



Licensing Committee

Thu 5 Oct
2023
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

www.redditchbc.gov.uk

If you have any queries on this Agenda please contact

Gavin Day
Democratic Services Officer

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

Tel: (01527) 64252 (Ext. 3304)

e.mail : gavin.day@bromsgroveandredditch.gov.uk

GUIDANCE ON FACE-TO-FACE MEETINGS

Please note that this is a public meeting and is open to the public to attend.

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

Meeting attendees are encouraged not to attend a Committee if they have any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

PUBLIC SPEAKING

The total maximum time permitted for public speaking is 15 minutes and the time limit for individual speakers is 3 minutes.

Only those members of the public who have registered to speak in advance of the meeting will be permitted to do so.

To register to speak you must contact Democratic Services by phone on 01527 64252 ext 3304, or email gavin.day@bromsgroveandredditch.gov.uk before 12 noon on **Tuesday 3rd October 2023**.

When registering to speak you must give your name and contact telephone number and indicate which agenda item you wish to speak about, and whether you are in support of or opposed to the officer recommendation.

Notes:

Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public and press are excluded.



Licensing

Thursday, 5th October, 2023

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Karen Ashley (Chair)	Chris Holz
	Timothy Pearman (Vice-Chair)	Anthony Lovell
	Salman Akbar	Emma Marshall
	Joe Baker	Kerrie Miles
	Juma Begum	Monica Stringfellow
	Sharon Harvey	

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 5 - 10)

The minutes of the Licensing (Parent) Committee of 17th July 2023.

4. Public Speaking

5. LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY (Pages 11 - 68)

6. RENEWAL OF LICENCES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE PREVIOUSLY BEEN WRITTEN OFF. (Pages 69 - 104)

7. Work Programme (Pages 105 - 106)

This page is intentionally left blank



Licensing Committee

Monday, 17th July, 2023

MINUTES

Present:

Councillor Karen Ashley (Chair), Councillor Timothy Pearman (Vice-Chair) and Councillors Joe Baker, Juma Begum, Sharon Harvey, Chris Holz, Anthony Lovell, Kerrie Miles and Monica Stringfellow

Also Present:

Councillor Imran Altaf

Officers:

Vanessa Brown and Dave Etheridge

Democratic Services Officers:

Gavin Day

1. APOLOGIES

Apologies for Absence were received from Councillors Emma Marshall and Salmon Akbar.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the Licensing Committee of 20th March 2023 were presented to Members.

RESOLVED that

The minutes of the Licensing Committee held on the 20th March 2023 were approved as a true and accurate record and signed by the Chair.

4. PUBLIC SPEAKING

There were no registered public speakers.

Chair

5. STREET TRADING - REVIEW OF DESIGNATION OF STREETS

The Principle Licencing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to seek members approval to advertise a proposal to designate all streets in the Borough as consent streets for the purposes of controlling street trading.

Officers detailed to Members that the Street trading policy was due for a review, however, before that could take place Members would have to redesignate the streets of the Borough to include any new streets since the previous policy had been adopted. Officers further detailed that an additional line would be added to the designations to ensure that as new developments were completed, and new streets were constructed they would be covered under the policy.

The current policy designated a number of prohibited steets as outlined on page 22 of the Public Reports Pack. Members were asked to decide whether they wanted to retain some of those streets, add additional prohibited streets or amend the list. Officers explained to Members that the recommendation was to make all streets "consent streets", therefore, individuals would be able to apply for consent for any street and each application would be considered on its own merit.

Officers highlighted to members the timescales involved in redesignating the streets and detailed to Members the process of consultations and ratification at full Council. An updated Street Trading policy would be drafted and brought before Members of the Licencing Parent Committee and both the new designations and policy would come into effect on 1st September 2024.

Officers clarified the following points after questions from Members.

- That there was no daily rate for street trading licences only an annual one and there was no minimum period of time to apply to trade.
- That although an individual could apply for consent to trade if the prohibited status was lifted, all relevant consultees which included Ward Members would be informed of the application and would have opportunity to object.

Members then debated the report.

Members saw the Merits of Removing all the designations and therefore giving more freedom to those who wish to apply for consent and not having a blanket refusal for the prohibited streets, however, Members wished to retain some of the prohibited streets.

Licensing Committee

Monday, 17th July, 2023

Councillor Harvey proposed an Alternative Recommendation which was seconded by Councillor Baker that the prohibited designation was removed for all the streets with the exception of the following Streets;

- Alvechurch Highway
- Alcester Highway
- Bromsgrove Highway
- Coventry Highway
- Redditch Ringway
- Warwick Highway

On being put to a vote it was

RESOLVED that

- **Officers were authorised to publish notice of the Council's intention to pass resolutions which would take effect on 1st September 2024 and would rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designate all streets in the Borough (as existing at the time of the making of the resolution and in the future) as consent streets, with the exception of the following streets which are to be designated as prohibited streets:**
 - I. **Alvechurch Highway**
 - II. **Alcester Highway**
 - III. **Bromsgrove Highway**
 - IV. **Coventry Highway**
 - V. **Redditch Ringway**
 - VI. **Warwick Highway**
- **Officers were authorised to serve a copy of the notice on the Chief Officer of Police and the highway authority for the area.**

6. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE TESTING AT CROSSGATES DEPOT

The Principle Licencing Officer, Worcester Regulatory Services (WRS), presented the report on the vehicle testing and capacity at Crossgates Depot.

The Licencing Officer detailed that prior to 2009 Taxi safety inspections could be carried out at a number of trusted garages, however, due to poor results during routine quality checks, Members decided that all taxi safety checks would be performed by the Councils own Vehicle Engineers at the Crossgates Depot.

Licensing Committee

Monday, 17th July, 2023

Drivers expressed to members that they were unable to get a timeslot their vehicle safety inspection, Members then raised the concern for the Work programme at the Licencing Committee of 20th March 2023.

The Licencing Officer detailed that when Crossgates was contacted, they supplied the information detailed on page 44 of the Public Reports Pack, which outlined that a number of timeslots which were set aside for Vehicle Safety Inspections went unused each month.

Officers further detailed that the times and number of slots available per day were detailed on page 44 of the Public Reports Pack, with 35 appointment spots each week made available for safety inspections. Two of the 7 daily appointments were reserved for re-tests, however, from 3rd July 2023 one of those appointments was made available for full tests instead.

