

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Monday 11 March 2024, at **4.30pm**.

Councillor K Gorman (Chair)
Councillor J Sinnott (Vice-Chairman)

Councillor D Armstrong
Councillor A Barton
Councillor K Dray
Councillor C Gifford
Councillor D Harrison
Councillor C King
Councillor P Kohler

Councillor M Luckhurst
Councillor J Matecki
Councillor P Redford
Councillor W Roberts
Councillor G Rosu
Councillor S Syson

Agenda

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. Minutes of the Licensing & Regulatory Committee

To confirm the minutes of the meetings held on:

- a) 16 October 2023

(Pages 1 to 2)

4. **Minutes of Licencing & Regulatory Panels**

To confirm the minutes of the Licensing & Regulatory Panels as set out below:

- | | |
|----------------------|-----------------------|
| a) 14 September 2023 | (Pages 1 to 4) |
| b) 27 September 2023 | (Pages 1 to 5) |
| c) 24 October 2023 | (Pages 1 to 7) |
| d) 21 November 2023 | (Pages 1 to 6) |
| e) 7 February 2024 | (To Follow) |
| f) 14 February 2024 | (Pages 1 to 4) |

5. **Proposed Hackney Carriage Fare Increase**

To consider a report from Safer Communities, Leisure and Environment.

(Pages 1 to 19)

6. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Numbers	Paragraph Numbers	Reason
7	1	Information relating to an Individual
7	2	Information which is likely to reveal the identity of an individual

7. **Confidential Minutes of the Licensing & Regulatory Panels**

To confirm the confidential minutes of the Licensing & Regulatory Panel meetings held on:

- | | |
|-----------------------------|---|
| a) 5 October 2023 | (Pages 1 to 5)
(Not for publication) |
| b) 10.00am 14 December 2023 | (Pages 1 to 3)
(Not for publication) |
| c) 11.00am 14 December 2023 | (Pages 1 to 3)
(Not for publication) |
| d) 11 January 2024 | (Pages 1 to 4)
(Not for publication) |
| e) 16 January 2024 | (To Follow)
(Not for publication) |
| f) 10.00am 1 February 2024 | (Pages 1 to 4)
(Not for publication) |
| g) 11.00am 1 February 2024 | (Pages 1 to 5)
(Not for publication) |

General Enquiries: Please contact the Committee Services team via email at committee@warwickdc.gov.uk. Alternatively, you can contact us at:

Warwick District Council, Town Hall, Parade, Royal Leamington Spa, CV32 4AT or telephone 01926 456114.

For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at LandRCommittee@warwickdc.gov.uk

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Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Thursday 14 September 2023, at 10.00am.

Present: Councillors Dray, D Harrison, and King.

Also Present: Patricia Tuckwell (Civic and Committee Services Manager); Alaa Cronin (Council's Solicitor); and Emma Morgan (Licensing Enforcement Officer).

1. Appointment of Chairman

Resolved that Councillor King be appointed as Chairman for the hearing.

2. Substitutes

Councillor Dray substituted for Councillor Syson.

3. Declarations of Interest

There were no declarations of interest made.

4. New Mobile Street Trading Consent holder wishes to trade outside of the restrictions set out within Warwick District Council's Street Trading Policy

The Panel considered a report from Safer Communities, Leisure and Environment which brought forward a new application for a Street Trading Consent to trade outside the hours and restrictions set out within Warwick District Council's Street Trading Policy.

Mr Stevens applied for a Street Trading Consent on 31 July 2023 to trade anywhere within Warwick District Council. A copy of the application form along with supporting documents was attached as Appendix 1 to the report.

Upon receiving the application, officers referred to the current Street Trading Policy which permitted trading between the hours of 6.00am and 6.00pm. The Policy also included at Appendix 1 to the report - Standard general conditions to be applied to Consents, that:

" Touring consent holders shall not trade from the same location for more than 15 minutes (or until queuing customers have been served) at any one time. There is to be no return to any location within 2 hours of previous trading."

On the application form, Mr Stevens requested to trade outside the hours set out in the Policy and also requested that the condition in relation to being in the same location for more than 15 minutes should be removed from any consent granted.

The Licensing Team consulted with Warwickshire Police, Environmental Health, and Warwickshire County Council when a new application was received. An

objection was subsequently received from Warwickshire County Council Highways which was attached as Appendix 2 to the report.

A concern raised by Warwickshire County Council Highways was that removal of the condition relating to the time that a Touring Consent holder could trade from the same location would mean that the applicant "could stop in one location for the whole day - anywhere on the highway network - which could lead to hazards for highway users and elicit complaints from adjacent properties/businesses, with no recourse". A further concern related to the jurisdictional scope of the Consent, that it should only apply to the jurisdiction of Warwick District Council.

The Licensing Officer noted the points raised by Warwickshire County Council Highways in their objection and reminded the applicant that the Consent would only permit trading within Warwick District Council. The Licensing Officer also queried whether the applicant would be willing to accept an additional condition if the Consent was granted, requiring them to only trade on private land with permission from the landowner. The applicant stated that they only intended to operate on private land. This email was attached as Appendix 3 to the report.

The Chairman introduced the Panel and officers present.

At the Chairman's request, the Licensing Team Leader introduced the report.

In response to questions from Members, the Licensing Enforcement Officer confirmed that:

- The application was different to a static trading application because in this instance, if granted, the applicant would be able to move around the District to trade.
- Hours that applicants could trade varied depending on the application and whether any objections had been received.
- Static traders would have different circumstances, for example, the use of a generator could have a noise impact on the area. Often the applicants applied to trade in a commercial area where this would have less of an impact.
- A condition could be added to amend the 15-minute time scale to a more suitable time scale.

The applicants, Mr and Mrs Stevens, were invited to give a statement. Mr Stevens explained that the business had started during the Covid-19 pandemic and initially delivered ready-made meals to customers' homes. As restrictions lifted, the business moved into barbecues and eventually offering private dinners cooked within the home. The business catered food festivals in Kenilworth, Royal Leamington Spa and Hatton. Mrs Stevens ran the social media page and saw an opportunity for a pop up on private land, which prompted the application for a Street Trading licence. Mr Stevens stated the intention would be to operate on private land with permission, and there was no intention to pull up on public highway to trade. The van would operate predominantly on weekends, within the hours of which the landowner operated. There was no intention to work late into the night, and the applicant expected to use the licence to operate in pub gardens, where owners would often invite traders during the summer months to generate business.

In response to questions from the Panel, the applicants explained that:

- the van did not require a generator, it ran off gas only;
- the hours applied to trade were 4.00pm-10.00pm Monday to Friday, 10.00am-11.00pm Saturday and 10.00am-10.00pm Sunday;
- both applicants were working full time and were not seeking to trade for the entirety of the hours applied for;
- sometimes they would be called to cover events with a 24-hour notice window, where someone else had dropped out. For that reason, it was important to have a large enough time frame to trade; and
- they would not “randomly turn up” in a location and would only attend with the landowner’s invitation.

At 10.20am, the Chairman asked all parties other than the Panel, the Council’s Legal Advisor and the Civic and Committee Services Manager to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be **granted**.

In reaching this decision the Licensing Panel considered the written report from the Licensing Officer which included a copy of the application and the objection received from Warwickshire County Council’s Highways Department. The Panel also had regard to the Licencing Officer’s presentation of the report and the oral representations made by the Applicant and his wife at the hearing.

The Panel considered the Council’s “Street Trading Consent Policy” dated 2016 and the provisions of Schedule 4 Local Government (Miscellaneous Provisions Act) 1982. The Panel noted the Applicant’s representations that they intend to operate as a “pop-up” food vendor across the District at locations such as Public Houses and private car parks owned by commercial business, on invitation of or by agreement with the landowner. Further, that they envisage primarily trading on weekends and occasionally on a weekday.

