

Licensing Committee

Mon 29 November
2010
7.00 pm

Committee Room 2
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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LICENSING COMMITTEE

29th November 2010

7.00 pm

Committee Room 2 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	

1. Apologies	To receive the apologies of any Member who is unable to attend this meeting.
2. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
3. Minutes (Pages 1 - 8)	To confirm as a correct record the minutes of the meeting of the Executive Committee held on 19th July 2010. (Minutes attached)
4. Statement of Licensing Policy 2011-2014 - Licensing Act 2003 (Pages 9 - 32)	To consider responses following consultation with stakeholders and to renew the Statement of Licensing Policy for the District for the period 2011-2014. (Report attached) All Wards
5. Licensing Act 2003 - Policy for the Classification of Films (Pages 33 - 42)	To consider the adoption of a Council policy for the classification of films. (Report attached) All Wards

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<p>6. Knowledge Test for Hackney Carriage and Private Hire Drivers</p>	<p>To consider updating the existing “knowledge” test required of applicants for a Hackney Carriage Driver’s Licence by adding an “essential skills” test; extending its application to include applicants for a Private Hire Driver’s Licence and related matters.</p> <p>(Report to follow)</p> <p>(No Specific Ward Relevance)</p>
<p>7. Hackney Carriage Rank Provision - Evesham Road</p> <p>(Pages 43 - 52)</p>	<p>To consider further consultation responses in respect of the siting of an additional and/or an alternative rank on Evesham Road, Headless Cross with an increase of 6/7 rank spaces.</p> <p>(Report attached)</p> <p>(Headless Cross & Oakenshaw Ward)</p>
<p>8. Licensing Committee Work Programme</p> <p>(Pages 53 - 54)</p>	<p>To consider the Committee’s Work Programme for the remainder of the current Municipal Year and the coming Municipal Year.</p> <p>(Report attached)</p> <p>(No Direct Ward Relevance)</p>
<p>9. Exclusion of the Public</p>	<p>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:</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 (to be specified) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p>



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Licensing Committee

19th July 2010

MINUTES

Present:

Councillor Michael Braley (Chair), Councillor Anita Clayton (Vice-Chair) and Councillors Kath Banks, Michael Chalk, Simon Chalk, Jack Cookson, Adam Griffin, Bill Hartnett, Wanda King, Jinny Pearce and Brenda Quinney

Also Present:

Insp Ian Joseph (West Mercia Police) and Simon Wilkes (WETT Regulatory Services)

Officers:

A Heighway, S Garratt and C Flanagan

Committee Officers:

D Sunman

9. APOLOGIES

Apologies for absence were received on behalf of Councillors Carole Gandy, Robin King and Juliet Brunner (Portfolio Holder for Community Safety).

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 3rd June 2010 be confirmed as a correct record and signed by the Chair.

.....
Chair

12. LICENSING ACT 2003 - LICENSING MANAGER'S HALF YEARLY REPORT

The Licensing Manager tabled a copy of information extracted from the Licensing Public Register as follows:

Number of licences at July 2010

Personal Licences	473
Premises Licences	202
Club Premises Certificates	24

Number of licence applications received for the year 2010

Personal Licences	20
New Applications for Premises Licences	3
Applications to vary Premises Licences	3
Applications to vary the Designated Premises Supervisor	10
Application to Transfer Premises Licences	2
Temporary Event Notices	37

Number of licences which have required hearings / review / appeals 2010

Hearings	0
Reviews	1
Appeals to Magistrates Courts	0

Number of licences that have ceased to trade / lapsed licences

Ceased to trade / lapsed licences (last 3 years)	0
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Number of complaints made against licensed premises

Complaints Total	25
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The Licensing Manager reported that the majority of complaints received had been about noise or smoking and had been dealt with by Officers.

Members sought clarification regarding whether the complaints had been received for one premise or a number of premises and requested a breakdown of the figures in future reports. It was also thought to be helpful if the data could be compared with the same period of the previous year.

Members were informed that the countywide Statement of Licensing Policy was subject to consultation and a report would be made to the next meeting of this Committee.

RESOLVED that

- 1) **the report be noted; and**
- 2) **the information suggested by Members be included in future reports to the Committee.**

13. LICENSING ACT 2003 - WEST MERCIA POLICE - HALF YEARLY REPORT

Insp Ian Joseph, West Mercia Police, presented a report on the previous six months from the Police perspective.

He referred to the fear that cuts in police budgets would result in a reduction of operational policing numbers that might have a potential impact on the reduction in crime. He reported that the Chief Constable would do all he could to avoid any reduction in the delivery of front line services.

He confirmed that the three tier approach to policing, which operates in Redditch, Bromsgrove and Kidderminster, had proved to be effective in terms of crime reduction and detection as well as public reassurance. A recent review of the partnership approach to community safety had identified several excellent ideas for future working.

He reported that the removal of all previous performance measures, including the measure of public confidence and satisfaction, together with the suspension of the Policing Pledge meant that there could be no clear performance base at present. However, the continued reduction in crime and anti social behaviour coupled with the effective detection of offences would remain at the forefront of effort.

Members were informed that it was too early to comment on the Government's proposed changes to policing.

In the Town Centre, the closure of one licensed premise had made a marked impact on offending across the night time economy. He reported that larger gatherings and dangers of substantial disorder in and around Unicorn Hill at closing time had largely stopped, possibly as a consequence of the new planters and improved street lighting that had been installed, or possibly because there were fewer customers as a consequence of the current financial climate.

Members were informed that of ten offences involving violence over the previous weekend only one had taken place in the Town Centre. The remainder were mainly cases of domestic violence in other parts of the town with alcohol proving to be an aggravating factor.

Insp Joseph reported that high profile policing during the World Cup had been successful with few, if any, incidents being directly attributable to the event.

He has witnessed the positive approach of many Designated Premise Supervisors, (DPS) particularly during matches involving the England team.

He reported that the Licensing Committee had conducted one premise review during the period, which had resulted in new conditions being imposed on the licence.

Members were informed that partnership working across agencies continued to produce excellent results. Links to the Drug and Alcohol Action Team (DAAT) had been established to assist in providing support for people with alcohol additions.

