



Licensing Committee

Mon 4 Mar
2024
7.00 pm

The Council Chamber,
Redditch Townhall

REDDITCH BOROUGH COUNCIL

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If you have any queries on this Agenda please contact

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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.

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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 Thursday 29th February 2024.

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

Monday, 4th March, 2024

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. Public Speaking

4. Annual review of Hackney Carriage table of fares (Pages 5 - 14)

5. Review of Statement of Licensing Policy under Licensing Act 2003 - Consideration of responses to consultation on revised Statement of Licensing Policy (Pages 15 - 74)

6. Review of Street Trading Policy (Pages 75 - 104)

7. Work Programme (Pages 105 - 106)

8. Exclusion of the Public and Press

In the opinion of the Chief Executive, the meeting will not be, or is unlikely to be open to the Public at the time the following items of business are considered for the reasons stated. The Committee will be asked to pass the following resolution:

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

- Paragraph 1 – Any Individuals
- Paragraph 2 – Identity of Individuals
- Paragraph 3 – Financial or Business Affairs

Licensing

Monday, 4th March, 2024

- **Paragraph 7 – The Prosecution of a Crime.”**

9. Minutes (Pages 107 - 118)

To consider the minutes of the Licencing Committee held on 27th November 2023.

10. Officer Update(s) - Enforcement and Appeal Matters

(In view of the fact that information may be revealed in relation to individuals, the identities and financial or business affairs of those individuals and the prosecution of crimes, any reports will be confidential and circulated to Members and relevant Officers only.)

REDDITCH BOROUGH COUNCIL**LICENSING
COMMITTEE**4th March 2024**REVIEW OF HACKNEY CARRIAGE TABLE OF FARES**

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 has responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate within the district. It is good practise to review the table of fares on a regular basis.

2. RECOMMENDATIONS

- 2.1 **That the Licensing Committee note the contents of the report and that no further action is required at the present time.**

3. KEY ISSUES**Financial Implications**

- 3.1 The costs of advertising any proposed variations to the table of fares for hackney carriages would be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Section 65 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.

REDDITCH BOROUGH COUNCIL**LICENSING
COMMITTEE****4th March 2024**

- 3.3 Section 65(2) of the Local Government (Miscellaneous Provisions) Act 1976 goes on to state:
- a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
 - b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- 3.4 If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in section 65 (2), or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- 3.5 If objections are made and are not withdrawn, the district council must set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

Service / Operational Implications

- 3.6 The Council has responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate within the district.
- 3.7 Hackney Carriage ("Taxi") fares are made up of an initial hiring charge and a "mileage" rate, both of which are expressed in terms of distance and / or time per unit cost. This is because when a hired taxi is stationary or moving slowly in traffic the meter continues charging, but by time, instead of distance.

REDDITCH BOROUGH COUNCIL**LICENSING
COMMITTEE****4th March 2024**

- 3.8 The table of fares applies only to hackney carriage vehicles. Private hire operators are free to agree their hiring charges in advance with their customers, normally at the time of booking the journey.
- 3.9 The current table of fares can be seen at **Appendix 1**. This table of fares was approved by the Licensing Committee at its meeting on 28th April 2022 and took effect on 7th May 2022.
- 3.10 A review of the table of fares was undertaken at the Licensing Committee on 20th March 2023 when Members decided not to make any amendments to the table of fares based on the circumstances at the time.
- 3.11 Upon approval of a revised table of fares in November 2018, Members of the Licensing Committee expressed the view that the table of fares should be regularly reviewed to avoid a situation where a large increase is requested following several years without a review having taken place.
- 3.12 As it is now approaching a year since the table of fares was last reviewed, officers have prepared this report in order to provide Members with an opportunity to review it again.
- 3.13 Prior to commencing the preparation of this report, the Chairman of Redditch Taxi Association was approached by officers to see if the Association would like to request any amendments to the current table of fares.
- 3.14 The Chairman of Redditch Taxi Association has advised that members of the Association do not wish to request any further increase in the table of fares at the present time. Association members hold concerns that the rise in the cost of living in recent years continues to have an impact on the number of people in Redditch using hackney carriages and they do not want this situation to be exacerbated by the charging of higher fares.
- 3.15 A table is provided at **Appendix 2** that shows the average price per litre of ultra-low sulphur petrol and ultra-low sulphur diesel (according to data from the Department for Energy Security & Net Zero) at the following points in time:
- When the existing table of fares took effect (7th May 2022)
 - When the table of fares was last reviewed (20th March 2023)
 - When this report was prepared (19th February 2024)