The Panel noted the Highways Department’s objection to the application on grounds of public safety, in particular the concern that if a Touring Consent was granted as applied for, the Applicant “could stop in one location for the whole day - anywhere on the highway network - which could lead to hazards for highway users and elicit complaints from adjacent properties/businesses, with no recourse”. However, the Panel considered that this concern can be adequately addressed by way of a condition requiring the Applicant to trade only on private land with permission from the landowner. It was considered that such a condition would ensure the Applicant would trade only from locations where their presence was desired.

The Panel gave weight to the fact that other than the objection from the Highways Department, no other

consultee raised concerns or objected to the application. The Panel also noted that Warwick District Council has granted Touring Street Trading Consents to hot food vendors in the past with no objection being received from any of the consultees. The Panel was assured by the Applicant's representations that they would use only gas appliances when trading and not a generator, which the Panel considered is less likely to lead to noise nuisance. Accordingly, the Panel considered that, at the time of their decision, there were no relevant grounds on which to refuse the application.

Though the operating hours requested by the Applicant are outside of the guidance hours as set out in the Council's Street Trading Policy, the Panel considered these reasonable given the nature of the locations that the Applicant intended to trade from. Similarly, the Panel considered that it would be unreasonable to impose the standard condition prohibiting the Applicant from trading from the same location for more than 15 minutes (or until queuing customers have been served) at any one time and not to return to any location within 2 hours of previous trading. However, as the Application is for a Touring Consent rather than a static pitch, the Panel considered that some restriction is necessary.

In the circumstances, the Panel resolved to grant the Street Trading Consent with the operating hours requested by the Applicant subject to the following additional condition:

- To only trade on private land with permission from the landowner.

Additionally, paragraph 5 of the General Conditions to Street Trading Consents (as set out at Appendix 1 of the Council's Policy) is to apply to this Consent as amended below:

- The Touring Consent holder shall not trade from the same location for more than 3 consecutive days at any one time. There is to be no return to any location within 1 week of previous trading."

A copy of this Record of Decision will be served on all relevant parties.

Under Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 there is no statutory right of appeal against this decision. An aggrieved applicant may apply to the High Court for a judicial review to challenge any errors in the administrative process. Alternatively, applicants have recourse to the Council's complaints procedure.

(The meeting ended at 10.20am)

CHAIRMAN
11 March 2024

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Wednesday 27 September 2023, at 10.00am.

Present: Councillors Armstrong, Kohler and Sinnott.

Also Present: Lesley Dury (Principal Committee Services Officer); Alaa Cronin (Council's Solicitor); and Emma Morgan (Licensing Enforcement Officer).

1. **Substitutes**

Councillor Sinnott substituted for Councillor Dray.

2. **Appointment of Chairman**

Resolved that Councillor Armstrong be appointed as Chairman for the hearing.

3. **Declarations of Interest**

There were no declarations of interest made.

4. **New Mobile Street Trading Consent holder wishes to trade outside of the restrictions set out within Warwick District Council's Street Trading Policy**

The Panel considered a report from Safer Communities, Leisure and Environment for a new application for a Street Trading Consent to trade outside the hours and restrictions set out within the Warwick District Council's Street Trading Policy.

The Chairman asked the Panel and officers present to introduce themselves. The applicant, Mr Arlando Whyte and his spouse, Mrs Sue Whyte, introduced themselves.

The Council's Solicitor read out the procedure for the order in which evidence would be presented.

At the Chairman's request, the Licensing Enforcement Officer introduced the report.

Anyone who exposed goods for sale within the District needed a Street Trading Consent issued by the Council. A Street Trading Consent was issued for 12 months. The Council's Street Trading Consent Policy, attached as Appendix 2 to the report, stated that the Council would generally only permit street trading between 6.00am and 6.00pm. Any trading outside these hours would have to be approved by the Licensing and Regulatory Committee and would be assessed in terms of criteria laid out within the Policy on matters of public safety, public order, the avoidance of public nuisance and local area needs.

Mr Whyte applied for a Street Trading Consent on 10 August 2023 to sell Jamaican street food from a vehicle anywhere within Warwick District. A copy of

the application form along with supporting documents was attached as Appendix 1 to the report.

The Council's Street Trading Consent Policy included general conditions to be applied to Consents, these provided that:

- touring consent holders should not trade from the same location for more than 15 minutes (or until queuing customers had been served) at any one time; and
- there was to be no return to any location within two hours of previous trading.

Mr Whyte had requested to trade between the hours of 12 Noon and 8.00pm which was outside the guideline hours set out in the Policy. Mr Whyte had also requested that the condition in relation to being in the same location for more than 15 minutes was removed from any consent granted.

No objections to the new application had been received from Warwickshire Police, Environmental Health and Warwickshire County Council which were consultees.

In response to questions from Members, the Licensing Enforcement Officer confirmed that:

- this was a brand-new application and no complaints had been received; and
- the Council had a number of street traders who currently traded outside the hours stated in the Policy and some of these did trade to 8.00pm and the 15-minute period had been waived.

Mr Whyte was invited to give a statement. Mr Whyte explained that his business, Nally's Jamaican Street Food, started just after Covid when employment was hard to find. He used to cook in Jamaica and decided to bring his passion for cooking and Jamaican food to the UK. After searching for premises in Whitnash, he realised that there was not enough trade, so he searched other platforms on which to sell his food such as Just Eat. The fees for these platforms were extortionate and he struggled to keep the business viable.

Mr Whyte acquired a gazebo following requests to cater private parties, including wedding receptions. Problems were encountered in the colder months because Jamaican food necessitated several hours of cooking and it was difficult to keep the food warm. After struggling for several months, he decided that the only viable way to continue was to purchase a van. Subsequent to acquiring the van, more business had arrived from private parties; he had also been approached by Lighthorne Village Hall to provide food there. At this point the decision was made to apply to Warwick District Council for Street Trading Consent so that more people could be reached. He pointed to the positive reviews his business was getting.

Mr Whyte explained that the time required to prepare Jamaican food meant that a 15-minute limit was unsuitable. It took several hours of preparation so there was no business case for obtaining many ingredients and then be able to sell just for 15 minutes. This was not the type of business they ran. They therefore needed a licence outside of the Council's policy.

Mr Whyte explained the type of business they currently did. In the winter, Mr Whyte and his wife provided hot beverages and snacks like hot dogs to a youngsters' rugby football club in the morning. Mr Whyte explained that he needed the licence until 8.00pm because he had found that at 7.00pm people would be returning from work and rather than having to leave food for them to collect from other people, he wanted to be able to provide the food directly to his customers.

In terms of public safety, he was not looking to site his van on Parade or any pop-up on streets. He intended to take his food van to events and public houses which approached him to provide food at their premises. He wished to bring Jamaican food to more people, some of whom would never have tried it. This was his sole source of income. He only traded by invitation.

Mrs Whyte informed the Panel that they always cleared up the patch after they finished trading, including mess that had nothing to do with them. The van used gas bain-maries to heat the food up or would be hooked up to a power source from the premises, like village halls to which they had been invited. They did not generally use a generator, because she felt this would be likely to cause a noise nuisance. Music was not provided. Their intention was to gain more business from private events.

In response to questions from the Panel, the applicants explained that:

- They had a five-star food health rating for both the van and the shop.
- When they applied for the licence, they had looked online and the earliest time they could apply to trade from had been 12 noon. But they would like to trade earlier because of the business with the football rugby club which was not their main core business and was on an occasional basis. They would appreciate the licence covering this if the hours could be extended further. They pointed out that people generally would not want Jamaican food before Noon. They asked the Panel if it would extend the start time to 10.00am to cover for hot beverages and snacks like a bacon sandwich.
- They did not hold any other licenses with other Authorities.
- They tended not to trade next to other food premises with fixed locations. This was not a direction they wished to take with their business because it could cause problems with a conflict of interest.