Insp Joseph outlined the effectiveness of Operation Staysafe, a multi agency initiative which had taken place on the evening of 25th June. The initiative had aimed to identify and manage children at risk through alcohol, drugs or their environment and had identified four young people who were taken, under police protection, to the Town Hall as a place of safety. Members were informed that two of these young people had been involved in anti social behaviour and two were under the influence of alcohol. The young people and their parents were interviewed by family support professionals who identified further interventions to address their risks and make them less like likely to offend or become a future victim of crime. Further similar operations would be carried out throughout the coming year. He reported that the Alexandra Hospital Accident and Emergency Department in partnership with the DAAT and Youth Services had recently started a Straight Line project to make an impact on the longer term care of young people involved in excessive drinking.

Members were informed that a Drink Banning Order had been used to assist in managing a chaotic and alcohol effected offender. Insp Joseph reported that it was too early to assess whether the order would have any real impact on the offender's behaviour.

Designated Public Place Orders were in place in the Town Centre and the Woodrow Centre and remained an effective tool in the reduction of offending and improvement of the environment for others.

RESOLVED that

the report be noted.

**14. LICENSING ACT 2003 - WORCESTERSHIRE COUNTY COUNCIL
- HALF YEARLY REPORT**

The Committee received a report from Simon Wilkes, WETT Regulatory Services.

Mr Wilkes reported that Trading Standards functions for Redditch had been transferred to a countywide shared Regulatory Service from 1st June 2010. The Investigations Team had received training on the wider requirements of the Licensing Act 2003 to enable them to carry out functions relating to weights and measures, food standards, fair trading and also be able supplement the activities of existing licensing teams.

Members were informed that following re-testing of premises that had sold alcohol to under age customers during 2009, one premise had made a further sale. This had led to the Licensing Committee carrying out a review of the licence for the premise and resulted in the removal of the existing DPS and the addition of a wide range of conditions to the licence. The premise will be monitored to ensure that it complies with these conditions.

He reported that plans for test purchasing had been made for both public houses and off-licences in Redditch for the coming year. The premises where issues had been identified by Trading Standards and / or partner agencies would be targeted. Complaints regarding under age sales for Redditch had reduced but remain at a relatively low level.

The Committee was informed that the Coalition Government were looking to limit local authorities' use of surveillance activity to serious crime with each operation authorised by local magistrates. He reported that this might affect the way Trading Standards operate unless the sale alcohol to minors was included in any future legislation.

RESOLVED that

the report be noted.

15. PREMISES LICENSING - UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS ARISING FROM VISIT TO CARDIFF, 2007

The Committee received an update report the recommendations made by Redditch Community Safety Partnership following a visit to Cardiff in 2007.

Members were informed that the recommendations had been designed to prevent and reduce violent crime and disorder associated with licensed premises and the wider night time economy.

The Head of Community Services reported that the majority of the recommendations had been successfully adopted by the relevant bodies and that there was evidence that this had started to impact on the ability and willingness of premises in Redditch to promote the licensing objectives and, in particular, the reduction of crime and disorder.

Members were informed that significant changes at both local and national level were expected following the Coalition Government's signalled intention to undertake a review of the Licensing Act 2003 and associated legislation.

The Committee was asked to consider receipt of a further report on the Licensed Premises Risk Assessment when the update had been completed. This would provide statistical information on the amount of violent crime and disorder associated with licensed premises in the Borough compared with elsewhere in the County.

RESOLVED that

- 1) the report be noted; and**
- 2) Members receive further updates on the Licensed Premises Risk Assessments.**

16. TAXI RANK, EVESHAM ROAD - UPDATE REPORT

The Committee received a further report on the proposals for an additional and an alternative taxi rank on Evesham Road, Headless Cross, which would increase the number of spaces available by 6 or 7.

The Licensing Manager reported that the Committee had received reports on this issue at their meetings on 25th January and 3rd June 2010. As a result Members of the Committee had carried out a late night site visit on 25th June 2010. She referred members to

advice given by the Traffic Management Officer, West Mercia Police attached at Appendix 2 of the report.

RESOLVED that

- 1) **the report be noted;**
- 2) **West Mercia Police and Worcestershire County Council be consulted on an alternative suggestion for taxi ranks as follows:**
 - a) **removal of existing rank on pavement outside the White Hart Inn;**
 - b) **an additional rank be provided from the letter box (marked LB) to the junction of Highfield Avenue.**
 - c) **an extension of the proposed rank outside Steps to increase available space toward the junction of Highfield Avenue. (as shown on the map attached at Appendix 1 of the report);**
 - d) **removal of the proposed taxi rank at the bus shelter outside 100 and 100a Evesham Road. (as shown on the map attached at Appendix 1 of the report); and**
- 3) **that once an agreement has been reached on the siting of new taxi ranks, enforcement action be carried out at appropriate times.**

17. LICENSING - REGULATION OF SEXUAL ENCOUNTERS VENUES

The Committee received a report on the new powers given to Local Authorities to regulate lap dancing clubs as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Members were informed that lap dancing clubs had been reclassified as Sexual Encounter Venues by the Policing and Crime Act 2009.

The Licensing Manager reported that the measures were effective from 6th April 2010 and once adopted by the Council would give local people a greater say over where, and how many, lap dancing clubs open and operate in their neighbourhoods.

Licensing Committee

19th July 2010

RECOMMENDED that

- 1) the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and adopt Section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009 with effect from (no more than 1 month after the day on which the resolution was passed) be re-affirmed.
- 2) a fee for a Sex Shop and / or a Sexual Encounter Venue Licence and include that fee within the Council's Fees and Charges register be set as follows:-
 - a) Grant £920.00
 - b) Renewal £890.00
 - c) Transfer £135.00
- 3) the Head of Worcestershire Regulatory Services be delegated all powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009.

18. COMMITTEE WORK PROGRAMME 2009/10

Members considered the Committee's Work Programme for 2009/11.

RESOLVED that

- 1) the report be noted.
- 2) the programme be amended to become a rolling programme items for discussion at future meetings.

