

# Licensing

## Committee

Mon 17th January  
2011  
7.00 pm

Committee Room 2  
Town Hall  
Redditch



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# Access to Information - Your Rights

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- Automatic right to inspect lists of background papers used in the preparation of public reports.
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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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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact  
Denise Sunman  
Committee Support Services**

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**Minicom: 595528**

# Welcome to today's meeting.

## Guidance for the Public

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### **Agenda Papers**

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

### **Chair**

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

### **Running Order**

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

**Refreshments** : tea, coffee and water are normally available at meetings - please serve yourself.

### **Decisions**

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

### **Members of the Public**

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

### **Special Arrangements**

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

### **Further Information**

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

### **Fire/ Emergency instructions**

**If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.**

**If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.**

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

**Do Not re-enter the building until told to do so.**

**The emergency Assembly Area is on Walter Stranz Square.**

# Declaration of Interests: Guidance for Councillors

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DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

**OR**

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

**and**

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



# Licensing

## Committee

17th January 2011

7.00 pm

Town Hall

### Agenda

#### Membership:

Cllrs:	Michael Braley (Chair)	Adam Griffin
	Anita Clayton (Vice-Chair)	Bill Hartnett
	Kath Banks	Nigel Hicks
	Michael Chalk	Robin King
	Simon Chalk	Wanda King
	Jack Cookson	Jinny Pearce
	Andrew Fry	Brenda Quinney
	Carole Gandy	

<p><b>1. Apologies</b></p>	<p>To receive the apologies of any Member who is unable to attend this meeting.</p>
<p><b>2. Declarations of Interest</b></p>	<p>To invite Councillors to declare any interests they may have in items on the agenda.</p>
<p><b>3. Minutes</b> (Pages 1 - 6)</p>	<p>To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 29th November 2010.  (Minutes attached)</p>
<p><b>4. Licensing Act Review</b> (Pages 7 - 18)  Head of Worcestershire Regulatory Services</p>	<p>To consider an overall review of functions carried out under the Licensing Act 2003 by the Licensing Team for 2010.  (Report attached)  <b>All Wards</b></p>
<p><b>5. Hackney Carriage - Fare Tariff</b>  (Pages 19 - 26)  Head of Worcestershire Regulatory Services</p>	<p>To consider whether or not to recommend a variation of the fares for the hiring of Hackney Carriages within the Borough.  (Report attached)  <b>All Wards</b></p>
<p><b>6. Licensing Committee Work Programme - 2010-2012</b>  (Pages 27 - 28)  Head of Legal, Equalities and Democratic Services</p>	<p>To consider a work programme for the Committee.  (Report attached)  <b>(No Direct Ward Relevance)</b></p>

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## 7. Exclusion of the Public

Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary 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 may be excluded from the meeting for the following matters(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.”**

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## LICENSING

### Committee

29th November 2010

## MINUTES

#### Present:

Councillor Michael Braley (Chair), Councillor Anita Clayton (Vice-Chair) and Councillors Kath Banks, Michael Chalk, Simon Chalk, Andrew Fry, Carole Gandy, Bill Hartnett and Jinny Pearce

#### Officers:

C Flanagan and S Garratt

#### Committee Officers:

D Sunman

#### 19. APOLOGIES

Apologies for absence were received on behalf of Councillors Adam Griffin, Nigel Hicks and Juliet Brunner (Portfolio Holder for Community Safety and Regulatory Services).

#### 20. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 21. MINUTES

##### RESOLVED that

**the minutes of the meeting of the Committee held on 19th July 2010 be confirmed as a correct record and signed by the Chair, subject to the addition of Councillor Andy Fry to the list of those present.**

#### 22. STATEMENT OF LICENSING POLICY 2011-2014 - LICENSING ACT 2003

The Committee received a report asking for its approval to renew the Statement of Licensing Policy 2011 – 2014.

Members were informed that the Statement of Licensing Policy had been prepared in accordance with the provisions of the Licensing Act 2003 and guidance issued by the Secretary of State under Section 182 of the Act.

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Chair

# LICENSING

## Committee

29th November 2010

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Officers reported that letters and a copy of the draft Policy had been sent to all stakeholders and posted on the Council's website with a deadline for responses of 8th September 2010.

Officers had also engaged with Worcestershire Regulatory Services in order to provide a consistent Policy, as far as possible, across all districts in Worcestershire.