The Licensing Enforcement Officer confirmed that she had found five instances where the Council had issued similar licenses. She confirmed with the applicants that they would be willing for a condition to be imposed that they only traded on private land.

The Chairman confirmed that the applicants had nothing they wished to add.

At 10.35am, the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Principal Committee Services Officer to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant later on the same day, followed by a written notice with a full decision within seven days.

Resolved that Street Trading Consent be granted with the amended operating hours of 10.00am to 8.00pm subject to:

- (1) an additional condition to trade only on private land with the permission from the landowner; and
- (2) a restriction that the Touring Consent holder shall not trade from the same location more than three consecutive days at any one time, with no return to any location within seven days of previous trading.

The Decision:

"The Licensing Panel received a report from Warwick District Council's Licensing Department, in respect of an application from Mr Arlando Whyte for a Street Trading Consent to trade across the District and outside the hours and restrictions set out within Council's Street Trading Policy.

In reaching this decision the Panel considered the written report, the Licensing Officer's presentation of the report and the oral representations made at the meeting by the Applicant and his partner Mrs Whyte. The Panel have also considered the Council's "Street Trading Consent Policy" dated 2016 and the provisions of Schedule 4 Local Government (Miscellaneous Provisions Act) 1982.

The Panel noted the Applicant's representations that they intend to operate as a food vendor across the Council's district at locations such as village halls, Rugby clubs, wedding venues and charity events. Further, that they intend to primarily sell Jamaican food, which often takes several hours to prepare, as such a requirement that they do not trade from the same location for more than 15 minutes (or until queuing customers have been served) at any one time is not suitable for their business.

The Panel also took note of the Applicant's representations that they envisage primarily trading after 12:00 hours, however, that they required flexibility to trade before this time so that they can occasionally cater at events such as morning football practice. Accordingly, with the consent of the Chair, the Applicant amended the times stated on their written application and instead requested that the Panel consider granting a Street Trading Consent that permitted them to trade between 10:00 and 20:00 hours. Moreover, the Panel noted that in response to a question from the Licensing Officer, the Applicant indicated that they would be happy to agree to a condition requiring them to trade only on private land with consent of the landowner.

Though the operating hours requested by the Applicant are outside of the guidance hours as set out in the Council's Street Trading Policy, the Panel considered these reasonable given the nature of the locations that the Applicant intended to trade from. Similarly, the Panel considered that it would be unreasonable to impose the standard condition prohibiting the Applicant from trading from the same location for more than 15 minutes (or until

queuing customers have been served) at any one time and not to return to any location within 2 hours of previous trading. However, as the Application is for a Touring Consent rather than a static pitch, the Panel considered that some restriction is necessary.

Further, the Panel considered that a condition requiring the Applicant to only trade on private land with permission from the landowner would ensure the Applicant would trade only from locations where their presence was desired.

The Panel noted that no objections were received by the Licensing Department from any of those consulted about the application, moreover, that the Council has granted Touring Street Trading Consents to hot food vendors in the past.

Accordingly, the Panel considered that, at the time of their decision, there were no relevant grounds on which to refuse the application.

In the circumstances, the Panel resolved to grant the Street Trading Consent as applied for with the amended operating hours requested at the hearing (10:00 to 20:00 hours) subject to the following additional condition:

- To only trade on private land with permission from the landowner.

Additionally, paragraph 5 of the General Conditions to Street Trading Consents (as set out at Appendix 1 of the Council's Policy) is to apply to this Consent as amended below:

- The Touring Consent holder shall not trade from the same location for more than 3 consecutive days at any one time. There is to be no return to any location within 7 days of previous trading."

A copy of this Record of Decision will be served on all relevant parties.

Under Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 there is no statutory right of appeal against this decision. An aggrieved applicant may apply to the High Court for a judicial review to challenge any errors in the administrative process. Alternatively, applicants have recourse to the Council's complaints procedure.

(The meeting ended at 10.50am)

CHAIRMAN
11 March 2024

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Tuesday 24 October 2023, at 10.00am.

Present: Councillors C Gifford, Gorman, and Redford.

Also Present: Patricia Tuckwell (Civic and Committee Services Manager), Sue Mullins (Council's Solicitor), and Emma Morgan (Licensing Enforcement Officer).

1. Appointment of Chairman

Resolved that Councillor Gorman be appointed as Chairman for the hearing.

2. Substitutes

Councillor Redford substituted for Councillor King.

3. Declarations of Interest

There were no declarations of interest made.

4. Application for a new Premises Licence under the Licensing Act 2003 for Albion Street Kitchen, 83 Albion Steet, Kenilworth

The Panel considered a report from Safer Communities, Leisure and Environment for a new premises licence application at Albion Street Kitchen, 83 Albion Steet, Kenilworth, CV8 2FY. A representation had been received in relation to this application for the consideration of the Panel in the determination of the application.

Mr Rayappan applied for a new premises license for Albion Street Kitchen, 83 Albion Street, Kenilworth on 4 September 2023. The premises was described by the applicant as a restaurant and takeaway.

The application was for the sale of alcohol on and off the premises. A copy of the relevant part of the application form was attached as Appendix 1 to the report.

The Licensing Department initially received comments on the application from Warwickshire County Council Trading Standards and Warwick District Council Environmental Health. Following the agreement of conditions with Trading Standards and Environmental Health, these representations had been withdrawn. The agreed conditions, which would form part of any licence if granted, were attached as Appendix 2 to the report.

The Licensing Department also received one objection from a local resident. This was attached as Appendix 3 to the report.

No representations had been received from:

- Warwickshire Police
- Fire Authority
- The Licensing Authority

- Enforcement Agency for Health and Safety
- Authority Responsible for Planning
- National Health Service/Public Health

A plan showing the location of the premises was attached as Appendix 4 to the report, along with the current plan of the internal layout. Photographs of the premises were attached as Appendix 5 to the report.

An addendum circulated prior to the meeting advised of confirmation from Warwickshire Police that conditions had been agreed in relation to the application for a premises licence. These conditions would form part of any licence granted and were attached as Appendix A to the report. On 18 October 2023, the applicant sent additional information to the Licensing Department and requested this be shared with the Panel. These were attached as Appendix B to this report.

The Chairman asked Members of the Panel and Officers to introduce themselves. The applicant then introduced himself as Mr Rayappan.

The Council's Solicitor announced the procedure for the meeting. At the Chairman's request, the Licensing Enforcement Officer introduced the report.

In response to questions from Members, the Licensing Enforcement Officer stated that if a licence were granted, alcohol consumption would only be permitted within the venue. Therefore, the terrace could not be used if consuming alcohol.

In his opening statement, Mr Rayappan advised that:

- he had 25 years of experience in this industry and had previously worked for a high street branch;
- Albion Street Kitchen was the first business he had opened, and it provided Pan-Asian cuisine to Kenilworth residents, which was not served in the area;
- he had invested £100,000 to open the business;
- he would like the opportunity to sell alcohol to allow customers a pleasant experience and to enjoy one or two drinks with a meal. He did not plan on creating the atmosphere of a pub, there would be no live entertainment or opportunity to get drunk;
- he aimed to be a good licence holder and would keep to the code of practice;
- he did not get planning permission to move the kitchen extractor because he was not aware this was required. As soon as he was made aware, he applied for permission;
- if a licence was granted, an alcohol policy would be implemented. A challenge 25 poster would be displayed; and
- he would also ensure that staff were trained in various sale of alcohol policies.