The Meeting commenced at 7.00 pm
and closed at 8.30 pm

.....
Chair

REDDITCH BOROUGH COUNCIL**LICENSING
COMMITTEE**

29th November 2010

STATEMENT OF LICENSING POLICY 2011-2014 – LICENSING ACT 2003

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

1. SUMMARY OF PROPOSALS

To receive a report following consultation with stakeholders, to renew the Statement of Licensing Policy for the District for period 2011-2014.

2. RECOMMENDATIONS

The Committee is asked to **RECOMMEND** that

the Statement of Licensing Policy for the Borough for the period 2011-2014 (Appendix 1) be renewed, incorporating the minor changes as detailed within the report.

3. BACKGROUND

The Statement of Licensing Policy is 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.

4. KEY ISSUES

4.1 The Statement of Licensing Policy is a live document, subject to continuous review, to meet the changing needs of the community, business circumstances and legislation (copy at appendix 1).

4.2 In carrying out its review, Officers have consulted with the following bodies:

- All Responsible Authorities, namely, the Police Authority, the Fire and Rescue Service; local Planning Authority, Environmental Health, Worcestershire Safeguarding Children Board; and Local Weights & Measures.
- District Councillors;
- Such persons to be considered a representative of holders of a premises licence, club premises certificate, personal licences, businesses and residents within the district;

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- Details were also placed on the Council's Website and at the Customer Service Centre.
- All other District Councils within Worcestershire.

4.3 Letters and a copy of the draft Policy were sent out to all stakeholders, and posted on the Council's website for responses to be received by 8th September 2010.

4.4 Officers have engaged with Worcestershire Regulatory Services with the intention of providing a Policy which is as far as it is able, consistent with the other districts in Worcestershire.

4.5 The schedule of responses from the consultation is attached at Appendix 'B'. In general the responses support the content of the policy and the Council's positive approach to the legislation.

4.6 Supporting documents; such as a list of responsible authorities, will be added to the Policy as appendices when available.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from any revision or amendments to the Policy.

6. LEGAL IMPLICATIONS

6.1 Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a statement of its Licensing Policy every 3 years.

6.2 Policies have several advantages, ensuring the transparency so that individuals know where they stand and can plan their affairs. That like cases can be dealt with similarly so there is fairness and consistency, and there is promotion of efficient administration.

6.3 The Council has a duty to have due regard to the effect of its functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area by virtue of Section 17 of the Crime and Disorder Act 1998, which is also one of the "Licensing Objectives" detailed within the legislation.

7. POLICY IMPLICATIONS

The Council's Statement of Licensing Policy was last renewed for the period 2008-2011, and needs to be renewed and in place from 7th January 2011 in

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accordance with the Licensing Act 2003 and the Guidelines issued by the Secretary of State.

8. COUNCIL OBJECTIVES

This Policy will assist the Council in meeting its statutory function under the Licensing Act 2003.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

The Policy seeks to promote the four licensing objectives set out in the relevant legislation and minimise adverse effects on the local community.

10. CUSTOMER IMPLICATIONS

10.1 Neighbouring authorities are also proposing to adopt similar policy statements, this will allow for greater consistency, particularly across the County, in the way in which applications will be determined. This will be helpful for trade organisations that also have premises in neighbouring local authority areas.

10.2 A copy of the Statement of Licensing Policy will be available on the Council's website as well as on request from the Licensing Section.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 The Draft Revised Policy has now undergone the necessary consultation and has been circulated and published on our web pages as part of the formal consultation process, prior to adoption and publication.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None.

14. HUMAN RESOURCES IMPLICATIONS

None.

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15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

None.

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

The Council's Community Safety Unit has been consulted on this Policy.

17. HEALTH INEQUALITIES IMPLICATIONS

None.

18. LESSONS LEARNT

18.1 The Statement of Licensing Policy has been applied over the past six years in a similar format, and has been used successfully in both the administration, and Review of Licenses within the Borough.

18.2 It has now been refreshed, and accords with all of the other districts operating within Worcestershire Regulatory Services.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

Statutory Consultees, relevant specialist groups and Borough Council Officers have been consulted over the preparation of this report.

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

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Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All Wards are affected by the contents of this report.

22. APPENDICES

Appendix 1 - Statement of Licensing Policy.
Appendix 2 - Consultation responses.

23. BACKGROUND PAPERS

The Licensing Act 2003.
Guidance issued under Section 182 of the Act (May 2010).
Statement of Licensing Policy.
List of Consultees.
Correspondence received.

AUTHOR OF REPORT

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REDDITCH BOROUGH COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

2011 - 2014

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1. INTRODUCTION

- 1.1 This statement of policy is intended to provide information and guidance to licence applicants, responsible authorities and interested parties on the general approach that the Council will take to licensing. Specific details are provided by way of advice sheets, available from our web site or sent on request.
- 1.2 The Licensing Authority has a duty under section 17 of the Crime and Disorder Act to exercise its various functions with due regard to the likely effect of those functions, and the need to do all it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and the misuse of drugs, alcohol and other substances in its area.

2. LICENSING POLICY STATEMENT

- 2.1 As a Licensing Authority, the Council has based this policy on the requirements of the Licensing Act 2003 and statutory guidance from the Department of Culture, Media and Sport (DCMS). This policy has effect from 7th January 2011.
- 2.2 The Council has delegated its Licensing function to its Licensing Committee, Sub Committees and Licensing Officers. In the remainder of this Statement of Licensing Policy they are referred collectively as the 'Licensing Authority'.
- 2.3 The current scheme of delegation is available from the Council.
- 2.4 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or interested parties, the licensing authority must grant the application subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.
- 2.5 If there are representations that can't be resolved informally, the applicant and objectors will be invited to a public hearing. After considering submissions from applicants and objectors, the licensing sub-committee will make a decision in the light of this Statement of Licensing Policy and the Secretary of State's Guidance on the Act.

The licensing authority must give appropriate weight to:

- The steps that are necessary to promote the licensing objectives;
- The representations (Including supporting information) presented by all parties.
- Guidance under Section 182 of the Licensing Act 2003
- The Council's own Licensing Policy Statement.