### **RECOMMENDED that**

**the Statement of Licensing Policy 2011 – 2014, attached at Appendix 1 to the report, be approved.**

### **23. LICENSING ACT 2003 - POLICY FOR THE CLASSIFICATION OF FILMS**

The Committee was asked to consider adoption of a Policy for the Classification of Films.

Officers reported that the Council does not have a Policy outlining how to deal with films that have not been classified by the British Board of Film Classifiers (BBFC) for Public Exhibition or requests to classify those films.

Members were informed that the Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 and that the Council would be required to adopt such a policy.

Officers reported that the BBFC performs a national classification role. However, the Council as Licensing Authority has the right to classify films that are to be shown in premises licensed under the Licensing Act 2003 such as cinemas, hotels, clubs and public houses.

### **RECOMMENDED that**

- 1) the Policy for the Classification of Films, attached at Appendix 1 to the report, be approved; and**

### **RESOLVED that**

- 2) responsibility for the authorisation of films, which have not already been classified by the BBFC, be delegated to the Director of Planning and Regeneration, Regulatory and Housing Services.**



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### **24. KNOWLEDGE TEST FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Committee was asked to consider updating the existing “knowledge” test required for applicants for a Hackney Carriage Driver’s Licence by adding an “essential skills” test. Members were also asked to consider extending the test to include applicants for a Private Hire Driver’s Licence, who are not currently not tested and also to enable Members to require existing Private Hire Driver’s Licence Holders to take the test, should they appear before the Licensing Sub Committee (Taxis). Officers were asked to report to a future meeting on the Driving Standards Test,

#### **RECOMMENDED that**

- 1) for all new applications for Hackney Carriage and Private Hire Driver’s Licences received after 1st March 2011 the “fit and proper” person policy be amended to require all applicants to take a knowledge test in order to enable the Council to judge if they are “fit and proper” to hold a licence; and**

#### **RESOLVED that**

- 2) the existing “knowledge” test be amended to incorporate an “essential skills” test in the form set out in Appendix 1 to the report; and**
- 3) should an existing Private Hire Vehicle Driver be referred by Officers to the Licensing Sub Committee (Taxis), that Committee may require that they take the “knowledge” test, should that Committee consider it necessary for them to do so.**

### **25. HACKNEY CARRIAGE RANK PROVISION - EVESHAM ROAD**

The Committee received a further update on Hackney Carriage Rank Provision on Evesham Road.

Officers reported that this Committee, at its meeting on 25th January 2010, had approved the provision of an additional Hackney Carriage rank for 6/7 spaces outside Steps Night Club and the re-siting of the current provision of 3 spaces outside the White Hart on the pavement to the roadside opposite the White Hart public house, subject to public consultation.

Members were informed that the public consultation took place between February to May 2010.

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Objections to the proposals were considered by the meeting of this Committee on 3<sup>rd</sup> June 2010, including those of a Ward Councillor, and a site visit by members and the Licensing Manager took place on the late evening of 25th June 2010.

As a result of the site visit the Committee, at its meeting on 19th July 2010, put forward an alternative proposal, which was referred to West Mercia Police Traffic Management Section and Worcestershire Council Highways Department for comment. Officers reported that this alternative suggestion was not supported by either County Council Highways or Police Traffic Management Officers.

Members were informed that Worcestershire County Council Highways Department would require the removal of the current taxi facility located on the footpath outside the White Hart as soon as possible because of vehicle / pedestrian conflict.

Officers reported that all viable options had been considered and consulted upon and that the only option was the one that was previously considered by this Committee on 25th January 2010.

### **RESOLVED that**

- 1) **the new and alternative taxi ranks, as described below and detailed on the Map attached to the report at Appendix 1 of the report, be approved, as required under the Local Government (Miscellaneous Provisions) Act 1976:**
  - a) **re-siting of the rank on the pavement outside the White Hart on Evesham Road to on the road opposite the White Hart incorporating the bus stop between the hours of 8pm and 7am;**
  - b) **a new rank on Evesham Road outside Steps Night Club incorporating the bus stop between the hours of 8pm and 7am;**
- 2) **a letter be sent to those affected on Evesham Road by the changes, prior to publication, to include the following:**

***“This new proposal will help legalise Hackney Carriages ranking on Evesham Road and enable the Responsible Authorities to enforce the New Order, discourage Hackney Carriages parking on pavements and reduce the risk of accidents and road blockages.”***

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## 26. LICENSING COMMITTEE WORK PROGRAMME

The Committee considered its Work Programme for the remainder of the current coming Municipal Year.