Officers clarified the following points after questions from Members.

- Officers were only supplied with the total number of unused timeslots each month for a 6 month period, there was no further information regarding which timeslots were left unused.
- That the safety inspection was approximately 30 minutes in duration.
- That the current cost of the taxi safety Inspection at Crossgates was £54.85, Officers further clarified that fees and charges were set by Members at the full Council meeting each year.
- That Crossgates also performed the MOTs and safety inspections on all the Council's vehicle fleet.
- The return period for vehicles that had been inspected and failed in which the retest would be free was 24 hours.

Members discussed the possibility of the timeslot being related to Friday prayer or school pickup/drop-off time, Officers had not been able to clarify any further, the information supplied by Crossgates depot had been included in its entirety in the report.

Members expressed the opinion that the timescale for a driver to get their vehicle retested without incurring an additional fee should be raised to 7 days. As it would be difficult for a driver to book into a garage to get the necessary work done and return to Crossgates in 24hours.

After discussion from Members, the Licencing Officer agreed to investigate further and try to identify whether there were specific

Licensing Committee

Monday, 17th July, 2023

times or days which went unbooked. Officers further agreed to work with the Crossgates depot to see whether some additional or more favourable timeslots could be identified by rearranging workloads, such as the maintenance on the Councils Vehicle fleet.

On being put to a vote

RESOLVED that

the report on the hackney carriage and private hire vehicle testing at Crossgates Depot be noted.

7. WORK PROGRAMME

Councillor Joe Baker requested that a report be added to the work programme which looked at outsourcing MOT services to a more competitive market and to review fees and the retest schedule.

Councillor Baker clarified that he would further ask that the report identified an average cost for an MOT, which the Licencing Committee could use to make a recommendation to Full Council to adjust the charge to drivers.

The Meeting commenced at 7.01 pm
and closed at 7.51 pm

This page is intentionally left blank

LICENSING COMMITTEE5th October 2023**LICENSING ACT 2003****REVIEW OF STATEMENT OF LICENSING POLICY**

Relevant Portfolio Holder	Councillor L Harrison
Portfolio Holder Consulted	No
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

- 1.1 The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect on the 1st June 2019.
- 1.2 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. A new Statement of Principles must therefore be published by 1st June 2024.
- 1.3 The Licensing Committee are now asked to approve a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties.

2. RECOMMENDATIONS

- 2.1 **That the Licensing Committee RESOLVE to approve the revised draft Statement of Licensing Policy shown at Appendix 1 for the purpose of consultation with relevant parties.**

3. KEY ISSUES**Financial Implications**

- 3.1 The costs of carrying out the consultation exercise will be met from existing budgets held by Worcestershire Regulatory Services.

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 1st June 2019.
- 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 1st June 2024.
- 3.7 A draft revised Statement of Licensing Policy can be seen at **Appendix 1**.

LICENSING COMMITTEE5th October 2023

- 3.8 The draft revised policy is 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 contains 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 1st June 2019.
- 3.10 The changes that have been made are shown by way of “track changes” within the document at **Appendix 1** and the changes are also summarised in a table shown at **Appendix 2**.
- 3.11 Consultation on the revised draft Statement of Principles will take place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - Hereford and Worcester Fire and Rescue Services
 - Worcestershire County Council (Public Health)
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - Feckenham Parish Council
 - The general public
- 3.12 The consultation will also be made available for comment via the Council’s website, publicised via social media and also through the local press. Given the number of changes being proposed to the Council’s existing Statement of Licensing Policy, it is proposed that consultation take place over a period of around 8 weeks.
- 3.13 Any responses received during the consultation exercise will be reported back to the Licensing Committee later this year.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Licensing Policy before 1st June 2024 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

Appendix 2 - Summary of proposed amendments

AUTHOR OF REPORT

Name: Dave Etheridge – Principal Officer (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

~~2019 – 2024~~

2024-2029

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

www.redditchbc.gov.uk

Revised for the five year period from 1st June ~~2019~~ **2024**

Table of Contents

1. Introduction	4
2. Licensing Objectives and Aims	6
3. Scope of the Licensing Authority's Functions	7
4. Purpose of the Statement of Licensing Policy	8
5. General Principles	9
6. Applications for Premises Licences and Club Premises Certificates	10
7. Representations	18
8. Licensing Hours	22
9. Conditions on Licences and Certificates	23
10. Terrorism (Protection of Premises Bill) / Martyn's Law	24
11. Reviews	25
12. Minor Variations	27
13. Cumulative Impact	28
14. Personal Licences – New Applications	29
15. Personal Licences – Suspension and Revocation	31
16. Immigration Act 2016 – Entitlement to Work	34

17. Enforcement and Complaints	35
18. Integrating Strategies and Partnership Working	36
19. Equal Opportunities Equalities	37
20. Administration, Exercise and Delegation of Functions	38
21. Relationship with Planning	39
22. Temporary Event Notices	40
23. Live Music Act 2012 and other Entertainment Licensing Deregulation	41
24. Sexual Entertainment Venues	43
25. Early Morning Alcohol Restriction Orders (EMROs)	44
26. Late Night Levy	45
27. Late Night Refreshment – Local Powers to Deregulate	46
28. Suspension of Licences and Certificates for Non-Payment of Annual Fees	47
Appendix A – Table of Delegated Functions	48

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)~~ 87,000 (2021 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.~~

The Council vision, as set out in the Council Plan, is to enrich the lives and aspirations of our residents, businesses and visitors through the provision of efficiently run and high quality services, ensuring that all in need receive appropriate help, support and opportunities.

1.9 The Council Plan also sets out the Council's strategic purposes which are:

- Run and grow a successful business
- Finding somewhere to live
- Aspiration, work and financial independence
- Living independent, active and healthy lives
- Communities which are safe, well maintained and green

1.10 This policy statement aims to support the Council in achieving its vision and working towards 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 1st June ~~2019~~ 2024 and will be kept under review. A revised statement of policy will be published no later than 1st June ~~2024~~ 2029.

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.
- 6.20 The licensing authority expects those that operate licensed premises to do all that they can to ensure all people, particularly women and girls, feel safe on a night out. Therefore, we would encourage licence holders to implement schemes such as "Ask for Angela" and to promote such schemes to both staff and customers. We would also encourage licence holders to ensure staff receive awareness training in relation to drink-spiking and that other measures to tackle drink-spiking are taken where appropriate.