- 2.6 This policy applies to activities that the Licensing Authority has to licence by law, on licensed premises, by qualifying clubs and at temporary events. These are:

- retail sale of alcohol;
- supply of alcohol to club members;
- provision of entertainment to the public, or club members or with a view to making profit;
- theatrical performance;
- film exhibition;
- indoor sporting event;
- boxing or wrestling entertainment;
- live music performance;
- playing of recorded music;
- dance performance;
- provision of facilities for making music;
- provision of facilities for dancing, and
- supply of hot food and / or drink from premises between 23.00 to 05.00 hours.

3. DECISION MAKING PROCESS

3.1 The Licensing Authority will consider every application sent to us, on its individual merits and promote the four statutory licensing objectives:

- prevention of crime and disorder;
- protection of public safety;
- prevention of public nuisance, and
- protection of children from harm.

3.2 The Licensing Authority will combine licensing with the full range of regulatory powers and policies to help achieve the licensing objectives.

For example:

- planning and environmental health powers for controlling development, health and safety and nuisance;
- use of the power of the police, other responsible authorities, local residents and business to seek review of the licence or certificate in question;
- use of powers preventing public consumption and allowing confiscation of alcohol from adults and children in named parts of the district;
- positive measures to create safe and clean town centres including use of CCTV surveillance;
- Police enforcement of general law concerning disorder and anti-social behaviour and specific law enabling instant closure of premises or temporary events where there is disorder, likelihood of disorder or noise nuisance;
- Informing local transport policies as to the need to disperse people swiftly and safely, and
- "crime and disorder" policies and powers.

4. INTEGRATING STRATEGIES

- 4.1 The Licensing Authority has consulted widely when deciding this policy, to ensure that it is integrated with all relevant local strategies, policies and initiatives.
- 4.2 The Licensing Committee, when appropriate, will be informed of relevant county and local strategies. The report may include information relating to:
- Local crime prevention strategies;
 - needs of the local tourist economy;
 - any cultural strategy for the area;
 - employment issues in the area;
 - any relevant planning matters so as to ensure the clear distinction between licensing and planning functions, and
- 4.3 Liaison will be made between representatives of the responsible authorities and the licensing authority through the North Worcestershire Licensing Forum.

5. LIVE MUSIC, DANCING AND THEATRE

- 5.1 The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, and that providing consumers with greater choice and flexibility is an important consideration. It will balance these wider cultural benefits with the natural concern to prevent disturbance in neighbourhoods and the duty to promote the licensing objectives.
- 5.2 When a solution is not agreed at a hearing and conditions may be imposed on a licence, such conditions will be appropriate and the Licensing Authority will try to avoid indirect costs which may deter live music, dancing or theatre.
- 5.3 This policy will be reviewed if evidence is obtained that licensing requirements are deterring broader cultural activities and entertainment.

6. PROMOTION OF RACIAL EQUALITY

- 6.1 The Licensing Authority is committed to eliminating unlawful discrimination and promotion of equality of opportunity, and good relations between persons of different racial groups.
- 6.2 The Licensing Authority recognises its obligations under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000

7. CONDITIONS

- 7.1 Unless there are relevant representations, the Licensing Authority must grant applications subject only to conditions consistent with the applicant's

Operating Schedule and to any Mandatory Conditions prescribed in the Licensing Act 2003.

- 7.2 If there are relevant representations, the Licensing Authority will only impose conditions to promote the licensing objectives.
- 7.3 The Licensing Authority will use conditions issued in guidance by DCMS (Department for Culture Media and Sports) and reserve the right to impose unique conditions when necessary.
- 7.4 Where any licence conditions are applied, the Licensing Authority will tailor them to suit the particular premises. Those conditions will have regard to local crime prevention strategies and will only relate to matters that the licence holder can control. They will focus on the premises being used for licensable activities and the immediate vicinity of those premises.
- 7.5 The Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 7.6 The Licensing Law is not the primary mechanism for the general control of nuisance and anti social behaviour by individuals once they are away from licensed premises, and therefore, beyond the direct control of the individual club, or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and Licensing Law will always be part of a holistic approach to the management of the evening and night time economy in the town centres.
- 7.7 The Licensing Authority will not duplicate requirements of other legislation in licence conditions, such as duties imposed by health and safety or fire safety law, and the requirement to obtain approval under town and country planning law for development or use of land.
- 7.8 The Licensing Authority may consider adoption of a "special saturation policy" for particular areas, if we have evidence of problems because of the overall number of licensed premises. We will follow the procedure for adopting such a policy outlined in the DCMS guidance.

8. LICENSING HOURS

- 8.1 The Licensing Authority will have a flexible approach to hours when alcohol can be sold or supplied. It will give more freedom to responsible licensees, but may impose stricter controls on particular licensed premises, such as those effecting residential properties.
- 8.2 The Licensing Authority will not generally restrict times when shops, stores or supermarkets can sell alcohol for consumption off the premises, but may do so if the Police consider individual premises to be a focus of disorder and disturbance.
- 8.3 When the Licensing Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to

grant the hours requested unless there are objections to those hours raised by the Responsible Authorities or interested parties on the basis of the licensing objectives.

- 8.4 Shops, stores and supermarkets will normally be able to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives for restricting those hours.
- 8.5 The Licensing Authority recognizes that in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

9. PROTECTION OF CHILDREN

- 9.1 The Licensing Act 2003 does not stop children having access to licensed premises of all kinds.
- 9.2 The Licensing Authority will not generally impose any conditions relating to the access of children to licensed premises, unless it is necessary for the prevention of harm to children. It will expect licence holders to restrict access by children where they think it's appropriate.
- 9.3 Following representations under any of the licensing objectives the Licensing Authority may decide that restrictions are necessary on premises where:
- there have been convictions of members of the current staff for serving alcohol to minors;
 - there is evidence of underage drinking, or failure to operate in line with the Portman Group Code of Practice on naming, packaging and promotion of alcoholic drinks;
 - there is a known association with drug taking or dealing;
 - there is a strong element of gambling on the premises;
 - entertainment or services of an adult or sexual nature are commonly provided or
 - the main purpose of the premises is supply of alcohol for consumption on the premises.
- 9.4 Options that we will consider may include:
- limitations on the hours when children may be present;
 - age limitations (below 18);
 - limitations or exclusions when certain activities are taking place or on particular parts of premises, and
 - requirements for accompanying adult.
- 9.5 The Licensing Authority will not impose conditions requiring the admission of children to any premise.

