

Licensing Committee

Mon 28th Sep
2009
7.00 pm

Committee Room 2
Town Hall
Redditch



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- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
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Licensing Committee

Agenda

Membership:

Cllrs:	M Braley (Chair)	W Hartnett
	K Banks (Vice-Chair)	N Hicks
	M Chalk	D Hunt
	A Clayton	W King
	J Cookson	J Pearce
	D Enderby	D Smith
	A Fry	D Thomas

<p>1. Apologies</p>	<p>To receive the apologies of any Member who is unable to attend this meeting.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interests they may have in items on the agenda.</p>
<p>3. Minutes (Pages 1 - 8)</p>	<p>To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 5th December 2007. (Minutes attached)</p>
<p>4. Hackney Carriage - Fares (Pages 9 - 14) Head of Environment</p>	<p>To consider a variation of fares for hiring Hackney Carriages within the Borough. (Report attached) All Wards</p>
<p>5. Exclusion of the Public</p>	<p>It may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to the following items of business on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move 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 matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p>

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Minutes

Present:

Councillor A Fry (Chair) and Councillors Banks, Braley, Field, Gandy, Hartnett, Hicks, Hill and Hunt.

Also Present:

Inspector Ian Joseph (West Mercia Constabulary) and Simon Wilkes (Worcestershire County Council Trading Standards Service)

Officers:

J Cooper, S Garratt, S Hanley, A Heighway and L Roberts

Committee Services Officer:

I Westmore

9. APOLOGIES

Apologies for absence were received on behalf of Councillors Boyd-Carpenter, Cookson, R King, W King and Smith.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES

RESOLVED that

the Minutes of the meeting of the Committee held on the 31st of July 2007 be confirmed as a correct record and signed by the Chair.

12. WEST MERCIA CONSTABULARY / WORCESTERSHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE

The Committee welcomed Inspector Ian Joseph of West Mercia Constabulary and Simon Wilkes of the County Council's Trading Standards Service to the meeting.

Inspector Joseph provided a police perspective of licensing. The importance of licensing to the Police was stressed, given that the use and misuse of alcohol resulted in many instances of criminal activity,

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anti-social behaviour and disorder. The glamorisation of binge-drinking was highlighted as a particular problem.

It was stated that the problems experienced within Redditch were not extraordinary but were similar to those faced by many other communities throughout the country. Members were informed of particular initiatives that were undertaken by the Police, including a recent crackdown on underage drinking in the Winyates area which had resulted in the seizure of 87 separate items of alcohol from under 18s within a two week period.

Details were given of further police action related to the misuse of alcohol. Operation Capital Two was mentioned, this being the deployment of considerable numbers of Officers on Friday and Saturday evenings in the Town Centre to prevent the escalation of drunken behaviour. This operation was obviously to the detriment of policing across the rest of the Borough but was considered essential.

The imposition of a Designated Public Place Order (DPPO) for the Town Centre had proved a success story, with the removal of most instances of street drinking from the area, most particularly that section around Church Green.

Licensed premises that were deemed to have a link with alcohol fuelled violence were subject to direct intervention from the Police. Licensees were invited to the Police Station for meetings with the Police and other responsible authorities and the practice had been successful in curtailing problems. The Police continued to gather intelligence in order to highlight potential problems. At the present time, Unicorn Hill was showing as a particular problem area through crime risk surveys.

Inspector Joseph commended the goal of the Dare to Dream initiative of creating a safer urban town. For the future the Police wanted a sustained improvement in community safety throughout the Borough. It was stressed that the Police would not bring forward reviews or suggest additional conditions on applications unless they considered it absolutely necessary.

Simon Wilkes commenced his update by noting that it was a year since his last visit to the Licensing Committee.

The Members were reminded that the Trading Standards Service carried out two series of test purchases for each District during the course of a year. During 2006 Redditch had performed worst of all the Districts in the County whereas, in the current year, only one test purchase had resulted in an under age sale. This demonstrated that the continued action of the Service to identify instances of under age sales was having the desired effect.

The Service was not complacent and recognised that an increasing problem was the purchase of alcohol by over 18s for consumption by under 18s. The Service was working closely with the Substance Misuse Team and a new poster scheme was underway. Another initiative that had commenced was the Responsible Retailer Scheme and it was noted that a number of premises within Redditch had already signed up to this.

The measures in place highlighted the approach adopted by the Service, providing support to businesses in addition to using the enforcement powers open to it. No reviews had been triggered by the Trading Standards Service within Redditch to date but, again, it was stressed that any such action would not be undertaken lightly.

