



Licensing Committee

Mon 15 Jul
2024
7.00 pm

Oakenshaw Community
Centre, Castleditch
Lane, B97 7YB



www.redditchbc.gov.uk

If you have any queries on this Agenda please contact

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GUIDANCE ON FACE-TO-FACE MEETINGS

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

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

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

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

PUBLIC SPEAKING

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

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

To register to speak you must contact Democratic Services by phone on 01527 64252 ext 3304, or email gavin.day@bromsgroveandredditch.gov.uk before 12 noon on Thursday 11th July 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, 15th July, 2024

7.00 pm

Oakenshaw Community
Centre - Oakenshaw
Community Centre

Agenda

Membership:

Cllrs:	David Munro (Chair)	Sid Khan
	Sachin Mathur (Vice-Chair)	Gary Slim
	Juliet Barker Smith	Jen Snape
	Brandon Clayton	Monica Stringfellow
	Matthew Dormer	Paul Wren
	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. Unicorn Hill Taxi Rank (Pages 5 - 38)
5. Gambling Act 2005 - Statement of Principles Review (Pages 39 - 80)
6. Draft Pavement Licensing Policy (Pages 81 - 110)
7. Work Programme (Pages 111 - 112)
8. Minutes (Pages 113 - 120)
9. 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

Licensing

Monday, 15th July, 2024

- **Paragraph 2 – Identity of Individuals**
- **Paragraph 3 – Financial or Business Affairs**
- **Paragraph 7 – The Prosecution of a Crime.”**

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.)

LICENSING COMMITTEE15th July 2024**CHANGES TO UNICORN HILL HACKNEY CARRIAGE STAND REPRESENTATIONS AND OBJECTIONS RECEIVED**

Relevant Portfolio Holder	Councillor M Stringfellow
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 Public realm improvements works are scheduled to begin in Summer 2024 in Unicorn Hill and Church Green West in Redditch and the works that are planned potentially have an impact on the existing hackney carriage stand (taxi rank) located in Unicorn Hill.
- 1.2 The Licensing Committee previously directed officers to carry out the advertising process required to enable the revocation and making of Hackney Carriage Stand Orders so that these will remain consistent with the way that it is intended that Unicorn Hill will be laid out after the proposed public realm improvement works have been completed.
- 1.3 The Licensing Committee are now asked to consider the responses received when the advertising process was undertaken.

2. RECOMMENDATIONS

- 2.1 **That the Licensing Committee considers the responses received and RESOLVE whether or not to direct Officers to undertake the required legal processes to make, alter or revoke any Hackney Carriage Stand Orders in respect of Unicorn Hill.**

3. KEY ISSUES**Financial Implications**

- 3.1 The cost of the public notice and other administrative costs were met from existing budgets held by Worcestershire Regulatory Services.

LICENSING COMMITTEE15th July 2024

- 3.2 The costs of making, altering or revoking any Hackney Carriage Stand Orders would be met from existing budgets held by Worcestershire Regulatory Services and the Council's Legal Department.
- 3.3 If the Hackney Carriage Stand Orders were to be made, amended or revoked, the costs of providing the required signage and road markings would be met from the budgets agreed in respect of the public realm improvements works in Church Green West and Unicorn Hill.

Legal Implications

- 3.4 Licensing Authorities have power under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to create, amend and revoke hackney carriage stands (ranks). This allows district councils to "appoint stands for Hackney Carriages" either on public highways or private land and the stands can be for either continual or part-time use.
- 3.5 Under the Local Government (Miscellaneous Provisions) Act 1976 s63 a district council is required to publish a notice in a local newspaper and wait 28 days from publication, after which Members will need to consider any written representations of objections made.
- 3.6 Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand a district council is required to give notice to the chief officer of police.
- 3.7 Additionally a district council cannot create a hackney carriage stand:
- (a) so as unreasonably to prevent access to any premises;
 - (b) so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
 - (c) on any highway except with the consent of the highway authority;

and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**15th July 2024**Service / Operational Implications**

- 3.8 On 27th November 2023, the Licensing Committee received a report to make them aware of some improvements to the public realm that were scheduled to be made in Summer 2024 in Church Green West, Unicorn Hill and St Stephen's Churchyard.
- 3.9 Redditch Borough Council is working in partnership with Worcestershire County Council on improving the public space. It will be the third phase of public space improvements for the town centre following-on from works on Alcester Street and Market Place and will be designed to tie in with plans to develop Redditch Railway Station. Works are currently scheduled to begin in Summer 2024, with preparatory works already underway.
- 3.10 Members were advised that Licensing Officers had been notified that a new design for the public realm in Unicorn Hill had been put forwards and an amended layout was proposed to be implemented that would involve changes being made to the existing Hackney Carriage Stand (taxi rank) that is located on Unicorn Hill. The design showing the layout proposed for Unicorn Hill is attached at **Appendix 1**.
- 3.11 Currently there is a Hackney Carriage Stand on the south side Unicorn Hill that operates 24 hours a day and runs for around 85 metres along Unicorn Hill, providing space for around 17 hackney carriages to stand and ply for hire.
- 3.12 In the proposed layout, a smaller full-time rank would be retained towards the bottom of Unicorn Hill. This taxi rank would provide 36 metres of space that would allow for approximately seven hackney carriages to stand and ply for hire 24 hours a day.
- 3.13 Behind this taxi rank there is proposed to be a further bay that would operate as a part-time taxi rank. The bay would provide 36 metres of space that would accommodate approximately seven vehicles.
- 3.14 Between 8am and 6pm (Monday to Saturday) this bay would be available for short term parking by members of the public (up to 45 minutes, no return within two hours). Between 6pm and 8am (Monday to Saturday) the bay would revert to use as a taxi rank only. This bay would not be subject to any restrictions between 8am on a Sunday and 8am the following day (Monday).
- 3.15 Behind this part-time rank, there is proposed to be a parking bay for use by disabled badge holders that would be 13 metres in length and accommodate two vehicles with rear wheelchair access.

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**15th July 2024

- 3.16 Finally at the top of Unicorn Hill there is proposed to be a bay for Goods Vehicle loading which would be 30 metres in length.
- 3.17 Members were advised that in order to implement the proposed layout that had been designed, there were two separate but connected legal processes that would need to be carried out. Worcestershire County Council would need to carry out the legal processes involved in amending / creating the relevant Traffic Regulation Orders (TROs) in respect of Unicorn Hill.
- 3.18 Alongside that process, it would also be necessary for Redditch Borough Council to undertake the required legal processes to make, alter or revoke any Hackney Carriage Stand Orders as are necessary in order to ensure that any such Orders in place remained consistent with the layout of the highway should the proposed public realm improvement works be completed as planned.
- 3.19 The first stage of this process was for the district Council to consult on the proposals with the chief officer of police and to publish a public notice in a local newspaper. Then a period of at least 28 days had to be provided to allow for any written representations or objections to be made to the proposals.
- 3.20 Having considered and debated the contents of the report, Members directed officers to carry out the required advertising and consultation with any written representations or objections received being brought back for consideration at a future meeting of the Licensing Committee.
- 3.21 On 20th December 2023, an email was sent to all hackney carriage and private hire licence holders for whom an email address is recorded. The email was also sent to representatives of Redditch Taxi Association.
- 3.22 The email highlighted the potential impact of the public realm improvements on the taxi rank in Unicorn Hill. The email also provided two separate plans to help explain the potential impact of the proposed public realm improvements.
- 3.23 The email explained that this would require the Council to carry out the required processes to appoint the new taxi ranks that were proposed to be implemented and invited any written representations or objections to be sent in by 31st January 2024.
- 3.24 Notice of the proposed changes was also given to the Chief Officer of West Mercia Police on 20th December 2023.

LICENSING COMMITTEE15th July 2024

- 3.25 On 3rd January 2024, a public notice appeared in the Redditch Advertiser to give notice on the Council's intention to appoint the hackney carriage stands being implemented in Unicorn Hill. The public notice also invited any representations or objections to the proposal to be made by 31st January 2024.
- 3.26 During the period provided to allow written representations or objections, a number of responses have been received. A response was received on behalf of the members of Redditch Taxi Association. This response can be seen at **Appendix 2**.
- 3.27 A number of other responses were also received by email from individual hackney carriage and private hire licence holders. These responses can be seen at **Appendix 3**.
- 3.28 No objections or representations have been received from West Mercia Police in respect of the proposed changes.
- 3.29 Most of those who made written representations objected to the proposed changes being made to the hackney carriage stand in Unicorn Hill. Some of the concerns raised included:
- The disruption that would be caused during the works
 - The changes will exacerbate current problems with unlawful parking on the existing hackney carriage stand
 - Increased enforcement or ANPR cameras are needed to stop unlawful parking on hackney carriage stands
 - The new layout would provide insufficient spaces for hackney carriages to stand for hire
 - There is already a shortage of spaces on the existing hackney carriage stand
 - A loading bay is unnecessary on Unicorn Hill
 - Additional public parking is not necessary on Unicorn Hill as there are plenty of public car parks around the town.
 - The changes will have a negative impact on passengers that have disabilities
- 3.30 The planned public realm improvement works would inevitably involve some disruption to vehicular traffic in the area whilst they are ongoing. Those delivering the public realm improvement works have said that disruption for hackney carriage drivers and passengers could potentially be mitigated by the provision of a temporary stand for hackney carriages as close as possible to the permanent facility.

LICENSING COMMITTEE15th July 2024

- 3.31 Licensing officers recognise that there are already issues being reported by licensed drivers regarding members of the public, delivery drivers and private hire drivers parking vehicles unlawfully on the existing taxi rank in Unicorn Hill.
- 3.32 Officers also recognise that, notwithstanding that a loading bay and short-term public parking are included in the proposed layout, it is possible that these reported issues would continue if a new road layout is implemented in Unicorn Hill, unless suitable levels of parking enforcement are provided in the area.
- 3.33 Many of the responses have suggested that Automatic Number Plate Recognition (ANPR) cameras should be implemented to help enforce against those parking unlawfully on the taxi rank in Unicorn Hill.
- 3.34 Under the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022, the general position is that parking contraventions have to be evidenced by direct observation and penalty charge notices (PCNs) have to be fixed to the relevant vehicle or given to the person in charge of that vehicle.
- 3.35 These regulations give very limited powers to authorities throughout England to issue PCNs by post for contraventions detected solely with a camera and associated recording equipment (an approved device).
- 3.36 However, PCNs must not be served by post based on evidence from an approved device other than when vehicles are parked on a:
- bus lane
 - bus stop clearway or bus stand clearway
 - 'keep clear' zig-zag area outside schools
 - red route
 - parking or a loading restriction within a mandatory cycle lane
- 3.37 Therefore until such time as these regulations are amended or replaced, it is not legally possible to issue PCNs by post for parking unlawfully on a taxi rank based on evidence from ANPR cameras.
- 3.38 Officers recognise the concerns have been raised by licence holders about the number of spaces that would be provided for hackney carriages to stand for hire in the proposed new layout of Unicorn Hill.

LICENSING COMMITTEE15th July 2024

- 3.39 However officers are also aware of counter arguments made on a number of occasions over many years that the current parking arrangements in Unicorn Hill are not satisfactory. A petition received from owners of businesses on Unicorn Hill calling for some short-term parking bays to be introduced was considered by the Council's Overview & Scrutiny and Licensing Committees in 2011/12.
- 3.40 In January 2021, the Overview & Scrutiny Committee launched a Short Sharp Review of Parking on Unicorn Hill. The background to the launch of the Short Sharp Review was that during consideration of the Church Green Regeneration item at the meeting of then Overview and Scrutiny Committee held on 3rd December 2020 there was discussion regarding parking outside of the shops on Unicorn Hill. It was noted that the lack of parking within this area and Covid-19 had impacted on the footfall for the shops and businesses and that further scrutiny of this issue would be beneficial for the local economy.
- 3.41 Anecdotal evidence obtained by officer observations of the taxi ranks support the view that, during daytime hours, it is unusual to see more than 3 or 4 hackney carriages standing for hire on the existing stand for hackney carriages in Unicorn Hill. Officer observations confirm that the stand is much more heavily used in the evenings and at night.
- 3.42 The Council's Centres' Officer has provided information collected by the CCTV team in accordance with the Council's CCTV policy. This data demonstrates the number of taxis seen parked in the Unicorn Hill taxi rank at 10:00, 14:00, 18:00 and 22:00 across a 28-day period in February and March 2024.
- 3.43 The information can be seen at **Appendix 4** and appears to support the anecdotal evidence that during daytime hours, there are currently more spaces available for taxis on the taxi rank than are required to meet demand.
- 3.44 Whilst there are a number of public car parks available around the town, such off-road car parks normally cater for demand for medium to long term parking. Demand for short-term parking, for periods of up to around one hour is more commonly met from on-street parking, which is not currently available on Unicorn Hill.

LICENSING COMMITTEE15th July 2024

- 3.45 Section 63 (3) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

Nothing in this section shall empower a district council to appoint any such stand—

- (a) *so as unreasonably to prevent access to any premises;*
- (b) *so as to impede the use of any points authorised to be used in connection with a local service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;*
- (c) *on any highway except with the consent of the highway authority;*

and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

- 3.46 The locations of the proposed stands for hackney carriages in Unicorn Hill would not unreasonably prevent access to any premises and would not impede the use of any points authorised for the taking up or setting down of passengers by a local service or PSV operator's licence.
- 3.47 The locations of the proposed stands for hackney carriages in Unicorn Hill also would not interfere unreasonably with access to any station or depot of any road passenger transport operators.
- 3.48 The locations of the proposed stands for hackney carriages in Unicorn Hill would be on the highway. The highway authority not only consents to the proposed stands for hackney carriages, but they have also been working in partnership with Redditch Borough Council in designing the proposed layout of Unicorn Hill as part of the project to make improvements to the public realm in this area.
- 3.49 The proposed changes to the layout of Unicorn Hill would see the removal of the existing bus stop that is currently located in front of the existing stand for hackney carriages. There are no other bus stops in the locality that the Council needs to have regard to in reaching its decision.