10. RESPONSIBLE AUTHORITY AND CHILDREN

- 10.1 The Licensing Authority has nominated the Worcestershire Safeguarding Children Board, Worcestershire County Council, as being competent to act as the responsible authority in relation to the Protection of Children from Harm.

11. CHILDREN AND CINEMAS

- 11.1 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification (BBFC)

12. GUIDANCE TO APPLICANTS

- 12.1 The Licensing Authority will provide detailed guidance for applicants and others involved in the licensing process, including contact details for responsible authorities.
- 12.2 To minimise likelihood of representations and subsequent sub-committee hearings, applicants and clubs should liaise with the Responsible Authorities when they are preparing Operating Schedules.

13. SEPARATION OF LICENSING, BUILDING CONTROL AND PLANNING FUNCTIONS

- 13.1 The Licensing Authority will make sure that there is a proper separation of licensing, building control and planning functions. The Licensing Committee will report to the Committee dealing with planning matters where appropriate, to outline the situation relating to licensed premises in its area, including the general impact of alcohol related crime and disorder.

14. TEMPORARY EVENTS NOTICE

- 14.1 The Licensing Authority requires an application for a temporary event to be received at least 10 clear “working” days before the day of the event. Late applications will be rejected.
- 14.2 Section 193 of the Licensing Act 2003 defines “working day” as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1981 in England and Wales. “Ten Working days” notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

15. LICENCE REVIEWS

- 15.1 It is important that responsible authorities should give an early warning of any concerns identified at Premises.

- 15.2 An application for the Review of a Premises Licence or Club Premises Licence is limited to:
- Responsible Authorities
 - Interested Parties (e.g. local residents, local organisations and Councillors).
- 15.3 The Licensing Authority itself cannot initiate the review process. The authority's role is to administer the process and to determine its outcome at a hearing where an evidential basis for the allegations made will be submitted.
- 15.4 The Licensing Authority will generally expect that attempts should be made to offer a solution to problems at premises in terms of:
- Informal warning/advice
 - Written warning
 - Application for Review.
- 15.5 In cases where the Crime Prevention objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered.

16. ENFORCEMENT

- 16.1 The Licensing Authority has established protocols with the West Mercia Constabulary about enforcement of the Licensing Act 2003 in licensed premises and will target inspection and enforcement at problem premises and higher risk activities.
- 16.2 The Licensing Authority will act in line with our Licensing Enforcement Policy, which follow the principles of consistency, transparency and proportionality. Copy of the Policy can be obtained from the Council.

17. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTION

- 17.1 The Licensing and Environmental Committee is responsible for making Licensing decisions and the scheme of delegation is as follows:

Matter to be dealt with	Decision to be made by:		
	Full Committee	Sub Committee	Officers
Coordination / overview	At all times		
Application for personal licence		If police objection made	If no police objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises		If relevant representation	If no relevant representatio

certificate		made	n made
Application for provisional statement		If relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If police objection made	All other cases
Applications for Interim Authorities		If police objection made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a Consultee and not the lead authority		All cases	
Determination of a temporary event notice where a police representation is made.		All cases	

18 SUPPORTING DOCUMENTATION

- Appendix 1 - List of Responsible Authorities.



RESPONSIBLE AUTHORITIES – LICENSING ACT 2003

If you are applying for a new Premises Licence/Certificate or you are applying to vary an existing Premises Licence or Club Premises Certificate; a copy of your application form **MUST** be served **DIRECT** on each of the following responsible authorities, as well as the Licensing Section at the Council. Please note that individual copies have to be sent to the different name departments of the Council. Copies of your application must be served on each responsible authority within 48 hours of sending your copy to the Licensing Section.

Licensing Authority

For the attention of: Tel: 01527 534100

Licensing Team
Worcestershire Regulatory Services
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire, B98 8AH

Email: licensing@redditchbc.gov.uk

The Police area in which the premises is situated

The Chief Officer of Police

For the attention of: PC Neil Sharpe Tel: 0300 3333000

Licensing Officer
c/o Redditch Police Station
Grove Street
Redditch
Worcestershire, B98 8DD

The Fire Authority for the area in which the premises is situated

The Fire Authority

For the attention of: The Assistant Divisional Officer – Fire Safety Tel: 01562 512612

Hereford and Worcester Fire & Rescue Service
North District H.Q.,
Castle Street,
Kidderminster,
Worcestershire, DY12 6TH

A body which represents those who in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm

The Area Child Protection Committee

For the attention of: Adrienne Plunkett Tel: 01905 728841

Service Development Manager – Safeguarding
Pavilion J/2 Children's Services
County Hall
Spetchley Road
Worcester, WR5 2NP

Local Weights & Measures Authority

For the attention of: Mr. J. Dell Tel: 01905 765375

Trading Standards & Scientific Services
Worcestershire County Council
Wildwood Way
Worcester, WR5 2NP

Appendix 1 – Statement of Licensing Policy

Local Planning Authority

Tel: 01527 534062

For the attention of: Head of Planning Services
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire, B98 8AH

Environmental Services – Pollution Control

Tel: 01527 534017

For the attention of: Head of Environmental Health
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch,
Worcestershire, B98 8AH

The enforcing authority within the meaning given by S.18 of the Health and Safety at Work etc Act 1974 for the area in which the premises is situated.

Environmental Services – Health & Safety

OR Health & Safety Executive

For the attention of: Head of Environmental Health
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire, B98 8AH

Haswell House
St. Nicholas Street
Worcester
WR1 1UW

Personal Licences and Temporary Event Notices only

Should you only be applying for a Personal Licence or a Temporary Event Notice, you will only need to send copies of your application form to **the Licensing Authority and the Police Authority**.