Members were informed that the report on Hackney Carriage Fares listed for this meeting had been deferred to the next meeting of the Committee on 17th January 2011.

**RESOLVED that**

**subject to the above amendment, the report be noted.**

The Meeting commenced at 7.00pm  
and closed at 8.05pm

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Chair



**REDDITCH BOROUGH COUNCIL****LICENSING  
COMMITTEE**

17th January 2011

**LICENSING ACT REVIEW**

Relevant Portfolio Holder	Councillor Juliet Brunner
Relevant Head of Service	Steve Jordan, Head of Worcestershire Regulatory Services
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

This report is an overall review of functions carried out under the Licensing Act 2003 by the Licensing Team for 2010. It shows how Licensing Officers are developing working practices and procedures in partnership with the responsible authorities and Community Safety to ensure licence holders comply with all relevant legislation and that our licence trade contribute to a safe and successful night time economy.

**2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that**

**the Annual report on the Licensing Act 2003 be noted.**

**3. BACKGROUND**

3.1 The Council must promote the four licensing objectives which are:

**The Prevention of Crime and Disorder**

- a) The Licensing Authority also has a duty under Section 17 of the Crime and Disorder Act 1988 to do all it can to prevent Crime and Disorder in the District. The Licensing Authority works closely in partnership with all other relevant bodies and works towards the exchange of intelligence where ever possible to prevent Crime and Disorder.

**Public Safety**

- b) The Licensing Authority works in partnership with West Mercia Police and other responsible authorities to ensure the safety of the public who use licensed premises. A targeted approach to inspection and enforcement of licensed premises has been implemented.

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**The Prevention of Public Nuisance / anti social behaviour**

- c) The Licensing Authority has taken an objective view following relevant representations to applications as to the potential for nuisance and anti social behaviour; Officers have worked with the responsible authorities and the applicant to mediate and has attached appropriate and proportionate conditions to the licences with agreement from all parties where necessary in order to prevent it.

**The Protection of Children from Harm**

- d) The Licensing Authority recognises that there are a range of activities for which licences may be sought, meaning that children can be expected to visit many of these premises, sometimes on their own, for food and/or other entertainment.

3.2 The Licensing Act 2003 allows access by children to licensed premises subject to certain statutory restrictions. For example, children are allowed to be on premises, or part of premises, where the primary function is other than the retail sale of alcohol.

- a) Licensing Officers are continuing to work together with the responsible authorities to improve exchange of intelligence to those who have a concern in the protection of children from harm; including the West Mercia Police, Trading Standards and the Safeguarding Children Board.
- b) Officers of the Worcestershire Trading Standards have conducted a programme of test purchases to Shops and off licences in Redditch to assess breaches of selling alcohol to young persons.

3.3 The Council's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact on local residents. Licenses we issue under the Licensing Act 2003 are:

- a) Personal Licence;
- b) Premises Licence;
- c) Temporary Event Notice.

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- 3.4 The Licensing Authority is responsible under the Act for granting licences for any licensable activity, namely:
- a) The sales by retail of alcohol;
  - b) The supply of alcohol by or on behalf of a club or, to the order of a member of the club;
  - c) The provision of regulated entertainment and;
  - d) The provision of late night refreshment.
- 3.5 Late night refreshment means the sale of hot food or drink to members of the public between the hours of 11pm and 5am.
- 3.6 Regulated entertainment provided in the presence of an audience for the purpose of entertaining that audience, which consists of:
- a) The performance of a play;
  - b) The exhibition of a film;
  - c) An indoor sporting event;
  - d) Outdoor boxing or wrestling;
  - e) A performance of live or recorded Music;
  - f) A performance of Dance.

