

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **LICENSING COMMITTEE** is at **6.30pm** on **TUESDAY, 29 NOVEMBER 2011** in the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you will be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee members (Copy for information to all other members of the Council)
Directors
Press

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. Minutes of the meeting held on 6 September 2011 – copy enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).
5. References from Overview and Scrutiny (if any).

FOR DECISION

- ✓ 6. Fees and Charges – report of Head of Legal and Democratic Services – copy enclosed.
- ✓ 7. Steering to Success/Knowledge Test – report of Head of Legal and Democratic Services – copy enclosed.

- ✓ 8. Criminal Records Bureau Checks – Additional Information – report of Head of Legal and Democratic Services – copy enclosed.

FOR INFORMATION

- 9. Longridge Community Alcohol Network – Verbal Report of Community Development Officer, supporting documents attached.
- ✓ 10. Appeal Update and Premises Hours Information – report of Head of Legal and Democratic Services – copy enclosed.

Part II - items of business **not** to be discussed in public

None.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

Agenda Item No.

meeting date: TUESDAY, 29 NOVEMBER 2011
title: ANNUAL FEES AND CHARGES – HACKNEY AND PRIVATE HIRE LICENCES
submitted by: LEGAL SERVICES MANAGER
principal author: DIANE RICE

1 PURPOSE

1.1 To determine the annual fees for hackney carriage and private hire vehicle licences.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions - } The Council aims to be a well-managed Council providing efficient services based on identified customer needs. The fees charged for licences fund part of that service, and should reflect the costs incurred whilst being set at a reasonable level for licence holders.
- Community Objectives - }
- Corporate Priorities - }
- Other Considerations - }

2 BACKGROUND

2.1 The Council has power to charge for licences, subject to statutory provisions which both give rise to the power to charge and specify the way the charge for certain licences has to be calculated.

2.2 The relevant provisions are contained in the Local Government (Miscellaneous Provisions) Act 1976.

2.3 Section 53(2) is the relevant provision for:

- driver's licences for hackney carriages;
- drivers licences for private hire vehicles.

2.4 Section 70 is the relevant provision for:

- hackney carriage vehicle licences;
- private hire vehicle licences;
- private hire operator's licences.

2.5 Changes to the licence fees in respect of hackney carriage vehicles, private hire vehicles and private hire operator licences must be advertised in one newspaper, circulated in the local area 28 days before the change in charges takes effect.

2.6 The legislation provides that the fees should be set at a level which provides "such a fee as they consider reasonable with a view to recovering the costs of issue and administration". This is the basis upon which the fees were reviewed when the fee structure was last altered. There is no evidence to suggest the structure needs to be reviewed at this point provided increased costs are reflected in an inflation based uplift.

2.7 The Committee has, since it took responsibility for hackney and private hire licences, considered fees and charges at its final meeting of the financial year. However, in order to synchronise fee setting with the budget process, the decision by Committee has been brought forward, however the implementation date remains 1 April 2012.

2.8 The current fees for each type of licence are set out below:

<u>TAXI LICENSING CHARGES</u>	
PRIVATE HIRE & HACKNEY CARRIAGE	2011 from 1 April
	£
Driver's Renewal/Annual Licence	52.50
Temporary/Six month Licence	26.25
Replacement Driver's Badge	10.30
Vehicle Licences:	
ANNUAL – Up to 3 years old	147.25
6 MONTHS – Over 3 years but not exceeding 7 years	77.25
4 MONTHS – Over 7 years	55.50
Discount on previous Licence (1/12 th annual)	12.20 one full month
Transfer on Licence ownership	21.50
New or replacement:	
Plates	At cost plus 10%
Brackets	admin
Private Hire Operators Licence (From 1 December to 30 November) per annum for 5 vehicles or fewer, thereafter £10 per vehicle	136.00
Log books (100 sheets) each	1.40
Knowledge test – first one free then	6.50

3 ISSUES

3.1 In recent years licence fees have generally been uplifted annually in line with inflation. The Council is recommending uplifting the fees by reference to inflation (based on 3%) the annual fees (rounded up or down as most appropriate) for 2012 from 1 April would be as follows:

<u>TAXI LICENSING CHARGES</u>	
PRIVATE HIRE & HACKNEY CARRIAGE	2012 from 1 April
	£
Driver's Renewal/Annual Licence	54.00
Temporary/Six month Licence	27.00
Replacement Driver's Badge	11.00
Vehicle Licences:	
ANNUAL – Up to 3 years old	151.00

6 MONTHS – Over 3 years but not exceeding 7 years 4 MONTHS – Over 7 years	80.00 57.00
Discount on previous Licence (1/12 th annual)	12.60 one full month
Transfer on Licence ownership	22.00
New or replacement: Plates Brackets	At cost plus 10% admin
Private Hire Operators Licence (From 1 December to 30 November) per annum for 5 vehicles or fewer, thereafter £10.50 per vehicle	140.00
Log books (100 sheets) each	1.45
Knowledge test – first one free - paper - in person	7.00 14.00

3.2 The current fee for the Knowledge test has been reviewed. Applicants can choose between a written test, or a test where a member of staff goes out in the vehicle with the applicant and the test is verbal. However, this involves a member of staff spending up to one hour conducting the test. Hence the proposed difference in fee between the written or verbal test.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Committee must set fees at a level which reflects the Council's costs, however any surplus could be used to fund improvements to services and/or enforcement.
- Technical, Environmental and Legal – N/A
- Political – N/A
- Reputation – N/A

5 **RECOMMENDED THAT COMMITTEE**

5.1 Agree to set the current fees with effect from 1 April 2012, as shown at Table 2.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

For further information please ask for Diane Rice, extension 4418.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 7

meeting date: 29 NOVEMBER 2011
 title: STEERING TO SUCCESS COURSE AND KNOWLEDGE TEST
 submitted by: HEAD OF LEGAL AND DEMOCRATIC SERVICES
 principal author: DIANE RICE

1 PURPOSE

1.1 To inform Committee about the way in which the Steering to Success and Knowledge test elements of the application process are working, and to seek Committee's views as to whether or not any changes should be made.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions - }
 - Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- The Council aims to be a well managed Council. Clear and effective procedures contribute to this objective.

2 BACKGROUND

2.1 The requirement to pass the Steering to Success course and Knowledge test forms part of the application process and applies to both private hire and hackney drivers licences.

2.2 Hackney drivers are not allowed to obtain a licence until they have completed both courses, whereas private hire drivers are allowed to have a six month licence before completing Steering to Success course and passing the Knowledge test.

2.3 The Hackney Association have, in the past, raised the question as to whether or not it is equitable for private hire drivers to be able to obtain a licence without having to pass the knowledge test.

2.4 As the Steering to Success and Knowledge tests are central to the way in which the Council satisfies itself that the applicant is a fit and proper person, it is questionable whether it is appropriate to make a distinction between the two types of licence. The rationale for this historically has been the fact that private hire drivers have the ability to contact their operator should they have any difficulty finding a property, (in terms of the knowledge test) or require any advice about proper procedures and behaviour (in the case of matters covered by the Steering to Success course.

2.5 There is also some anecdotal evidence to suggest that licence holders obtain a licence in the period running up to Christmas and New Year to take advantage of the work available over the festive season without intending to continue in the Council's area and obtaining the necessary level of skill.

2.6 In order to ascertain the scale of the problem and to determine whether or not the Christmas period is particularly attractive to 'cone off drivers' some information has been obtained relating to single six month licences issued since February 2008, ie licences which were not converted to full licences.

2.7 The information obtained is interesting and shows the following:

Number of licences issued 77

Number of licence holders 74 (3 drivers had 2 x 6 month licences)

Number of the above licences which would cover the Christmas and New Year period 35

Number of the above which did not cover Christmas and New Year 42

Number issued per year:

2008 - 18

2009 - 22

2010 - 22

2011 - to date 15

These figures should be considered in context, namely the number of private hire and hackney drivers licences issued by the Council, eg the Council currently has 125 licensed private hire drivers and 62 licensed hackney drivers.