REDDITCH BOROUGH COUNCIL**LICENSING
COMMITTEE****4th March 2024**

- 3.16 This data shows that petrol and diesel prices have continued to fall over the past year and are now 12.1% (petrol) and 14.1% (diesel) lower than when the existing table of fares took effect in May 2022.
- 3.17 Whilst the price of petrol and diesel may have fallen compared to the levels they were in May 2022, other prices have continued to rise.
- 3.18 According to the latest data available from the Office of National Statistics when this report was produced, the Consumer Prices Index (CPI) rate of inflation in the 12 months to January 2024 was 4.0%, the same rate as in December 2023.
- 3.19 The CPI rate of inflation is however considerably lower now than it was a year ago when the table of fares was last reviewed in March 2023 when the CPI rate inflation was running at 10.1%
- 3.20 Inflation is still double the Bank of England's target rate of 2%. The following was published on the Bank of England website on 2nd February 2024:
- "We can't predict exactly what will happen to inflation in the future. It could fall to 2% for a short while in the spring before rising a bit after that.*
- We can't say any of this for certain because we can't rule out another global shock that keeps inflation high."*
- 3.21 Taking into account the latest fuel price data, the current rate of inflation and the views expressed by the Redditch Taxi Association, officers recommend that no changes are made to the table of fares at this time.
- 3.22 Members are therefore asked note that this matter has been reviewed and that no further action is required at the present time. A further review will be scheduled to take place in March 2025 at the latest.

4. RISK MANAGEMENT

- 4.1 None

**LICENSING
COMMITTEE**4th March 2024

5. APPENDICES

Appendix 1 – Current Table of Fares

Appendix 2 – Road Fuel Prices Data Comparisons

AUTHOR OF REPORTName: Dave Etheridge – Principal Officer (Licensing)
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Tel: (01905) 822799

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REDDITCH BOROUGH COUNCIL**TABLE OF FARES FOR HACKNEY CARRIAGES****WITH EFFECT FROM 7th MAY 2022**

	Tariff One	Tariff Two	Tariff Three
For the first 880 yards (804.7 metres approx.) or part thereof	£4.00	£5.25	£7.20
For each subsequent 176 yards (160.9 metres approx.)	£0.15	£0.15	£0.30
Equivalent to:	£1.50 per mile (1609.3 metres approx.)	£1.50 per mile (1609.3 metres approx.)	£3.00 per mile (1609.3 metres approx.)
Waiting time – for each 30 seconds	£0.10	£0.10	£0.20
Extra Charges			
For each dog (except guide dogs)	£1.50		
For each passenger in excess of 6	£0.50		
Explanation of Tariffs Applicable			
Tariff One	6am – Midnight		
Tariff Two	Midnight – 6am <u>and</u> on designated public holidays		
Tariff Three	Christmas Day, Boxing Day and New Years Day		
<u>Note</u> if the vehicle or seating is so soiled by any passenger or animal as to require cleaning, the proprietor may make a charge. This must be made clear to the passenger at the end of the journey there will be a maximum charge of £75.00.			

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Weekly Fuel Price Data from Department of Energy Security and Net Zero

Date	Ultra-low sulphur petrol (Pence per litre)	Change (from 07/05/2022)	Ultra-low sulphur diesel (Pence per litre)	Change (from 07/05/2022)
7 th May 2022	162.48		177.06	
20 th March 2023	146.62	- 9.8%	166.26	- 6.1%
19 th February 2024	142.86	- 12.1 %	152.08	- 14.1%

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LICENSING COMMITTEE4th March 2024LICENSING ACT 2003REVIEW 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 has previously approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties and the results of that consultation exercise are now being reported back to Members.

2. RECOMMENDATIONS**2.1 Members are asked to RESOLVE;**

To recommend to Council that the revised Statement of Licensing Policy shown at Appendix 3 be approved and published to take effect on 1st June 2024.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs of carrying out the consultation exercise were 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 On 5th October 2023, the Licensing Committee approved a draft revised Statement of Licensing Policy for the purpose of consultation with relevant parties.

LICENSING COMMITTEE4th March 2024

- 3.8 The draft revised policy remains based on the same template as the existing policy, which all of the Statements of Licensing Policy across Worcestershire are now based upon.
- 3.9 The draft revised policy contained a number of amendments and some additional sections that have been added 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 main changes that had been made are summarised in the table shown at **Appendix 1**.
- 3.11 Consultation on the revised draft Statement of Principles was undertaken 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
 - Redditch Borough Councillors
 - Feckenham Parish Council
 - The general public
- 3.12 The consultation was undertaken via an online survey that was made available via the Council's website and publicised via social media. A link to the survey was also sent by email to relevant stakeholders. The consultation survey was open for completion between 11th October and 15th December 2023.
- 3.13 There have been two responses to the consultation survey from a consultee responding on behalf of the Chief Officer of West Mercia Police and the Head of Compliance at the Wine and Spirit Trade Association. The responses received by these respondents can be seen at **Appendix 2**.
- 3.14 The respondent on behalf of the Chief Officer of Police is supportive of all of the proposed amendments to the Statement of Policy document and does not believe any further revisions are required.
- 3.15 The Wine and Spirit Trade Association representative has provided a link to some best practise guidance that they have been involved in producing in respect of rapid delivery services delivering age restricted products. Whilst this is not something that officers believe should be directly referenced within the Statement of Licensing Policy, this guidance is useful and could be shared and promoted with holders of licences and those applying for licences who offer this type of service.