**4. KEY ISSUES**

- 4.1 The annual report includes at Appendix 1 a register of applications, temporary event notices, personal licenses and all other functions carried out under the Act.
- 4.2 There have been 35 credible complaints made to the Licensing Office during the year 1st January 2010 to 31st December 2010 across Redditch and Bromsgrove. A breakdown of Licensing complaints for Redditch which have been investigated by the Local Authority Licensing Enforcement Officer and the Licensing Officer for West Mercia Police are as follows:-

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	<b>2009</b>	<b>2010</b>
Irresponsible Drinks Promotions	1	2
Noise/Disorder related issues	19	16
U18's reported	NA	2
Smoking on Licensed Premises	2	0

This table compares the figures from 2009 against those from 2010. Some of these complaints have been resolved very quickly through mediation, letter or advice, by Environmental Health Officers, Licensing Enforcement Officers and Licensing Police Officer working in partnership whilst others have been prolonged, requiring the gathering of evidence.

- 4.3 No permission is required from the Licensing Authority in relation to Temporary Event Notices. This is a notification scheme; currently the only responsible authority who can object is the Police; who must then serve a counter notice. Premises may have up to 12 events in any one year.
- a) 62 Notices were served on the Council. No counter notices were received from the Police;
  - b) No premises used their full quota of temporary events and therefore no advice was issued regarding the need for a Premises Licence.
- 4.4 Enforcement/Licensing Forum - The Council's Statement of Licensing Policy states that the Licensing Authority would establish protocols with local police and other relevant authorities. The protocols will set out how the Enforcement will be effected by cooperative working between the Licensing Authority (which has certain enforcement duties) and the Police and other Responsible Authorities and gathering evidence on problem premises. This Forum has now been extended to North Worcestershire and is in the early stages and will, once established, feed back into the Crime and Disorder Reduction Partnership (CDRP).
- 4.5 Licensing Officers and Police Licensing Officers are working more in partnership, visiting premises across both districts of Redditch and Bromsgrove. Early Intervention - Where complaints are made against premises, or where there is a concern by Officers that there is a failure of general management, an early intervention programme is commenced. It may be that this information comes via the Police Licensing Officer prompting a joint visit to engage with the Licensee and the Brewery Area Manager.



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- 4.6 This action accords with the Enforcement Policy and National Guidance to follow three distinct stages, (Traffic light warnings)
- a) Advice (green)
  - b) Written warning (amber)
  - c) Licence Review / Court Action for Breach of Statute / Licence Condition (red)
- 4.7 SIA (Security Industry Authority) – Licensing Officers are certified by the Security Industry Authority to carry out inspections of door staff. Two evening inspections have taken place with no issues reported.
- 4.8 Pubwatch - the Licensing Authority has consulted with the representatives from licensed premises and other appropriate bodies by attending the Pubwatch meetings; these meetings are held on a monthly basis, and are attended by most of the town centre licensed premises managers, West Mercia Police, CCTV staff and licensing staff. A member of the Licensing team will continue to attend on a regular basis to discuss and keep under review matters relating to licensing.
- 4.9 It is paramount that Members' receive regular and modern training in the matters of Hearings and Reviews (Licensing Act 2003) and that every opportunity is shared to reduce cost. Redditch and Bromsgrove Members and Officers took part in training at Bromsgrove for the Licensing Act, Gambling Act and Street Trading, which also included a mock review.
- 4.10 Members have been issued with a Guidance folder for the Licensing Act, which includes a copy of the Statement of Licensing Policy, any guidance issued under the Act and the Act itself, this is due to be updated with a copy of the reviewed Statement Of Licensing Policy for 2011-2014.
- 4.11 Parliament is currently looking at "Rebalancing of the Licensing Act" bringing in changes which may/will need to be implemented. (Information sheets will be circulated to Members as soon as Officers know the implementation date) – these changes include:
- a) Introducing late night levy's (premises opening later than midnight – shared revenue between the Local Authority and the Police);
  - b) Changes to the Temporary Event Notice system (extending police response times, allowing Local Authorities to add conditions);

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- c) Removing the “vicinity test” for interested parties;
- d) Applicants to give greater consideration to the local area when making their application;
- e) Giving Local Authorities power to suspend licenses due to non-payment of fees;
- f) Reduce the burden of proof on Licensing Authorities (decision making will become “appropriate” rather than “necessary” to promote licensing objectives);
- g) Increase the weight Licensing Authorities will have to give to relevant representations and objection notices from the Police;
- h) Making local Health bodies responsible authorities.

**5. FINANCIAL IMPLICATIONS**

There are no financial implications within this report.