LICENSING COMMITTEE15th July 2024

- 3.50 When preparing this report, officers have considered the section of the Department for Transport's "Taxi and Private Hire Vehicle Licensing Best Practise Guidance for Licensing Authorities in England" entitled "Taxi Ranks and Roadside Infrastructure". Officers do not believe that that implementing any of the changes that are being proposed to the existing hackney carriage stand in Unicorn Hill would contradict anything contained in this guidance.
- 3.51 Officers have also taken into account the Department for Transport's publication "Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure." Chapter 10 of this guide relates to "Taxi Ranks" and is shown at **Appendix 5**.
- 3.52 The proposed stands for hackney carriages would be sited so that passengers board or alight onto the footway from the near-side of the vehicle. Officers have been assured that the proposed locations of the stands for hackney carriages would provide sufficient unobstructed footway to allow the deployment of wheelchair ramps and adequate manoeuvring space for wheelchair users.
- 3.53 In conclusion, whilst the representations and objections are recognised and acknowledged, there are counter arguments to some of these and others where the concerns being raised can be mitigated.
- 3.54 Officers acting on behalf of Worcestershire County Council have confirmed that the consultation process on amending the TROs has now been completed with no objections being raised by the public or businesses.
- 3.55 This process is however entirely separate to the process that would need to be undertaken by Redditch Borough Council in respect of the Hackney Carriage Stand Orders. It is important that Members recognise that they are not required to direct officers to make changes to the Hackney Carriage Stand Orders, just because the TRO consultation process has been completed by the County Council.
- 3.56 Members are asked to consider the responses received and then having done so, decide whether or not to direct Officers to undertake the required legal processes to make, alter or revoke any Hackney Carriage Stand Orders in respect of Unicorn Hill.

4. RISK MANAGEMENT

- 4.1 Failure to carry out the legal process to appoint new hackney carriage stands in Unicorn Hill may cause delays and lead to other negative consequences in respect of the wider public realm improvement works planned for this area.

5. APPENDICES

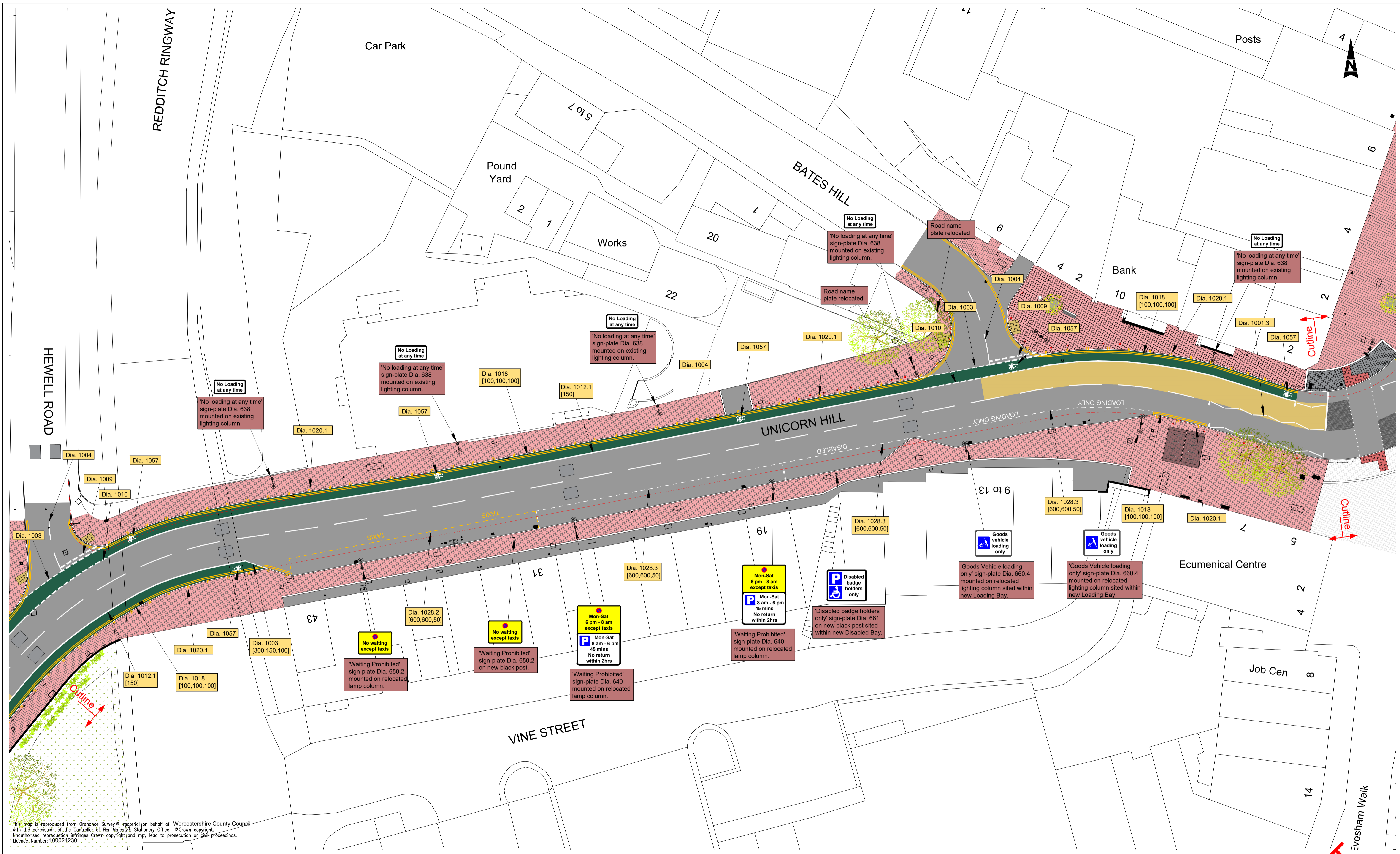
- Appendix 1 - Drawing of Proposed Layout
- Appendix 2 - Response on behalf of Redditch Taxi Association
- Appendix 3 - Other responses received
- Appendix 4 - Information provided by CCTV team on use of Unicorn Hill Taxi Rank by taxis
- Appendix 5 - Excerpt from "Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure."

AUTHOR OF REPORT

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Worcestershire Regulatory Services

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worcestershire
countycouncil

Worcestershire County Council
County Hall
Spetchley Road
Worcester
Worcestershire WR5 2NP

Note:

1. Do not scale from this drawing.
2. All measurements are in metres unless stated differently.
3. Limited Waiting on Bates Hill to be changed from 30min
Waiting No Return 4hrs, to 45min Waiting No Return 2hrs.

--- Existing Channel Alignment
shown for reference.

PURPOSE OF ISSUE: FOR INFORMATION

Rev	By	Chkd	Apprvd	Date	Description
A					Limited Waiting' Text lines amended. Notes added.

Project:

Redditch Public Realm
Town Centre Improvements Scheme
Phase 3

Title:

TRO Amendments
Unicorn Hill (East)

Drawn by: GMB	Date: Sept 2023
Checked by: JNB	Date: Sept 2023
Approved by: -	Date: -
Drawing No. JNR-SL-154	Revision A
Drawing Scale: 1:250 @ A1	

DRAFT
21/10/23

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From: asim nazir <[REDACTED]>
Sent: Wednesday, January 31, 2024 12:38 PM
To: Dave Etheridge <[REDACTED]>
Subject: Unicorn Hill Rank

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

Hope you are well. I am hoping there has been a good response from the consultation. I have been speaking to the drivers who only work the ranks, and have a collective response from them. It addresses some of the current and past issues and what challenges we will face in the future.

Regards
Asim

To all involved with the restructuring of the Unicorn Hill Rank

We as a trade appreciate the regeneration of the town centre as this will hopefully boost the local economy and bring more people in the town.

We as a trade are upset that none of us including our association were informed of the changes being made. No consideration has been given to driver welfare. Many of the drivers in the past as well as now cannot understand why the rank has to always make way for parking spaces.

With the kingfisher shopping centre in decline, Unicorn Hill is the main rank in the entire town that provides hope for drivers in the future to make some kind of liveable wage.

With the restructuring of the rank, we as trade do have a few concerns. The current rank has not been maintained and enforcement of illegally parked vehicles is pretty much non-existent. After the first taxi forum meeting in November 2023 the trade was assured there will be more enforcement to tackle the problem of out of town private hires as well as private cars. The enforcement is yet to be carried out especially after 6pm in the evening. The signage for the taxi only parking is also a little too small, thus leading to drivers getting into confrontation with non-taxis when trying to get them to move on. No authorities are willing to take responsibility on who can prosecute the non-taxis parked up.

With the proposed structure of the rank we believe even after 6pm the rank will become non-existent for taxi drivers to use if adequate enforcement is not put into place. As a trade we would like to suggest a system of ANPR to be installed. This will not only deter non-taxis from parking there, but also income received to be reinvested into the town. We as a trade are suffering from loss of income when we cannot get a parking space, and with two local operators allowed a licence right outside a taxi rank, many customers walk away to these private hire companies. From most towns and cities Redditch sticks out as a trade where the licensing has allowed two operators right outside a hackney rank.

Will the drivers be guaranteed enforcement and better signage? Will ANPR be installed so that the rank is not misused?

We would also like for a feeder rank for extra taxis when the proposed rank is full before 6pm. As we believe this has been overlooked.

We as a trade also understand other businesses on Unicorn Hill need somewhere for their customers to park and also for loading and unloading. Currently all the business can load /unload at the rear of their premises. The customers have ample parking around the town including Bates Hill which is sufficient enough for the public to walk to the surrounding businesses. For disabled customers we agree a couple of spots are required so that they can have easy access to the businesses they wish to use. But we believe that once again other disabled users whose disabilities cannot be seen have been overlooked. Many of these customers rely on taxis parked on the rank to get them home safely. Many of these customers have complex mental health, anxiety needs or even autism. This change may affect them, as drivers know who these regular customers are and help them down the hill to get them to who is first on the rank. This we believe will not be possible as the view from the bottom becomes difficult to see and could lead to a lot of distraught passengers.

If the decision makers decide to go ahead with the proposed changes the trade strongly believes that not only our livelihoods being affected but a free for all to park.

Taxi drivers must be guaranteed that the proposals being made are fair and do not impact our livelihood, and proposals being made are not purely based on businesses based on Unicorn Hill. As we believe these business are struggling due to other factors other than parking.

From: BiG A <[REDACTED]>
Sent: Wednesday, December 20, 2023 10:29 AM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn Hill Taxi Rank

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.

How does this benefit the taxi drivers?

How does this benefit the public?

What difference will it make to the existing traffic passing through on a daily?

Is the funding that's been provided necessary to be used towards these proposed changes, if so why?

If you decide to go ahead with this, what kind of disruption will this cause for taxi drivers?

How long will the road work be carried out for? It's one of the busiest roads in town area for taxi drivers and general public

Will this prevent taxi drivers from picking up customers of the rank for a certain period - which may have a financial impact on a taxi driver's earnings?

Will any temporary alternatives be implemented meanwhile?

Will taxi driver fees be reduced if these changes make a significant impact on taxi driver's earnings?

Just some questions I'd like a detailed response to please.

Thanks

From: mohammed rafiq <[REDACTED]>
Sent: Wednesday, December 20, 2023 10:44 AM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject:

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.

Regarding the taxi rank changes, can i suggest there is something more set in stone so it only allows taxis in the 24hr bay. As we have the issue of private cars parking up daily interupting the que,also blocking view of taxis infront to maintain a formed que.

From: Khuram Qayyum <[REDACTED]>

Sent: Wednesday, January 17, 2024 2:36 PM

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

Subject:

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 I don't want changes to the rank in redditch. If the public want to park their vehicles they can park on the opposite side. You have loads of Hackney vehicles and you are only providing 7 spaces where the rest of the cars suppose to park and work. You can't provide us spaces in hospital in the train station you guys can't even fix the feeder rank which was a waste of money yet still not working. I am happy the way the rank is if you want to make changes give us spaces in the hospital and train station and lower the rates on your fees because there is a shortage of work in January and February.

From: Asif Ali <[REDACTED]>
Sent: Tuesday, January 23, 2024 9:00 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn hill taxi rank

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.

Dear Mr Etheridge,

Many thanks for your email in regards to the proposed changes to the taxi rank on Unicorn Hill.

As a licensed Redditch Hackney Carriage driver, I unequivocally oppose the proposed changes.

There is already a shortage of space on the rank and decreasing the size of the rank will cause more disruption to not only the drivers but also the users of taxis. The ongoing issue of members of the public illegally parking on the rank requires more attention rather than decreasing the size of the rank. The rank needs to begin where it is proposed on your plans and end at 9-13 Unicorn Hill.

Disabled badge holders currently have exclusive dedicated parking available on Church Road. Also, quoted on the GOV.UK website is the following: "Badge holders may park on single or double yellow lines for up to 3 hours, but in general not where there are restrictions on loading or unloading – indicated by yellow kerb dashes and / or signs on plates." This clearly shows that disabled parking is not an issue on Unicorn Hill. As a courtesy, I propose that three disabled parking bays be allocated where you propose to put a loading bay i.e. beginning at 9-13 Unicorn Hill and ending at the double yellow lines.