Before applying for a new licence or a variation to an existing premises licence or club registration certificate, applicants are advised to take advice from the relevant responsible authority to minimise the likelihood of objections.

Electronic Service of Applications

The Act does permit the service of application forms by electronic means, but only after the prior agreement of the relevant responsible authority has been sought. This also applies to the serving of the application form on the Licensing Section of the Council. Where service is by electronic means, the periods allowed for determination of the application will not begin until all necessary hard copy documents have been received, i.e. plans and the fees.

CONSULTATION ON THE STATEMENT OF LICENSING POLICY

Period JUNE 2010 TO SEPTEMBER 2010

CONSULTEE	REFERENCE	COMMENT	OFFICER RECOMMENDATION	ACCEPTED
Community Safety Partnership	Set out and list the organisations, groups and individuals to whom the policy is most relevant. This would help the general reader and members of the public who are not familiar with the Licensing system.	No change has been made in relation to the policy document in draft, however, agreement to publish as an appendix.	No Change	Accepted
	Set out the geography, extent and character of the local problems and benefits associated with the trade and licensable activities. This could be achieved through maps showing the distribution of licensed premises, tables showing the numbers of different types of premises, estimates of how many people they employ and their contribution to the local economy, figures relating to complaints against and action taken against premises in respect of the licensing objectives. At present the	No change has been made in relation to the policy document in draft, however, agreement to publish as an appendix.	No Change	Accepted

<p>Policy includes very little reference to local context and no analysis of the problems and benefits associated with the trade.</p>			
<p>Modify the statement at para 1.3 to state “The Licensing Authority has a duty under section 17 of the Crime and Disorder Act to exercise its various functions with due regard to the likely effect of those functions, and the need to do all it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and the misuse of drugs, alcohol and other substances in its area.”</p>	<p>Change has been made to policy.</p>	<p>Change</p>	<p>Accepted</p>
<p>Substantiate the connection between the Policy and other local strategies and plans by picking out the most relevant points in each of these documents. The Community Safety Partnership will provide</p>	<p>No change has been made in relation to the policy document in draft, however, agreement to publish as an appendix.</p>	<p>No Change</p>	<p>Accepted</p>

<p>copies of its Partnership Plan and Strategic Assessment for consideration in this regard. At present the Policy simply lists generic categories for other strategies and plans (section 4 – integrating strategies).</p>		
<p>As a complement to these strategic links, there would be benefits in the Policy making reference to existing and planned routine liaison between representatives of the responsible authorities and the licensing authority through such mechanisms as the North Worcestershire Licensing Forum and the twice yearly reports made by the Police and Trading Standards to Licensing Committee (section 4 – integrating strategies). This would recognise the vital role of shared understanding and effective partnership working in promoting the licensing objectives effectively</p>	<p>Change has been made to policy.</p>	<p>Accepted</p>
<p>For the purposes of increasing transparency and certainty in relation to responsibilities for</p>	<p>No change has been made in relation to the policy document in draft, however,</p>	<p>Accepted</p>

<p>enforcement matters, the Policy would benefit from including the text of any agreed enforcement protocols between the licensing authority and responsible authorities in terms of licensing offences.</p>	<p>agreement to publish as an appendix.</p>	
<p>There is an increasing amount of research into what factors may cause licensed premises to be “risky” and how premises can address particular problems that may lead to the licensing objectives being undermined. This research could be usefully summarised as an appendix to the Policy:</p>	<p>No change has been made in relation to the policy document in draft:</p> <p>Agreement to publish by hyper-link to Local Government Regulation via Council’s Website.</p>	<p>Accepted</p>
<p>a) As guidance to the different types of premises on what sorts of considerations to include in their operating schedule (which sets out how the premises will act to promote the licensing objectives).</p> <p>b) As a list of “model” license conditions which Responsible Authorities and Councillors can use</p>		

<p>as a reference point – not a prescription – when considering individual cases.</p> <p>c) As guideline technical standards for equipment such as CCTV or safety / polycarbonate drinking vessels. This would have the benefit of ensuring that any license conditions applied in these regards would be fit for the purpose intended</p>	<p>No change has been made in relation to the policy document in draft, however, agreement to publish as an appendix.</p>	<p>No Change</p>	<p>Accepted</p>
<p>West Mercia Constabulary</p> <p>I would like the policy to reflect more closely the present and future concerns of Redditch concerning alcohol supply.</p> <p>I would like the policy to set out how the Council, supported by its partners, intends to address those concerns.</p> <p>I would like the policy to offer advice and guidance to readers concerning the safe and appropriate supply of alcohol but I would also like it to clearly state what the</p>			

potential sanctions and penalties might be if rules are broken.

I would like it to act as a clear point of reference to those managing or wishing to manage licensed premises.

I want those managers to understand the massive responsibilities that they are undertaking and their need to ensure their management and training are sufficient to take on the role.

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LICENSING ACT 2003 – POLICY FOR THE CLASSIFICATION OF FILMS

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

1. SUMMARY OF PROPOSALS

There is currently no policy for the Council to deal with films that are unclassified by the British Board of Film Classifiers (BBFC) for Public Exhibition, or requests to reclassify such films. As the Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 it is necessary to adopt such a policy.

2. RECOMMENDATIONS

The Licensing Committee is asked to **RECOMMEND** that

- 1) approval be given to the Policy for dealing with unclassified films (attached at Appendix 1); and

RESOLVE 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.

3. BACKGROUND

- 3.1 Whilst the British Board of Film Classification performs a national film classification role, the Council, as a Licensing Authority, is the classification body for the public exhibition of films shown in the District by virtue of the Licensing Act 2003 (LA03).
- 3.2 The Licensing Authority has the right to classify films that are shown in premises licensed under the LA03 such as cinemas, hotels, clubs and public houses.

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4. KEY ISSUES

- 4.1 The public exhibition of films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 4.2 The draft policy for dealing with an application to exhibit unclassified films is attached to this report and can be found at Appendix 1.
- 4.3 Any authorisations for the exhibition of film(s) issued by the Licensing Authority shall only apply when the film(s) is exhibited within the Borough of Redditch.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from the adoption of this procedure. The service will be delivered from within existing resource.