LICENSING COMMITTEE**4th March 2024**

- 3.16 Having considered the responses received during the consultation exercise, officers do not feel that any amendments need to be made to the version of the draft revised Statement of Licensing Policy that was consulted upon.
- 3.17 Therefore, Members are now asked to consider the responses received during the consultation and resolve to recommend to Council that the revised Statement of Licensing Policy at **Appendix 3** be approved and published to take effect on 1st June 2024.

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 - Summary of proposed amendments
- Appendix 2 - Responses to consultation survey
- Appendix 3 - Draft Revised Statement of Licensing Policy

AUTHOR OF REPORT

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

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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	6.36	Insertion of wording to make clear that a photocard driving licence issued in the UK is an acceptable document to accept as proof of age alongside photocard driving licences that are issued in European Union countries.	To reflect the withdrawal of the UK from the European Union since the current Statement of Licensing Policy was adopted.
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 deliver 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.

Section Heading	Paragraph	Description of amendment	Reason for amendment
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.
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.

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West Mercia Police Response to Consultation Survey Questions

Do you agree with the proposed changes being made to section six of the draft revised Statement of Licensing Policy relating to “Applications for Premises Licences and Club Premises Certificates”?

Yes

Please provide an explanation and reasons for the answer you have given

The changes I see as a positive step towards the prevent agenda and makes it clear the responsibilities needed towards knife crime.

Do you agree with the inclusion proposed new section of the draft revised Statement of Licensing Policy relating to the Terrorism (Protection of Premises) Bill, also known as Martyn’s Law?

Yes

Please provide an explanation and reasons for the answer you have given

As above

Do you agree with the changes being proposed to section 19 of the draft revised Statement of Licensing Policy relating to “Equalities”?

Yes

Please provide an explanation and reasons for the answer you have given

No response

Do you agree with the changes being proposed to section 21 of the draft revised Statement of Licensing Policy relating to the "Relationship with Planning"?

Yes

Please provide an explanation and reasons for the answer you have given

No response

Do you think the Council should make any other changes or add anything further to its draft revised Statement of Licensing Policy?

NO

If answering YES, what changes or additions would you suggest the Council should make?

No response

If you have any other comments to make in connection with this consultation, you can enter them here:

As a key partner, it is great to see the licensing committee take steps to address local concerns towards knife crime.

In what capacity are you responding to this consultation?

On behalf of Chief Officer of West Mercia Police

Email response received from The Wine and Spirit Trade Association:

From: Kelly Moss <[REDACTED]>

Sent: 12 October 2023 09:57

To: WRS Enquiries <enquiries@worcsregservices.gov.uk>

Subject: RE: Redditch Borough Council Consultation on Draft Revised Statement of Licensing Policy (2024-2029)

This email originated from outside of the organisation

STOP : Were you expecting this email? Does it look genuine?

THINK : Before you **CLICK** on any links or **OPEN** any attachments.

Hi Dave,

Thank you for sending this information through.

I've had a quick look and noticed that you've added information on fast deliveries of alcohol, recommending that age verification take place at the point of sale and on delivery. We've done a lot of work on 'rapid delivery services' and have produced [best practice](#) for these service providers. Please feel free to extract any information that might be helpful to you and refer to this in your policy or generally promote to businesses in your area.

Many thanks,

Kelly

Under the GDPR you have rights which you can exercise in relation to the personal information we hold about you. Please refer to our [Privacy Notice](#) for information. If you want to contact us about the personal information we hold on you, or to unsubscribe from any of our services, please do so via GDPR@wsta.co.uk

Please consider the environment before printing this e-mail. Thank you.

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LICENSING ACT 2003

*****DRAFT*****

STATEMENT OF LICENSING POLICY

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 2024

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1.0 Introduction

- 1.1 Redditch Borough Council (the Council) is a licensing authority under the Licensing Act 2003 and therefore has responsibilities for the administration and enforcement of the Act within the Borough.
- 1.2 These include, among other duties, the granting of premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.3 Redditch Borough is within the County of Worcestershire and borders Warwickshire County to the east and southeast. It is surrounded by Bromsgrove District to the west and north, Stratford District to the east and southeast and Wychavon District to the southwest.
- 1.4 The Borough is situated at the outer edge of the Green Belt boundary for the West Midlands. Redditch offers easy access to the countryside and prominent local areas, including culturally rich areas such as Stratford upon Avon and naturally rich areas such as the Cotswolds.
- 1.5 The Borough lies 15 miles south of the Birmingham conurbation and Birmingham airport is approximately a 25-minute drive away.
- 1.6 Redditch Borough consists of the main town of Redditch, the villages of Astwood Bank and Feckenham and several other hamlets. It covers an area of 5,435 hectares (13,430 acres) with a population of 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 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 2024 and will be kept under review. A revised statement of policy will be published no later than 1st June 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 the UK or 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.