A loading bay on Unicorn Hill is completely unnecessary as each and every unit has a rear access complete with loading bay. Placing a loading bay on Unicorn Hill will cause more traffic alongside extra disruption, hazards and danger to road users, pedestrians and public transport.

Illegal parking on the rank is a danger to the public as vehicles are pulling in to the rank and off the rank without due care and attention and causing endless hazards to road users and pedestrians alike. On countless occasions members of the public have mistakenly approached these vehicles assuming they are taxis. This is a major danger to the public which needs to be urgently addressed by the Council before something irreversibly dreadful occurs. I accept that it might not be feasible for the Council to have traffic wardens on 24 hour patrol which is why I propose the best way forward for the Council would be to install ANPR cameras on Unicorn Hill (similar to bus lane cameras) to penalise any illegal vehicles parked on the rank.

There is currently sufficient parking on Bates Hill aswell as car parks on Bates Hill and Hewell Road next to the Golden Cross. To alleviate any sort of parking issue, I propose that the taxi rank on Queen Street be reduced to allow three taxis to wait and the rest of the area be allocated parking.

I hope that the Council accepts my proposals and agrees that this is the right course of action to take.

Yours sincerely,

Mr Asif Iqbal (Redditch Hackney Carriage licence holder)

From: asim nazir <[REDACTED]>
Sent: Wednesday, January 24, 2024 10:34 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn hill rank

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.

Dear WRS

I am responding to the adjustments being made to the Unicorn hill rank.

As someone who has been driving taxis for over 2 decades, I do not agree with the decision to shorten the current rank by the amount of spaces being proposed. No consideration has been given for a feeder rank to serve the waiting taxis when the rank is full. Currently there is no enforcement on the ranks, will the new proposals include anpr cameras to ensure that the rank is being monitored to make the spaces available accessible to taxis. Currently the public park as they wish, out of town private hires park and pick up illegally without any action being taken by authorities.

Have the surveys that have been carried out taken disabled customers needs into consideration.? We have customer's that have disabilities that can't be seen. These customers currently as there is no enforcement a lot of them customers get confused and sometimes distressed by accidentally jumping into non taxis. As a driver who uses the rank I feel these customers should not be overlooked.

I would suggest the rank remain as it is with changes made to add the disabled bays at the back of the rank.

Local businesses have rear access to their buildings for loading/unloading. Their customers have plenty of public car parks around the town. The new layout will be misused by the public like going to the kingfisher centre which has plenty of parking.

With 2 local private hire operators right by the rank killing our trade, this proposal will lead to a bleak future for the hackney drivers to remain economically licenced with Redditch Borough Council.

Regards
Hackney driver

From: sahgir mohammed <[REDACTED]>
Sent: Friday, January 26, 2024 8:01 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn hill taxi rank

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.

Dear WRS

The proposed taxi rank aswel as "bay b" is a great idea if it adds value to the local businesses. As a decade long in the hackney taxi trade I do feel that "bay b" maybe abused by general public for using it to go town instead of it's intended purpose of serving the local unicorn hill shops.

Also does the council propose any kind of "anpr" system to monitor that these bays are used correctly as we see that most public park as they wish regardless that it is a taxi rank.

Also as a local the shops across the church abuse parking regulations and becomes a nuance as driving through, maybe a bay for the shops there also should be considered.

Kinds regards

Hackney driver

From: Raja Assad Khan <[REDACTED]>
Sent: Monday, January 29, 2024 11:41 AM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn Hill Taxi Rank

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.

My concern with the unicorn Hill rank is to give taxi drivers the rank because we earn from there and make an income and give community service

Also AMPR cameras

My name is raja assad khan and my badge number is 458

Kind regards

From: ajhaz m <[REDACTED]>
Sent: Monday, January 29, 2024 8:42 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn hill taxi rank

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.

To whom it may concern,

Unfortunately i do not agree with the councils new proposal of the taxi rank layout.

It gives us the drivers less spaces to park whereby we already have limited spaces.

Especially on weekends where we have to park further up unicorn hill and around by the church.

Also there is not control of general vehicles parking on taxi rank.

The police and council should work together to stop vehicles parking on any taxi rank.

Basically disagree with new proposal.

This puts more strain on the hackney carriage drivers where we are already struggling to park our cars.

Plate no 127

Mr mohammed

From: Waqas Ali <[REDACTED]>
Sent: Monday, January 29, 2024 10:41 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject:

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.

Hackney rank is already small for taxis. So i am against it.thanks

Waqas ali

Plate 104

From: Mohammed Naseer <[REDACTED]>
Sent: Tuesday, January 30, 2024 7:25 AM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn Hill taxi rank

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.

Hello,

I reject the proposal of cutting the unicorn hill taxi rank in half. There are multiple hundreds of taxi drivers and there already isn't enough rank space as there is.

There will also be confusion between parked cars and taxis should this parking be extended to the public which isn't safe.

Currently outside five star taxis there is space owned by the council which can park at least five cars and will avoid any issues on current taxi ranks , which as said previously are already overcrowded.

Would you please that?

Mohammed Naseer (Hackney carriage no. 6)

From: Imran Altaf <[REDACTED]>
Sent: Tuesday, January 30, 2024 5:52 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn hill taxi rank

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.

I am strongly opposed to the recommendations made regarding the existing layout and operating function of the rank. The rationale behind the changes does not make any logic as already there are limited taxi spaces for the 125 hackney carriage vehicles in Redditch. Furthermore, there is already no enforcement or very limited resources to implement any enforcement action on the existing rank. Therefore, drivers are always being verbally abused by occupiers of private vehicles parking illegally on the taxi rank. These proposals will add further to the already existing tensions and issues arising from lack of enforcement. I feel no real consultation has been done with the trade and police regarding the ongoing issues and problems regarding Unicorn Hill rank. I would also suggest rather than asking for an email response, it would be better to hold an open meeting with the police, enforcement officers and all the licensed hackney carriage drivers and any relevant bodies that have made these suggestions. I would also suggest implementing ANPR on the taxi rank and increasing enforcement before any absurd suggestions are made by people who are not affected by any changes whatsoever.

From: tufael ahmed <[REDACTED]>
Sent: Tuesday, January 30, 2024 5:57 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn Hill Taxi Rank

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.

Dear Mr Etheridge,

Many thanks for your email in regards to the proposed changes to the taxi rank on Unicorn Hill.

As a licensed Redditch Hackney Carriage driver, I unequivocally oppose the proposed changes.

There is already a shortage of space on the rank and decreasing the size of the rank will cause more disruption to not only the drivers but also the users of taxis. The ongoing issue of members of the public illegally parking on the rank requires more attention rather than decreasing the size of the rank. The rank needs to begin where it is proposed on your plans and end at 9-13 Unicorn Hill.

Disabled badge holders currently have exclusive dedicated parking available on Church Road. Also, quoted on the GOV.UK website is the following: "Badge holders may park on single or double yellow lines for up to 3 hours, but in general not where there are restrictions on loading or unloading – indicated by yellow kerb dashes and / or signs on plates." This clearly shows that disabled parking is not an issue on Unicorn Hill. As a courtesy, I propose that three disabled parking bays be allocated where you propose to put a loading bay i.e. beginning at 9-13 Unicorn Hill and ending at the double yellow lines.

A loading bay on Unicorn Hill is completely unnecessary as each and every unit has a rear access complete with loading bay. Placing a loading bay on Unicorn Hill will cause more traffic alongside extra disruption, hazards and danger to road users, pedestrians and public transport.

Illegal parking on the rank is a danger to the public as vehicles are pulling in to the rank and off the rank without due care and attention and causing endless hazards to road users and pedestrians alike. On countless occasions members of the public have mistakenly approached these vehicles assuming they are taxis. This is a major danger to the public which needs to be urgently addressed by the Council before something irreversibly dreadful occurs. I accept that it might not be feasible for the Council to have traffic wardens on 24 hour patrol which is why I propose the best way forward for the Council would be to install ANPR cameras on Unicorn Hill (similar to bus lane cameras) to penalise any illegal vehicles parked on the rank.

There is currently sufficient parking on Bates Hill aswell as car parks on Bates Hill and Hewell Road next to the Golden Cross. To alleviate any sort of parking issue, I propose that the taxi rank on Queen Street be reduced to allow three taxis to wait and the rest of the area be allocated parking.

I hope that the Council accepts my proposals and agrees that this is the right course of action to take.

Yours sincerely,

Mr Tufael Ahmed (Redditch Hackney Carriage licence holder)

-----Original Message-----

From: Nisar Afzal <[REDACTED]>
Sent: Tuesday, January 30, 2024 6:15 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn hill taxi rank

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.

Dear Mr Etheridge,

Many thanks for your email in regards to the proposed changes to the taxi rank on Unicorn Hill.

As a licensed Redditch Hackney Carriage driver, I unequivocally oppose the proposed changes.

There is already a shortage of space on the rank and decreasing the size of the rank will cause more disruption to not only the drivers but also the users of taxis. The ongoing issue of members of the public illegally parking on the rank requires more attention rather than decreasing the size of the rank. The rank needs to begin where it is proposed on your plans and end at 9-13 Unicorn Hill.

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Illegal parking on the rank is a danger to the public as vehicles are pulling in to the rank and off the rank without due care and attention and causing endless hazards to road users and pedestrians alike. On countless occasions members of the public have mistakenly approached these vehicles assuming they are taxis. This is a major danger to the public which needs to be urgently addressed by the Council before something irreversibly dreadful occurs. I accept that it might not be feasible for the Council to have traffic wardens on 24 hour patrol which is why I propose the best way forward for the Council would be to install ANPR cameras on Unicorn Hill (similar to bus lane cameras) to penalise any illegal vehicles parked on the rank.

There is currently sufficient parking on Bates Hill aswell as car parks on Bates Hill and Hewell Road next to the Golden Cross. To alleviate any sort of parking issue, I propose that the taxi rank on Queen Street be reduced to allow three taxis to wait and the rest of the area be allocated parking.

I hope that the Council accepts my proposals and agrees that this is the right course of action to take.

Yours sincerely,

Mr Nisar Afzal (Redditch Hackney Carriage licence holder)

From: naz.nadeem4@gmail.com <[REDACTED]>
Sent: Wednesday, January 31, 2024 12:39 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn Hill Redditch (Taxi rank Bay)

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.

Dear, Sir/Madam

Thank you very much for your email in December 2023 with consultation questions and we been given one month to reply that that very generous of you

I am sure you already know the answer of your questions.

I am not going in detail how many licences are issued? and on what conditions and standards applied on vehicles with Hackney carriage licences

Currently in Redditch only two rank in working order and that's No,1unicorn hill and bus station rank with limited spaces these are two ranks majority of licences holders working and try earn there bread & butter.

I as a Hackney carriage licences holder and working in Redditch on ranks

" STRONGLY DISAGREE WITH THIS PLAN "

Nadeem Naz
Badge No.85
Licences No.122
[REDACTED]

From: Khaleel Mohammed <[REDACTED]>
Sent: Wednesday, January 31, 2024 11:58 PM
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: Unicorn Hill Taxi Rank Redditch

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

I'm aware of the new proposals for Unicorn Hill taxi rank so would like to take this opportunity to object to these along with the RTA and almost all Hackney Carriage Drivers
I would also like to take this opportunity to mention the rank on Red Lion Street which is hardly used now to be relocated to a more appropriate location i.e near the library behind post office, Alcester street, which should be made allowed to be used by taxis only

Many thanks
Khaleel
HC115

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Number of Taxi's seen parked in the taxi rank on Unicorn Hill, Redditch (28 day period)

	Max Spaces	10:00	14:00	18:00	22:00	Available
Tues 27.02.24	17	3	1	1	0	12
Wed 28.02.24	17	4	1	1	0	11
Thurs 29.02.24	17	4	2	1	1	9
Fri 01.03.24	17	2	1	0	7	7
Sat 02.03.24	17	3	1	1	4	8
Sun 03.03.24	17	0	2	1	0	14
Mon 04.03.24	17	1	2	1	1	12
Tues 05.03.24	17	2	2	1	0	12
Wed 06.03.24	17	2	5	0	1	9
Thurs 07.03.24	17	1	2	0	0	14
Fri 08.03.24	17	3	3	2	4	5
Sat 09.03.24	17	3	3	1	4	6
Sun 10.03.24	17	2	4	0	1	10
Mon 11.03.24	17	4	4	0	0	9
Tues 12.03.24	17	5	4	0	2	6
Wed 13.03.24	17	3	4	0	2	8
Thurs 14.03.24	17	2	4	0	2	9
Fri 15.03.24	17	6	3	1	7	0
Sat 16.03.24	17	3	4	0	8	2
Sun 17.03.24	17	3	4	0	3	7
Mon 18.03.24	17	4	4	1	2	6
Tues 19.03.24	17	5	4	1	1	6
Wed 20.03.24	17	2	4	2	1	8
Thurs 21.03.24	17	6	6	0	0	5
Fri 22.03.24	17	2	3	1	5	6
Sat 23.03.24	17	2	3	4	5	3
Sun 24.03.24	17	3	2	0	3	9
Mon 25.03.24	17	4	1	2	0	10

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10. Taxi ranks

Wherever feasible to do so, taxi ranks should be provided adjacent to railway, bus and coach stations, and all major trip attractors such as retail areas. If possible, ranks should be located close to the facility being served, with clear signing within the facility showing where they are. Taxi ranks should be sited so that passengers board or alight onto the footway from the near-side of the vehicle.

The width of unobstructed footway should be sufficient to allow the deployment of wheelchair ramps (up to **1620mm**) and adequate manoeuvring space for the wheelchair user. The suggested total width is **4040mm**.