6. LEGAL IMPLICATIONS

- 6.1 The Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 and Guidelines issued by the Secretary of State.
- 6.2 Section 20 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licenses that authorise the exhibition of films (copy at Appendix 2).
- 6.3 This relates to the restriction of the admission of children (defined in Licensing Act 2003 as "persons aged under 18") to the exhibition of any film to either the film classification recommended by the BBFC or, if the Licensing Authority does not agree with that recommendation, to such other classification recommended by the Licensing Authority.
- 6.4 The Licensing Authority may be required to classify a film that has not been classified by the BBFC.
- 6.5 A typical example of this would be a locally made film to be shown at a film festival within the District.
- 6.6 The Licensing Authority must have a policy in place to consider and determine a classification.

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- 6.7 A distributor of a film or other party may also appeal to the Licensing Authority against a decision of the BBFC and request that the Licensing Authority reclassifies the film for local screening.
- 6.8 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of the film or films within the local area without a classification, but subject to certain conditions and restrictions.
- 6.9 The Secretary of State's Guidance issued under Section 182 of the LA03, recommends that:

“Licensing authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.”

7. POLICY IMPLICATIONS

Not having a policy in respect of unclassified films might result in moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images.

8. COUNCIL OBJECTIVES

This item links with the Council Priority – Safe

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.
- 9.2 “Not having a policy might result in the moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images”

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10. CUSTOMER IMPLICATIONS

All customers would need to adhere to the policy, a statutory requirement of the Licensing Act 2003.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

This Report adheres to the Council's Equality and Diversity Scheme and does not discriminate on the grounds of race, gender, disability, age, religion or belief or sexual orientation.

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

None.

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19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

As a requirement is placed on the Licensing Authority to carry out this function it is not proposed to carry out any form of consultation as this is a procedural matter. If approval is given the policy will be implemented with immediate effect.

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	No

21. WARDS AFFECTED

The content of this report affects all wards.

22. APPENDICES

Appendix A - Policy for dealing with Film Classification
Appendix B - Mandatory Conditions under the Licensing Act 2003.

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23. BACKGROUND PAPERS

British Board of Film Classification Guidelines
Statement of Licensing Policy
Licensing Act 2003
Guidance issued under S182 of the Licensing Act 2003.

AUTHOR OF REPORT

Name: Sue Garratt – Licensing Manager
E Mail: sue.garratt@redditchbc.gov.uk
Tel: (01527) 534100



POLICY FOR DETERMINING FILM CLASSIFICATIONS

Purpose

The public exhibition of all films on licensed premises must either be classified by the British Broad Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

Procedure for Authorisation of Films Which Have Not Been Classified by The BBFC or Redditch Borough Council.

Applications should be submitted to the Licensing Authority with a minimum of **28 days** before the proposed screening.

An application for authorisation should include the following information:

- (a) the film maker;
- (b) such recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;
- (c) any existing classification issued by an existing classification body, whether within or outside the UK;
- (d) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film. Where an applicant seeks an authorisation allowing exhibition of the film to persons 18 years and over only, a detailed synopsis will not be required;
- (e) if known, a legitimate and legal internet site where the film, or a portion of the film is available to view without charge;
- (f) intends to impose; and
- (g) details of how age restrictions will be enforced.

In accordance with National Guidance all requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film.

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When considering all such requests the Licensing Officers will pay particular attention to the Protection of Children from Harm Licensing Objective.

In line with of the National Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.

In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall adopt the example as laid out in the National Guidance:



MANDATORY CONDITIONS

All premises permitted to exhibit films are subject to the following mandatory conditions:

1. Where a Premises Licence or Club Premise Certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition at any film to be restricted in accordance with these paragraphs.
2. Where a film classification body is specified in the licence or certificate, unless paragraph 3 (b) below applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:
 - (a) the film classification body is not specified in the Licence or Certificate; or
 - (b) the Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.
4. In these paragraphs "children" means persons aged under 18 and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

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HACKNEY CARRIAGE RANK PROVISION – EVESHAM ROAD

Relevant Portfolio Holder	Councillor Juliet Brunner
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.
Non-Key Decision	
This report contains exempt information as defined in Paragraph(s) of Part I of Schedule 12A to the Local Government Act 1972, as amended	

1. SUMMARY OF PROPOSALS

Further to Minutes 16 of the Committee's 19th July meeting and 25 of the Committee's 25th January 2010 meeting, to site an additional and/or an alternative rank on Evesham Road, Headless Cross with an increase of 6/7 rank spaces, the Committee is asked to consider further consultation responses.

2. RECOMMENDATIONS**2.1 The Committee is asked to RESOLVE that**

the new and alternative taxi ranks, as described below and detailed on the Map at Appendix 1 to this 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; and**
- b) **a new rank on Evesham Road outside Steps Night Club incorporating the bus stop between the hours of 8pm and 7am.**

3. BACKGROUND

3.1 At it's meeting on the 25th January 2010 the Licensing Committee approved the provision of an additional Hackney Carriage rank for 6/7 spaces outside Steps Bistro and to re-site the current provision of 3 spaces situated outside the White Hart on the pavement; to the roadside opposite the White Hart public houses subject public consultation.

3.2 Public consultation took place between February and May 2010.

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- 3.3 The matter was brought back before the Licensing Committee on the 3rd June 2010 for Members to consider objections to the proposals following the public consultation.
- 3.4 A Ward Councillor also withdrew her support for the original proposals and raised the following points:
- a) There are 30-40 taxis in the area on a Thursday, Friday and Saturday night, we would only be increasing rank space by 6 bays. Therefore for most of the evening there would be 30 plus vehicles parked in exactly the same places as at present or cruising up and down the road waiting for a taxi rank space to become available.
 - b) There is a big parking problem in this area already as the Dog and Pheasant has no parking, our own sheltered scheme has parking for residents only and that is already over subscribed. Local residents fronting onto that part of Evesham Road have no garages or drives and it is obviously an issue for some of the shops, particularly the hair dresser. At the moment the situation is not ideal but they are able to park on the road.

and suggested:

- a) That the rank could be replaced by a bay but it would require the Borough, the Police and the County Council to agree.