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8.0 Licensing Hours

- 8.1 The licensing authority recognises the variety of premises for which licences will be sought and that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time.
- 8.2 When determining what licensing hours are appropriate for a premises the licensing authority will always consider each application on its own merits and will not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. The licensing authority will take into account requests for licensable hours in the light of:
- environmental quality;
 - residential amenity;
 - the character or function of a particular area; and
 - the nature of the proposed activities to be provided at the premises.
- 8.3 Consideration may be given to imposing stricter restrictions on licensing hours when it is appropriate to control noise and disturbance from particular licensed premises, such as those in mainly residential areas.
- 8.4 In accordance with established practice, the licensing authority encourages applicants, to include measures of good practice in their operating schedules such as a policy of prohibiting new persons from being admitted to their premises after 11.00 pm in order to reduce the risk of disorder and disturbance to members of the public late at night, where this is appropriate to the premises concerned.
- 8.5 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.

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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.

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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.

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19.0 Equalities

- 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.

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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 or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.
- 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

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**4th March 2024**REVIEW OF STREET TRADING 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 Council recently passed a resolution in relation to designating streets for the purpose of controlling street trading in the Borough. This resolution will take effect on 1st September 2024.
- 1.2 The Council's Street Trading Policy needs to be updated in light of the resolution that was recently passed and Members are therefore asked to approve a draft revised Street Trading Policy for the purpose of consultation with relevant stakeholders.

2. RECOMMENDATIONS

- 2.1 **That Members RESOLVE to approve the draft revised Street Trading Policy at Appendix 1 for the purpose of consultation with relevant stakeholders.**

3. KEY ISSUES**Financial Implications**

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

Legal Implications

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

Service / Operational Implications

- 3.4 Council’s usually control street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications that the street trading creates. Controlling street trading also allows Councils to manage the impact street trading has on the local economy.
- 3.5 The control of street trading can also be of benefit to traders who can obtain greater security over their “pitch” if they are the only person who has the Council’s consent to trade there.
- 3.6 On 29th January 2024, following a recommendation from the Licensing Committee, Redditch Borough Council passed a resolution in relation to the designation of streets for the purposes of controlling street trading. The Council resolved with effect from on 1st September 2024:
- To rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
 - To designate the following streets as prohibited streets – Alvechurch Highway, Alcester Highway, Bromsgrove Highway, Coventry Highway, Redditch Ringway and Warwick Highway
 - To designate all other streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets.

LICENSING COMMITTEE**4th March 2024**

- 3.7 The Council has previously adopted a Street Trading Policy which took effect on 1st September 2018. Section 2 of this Policy sets out which streets have been designated as consent streets and which have been designated as prohibited streets. Therefore, in light of the resolution passed by Council on 29th January 2024, the Street Trading Policy needs to be updated.
- 3.8 Officers have therefore prepared a draft revised version of the Street Trading Policy, which can be seen at **Appendix 1**.
- 3.9 As well as updating section 2, officers have reviewed other parts of the document and have made suggested amendments which are highlighted in the draft revised version of the Street Trading Policy.
- 3.10 The amendments that have been suggested and the rationale for these amendments is set out in a table at **Appendix 2**.
- 3.11 Before moving forwards to adopting a revised Street Trading Policy, Members are asked to approve the draft revised version of the Street Trading Policy at **Appendix 1** for the purpose of consultation with the public and relevant stakeholders.
- 3.12 The results of the consultation will then be reported back to Members later on in the year for consideration before a revised Street Trading Policy is approved to take effect on 1st September 2024 alongside the resolution made by Council on 29th January 2024.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 – Draft Revised Street Trading Policy (changes highlighted)

Appendix 2 – Table of Amendments and Rationale

LICENSING COMMITTEE

4th March 2024

AUTHOR OF REPORT

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****DRAFT****
Street Trading Policy



~~Approved to take effect on 1st September 2018~~

Approved to take effect on 1st September 2024

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1.0 INTRODUCTION

1.1 Redditch Borough

1.1.1 Redditch Borough Council is situated in the County of Worcestershire, which contains six District Councils in total. The Borough of Redditch is approximately 15 miles south of Birmingham. The Borough has a population of ~~84,500~~ 87,000 with a higher percentage of young people (age 0-15 years) compared with the rest of the County.

1.1.2 There is a very diverse population within the Borough and there are ~~four~~ five ~~output~~ areas that are within in the top 10% ~~of the~~ most deprived in England ~~areas~~ nationally.

1.1.3 Redditch Borough has many open spaces; there are six Sites of Special Scientific Interest, 24 Special Wildlife Sites and numerous local nature reserves.

1.1.4 There are a number of international companies established in the Borough and the Kingfisher Shopping Centre boasts many big-name department stores.

1.1.5 ~~Through North Worcestershire Economic Development and Regeneration and the Local Enterprise Partnership, the~~ The Council continues to support new and established businesses within the Borough to grow, ~~in partnership with other relevant organisations.~~

1.1.6 ~~Through considering what really matters to residents, the Council has produced a set of six strategic purposes to guide us; they are based on customer demands and data and evidence about the needs of and issues affecting the people of Redditch Borough. The strategic purposes are:~~

- ~~• Keep my place safe & looking good.~~
- ~~• Help me run a successful business~~
- ~~• Help me to be financially independent~~
- ~~• Help me to live my life independently~~
- ~~• Help me find somewhere to live in my locality~~
- ~~• Provide good things for me to see, do & visit~~

1.1.6 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.