3 ISSUES

3.1 Committee will recall that when this requirement was introduced, the instruction from Committee was that the introduction should be pragmatic until the availability of college courses had synchronised with the increased number of applicants resulting from this Council adopting the Steering to Success course as part of its application procedure.

3.3 The Electoral and Licensing Officer is satisfied that there are now sufficient courses available to accommodate applicants for licences with Ribble Valley Borough Council. A sign has recently been placed in reception to inform licence holders that there will be no exception to the requirement that they complete the Steering to Success course within six months of being granted a licence, ie the licence will not be renewed until they have completed the course. The same rule applies to the Knowledge test.

3.4 In relation to the Knowledge test, the applicant is given four attempts at either a written or verbal test prior to the six month period expiring. Once the six month period has expired no other licence will be issued until the test has been completed.

3.5 We regularly receive requests to afford measure of flexibility to licence holders relating to the Steering to Success, either because the applicant has, perhaps several years prior to making his current application, worked as a taxi or private hire driver or because of individual circumstances.

3.6 The purpose of this report is to afford Committee an opportunity to consider the current arrangements and if Committee consider these arrangements are inappropriate to suggest alternatives, which could form the basis of consultation with licence holders.

3.7 Similarly, Committee Members may wish to consider whether the current practice of issuing a six month licence to private hire drivers before they complete the

course/pass the test meets the Council's obligation to be satisfied that the applicant is a fit and proper person.

- 3.8 In the event that Members are dissatisfied with the current arrangements, then it would be necessary to consult licence holders their views on any proposed changes. Members could adopt different arrangements for the 2 types of test (ie allow a six month licence after the Steering to Success course has been completed but prior to passing the Knowledge test).
- 3.9 The information provided is extracted from the Council's computer system, Members should, when considering the information at 2.7, note that the fact that licence holders have not gone on to renew their licence, does not in itself, indicate what their intention was when they took out the licence. Some of the licence holders may have gone on to hold hackney licences. Nor is there any evidence to suggest that new drivers give rise to complaints in any greater numbers than established drivers.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – None.
 - Technical, Environmental and Legal – Any changes would have to be considered fully after consultation with licence holders.
 - Political – None.
 - Reputation – None.

5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Consider the current arrangements for the Steering to Success course and consider whether or not these should be revised to those current arrangements.
- 5.2 Consider the current arrangements for the Knowledge test and consider whether or not these should be revised.
- 5.3 Consider whether Members wish to consult licence holders about possible changes to the six month licence.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

For further information please ask for Diane Rice, extension 4418.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 8

meeting date: 29 NOVEMBER 2011
title: CRIMINAL RECORDS BUREAU CHECKS – ADDITIONAL INFORMATION
submitted by: HEAD OF LEGAL AND DEMOCRATIC SERVICES
principal author: DIANE RICE

1 PURPOSE

1.1 To seek instructions from Committee relating to additional information supplied as part of the response to Criminal Records Bureau (CRB) checks.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions - }
 - Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- The Council aims to make the life of residents of the borough safer – the process for licensing drivers ensures all available information about any relevant convictions is known before a decision is made.

2 BACKGROUND

2.1 When considering whether or not an applicant is a fit and proper person to hold a licence, the Council considers information from several sources; this can include medicals, references and CRB checks.

2.2 There are two levels of CRB checks – standard and enhanced. The enhanced CRB check is the highest level and the one currently used by the Council. This is because drivers often carry out school or other contracts which can involve working with children and vulnerable adults.

2.3 One of the key differences between standard and enhanced checks is that the enhanced check may include approved or additional information – these are defined as follows:

Approved information - is non conviction information provided by the Police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The CRB will print this information on both the applicants and the counter signatories copy.

Additional information – the Chief Police Officer may decide it is necessary in the interests of the prevention or detection of crime to release additional information to the counter-signatory only. This additional information is provided in the form of a separate letter and should not be revealed to the applicant without the consent of the Chief Police Officer.

