

Licensing Committee

Monday, 16 July 2018

MINUTES

Present:

Councillor Anita Clayton (Chair), Councillor Roger Bennett (Vice-Chair) and Councillors Joanne Beecham, Joe Baker, David Bush, Andrew Fry, Julian Grubb, Pattie Hill, Antonia Pulsford, Yvonne Smith and Jennifer Wheeler

Officers:

Dave Etheridge and Vanessa Brown

Committee Services Officer:

Sarah Sellers

1. APOLOGIES

Apologies for absence were received from Councillors Pat Witherspoon and Matthew Dormer. Councillor Joe Baker attended as substitute for Councillor Witherspoon, and Councillor David Bush attended as substitute for Councillor Dormer.

2. DECLARATIONS OF INTEREST

In relation to Agenda item 6, Statement of Licensing Policy, Councillor Bush stated that he was considering acquiring an interest in licensed premises in the future. As any interest in that regard had not yet come into effect Councillor Bush remained present during consideration of this item.

In relation to Agenda item 7, Reform of Animal Activities Licensing Legislation, Councillor Joanne Beecham declared that she was the owner of a cattery. However, as the report was only for noting in relation to changes to the legislation and Members were not making a decision that would affect Councillor Beecham, she remained present during consideration of this item.

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Chair

3. MINUTES

In relation to Minute number 19 from 5th March, Councillor Pattie Hill updated the Committee that she was still pursuing enquiries with the County Council regarding taxi signage at the railway station. Members also commented on issues with signage for the taxi rank at the bus station and it was clarified that the problem appeared to be with the sign for the feeder rank which indicates to taxis when they can move forward to the bus station. It was not clear whether maintenance of this sign would be the responsibility of the County Council, Borough Council or possibly the Kingfisher Centre. Councillor Roger Bennett confirmed that Councillor Brandon Clayton was continuing to make enquires regarding the sign in his capacity as a County Councillor for Redditch North ward.

RESOLVED that

The Minutes of the meeting of the Licensing Committee held on 5th March 2018 be confirmed as a correct record and signed by the Chair.

4. HACKNEY CARRIAGE TABLE OF FARES

The Licensing Committee were asked to consider a report regarding a proposed variation of the fares for hackney carriage vehicles in the Borough, that variation being an increase to the current table of fares.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) introduced this item and explained that Redditch Borough Council as Licensing Authority was responsible for setting the maximum fares for hackney carriage vehicles licensed to operate within the Borough.

The SPL explained that the process for altering the fares would involve two stages. The first stage would be for Members to agree that the Proposed Table of Fares be advertised. This would be done by the publication of a public notice with a period within which objections could be made by the public. At the second stage, if no objections had been received the Proposed Table of Fares would come into effect. Alternatively, if objections had been made then these would be considered further at the next meeting of the Licensing Committee.

The SPL stated that the Table of Fares had not been amended since 2011 which represented a significant period without an increase. The proposal before Members in the report had been put forward following discussions between officers from WRS and the Redditch Taxi Association.

Members were referred to the existing fares set out at Appendix 1 and the Proposed Table of Fares at Appendix 3.

To assist in showing how the fares in Redditch compared with other areas the SPL explained that the table at Appendix 2 showed a comparison of the cost of a 2 mile journey. Based on the table at Appendix 2, fares in the Borough were significantly less than those charged in some other local areas, with Redditch coming out as the lowest of the 12 authorities included in the table.

With regard to the Table at paragraph 3.13 of the report, Members were updated that the figures for June 2018 showing the average fuel prices had become available and were as follows:-

Unleaded 95 Octane (pence per litre)	Diesel (pence per litre)	Super Unleaded (pence per litre)
128.4	131.2	140.8

When these figures were compared with the fuel prices as at the time of the last changes in April 2011 overall the prices were lower in June 2018 by 5.4% for unleaded, by 7.5% for diesel and by 1.7% for super unleaded.

The SPL went on to explain that the cost of fuel should only be regarded as one factor for Members to consider. There had been an overall increase in the cost of living since 2011 and as indicated at paragraph 3.14 of the report the cumulative rate of inflation between 2011 and 2018 was 21.97%.