In response to questions from the Panel, the applicant explained that:

- the emergency exits were situated to the front and rear of the property;
- two tables had been removed to make more space for takeaway pickup;
- the opening hours of the business were 10.30am - 9.00pm Monday to Thursday, 10.30am-10.00pm Friday and Saturday, 10.30am-8.00pm on Sunday;

- the application hours were based on previous experience in a high street branch. The pubs and off licence on the same street were permitted to sell alcohol during the hours applied for;
- following the submission of the application, he had now adjusted the opening hours. Once the business had opened, he realised that the customer base did not require the business to be open as late as 11.00pm;
- having received a complaints letter from residents, he was now happy to close at 9pm during the week, and until 10pm on Friday and Saturday evenings;
- the location of the premises was in a residential area;
- alcohol sales taken through the online order system would be verified by third parties such as JustEat or UberEats, which had their own system to ensure customers were over the age of 18. If the driver had any concerns regarding the order, it would be brought back to the restaurant and logged as a refusal;
- whilst the third-party websites were used for collecting the online orders, the applicant employed his own delivery drivers;
- collection was not yet available as an online order option;
- when fulfilling the delivery, the drivers would follow Challenge 25 and check for ID at the point of dropping the order off, should they feel this was needed. If the customer refused to provide ID or the ID provided was not satisfactory, the drivers were trained to bring the order back to the restaurant and log it;
- he looked at opening a restaurant for around three years and had worked in Kenilworth from 2008- 2010 so had an understanding of the local community and had implemented his previous experience of working within the sector;
- he had previously held a personal licence and had used this knowledge to apply for a premises licence;
- Albion Street Kitchen opened at 10.30am for breakfast and the all-day menu was available from 11.30am. A customer was only able to order online from 11.30am onwards. Sales at 10.30-11.30am would be restaurant only and the staff would be able to implement challenge 25 directly;
- there were only three or four tables coming in for breakfast, and out of those, very few wanted alcohol, and this was only to be served with food;
- a notice stating "*this is a residential area, please be considerate*" had been placed in the restaurant's window and the applicant was considerate to the flat above and had had conversations to ensure there was no noise nuisance;
- there had been limited customers dining in the restaurant, but he would tell customers if required to ensure noise levels were kept to a minimum; and
- if the closing time was 9.00pm, last orders would be in by 8.45pm. The expectation would be for customers to leave the premises by 9.30pm.

In his closing statement, Mr Rayappan stated that he had been awarded 'general manager of the year' twice and he would strive to look after the local area and community. He also stated the code of conduct would be followed and staff would be diligently trained.

At 10:38am the Chairman asked all parties other than the Panel, the Council's Legal Advisor and the Civic and Committee Services Manager to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant

and interested parties later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted subject to conditions.

In making their decision, the Panel considered all the information provided in advance of, and at, the Hearing and the statutory guidance and the Council's Statement of Licensing Policy.

The Panel considered the potential impact on the licensing objectives and in particular public nuisance and the protection of children from harm. The Panel noted that the Applicant had agreed conditions with Warwickshire Trading Standards, Environmental Health and Warwickshire Police and that there were no remaining objections from responsible authorities.

The Panel therefore determined that it was appropriate for the promotion of the licensing objectives to grant the application for a premises licence at Albion Street Kitchen, 83 Albion Street, Kenilworth as set out below:

Sale of Alcohol for Consumption On and Off the Premises
Sunday to Thursday 10:00 to 21:00
Friday and Saturday – 10:00 to 22:00

As part of the decision to grant the application, the Panel determined that the following conditions should be applied to the premises licence to promote the licensing objectives:

1. The conditions set out in the operating schedule at Appendix 1 of the Report;
2. The conditions agreed between the Applicant, Warwickshire County Council Trading Standards, Environmental Health and Warwickshire Police as follows:

Conditions agreed with Environmental Health and Trading Standards

1. Prominent, clear, and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
2. All tables and chairs shall be removed from the outside area by 23:00 each day.
3. The premises licence holder (or his/her nominees) shall ensure that any patrons drinking, eating and/or smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.
4. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, one waste bin to enable the disposal of waste food, food containers, wrappings etc.

5. Where the premises provide food for the consumption off the premises, the licence holder (or his/her nominees) shall ensure sufficient measures are in place to remove and prevent litter or waste food, food containers, wrappings arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business each day.
6. No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 21:00 hours and 07:30 hours on the following day.
7. No deliveries to the premises shall take place between 21:30 and 07:30 on the following day.
8. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.
9. Keep a 'challenge log' (refusals book) recording all challenges - where both sales and refusals result (example downloadable refusals book
<https://www.businesscompanion.info/sites/default/files/Underage-sales-refusals-log-Nov-2021.docx>)
10. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits) (examples of posters that could be used can be found here: <https://noidnosale.com/>)

Conditions agreed with Warwickshire Police

1. All staff to be trained in the prevention of underage sales to a level commensurate with their duties.
2. All such training to be updated as necessary for instance when legislation changes and should include training on how to deal with difficult customers.
3. The training should be clearly documented and shall be available for inspection on request by an authorised officer of the Licensing Authority or an officer of the Police.
4. A Challenge 25 scheme shall be adopted and implemented.
5. Photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
6. All staff training records to be maintained on site and made available for inspection by a responsible authority on reasonable request.
7. Premises DPS or management must attend any invited training sessions held by responsible authorities on reasonable request.

8. The Premises Licence holder shall implement and maintain an up-to-date register of incidents occurring on the premises. This register shall be made available to the Police or Authorised Officers on request.
9. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
10. No open vessels of alcohol to leave the venue at any time.
11. Refusals register to be maintained and made available for inspection by a responsible authority on reasonable request.
12. The Applicant shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Licensing Officers and shall ensure:
 - i. All equipment shall have constant time/date generation.
 - ii. This shall include a system to ensure automatic update in relation to the beginning and end of British Summer Time etc.
 - iii. If the system is not capable of achieving this requirement the Licence holder or nominated person must ensure that a manual facility is available to carry out this update as an alternative.
 - iv. Recordings must be kept for a minimum of 31 days.
 - v. Recordings of incidents at the premises must be made secure for inspection by the Police and or Licensing Officers.
 - vi. Copies of recordings will be made available to officers of the responsible authorities on reasonable request.
 - vii. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
 - viii. Arrangements for its repair must be made without delay.

The Panel also wished to highlight to the Applicant Condition 10 agreed with the Police that no open vessels of alcohol should leave the premises at any time and stressed that no alcohol should be allowed to be consumed in the seating area outside the Premises.

The Applicant or any person who has made representations may appeal against the decision of the Panel to the Magistrate's Court within 21 days of issue of formal notification of the decision.

(The meeting ended at 10.38am)

CHAIRMAN
11 March 2024

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Tuesday 21 November 2023, at 10.00am.

Present: Councillors Dray, Gorman and Syson.

Also Present: Sue Mullins (Council's Solicitor), Emma Morgan (Licensing Enforcement Officer), Mia Matthews (Committee Services Officer – observing only) and Sophie Vale (Committee Services Officer).

1. Appointment of Chairman

Resolved that Councillor Gorman be appointed as Chairman for the hearing.

2. Substitutes

There were no substitutions.

3. Declarations of Interest

There were no declarations of interest made.

4. Application for a new Premises Licence under the Licensing Act 2003 for Spinney Hill Fish Bar, 3 The Precinct, Warwick.

The Panel considered a report from Safer Communities, Leisure and Environment which had received a valid application for a new premises licence at Spinney Hill Fish Bar, 3 The Precinct, Warwick, CV34 5SR. Representations had been received in relation to this application for the consideration of the Panel in the determination of the application.