Members commented upon aspects of the presentations. It was noted that images of disorder and binge-drinking on television were often produced with the active co-operation of the Police, potentially weakening the argument against the glamorising of such behaviour. Inspector Joseph acknowledged that the Police did need to bear in mind the differing priorities of the mass media when becoming involved in such ventures. The benefits of the Police being present at Licensing Sub-Committee hearings when there were community safety concerns but the Police had not made representations were highlighted. It was noted that this matter was actively under discussion as the advantage to both sides was apparent.

Clarification was sought as to the extent of partnership working between education welfare, child employment officers and the trading standards service. It was suggested that this area was of importance, given that child workers were particularly susceptible to making under age sales. The illegality of certain forms of employment undertaken by children was a related concern, albeit beyond the remit of the Licensing Committee.

Views were expressed as to the appropriateness of the poster that had been produced to deter the making of under age sales. The objective of the poster was thought commendable but it was suggested that the wording and imagery could be revised to enhance its impact and effectiveness.

RESOLVED that

the oral reports be noted.

13. FINDINGS FROM VISIT TO CARDIFF – LICENSING AND THE REGULATION OF THE NIGHT TIME ECONOMY

The Committee received a report that had been prepared on behalf of the Redditch Crime and Disorder Reduction Partnership (CDRP) arising from a visit to Cardiff by Members and Officers of the Council and representatives of other responsible authorities. The view of the Licensing Committee was being sought prior to the issues contained within the report being considered by the Executive Committee and Council.

Officers explained that the aims of the measures detailed within the report were a reduction in the harm that alcohol caused and increased conformity with the aspirations outlined in the four licensing principles by licensed premises. The CDRP had analysed alcohol related crime and disorder across the Borough and, in the light of information gathered in Cardiff, had come forward with a number of recommendations for achieving these overall aims. In respect of the Council's Licensing function, it was noted that a review of the service was to take place which could have implications for the content of future reports.

Members welcomed the report and many of the suggestions and recommendations that it contained. Certain matters caused considerable debate within the Committee.

The proposal that Members of the Licensing Committee should be better acquainted with the general night-time economy of Redditch and the premises that were the subject of individual applications found favour with most. Increased background knowledge of the applications under discussion and the generalities of the licensing context were seen as positives, although it was recognised that care would need to be taken so as not to compromise Members of a Sub-Committee.

Enhanced training for Members was welcomed, although there was some debate as to the most appropriate form for this training. The benefit of objective assessment of the knowledge of Members in Licensing matters following training was considered but no conclusion reached as to the necessity for such a requirement. Officers outlined the extent of commitment involved in the training course detailed within the report, which was minimal. One difficulty raised was the potential length of time between the receipt of training and Members' subsequent involvement in a hearing. For this reason it was suggested that the provision of refresher training was as important a need to fulfil.

The use of plastic drinks containers to reduce instances of wounding was thought by a number of Members to be a useful measure that could be deployed when and where appropriate, if necessary through the imposition of a condition. The superior quality of modern plastic receptacles was highlighted in this regard.

The culture of excessive drinking was condemned and there was general agreement that tackling this would greatly assist in modifying the behaviour of those who presently caused disorder in the Town Centre and elsewhere. However, it was recognised that this was beyond the scope of the Licensing Committee to address.

RESOLVED that

- 1) **the report be noted; and**
- 2) **the content of the report be endorsed.**

14. LICENSING ACT 2003 – REVIEW OF STATEMENT OF LICENSING POLICY

Members of the Committee considered the draft Statement of Licensing Policy prior to its submission to Council for final adoption.

The Committee endorsed the draft Statement of Licensing Policy, subject to the amendment to the section on the promotion of equality on page 608. It was apparent that the objective of a consistent approach to service delivery across the two Counties of Herefordshire and Worcestershire through a standardised Policy had resulted in the Council's current statement on the promotion of equality being omitted.

A further proposal raised by Members during consideration of the item was the insertion of a statement on the abuse of child employment regulations. Officers undertook to look into this matter in consultation with the Member who had raised it for consideration. It was noted that the Statement of Licensing Policy should remain under constant review once adopted, providing the scope for such an amendment in due course if it was deemed appropriate.

RECOMMENDED that

- 1) **the Council's Statement of Licensing Policy be amended as proposed following the consultation process and as attached to the report to Licensing Committee at Appendix A, subject to the following;**

Promotion of Equality

DELETE:

~~We are committed to eliminating all forms of unlawful discrimination, the promotion of equality of opportunity and good relations between persons of different racial groups. In line with our Equality Statement we will monitor for any impacts resulting from this policy".~~

AND ADD:

"This Statement of Policy recognises the Licensing Authority's obligations under the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups, and other "equalities" obligations under relevant statutory enactments.