- 6.21 Whilst knife crime in licensed premises is thankfully very rare, the consequences of a stab wound can be potentially catastrophic, even fatal. A bleed control kit contains equipment such as tourniquets, bandages and gels which could prevent people from bleeding to death while waiting for paramedics to arrive. The licensing authority would strongly encourage every licence holder to acquire a bleed control kit that is kept on their premises and that staff are provided training on how to use the kit.
- 6.22 The licensing authority would also encourage licence holders to conduct a risk assessment to consider the need for the provision and use of hand-held metal detectors, sometimes referred to as “knife wands” to deter and prevent people from carrying knives and other weapons into their premises.

(b) Public Safety

- 6.23 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.
- 6.24 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.
- 6.25 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

- 6.26 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.
- 6.27 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

- 6.28 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.
- 6.29 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.
- 6.30 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.
- 6.31 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.
- 6.32 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.

6.33 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

6.34 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.

6.35 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).
- 6.36 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);
 - an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.
- 6.37 In recent years there has been an increase in the number of licensed premises offering alcohol delivery services. The licensing authority expects those licence holders who provide such a service to have in place robust age-verification procedures at both the point of sale and the point of delivery to ensure that alcohol is not purchased by, or delivered to, children. These procedures should include the provision of training for delivery staff on requesting and verifying acceptable proof of age documentation at the point of delivery.
- 6.38 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.
- 6.39 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.
- 6.40 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.

- 6.41 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.
- 6.42 The Licensing Authority will not impose any conditions that specifically require the access of children to the premises.
- 6.43 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.
- 6.44 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.
- 6.45 The Licensing Authority will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.
- 6.46 In considering applications, the licensing authority will take into account any evidence that age restrictions for film exhibitions are not being properly observed.
- 6.47 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.
- 6.48 Children taking part in performances is governed by the Children and Young Persons Act 1963 (sections 37 and 39) and The Children (Performances and Activities) (England) Regulations 2014. This legislation is overseen locally by Worcestershire County Council and further information can be found here www.worcestershire.gov.uk/childreninentertainment

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.

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.
- 8.5 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 Terrorism (Protection of Premises Bill) / Martyn's Law

- 10.1 The Government has committed to introducing legislation with a view to ensuring stronger protections against terrorism in public places. This legislation is often referred to as "Martyn's Law" in tribute to Martyn Hett who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.
- 10.2 Martyn's Law will aim to keep people safe, enhance our national security and reduce the risk to the public from terrorism by the protection of public venues.
- 10.3 It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.
- 10.4 The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.
- 10.5 Whilst this legislation is still under development and not yet in force, the licensing authority would encourage all premises to undertake basic, low-cost activities to improve their preparedness, including terrorism protection training for staff and evaluating the best procedures to put in place to minimise the impact of any attack.
- 10.6 Further information and guidance is provided at www.protectuk.police.uk

11.0 Reviews

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 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.
- 11.8 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.
- 11.9 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.

- 11.10 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.
- 11.11 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.
- 11.12 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.
- 11.13 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.
- 11.14 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.

12.0 Minor Variations

- 12.1 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).
- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 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.

13.0 Cumulative Impact

- 13.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 13.2 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.
- 13.3 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.
- 13.4 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.
- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 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.

14.0 Personal Licences – New Applications

- 14.1 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.
- 14.2 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.
- 14.3
- (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
- 14.4 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.
- 14.5 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.
- 14.6 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.
- 14.7 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.
- 14.8 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

14.9 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.

14.10 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.

15.0 Personal Licences – Suspension and Revocation

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 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.
- 15.7 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.

- 15.8 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.
- 15.9 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.
- 15.10 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.
- 15.11 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.
- 15.12 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
- 15.13 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.
- 15.14 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.

- 15.15 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.

16.0 Immigration Act 2016 – Entitlement to Work

- 16.1 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.
- 16.2 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.
- 16.3 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.
- 16.4 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.
- 16.5 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.

17.0 Enforcement and Complaints

- 17.1 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.
- 17.2 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.
- 17.3 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.
- 17.4 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.
- 17.5 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.
- 17.6 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.
- 17.7 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.

18.0 Integrating Strategies and Partnership Working

18.1 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.

18.2 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.

19.0 ~~Equal Opportunities~~ **Equalities**

- 19.1 ~~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.~~
- 19.2 ~~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.~~
- 19.1 Under the Equality Act 2010 it is against the law to discriminate against anyone because of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation.
- 19.2 The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 19.3 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.
- 19.4 The licensing authority has had regard to this duty when publishing this statement of policy and will have regard to the duty when determining applications for relevant authorisations under the Licensing Act 2003.
- 19.5 In the design and layout of premises, applicants and licence holders are encouraged to consider access and facilities for customers with protected characteristics.
- 19.6 Any person who is concerned that a premises is failing to comply with the Equality Act should make their complaint to the premises in the first instance. Advice can also be sought from the Equality Advisory Support Service (EASS) - www.equalityadvisoryservice.com

20.0 Administration, Exercise and Delegation of Functions

- 20.1 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.
- 20.2 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.
- 20.3 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.
- 20.4 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.

21.0 Relationship with Planning

- 21.1 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.
- 21.2 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.
- 21.3 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.
- 21.4 Where there is an application for planning permission, the National Planning Policy Framework expects new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
- 21.5 Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 21.6 Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.

22.0 Temporary Event Notices

- 22.1 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.
- 22.2 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.
- 22.3 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.
- 22.5 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.
- 22.6 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.

23.0 Live Music Act 2012 and other Entertainment Licensing Deregulation

23.1 The Live Music Act 2012 came into force on 1st 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

23.2 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.

23.3 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.

23.4 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

23.5 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.

23.6 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.

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

23.8 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.

24.0 Sexual Entertainment Venues

- 24.1 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.
- 24.2 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.
- 24.3 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.

25.0 Early Morning Alcohol Restriction Orders (EMROs)

- 25.1 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.
- 25.2 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.
- 25.3 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.
- 25.4 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.
- 25.5 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.
- 25.6 The licensing authority is not currently satisfied that it is appropriate to make any EMROs.

26.0 Late Night Levy

- 26.1 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.
- 26.2 The levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.
- 26.3 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.
- 26.4 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.
- 26.5 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.
- 26.6 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.
- 26.7 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.
- 26.8 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.