Mr Madoo applied for a new premises licence for Spinney Hill Fish Bar, 3 The Precinct, Warwick, CV34 5SR on 28 September 2023. The premises had been described by the applicant as a fish and chip shop takeaway business with a large waiting area.

The application was for the sale of alcohol on and off the premises. A copy of the relevant part of the application form was attached as Appendix 1 to the report. A table showing out the hours applied for was set out below:

	Sale of Alcohol for the Consumption Off the Premises	Opening Hours
Monday to Saturday	From 10:00 to 23:00	From 07:00 to 23:30
Sunday	From 10:00 to 22:00	From 07:00 to 22:00

The Licensing Department initially received comments to the application from Warwickshire County Council Trading Standards, Warwick District Council Environmental Health, and Warwickshire Police. Following the agreement of conditions with these responsible authorities they withdrew their comments/objections. The conditions agreed, which would form part of any licence if granted were attached as Appendix 2 to the report.

The Licensing Department received one objection from a local resident. This was attached as Appendix 3 to the report.

No representations had been received from:

- Warwickshire Police
- Fire Authority
- The Licensing Authority
- Enforcement Agency for Health and Safety
- Authority Responsible for Planning
- National Health Service/Public Health
- Environmental Health

A plan showing the location of the premises was attached as Appendix 4 to the report along with the current plan of the internal layout. Photographs of the premises were attached as Appendix 5 to the report.

An addendum circulated prior to the meeting advised that on 14 November 2023 the applicant sent additional information to the Licensing Department and requested that this be shared with the Panel. These were attached as Appendix A to the report.

The Chairman asked Members of the Panel and Officers to introduce themselves. The applicant then introduced himself as Mr Arun Harpal Singh Matoo. Mr Matoo's wife then introduced herself as Mrs Sanjot Matoo.

The Council's Solicitor announced the procedure for the meeting. At the Chairman's request, the Licensing Enforcement Officer introduced the report.

In their opening statement, Mr & Mrs Matoo advised that:

- due to the rising costs of supplies (e.g. the cost of gas and electricity had tripled from the cost to the previous owners), they had decided to try to boost sales by applying to sell alcohol in addition to normal fish and chips;
- they had applied for the licence to expand the business to keep their heads above water;
- the cost of bags of potatoes had risen from £7 to £11, and they purchased up to 40 bags a week; and
- having the licence would be a good thing for the community as it would create opportunities for jobs as additional staff would be required for the sale of alcohol.

In response to questions from the Panel the applicant explained that:

- there were currently four members of staff at the shop, including him and Mrs Matoo;
- alcohol would only be served in bottles or cans;
- customers would not be allowed to drink alcohol in the waiting area. Any alcohol ordered would be given to customers at the same time as the food so that they could not drink it whilst waiting;

- reference to the large waiting area in the addendum was just to show where the fridges containing the alcohol would be in relation to the space for customers to queue; and
- they had written a policy to help staff members understand about Challenge 25 and ID checking. He said that there would be staff training and a refusals log, which staff would go through with the Applicant and be shown by the general manager.

In his closing statement, Mr Matoo stated that this application was a way for the business to increase sales in times of rising costs. It presented an opportunity for the business to employ and train two new members of staff. He reiterated that alcohol would not be consumed on site, and that the security cameras around the premises would further deter this. He then explained that the community was important to him so he would be a good licence holder and abide by its conditions.

At 10.15am the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Committee Services Officers to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant and interested parties later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

At a public hearing on 21st November 2023 Warwick District Council's Licensing Panel considered an application made under the Licensing Act 2003 by Mr Arun Harpal Singh Matoo ("the Applicant") in respect of premises at Spinney Hill Fish Bar, 3 The Precinct, Warwick, CV34 5SR.

The application was for the use of the premises for the sale of alcohol for consumption off the premises. Representations were initially received from Warwickshire County Council Trading Standards. Following the agreement of conditions with Trading Standards, these representations were withdrawn. The agreed conditions were attached as Appendix 2 to the Officer's Report. An objection was also received from a local resident, attached as Appendix 3 to the Officer's Report.

No representations were received from the Warwickshire Police, the Fire Authority, the Licensing Authority, the Enforcement Agency for Health and Safety, the Authority Responsible for Planning, the National Health Service/Public Health or Environmental Health.

The Applicant sent additional information to be shared with the Panel and this was included in the addendum appendices to the officer report.

The Hearing

The Applicant attended the hearing along with Mrs Sanjot Matoo.

The Licensing Officer presented her report.

Mr & Mrs Matoo addressed the Panel. In summary, they made the following points:

- Due to the rising costs of supplies (e.g. the cost of gas and electricity had tripled from the cost to the previous owners), he had decided to try to boost sales by selling alcohol in addition to normal fish and chips;
- They had applied for the licence to expand the business to keep their heads above water;
- The cost of bags of potatoes had risen from £7 to £11;
- Having the licence would be a good thing for the community as it would create opportunities for jobs as additional staff would be required for the sale of alcohol.

Questions from the Panel

Cllr Syson asked how many staff were employed at moment. Mr Matoo indicated that there were 4 members of staff, including him and his wife.

Cllr Dray asked how the alcohol was being sold – by the glass or by bottle. Mr Matoo said that they would only be serving alcohol in bottles or cans. There would be nothing being served as draught beer or anything like that.

Cllr Gorman asked whether there was a risk that people would be drinking alcohol they had bought in the waiting area. Mr Matoo said that he had included the reference to the large waiting area just to show where the fridges containing the alcohol would be and that there would be space for customers to wait there. He clarified that customers would not be allowed to drink alcohol in the waiting area whilst waiting for food. Mrs Matoo expanded on this to say that the alcohol would be given to the customer at the same time as the food.

Cllr Dray asked about staff training. Mr Matoo said the premises have written a policy to show to staff members so they understand about Challenge 25 and ID. He said that there would be staff training and a refusals log, which staff will go through with the Applicant and be shown by the general manager.

The Applicant and Mrs Matoo thanked the Panel for the opportunity to speak to them. Mr Matoo said that, due to the rising costs for small businesses, this was a way for the business to increase sales. He said that it presented an opportunity for the business to employ another couple of members of staff. Mr Matoo said that there was an Age 25 Policy, a refusals log, and security cameras, as outlined in the supporting documentation. Mr Matoo said that he wouldn't want anything to happen to the community as he

understands how important that is. He said that the licence would be in good hands and that he would make sure to abide by it.

The Decision

In making their decision the Panel considered all the information provided in advance of, and at, the Hearing and the statutory guidance and the Council's Statement of Licensing Policy.

The Panel considered the potential impact on the licensing objectives. The Panel noted that the Applicant had agreed conditions with Warwickshire Trading Standards and that there were no remaining objections from responsible authorities. The Panel also considered the objection to the granting of the licence made by a local resident.

Decision:

The Panel therefore determined that it is appropriate for the promotion of the licensing objectives to grant the application for a premises licence at Spinney Hill Fish Bar, 3 The Precinct, Warwick, CV34 5SR as set out below:
Sale of Alcohol for Consumption Off the Premises
Monday to Saturday 10:00 to 23:00
Sunday – 10:00 to 22:00

As part of the decision to grant the application, the Panel determined that the following conditions should be applied to the premises licence to promote the licensing objectives:

1. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.
2. Keep a 'challenge log' (refusals book) recording all challenges - where both sales and refusals result (example downloadable refusals book <https://www.businesscompanion.info/sites/default/files/Underage-sales-refusals-log-Nov-2021.docx>)
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits) (examples of posters that could be used can be found here: <https://noidnosale.com/>)
4. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.

Cllr Gorman (Chair)
Cllr Dray
Cllr Syson

21 November 2023

(The meeting ended at 10.23am)

CHAIRMAN
11 March 2024

Licensing & Regulatory Panel

Minutes of the additional Licensing & Regulatory Panel held at Saltisford One, Warwick, on Wednesday 7 February 2024, at 10.00am.