The SPL explained that the Proposed Table of Fares at Appendix 3 had been simplified to make it clearer for the public and Members were referred to the percentage increases for a 2 mile journey as set out at paragraph 3.16 of the report which ranged between 11.7% and 15.5%.

During the course of the debate whilst Members expressed support for an increase to the table of fares for hackney carriage vehicles, there were differing views as to what level of increase would be appropriate.

Factors regarded as favouring an increase in line with the figures at Appendix 3 included:-

- The length of time which had passed since the last increase;
- That in light of this the amount being asked for was not unreasonable and would place Redditch on a par with Sandwell; and
- That there was merit in making the increase as supported by the Taxi Association at this stage, rather than having a series of piecemeal increases.

Other factors seen as undermining the level of increase proposed in Appendix 3 included:-

- That the increase would represent a big hike in fares for the travelling public and they may not accept it;
- That Redditch had the highest level of deprivation in Worcestershire and given that public transport cover was not as good as it could be, there are significant numbers of residents who relied on using taxis for essential journeys, including hospital visits; and
- That the argument in favour of such a large increase was questionable when fuel prices had actually gone down since April 2011.

In response to Members questions the SPL confirmed that the table of fares could be reviewed at any time. He further stated that in discussion with the Redditch Taxi Association he had raised the option of any increases being introduced in two stages as opposed to one larger increase. However, the taxi association had expressed a preference for one increase citing the charges they would have to pay on each occasion to have the meters of their vehicles re-calibrated.

The SPL further commented that the lower price of fuel may be the reason why some other councils had not reviewed their charges in the last few years. Leaving aside the position with the cost of fuel, from the drivers' point of view, expenses they had to pay for other items such as housing and living costs had gone up.

To avoid another long gap between increases, the SPL suggested to Members that a review every 2 years going forward would be helpful. With regard to the traveling public, there may well be reservations expressed regarding any increase and the SPL confirmed that any changes would have to be carefully communicated.

In further debate members discussed whether a lower increase of under 10% would be acceptable and whether there should be a deferral for this to be looked at, or whether consultation on the figures in Appendix 3 should proceed on the basis that this would then allow the public to contribute their views.

In response to Members questions, the SPL suggested that the overall amounts in Appendix 3 could be scaled down by making a reduction to the first line of the table (the “flag” fee) as opposed to changing the rate for the running mile, and there was further discussion as to how this would affect the figures. The SPL commented that one option would be to reduce the figures in the first line to £3.20, £4.75 and £6.40 respectively. This would have the effect of altering the cost of a 2 mile journey from £5.60 under Appendix 3 as set out in the report to £5.30. This would be in the region of a 9% increase.

There was further discussion as to whether the table would be clearer if the prices also included a rate per mile, and whether it would be more appropriate for the 50p extra charge for each passenger in excess of 4 to be amended to apply to groups of passengers in excess of 6.

Finally, a proposal was moved and seconded that the consultation should proceed on the basis of Appendix 3 being amended to reflect the lower figures referenced above and the alteration of the extra charge of 50p per passenger to apply to groups of passengers in excess of 6.

RESOLVED that

The Proposed Table of Fares at Appendix 3 be amended to replace the figures in the first line of the table with the figures £3.20, £4.45 and £6.40, and that the wording under the Extra Charges section be changed from “ For each passenger in excess of 4”, to “ For each passenger in excess of 6” and that:-

- a) The proposed table of taxi fares as set out in Appendix 3 as amended be advertised by way of a public notice and objections from the public invited in accordance with the requirements of section 65, Local Government (Miscellaneous Provisions) Act, 1976.**
- b) If no objections are received from the public during the period provided in the public notice, that the proposed tariff will come into effect at the end of that period.**
- c) If objections are received in the stated time, that the matter will be considered further at the next meeting of**

the Licensing Committee, and a decision made as to whether the variations to the table of fares should be made.