A dropped kerb or raised road crossing should be provided close to the rank if passengers need to cross a street to get to or from the taxis, together with the appropriate tactile paving surface.

Ranks should be clearly signed and have seating close by. Additionally, consideration should be given to lighting and might also be given to facilities such as shelters.

Information might be provided at the rank on services available and calling a taxi. If the rank does not have taxis regularly standing at certain times, the information might explain these times. It can be helpful including for blind or partially sighted people to provide embossed information, QR codes, or a button that can be pressed for audible information.

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LICENSING COMMITTEE15th July 2024**GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES**

Relevant Portfolio Holder	Councillor M Stringfellow
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 Principles under the Gambling Act 2005 took effect on 31st January 2022. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. Therefore, a new Statement of Principles must be published by 31st January 2025.
- 1.2 As part of the process of preparing a Statement of Principles for the three-year period beginning on 31st January 2025, the Licensing Committee are now asked to approve a draft Statement of Principles for the purpose of consultation with relevant parties.

2. RECOMMENDATIONS

- 2.1 **Members are asked to RESOLVE;**

To approve the draft Statement of Principles shown at Appendix 1 for the purpose of consultation with relevant parties.

3. KEY ISSUES**Financial Implications**

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

Legal Implications

- 3.2 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.
- 3.3 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.4 When preparing a Statement of Principles, the Council is required to consult with:-
- the Chief Officer of Police for the Authority's area;
 - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

Service / Operational Implications

- 3.5 Redditch Borough Council is a licensing authority in accordance with the provision of the Gambling Act 2005.
- 3.6 Each licensing authority is required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 3.7 The Council's current Statement of Principles took effect on 31st January 2022 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2025.
- 3.8 Since the current Statement of Principles took effect, there have been no significant amendments to the provisions of the Gambling Act 2005. Nor have there been any major changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with or the Gambling Commission's statutory Guidance to Licensing Authorities (GLA).

LICENSING COMMITTEE15th July 2024

- 3.9 However, in April 2023 the government did publish a long-awaited white paper entitled “High Stakes: Gambling Reform for the Digital Age.” The White Paper sets out the government’s plan for reform of gambling regulation, following the review of the Gambling Act 2005 that was first launched in December 2020.
- 3.10 The white paper contained a number of proposals for reforming gambling regulation in the following areas:
- Online protections – players and products
 - Marketing and advertising
 - The Gambling Commission’s powers and resources
 - Dispute resolution and consumer redress
 - Children and young adults
 - Land-based gambling
- 3.11 Whilst many of the proposed reforms are not directly relevant to the role that the Council plays in the regulation of gambling activities, there are some proposed changes that are directly relevant. These include:
- Proposals to relax the rules on the split of low and medium maximum stake machines in certain licensed gambling premises.
 - A review of the premises licence fees cap for local authorities.
 - Introducing new powers to local authorities to conduct cumulative impact assessments for gambling premises.
 - Proposals to change the rules that allow under 18s to play Category D gaming machines that pay cash prizes.
 - Proposals to make provisions within the Gambling Commission’s code of practise on the siting of gaming machines in licensed premises legally binding.
- 3.12 Following the publication of the white paper, several different consultations have been undertaken by both the Department for Culture, Media and Sport and the Gambling Commission concerning the various proposals for legislative reform.
- 3.13 At this stage however, it is unclear when the government will bring forwards the required legislation to implement the proposed reforms.
- 3.14 This presents something of a dilemma for licensing authorities such as Redditch Borough Council, as they are required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. The Council’s next statement of principles needs to be prepared and published before 31st January 2025.

LICENSING COMMITTEE15th July 2024

- 3.15 As the timescales for legislation to be brought forward are unclear at this stage, officers are recommending that no substantive changes are made to the statement of principles at the present time and therefore very few changes are being proposed in the draft statement of principles that is shown at **Appendix 1**.
- 3.16 Indeed the only changes that officers believe need to be made at the present time are as follows:
- Updating the dates shown on the front page
 - Updating the population figure given in the introduction section to reflect the latest census figures.
 - Updating the dates between which consultation on the draft statement of principles will have taken place.
 - Updating the boundary map at Appendix A of the statement of principles to reflect new Ward boundaries implemented since the existing statement of principles took effect.
 - Updating the list of consultees at Appendix B of the statement of principles to include additional gambling and other relevant trade associations.
- 3.17 As well as having to prepare and publish a new statement of principles before every successive three-year period, licensing authorities are able to review their statements during those three-year periods and are able to revise the statement at any point in time if they think it is necessary.
- 3.18 Therefore, whilst officers do not believe that any substantive changes are required to the statement of principles at the present time, it is considered highly likely that a revised statement of principles will need to be prepared and published between 31st January 2025 and 31st January 2028 in order to make any revisions that may be necessary as a result of any regulatory reforms enacted in connection with the proposals set out in the white paper.
- 3.19 For now officers are recommending that Member resolve to approve the draft statement of principles shown at **Appendix 1** for the purpose of consultation.
- 3.20 Consultation on the draft Statement of Principles will take place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - The Gambling Commission
 - All other responsible authorities identified under the Act
 - Relevant Trade Associations
 - Public Health

LICENSING COMMITTEE15th July 2024

- Organisations working with people who are problem gamblers
- Parish Councils
- The general public

3.21 The consultation will also be made available for comment via the Council's website and publicised via social media and also through the local press. Given that the proposed changes to the existing Statement of Principles are very minor, it is proposed that consultation take place over a period of 4 – 6 weeks.

3.22 Any responses received during the consultation exercise will be reported back to the Licensing Committee later this year.

4. RISK MANAGEMENT

4.1 Failing to prepare and publish a new Statement of Principles by 31st January 2025 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 Gambling Act 2005.

5. APPENDICES

Appendix 1 - Draft Statement of Principles

AUTHOR OF REPORT

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

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

Tel: (01905) 822799

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www.redditchbc.gov.uk



Gambling Act 2005

Statement of Principles

~~2022 – 2025~~

2025 – 2028

Revised with effect from 31st January **2022 2025**

Contents	Page
Introduction	3
Gambling Act 2005	4
The Gambling Commission	4
Local Area Profile	5
Authorised Activities	5
General Statement of Principles	5
Preventing gambling from being a source of crime and disorder	6
Ensuring gambling is conducted in a fair and open way	7
Protecting children and vulnerable people from gambling	7
Public Health and Gambling	8
Local Risk Assessments	9
Premises licences	10
Responsible Authorities	12
Interested Parties	12
Licence conditions	13
Gaming Machines	14
Gambling in Alcohol Licensed Premises	15
Gambling in Clubs	18
Unlicensed Family Entertainment Centre Permits	21
Prize Gaming Permits	23
Temporary Use Notices	25
Occasional Use Notices	25
Lotteries	25
Exchange of Information	30
Enforcement Protocols	31
Reviews	31
Appendix A – Map of the Borough of Redditch	34
Appendix B – List of Consultees	35

Statement of Principles – Gambling Act 2005

1.0 Introduction

- 1.1 Redditch Borough Council is situated in the County of Worcestershire, which contains 6 District Councils in total. The Borough is approximately 15 miles south of Birmingham. The Council area has an estimated population of around ~~85,000~~ 87,000 and covers an area of around 21 square miles. The population of the Borough has a higher percentage of young people (0 – 15) compared with the rest of the County. There is a very diverse population within the Borough and there are four areas that are within the top 10% most deprived in England.
- 1.2 The Borough of Redditch consists of 2 distinct areas:-
- An essentially urban area, which includes a vibrant and thriving town centre and smaller centres within local districts; and
 - An essentially rural area, which includes Astwood Bank, Feckenham, Elcocks Brook and Ham Green.
- 1.3 The Borough and its address districts are shown in the map at Appendix 'A'.
- 1.4 In our Council Plan Redditch Borough Council has set out our vision “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.” The Council Plan also sets out ~~our strategic purposes and our community and organisational priorities~~ the Council's priorities. This statement seeks to support the delivery of our ~~strategic purposes vision~~ and priorities and to promote the licensing objectives set out in the Act, which are central to the regulatory regime created by the Act. These are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.5 The Licensing Authority has produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as “the Act”) and having had regard to the Gambling Commission’s formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that the Licensing Authority have consulted. The Licensing Authority consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is shown at Appendix B. The consultation took place between ~~6th August 2021~~ INSERT DATE and ~~1st October 2021~~ INSERT DATE in line with current published Government consultation principles. The statement was approved at a meeting of the Full Council on ~~15th November 2021~~ INSERT DATE. Should you have any comments with regards to this policy statement please send them via email or letter to: enquiries@worcestershire.gov.uk.
- 1.6 This statement must be published at least every three years. The statement may also be reviewed from ‘time to time’ and any amended parts re-consulted upon.

- 1.7 The Licensing Authority intends that this document should provide information and guidance on the general approach that the Licensing Authority will take to licensing. A series of advice sheets with more specific guidance is available on request; advice tailored to individuals is available by phone or to personal callers.
- 1.8 Nothing in this statement takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, below.

2.0 Gambling Act 2005

- 2.1 This statement reflects and aims to support our strategic purposes, community priorities and organisational priorities, as set out in the Council Plan.
- 2.2 The Act provides for gambling to be authorised in a number of different ways. Our main functions are to:
- licence premises for gambling activities, including the issue of provisional statements;
 - regulate and grant permits for gambling and gaming machines in clubs, including commercial clubs,
 - regulate gaming and gaming machines in alcohol licensed premises;
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
 - grant permits for prize gaming;
 - receive and endorse notices given for the temporary use notices;
 - receive occasional use notices for betting at tracks;
 - register small societies lotteries;
 - maintain public registers; and
 - provide information to the Gambling Commission on issued licences.
- 2.3 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises. The “National Lottery” is also regulated by the Gambling Commission. Spread betting is regulated by the Financial Conduct Authority.

3. The Gambling Commission

- 3.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.
- 3.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.
- 3.3 In addition, the Commission’s role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.
- 3.4 Information about the Gambling Commission can be found on the Internet at: www.gamblingcommission.gov.uk or by phone: 0121 230 6666.

4 Local Area Profile

- 4.1 Alongside its Statement of Principles, the Licensing Authority has worked with the other Licensing Authorities in Worcestershire and other partners to develop a “Local Area Profile” for the County as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.
- 4.2 This Local Area Profile takes account of a wide range of factors, data and information held by the Licensing Authority and its partners. An important element of preparing the Local Area Profile has been proactive engagement with responsible authorities as well as other organisations in the area that could give input to ‘map’ local risks in the area.
- 4.3 These include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as GamCare or equivalent local organisations.
- 4.4 The aim of the Local Area Profile is to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Local Area Profile will also help to inform specific risks that operators will need to address in their own risk assessments, which forms a part of any new licence application, or any application made to vary a licence.
- 4.5 The Local Area Profile is published on the Licensing Authority’s website and will be updated on a regular basis to reflect changes to the local environment. Holder’s of premises licences will be notified whenever the Local Area Profile is updated.

5. Authorised Activities

- 5.1 ‘Gambling’ is defined in the Act as gaming, betting, or taking part in a lottery.
- ‘Gaming’ means playing a game of chance for a prize.
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.
 - A lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

6. General Statement of Principles

- 6.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - in accordance with this Statement of Principles; and
 - reasonably consistent with the licensing objectives.

- 6.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 6.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority will follow the required procedures and only take into account issues that are relevant. Specifically, the Licensing Authority will not have regard to “demand” when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority does decide to reject an application, the Licensing Authority will make known the reasons for doing so.
- 6.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this Statement of Principles they are referred to collectively as the ‘Licensing Authority’.
- 6.5 Where an application is for a new premises licence, the responsible authorities will usually visit to check that gambling facilities meet all necessary legal requirements.
- 6.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 6.7 If there are objections that cannot be resolved informally, or the Licensing Authority intends to impose extra conditions, the Licensing Authority will hold a public hearing at which the Licensing Sub-Committee will hear evidence and make a decision in accordance with the Act.
- 6.8 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

7. Preventing Gambling from being a Source of Crime and Disorder

- 7.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 7.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator’s licence, and would not generally be concerned with the suitability of an applicant. Where concerns about a person’s suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.

- 7.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors registered by the Security Industries Association.
- 7.4 'Disorder' is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers. Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police assistance were required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 7.5 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the Police.
- 8. Ensuring Gambling is conducted in a Fair and Open Way**
- 8.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.
- 8.2 As betting track operators do not need an operating licence from the Commission, the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.
- 9. Protecting children and vulnerable people from being harmed or exploited by gambling**
- 9.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.
- 9.2 Codes of Practice – including advice about access by children and young persons – may be published by the Gambling Commission for specific kinds of premises. Applicants are expected to heed this advice where applicable.
- 9.3 The Licensing Authority expects steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.
- 9.4 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

- 9.5 In seeking to protect vulnerable people the Licensing Authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 9.6 The Licensing Authority will always treat each case on its individual merits and when considering whether specific measures are required to protect children and other vulnerable people, will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.
- 9.7 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

These principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 9.8 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Worcestershire Safeguarding Children Partnership for this purpose.

10. Public Health and Gambling

- 10.1 The Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.
- 10.2 Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are however significant numbers of people who do experience significant harm as result of their gambling.
- 10.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.
- 10.4 There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.
- 10.5 Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling-related harms in its area.

- 10.6 The licensing authority will therefore engage with the local Public Health team in the further development of this Statement of Principles and the Local Area Profile. It is planned that the Public Health team will be able to help the Licensing Authority:
- Identify and interpret health data and evidence to inform the review of the Statement and develop locally tailored local area profiles.
 - Make decisions that benefit and protect the health and wellbeing of local communities.
 - Be clear on issues which they can have regard to when deciding on licenses for a wide range of gambling activities.
 - Conduct a health-impact assessment of gambling in the local area or assess any existing information.