27.0 Late Night Refreshment – Local Powers to Deregulate

- 27.1 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.
- 27.2 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.
- 27.3 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).
- 27.4 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.
- 27.5 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.

28.0 Suspension of Licences and Certificates for Non-Payment of Annual Fees

- 28.1 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.
- 28.2 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.
- 28.3 When suspending a licence of 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.
- 28.4 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.
- 28.5 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

Matter to be dealt with	Full Committee	Sub Committee	Officers
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

This page is intentionally left blank

Summary of Amendments Made in Draft Revised Statement of Licensing Policy

Section Heading	Paragraph	Description of amendment	Reason for amendment
Table of contents and throughout document	Various	Changes to section, paragraph and page numbers	Required as a result of additional paragraphs and sections being added to the draft revised Statement of Licensing Policy
Introduction	1.6	Population estimate revised	To reflect latest data from 2021 census
Introduction	1.8 – 1.10	Amended wording relating to Council's vision and strategic purposes	To reflect the vision and strategic purposes that are set out in the current version of the Council Plan
Front Cover and Purpose of the Statement of Licensing Policy	4.7	Dates changed	To reflect when the revised Statement of Licensing Policy will take effect and when it will need to be revised next.
Applications for Premises Licences and Club Premises Certificates	6.20	Insertion of paragraph making specific reference to the safety of women and girls, including encouragement to implement schemes such as "Ask for Angela"	To prevent crime and disorder and promote public safety by encouraging operators of licensed premises to do all that they can to ensure that all people, particularly women and girls, feel safe on a night out.
Applications for Premises Licences and Club Premises Certificates	6.21	Insertion of paragraph making reference to provision of bleed control kits in licensed premises	To promote public safety by encouraging operators of licensed premises to acquire a bleed control kit that is kept on their premises and that staff are provided training on how to use the kit.

Section Heading	Paragraph	Description of amendment	Reason for amendment
Applications for Premises Licences and Club Premises Certificates	6.22	Insertion of paragraph making reference to the conduct of risk assessments to consider the need for the provision of hand-held metal detectors (knife wands)	To prevent crime and disorder and promote public safety by encouraging operators of licensed premises to conduct a risk assessment to consider the need for the provision and use of hand-held metal detectors, sometimes referred to as “knife wands” to deter and prevent people from carrying knives and other weapons into their premises.
Applications for Premises Licences and Club Premises Certificates	6.37	Insertion of reference to alcohol delivery services and age-verification procedures	To protect children from harm by making clear that the licensing authority expects those that offer alcohol delivery services to have in place robust age-verification procedures at both the point of sale and the point of delivery to ensure that alcohol is not purchased by, or delivered to, children.
Martyn’s Law	10.1 – 10.6	Insertion of section to provide information regarding upcoming legislation commonly referred to as “Martyn’s Law”	To provide information to licence holders on upcoming legislation that aims to keep people safe, enhance national security and reduce the risk to the public from terrorism by the protection of public venues.
Equalities	19.1 – 19.6	Section rewritten and expanded to include reference to the public sector equality duty and confirm that the licensing authority will have regard to this when determining individual applications for authorisations. Also now encourages applicants and licence holders to consider access and facilities for customers with protected characteristics in the design and layout of their premises. Also now signposts the website of the Equality Advisory Support Service (EASS)	In order to provide information to applicants, licence holders and the general public on how the Council will seek to fulfil their duties under the Equality Act 2010 and in order to try and help others to fulfil their own such duties.

Section Heading	Paragraph	Description of amendment	Reason for amendment
Relationship with Planning	21.4 – 21.6	Additional paragraphs inserted making reference to the “agent of change” principle. This is the expectation in the National Planning Policy Framework that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).	To provide information regarding this principle to applicants, licence holders and the general public.

This page is intentionally left blank

LICENSING COMMITTEE5th October 2023**RENEWAL OF LICENCES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE PREVIOUSLY BEEN WRITTEN OFF**

Relevant Portfolio Holder	Councillor L Harrison
Portfolio Holder Consulted	No
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

- 1.1 Members of the Licensing Committee are asked to consider an issue that has arisen for the hackney carriage and private hire trade in Redditch since the Council adopted a new Hackney Carriage and Private Hire Licensing Policy on 1st September 2022. Members are asked to direct officers to carry out a short, targeted consultation exercise with a view to resolving this issue by making some minor alterations to the wording contained in part of the policy.

2. RECOMMENDATIONS

- 2.1 **That the Licensing Committee RESOLVES to direct officers to carry out a short, targeted consultation exercise on amending the wording of paragraphs 3.4.4 and 3.5.4 of the Council's Hackney Carriage and Private Hire Licensing Policy to the wording shown at Appendix 2.**

3. KEY ISSUES**Financial Implications**

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

Legal Implications

- 3.2 In accordance with section 37 of the Town Police Clauses Act 1847, a district council may licence to ply for hire within the area of the district council, such number of hackney carriages or carriages of any kind or description adapted to the carriage of persons as they think fit.
- 3.3 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

- (a) That the vehicle is—
- (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;

Service / Operational Implications

- 3.4 The Council is responsible for the issuing of licences to authorise people to use vehicles as hackney carriages or private hire vehicles.
- 3.5 The Council implemented a new Hackney Carriage and Private Hire Vehicle Policy with effect from 1st September 2022. The new policy contained updated requirements in respect of the licensing of vehicles to be used as a hackney carriage or private hire vehicle. The relevant part of the Policy can be seen at **Appendix 1**.

- 3.6 One of the changes that the new policy introduced was a stipulation that the Council would no longer licence any vehicle to be used as either a hackney carriage or private hire vehicle if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes. Paragraphs 3.2.13 and 3.3.8 of the policy set this out in respect of those vehicles being licensed by the Council to be used as a hackney carriage or private hire vehicle for the first occasion.
- 3.7 The new policy goes on to state that the Council will not renew any licence to use a vehicle as a hackney carriage if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes. Paragraphs 3.4.4 and 3.5.4 of the policy are the relevant paragraphs in this respect.
- 3.8 The wording currently used in paragraphs 3.4.4 and 3.5.4 means that vehicles that were licensed before the new policy took effect and that had been previously graded as a Category A, Category B or Category C or Category S write-off no longer comply with the Council's policy, even though vehicle had been licensed for a number of years without any issues arising.
- 3.9 As the vehicles no longer comply with the Council's policy, officers have been unable to determine these renewal applications under delegated powers and have had to refer the applications to Licensing Sub-Committees to be determined. This has led to a large increase in the number of applications for renewal of vehicle licences that have had to be referred to Licensing Sub-Committees to be determined.
- 3.10 Officers believe that when approving the new Hackney Carriage and Private Hire Vehicle Policy, Members had in fact intended for there to be a gradual phasing out of the licensing of vehicles that have been graded as a Category A, Category B or Category C or Category S write-off rather than intending to stop licensing all such vehicles when the relevant licences were next due to be renewed.
- 3.11 Officers believe that this intention could be achieved by making minor amendments to the wording contained in paragraphs 3.4.4 and 3.5.4 of the policy. Some proposed alternative wording has been drafted and can be seen at **Appendix 2**.