**6. LEGAL IMPLICATIONS**

- 6.1 The Council is responsible for carrying out the licensing function under the Licensing Act 2003. The Act regulates the sale of alcohol, the provision of entertainment, the showing of film and late night refreshment.
- 6.2 The Council has delegated its licensing function to its Licensing Committee, Sub Committees and Licensing Officers referred collectively to as the “Licensing Authority”.

**7. POLICY IMPLICATIONS**

- 7.1 The Statement of Licensing Policy was prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State under section 182 of the Act. The Council’s Policy was adopted and came into force on the 7th January 2011 and will remain in place until January 2014.
- 7.2 The Statement of the Licensing Policy is a live document, subject to review to meet the changing needs of the community, business circumstances and legislation.

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**8. COUNCIL OBJECTIVES**

To make Redditch a community which is safe.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

There are no risk implications within this report.

**10. CUSTOMER IMPLICATIONS**

None identified.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

None identified.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

None identified.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

None identified.

**14. HUMAN RESOURCES IMPLICATIONS**

None identified.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

None identified.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

Licensing and the regulation of the night time economy plays a key role in the prevention of crime and disorder.

**17. HEALTH INEQUALITIES IMPLICATIONS**

None identified.

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**18. LESSONS LEARNT**

The Statement of Licensing Policy was formally reviewed in 2010 and will be implemented by January 2011. This is a Countywide Policy, but Licensing Officers recognised that “localisms” needed to be built into each District’s Policy as each district may have specific issues which need addressing. It was agreed in partnership with the Responsible Authorities that these “localisms” could be added to the original Policy document as appendices as and when necessary. Licensing Officers and the Responsible Authorities including Community Safety at Redditch have set up a working group to look at local Redditch issues.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

This report has been prepared in consultation with relevant Borough Council Officers and;

West Mercia Police  
Trading Standards

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	Yes
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

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**21. WARDS AFFECTED**

All wards

**22. APPENDICES**

Appendix 1 - Licensing Act 2003 Public Register.

**23. BACKGROUND PAPERS**

Statement of Licensing Policy - Redditch Borough Council.  
Licensing Act Guidance.  
Crime and Disorder Act 1988.

**AUTHOR OF REPORT**

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 COMMITTEE**

**Appendix 1**

17th January 2011

**THE PUBLIC REGISTER**

**Number of Licences at 31st December 2010**

	<b>2009</b>	<b>2010</b>
Personal Licences	456	493
Premises Licences	200	197
Club Premises Certificates	24	23

**Number of Licence Applications Received for the Year 2010**

	<b>2009</b>	<b>2010</b>
Personal Licences	66	39
New Applications for Premises Licences	9	4
Applications to Vary Premises Licences	4	6
Applications to Vary the Designated Premises Supervisor	41	21
Application to Transfer Premises Licences	9	8
Temporary Event Notices	57	62

**Number of Licences which have required Hearings / Review / Appeals 2010**

Hearings	0
Reviews	1
Appeals to Magistrates Court	0

**Number of Licences that have ceased to trade / lapsed licences**

Ceased to trade / lapsed licences ( last 3 years )	4
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**Number of Complaints made against Licensed premises**

<b>Complaints Total</b>	20
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REDDITCH BOROUGH COUNCIL**LICENSING  
COMMITTEE**

Date 17th January 2011

**HACKNEY CARRIAGE - FARE TARIFF**

Relevant Portfolio Holder	Councillor Juliet Brunner
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Non Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 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 increase to the Hackney Carriage Tariff for the year 2011-2012 as proposed by Officer's, an increase of 6% 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.

**2. RECOMMENDATIONS****2.1 The Committee is asked to RECOMMEND that****EITHER**

- 1) **there be no increase in the Hackney Carriage fare rates for the year 2011 to 2012;**

**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:**
- (i) **to consider any objections received, following public advertisement; and**

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- (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. BACKGROUND**

- 3.1 The former Public and Entertainment Services Committee at its meeting on 21st September 1999, requested Officer's to present annual review reports showing the Hackney Carriage tariff increased in line with the retail price index.
- 3.2 This policy was amended on 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.
- 3.3 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 index.
- 3.4 The last fare increase was approved in September 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 £1.31p per mile
Waiting time	- 10p per 40 secs. Or 15 per minute

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Each person exceeding one - 10p

Late Night and Bank Holiday Surcharge

Midnight to 6.00am every day and all  
Bank Holidays (excluding Good Friday) - £1.25p per journey

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.