This policy is also 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 policy 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" (the Council's approved Equalities Statement); and

- 2) **Officers be requested to investigate and develop policies and procedures, both town wide and area specific, that will ensure a safe and thriving night time economy in the Borough, for Members' further consideration.**

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15. LICENSING SUB-COMMITTEE HEARINGS – RESERVE MEMBERS

Further to a request made at the previous meeting of the Committee, Members received a report containing additional information on the attendance of Reserve Members at hearings of the Licensing Sub-Committee.

It was noted that the present system worked quite adequately and that there were no obvious alternatives that would provide the same level of assurance that unnecessary adjournments could be avoided.

RESOLVED that

the report be noted.

16. LICENSING SUB-COMMITTEE HEARINGS

There were no further matters raised under this item.

The meeting commenced at 7.00 p.m.
and closed at 9.05 p.m.

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CHAIR

Licensing Committee

No Specific Ward Relevance

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HACKNEY CARRIAGE - FARES

(Report of the Head of Environmental)

1. Summary of Proposals

The Committee is asked whether or not to recommend a variation of the fares for the hiring of Hackney Carriages within the Borough. Any variations will need to be advertised and an opportunity given for objections to be made. Any objections duly made must be considered.

The Committee can recommend no increases to the Hackney Carriage Tariff for the year 2009-2010 as proposed by Officers, an increase of 0.9% as shown in the report or it can recommend its own proposals if it wishes. However, any proposed variation to the Council's approved policy would have to be subject to the approval of the full Council

Indices show that inflation is very low at the present time and an increase in the Hackney Carriage Tariff as shown at 5.3 would not necessarily be cost effective for the Hackney Carriage Proprietors due to the meter recalibration charges.

2. Recommendations

The Committee is asked to **RECOMMEND** that

- 1) **there be no increase in the Hackney Carriage fare rates for the year 2009 to 2010.**

or

- 2) **there be an increase in the Hackney Carriage fare rates in line with the current Retail Price Index as detailed in paragraph 5.1 of the report and advertised as required under the Local Government (Miscellaneous Provisions) Act 1976.**

and, if approved, that

EITHER:

- a) **authority be delegated to the Head of Environment, in consultation with the Chair of the Licensing Committee:**

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- i) **to consider any objections received, following public advertisement; and**
 - ii) **to modify the fare rates or confirm the fare rates unmodified, as appropriate; and**
 - iii) **to set a date when the fare rates shall come into operation in line with the statutory requirements as set out in paragraph 3.4 and 3.5.**

OR

- b) **any objections received following public advertisement be reported back to the Committee for consideration.**

OR

- c) **if no objections are received following public advertisement, the increase to take effect from the end of the consultation period.**

3. Financial, Legal, Policy Risk and Sustainability Implications

Financial

- 3.1 If the proposed changes at recommendation 2 are agreed, it will be necessary for the increase to be advertised in a local newspaper, in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The cost of such advertisement can be met by the existing licensing advertising budget.
- 3.2 Hackney Carriage proprietors then choose whether their meters are updated to this higher tariff at a cost of approximately £30.00 per vehicle.
- 3.3 These fares do not affect the Council's budget in that they are fares paid by the travelling public to taxi drivers for taxi rides and are calculated by the taximeters installed in the taxis.

Legal

- 3.4 Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Council has the power to fix rates or fares within the district for the hire of hackney carriages. The rates or fares can relate to time as well as distance and can cover all other charges in connection with the hire of a hackney carriage.

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- 3.5 Section 65 of the Act also requires the Council to publish a notice of the tables informing the public of the proposed changes and specifying the period within which objections may be made to the proposed fare increases. The period for objections can be no less than 14 days from the date of the first publication. If no objection is made during this period the new fares will come into operation on the date of expiration of the specified period. If objections are made and are not withdrawn, the Council has two months from the end of the period for objections to be made, to consider the objections made and set a date for the table of fares, with or without modification, to come into force.

Policy

- 3.6 The former Public and Entertainment Services Committee at its meeting on 21 September 1999, requested Officers to present annual review report showing tariffs increased in line with the retail price index which is currently 0.9% on average.

Risk

- 3.7 If the fares are not increased it may lead to protest action by Hackney Carriage drivers as it has become increasingly difficult to earn a living within the current economic climate; although it is acknowledged that an increase in line with the current policy would make little change to the Tariff.