LICENSING COMMITTEE5th October 2023

- 3.12 Officers believe this amended wording would mean that anyone that had licensed a vehicle prior to the implementation of the new policy would be able to continue using the vehicle as a hackney carriage or private hire vehicle for as long as it complied with the Council's other requirements, even if the vehicle was graded as a Category A, Category B or Category C or Category S write-off when it first became licensed.
- 3.13 Officers are therefore recommending that a short and targeted consultation exercise take place on amending the wording contained in Paragraphs 3.4.4 and 3.5.4 of the Council's Hackney Carriage and Private Hire Vehicle Policy to that shown at **Appendix 2**.
- 3.14 The responses received during the consultation exercise would then be reported back to the Licensing Committee before a decision is taken regarding approving a revised version of the Hackney Carriage and Private Hire Vehicle Policy.

4. RISK MANAGEMENT

- 4.1 Carrying out consultation with relevant stakeholders when reviewing a policy minimises the risk of legal challenge.

5. APPENDICES

- 5.1 Appendix 1 – Hackney Carriage and Private Hire Licensing Policy (extract)
- Appendix 2 - Proposed alternative wording for paragraphs 3.4.4 and 3.5.4 of the policy

LICENSING COMMITTEE

5th October 2023

AUTHOR OF REPORT

Name: Dave Etheridge – Principal Officer (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799

This page is intentionally left blank

3.0 Licences to Use a Vehicles as a Hackney Carriage or Private Hire Vehicle

3.1.0 Vehicle categorisation

3.1.1 In this part of the policy vehicles will be categorised as in accordance with the following table:

Category A	Vehicles that are fully powered by electric or hydrogen, emit no exhaust gases at any time and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category AX	Vehicles that are fully powered by electric or hydrogen, emit no exhaust gases at any time and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category B	Vehicles that are ultra-low emission vehicles or "ULEV" (a vehicle having less than 75 grams of CO ₂ per kilometre (g/km) from the tail pipe) and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair. This category includes all hybrid vehicles including plug-in hybrid vehicles
Category BX	Vehicles that are ultra-low emission vehicles or "ULEV" (a vehicle having less than 75 grams of CO ₂ per kilometre (g/km) from the tail pipe) and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair. This category includes all hybrid vehicles including plug-in hybrid vehicles
Category C	Vehicles fuelled by petrol or diesel engines that MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category CX	Vehicles fuelled by petrol or diesel engines that MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category D	Vehicles fuelled by petrol or diesel engines that DO NOT MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category DX	Vehicles fuelled by petrol or diesel engines that DO NOT MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.

3.2.0 **Obtaining a licence to use a vehicle as a Hackney Carriage for the first occasion - Application Requirements**

General vehicle requirements

3.2.1 An applicant for a licence to use a vehicle as a hackney carriage must ensure the vehicle is 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 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
- Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.

Vehicle categories

3.2.2 Until **31st December 2029** any vehicle being licensed to be used as a hackney carriage for the first occasion must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category C or CX

3.2.3 From **1st January 2030** any vehicle being licensed to be used as a hackney carriage for the first occasion must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category CX

New hackney carriages (additional vehicles)

3.2.4 Where the vehicle that is identified in the application would be an additional hackney carriage entering the licensed fleet, the vehicle must meet one of the following requirements:

- Be a category CX that is under 6 years of age.
- Be a category A, AX or BX vehicle that is under 8 years of age.

3.2.5 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

New hackney carriages (replacement vehicles)

3.2.6 Where the application is being made by a person who already holds a licence from the Council to use a vehicle as a hackney carriage and that person is making the application in order to replace the vehicle that they are currently licensed to use, the vehicle that is identified in the application must meet one of the following requirements:

3.2.7 **Until 31st December 2029:**

- Be a category D or DX vehicle that is under 6 years of age
- Be a category C or CX vehicle that is under 7 years of age
- Be a category B, BX, A or AX vehicle that is under 8 years of age

3.2.8 **From 1st January 2030:**

- Be a category CX vehicle that is under 7 years of age
- Be a category B, BX, A or AX vehicle that is under 8 years of age

3.2.9 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Replacement of wheelchair accessible and zero-emission vehicles.

3.2.10 A person who already holds a licence from the Council to use a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair as a hackney carriage can only replace such a vehicle with another vehicle that also has this capability.

3.2.11 A person who already holds a licence from the Council to use a vehicle that is a category A vehicle as a hackney carriage can only replace such a vehicle with another vehicle that is also a category A or category AX vehicle.

3.2.12 A person who already holds a licence from the Council to use a vehicle that is a category AX vehicle as a hackney carriage can only replace such a vehicle with another vehicle that is also a category AX vehicle.

Vehicles written off for insurance purposes

3.2.13 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

3.2.14 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation required to be submitted

- 3.2.15 Before a licence to use a vehicle as a hackney carriage can be issued, the applicant must have submitted all of the following:
- Completed application form
 - A current MOT certificate
 - Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
 - The V5C certificate for the vehicle or other equivalent proof of ownership
 - A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
 - The appropriate application fee
 - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.2.16 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

3.3.0 **Obtaining a licence to use a vehicle as a private hire vehicle for the first occasion - Application Requirements**

General requirements

3.3.1 An applicant for a licence to use a vehicle as a private hire must ensure the vehicle is 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 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 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
- Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.

Vehicle categories

3.3.2 Until **31st December 2029** the vehicle must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category C or CX

3.3.3 From **1st January 2030** the vehicle must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category CX

Requirements in respect of the age of the vehicle

3.3.4 A category D or DX vehicle being licensed to be used as a private hire vehicle for the first occasion must be under 6 years of age.

