

Licensing Committee

Mon 17 May
2010
7.00 pm

Committee Room 2
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- 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.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

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

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Welcome to today's meeting.

Guidance for the Public

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

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:-

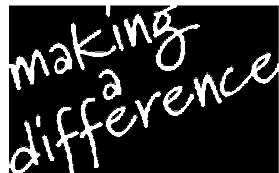
- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these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

17th May 2010

7.00 pm

Committee

Committee Room 2 Town Hall

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 - 6)</p>	<p>To confirm as a correct 25th January 2010. (Minutes attached)</p>
<p>4. Licensing Act 2003 and Gambling Act 2005 – Scheme of Delegation to Officers Head of Legal, Equalities and Democratic Services</p>	<p>To consider variations to the Scheme of Delegation to Officers relating to the Licensing Act 2003 and the Gambling Act 2005. (Report to follow) (No Direct Ward Relevance)</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:</p> <p>“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 of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p>



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Licensing Committee

25th January 2010

MINUTES

Present:

Councillor Michael Braley (Chair), Councillor Kath Banks (Vice-Chair) and Councillors J Cookson, J Field, A Fry, W Hartnett, N Hicks, W King and J Pearce

Officers:

S Garratt, G Revans, C Flanagan

Committee Officers:

Denise Sunman

21. APOLOGIES

Apologies were received on behalf of Councillors A Clayton, Hunt and Smith.

22. DECLARATIONS OF INTEREST

There were no declarations of interest.

23. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 14th December 2010 be confirmed as a correct record and signed by the Chair.

24. VEHICLE SAFETY INSPECTIONS / IN-HOUSE INSPECTIONS

Members considered a report regarding vehicle testing of Hackney Carriages and Private Hire Vehicles licensed by Redditch Borough Council

Members were informed that a Best Value Inspection in 2003 had recommended that vehicle inspections should be provided externally. Two garages had applied and had been authorised to conduct these inspections. Officers reported that 99% of Hackney Carriage and Private Hire vehicle inspections were currently being carried out by one of these garages.

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Chair

The Licensing Manager reported that the Licensing Team, assisted by engineers from Crossgates Depot, had conducted routine spot check inspections of vehicles licensed by the Council. The results of these inspections had raised serious concerns regarding public safety, and clearly indicated that the majority of drivers were not maintaining their vehicles to an acceptable standard throughout the current 12 month test period.

The introduction of 6 monthly testing of vehicles would make a positive contribution in ensuring that all vehicles licensed by Redditch Borough Council would be maintained to an efficient road safety standard, ensure continuous improvement and help ensure that vehicle owners and drivers would maintain their vehicles to appropriate standards. Officers reported that many of the vehicles were in use ever day of the year and that it was not uncommon for mileage to be up to 100,000 miles per annum, equivalent to 10 years mileage for an average car user.

RECOMMENDED that

- 1) **vehicle testing to be carried out at 6 monthly intervals;**
- 2) **Hackney Carriage and Private Hire Vehicle Inspection testing be brought back in-house to ensure vehicle standards;**
- 3) **a new post of Vehicle Inspection Engineer be created to sit within the Licensing Team, stationed at Crossgates Depot, to carry out vehicle inspection tests, checks on accident damaged vehicles and other inspection duties, as necessary;**
- 4) **a Hackney Carriage and Private Hire Vehicle Inspection test fee of £50 be introduced, which will be looked at annually as part of fees and charges;**
- 5) **National Inspection Standards for Hackney Carriage and Private Hire Vehicles be adopted;**
- 6) **all Vehicle Engineers at Crossgates Depot be authorised to suspend Hackney Carriage and Private Hire Vehicles, in consultation with the designated Officer in Licensing, for those vehicles found to be not up to MOT / vehicle testing standards;**
- 7) **vehicle conversions be refused without SVA / IVA type approval from VOSA as from 1st April 2010; and**

- 8) **a review of the scheme be carried out 6 months after implementation.**

(Officers to prepare a press release regarding the scheme. The Legal Services Manager to confirm the legality of bringing the service in-house.)

25. ADDITIONAL TAXI RANKS - EVESHAM ROAD

Members considered proposals to provide additional and alternative Hackney Carriage Ranks on Evesham Road, Headless Cross.

The Manager of Licensing reported that Evesham Road is mostly residential but has a vibrant night time economy which includes a number of popular licensed premises. The current provision of 3 taxi ranks on a pavement close to "The White Hart" had proved to be inadequate with Hackney Carriages ranking up illegally which had added to existing problems of congestion.

Members were informed that the new proposal of 6 / 7 rank spaces outside "Steps Public House" and 3 spaces opposite "The White Hart" would help legalise Hackney Carriage ranking on Evesham Road and enable Responsible Authorities to enforce the new order, discourage Hackney Carriages parking on pavements and reduce the risk of accidents and road blockages. Existing Bus Stops would be utilised for rank spaces between 7pm and 7am and would be marked as Bus Stop / Taxi Rank.