5. CONSULTATION ON DRAFT REVISED STREET TRADING POLICY AND THE DESIGNATION OF STREETS: CONSIDERATION OF RESPONSES RECEIVED

Members received a report which set out the outcome of public consultation exercise in relation to changes to the Street Trading Policy and the designation of all streets in the Borough as “consent streets”.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and explained that the consultation on the draft revised street trading policy had been approved by Licensing Committee in November 2017. Members were referred to the draft policy at Appendix 1 which was more detailed than the previous version and incorporated standard conditions.

Members were reminded that at the same meeting they had resolved that consultation should also take place on the proposal to designate all streets as consent streets. This would represent a change from the existing arrangements under which a number of streets were designated as “prohibited streets” where no street trading could take place.

Accordingly officers had sent out a consultation document in 2 parts covering street trading and the issue of consent streets, a copy of which was included in the report at Appendix 3.

The SPL informed members that although the consultation document had been circulated to all the bodies listed at paragraph 3.26 of the report only one response had been received from Highways England.

With regard to the issue of designation of streets, the SPL expressed concern that it would be improper to proceed with re-designation against the background of such a poor response to the consultation exercise. That being the case the SPL was recommending that whilst the draft revised street trading policy be adopted, that there should be further consultation on the issue of designation of consent streets.

In debating this item Members expressed their concern with the poor level of response to the consultation exercise, and whilst in theory more consultation would appear to be needed it was

questionable how effective this would be and whether it would lead to a higher response rate.

The SPL explained to members that trying to consult on designation of streets as a single issue might produce more responses. However, members were in agreement that this could prove to be a futile exercise and a waste of resources.

In response to questions from members the SPL confirmed that it was likely the policy would be reviewed again in 3 to 5 years, and that designation of streets could be re-visited at that stage.

A proposal was put forward and seconded that there should be no further consultation on designation of streets and that the recommendation at paragraph 2 be amended to delete the second paragraph.

RESOLVED that

The draft revised street trading policy at Appendix 1 be approved to take effect on 01 September 2018.

6. LICENSING ACT 2003: APPROVAL FOR CONSULTATION ON REVISED STATEMENT OF LICENSING POLICY

The Licensing Committee were asked to consider a report which presented a revised draft Statement of Licensing Policy.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) introduced this item and explained that the Statement of Licensing policy had to be updated every 5 years. The existing version had been introduced in October 2014 and would need to be updated by October 2019.

Members were referred to the draft revised Statement of Licensing Policy at Appendix 1.

The SPL explained that the amended text was shown as track changes in red and referred to some of the additions to the policy as follows:-

- Immigration Act 2016 – explanation of how this Act would affect the Council's functions under the Licensing Act;
- A new section regarding the granting of personal licences and the power to suspend/revoke personal licences under the Policing and Crime Act 2017;

- Additional wording regarding the deregulation of late night refreshment under the Deregulation Act 2015;
- Changes to the sections that cover entertainment licensing, to reflect the further de-regulation of this area.

The SPL confirmed that all the parties listed at paragraph 3.16 would be consulted together with the general public and members, and the consultation would take place over an eight to twelve week period.

RESOLVED that

The revised draft Statement of Licensing Policy at Appendix 1 to the report be approved for the purposes of consultation with the relevant parties.

[In relation to this item Councillor Bush stated that he was considering acquiring an interest in licensed premises in the future. As any interest in that regard had not yet come into effect Councillor Bush remained present during consideration of this item.]

7. REFORM OF ANIMAL ACTIVITIES LICENSING LEGISLATION - INFORMATION REPORT

Members received a report for noting regarding upcoming reforms that are being made to the licensing of animal-related activities under the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) introduced the report and explained that following consultation commenced by the Department for Environment, Food and Rural Affairs (DEFRA) in December 2015 a document setting out their proposals to reform licensing for different animal establishments entitled “The review of animal establishments licenses in England - next steps” was published in February 2017. Members were referred to this publication at Appendix 1 of the report.

Subsequently regulations to bring the changes into effect were approved, and the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 were published on 16th April 2018. The SPL advised that the regulations would be coming into effect on 1st October 2018. Members were referred to the regulations at Appendix 2 of the report.

The SPL explained that under the regulations the existing licensing scheme for animal boarding establishments, pet shops, riding establishments and dog breeders would be repealed and replaced by a new single licensing scheme that would regulate all of these activities and would also incorporate the licensing of those who train or exhibit performing animals which is an area of licensing currently administered in Worcestershire by the County Council.