2.4 In order for the Council to countersign the applications which individuals make for a CRB check, it has to register with the CRB. One of the obligations placed on the

Council as a registered body is 'to ensure that additional information, including information as to its existence, is not revealed to the disclosure applicant and is disposed of in the appropriate manner and at the appropriate time'. Other information can be shared with relevant persons in the course of their specific duties relevant to the vetting process.

3 ISSUES

- 3.1 The Council receives additional information infrequently. However, when such information is received, the Council is placed in a difficult position, in that the Council is required to take into account information which is unknown to the applicant and in respect of which they therefore have no opportunity to provide an explanation. This has an effect on the weight that can be attached to the information provided, particularly in the absence of a relevant criminal conviction.
- 3.2 The current procedure is that the application is referred to the Licensing Sub Committee. This creates several problems; firstly the applicant needs to be given a reason why their application has been referred to the Sub Committee, and in the absence of any convictions or other issues, this can prove difficult. The receipt of additional information cannot be given as the reason due to the commitment given as part of the registration process.
- 3.3 If the applicant's licence is referred to the Sub Committee, then information has to be given to the Sub Committee, in the absence of the applicant which mitigates against the expectation of a right to a fair hearing.
- 3.4 The fact that additional information exists and its nature, if disclosed, creates a risk that the existence of the information will become known to the applicant or others.
- 3.5 Finally, Members are dissatisfied with the current process, as when considering additional information as they have concluded that no regard can be had to the information due to the lack of convictions and the other issues set out above.
- 3.6 It is proposed to change the procedure as follows. Where the only issue in relation to an application is the existence of additional information, that the information be disclosed solely to the Chairman, only where the Chairman considers the matter should be referred to the Licensing Sub Committee will a Licensing Sub Committee be convened. Other applications will be determined by officers in the normal way.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
 - Resources – None.
 - Technical, Environmental and Legal – The procedure should ensure a fair balance between the Council's need to ensure all relevant information is taken into account, and minimising the risk of breaching the terms of its registration with the CRB, and obligation to determine applications fairly.
 - Political – None.
 - Reputation – None.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Authorise the Head of Legal and Democratic Services and the Licensing and Electoral Registration Officer to determine applications where additional information has been received, but no other matters of concern exist, subject to confirmation by the Chairman that the matter should not be referred to the Licensing Sub Committee.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

For further information please ask for Diane Rice, extension 4418.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 10

meeting date: 29 NOVEMBER 2011
title: APPEAL UPDATE AND PREMISES HOURS INFORMATION
submitted by: HEAD OF LEGAL AND DEMOCRATIC SERVICES
principal author: DIANE RICE

1 PURPOSE

1.1 To inform Committee about:

- the outcome of a recent appeal;
- the current opening hours in the town centre; and
- a proposed initiative.

2 BACKGROUND

2.1 On 6 June 2011 the Council received an application by Keystreet Ltd to vary their premises licence. As a result of the fact that representations were received, a hearing was held on 13 July 2011. The application was refused in part; the element of refusal related only to additional hours on bank holiday weekends.

2.2 Once the changes permitted by the Committee were translated into the licence, it became apparent that modifications to the bank holiday hours would be relatively minimal and would not, in any event, affect the opening hours of the premises.

2.3 Therefore, after consultation with the Chairman and confirmation of certain matters by the police, an agreement was reached with the Applicant whereby the Appeal was disposed of without a contested hearing.

2.4 This application was one of several recently which have extended the hours of the premises.

3 ISSUES

3.1 Members of the Licensing Sub Committee have expressed concern not in relation to the management of the individual premises, but rather in relation to the effect on the character of the town, visitors and residents of premises operating for longer periods in the early hours of the morning.

3.2 The Police and Social Responsibility Act 2011, changes the Licensing Act in several respects as part of the process, which began with the consultation exercise 'Rebalancing the Licensing Act'. The Act will give local licensing committees more power to influence the way the Licensing Act affects their local area, although it will be some time before the relevant provisions are in force.

3.3 The changes the Act makes include the late night levy, early morning restriction orders and the conditions that can be attached to the licence, namely from necessary (the Committee can only impose conditions where there is clear evidence that a condition will be required) to appropriate (which will allow Committees to exercise

some element of judgement based on past experience rather than having to show need).