11.0 Local Risk Assessments

11.1 Since 6 April 2016 it has been a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.

11.2 The Licensing Authority will expect the local risk assessment to consider, for example:

- whether the premise is in an area of deprivation;
- whether the premise is in an area subject to high levels of crime and/or disorder;
- whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
- the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
- how vulnerable persons as defined within this Policy are protected.

11.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy and the Local Area Profile.

11.4 Other matters that the risk assessment may include are, for example:

- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.
- Where installed, details of CCTV coverage and how the system will be monitored.
- Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved.
- The number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
- Where only one staff member is employed – in the case of smaller premises, – what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason.
- Provision of signage and documents relating to games rules, gambling care providers.
- The mix of gambling provided.
- Consideration of primary gambling activity and location of gaming machines.

- 11.5 Applicants for premises licences are encouraged to consider, as part of their risk assessment, any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 11.6 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new premises licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary. The Licensing Authority expects a copy of the most recent local risk assessment to be kept on each premises that is subject to a premises licence under the Gambling Act 2005.
- 11.7 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.
- 11.8 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- 11.9 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. The Licensing Authority has created a Local Area Profile to assist applicants and licence holders to conduct their local risk assessments.
- 11.10 The Licensing Authority expects local risk assessments to be kept under review and updated as necessary. The Licensing Authority expect local risk assessments to be subject to a review whenever there is a significant change at or near the premises and in any event at least every twelve months.

12.0 Premises licences

- 12.1 A premises licence can authorise the provision of facilities at the following :
- casino premises
 - bingo premises
 - betting premises, including betting tracks
 - adult gaming centres
 - family entertainment centres
- 12.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.

- 12.3 This will allow large, multiple unit premises such as tracks, shopping malls or service stations to obtain discrete premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partition, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.
- 12.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not allowed to 'drift' accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. The Licensing Authority would also expect customers to be able to participate in the activity named on the premises licence.
- 12.5 The Secretary of State appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos may be located. The Borough of Redditch was not identified as a suitable location for a casino; consequently the Licensing Authority is currently prevented from granting a Casino Premises Licence.
- 12.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.
- 12.7 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 12.8 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 12.9 When considering applications for premises licences the Licensing Authority will not take into account either the expected 'demand' for facilities or the likelihood of planning permission or building regulation approval being granted, as well as 'moral' objections to gambling. Equally, the grant of a premises licence would not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.
- 12.10 The Licensing Authority are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.
- 12.11 The Licensing Authority will only issue a premises licence once the Licensing Authority are satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of a premises is not yet complete, or if they need alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made.

12.12 The Licensing Authority will apply a two stage consideration process if there is outstanding construction or alteration works at the premises:

- should the premises be permitted to be used for gambling;
- can appropriate conditions be imposed to cater for the situation that the premises is not yet in the state in which they should be before gambling takes place.

12.13 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.

12.14 The Licensing Authority will maintain a public register of premises licence applications received which may be viewed at the Council Offices during normal office hours which are generally Monday – Friday 9am until 5pm.

13.0 Responsible authorities

13.1 Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify any risks. The responsible authorities that the Licensing Authority recognises are listed below, contact details for each of the responsible authorities identified are available on our website www.redditchbc.gov.uk, and will be sent on request.

- the Gambling Commission
- the Chief of Police for the area
- Fire & Rescue Service
- Redditch Planning Department
- Environmental Services Department
- Worcestershire Safeguarding Children Partnership
- HM Revenue and Customs
- Redditch Licensing Department
- any other bodies identified in Regulation by the Secretary of State,
- for vessels, the Environment Agency, Canal and River Trust, Secretary of State.

13.2 Any concerns expressed by a Responsible Authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives. However, each representation will be considered on its own individual merits.

14.0 Interested Parties

14.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons in either of the two groups above.

14.2 The Licensing Authority will generally require written evidence that a person/body 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representations

is sufficient. Whilst this may not apply to those elected ward members or MP or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal 'minority'.

- 14.3 In determining whether someone lives sufficiently close to a particular premises so as to be affected, the Licensing Authority will take into account, among other things :
- the size of the premises
 - the nature of the premises
 - the distance of the premises from the person making the representation
 - the identity of the complainant
 - the potential impact of the premises
- 14.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:
- the size of the premises
 - the catchment area of the premises, and
 - whether the person making the representation has business interests in the catchment area that might be affected
- 14.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 14.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:
- who is making the representation and whether there is a history of making representations that are not relevant,
 - whether it raises an issue relevant to the licensing objectives, or
 - whether it raises issues specifically to do with the premises which are the subject of the application.
- 15.0 Licence conditions**
- 15.1 The mandatory and default conditions prescribed under the Gambling Act 2005 are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives
- 15.2 However in exceptional circumstances when considering-particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.
- 15.3 The Licensing Authority will also ensure that where category C or above machines that are on offer in premises to which children are admitted are located in an area of the premises

which is separated by a physical barrier to prevent access other than through a designated entrance; the designated area is supervised and observed by staff or the licence holder.

- 15.4 Examples of conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling from non-gambling areas frequented by children, SIA licensed door supervisors, appropriate signage for adult only areas, age limits, or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicant to offer their own suggestions as to ways in which the licensing objectives can be promoted effectively.
- 15.5 The Licensing Authority will not seek to control those matters specified in the Act with conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
 - relating to gaming machine categories or method of operation;
 - which specify that membership of a club or other body is required; or
 - in relation to stakes, fees, winnings or prizes.
- 15.6 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.
- 16.0 Gaming Machines**
- 16.1 Gaming machines include all types of gambling activity which can take place on a machine, including betting on 'virtual' events.
- 16.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.
- 16.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:
- casinos;
 - bingo premises;
 - betting premises, (including tracks);
 - adult gaming centres;
 - family entertainment centres;
 - clubs;
 - pubs and other alcohol licensed premises;
 - travelling fairs.
- 16.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.
- 16.5 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

17 Gambling in Alcohol Licensed Premises

- 17.1 There are exemptions in the Act that provide for a limited amount of gambling activity to take place within premises that are subject to a relevant valid alcohol licence.
- 17.2 These exemptions only apply where a premises is subject to a licence that authorises the sale of alcohol for consumption on the premises and that has a bar at which alcohol is served without a requirement that alcohol is served only with food.
- 17.3 In all cases the licensing authority considers that gambling must remain ancillary to the main purpose of the premises.

Automatic entitlement to two gaming machines

- 17.4 Section 282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 17.5 This is not an authorisation procedure. The Licensing Authority has no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.
- 17.6 The Licensing Authority expects licence holders making machines available in accordance with their automatic entitlement to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.
- 17.7 The Licensing Authority can remove the automatic authorisation in respect of any particular premises by making an order under section 284 of the Act. The Licensing Authority can do so if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 17.8 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and will consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

Licensed Premises Gaming Machine Permits

- 17.9 Where the holder of a relevant alcohol licence wishes to make more than two gaming machines available, they may apply for a licensed premises gaming machine permit. Such a permit can authorise the provision of any number of category C or D gaming machines within the relevant licensed premises.
- 17.10 The Licensing Authority expects licence holders making machines available in accordance with a licensed premises gaming machine permit to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.
- 17.11 Applications must be made by a person or organisation that holds the on-premises alcohol licence for the premises for which the application is made and must include information on the premises to which it relates and the number and category of gaming machines sought.
- 17.12 The Licensing Authority may also require an applicant to submit a plan of the premises showing where the gaming machines are to be located and showing the position of the bar.
- 17.13 In determining an application, the Licensing Authority must have regard to the licensing objectives and to the Gambling Commission's Guidance to Licensing Authorities. The Licensing Authority may also take account of any other matters that are considered relevant to the application.
- 17.14 In particular the Licensing Authority will have regard to the size and nature of the premises, the number of gaming machines requested and the ability of the licence holder to comply with the relevant code of practice.
- 17.15 The application does not require notification to the Commission or police before determination, however, the Licensing Authority is able to specify this as a requirement should they see fit.
- 17.16 The Licensing Authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the Licensing Authority will issue the permit as soon as possible after that. Where they refuse the application they will notify the applicant as soon as possible, setting out the reasons for refusal. The Licensing Authority will not refuse an application, or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.
- 17.17 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority will notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.

- 17.18 The Licensing Authority can also cancel a permit if the holder fails to pay the annual fee, unless failure is the result of an administrative error. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.
- 17.19 The applicant may appeal to the Magistrates' Court against the Licensing Authority's decision not to issue a permit. The holder can also appeal against a decision to cancel a permit.

Exempt Gaming

- 17.20 Exempt gaming is generally permissible in any relevant alcohol licensed premises. Such gaming must be equal chance gaming and must be ancillary to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 17.21 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 17.22 The Secretary of State has set both daily and weekly prize limits for exempt gaming in alcohol licensed premises and details of these can be found on the Gambling Commission's website.
- 17.23 The Licensing Authority expects exempt gaming in alcohol licensed premises to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.
- 17.24 The Licensing Authority can remove the automatic authorisation for exempt gaming in respect of any particular premises by making an order under s.284 of the Act, if:
- provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.279, for example the gaming does not abide by the prescribed limits for stakes and prizes, a participation fee is charged for the gaming or an amount is deducted or levied from sums staked or won
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 17.25 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

18 Gambling in ClubsDefining Clubs

18.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:

- members' clubs (including miners' welfare institutes)
- commercial clubs.

This is an important distinction in respect of the gaming that may take place.

- 18.2 A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working mens' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations.
- 18.3 Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.
- 18.4 A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.
- 18.5 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Exempt Gaming

- 18.6 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 18.7 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 18.8 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and details of these can be found on the Gambling Commission's website.
- 18.9 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount they may charge is as prescribed in regulations and the relevant details can be found on the Gambling Commission's website. However in order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.
- 18.10 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Club Gaming Permits

- 18.11 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming (without having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in regulations namely pontoon and chemin de fer. This is in addition to the exempt gaming authorisation detailed above.
- 18.12 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 18.13 Where a club has gaming machines the licensing authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Club Machine Permits

- 18.14 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the Licensing Authority for a club machine permit under s.273 of the Act. This type of permit authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.
- 18.15 Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.
- 18.16 Where a club has gaming machines the Licensing Authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Applications for Club Gaming Permits and Club Machine Permits

- 18.17 Applications for permits must be accompanied by the prescribed documents and fees and must be copied to the Gambling Commission and the Chief Officer of Police within the prescribed period. The Commission and the Police may object to the permit being granted and if such objections are received, the Licensing Authority will hold a hearing.
- 18.18 The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit.

18.19 The Licensing Authority can only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years
- e) an objection has been lodged by the Commission or the police.

18.20 If the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. The Licensing Authority will have regard to relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives.

18.21 In cases where an objection has been lodged by the Commission or the police, the Licensing Authority is obliged to determine whether the objection is valid.

18.22 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under s.72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced.

18.23 This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12.

18.24 Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

Determining Applications for Club Gaming Permits

18.25 When determining applications for Club Gaming Permits the Licensing Authority will take steps to satisfy itself that the club meets the requirements of the Act and to enable this to happen, clubs may be asked to supply additional information and documents in support of their application.

18.26 The Licensing Authority is particularly aware of the potential for club gaming permits to be misused for illegal poker clubs.

18.27 In determining whether a club is a genuine members' club, the Licensing Authority will take into account the matters set out in relevant part of the Gambling Commission's Guidance to Licensing Authorities.

18.28 A visit to the premises before granting of the permit may also be undertaken to assist the Licensing Authority to understand how the club will operate.

Maintenance of Permits

18.29 Club Gaming Permits and Club Machine Permits will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

18.30 A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to the authority. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. The Licensing Authority must inform the Police and the Commission when a permit has been surrendered or lapsed.

Cancellation and forfeiture of permits

18.31 The Licensing Authority may cancel the permit if:

- the premises are used wholly by children and/or young persons
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

18.32 Reference here to 'a permit condition' means a condition in the Act or in regulations that the permit is operating under.

18.33 Before cancelling a permit, the Licensing Authority will give the permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make. The Licensing Authority will hold a hearing if the permit holder so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The Licensing Authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

Renewal of permits

18.34 In accordance with paragraph 24 of Schedule 12 of the Act, an application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application.

18.35 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

18.36 If, at the time a permit is renewed, the applicant holds a club premises certificate, the fast-track procedure will apply as it does when application is first made for the permit.

19 Unlicensed Family Entertainment Centre Permits

Introduction

19.1 Unlicensed family entertainment centres (uFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.

19.2 uFECs are premises which are 'wholly or mainly' used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

Applications for Unlicensed Family Entertainment Centre Permits

- 19.3 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence under the Gambling Act 2005 is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.
- 19.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used as an uFEC, which shows the location of any gaming machines that will be provided if the permit were to be granted.
- 19.5 The Licensing Authority requires applicants for uFEC permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made. Where the applicant is a company, a Basic Disclosure certificate must be supplied in respect of each director of the company.

Consideration of Applications

- 19.6 The Licensing Authority can grant or refuse an application for a permit, but cannot add conditions. An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application.
- 19.7 When considering an application, the Licensing Authority will consider the suitability of the applicant. Given that family entertainment centres are likely to appeal particularly to children and young persons, the licensing authority will give particular weight to matters relating to the protection of children from being harmed or exploited by gambling.
- 19.8 In considering the application, the Licensing Authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 19.9 The Licensing Authority may also consider asking applicants to demonstrate:
- that they have suitable policies and procedures in place for the safeguarding of children and young persons.
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - that employees at the premises are suitably vetted
 - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 19.10 The Licensing Authority may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.