4. KEY ISSUES

- 4.1 The Licensing Committee re-visited the matter on 19th July 2010 following a site visit by members and the Licensing Manager on 25th June 2010.
- 4.2 Members Resolved that the report be noted and put forward an alternative proposal to be referred to West Mercia Police and Worcestershire County Council, as follows:
- a) removal of existing rank on pavement outside the White Hart Inn;
 - b) an additional rank be provided from the letter box (marked LB) to the junction of Highfield Avenue.
 - c) an extension of the proposed rank outside Steps to increase available space toward the junction of Highfield Avenue. (as shown on the map attached at Appendix 1 of the report);

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d) removal of the proposed taxi rank at the bus shelter outside 100 and 100a Evesham Road. (as shown on the map attached at Appendix 1 of the report);

4.3 Licensing Officers have now consulted on the alternative suggestion put forward by Members on the 19th July 2010 mentioned at 2 (b) and 2 (c) above with Worcestershire County Council Highways department and West Mercia Road Police Traffic Management. This alternative suggestion was not supported by either County Council Highways or Police Traffic Management Officers.

4.4 The County Council Highways Department require the removal of the current taxi facility located on the footpath outside the White Hart, due to the vehicle/pedestrian conflict, and they are keen to remove the rank off the pavement as soon as possible.

4.5 Officers recognise that there is no ideal solution to the taxi rank facility in such a busy congested area. In the circumstances all viable options including those put forward by members in the July meeting have now been considered and consulted upon and it would appear that the only option is the one that has been agreed by all partnership agencies, which was previously put before the Licensing Committee in January.

4.6 A map of the proposals can be found at Appendix 1.

5. FINANCIAL IMPLICATIONS

5.1 The cost of installing new ranks by the County Council Highways Department, to include any necessary signs, road markings and road works is:-

5.2 £1500 – This cost is an estimate by the County Council and has not been included in the current year's budget, however, in consultation with finance the money can be found from the existing budget.

6. LEGAL IMPLICATIONS

6.1 Under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the Borough Council may from time to time appoint stands (ranks) for Hackney Carriage for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway

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so maintainable and may from time to time vary the number of Hackney Carriages permitted to be at each stand.

- 6.2 Before appointing any stand or varying the numbers to be at each stand, the Council is required to notify the Police for the areas in which the stands will be situated.
- 6.3 The Council is required to give public notice of the proposals by advertising in at least 1 local newspaper and take into consideration any objections or representations in respect of such proposals which may be made to them in writing within 28 days of the first publication of the notice.
- 6.4 A District Council may not appoint a stand:
- a) so as unreasonably to prevent access to any premises;
 - b) so as to impeded the use of bus stops, or in such a position to interfere with access to any station or depot of any passenger road transport operations, except with the consent of those operators;
 - c) on any highway except with the consent of the Highways Authority.
- 6.5 It is necessary for ranks to be signed and the road marked out accordingly.

7. POLICY IMPLICATIONS

See legal implications

8. COUNCIL OBJECTIVES

This item links with the Council Priority – Safe

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The current provision of rank space on Evesham Road is for three spaces. This rank is situated on a pavement close to a licensed premise “The White Hart”. There is some doubt as to the legalities of this rank; the problem of encouragement by the Local Authorities of Hackney Carriages parking on the narrow pavement and issues around enforcement for both the Local Authority, Civil Parking Enforcement Officers and West Mercia Police.

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- 9.2 There is also major traffic congestion on Evesham Road especially during the evening with Hackney Carriages and privately owned vehicles parking both sides of the road. This new proposal will help legalise Hackney Carriages ranking up 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.

10. CUSTOMER IMPLICATIONS

None.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

The provision of the additional rank and the alternative rank could have a possible impact on carbon emissions if enforced as it may cut down on the congestion issues and the number of vehicles in that location at any one time.

14. HUMAN RESOURCES IMPLICATIONS

None.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

None.

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

Provision of the new ranks will improve the safety of residents and users of the licensed premises by reducing to a minimum the walking distance of those enjoying the night time economy of Evesham Road whilst also having, if enforced, a reduction impact on the congestion within the area.

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17. HEALTH INEQUALITIES IMPLICATIONS

None.

18. LESSONS LEARNT

18.1 The area of Evesham Road has a vibrant night time economy and is densely populated. There are a number of licensed premises in the area which are very popular. The current provision of 3 rank spaces has proved to be inadequate for the area and has had an adverse impact; Hackney Carriages, when the rank is full are currently parking half on and half off the pavements, u – turning in the street and generally adding to the already heavily congested areas. At the closing time of these licensed premises the area becomes extremely busy and it is essential to get these visitors away from the area safely and as quickly as possible to help reduce any noise, litter and other related issues.

18.2 Whilst Officers do recognise there is no perfect solution to the current issues on Evesham Road, it is hoped that the provision of two ranks each facing opposite directions will cut down on u-turns; and help to provide adequate transport for visitors leaving the area and work towards easing the congestion problems.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 This report has been prepared in consultation with relevant Borough Council Officers.

19.2 Other consultees were Redditch Taxi Association; West Mercia Traffic Police, West Mercia Police, the Ward Councillor and Leader of the Council and the Highways Agency.

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

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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	no

21. WARDS AFFECTED

The Wards of Headless Cross and Crabbs Cross are affected by this report.

22. APPENDICES

Appendix 1 - Map of Evesham Road showing new rank details.

23. BACKGROUND PAPERS

Previous reports
Details of previous rank allocation on Evesham Road.
Emails from Highways Authority
Emails from West Mercia Traffic Management

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Evesham Road, Redditch
Proposed Traffic Regulation Order Amendments
to Facilitate Provision of Taxi Facilities

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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)

17th January 2011

- Licensing Act – Annual Report

11th April 2011

4th July 2011

10th October 2011

9th January 2012

2nd April 2012

To Be Allocated To Suitable Available Dates, Dependent On Agenda