3.4 After discussions with the Chairman, it was agreed that would be useful to set out for Members of Committee:

- the current opening hours and
- times for supply of alcohol and hours for
- provision of regulated entertainment, at weekends, for the premises in the centre of Clitheroe.

Attached as Appendix 1 is a table showing this information, in descending order by reference to the hour when the premises close.

3.5 Members who sit on the Licensing Sub Committee have expressed concern that they have not been able to translate their sympathy with the concerns of residents into greater safeguards.

3.6 Discussions with local licensees have suggested that although the closing time of their premises has become later the effect on takings has been minimal and there can be additional costs.

3.7 Once the Police and Social Responsibility Act is in force, it will be appropriate to look at some of the more formal measures which will be available to control the way in which late night entertainment and drinking affects the centre of Clitheroe. However, before this there will be an offer to the local Pub Watch group to discuss whether there is any possibility of a local compact, whereby the current hours for premises are at least stabilised and possibly brought forward by agreement.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – None.
- Technical, Environmental and Legal – None.
- Political – None.
- Reputation – If, once the Act is in force, formal measures are taken, the Council will be able to demonstrate a commitment to working with licensees on a voluntary basis where possible.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Note the information provided above.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

For further information please ask for Diane Rice, extension 4418.

APPENDIX 1

Name of Premises/Public House	Opening Hours			Supply of Alcohol			Latest of live or recorded music		
Carlitos	03.00	03.00	00.30	02.30	02.30	00.00	02.30	02.30	00.00
Keystreet Ltd	03.00	03.00	02.00	02.30	02.30	01.30	02.30	02.30	01.30
Dog Music & Sports Bar	02.45	02.45	01.15	02.15	02.15	23.45	02.15	02.15	00.45
White Lion	02.00	02.00	00.30	01.30	01.30	00.00	01.30	01.30	23.30
Conservative Club *	-	-	-	02.00	02.00	00.00	02.00	02.00	00.00
Rose & Crown	02.00	02.00	00.00	01.00	01.00	23.30	01.00	01.00	23.00
Swan & Royal - Pub Function Room	00.30 02.00	01.30 02.00	01.30 02.00	01.00 01.30	01.00 01.30	00.00 01.30	01.00	01.00	00.00
Royal Oak	01.30	01.30	00.30	01.00	01.00	00.00	00.00	00.00	23.00
Craven Heifer	01.30	01.30	01.00	00.30	00.30	00.00	23.00	23.00	22.30
Waggon & Horses	01.30	01.30	00.30	01.00	01.00	00.00	01.00	01.00	00.00
White Horse	01.30	01.30	00.00	01.00	01.00	23.30	00.00	00.00	23.00
Buck Inn	01.30	01.30	00.30	01.00	01.00	00.30	00.00	00.00	00.00
Castle Hotel	01.30	01.30	00.30	01.00	01.00	00.00	01.00	01.00	00.00
New Inn	01.30	01.30	00.00	01.00	01.00	23.30	00.00	00.00	23.30
British Legion *	-	-	-	01.00	01.00	00.00	01.00	01.00	00.00
So Bar	01.00	01.00	00.00	00.30	00.30	23.30	01.00	01.00	00.00
Brown Cow	01.00	01.00	01.00	00.30	00.30	00.30	00.45	00.45	00.45
Piccolino	01.00	01.00	01.00	00.00	00.00	00.00	00.00	00.00	00.00
Maxwells	00.30	00.30	00.30	00.00	00.00	00.00	23.00	23.00	23.00
Emporium	00.30	00.30	00.30	00.00	00.00	00.00	00.00	00.00	23.00
Inn at the Station	00.00	00.00	00.00	00.00	00.00	00.00	00.00	00.00	00.00
Clitheroe Social Club *	-	-	-	23.59	23.59	23.30	23.59	23.59	23.00
The Victoria Hotel **	-	-	-	23.00	23.00	22.30	← None →		

* Denotes club licence – opening hours not controlled

** Denotes licence specified – originates from ‘grandfather rights’ hence no opening hours