3.3.5 A category C or CX vehicle being licensed to be used as a private hire vehicle for the first occasion must be under 7 years of age.

3.3.6 A category A, AX, B or BX vehicle being licensed to be used as a private hire vehicle for the first occasion must be under 8 years of age.

3.3.7 All the above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

- 3.3.8 The Council will not licence any vehicle to be used as a private hire vehicle if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

- 3.3.9 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation required to be submitted

- 3.3.10 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:
- Completed application form
 - A current MOT certificate
 - Valid insurance showing the vehicle is insured for use for hire and reward for private hire hire or in accordance with a private hire licence.
 - The V5C certificate for the vehicle or other equivalent proof of ownership
 - A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
 - The appropriate application fee
 - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.3.11 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

3.4.0 **Renewing a licence to use a vehicle as a Hackney Carriage – Application Requirements**

3.4.1 An applicant seeking to renew a licence to use a vehicle as a hackney carriage must ensure the vehicle continues to meet the Council's requirements set out at paragraph 3.2.1 of this policy.

Requirements as to the age of the vehicle upon renewal of licence

3.4.2 A licence to use a vehicle as a hackney carriage will not be renewed if the vehicle concerned does not meet the following requirements at the time that the existing licence is due to expire:

- A category D vehicle must be under 10 years of age.
- A category DX vehicle must be under 12 years of age.
- A category C vehicle must be under 11 years of age.
- A category CX or DX vehicle must be under 13 years of age
- A category B vehicle must be under must be under 13 years of age
- A category BX vehicle must be under must be under 15 years of age
- A category A vehicle must be under 15 years of age
- A category AX vehicle must be under 17 years of age

3.4.3 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

3.4.4 The Council will not renew any licence to use a vehicle as a hackney carriage if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

3.4.5 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.4.6 Before a licence to use a vehicle as a hackney carriage can be renewed, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- The V5C certificate for the vehicle.
- A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.4.7 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

- 3.4.8 If an application to renew a licence to use a vehicle as a hackney carriage is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a hackney carriage for the first occasion and will have to meet the stated criteria for such vehicles.

3.5.0 Renewing a licence to use a vehicle as a Private Hire Vehicle Application Requirements

3.5.1 An applicant seeking to renew a licence to use a vehicle as a private hire vehicle must ensure the vehicle continues to meet the Council's requirements set out at paragraph 3.3.1 of this policy.

Requirements as to the age of the vehicle upon renewal of licence

3.5.2 A licence to use a vehicle as a private hire vehicle will not be renewed if the vehicle concerned does not meet the following requirements at the time that the existing licence is due to expire:

- A category D vehicle must be under 10 years of age.
- A category DX vehicle must be under 12 years of age.
- A category C vehicle must be under 11 years of age.
- A category CX or DX vehicle must be under 13 years of age
- A category B vehicle must be under must be under 13 years of age
- A category BX vehicle must be under must be under 15 years of age
- A category A vehicle must be under 15 years of age
- A category AX vehicle must be under 17 years of age

3.5.3 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

3.5.4 The Council will not renew any licence to use a vehicle as a private hire vehicle if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

3.5.5 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.5.6 Before a licence to use a vehicle as a private hire vehicle can be renewed, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- The V5C certificate for the vehicle.
- A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.5.7 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

- 3.5.8 If an application to renew a licence to use a vehicle as a private hire vehicle is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a private hire vehicle for the first occasion and will have to meet the stated criteria for such vehicles.

3.6.0 Obtaining a licence to use a vehicle as a Hackney Carriage on a temporary basis Application Requirements

3.6.1 This section applies where an application is being made to licence a vehicle for a short period of time as a temporary replacement for a vehicle that is licensed to be used as a hackney carriage but that needs to be replaced for a short period of time as it has become temporarily unfit for use – for example due to accident damage.

Vehicle criteria

3.6.2 An applicant for a licence to use a vehicle as a hackney carriage on a temporary basis must ensure the vehicle meets the criteria set out in paragraphs 3.2.1 to 3.2.3 of this policy.

3.6.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

Accident reporting

3.6.4 If the vehicle being temporarily replaced has been involved in an accident, the proprietor of that vehicle must have reported that accident to the Council in writing before an application for a temporary replacement vehicle can be accepted.

Vehicles written off for insurance purposes

3.6.5 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off.

Vehicles licensed by other local authorities

3.6.6 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.6.7 Before a licence to use a vehicle as a hackney carriage can be issued, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
- The appropriate application fee

Duration of licence

3.6.8 A licence issued in accordance with this section will be issued for a period of no more than four months and will then expire.

3.7.0 Obtaining a licence to use a vehicle as a Private Hire Vehicle on a temporary basis Application Requirements

3.7.1 This section applies where an application is being made to licence a vehicle for a short period of time as a temporary replacement for a vehicle that is licensed to be used as a private hire vehicle but that needs to be replaced for a short period of time as it has become temporarily unfit for use – for example due to accident damage.

Vehicle criteria

3.7.2 An applicant for a licence to use a vehicle as a private hire vehicle on a temporary basis must ensure the vehicle meets the following criteria set out in paragraphs 3.3.1 to 3.3.3 above.

3.7.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

Accident reporting

3.7.4 If the vehicle being temporarily replaced has been involved in an accident, the proprietor of that vehicle must have reported that accident to the Council in writing before an application for a temporary replacement vehicle can be accepted.

Vehicles written off for insurance purposes

3.7.5 The Council will not licence any vehicle to be used as a private hire vehicle if it has been graded as a Category A, Category B or Category C or Category S write-off.

Vehicles licensed by other local authorities

3.7.6 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.7.7 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
- The appropriate application fee

Duration of licence

3.7.8 A licence issued in accordance with this section will be issued for a period of no more than four months and will then expire.

**3.8.0 Transferring a licence to use a vehicle as a Hackney Carriage (Change of Proprietor)
Application Requirements**

Documentation to be submitted:

3.8.1 An applicant for the transfer of a licence to use a vehicle as a hackney carriage must submit:

- Completed application form
- Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- Written confirmation from the existing licence holder that they have sold the vehicle concerned to the applicant for the transfer.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.8.2 “Relevant individuals” means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

3.8.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.