1.1.7 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

- 1.1.8 This policy statement aims to help further these strategic purposes. support the Council in achieving its vision and working towards these strategic purposes.



1.2 The Policy

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

1.3 The Objectives of this Policy

- 1.3.1 This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 1.3.2 The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 1.3.3 The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.

- 1.3.4 This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 1.3.5 The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Regulator's Code.

1.4 The Law

- 1.4.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 1.4.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:
- Prohibited Streets: those which are not open to street traders
 - Consent Streets: where street trading is prohibited without Local Authority consent
 - Licence Streets: where trading is prohibited without a Local Authority licence
- 1.4.3 Local authorities can place conditions on any Consent or Licence granted. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.
- 1.4.4 There are, however a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed in Section 10 below (definition of 'Street Trading'). However it is important to note that exempted traders are still controlled by other regulatory legislation.

1.5 Licensing Act 2003

- 1.5.1 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.
- 1.5.2 Late night refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.
- 1.5.3 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

2.1 ~~Consent Streets~~

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

2.2 ~~Prohibited Streets~~

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

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

2.1.1 On 29th January 2024 Redditch Borough Council resolved with effect from 1st September 2024:

- To rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
- To designate the following streets as prohibited streets – Alvechurch Highway, Alcester Highway, Bromsgrove Highway, Coventry Highway, Redditch Ringway and Warwick Highway
- To designate all other streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets.

3.0 APPLICATIONS FOR A STREET TRADING CONSENT

3.1 Advice for New Applicants

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

3.2 Applications

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

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

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

3.3 Processing an Application

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

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

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

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

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

3.4 Determining Applications with no Representations or Objections

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

3.5 Determining Applications through Mediation

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

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

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

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

3.6 Determining Applications Where Mediation Is Not Possible

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

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

3.7 Key Considerations

3.7.1 Each application will be considered on its own merits.

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

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

3.8 Options Available to Licensing Sub-Committee

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

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

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

3.9 Grant of Consent

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

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

4.0 DURATION OF STREET TRADING CONSENTS

4.1 Duration

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

4.2 Renewal

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

5.0 CONDITIONS ATTACHED TO CONSENTS

5.1 Standard Conditions

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

5.2 Additional Conditions

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

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6.0 APPEALS**6.1 Refusals / Attached Conditions**

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

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7.0 COMPLAINTS AND ENFORCEMENT

7.1 General Principles

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

7.2 Offences

- 7.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-

- engaging in street trading in a prohibited street;
- engaging in street trading in a consent street without Consent;
- contravention of a condition in relation to trading location; and
- contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

7.3 Complaints

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

8.0 AMENDMENTS TO THIS POLICY

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

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

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

DRAFT

9.0 FEES AND CHARGES

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

DRAFT

10.0 DEFINITIONS

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

1980, of an object or structure placed on, in or over a highway;

- the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- the doing of anything authorised by regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.

Street Trading
Assistant

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

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

DRAFT

ANNEX A

NOTICE OF APPLICATION FOR GRANT OF A STREET TRADING CONSENT

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

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

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

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

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

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

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

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

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

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Summary of Amendments Made in Draft Revised Street Trading Policy

Section Heading	Paragraph	Description of amendment	Reason for amendment
Front cover	N/A	Date policy takes effect changed.	To reflect when the draft revised Street Trading Policy will take effect.
Introduction	1.1.1 and 1.1.2	Updated population data and information about areas of deprivation.	To reflect updated data since the current Street Trading Policy was adopted.
Introduction	1.1.5	Remove specific reference to North Worcestershire Economic Development and Regeneration (NwEDR) and the Local Enterprise Partnership and replace with “other relevant organisations”	In order to ensure that the Street Trading Policy remains current after the existing shared service arrangements delivered by NwEDR are terminated or in the event that the Local Enterprise Partnership ceases to exist.
Introduction	1.1.6 to 1.1.8	Amending wording relating to the 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
Designation of streets for the purposes of street trading	2.1.1	Updated details of streets designated as prohibited streets and consent streets.	To reflect the resolution passed by Council on 29 th January 2024.
Processing an Application	3.3.1	Merged “Planning Authority” with “NwEDR team” on the list of those who will be notified of an application.	As these shared service arrangements are due to be terminated on 30 th June 2024.

Section Heading	Paragraph	Description of amendment	Reason for amendment
Processing an Application	3.3.1	Removal of “the owners / occupiers of any residential and/or business properties in the vicinity of the proposed location of any static trading site” from the list of those that will be notified of an application.	<p>Officers believe that the requirement to display a public notice (referred to in paragraph 3.3.2) is sufficient to draw the attention of these people to the making of the application.</p> <p>Additionally, notifying what can be a very large number of owners / occupiers of an application on an individual is a very resource intensive process.</p>
Street Trading Consent Standard Conditions	Annex B	The words “his” and “him” have been replaced by the words “their” and “them” in various standard conditions.	In order to ensure the standard conditions attached to street trading consents contain gender neutral pronouns.