- 19.11 The permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. There is no annual fee for an uFEC gaming machine permit.
- 19.12 The permit may lapse for a number of reasons, namely:
- if the holder ceases to occupy the premises
 - if the Licensing Authority notifies the holder that the premises are not being used as an uFEC
 - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
 - if the company holding the permit ceases to exist, or goes into liquidation.

Renewal of a Permit

- 19.13 An application for renewal of an uFEC gaming machine permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. Licensing Authority may only refuse to renew a permit on the grounds that:
- an authorised local authority officer has been refused access to the premises without reasonable excuse
 - renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit.
- 19.14 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

20. Prize Gaming Permits

- 20.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 20.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

Applications for Prize Gaming Permits

- 20.3 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises under the Gambling Act 2005. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.
- 20.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used for gaming with prizes.

- 20.5 The Licensing Authority requires applicants for prize gaming permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.

Consideration of Applications

- 20.6 In considering an application, the licensing authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 20.7 The Licensing Authority can grant or refuse an application for a permit, but cannot add conditions.
- 20.8 The Licensing Authority will grant a prize gaming permit only if they have consulted the chief officer of police about the application. The Licensing Authority will take account of any objections that the police may wish to make which are relevant to the licensing objectives.
- 20.9 Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.
- 20.10 A permit cannot be issued in respect of a vessel or a vehicle.
- 20.11 The Licensing Authority will ask the applicant to set out the types of gaming that they are intending to offer and expects that the applicant should be able to demonstrate that:
- they understand the limits to stakes and prizes that are set out in regulations
 - the gaming offered is within the law.
- 20.12 The Licensing Authority will not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- 20.13 If granted, the permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 20.14 The permit may lapse for a number of reasons:
- if the holder ceases to occupy the premises
 - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
 - if a company holding the permit goes into liquidation
 - if the holder (for example a partnership) otherwise ceases to exist.

Renewal of a Prize Gaming Permit

- 20.15 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.
- 20.16 A permit will not cease to have effect while a renewal application is pending, including an appeal against a decision not to renew.

21.0 Temporary Use Notices

- 21.1 These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Licensing Authority would object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.
- 21.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

22.0 Occasional Use Notices

- 22.1 Occasional use notices relate to particular activities at tracks. The Licensing Authority's only role is to ensure that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
- 22.2 The Licensing Authority will share information with the Gambling Commission in relation to any Occasional Use Notices received. The Licensing Authority may also work in partnership with the Gambling Commission to carry out test purchase operations involving licensed operators that are providing facilities for betting in reliance on an Occasional Use Notice.

23. Lotteries

Introduction

- 23.1 A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Act.
- 23.2 An arrangement is a simple lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a process which relies wholly on chance.

23.3 An arrangement is a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance.

23.4 The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

23.5 The Licensing Authority is responsible for the registration of societies for the purpose of carrying on “small society lotteries.” Information on other forms of exempt lotteries is available from the Gambling Commission website.

23.6 The Licensing Authority defines ‘society’ as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

23.7 Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in section 2 of the Charities Act 2006
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

23.8 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Registration Applications

23.9 The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Licensing Authority believes that a society’s principal office is situated in another area, it will inform the society and the other Licensing Authority as soon as possible.

23.10 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application.

23.11 If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide

documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:

- A list of the members of the society
- The society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements
- A written declaration from the applicant stating that they represent a *bona fide* non-commercial society.

23.12 The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application—

- an operating licence held by the applicant for registration has been revoked under section 119(1) of the Act, or
- an application for an operating licence made by the applicant for registration has been refused.

23.13 The Licensing Authority may refuse an application for registration if they think that—

- the applicant is not a non-commercial society,
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.

23.14 The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

23.15 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society would be consistent with the Act
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society would be consistent with any relevant code of practise issued by the Gambling Commission

Promotion of small society lotteries once registered

23.16 Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

23.17 The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

23.18 As the minimum age for participation in a lottery is 16, the Licensing Authority expects those societies that it registers to have effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets

- taking action where there are unlawful attempts to purchase tickets.

23.19 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society
- the price of the ticket, which must be the same for all tickets
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (ELM)
- the date of the draw, or information which enables the date to be determined.

23.20 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

23.21 The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

23.22 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following criteria to all small society lottery operators:

23.23 Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

23.24 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Financial Returns

23.25 As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

23.26 The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed

23.27 The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery

held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

23.28 The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

23.29 The Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

23.30 The Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.

23.31 Where societies run more than one lottery in a calendar year, the Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

23.32 The Licensing Authority will notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

Revocation of a registration

23.33 The Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

23.34 Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

23.35 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society to continue would be consistent with the Act
- Whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society to continue would be consistent with any relevant code of practise issued by the Gambling Commission.

24.0 Exchange of Information

24.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

24.2 Subject to the provisions of relevant data protection legislation, the Licensing Authority will share any information it receives through the application process with the Gambling Commission and any relevant responsible authority. In doing so, the Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that the Licensing Authority holds about them by contacting our Information Management Officer.

24.3 The Licensing Authority is committed to being open about what it does and how the Licensing Authority comes to decisions, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment. Copies of our FOI publication scheme are available on request from our Information Management Officer or via the Council's website www.redditchbc.gov.uk.

24.4 FOIA also provides the public with a general right of access to information held by public authorities, and subject to exemptions, to be supplied with a copy of that information. Individual requests should be made in writing to the Information Management Officer or via the Council's website.

24.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that the Licensing Authority accepts will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

25.0 Enforcement Protocols

- 25.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 25.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.
- 25.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.
- 25.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.
- 25.5 The Licensing Authority will endeavour to be proportionate; accountable; consistent; transparent and targeted, as well as avoiding duplication with other regulatory regimes so far as possible.
- 25.6 In order to ensure compliance with the law, the Licensing Authority will prepare a risk based inspection programme and will carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium and Low and will also carry out 'non routine' evening programmed inspections. Where a one off event takes place under a temporary use notice or occasional use notice, the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.
- 25.7 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

26.0 Reviews

- 26.1 A review of a premises licence can be requested by interested parties or responsible authorities, however, the Licensing Authority will decide if the review is to be carried out on the basis of the following:
- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission
 - Consistent with the licensing objectives
 - In accordance with our statement of principles.
- 26.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether the Licensing Authority would wish to alter/revoke or suspend the licence.

- 26.3 The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which the Licensing Authority think is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 26.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. The options available are:
- add, remove or amend a licence condition;
 - remove or amend a default condition, such as opening hours;
 - suspend the premises licence for a period not exceeding 3 months;
 - revoke the licence.

DRAFT

REDDITCH BOROUGH COUNCIL EQUAL OPPORTUNITIES STATEMENT

This statement is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate **unlawful** discrimination.
- **Promoting equal opportunities**
- Promoting community cohesion, **including good relations between people from different racial groups.**
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all, and working to engage all sections of the community.

This statement will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group. Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

Redditch Borough Council Boundary



List of Consultees

Chief Officer of West Mercia Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005

Worcestershire Safeguarding Children Partnership

Director of Public Health

District Councillors

Parish Councils

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Gambling and Other Relevant Trade Associations:

Betting and Gaming Council

Bacta

Bingo Association

Gambling Business Group

European Gaming and Betting Association

UK Hospitality

British Beer and Pub Association

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have a gambling problem:

GamCare

Gamblers Anonymous

GambleAware

Gordon Moody Association

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LICENSING COMMITTEE15th July 2024**BUSINESS AND PLANNING ACT 2020**
DRAFT POLICY ON PAVEMENT LICENSING

Relevant Portfolio Holder	Councillor M Stringfellow
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 been given responsibility for the issuing of pavement licences under the Business and Planning Act 2020. The licensing regime, which was implemented during the Covid-19 pandemic and was intended to be temporary, has now been made permanent.
- 1.2 Members are asked to consider and approve a draft Policy on Pavement Licensing for the purpose of consultation with relevant stakeholders.

2. RECOMMENDATIONS

- 2.1 **Members are asked to RESOLVE;**

To approve the draft Policy on Pavement Licensing shown at Appendix 1 for the purpose of consultation with relevant stakeholders.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs involved in carrying out the consultation would be met from existing budgets held by Worcestershire Regulatory Services.
- 3.2 The resource implications for Worcestershire Regulatory Services arising from the implementation and ongoing administration of the permanent regime, will need to be reflected in the Council's future contributions to the Worcestershire Regulatory Services budget.

LICENSING COMMITTEE15th July 2024

- 3.3 The Business and Planning Act 2020 contains provisions allowing Councils to charge fees for the grant and renewal of licences to recover the costs of administering the licensing regime. Certain costs associated with removing and storing furniture placed on the highway without authorisation, can also be recovered by the charging of fees.

Legal Implications

- 3.4 It is considered best practice to have in place a clear and transparent policy that sets out the approach the Council takes in respect of its pavement licensing functions.
- 3.5 It is also considered best practice to carry out consultation on any such policy before it is implemented, in order to minimise the risks of any legal challenge to any aspects of that policy.

Service / Operational Implications

- 3.6 In July 2020 the Business and Planning Act 2020 was enacted. The legislation was expedited through Parliament to make provisions relating to the promotion of economic recovery and growth as the country emerged from various restrictions that had been put in place in response to the global Covid-19 pandemic.
- 3.7 Part 1 of the Act introduced provisions in England and Wales that put in place a streamlined process to enable businesses to obtain permission to place removeable furniture on the highway for use in connection with the sale and consumption of food and drink. The need for a streamlined process was to ensure that hospitality businesses could maximise their opportunities to trade profitably at a time when social distancing requirements guidance remained in place which impacted the number of customers that they could accommodate inside their premises.
- 3.8 Responsibility for issuing the new “pavement licences” was given to district councils in England, including Redditch Borough Council.
- 3.9 As previously mentioned, the legislation was put in place very quickly and was commenced as soon as it was enacted. That meant that there was very little time available to put in place policies and procedures for dealing with applications.

LICENSING COMMITTEE15th July 2024

- 3.10 Worcestershire Regulatory Services agreed to take on the temporary pavement licensing functions on behalf of the Council as they were best placed to do so given that they were already carrying out functions on the Council's behalf under the Licensing Act 2003.
- 3.11 Officers worked at pace to draft policies, application forms, licence templates and website content to enable businesses to be able to apply for pavement licences as soon as possible after the legislation came into force. The policies were approved under emergency delegations in place at the time to allow them to come into effect as quickly as possible.
- 3.12 The provisions in part 1 of the Business and Planning Act 2020 were only originally intended to remain in place for a temporary period, and section 10 of the Act originally stated that the provisions would expire at the end of 30 September 2021.
- 3.13 However, the temporary regime was subsequently extended on three separate occasions before a decision was taken to make it a permanent licensing regime. The regime was made permanent on 31 March 2024 by virtue of the commencement of provisions made in the Levelling Up and Regeneration Act 2023.
- 3.14 At the same time as making the regime permanent, some important amendments were made to the pavement licensing regime including extending the consultation and determination periods in respect of applications from 7 to 14 days each. The permanent regime also contains new powers to serve notices and remove furniture when it has been placed on the highway without permission.
- 3.15 Now that the pavement licensing regime has been made permanent, it is necessary to review and revise the Council's Policy on Pavement Licensing to ensure that it is fit for purpose and reflects the amendments that have been made to the regime since it was first introduced.
- 3.16 A draft Policy on Pavement Licensing has been prepared by officers and can be seen at **Appendix 1**. The draft policy is based on a template that has been created to form the basis for similar policies across all six district Councils in Worcestershire.
- 3.17 The draft policy has been drafted with reference to the guidance on pavement licences published by the Department for Levelling Up, Housing and Communities (DLUHC) on 2nd April 2024 under section 8 of the Business and Planning Act 2020. This guidance can be seen at: www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance.

LICENSING COMMITTEE15th July 2024

- 3.18 The first two sections of the draft policy set out the background to the licensing regime, explains the scope and provides assistance in understanding key terms from the legislation that are used throughout the document.
- 3.19 The draft policy goes on to set out how people apply for a licence, how those applications will be advertised and consulted upon and how they will be determined. The draft policy also sets out the standard duration of licences and the conditions that licences that are granted or deemed to have been granted, will be subject to.
- 3.20 The draft policy also sets out the approach that will be taken in respect of compliance and enforcement activities in respect of the pavement licensing regime.
- 3.21 Before approving the draft policy on pavement licensing, it is considered best practice to carry out a consultation exercise with key stakeholders, relevant businesses and the wider public. This consultation exercise is envisaged to take place over a period of around 8 to 10 weeks and will invite respondents to express their views on the various matters set out in the policy including:
- The requirements for making an application
 - The advertising of, and consultation on applications
 - The standard licence duration
 - The standard conditions that will apply to licences granted or deemed to be granted
 - The approach that will be taken to compliance and enforcement activities
- 3.22 The results of the consultation exercise will be reported back to the Licensing Committee for consideration before Members are asked to approve the policy to take effect.

4. RISK MANAGEMENT

- 4.1 Failing to carry out proper consultation on a policy of this nature before it is implemented, would increase the risk of the policy being subject to a successful legal challenge.