3.9.0 Transferring a licence to use a vehicle as a Private Hire Vehicle (Change of Proprietor) Application Requirements

Documentation to be submitted:

- 3.9.1 An applicant for the transfer of a licence to use a vehicle as a private hire vehicle must submit:
- Completed application form
 - Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
 - Written confirmation from the existing licence holder that they have sold the vehicle concerned to the applicant for the transfer.
 - The V5C certificate for the vehicle or other equivalent proof of ownership
 - The appropriate application fee
 - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.9.2 “Relevant individuals” means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.9.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.

3.10.0 Changing the vehicle that you are licensed to use as a hackney carriage

- 3.10.1 If a person who holds a licence to use a vehicle as a hackney carriage wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a hackney carriage for the first occasion.

3.11.0 Changing the vehicle that you are licensed to use as a private hire vehicle

- 3.11.1 If a person who holds a licence to use a vehicle as a private hire vehicle wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a private hire vehicle for the first occasion.

3.12.0 Consideration of applications to licence vehicles that do not meet the required criteria

- 3.12.1 This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.
- 3.12.2 The application cannot be determined by officers under delegated powers, but the applicant can request that the application is determined at a hearing of the Council's Licensing Sub-Committee.
- 3.12.3 In determining the application, the starting point will be that the application should be refused unless the vehicle is of such an exceptional standard as to justify a departure from this policy.
- 3.12.4 In considering whether the vehicle is of an exceptional standard, regard will be had to:
- The age of the vehicle
 - The mileage of the vehicle
 - The make, model and specifications of the vehicle
 - The category the vehicle falls into on the table shown at 3.1.1 of this policy
 - The MOT and service history of the vehicle
 - The interior and exterior condition of the vehicle
 - Whether the vehicle has any exceptional features or performs or is designed for any specific function or use that the majority of other vehicles cannot perform.
- 3.12.5 The financial and other personal circumstances of the applicant for the grant or renewal of a licence will not be taken into account when reaching a decision.
- 3.12.6 The primary and overriding consideration will be whether the vehicle is safe and fit for use.

3.13.0 The Fit and Proper Person Test – Hackney Carriage and Private Hire Vehicle Proprietors

- 3.13.1 As well as the suitability of the vehicle, in determining whether to grant a licence to use a vehicle as a hackney carriage / private hire vehicle, those making the decision on behalf of the Council will consider whether the applicant is a fit and proper person to be issued such a licence.
- 3.13.2 A person who has already been deemed fit and proper by the Council to hold a licence to drive hackney carriage and/or private hire vehicles will automatically be considered a fit and proper person to hold a licence to use a vehicle as a hackney carriage / private hire vehicle.
- 3.13.3 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 3.13.4 *“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”*
- 3.13.5 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. An applicant or licence holder will not be given “the benefit of the doubt”. If those making the decision are only “50/50” as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 3.13.6 When considering this those making the decision on behalf of the Council will consider:
- whether an applicant has met the Council’s application requirements
 - Any information revealed by basic disclosure relating to the applicant
 - Any information revealed under Common Law Police Disclosure provisions
 - Any information revealed during checks on NR3
 - Any information regarding complaints received about an applicant or licence holder
- 3.13.7 In considering the information above, those making a decision on behalf of the Council will have regard to Council’s guidelines on the assessment of previous convictions which are shown at Annex A.
- 3.13.8 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.
- 3.13.9 In the case of an application from a company, the Council will apply the “fit and proper person” test to all directors of that company.
- 3.13.10 In the case of an application from a number of joint proprietors, the Council will apply the “fit and proper person” test to each proprietor identified in the application for the licence.

Delegated Decisions

- 3.13.11 Where the applicant has met the Council’s application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.

- 3.13.12 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
- 3.13.13 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to Licensing Sub-Committee

- 3.13.14 An application cannot be dealt with by officers under delegated powers where:
- An applicant's basic disclosure certificate reveals more than one previous conviction or caution
 - An applicant's basic disclosure certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
 - Information has been provided about an applicant under Common Law Police Disclosure provisions
 - An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
 - An applicant has previously had a licence to drive hackney carriage or private hire vehicles revoked
- 3.13.15 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.
- 3.13.16 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

3.14.0 Licence Conditions

- 3.14.1 All licences issued authorising a person to use a vehicle as a hackney carriage will be granted subject to the standard conditions shown at Annex C.
- 3.14.2 All licences issued authorising a person to use a vehicle as a private hire vehicle will be granted subject to the standard conditions shown at Annex D.
- 3.14.3 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

3.15.0 Vehicle livery requirements

3.15.1 All proprietors of vehicles licensed by the Council to be used as a hackney carriage or private hire vehicle must display any approved vehicle livery signage provided by the Council on the front driver and passenger doors of the vehicle at all times when it is being used as a hackney carriage or private hire vehicle.

3.15.2 Any approved vehicle livery signage issued will:

- Display the Council's logo
- Indicate whether the vehicle is licensed to be used as a hackney carriage or private hire vehicle
- Contain the vehicle licence plate number issued in respect of the vehicle

3.16.0 CCTV cameras in hackney carriage and private hire vehicles

3.16.1 The Council recognises that CCTV systems can act as an additional safeguard, providing protection, confidence and reassurance to the public when they are travelling in a hackney carriage or private hire vehicle as well as to drivers, who can also be victims of violence and abuse.

3.16.2 The Council therefore will allow the proprietor of any vehicle that it has authorised to be used as a hackney carriage or private hire vehicle to install CCTV cameras in their vehicle subject to the following requirements:

- No installation of a CCTV system shall take place within a licensed vehicle unless the proprietor of the vehicle has notified the Council in advance.
- All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

3.17.0 Inspection of hackney carriage and private hire vehicles

- 3.17.1 In order to ensure the safety of the public, the Council will do all it can to ensure that the vehicles it licences to be used as hackney carriages or private hire vehicles are safe and fit for use.

Programmed Inspections of Licensed Vehicles

- 3.17.2 A licence to use a vehicle as a hackney carriage or private hire vehicle will not be granted or renewed unless the vehicle has been inspected and found to be safe and fit for use in accordance with the Council's criteria for licensing vehicles for such use.
- 3.17.3 Additionally all vehicles must be presented for further inspection within a four week period beginning on the date six months after the licence issue date.
- 3.17.4 Where a decision has been taken by the Council to grant a licence to use a vehicle of an exceptional standard beyond the normal upper age limits set out in this part of the policy, the vehicle must be presented for further inspection within a four week period beginning on the date four months after the licence issue date and again within a four week period beginning on the date eight months after the licence issue date.