LICENSING COMMITTEE **4th March 2024****LICENSING COMMITTEE WORK PROGRAMME 2023/24****18th March 2024**

- Annual review of Hackney Carriage table of fares
- Review of Statement of Licensing Policy under Licensing Act 2003 – Consideration of responses to consultation on revised Statement of Licensing Policy
- Review of Street Trading Policy

To be allocated to suitable dates during the 2024/25 Municipal Year

- Changes to Unicorn Hill Hackney Carriage Stand – Representations and Objections Received
- Review of Statement of Principles under the Gambling Act 2005
- Compliance Testing for Hackney Carriage and Private Hire Vehicles – Viability of approving alternative testing stations
- Pavement Licensing Policy
- CCTV in Hackney Carriage and Private Hire Vehicles – Call for evidence
- Safeguarding Refresher Training for Licensed Hackney Carriage and Private Hire Drivers

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Licensing Committee

Monday, 27th November,
2023

MINUTES

Present:

Councillor Karen Ashley (Chair), and Councillors Salman Akbar, Joe Baker, Juliet Barker Smith, Sharon Harvey, Chris Holz, Joanna Kane, Emma Marshall and Jane Spilsbury

Also Present:

Councillor Imran Altaf

Officers:

Vanessa Brown, Mamta Patel and Dave Etheridge

Democratic Services Officers:

Gavin Day

15. APOLOGIES

Apologies for absence were received from Councillors Juma Begum, Kerrie Miles and Monica Stringfellow with Councillors Juliet Barker-Smith, Jane Spilsbury and Joanna Kane in attendance as substitutes respectively.

Apologies for absence were also received from Councillors Tomothy Pearman and Anthony Lovell.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. MINUTES

The minutes of the Licensing Committee of 5th October 2023 were presented to Members.

RESOLVED that

The minutes of the Licensing Committee held on the 5th October 2023 were approved as a true and accurate record and signed by the Chair.

Chair

Licensing Committee

Monday, 27th November, 2023

18. PUBLIC SPEAKING

At the invitation of the Chair Mr Ilyas Mohammad representing the Redditch Taxi Association and Councillor Imran Altaf addressed the Committee.

19. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE COMPLIANCE TESTING - CURRENT ARRANGEMENTS AND ALTERNATIVE OPTIONS

Following the Public Speaking representations and in light of the comments made, The Chair rearranged the order in which items were heard by the Committee. Agenda item 8 (minute No19) was heard first followed by agenda item 7 (minute No20) and Agenda item 6 (minute No21). The agenda then proceeded in the order originally published.

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to inform Members of the vehicle safety testing arrangements and outline possible alternative options.

The Principal Licensing Officer detailed that there were 420 Taxi Licence holders with Redditch Borough Council, It was further detailed that each licenced vehicle needed 2 Safety Compliance Tests a year. There were 7 timeslots each day which amounted to 35 tests a week and when accounting for shutdown weeks gave 1600-1700 available slots a year to accommodate approximately 820 Vehicle Safety Inspections. Therefore, Officers expressed the opinion that there was sufficient capacity within the current testing arrangements. It was reported that a driver was generally able to get an appointment on short notice if they were fully flexible or within 2 or 3 weeks should they required a specific timeslot.

The additional activities which the engineers at Crossgates participated in was detailed. This included late night enforcement exercises and spot checks, which allowed Officers to direct a driver to the garage for a vehicle examination if a quick visual inspection raised concerns. It was further highlighted that an equivalent service, the engineers' knowledge, experience and good working relationship may not be replicated with an alternative arrangement.

Officers detailed concerns that should an alternative arrangement be sought, an equivalent standard of work may not be replicated, it

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was due to concerns regarding work standards and public safety which prompted the migration to in house testing in 2010. Likewise, it was highlighted that the Taxi Vehicle Safety inspection went beyond a standard MOT and examined the internal and external state of the vehicle and compliance with vehicle licencing policy, therefore, it would be unlikely for a garage to agree to undertake the work for the same price as an MOT.

The Principal Licensing Officer outlined the possible options available for the vehicle safety inspection.

1. **Maintain the current arrangement**, which was the recommendation of Officers.
2. **Outsource the Safety Vehicle Inspection to approved providers**. The number of which would be decided during a procurement process. It was unknown how many, if any, garages would be prepared to undertake the work and for what cost. Regular auditing would have to be undertaken to ensure an appropriate quality of work was maintained.
3. **Allow any valid recent MOT undertaken at any DVSA approved garage combined with a brief visual inspection**. Officers advised against this option and did not consider it suitable.

Officers further detailed that of the 6 Worcestershire Authorities that WRS covered, Redditch, Bromsgrove and Wyre Forest had their own garages. Malvern Hills and Worcester City had approved garages. Wychavon currently accepted a recent MOT; however, Wychavon were currently undertaking a procurement process to secure a number of garages to carry out their safety inspections.

The following was clarified after questions from Members.

- That although the fee free retesting period was 24 hours, if the work was a minor in nature such as a bulb or tyre replacement, an engineer was able to check that the work was completed without having to book in another appointment.
- That it was considered best practice to perform the inspections in house should an authority have the capacity to do so and although outsourcing was not dangerous if it was managed effectively, it was a deviation from best practice and therefore not recommended.