Present: Councillors Barton, Gorman and Matecki.

Also Present: Alaa Cronin (Council's Solicitor), Emma Morgan (Licensing Enforcement Officer), Sam Woods (Senior Environmental Health Officer), Stacey Walsham (Environmental Protection Technical Officer), Patricia Tuckwell (Civic and Committee Services Manager) and Mia Matthews (Committee Services Officer).

1. Appointment of Chairman

Resolved that Councillor Gorman be appointed as Chairman for the hearing.

2. Substitutes

There were no substitutions.

3. Declarations of Interest

There were no declarations of interest made.

4. Application for a new Premises Licence under the Licensing Act 2003 for Sombrero, 40 Bedford Street, Royal Leamington Spa

The Panel considered a report from Safer Communities, Leisure and Environment for a new premises licence application at Sombrero, 40 Bedford Street, Leamington Spa, CV32 5DY. Representations had been received in relation to the application for the consideration of the Panel in the determination of the application.

Mr Mohammed applied for a new premises licence for Sombrero, 40 Bedford Street, Leamington Spa, CV32 5DY on 22 December 2024. The premises had been described by the applicant as a hot food takeaway.

The application was for the sale of hot food and drink after 11.00pm. A copy of the relevant part of the application form was attached as Appendix 1 to the report.

The Licensing Department had received two objections, one from Warwickshire Police and one from Environmental Health, and these were attached as Appendices 2 and 3 to the report. The Responsible Authorities were invited to attend the Licensing and Regulatory Panel.

No representations had been received from:

- Trading Standards
- Fire Authority
- The Licensing Authority
- Enforcement Agency for Health and Safety

- Authority Responsible for Planning
- National Health Service/Public Health

A plan showing the location of the premises was attached as Appendix 4 to the report along with the current plan of the internal layout. Photographs of the premises were attached as Appendix 5 to the report.

Addendum 1 to the report was circulated prior to the meeting advised of proposed amended opening hours from Warwickshire Police. A further Addendum 2 was circulated, containing amended conditions from environmental health to the applicant and withdrawal of objections from Warwickshire Police following the agreed amendments in Addendum 1. A final Addendum 3 was circulated as the applicant agreed to the conditions set by Environmental Health.

A document summarising the agreed operating hours and amended conditions was circulated at the meeting. Members were also provided with a printed email from the applicant's noise assessor providing responses to questions raised by Environmental Health.

The Chair asked Members of the Panel and officers to introduce themselves. Mr Khuramy introduced himself as the current manager of Sombrero, and stated he would be representing the applicant at this Panel. It was proposed by the Chair and seconded by Councillor Barton that Mr Khuramy be permitted to represent the applicant at the Panel, even though he had not registered to speak prior to this.

The Council's Solicitor announced the procedure for the meeting. At the Chair's request, the Licensing Enforcement Officer introduced the report.

In response to questions from Members, the Licensing Enforcement Officer explained that the premises was not currently licensed, and a licence was not required to provide hot food and refreshments until 11.00pm.

In his opening statement, Mr Khuramy advised that he had been the manager of Sombrero for two and a half years, and they now had applied for the licence because the business was struggling.

In response to questions from the Panel the applicant explained that:

- the delay in agreeing conditions was due to a misunderstanding of what was being asked;
- a doorman would be present on Friday and Saturday nights. Sunday to Thursday the door would be closed at 02.00am, and the restaurant would be open for online orders only;
- the current opening hours were 12pm-11pm; and
- if required due to noise levels, the restaurant would close completely at 02.00am Sunday to Thursday.

The Chair invited the Environmental Health Officer to make their representations, they stated that:

- the premises was located within centre of Royal Leamington Spa and was less than 500 metres from late night establishments;
- there were at least four other establishments that were licensed to provide hot food and refreshments past 11.00pm situated on the same street;

- there were residential properties surrounding the establishment, a map of which was attached in Appendix 3 to the report;
- additional conditions had been agreed with the applicant for the door to the premises to be closed from 02.00am Sunday to Thursday and only online orders would be taken from this time; and
- following the submission of the noise and odour report, further concerns were raised with the applicant. The noise consultant had responded to these concerns and the email had been printed for the Panel.

In response to questions from the Panel, the Environmental Health Officer explained that:

- the team was concerned the extractor system that would be fitted could cause a noise nuisance, and there was not enough data to confirm if this would not be the case;
- further evidence would be produced following a noise report, but this had not yet happened;
- the current extractor fan had been in situ since 2020 when a refurbishment took place; and
- the noise from the extractor fan was not an issue during the day, but after 11.00pm it could be more noticeable.

In response to further questions from the Panel, the applicant explained that:

- The restaurant gave out free food to the homeless but would not be providing free food to the public as a calming measure.
- The premises did not play music so they would not need to lower the volume for the final hour. This was mistakenly filled out on the application form.
- If necessary, they would ask delivery drivers and customers to be quiet and respectful to their neighbours.
- They had already erected signage asking for drivers to be quiet.
- Drivers would park at the front of the establishment, there was no rear access.

The Panel had then asked the Environmental Health officer if she felt noise would still occur regardless of the signage. In response, the Environmental Health officer confirmed there might be noise from cars idling and doors opening. The Council's Solicitor then confirmed the conditions only applied to situations which were in the applicant's control. The notices that had been erected would encourage drivers to be respectful, but the applicant could not control what occurred on the road.

The Licensing Enforcement Officer confirmed other similar premises had been granted a late-night refreshment license, such as Domino's which was situated on the same area as the applicant.

The applicant's representative advised that he would be willing to close the premises at 2am for deliveries as well, not just for dining in customers, Sunday to Thursday.

The Environmental Health officer confirmed the noise engineer would attend the premises in the early hours to assess the background noise levels. They would not necessarily turn the extractor fan on, they could assess the noise using the manufacturer's decibels. Warwick District Council staff would not undertake the noise assessment, and this would be done by a qualified consultant. If noise

complaints were received, the Council could enforce the statutory noise powers or review the licence if necessary.

The Chair invited Environmental Health to add anything further in light of the evidence that has been presented. Environmental Health stated they would suggest the Panel should refuse the application at this time, as a satisfactory noise report had not been provided. The team had concerns regarding noise nuisance, such as idling cars and doors shutting into the early hours. Once a satisfactory noise report from a qualified consultant was submitted, Environmental Health would withdraw any objections and the applicant could reapply.

Mr Khuramy confirmed he had nothing further to add.

At 11.00am the Chairman asked all parties other than the Panel, the Council's Legal Advisor, the Civic and Committee Services Manager and the Committee Services Officer to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant and interested parties later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

The Licensing Panel has taken note of all of the written representations made in respect of the application for a new Premises Licence at Sombrero, 40 Bedford Street, Leamington Spa, CV32 5DY and has listened to all those who have spoken at the Hearing.

In reaching its decision, the Panel took into account Warwick District Council's Statement of Licensing Policy and the statutory guidance issued under section 182 of the Licensing Act 2003.

The Panel noted that the Warwickshire Police had agreed conditions to the license with the Applicant and had withdrawn their objection to the application on this basis.

The Panel noted that Environmental Health continued to object to the application on grounds relevant to the prevention of public nuisance. The Environmental Health Team had put forward proposed conditions to the Applicant on the 30 January 2024. At the hearing the Applicant's representative, Mr Hares Khuramy, who manages the premises, confirmed that the Applicant agreed to the proposed conditions.