The current licensing schemes for zoos and those who keep dangerous wild animals would not be affected by the regulations and would continue to be carried out under existing legislative provisions.

The SPL highlighted that under the new regulations the following changes would be introduced:-

- The ability for one licence to authorise more than one activity, for example kennelling and breeding;
- That licences for periods of longer than 1 year could be granted (up to a maximum of 3 years) where deemed appropriate based on risk assessments;
- That standard conditions would be applied thus eliminating differences in conditions as between different areas;
- That the breeding of dog litters would be tightened up on with a lower threshold at which licensing for breeders would be required.

The SPL advised Members that since the report had been written legal advice had been given as to what steps the partner authorities of WRS would have to take in order to set the necessary fees under the new regime and give appropriate delegations to the officers from WRS. As the regulations would be coming into effect on 1st October 2018, these matters would have to be dealt with before then. It was noted that the next scheduled meeting of Licensing Committee was not due to take place until November. Accordingly Members were advised that an extra meeting of Licensing Committee would have to be arranged to take place in September. The meeting would need to take place in advance of the Full Council meeting in September to allow the Licensing Committee to receive an updated report on the administrative arrangements for the introduction of the regulations and to make recommendations to Council as to fees and delegations. The SPL explained that the other partner authorities in Worcestershire that made up WRS would all be going through the same process in advance on 1st October.

The members briefly commented on the regulations in relation to the DEFRA consultation and the changes to the regime of licensing for dog breeders.

The Democratic Services Officer advised that a date for the additional September meeting would be identified in liaison with officers from WRS and once confirmed members would be notified.

RESOLVED that

the contents of the report on Animal Establishment Licensing Reforms be noted.

[In relation to this agenda item Cllr Joanne Beecham declared that she was the owner of a cattery. However, as the report was only for noting in relation to changes to the legislation and Members were not making a decision that would affect Councillor Beecham, she remained present during consideration of this item.]

8. LICENSING ANNUAL REPORT

Members considered the Licensing Annual Report 2017/2018 which provided an overall view of activities under the Licensing Act 2003, the Gambling Act 2005 and other aspects of licensing activity, and to inform the Committee of any issues anticipated in the ensuing year.

The report set out the number of new licences issued in 2017/2018 broken down by type of licence, together with total numbers of licences that were in force for each category.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) responded to questions from Members with regard to the differences between betting premises and adult gaming centres.

RESOLVED that

The Licensing Annual Report 2017/2018 be noted.

9. WORK PROGRAMME

The Committee considered the Licensing Committee Work Programme.

As already noted under agenda item 7, it was agreed that an additional meeting would be added to the calendar to take place in

September to allow the Committee to consider a further report regarding the Animal Welfare Reforms and to make recommendations to Council.

There was a discussion between the Members and the SPL as to the arrangements currently in place for liaison between the Council and the Redditch Taxi Association, and the importance of maintaining communication via the association with the drivers. The Chair requested that she be invited to attend the next liaison meeting with the leaders of the taxi association and the SPL confirmed that he would arrange for the Chair and Vice-Chair of Licensing and the Portfolio Holder for licensing (Councillor Gareth Prosser) to be invited.

Members discussed a proposal put forward by Councillor David Bush that the Licensing Committee should receive a report on a review of taxi ranks in Redditch. The general issues which Councillor Bush highlighted were around security, including confusion as between private hire and hackney carriage vehicles and measures to ensure that the public could be confident that the person driving the taxi was properly licensed to do so. It was acknowledged that some similar issues around security and the positions of taxi ranks had been raised previously and Members discussed adding an item to the work programme to review taxi ranks.

Advice was given by officers that any review would have to be specific as to what would be included and there was further discussion between Members as to what would be appropriate.

Prior to the meeting being closed the Chair indicated that in order to clarify the position and enable proper instructions to be given to officers around preparing a report, she would arrange to meet with the Portfolio Holder and with the SPL to discuss matters further.

RESOLVED

That the Licensing Committee work programme for 2018/2019 be noted.