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- Drivers could book appointments 12 months in advance and the current 2-week period was for drivers to get their preferred timeslot and not for the earliest available appointment, however, there were some longer lead in periods of up to a 4 week wait, at certain times of the year.
- That 4.1 on page 175 of the Public Reports Pack detailed that Monitoring and Auditing may be required, however, details on the cost implication would not be known without an in-depth examination during the procurement process.
- As the licensed activities should be cost neutral, any additional costs incurred needed to be covered, a possible solution could mean an increase in licencing fees.
- Crossgates had a number of bays, one of which was exclusively used for Taxi Safety Checks.

Members were happy with the report but expressed a desire to obtain more information on the subject and the exploring interest from local garages before making a decision.

Councillor Joe Baker proposed an alternative recommendation that Officers be directed to look into the viability of allowing drivers to use DVSA testing stations to undertake vehicle safety checks, the alternative recommendation was seconded by Councillor Sharon Harvey.

Following further debate, it was clarified to Members that should they wish to alter the 24-hour fee free testing period, there needed to be a recommendation to the Executive Committee then the decision regarding any Fees or Charges would be made during Full Council.

Members further commented that should the 24-hour fee free testing period be extended a vehicle should have a valid MOT certificate to cover the duration to maintain public safety standards.

Councillor Joe Baker proposed an additional alternative recommendation that it be recommended to Executive that the period during which a taxi or private hire vehicle can be retested at Crossgates Depot without charge be extended from 24 hours to 10 working days, so long as the vehicle has a valid MOT certificate to cover that period of time, The additional alternative recommendation was seconded by Councillor Salmon Akbar.

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Members debated the timeslots and the availability of Taxi drivers in general throughout the day, it was commented that considering multiple bays existed at the Crossgates Depot, it should be examined whether it was possible to use two bays for taxi inspections during more favourable periods, to allow for less disruption to school contracts and religious activities.

Councillor Emma Marshall proposed an additional alternative recommendation that Officers be directed to liaise with the relevant officers at Crossgates Depot to investigate how to make more efficient use of the testing bays at the Crossgates Depot taking into account school runs and other relevant aspects, The alternative recommendation was seconded by Councillor Juliet Barker Smith.

It was further noted by Members that the school term time and therefore school contracts would only be a consideration for a proportion of the year (approximately 39 weeks) and that this should be taken into account when reviewing the testing bays usage.

On being put to a vote it was

RECOMMENDED to Executive Committee that

- **the period during which a taxi or private hire vehicle can be retested at Crossgates Depot without charge be extended from 24 hours to 10 working days, so long as the vehicle has a valid MOT certificate to cover that period of time.**

RESOLVED that

- **Officers be directed to look into the viability of allowing drivers to use DVSA testing stations to undertake vehicle safety checks.**
- **Officers be directed to liaise with the relevant officers at Crossgates Depot to investigate how to make more efficient use of the testing bays at the Crossgates Depot taking into account school runs and other relevant aspects.**

20. IMPACT OF PUBLIC SPACE IMPROVEMENT WORKS IN UNICORN HILL AND CHURCH GREEN WEST ON THE TAXI RANK AT UNICORN HILL

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to inform Members of the required changes to the hackney carriage stands to facilitate public realm improvement works. Officers also sought approval to carry out the advertising process necessary to revoke and make hackney carriage stand orders.

Officers detailed that currently the entire 85m length of unicorn hill is designated as a hackney carriage stand (taxi rank) which accommodated approximately 17 vehicles and operated 24 hours a day. This was deemed excessive for a large portion of the time during the day, therefore, development plans proposed to alter the area.

Members attention was drawn to the proposed layout detailed on page 183 in the Public Reports Pack. The first 26m length would be designated as a Taxi rank 24/7 and would see no change, this would accommodate approximately 7 vehicles. The next 36m length would provide short stay parking between the hours of 08:00 to 18:00 hours for public use, outside of aforementioned hours it would be designated as space for the taxi service only.

After the taxi rank and public parking there would be an additional 13m of disabled parking for blue badge holders only. Finally, after the parking areas there would be a designated loading/ unloading area for local businesses.

Officers detailed that the first stage of the process would be to advertise the proposed changes which would allow for written objections or representation to be submitted, at which point the matter would be brought back before Members for determination.

The following was clarified after questions from Members.

- That there were approximately 17 bays under the existing hackney carriage stand, therefore, the new arrangements would reduce this number by approximately 10 bays during the day and 3 during evenings.
- That there were no plans for additional taxi ranks within the area, however, Officers were willing to consider any options raised by Members or the trade.
- Due to the medium which the notice had to be published in (a Paper advertisement) the information which could be relayed would be limited, however, the advertisement would

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direct interested parties to further information. Officers also highlighted that the Trade had already been informed but an additional email would be sent out when the change is advertised to alert all drivers.

- There was no current provision for loading or Disabled parking along Unicorn Hill. Local businesses are forced to unload whilst parked on the taxi rank.