The Panel also noted that the Applicant had instructed an expert to prepare a noise and odour report (dated 5 February 2024) which was submitted to the Environmental Health Team for consideration. In addressing the Panel, the Environmental Health Officer confirmed that following their consideration of the report, they wrote to the Applicant's instructed expert on 6 February 2024, raising a number of queries and requesting further information about the odour extract system at the premises. The Panel noted that

without this additional information, Environmental Health's concerns regarding the potential for public nuisance remained and so they continue to object to the application, however, they were hopeful that agreement could be reached on additional conditions on receipt of the additional information.

The Panel therefore determined to grant the premises licence subject to:

- A. Such conditions as are consistent with the operating schedule accompanying the application; as amended by the conditions currently agreed between the Applicant and Warwickshire Police and Environmental Health, namely:
1. The Applicant shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Licensing Officers and shall ensure: -
 - a) All equipment shall have constant time/date generation.
 - b) This shall include a system to ensure automatic update in relation to the beginning and end of British Summer Time etc.
 - c) If the system is not capable of achieving this requirement the Licence holder or a nominated person must ensure that a manual facility is available to carry out this update as an alternative.
 - d) Recordings must be kept for a minimum of 31 days.
 - e) Recordings of incidents at the premises must be made secure for inspection by the Police and or Licensing Officers.
 - f) Copies of recordings will be made available to officers of the responsible authorities on reasonable request.
 - g) Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
 - h) Arrangements for its repair must be made without delay.
 4. The Premises Licence holder shall implement and maintain an up-to-date register of incidents occurring on the premises. This register shall be made available to the Police or Authorised Officers on request.
 3. Door supervisors are to be employed on Friday's and Saturday's from 11pm to 5am (or closing time). All door staff to be SIA registered and badged. The requirement for the deployment of door staff may be varied in writing with the agreement of Warwickshire Police. Should a variation be agreed and there is subsequently an increase in disorder, then Warwickshire Police may reinstate the original requirements of requiring door supervisors on

Thursday, Friday and Saturday by notifying the license holder in writing.

4. The applicant or manager of the premises shall join the WRCI retail scheme for the Leamington Spa area and participate in the local retail watch meetings and actively use the "retail" radio provided as part of this scheme.

5. Prominent, clear, and legible notices must be displayed at all exits requesting that customers respect the needs of residents and to leave the premises and area quietly.

6. Prominent, clear, and legible notices must be displayed at all entrances requesting that all delivery drivers, do not leave their cars in idle when collecting deliveries.

7. The premises licence holder (or his/her nominees) shall ensure that any patrons queuing and/or smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.

8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:00 and 08:30 on the following day.

9. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, one waste bins to enable the disposal of waste food, food containers, wrappings etc.

10. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.

11. No deliveries to the premises shall take place between 22:00 and 08:30 on the following day.

12. The counter service open to the public will only be available until 02:00 Sunday through to Thursday. Thereafter no public access will be permitted to the premises and the premises will only be used for the provision of late-night refreshment via the delivery service.

13. The counter service open to the public will only be available until 05:00 Friday and Saturday only if door staff are on duty. Thereafter no public access will be permitted to the premises and the premises will only be used for the provision of late-night refreshment via the delivery service if door staff are not available.

14. Any deliveries from the premises will only be made to a customer's place of residence or place of business.

AND

- B. Any additional conditions as considered appropriate for the promotion of the licensing objectives by Licensing Officers in consultation with the Panel, following receipt and consideration of the additional information requested by the Environmental Health from the Applicant's instructed expert.

The Applicant or any person who has made representations may appeal against the decision of the Panel to the Magistrate's Court within 21 days of issue of formal notification of the decision.

(The meeting ended at 11:32am)

CHAIRMAN
11 March 2024

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at Saltisford One, Warwick, on Wednesday 14 February 2024, at 10.00am.

Present: Councillors Luckhurst, Rosu and Gorman.

Also Present: Alaa Cronin (Council's Solicitor), Jack Henson (Licensing Enforcement Officer), Lewis Apaya (Licensing Business Administration Apprentice – observing only) Mia Matthews (Committee Services Officer- observing only) and Sophie Vale (Principal Committee Services Officer).

1. Appointment of Chairman

Resolved that Councillor Luckhurst be appointed as Chairman for the hearing.

2. Substitutes

Councillor Gorman substituted for Councilor Redford.

3. Declarations of Interest

There were no declarations of interest made.

4. Application for a new Premises Licence under the Licensing Act 2003 for B&M Store, 697 Station Road, Kenilworth

The Panel considered a report from Safer Communities, Leisure and Environment which had received a valid application for a new premises licence at B&M Store, 697 Station Road, Kenilworth. Representations were received in relation to this application for the consideration of the Panel in the determination of the application.

The Panel was asked to consider the information contained in the report and decide whether the application for a new premises licence for the B&M Store, 697 Station Road, Kenilworth, should be granted and, if so, whether the licence should be subject to any additional conditions.

B & M Retail Limited applied for a new premises licence for the B&M Store at 697 Station Road, Kenilworth on 21 December 2023. The premises had been described by the applicant as a retail shop which offered a wide range of home goods, a mix of food and hardware, which are of quality but at affordable prices.

The application was for the sale of alcohol off the premises. A copy of the relevant part of the application form was attached as Appendix 1 to the report.

The Licensing Department had received two objections from local residents, and these were attached as Appendices 2 and 3 to the report. The objectors were invited to attend the Licensing and Regulatory Panel.

No representations had been received from:

- Trading Standards
- Warwickshire Police
- Fire Authority
- The Licensing Authority
- Enforcement Agency for Health and Safety
- Authority Responsible for Planning
- National Health Service/Public Health
- Environmental Health

A plan showing the location of the premises was attached as Appendix 4 to the report along with the current plan of the internal layout. Photographs of the premises were attached as Appendix 5 to the report.

The applicant had sent additional information to the Licensing Department to be included in the report. This was attached as Appendix 6 to the report.

The Chair asked Members of the Panel and Officers to introduce themselves.

The applicant introduced himself as Mr England, the area manager. He was joined by his solicitor, Mr McCann.

The Council's Solicitor announced the procedure for the meeting. At the Chair's request, the Licensing Enforcement Officer introduced the report.

In his opening statement, Mr McCann advised that:

- the area manager/applicant, Mr England, had over 13 years' experience working for B&M;
- B&M had over 700 stores and employed over 35,000 people nationwide;
- B&M was a variety retailer, with the vast majority of stores owning a licence to permit sales of alcohol. However, alcohol only made up 2% of sales nationwide;
- it was important for them to have a licence to sell alcohol as customers expected to be able to buy it in their stores;
- they wanted B&M to be a one-stop shop, and did not want to inconvenience customers by making them have to go elsewhere for alcohol;
- B&M sold a limited range of drinks, and all drinks were contained in one aisle;
- the drinks were never refrigerated, which discouraged immediate consumption after purchase;
- Mr England had never witnessed loitering and consumption of alcohol outside of the stores, so this was unlikely to be a problem;
- all staff were trained to recognise underage sales, and all staff had to pass a licensing test before they were allowed to work on the till;
- staff received refresher training on licensing laws every three months;
- they reminded staff of the Challenge 25 law every time they logged on to the till, and also every time alcohol was purchased;
- B&M also employed third parties to conduct test purchases, and if a member of staff were to fail this test they would be suspended until further training had been taken. Mr England had never had to do this; and
- no objections from the statutory authorities had been received.

In response to questions from the Panel, Mr England explained that before colleagues were allowed to enter the store, they had to complete a two-day training course which would cover fire safety procedures, health and safety and

licencing/Challenge 25 legislation. This was to ensure that staff members fully understood the law before serving customers.

At 10.15am the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Committee Services Officer to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant and interested parties later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

In considering B&M Retail Limited's application for a new Premises Licence for the B&M Store at 697 Station Road, Kenilworth, the Licensing Panel has taken note of all of the written representations made in respect of the application and has listened to all those who have spoken at the Hearing.