Sustainability / Environmental

- 3.8 None specific

Report

4. Background

- 4.1 The former Public and Entertainment Services Committee at its meeting on the 21st September 1999, requested Officers to present annual review reports showing tariffs increased in line with the retail price index.
- 4.2 This policy was amended on the 1st November 2006 by the Executive Committee when members resolved that the Retail Price Index and other inflation indices be considered when setting new tariff rates.
- 4.3 This policy was again put before the Executive Committee on 22nd November 2008 when members resolved that petroleum products indices should be taken into consideration as a separate indices.

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- 4.4 The last fare increase was approved on 19th November 2008 and took effect from 12th January 2009. The current rates are shown below.

Mileage

First half mile or uncompleted parts thereof	£2.62p
Subsequent charge	10p per 135 yards or £1.31 p per mile
Waiting time	10p per 40 secs. or 15p per minute
Each person exceeding one	10p
Late Night and Bank Holiday Surcharge	
Midnight to 6.00am every day and all Bank Holidays (excluding Good Friday)	£1.25 per journey
From 6.00pm Christmas Eve to Midnight Boxing Day	DoubleTariff
From 6.00pm New Years Eve to 6.00am New Years Day	Double Tariff
Dogs (with the exception of guide dogs)	£1.35p
Any persons fouling the vehicle will be charged an excess of £75 per journey.	

5. Key Issues

- 5.1 At its meeting on 22nd October 2008 the Executive Committee recommended that Officers take account of petroleum products as well as other retail price indices and the Retail Price Index as resolved by previous Committees when preparing future reports.
- 5.2 The BIS (Department for Business Innovation and Skills) government website which shows retail indices; states that Petroleum products have decreased in cost in real terms by 14.1% since June 2008 and therefore Petroleum products indices are not taken into account for the Hackney Carriage Tariff for the year 2009 to 2010.
- 5.3 The average of the indices below represents a fair reflection of inflation in the year to July 2009 and rises to the nearest penny would produce the following amendments to the Hackney Carriage Fare table.

Retail Price Index	-1.6%
Consumer Price Index	1.8%
All Items RPI excluding interest payments	1.0%
Average Earnings (whole economy)	2.3%
Average of above indices (excluding petroleum)	0.9%

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Effects to fare table:

Mileage

First half mile or uncompleted parts thereof	£2.64p
Subsequent charge	10p per 135 yards or £1.32p per mile
Waiting time	10p per 40 secs. or 15p per minute
Each person exceeding one	10p
Late Night and Bank Holiday Surcharge	
Midnight to 6.00am every day and all Bank Holidays (excluding Good Friday)	
From 6.00pm Christmas Eve to Midnight Boxing Day	Double Tariff
From 6.00pm New Years Eve to 6.00am New Years Day	Double Tariff
Dogs (with the exception of guide dogs)	£1.35p
Any persons fouling the vehicle will be charged an excess of £75 per journey.	

- 5.4 Consultation with the Redditch Taxi Association has taken place and the trade are in agreement with the policy and recognise inflation is extremely low at present and this has little effect to the current tariff.
- 5.5 Within the Private Hire monthly magazine fares are now listed on a regional basis. Based on the most current figurers we have ht current regional average for a 2 mile journey is £4.55p. Redditch currently appears at 5 out of 68 on the table and compares favourably to other authorities in the area being cheaper than our immediate neighbours Bromsgrove, Stratford, Worcester and Warwick but slightly more expensive than Wyre Forest.

6. Other Implications

- Asset Management - None specific
- Community Safety - None specific
- Human Resources - None specific
- Social Exclusion - An increase may affect residents who do not have access to a car.

7. Lessons Learnt

It is noted by Licensing Officers that the majority of Hackney Carriage Proprietors do not increase the charges set on their meters on a yearly basis. They wait until the increase is substantial over a period of years. The legislation states that a meter can show less than the agreed tariff (licensee choice): but not more than the agreed tariff and increasing the tariff by a few pence would not be cost effective to the drivers due to the £30.00 calibration charge.

8. Background Papers

Public and Environmental Services Committee meeting report and minutes 21st September 1999
Executive Committee meeting report and minutes of 22nd October 2008
Details of relevant indices.
Table of current charges Redditch and neighbouring authorities.

9. Consultation

- 9.1 The Hackney Carriage trade, relevant Council Officer and neighbouring Authorities were consulted when proposals indicated in paragraph 5.3 were made.
- 9.2 Additional public consultation will be by way of the response to the statutory notices.

10. Author of Report

The author of this report is Sue Garratt (Licensing Manager), who can be contacted on extension 3032 (email: sue.garratt@redditchbc.gov.uk) for more information.

11. Appendices

There are no appendices for this report.