Other inspections of Licensed Vehicles

- 3.17.5 As well as these programmed inspections of licensed vehicles, the Council has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle it has licensed to ascertain its fitness for use.
- 3.17.6 Therefore from time to time, the proprietor or driver of a licensed vehicle may be directed to present their vehicle for inspection. Failure to present the vehicle for inspection as directed may lead to formal action being taken against the relevant proprietor or driver.

3.18.0 Powers to suspend and revoke vehicle licencesSuspension of a licence on grounds of vehicle condition

- 3.18.1 The Local Government (Miscellaneous Provisions) Act 1976 provides authorised officers of the Council with two mechanisms for suspending the licence of a vehicle that is found to be unfit for use.
- 3.18.2 Section 68 of the Act provides a power to suspend the licence with immediate effect until such time as an authorised officer is satisfied the vehicle is fit for use again.
- 3.18.3 Section 60 of the Act provides a further power to suspend a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - (c) any other reasonable cause.
- 3.18.4 However, a decision to suspend a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.
- 3.18.5 Therefore, in order to ensure the safety of the travelling public, any suspension of a licence that needs to be undertaken due to the relevant vehicle being unfit for use, will normally be undertaken using the powers afforded by section 68.

Revocation of a licence on grounds of vehicle condition

- 3.18.6 If a licence is suspended in accordance with section 68 of the Act and the vehicle is not deemed to be fit for use again within a period of two months, the Act states that the licence is deemed to have been revoked.
- 3.18.7 Section 60 of the Act provides a further power to revoke a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - (c) any other reasonable cause.
- 3.18.8 The Council revoke any licence issued authorising a vehicle to be used as a hackney carriage or private hire vehicle if that vehicle is graded as a Category A, Category B or Category C or Category S write-off.

Applying for a licence to use a vehicle as a hackney carriage or private hire vehicle after a licence has been deemed to be revoked in accordance with section 68

- 3.18.9 This section applies where a licence to use a vehicle has been deemed to have been revoked by virtue of section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.18.10 The proprietor may apply for a licence to use the same vehicle for the same purpose as it was previously licensed. The proprietor must provide all the relevant documents required when applying to licence a vehicle as a hackney carriage or private hire vehicle for the first occasion and the vehicle must meet the relevant criteria with the exception of having to be vehicle of a particular categorisation or age.
- 3.18.11 An application made in reliance on this section of the policy must be made within a period of 2 months from the date that the licence was deemed to have been revoked.

Suspension and revocation of a licence on grounds of licence holder suitability

- 3.18.12 Where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.
- 3.18.13 Such information could include:
- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
 - Information revealed under Common Law Police Disclosure
 - Information revealed by checks undertaken on the licence holder's DVLA driving licence records
 - Information regarding immigration penalties paid by the licence holder
 - Information revealed during checks on NR3
 - Information regarding complaints received about a licence holder
 - Information received from the licence holder themselves
- 3.18.14 When conducting a review of a licence to use a vehicle as a hackney carriage or private hire vehicle, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:
- Issue a warning to the licence holder
 - To require the licence holder to undertake additional training / assessments
 - To suspend the licence
 - To revoke the licence
- 3.18.15 Any decision to suspend or revoke a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.

3.19.0 Position on Maintenance of a List of Designated Wheelchair Accessible Vehicles

- 3.19.1 Sections 165 – 167 of the Equality Act 2010 came into force in April 2017. The legislation places obligations on the drivers of designated wheelchair accessible vehicles to:
- transport wheelchair users in their wheelchair
 - provide passengers in wheelchairs with appropriate assistance
 - charge wheelchair users the same as non-wheelchair users
- 3.19.2 Drivers found to be discriminating against wheelchair can be fined up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons are able to apply to the Council for an exemption from the requirements.
- 3.19.3 The new powers only apply in those areas where the licensing authority has decided to maintain a list of designated vehicles under section 167 of the Equality Act 2010, and where the driver is driving a vehicle included on the list of designated vehicles maintained by the licensing authority.
- 3.19.4 Redditch Borough Council has adopted a position statement on sections 165 – 167 of the Equality Act 2010, which can be seen at Annex E.

3.20.0 Exempting Proprietor's from Displaying External Licence Plate on a Private Hire Vehicle

3.20.1 The Council has adopted a policy on the very limited circumstances where it will provide an exemption to the proprietor of a private hire vehicle from the requirement to display an external licence plate on the vehicle. This policy can be seen at Annex F.

This page is intentionally left blank

PROPOSED ALTERNATIVE WORDING

Vehicles written off for insurance purposes

- 3.4.4 The Council will not renew any licence to use a vehicle as a hackney carriage if the relevant vehicle has ~~been~~ become graded as a Category A, Category B or Category C or Category S write-off for insurance purposes after the date on which the vehicle was first licensed by the Council to be used as a hackney carriage.

Vehicles written off for insurance purposes

- 3.5.4 The Council will not renew any licence to use a vehicle as a private hire vehicle if the relevant vehicle has ~~been~~ become graded as a Category A, Category B or Category C or Category S write-off for insurance purposes after the date on which the vehicle was first licensed by the Council to be used as a private hire vehicle.

This page is intentionally left blank

**LICENSING
COMMITTEE****5th October 2023****LICENSING COMMITTEE WORK PROGRAMME 2023/24****5th October 2023**

- Review of Statement of Licensing Policy under Licensing Act 2003 – Approval to consult on a revised Statement of Licensing Policy
- Renewal of licences for Hackney Carriage and Private Hire Vehicles that have previously been written off.

27th November 2023

- Impact of public space improvement works in Unicorn Hill and Church Green West on the taxi rank at Unicorn Hill
- Consideration of responses to publication of public notice of proposal to designate streets for the purpose of controlling street trading in Redditch
- Hackney Carriage and Private Hire Vehicle MOTs

18th March 2024

- Review of Statement of Licensing Policy under Licensing Act 2003 – Consideration of responses to consultation on revised Statement of Licensing Policy
- Review of Statement of Principles under the Gambling Act 2005– Approval to consult on a revised Statement of Principles
- Annual review of Hackney Carriage table of fares
- CCTV in Hackney Carriage and Private Hire Vehicles – Call for evidence

This page is intentionally left blank