

**LICENSING COMMITTEE – REFERRALS**

(Report of the Head of Legal, Democratic and Property Services)

**1. Summary of Proposals**

The proposals outlined below are recommendations from the Licensing Committee meeting held on 25th January 2010 concerning both taxi licensing and the licensing of activities under the Licensing Act 2003. They are focussed on improving the safety of the residents of the Borough and ensuring that administrative processes within the Council are efficient and in line with current guidance.

**LICENSING COMMITTEE – 25TH JANUARY 2010****2. Recommendations****A. VEHICLE SAFETY INSPECTIONS / IN-HOUSE INSPECTIONS****RECOMMENDED that**

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

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

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

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

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

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

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

**B. SCHEME OF DELEGATION TO OFFICERS - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - AMENDMENT RELATING TO DELEGATED POWERS TO REFUSE**

**RECOMMENDED that**

- 1) the Scheme of Delegation to Officers be amended to include additions as follows:**
  - a) to refuse Hackney Carriage and Private Hire Vehicle Drivers' Licenses in line with Redditch Borough Council's refusal protocol and subject to the right of the applicant to appeal against such refusal to the Licensing Sub Committee (Taxis);**

- b) the delegation should incorporate the Head of Environment (HE), Manager of Environmental Health (MEH) and the Manager of Licensing (ML);
- 2) the “refusal protocol”, as detailed below, be approved and adopted by the Council with immediate effect;

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

***“The Licensing Manager may refuse an initial application for a Licence if the Licensing Manager considers that it would be likely that the Licensing Sub Committee would do so when applying the Home Office guidance as to the Relevance of Previous Convictions as expounded in pages 63 to 81 of the Council’s Taxi Handbook. The Licensing Manager shall immediately inform the applicant of the decision in writing and give the applicant a notice in writing of his / her right to appeal the decision to the Licensing Sub Committee within 21 days of notice of refusal.”***

***Delegated Officers:***

***HE Head of Environment  
MEH Manager of Environmental Health  
ML Manager of Licensing***

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

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

**C. SCHEME OF DELEGATION TO OFFICERS - LICENSING ACT 2003**

**RECOMMENDED that**

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

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

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

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

### 3. **Author of report**

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