Officers reported that consultation had taken place between 1st October and 31st December 2009 with Redditch Taxi Association, the Highways Agency and West Mercia Police and all were in agreement with the proposals.

RESOLVED that

- 1) **the new and alternative taxi ranks, as detailed at Appendix 1 of the report, following consultation with Redditch Taxi Association, West Mercia Police and the Highways Agency, be approved and advertised 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:**
 - b) **a new rank on Evesham Road outside Steps Public House; and**

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25th January 2010

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- 2)
 - a) authority be delegated to the Director of Environment and Planning Services, in consultation with the Chair of the Licensing Committee, to finalise the Order where there are no objections; and
 - b) any objections received following public advertisement be reported back to the Licensing Committee for consideration;
 - 3) a further report be made to this Committee when consultation has been completed and the proposals are ready for implementation.
26. **SCHEME OF DELEGATION TO OFFICERS - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - AMENDMENT RELATING TO DELEGATED POWERS TO REFUSE**

The Committee received a report which sought approval of a “refusal protocol” for Redditch Borough Council relating to the power to refuse initial applications for licences from Hackney Carriage and Private Hire Drivers. Additional delegated authority was sought to allow Officers to make decisions in line with the “refusal protocol”.

RECOMMENDED that

- 1) the Scheme of Delegation to Officers be amended to include additions as follows:
 - a) to refuse Hackney Carriage and Private Hire Vehicle Drivers’ Licences in line with Redditch Borough Council’s refusal protocol and subject to the right of the applicant to appeal against such refusal to the Licensing Sub Committee (Taxis);
 - b) the delegation should incorporate the Head of Environment (HE), Manager of Environmental Health (MEH) and the Manager of Licensing (ML);
- 2) the “refusal protocol”, as detailed below, be approved and adopted by the Council with immediate effect;

**‘Hackney Carriage and Private Hire Vehicle Drivers’
Licence Applications**

“The Licensing Manager may refuse an initial application for a Licence if the Licensing Manager considers that it

would be likely that the Licensing Sub Committee would do so when applying the Home Office guidance as to the Relevance of Previous Convictions as expounded in pages 63 to 81 of the Council's Taxi Handbook. The Licensing Manager shall immediately inform the applicant of the decision in writing and give the applicant a notice in writing of his / her right to appeal the decision to the Licensing Sub Committee within 21 days of notice of refusal."

Delegated Officers:

HE Head of Environment

MEH Manager of Environmental Health'

ML Manager of Licensing'

- 3) decisions made by Officers using the Scheme of Delegation be reported to the Licensing Sub Committee (Taxis) at their next available meeting.

27. SCHEME OF DELEGATION TO OFFICERS - LICENSING ACT 2003

Members were informed that Central Government had issued supplementary Guidance to Local Authorities under Section 182 of the Licensing Act 2003 on a simplified process for minor variations to Premises Licences and Club Premises Certificates.

The Manager of Licensing reported that the guidance recommended that all decision in the administration of applications for minor variations should be delegated to Licensing Officers. This would simplify the process and enable a minor variation to be made swiftly to a premises licence or club premises certificate, within prescribed time periods.

RECOMMENDED that

- 1) decisions in the administration process for Minor Variations under the Licensing Act 2003 be delegated to the Head of Environment (HE), Manager of Environmental Health (MEH) and Manager of Licensing (ML) as follows:
 - a) change of name and address of someone named in the Premises Licence – Section 33 of the Licensing Act 2003;

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25th January 2010

- b) application to change the Designated Premises Supervisor – Section 37 of the Licensing Act 2003;
 - c) application in relation to licence for community premises that authorises the sale of alcohol to dis-apply the mandatory conditions concerning the supervision of alcohol sales by a Personal Licence Holder and the need for a Designated Premises Supervisor – Sections 25A and 41D of the Licensing Act 2003;
 - d) application for Minor Variation of Premises Licence to add a licensable activity;
- 2) the Statutory set fee of £89 be entered into the Council's list of Fees and Charges;
 - 3) the Manager of Licensing report any Minor Variations to members of the Licensing Committee, by e-mail, when they occur; and
 - 4) the Manager of Licensing include details of Minor Variations in her reports to this Committee on the Licensing Act 2003.

28. COMMITTEE WORK PROGRAMME 2009/11

Members received an update on the Committee's work programme for 2009/11.

RESOLVED that

- 1) that the Cardiff Report update report be deferred until the meeting on 19th July 2010.
- 2) that a report regarding testing of Hackney Carriage and Private Hire Drivers be added to the agenda for the meeting on 26th April 2010.

The Meeting commenced at 7.00 pm
and closed at 8.25 pm

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Chair