisers plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 21.3 Organisers of temporary events are strongly advised to contact the licensing authority for advice at the earliest opportunity when planning events. Where necessary discussions will be held with the police to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.
- 21.4 Since 25 April 2012 it has been possible for individuals to serve a very limited number of "late" temporary event notices each year, providing that these are served on all relevant parties at least five working days before the day on which the event is due to begin.
- 21.5 However event organisers should be aware that a late temporary event notice can be prevented by a single objection from the police or environmental health and there is no right to a hearing in such circumstances.
- 21.6 Therefore late temporary event notices should normally only be served in exceptional circumstances, such as when an event has to be postponed and rearranged at short notice due to adverse weather conditions. The licensing authority does not expect late temporary event notices to be served simply on the basis that the event organiser has been disorganised in addressing the licensing arrangements for their event.

## 22.0 Live Music Act 2012 and other Entertainment Licensing Deregulation

- 22.1 The Live Music Act 2012 came into force on 1<sup>st</sup> October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:
- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
  - unamplified 'live' music between 8am and 11pm in all venues
  - the provision of entertainment facilities
- 22.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.
- 22.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.
- 22.4 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:
- a performance of a play in the presence of any audience of no more than 500 people
  - an indoor sporting event in the presence of any audience of no more than 1000 people
  - a performances of dance in the presence of any audience of no more than 500 people
- 22.5 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.
- 22.6 The 2014 Order deregulated entertainment licensing in the following ways:
- The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.
  - The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day was raised from 200 to 500.



- Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.
- Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 08:00-23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.

22.7 The exhibition of films in community premises has also been deregulated as a result of section 76 of the Deregulation Act 2015.

22.8 No licence is required for an exhibition of film on community premises between 08:00 and 23:00 on any day provided that:

- the film entertainment is not provided with a view to profit;
- the film entertainment is in the presence of an audience of no more than 500 people;
- the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
- a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

## 23.0 Sexual Entertainment Venues

- 23.1 The Council may adopt a policy in relation to sex establishments, including sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. This policy may include standard conditions attached to such licences. Where there are similar conditions attached to licences under both regulatory regimes, the more onerous will apply.
- 23.2 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Any concerns related to the provision of occasional sexual entertainment may still lead to a review of the relevant premises licence or club premises certificate and the imposition of conditions.
- 23.3 Any premises that wants to provide sexual entertainment under the exemption must still be authorised under the Licensing Act 2003 for the performance of dance and the playing or recorded music.

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## 24.0 Early Morning Alcohol Restriction Orders (EMROs)

- 24.1 The power to introduce an EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 24.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 24.3 Before introducing an EMRO the licensing authority must be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement will be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premises licences. The licensing authority will consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.
- 24.4 The licensing authority will normally only consider the use of EMROs as a last resort in dealing with recurring problems and will always consider the potential burden that would be imposed on premises licence holders as well as the potential benefits in terms of promoting the licensing objectives.
- 24.5 It is recognised that there are other measures that could be taken instead of making an EMRO which include:
- introducing a special policy on cumulative impact;
  - reviewing licences of specific problem premises;
  - encouraging the creation of business-led best practice schemes in the area; and
  - using other mechanisms set out in the Secretary of State's Guidance to Licensing Authorities under Section 182 of the Licensing Act 2003.
- 24.6 The licensing authority is not currently satisfied that it is appropriate to make any EMROs.

## 25.0 Late Night Levy

- 25.1 The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 25.2 The levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.
- 25.3 At the present time this licensing authority does not have a large number of premises which are licensed to sell alcohol during the late night supply period. Therefore, at this stage, the licensing authority does not believe that the levy will generate enough revenue to make it an appropriate option in its area.
- 25.4 The decision to introduce the levy is for the licensing authority to make. However the licensing authority will keep the need for a levy under review in consultation with the chief officer of police and police and crime commissioner ("PCC") for the police area.
- 25.5 When considering whether to introduce a levy the licensing authority notes that any financial risk (for example lower than expected revenue) rests at a local level and this will be fully considered prior to making any decision about local implementation.
- 25.6 The licensing authority will decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.
- 25.7 If the licensing authority decides to give further consideration to the introduction of a levy in the future, it will do so in accordance with the relevant regulations and with reference to any relevant guidance issued by the Home Office.
- 25.8 Any decision to introduce, vary or end the requirement for the levy will be made by the full Council. Other decisions in relation to the introduction and administration of the levy would be delegated to the Licensing Committee.

## 26.0 Late Night Refreshment – Local Powers to Deregulate

- 26.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.
- 26.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.
- 26.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
- on or from premises which are wholly situated in a designated area;
  - on or from premises which are of a designated description; or
  - during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).
- 26.4 The licensing authority does not currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.
- 26.5 If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and having carried out a comprehensive consultation exercise with relevant stakeholders.

## **27.0 Suspension of Licences and Certificates for Non-Payment of Annual Fees**

- 27.1 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the licensing authority must suspend premises licences and club premises certificates if the holder of the relevant authorisation fails to pay their annual fee.
- 27.2 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period will be used by the licensing authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.
- 27.3 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.
- 27.4 A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.
- 27.5 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

### Appendix A - Table of Delegated Functions

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If the police or Home Office give an objection notice	If no objection notice is given by the police or Home Office.
Decision whether to suspend or revoke a personal licence		All cases	
Application for premises licence/club premises certificate		If relevant representations are made	If no relevant representations are made or all representations made are withdrawn
Application for provisional statement		If relevant representations are made	If no relevant representations are made or all representations made are withdrawn
Application to vary premises licence/club premises certificate		If relevant representations are made	If no relevant representations are made or all representations made are withdrawn
Application to vary designated personal licence holder		If the police or Home Office give an objection notice	If no objection notice is given by the police or Home Office.
Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied		If a police representation is made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases

Determination of minor variation application			All cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If the police or Home Office give an objection notice	If no objection notice is given by the police or Home Office.
Application for interim authority		If the police or Home Office give an objection notice	If no objection notice is given by the police or Home Office.
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc			All cases
Decision for licensing authority to act in their capacity as a responsible authority			All cases
Acknowledgement of receipt of a temporary events notice			All cases
Determination of a police or environmental health objection to a temporary event notice		All cases	
Decision to suspend a licence or certificate for non-payment of the annual fee.			All cases



**LICENSING  
COMMITTEE****4<sup>th</sup> March 2019****LICENSING COMMITTEE WORK PROGRAMME 2019/20****4<sup>th</sup> March 2019**

Consultation on amendments to licensed driver training and assessment requirements – consideration of responses

Consultation on vehicle age limits for hackney carriage and private hire vehicles – consideration of responses

Consultation on revised Statement of Policy under Licensing Act 2003 — consideration of responses

**8 July 2019**

Review of Arrangements for Medical Examinations of Hackney Carriage and Private Hire Drivers

Licensing annual report

**To Be Allocated To Suitable Available Dates in 2019 / 2020**

Review of penalty points scheme for hackney carriage and private hire drivers

Hackney carriage table of fares review

Policy on the suitability of applicants and licence holders in the hackney carriage and private hire trades – approval to consult

Consultation on policy on the suitability of applicants and licence holders in the hackney carriage and private hire trades – consideration of responses

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