5. APPENDICES

Appendix 1 - Draft Policy on Pavement Licensing

AUTHOR OF REPORT

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Worcestershire Regulatory Services

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***** DRAFT *****

POLICY ON PAVEMENT LICENSING

BUSINESS AND PLANNING ACT 2020

APPROVED WITH EFFECT FROM: DATE TO BE CONFIRMED

**REDDITCH BOROUGH COUNCIL
POLICY ON PAVEMENT LICENSING
BUSINESS AND PLANNING ACT 2020**

CONTENTS

<u>Section</u>		<u>Page</u>
1.0	Background and Introduction	3
2.0	Scope of the Licensing Regime and Definition of Key Terms	4
3.0	Applying for a Licence	6
4.0	Advertising and Consulting on Applications	8
5.0	Determining Applications	9
6.0	Licences Deemed to be Granted	11
7.0	Licence Duration and Conditions	12
8.0	Compliance and Enforcement	13
9.0	Equalities	15
10.0	Rights of Appeal	16
11.0	Planning Permission	17
12.0	Hazards or Obstructions on the Highway	18
Annex A	Template Public Notice	19
Annex B	Standard Conditions for Pavement Licences	21
Annex C	Statutory Conditions for Pavement Licences	23
Annex D	Table of Delegated Functions	24

1.0 BACKGROUND AND INTRODUCTION

- 1.1 Pavement licences are issued by the Council under the provisions of the Business and Planning Act 2020.
- 1.2 The Business and Planning Act 2020 created a streamlined process to allow businesses to apply for a licence to place removable furniture over certain highways adjacent to a premises in relation to which the application is made, for certain purposes.
- 1.3 The Business and Planning Act 2020 was originally passed in summer 2020 in response to the significant adverse impacts the Covid-19 pandemic was having on businesses in the hospitality sector and was originally only intended to be in place for a short period of time. The purpose of the legislation was to make it quicker and simpler for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway.
- 1.4 The Levelling Up and Regeneration Act 2023 made permanent the provisions set out in the Business and Planning Act 2020 and it is hoped that this will provide much needed ongoing support for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs.
- 1.5 This policy sets out the Council's approach to its functions and responsibilities with regard to the issue of pavement licences in its area. The policy document sets out a number of relevant matters including:
 - The Council's interpretation of the scope of, and key terms in, the relevant legislation
 - The Council's requirements in respect of applications for licences
 - The general approach and matters that the Council will take into account when determining applications for licences, including those who will be consulted
 - The conditions that the Council will attach to licences granted or deemed to be granted
 - The Council's approach to enforcement and revocation of licences
- 1.6 In formulating this policy, the Council has had due regard to the guidance issued by the Secretary of State under section 8 of the Business and Planning Act 2020.

2.0 SCOPE OF THE LICENSING REGIME AND DEFINITION OF KEY TERMS

What businesses can apply for licences?

- 2.1 Pavement licences can be applied for by businesses that use (or propose to use) premises for the sale of food or drink for consumption on or off the premises. Businesses that are eligible include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets or entertainment venues that also sell food or drink.
- 2.2 Businesses that do not use their premises for the sale of food or drink, for example hairdressing salons, are ineligible. However these businesses can apply to the relevant highway authority for permission to place furniture on the pavement under provisions contained in part 7A of the Highways Act 1980.

What furniture can be permitted by a licence?

- 2.3 A pavement licence can only permit the business to place removable furniture on a relevant highway. The Business and Planning Act 2020 states that furniture means:
- (a) counters or stalls for selling or serving food or drink,
 - (b) tables, counters or shelves on which food or drink can be placed,
 - (c) chairs, benches or other forms of seating, and
 - (d) umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink;
- 2.4 This furniture is required to be removable and related to the serving, sale and consumption of food or drink.
- 2.5 The Council will take a pragmatic common-sense approach when determining whether furniture is genuinely “removable.” However, in order to be considered removable, the Council expects any furniture to be capable of being moved easily and stored away from the relevant highway each night. Furniture that is fixed to either the ground or to walls, for example with screws or bolts, will not be considered by the Council to be removable furniture.

What furniture is not capable of being permitted by a pavement licence?

- 2.6 Any furniture that is not removable or that is not used in connection with the outdoor selling or consumption of food or drink are not permissible by a pavement licence.
- 2.7 Advertising boards are not included in the definition of furniture within the pavement licensing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007.
- 2.8 Applicants that wish to place non-removable furniture onto the highway must apply to the relevant highway authority for permission under the Highways Act 1980.

Where can a licence allow furniture to be placed?

- 2.9 A pavement licence can authorise the placing of removable furniture on part of a relevant highway adjacent to the applicable premises.
- 2.10 The Business and Planning Act 2020 states that “**relevant highway**” means a highway –
- (a) to which Part 7A of the Highways Act 1980 applies, and
 - (b) which is not over Crown land or maintained by Network Rail.
- 2.11 When determining whether the part of the relevant highway is “**adjacent**” to the applicable premises, the Council will adopt a pragmatic approach and consider each case on its merits. In doing so all relevant factors will be considered including:
- How far the part of the relevant highway is from the frontage of the applicable premises;
 - What lies between the part of the relevant highway and the frontage of the applicable premises; and
 - What other businesses that are eligible to apply for a pavement licence are located in the vicinity of the premises that is the subject of the application.

Interaction with section 115E of the Highways Act 1980

- 2.12 Section 115E of the Highways Act 1980 enables the relevant highway authority (Worcestershire County Council) to grant a person permission to use objects or structures on, in or over the highway:
- for a purpose which will result in the production of income;
 - for the purpose of providing a centre for advice or information; or
 - for the purpose of advertising.
- 2.13 However, section 115E (5) of the Highways Act 1980 states that:
- “A council may not under this section grant a person permission to do anything which is capable of being authorised by a pavement licence under section 1 of the Business and Planning Act 2020”
- 2.14 Therefore, where someone is wishing to place removable furniture on part of a relevant highway in circumstances that fall in scope of the Business and Planning Act 2020, they must apply for a pavement licence under that legislation.
- 2.15 In circumstances where someone wishes to use objects or structures on the highway that are not within scope of the Business and Planning Act 2020, they will not be able to apply for a pavement licence, but may be able to obtain permission under section 115E of the Highways Act 1980. Any such requests for permission must be made to Worcestershire County Council who are the relevant highway authority for the area.

3.0 APPLYING FOR A LICENCE

Types of application

- 3.1 The process that someone needs to follow to apply for a pavement licence will depend on whether the application is an application for the grant of a licence or for renewal of a licence.
- 3.2 In order to be considered a renewal application, an application must:
- (a) be made by a person who already holds a pavement licence,
 - (b) be in respect of the premises to which the existing licence relates, and
 - (c) be for a licence to begin on the expiry of the existing licence and on the same terms.
- 3.3 A renewal application must therefore be made before the existing licence has expired. If the existing licence has already expired when the application is made, it will not be treated as a renewal application and will instead be treated as an application for the grant of a licence.
- 3.4 Likewise, if the licence holder wishes to change any of the terms of their licence, including amending the part of the relevant highway that the licence permits the furniture to be placed, then the application will not be treated as a renewal application and will instead be treated as an application for the grant of a licence.

Applying for the GRANT of a pavement licence:

- 3.5 Applications must be made on the Council's standard application form and must be submitted electronically to enquiries@worcsreqservices.gov.uk along with the required supporting documentation and evidence that the required application fee has been paid.
- 3.6 Applications for the grant of a licence must be accompanied by:
- A plan showing the location of the premises shown by a red line, so the application site can be clearly identified
 - A plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items of furniture that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
 - A copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million,
 - Photos or brochures showing the proposed type of furniture (including the means of enclosure such as barriers) and information on potential siting of it within the area applied.

- Evidence of consent from neighbouring frontager(s) to use footway space outside their property (if applicable).

3.7 The application fee is non-refundable in the event that the application is refused or withdrawn or if any licence granted is subsequently surrendered or revoked.

3.8 An application will not be considered complete until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a **complete** application has been made.

Applying for the RENEWAL of a pavement licence:

3.9 Applications must be made on the Council's standard application form and must be submitted electronically to enquiries@worcsregservices.gov.uk along with the required supporting documentation and evidence that the required application fee has been paid.

3.10 Applications for the grant of a licence must be accompanied by:

- A copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million,

3.11 The application fee is non-refundable in the event that the application is refused or withdrawn or if any licence granted is subsequently surrendered or revoked.

3.12 A renewal application will not be considered complete until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a **complete** application has been made.

4.0 ADVERTISING AND CONSULTING ON APPLICATIONS

4.1 The Act requires an applicant for a pavement licence to

- (a) On the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises, and
- (b) Secure that the notice remains in place until the end of the public consultation period which means the period of 14 days beginning with the day after that on which the application is made.

4.2 A template notice for use by applicants can be found at **Annex A** of this policy.

4.3 Before determining an application, the Council will consult with the following bodies:

- Worcestershire County Council (the highway authority)
- West Mercia Police
- Hereford and Worcester Fire and Rescue Service
- Environmental Health Officers at Worcestershire Regulatory Services
- Economic Development & Regeneration (Redditch Borough Council)
- Any relevant Business Improvement District (where applicable)
- The relevant Ward Member(s) for the Borough Council

4.1 Details of applications received and the relevant public consultation periods for each application will also be published at:

www.worcsregservices.gov.uk/licensing/pavement-licences.aspx

5.0 DETERMINING APPLICATIONS

- 5.1 The Council recognises the aims of the Business and Planning Act 2020 and wants to support relevant businesses to achieve growth and economic prosperity in the hospitality sector. The Council will therefore seek to grant applications for licences where possible.
- 5.2 However, this general approach has to be balanced with the need to ensure that the issuing of pavement licences:
- Does not put public health or safety at risk;
 - Does not lead to anti-social behaviour or public nuisance; and,
 - Ensures that the public, particularly those with disabilities such as sight impairment, are unhampered when walking along streets.
- 5.3 The Council will consider all of the relevant circumstances in determining applications and will treat each case on its merits.
- 5.4 In particular the Council will consider whether the licence holder is able to comply with the both the Council's published standard licence conditions and the statutory licence conditions set out in section 5 (5) and section 5 (6) of the Business and Planning Act 2020.
- 5.5 The Council's standard licence conditions are shown in full at Annex B.
- 5.6 The statutory licence conditions are: a no-obstruction condition and a smoke-free seating condition. The statutory licence conditions are shown in full at Annex C.
- 5.7 When determining individual applications, the Council will also have regard to the guidance issued by the Secretary of State under section 8 of the Business and Planning Act 2020.
- 5.8 The Council will not grant a licence when doing so would lead to any of the following effects:
- (a) preventing traffic, other than vehicular traffic, from—
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept

installed for the purposes of that network under, in, on or over the highway.

- 5.9 When considering whether furniture put on a relevant highway by a licence holder pursuant to a pavement licence has or would have the effect referred to in paragraph (a) above, the Council will have regard in particular to the needs of disabled people, and the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.
- 5.10 This list is not exhaustive, and the Council may refuse an application on other grounds including (but not limited to) where the granting of the licence would put at risk public health or safety, lead to antisocial behaviour or public nuisance or unreasonably hamper pedestrian's ability to move freely.
- 5.11 The Council will consider any objections or comments received in respect of the application during the public consultation period, whether made by the bodies consulted or any other person, before the application is determined.
- 5.12 Given the important role it undertakes in maintaining the safety of users of the highway, it is extremely unlikely that a licence will be granted or renewed where objections to an application are received from the highway authority, but in all cases the thoughts of all consultees will be considered.
- 5.13 Having considered any objections or comments received in respect of the application, the Council may:
 - a) Grant a licence subject to the standard conditions
 - b) Grant a licence subject to the standard conditions and any other reasonable conditions that are considered appropriate in the circumstances of the case
 - c) Refuse the application

6.0 LICENCES DEEMED TO BE GRANTED

- 6.1 The Council aims to determine all applications within the determination period provided by the Act. That means that applications will be granted or refused within the period of 14 days beginning with the first day after the public consultation period has ended.
- 6.2 However, if the Council does not make a determination by the end of the determination period, section 3 (9) of the Act provides that the licence for which the application was made is deemed to be granted by the Council to the applicant.

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7.0 LICENCE DURATION AND CONDITIONS

Duration of licences

- 7.1 Unless previously surrendered or revoked, all licences granted by the Council will be valid for a period of two years and will then expire.
- 7.2 Unless previously surrendered or revoked, any licence deemed granted under section 3 (9) of the Act will be valid for two years starting with the first day after the determination period.

Licence conditions

- 7.3 All pavement licences whether granted or deemed granted, will be subject to the Council's published standard conditions. These are published at **Annex B** to this policy statement.
- 7.4 All pavement licences whether granted or deemed granted, will also be subject to the statutory conditions provided for under section 5(4) of the Business and Planning Act 2020. The statutory conditions are shown at **Annex C** to this policy statement.
- 7.5 In addition to the standard conditions and statutory conditions, further reasonable conditions may be attached to individual licences as the Council considers appropriate in the circumstances of the case having regard to any comments or objections received during the public consultation period. The need for further conditions beyond the standard conditions will be considered on a case-by-case basis.

8.0 COMPLIANCE AND ENFORCEMENT

Putting removable furniture on part of a relevant highway without permission

- 8.1 In cases where removable furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, appropriate advice will be given to the relevant business on how they can apply for a licence.
- 8.2 If no licence application is received and the furniture continues to be placed on a relevant highway without the required licence, the Council can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence.
- 8.3 If furniture continues to be placed on the highway, in violation of the notice, the Council may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid.
- 8.4 If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

Breaches of licence condition

- 8.5 The Council will always seek to rectify any issues arising as a consequence of the activities authorised by a pavement licence by engaging in informal discussions with the licence holder in the first instance.
- 8.6 However, if this informal approach does not resolve the issues in a satisfactory way, then formal action can be taken as detailed below.
- 8.7 If the Council considers that a licence-holder has breached any condition of the licence, the authority may—
- (a) revoke the licence, or
 - (b) serve a notice on the licence-holder requiring the taking of such steps to remedy the breach as are specified in the notice within such time as is so specified.
- 8.8 If a licence-holder on whom an enforcement notice is served fails to comply with the notice, the Council may—
- (a) revoke the notice, or
 - (b) take the steps itself and recover the costs of doing so from the licence holder.