**4. KEY ISSUES**

4.1 At its meeting on 22nd October 2008 the Executive Committee recommended that Officer's 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.

4.2 The BIS (Department for Business Innovation and Skills) government website which shows retail indices; states that Petroleum products have increased in cost in real terms by 14.% since December 2009 and therefore petroleum indices have been taken into account for the Hackney Carriage Tariff for the year 2011 to 2012.

4.3 The average of the indices below represents a fair reflection of inflation in the year to November 2010 and rises to the nearest penny would produce the following amendments to the Hackney Carriage Fare table.

Consumer Price Index	4.7%
All Items RPI excluding interest payments	3.3%
Average Earnings (whole economy)	2.3%
Petroleum Products Index (Petrol)	14.0%

Average of above indices (including petroleum)	6.2%
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Effects to fare table:

Mileage

First half mile or uncompleted parts thereof - £2.78p

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Subsequent charge	10p per 128 yards - or £1.38p per mile
Waiting time	10p per 40 secs. - Or 15 per minute
Each person exceeding one	- 10p
<b>Late Night and Bank Holiday Surcharge</b>	
Midnight to 6.00am every day and all Bank Holidays (excluding Good Friday)	- £1.25p per journey
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.	

- 4.4 Consultation with the Redditch Taxi Association has taken place, they recognise that the inflation indices show a 6% increase, however, they are extremely concerned that any increase to the Hackney Carriage Tariff would not be tolerated by the public in the current economic climate and their businesses would decline in real terms as a result.
- 4.5 The Taxi Association have requested and are in agreement that the tariff is not increased this year and that this should be balanced with no increase in licence fees.
- 4.6 Within the Private Hire monthly magazine fares are now listed on a regional basis. Based on the most current figures we have the current regional average for a 2 mile journey is £4.96p. The Hackney Carriage Tariff for Redditch District falls slightly below this average at £4.85p.
- 4.7 Redditch 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.

**5. FINANCIAL IMPLICATIONS**

- 5.1 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

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Provisions) Act 1976. The cost of such advertisement can be met by the existing licensing advertising budget.

5.2 Hackney Carriage proprietors then choose whether their meters are updated to this higher tariff at a cost of approximately £30.00 per vehicle.

5.3 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.

**6. LEGAL IMPLICATIONS**

6.1 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.

6.2 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.

6.3 If no objections are made during this period the new fares will come into operation on the date of expiration of the specified period.

6.4 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 those objections and set a date for the table of fares, with or without modification, to come into force.

**7. POLICY IMPLICATIONS**

The former Public and Entertainment Services Committee at its meeting on 21st September 1999, requested Officers to present annual review report showing tariffs increased in line with the retail price index.

**8. COUNCIL OBJECTIVES**

This item links with the Council Priority – Safe

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY  
CONSIDERATIONS**

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None

**10. CUSTOMER IMPLICATIONS**

Any rise in the Hackney Carriage Fare Tariff will impact on the elderly/disabled or vulnerable groups of people who use taxis as their main mode of transport.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

None

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

None

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

None

**14. HUMAN RESOURCES IMPLICATIONS**

None

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

None

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

None

**17. HEALTH INEQUALITIES IMPLICATIONS**

None

**18. LESSONS LEARNT**

It is noted by Licensing Officer's 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

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(licensee choice); but no 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.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Any rise in the Hackney Carriage Tariff will need to be advertised and the period for objections must be no less than two weeks from the first advertisement. Any objections must be duly considered.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	Yes

**21. WARDS AFFECTED**

All wards are affected by this report.

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**22. APPENDICES**

None

**23. BACKGROUND PAPERS**

Private Hire Monthly  
Hackney Carriage Tariff Rate Card  
Executive Committee Report of November 2008

**AUTHOR OF REPORT**

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**LICENSING COMMITTEE WORK PROGRAMME 2010/12**

**29th November 2010**

- Hackney Carriage Fares
- Review of Statement of Licensing Policy for the Licensing Act 2003
- Report on route and language testing for drivers (HC & PH)

**17<sup>th</sup> January 2011**

- Licensing Act – Annual Report

**11<sup>th</sup> April 2011**

**4th July 2011**

**10th October 2011**

**9th January 2012**

**2nd April 2012**

**To Be Allocated To Suitable Available Dates, Dependent On Agenda**