Members then debated the application.

It was highlighted that the improvements allowed for more flexibility for taxi drivers as it would permit them to use the short stay parking to temporarily park and leave their vehicle to allow them to have a comfort or lunch break, as leaving their vehicle was not permitted whilst parked on any areas designated as a taxi rank.

Members agreed that the advertisement should be sent out and responses collected which they would then review when it came back to the Licencing Committee.

On being put to a vote it was.

RESOLVED that

Officers be directed to carry out the advertising process required in order for the Council to be able to revoke the existing Hackney Carriage Stand Orders and make new Hackney Carriage Stand Orders in respect of Unicorn Hill.

21. RENEWAL OF LICENCES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE PREVIOUSLY BEEN WRITTEN OFF

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to consider the consultation responses in regard to the renewal of vehicles previously written off for insurance purposes.

An updated licencing policy came into effect on 1st September 2022, this changed the policy to no longer allow the licencing of vehicles which fell under categories 'C' and 'S' for insurance write off purposes.

The intention of the change was to prevent future new vehicles being licenced if they had been written off under categories 'C' and 'S'. However, an unintended side effect of the change was that whenever a vehicle came up for its annual renewal, it was no longer within policy if it had previously been written off and therefore needed to come before Members to approve.

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During the last Licencing Committee on 5th October 2023, Officers sought Members approval to undertake a short, targeted consultation with the intent of changing the wording to allow vehicles which had previously been licenced to continue.

Officers drew Members attention to the consultation responses detailed on page 79 of the Public Reports pack. Officers further detailed that there were 29 (50.09%) responses in support of the proposed changes, additionally, when looking into the details of the 24 negative responses, many commented that they believed that the council should allow any vehicle previously written off and did not appear to be against the proposed policy change in regard to existing licence holders.

Members accepted the results and the Officers analysis that many of the 42.1% of negative responders appeared to be in support of allowing previously written off vehicles to be licenced and therefore, most responders appeared to support the proposed change.

After assurances that the changes detailed on page 77 of the Public Reports pack would correct the unintended error, on being put to a vote it was.

RESOLVED that

the Licensing Committee approved the draft revised Hackney Carriage and Private Hire Licensing Policy at Appendix 4 on pages 85 to 167 of the Public Reports pack to take effect immediately.

22. CONSIDERATION OF RESPONSES TO PUBLICATION OF PUBLIC NOTICE OF PROPOSAL TO DESIGNATE STREETS FOR THE PURPOSE OF CONTROLLING STREET TRADING IN REDDITCH

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to ask Members to review the consultation responses and to recommend that the resolutions be passed at full council.

Members considered the designation of streets at the Licencing Committee in July. During that Committee Members agreed to designate all current and future streets as consent streets. However, Members had concern with the 6 highways within the Borough and decided to designate those highways as prohibited streets for the purposes of street trading applications.

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Subject to the aforementioned changes, Members agreed to publish the public notice. Officers detailed that the notices were published, however, no responses were submitted in support or objection. Officers further detailed that it was not usual to have very few or no responses to notices of this nature, the notice did not affect a great deal of people, therefore, there would be little interest.

The Principal Licensing Officer detailed the draft resolution as detailed on page 41 of the Public Reports pack.

Draft Resolution

Redditch Borough Council resolves, with effect from 1st September 2024:

- To rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
- To designate the following streets as prohibited streets – Alvechurch Highway, Alcester Highway, Bromsgrove Highway, Coventry Highway, Redditch Ringway and Warwick Highway
- To designate all other streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets.

On being put to a vote it was

RECOMMENDED to Council that

- 1. the draft resolution detailed in the Pre-amble above be agreed.**
- 2. should the draft resolution be passed, Officers be authorised to publish notice that the resolution has been passed in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.**

23. WORK PROGRAMME

The Principal Licensing Officer, Worcester Regulatory Services (WRS), detailed that the two additional reports requested by Members under agenda item 8 (Minute No19) would be added to the Work programme and other less time critical items be moved to accommodate.

Officers detailed that the decision to Delegate age criteria vehicle renewals would be heard at the Constitutional working group in the new year.

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Councillor Akbar requested an update report on implementation of the new application software due to be implemented by WRS, the Principal Licensing Officer agreed to give a short verbal update to Members at the next Licensing Committee.

At the request of Councillor Akbar, the Principal Licensing Officer briefly detailed the technical difficulties that WRS had experienced with the Councils migration over to magnetic taxi licence plates. There had been an issue with the plates coming out of the printer smudged, at first WRS believed that it was the printing medium, however, after a second batch was showing a similar error it was believed that the problem could be the printer, the issue will continue to be investigated to find a solution.

24. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that

Under S100 A (4) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public were excluded on the grounds of the disclosure of exempt information as defined in paragraphs 1, 2, 3 and 5 of Part 1 of Schedule 12 of the said act, as amended.

25. OFFICER UPDATE(S) - ENFORCEMENT AND APPEAL MATTERS

Restricted.

The Meeting commenced at 7.00 pm
and closed at 9.14 pm

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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