- 8.9 The Council may also revoke the licence if it considers that—
- (a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted,
 - (b) as a result of the licence—
 - (i) there is a risk to public health or safety, or
 - (ii) anti-social behaviour or public nuisance is being caused or risks being caused,
 - (iii) the highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence),
 - (c) anything material stated by the licence-holder in their application was false or misleading, or
 - (d) the licence-holder did not comply with the duty to advertise their application.
- 8.10 The Council may also, with the consent of the licence-holder, amend a licence if it considers that—
- (a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted,
 - (b) as a result of the licence—
 - (i) there is a risk to public health or safety, or
 - (ii) anti-social behaviour or public nuisance is being caused or risks being caused,
 - (iii) the highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence),
 - (c) a no-obstruction condition of the licence is not being complied with.
- 8.11 All enforcement activity will be undertaken in line with the principles set out in the Regulator's Code and with regard to any relevant enforcement policies in place.

9. EQUALITIES

- 9.1 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.
- 9.2 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.
- 9.3 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 pavement licences under the Business and Planning Act 2020.
- 9.4 The licensing authority will also look to discharge this duty by making suitable arrangements where requested 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.
- 9.5 In the design and layout of their premises and any areas of the highway used to place furniture, applicants and licence holders are encouraged to consider access and facilities for customers with protected characteristics.
- 9.6 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

10. RIGHTS OF APPEAL

- 10.1 The Business and Planning Act 2020 does not provide any statutory right of appeal against a decision to refuse or revoke a pavement licence. Nor is there a statutory right of appeal against any enforcement notice served on a licence holder.
- 10.2 However, clear and justifiable reasons will always be provided if a licence is refused or revoked, or if an enforcement notice is served on a licence holder.

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11. PLANNING PERMISSION

- 11.1 If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

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12. HAZARDS OR OBSTRUCTIONS ON THE HIGHWAY

- 12.1 Notwithstanding the grant or deemed grant of a licence, the highway authority reserves the right to remove items that present a hazard or obstruction to highway users.

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ANNEX A – TEMPLATE PUBLIC NOTICE

BUSINESS AND PLANNING ACT 2020

NOTICE OF APPLICATION FOR A PAVEMENT LICENCE

I / We(1)

Do hereby give notice that on (2)

I / we have applied to Redditch Borough Council for a pavement licence at:

.....
..... (3)

Known as..... (4)

The application is for:
.....
..... (5)

Any person wishing to make representations to this application may do so by writing to enquiries@worcsregservices.gov.uk by:

..... (6)

The application and information submitted with it can be viewed at:
www.worcsregservices.gov.uk/licensing/pavement-licences.aspx

Signed

Date (7)

Guidance notes on completing this notice of application.

Complete the notice by putting the following information in the numbered spaces:

- (1) Name of the applicant
- (2) Date the application is made (submitted)
- (3) Postal address of the premises
- (4) Name the premises is known by
- (5) Brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink]).
- (6) Last date for representations being the date 14 days after the date the application is submitted to the local authority.
- (7) The date the notice was placed (must be the same date as (2) above)

On the same day that the application is made, a completed copy of this notice must be fixed to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises, and secure that the notice remains in place until the end of the public consultation period.

Failure to comply this requirement may lead to the revocation of any licence granted or deemed granted.

ANNEX B – STANDARD CONDITIONS FOR PAVEMENT LICENCES

1. The licence must only be used for the purpose of placing removable furniture on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the licence holder's business premises.
2. Furniture may only be placed within the area of the highway identified on the plan that is annexed to the licence.
3. The licence holder must ensure that furniture is positioned in such a way so that staff can service the space regularly for cleaning and other purposes, in a manner that does not compromise their health and safety.
4. Any furniture shall be kept in a clean, safe and well maintained condition. Any canopies or umbrellas must be adequately secured.
5. Any furniture must be made of suitable materials to ensure that it cannot easily be pushed or blown over by the wind and thereby cause obstruction. Lightweight plastic "patio" style furniture is therefore not permitted.
6. Clear routes of access along the footway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances suggested by the Department for Transport "Inclusive Mobility" guidance document. A minimum useable footway width of 1.5m must be maintained for pavement users including those using mobility aids such as walking frames, wheelchairs and mobility scooters.
7. The licence holder shall not make excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
8. Unless otherwise specified on the licence, the licence holder must not place any furniture on the highway in pursuance of this licence before 07:00hrs on any day and must remove all furniture placed on the highway in pursuance of this licence when the premises closes or by 23:00hrs on any day, whichever is the earliest.
9. Unless otherwise specified on the licence, all furniture must be stored securely away from the highway between the hours of 23:00hrs and 07:00hrs and at all other times when the premises is closed.
10. The licence holder must observe and comply with any direction made by a Police Officer, Fire and Rescue Officer, or authorised officer of the local authority in relation to the use of the highway, including any direction to remove furniture from the highway. These public bodies will not be liable for any loss of earnings arising as a result of the licence holder being required to comply with such a direction.
11. The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million.
12. The area of the highway covered by the licence must be kept clean and tidy at all times. This will include washing down the area, and removing any refuse and litter on the highway in the vicinity of the removable furniture.

13. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.
14. The licence holder must not allow customers using the area to engage in anti-social or disorderly behaviour.
15. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that the conditions above are being adhered to.
16. If the premises does not hold a premises licence under the Licensing Act 2003 which authorises the sale of alcohol, the licence holder must not allow the sale or consumption of alcohol within the licensed area.
17. Any sales of alcohol within the licensed area must be authorised under the Licensing Act 2003.
18. A copy of the licence must be kept on the premises at all times and be available for inspection by a police officer or authorised officer of the local authority.

DRAFT

ANNEX C – STATUTORY CONDITIONS FOR PAVEMENT LICENCES

1. Anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6). These effects are:
 - (a) preventing traffic, other than vehicular traffic, from—
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

ANNEX D – TABLE OF DELEGATED FUNCTIONS

	Licensing Committee	Licensing Sub-Committee	Head of Regulatory Services
Approval and revision of Policy on Pavement Licensing	X		
Determination of application for grant of a pavement licence (including any specific conditions)			X
Determination of application for renewal of a pavement licence (including any specific conditions)			X
Decision to revoke a pavement licence		X	
Decision to serve notice on the licence holder under section 6 of the Business & Planning Act 2020			X
Decision to amend a licence with the consent of the licence holder under section 6(4) of the Business & Planning Act 2020			X
Decision to serve notice on a person under section 7A of the Business and Planning Act 2020			X

LICENSING COMMITTEE **15th July 2024****LICENSING COMMITTEE WORK PROGRAMME 2024/25****15th July 2024**

- Changes to Unicorn Hill Hackney Carriage Stand – Representations and Objections Received
- Review of Statement of Principles under the Gambling Act 2005
- Draft Policy on Pavement Licensing

23rd September 2024

- Results of Consultation on Draft Statement of Principles under the Gambling Act 2005
- Compliance Testing for Hackney Carriage and Private Hire Vehicles – Viability of approving alternative testing stations
- Safeguarding Refresher Training for Licensed Hackney Carriage and Private Hire Drivers

18th November 2024

- CCTV in Hackney Carriage and Private Hire Vehicles
- Results of Consultation on Draft Policy on Pavement Licensing

10th March 2025

- Annual review of Hackney Carriage table of fares

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Licensing Committee

Monday, 4th March, 2024

MINUTES

Present:

Councillor Karen Ashley (Chair), Councillor Timothy Pearman (Vice-Chair) and Councillors Salman Akbar, Juma Begum, Sharon Harvey, Chris Holz, Emma Marshall, Monica Stringfellow and Sid Khan

Officers:

Vanessa Brown and Dave Etheridge

Democratic Services Officers:

Gavin Day

26. APOLOGIES

Apologies for absence were received from Councillor Joe Baker with Councillor Sid Khan in attendance as substitute.

Apologies were also received from Councillor Anthony Lovell.

27. DECLARATIONS OF INTEREST

There were no declarations of interest.

28. PUBLIC SPEAKING

There was no public speaking.

29. ANNUAL REVIEW OF HACKNEY CARRIAGE TABLE OF FARES

The Principal Licensing Officer, Worcestershire Regulatory Services (WRS), presented the report to Members. The purpose of the report was an annual review of the hackney carriage tables of fares.

Officers drew Members attention to the current table of fares which took effect from 7th May 2022, detailed on page 11 of the Public Reports Pack.

Chair

Licensing Committee

Monday, 4th March, 2024

Fuel Prices had fallen sharply since a high in 2022 when an emergency table of fares review had been called. Officers detailed that although far from the high in 2022, prices were slowly raising in line with other factors such as inflation and the general cost of living.

Although fuel prices had seen a small increase, due to the competition from other providers and the desire to keep prices competitive, the trade did not wish to amend the table of fares.

Officers detailed that the table of fares would be reviewed again in March 2025, unless Members or the trade request to do so sooner. Officers further detailed the time constraints in terms of notice periods and meeting scheduling if an emergency change was required, the Redditch Taxi Association (RTA) were aware of the procedure and the requirement to inform Officers as soon as any problems arose.

After queries from Members, Officers detailed some statistics regarding how Redditch performs when compared to other authorities, in that:

- A league table was regularly updated which detailed the cost a member of the public would pay for a similar journey.
- The fare was measured as a weekday daytime journey of two miles. This was £6.25 for Redditch.
- RBC tabled at 277 of 344 Authorities, with higher numbers indicated a cheaper fare for the traveling public.
- The highest Fare, London (Heathrow) was 1st at £14.20.
- The other Authorities which WRS covered were rated as
 - Wyre Forest - £6.14 (289)
 - Wychavon - £6.20 (287)
 - Malvern - £6.72 (217)
 - Worcester City - £6.90 (183)
 - Bromsgrove - £7.00 (164)

RESOLVED that

the Hackney Carriage Table of Fares be noted.

30. **REVIEW OF STATEMENT OF LICENSING POLICY UNDER LICENSING ACT 2003 - CONSIDERATION OF RESPONSES TO CONSULTATION ON REVISED STATEMENT OF LICENSING POLICY**

Licensing Committee

Monday, 4th March, 2024

The Principal Licensing Officer, Worcestershire Regulatory Services (WRS), presented the report to Members. The purpose of the report was to consider the responses to the consultation regarding the statement of licencing policy.

Officers detailed that during the Licencing Committee held on the 5th October 2023, Members directed Officers to begin the consultation process for the renewed statement of licencing policy, this was detailed on pages 27 to 74 of the Public Reports Pack.

The consultation was advertised using a variety of outlets which included the Council's website, social media and letters sent to consultees. The consultation period was between 11th October 2023 to 15th December 2023.

Two responses were received by Officers, detailed on pages 23 to 25 of the Public Reports pack.

1. West Mercia Police, who supported the policy without amendment.
2. The Wine/Spirit trade who did not raise any objection but provided further information to Officers regarding some suggested guidance in relation to rapid delivery services.

Officers asked Members 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.

Members enquired about the "ask Angela" initiative and bleed kits and if WRS provided training on those initiatives. Officers replied that there was no direct training provided, however, WRS would direct new applicants to guidance which included the areas in question, it would also encouraged licence holders to adopt those initiatives.

Members enquired about government progress regarding Martin's Law and Counter Terrorism policy. Officers detailed that the legislation was under review at a central government level and that once it was finalised, WRS would be able to signpost licence holders to appropriate guidance. Officers further detailed that it was not known what role local Authorities would take, as draft legislation mentioned "regulators", however, no information was available on

who those regulators would be. The Bill was likely to be introduced in late 2024.

On being put to a vote it was

Recommended to Council that

the revised Statement of Licensing Policy shown at Appendix 3 on pages 27 to 74 of the Public Reports pack be approved and published to take effect on 1st June 2024

31. REVIEW OF STREET TRADING POLICY

The Principal Licensing Officer, Worcestershire Regulatory Services (WRS), presented the report to Members. The purpose of the report was to approve the DRAFT revised street trading policy for the purpose of going out for consultation.

Officers detailed that 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 and the new designations would take effect on 1st September 2024

Officers further detailed that as the street designations had been reviewed, The Street trading policy also needed to be reviewed with the intent of both the designations and new policy going live together on 1st September 2024.

During questions from Members, it was detailed that the boundary image shown in page 82 of the Public Reports pack, would be out of date when the new policy came into effect due to the Boundary review which had taken place. Officers detailed that as the image was not integral to the document it would be removed from the DRAFT street trading policy which went out for consultation.

On being put to a vote it was

RESOLVED that

the draft revised Street Trading Policy at Appendix 1 detailed on pages 79 to 101 of the Public Reports pack be approved for the purpose of consultation with relevant stakeholders.

Licensing Committee

Monday, 4th March, 2024

32. WORK PROGRAMME

Officers detailed that the Work programme had a number of items which needed to be discussed with the Chair of the Licencing Committee for the next municipal year after the elections in May.

The responses from the consultation in regard to the Public Realm improvements on Unicorn Hill was being reviewed, the report would come before the Licencing Committee when ready.

Following questions from Members, Officers detailed that there were currently no plans for a licencing regime regarding the sale and regulation of Vapes, and the sale of vapes/cigarettes was not a licensable activity.

33. 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.

34. MINUTES

Restricted.

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

Restricted.

The Meeting commenced at 7.00 pm
and closed at 8.04 pm

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

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