In reaching its decision, the Panel took into account Warwick District Council's Statement of Licensing Policy and the statutory guidance issued under section 182 of the Licensing Act 2003.

The Panel noted that the Council had received two objections to the application from local residents who raised concerns that the sale of alcohol at the Premises could lead to an increase in underage drinking, anti-social behaviour related to the consumption of alcohol, littering in residential areas and general public nuisance to local residents. The Panel considered that these concerns were relevant to three of the four Licensing Objectives namely, the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm. The Panel was assured that the steps proposed by the Applicant for the promotion of the Licensing Objectives would adequately address the concerns raised by the two local residents. The Panel also gave weight to the fact that no objections had been raised by the relevant responsible authorities who are considered to be experts in their respective fields.

Having considered the views of all concerned and the steps necessary and proportionate to promote the Licensing Objectives, the Licensing Panel determined to grant the Premises Licence subject to conditions that are consistent with the operating schedule and the applicant's proposed steps for the promotion of the Licensing Objectives, as set out in the application form.

The Applicant or any person who has made representations may appeal against the decision of the Panel to the Magistrate's Court within 21 days of issue of formal notification of the decision.

Cllr Luckhurst (Chair),
Cllr Gorman, and
Cllr Rosu

(The meeting ended at 10.18am)

CHAIRMAN
11 March 2024

Agenda Item No 5
Licensing and Regulatory Committee

Title: Proposed Hackney Carriage Fare Increase

Lead Officer: Rachael Russell Rachael.russell@warwickdc.gov.uk

Portfolio Holder: Councillor Jim Sinnott

Wards of the District directly affected: All

Approvals required	Date	Name
Portfolio Holder	29.02.24	Jim Sinnott
Finance	29.02.24	Chloe Evans
Legal Services	29.02.24	Ross Chambers
Chief Executive	29.02.24	Chris Elliott/Darren Knight
Director of Climate Change	29.02.24	Dave Barber
Head of Service(s)	29.02.24	Marianne Rolfe
Section 151 Officer	29.02.24	Andrew Rollins
Monitoring Officer	29.02.24	Graham Leach
Leadership Co-ordination Group		
Final decision by this Committee or rec to another Cttee / Council?	Recommendation to: Cabinet	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

Summary

Requests have been received from the taxi trade for the current Hackney Carriage fare tariffs to be increased. The current tariff has been in place since 2014 and should be reviewed in line with the current economic climate.

Recommendation(s)

- (1) That the Committee notes the outcome of the fare increase survey as set out at Appendix 1.
 - (2) The Committee provides comments to Cabinet on the proposed 30% increase in Hackney Carriage Fares, for inclusion in the April report to Cabinet.
-

1 Reasons for the Recommendation

- 1.1 The ability of the Council to set Hackney Carriage fares is derived from S65 of the Local Government (Miscellaneous Provisions) Act 1976. The setting of Hackney Carriage fares is a Cabinet function but the Cabinet are seeking the views of this Committee based upon its knowledge of licensing Hackney Carriage Drivers.
- 1.2 The Council must apply this power reasonably as the fixing of a market price for Hackney Carriage fares within the Council district has a direct impact on the ability for a hackney driver to make a living.
- 1.3 Tariff rates only apply to Hackney Carriages, there is no similar power to set fares for Private Hire vehicles. Private Hire Vehicles have discretion to set whatever charges they consider reasonable, given normal market forces and business competition.
- 1.4 Hackney carriages can set lower fares and offer special discounts if they choose but are unable to charge more than the set fares and tariff maximum. However, when the journey goes beyond the boundary of the district, the tariffs do not apply.
- 1.5 Tariff rates differ according to the time of day, the number of passengers, and whether the journey takes place on a bank holiday. Tariffs directly relate to the unsociable hours worked by drivers, therefore ensuring as far as possible the provision of Hackney Carriage transport is always available.
- 1.6 The current tariff was introduced in 2014. Table 1 - Current tariff:



	Tariff 1	Tariff 2	Tariff 3
	4 or less passengers (Day*)	4 or less passengers (Evening **) 5+ passengers (Day*)	5+passengers (Evening**)
Distance	£3.40	£5.10	£6.80
First 7/10 th Mile			
Subsequent Distance 1/10 th Mile	£0.20	£0.30	£0.40
Waiting Time 30 Seconds	£0.10	£0.15	£0.20

Soiling Charge

£75

Day* = 06:00 to 22:00

Evening = 22:00 to 06:00 and Bank Holidays **

Except on Christmas Eve and New Years Eve = 18:00 to 06:00

- 1.7 Warwick District Council currently licence 143 vehicles as Hackney Carriage vehicles. 100 of these vehicles (69.9%) have 5 or more passenger seats and will use tariff 3 in the evening and on Bank Holidays.
- 1.8 Warwick District Council currently sits at number 310 out of 355 other local authorities on the National Hackney Carriage Fare Table for a 2-mile fare at Tariff 1. With No.1 on the table being the most expensive and 355 the cheapest set fare in the country. Below is a table with how we currently compare with our neighbouring Local Authorities.

Position in National table (As of Feb 24)	Local Authority	2 mil.Fare (in the day)	Last HC fare increase
53	Coventry	£8.00	2022
135	Nuneaton Bedworth	£7.25	2023
158	Rugby	£7.10	2022
197	North Warwickshire	£6.80	2022
235	Stratford	£6.60	2023
310	Warwick	£6.00	2014

- 1.9 The cost-of-living crisis, including increase in fuel and running costs (maintenance and insurance etc) is considered as the main reason why the council has received several enquiries by the taxi trade for a fare increase.
- On 11 December 2023 Cabinet agreed to a fare increase consultation. This consultation was with the owners of Hackney Carriage vehicles only as these vehicles have to use the fare structure decided by WDC. WDC Private Hire vehicles can charge whatever they feel reasonable. An online consultation took place between 18 December 2023 to 15 January 2024. 57% of the licensed HC trade responded. The results of the survey are attached as **Appendix 1**.
- 1.10 When asked what percentage increase would HC vehicle owners consider appropriate the answers ranged from 20% to over 50%.
- 1.11 When considering a suitable percentage increase, the office for national statistics, inflation and prices indices (all items) data has been used as a comparison. Between 2014 and 2023 the sum of the overall CPIH annual rate increase is 27.7%. Inflation has averaged 3.2% a year meaning a 2 mile fare in the day that cost £6.00 in 2014 would cost £7.94 in 2023.
- 1.12 Following the results of the survey, proposed new tariff is set out as **Appendix 2**. This would equate to a 30% increase on the current tariffs, which recognises the CPIH increase between 2014 and 2023, as well as allowing a small amount of growth for 2024. There are no proposed changes to the soiling charge or the tariff times. Below is a table of how the revised tariffs would compare with our

neighbouring Local Authorities and the National Hackney Carriage Fare Table if the proposed 30% increase was implemented.

Position in National table (As of Jan 24)	Local Authority	2 mil.Fare (in the day)
53	Coventry	£8.00
83	Warwick	£7.65
135	Nuneaton Bedworth	£7.25
158	Rugby	£7.10
197	North Warwickshire	£6.80
235	Stratford	£6.60

- 1.13 Current Neighbouring Local Authorities Hackney Carriage tariffs are attached as **Appendix 3.**
- 1.14 If a fare increase is agreed at Cabinet, the table of fares will be advertised in the local newspaper as well as being advertised on the Council website and at the published Council's Head Office (Town Hall) Recognizing the change in locations at present the Council will also ensure that the notice is placed on the public noticeboard outside the Town Hall and outside Riverside House.
- 1.15 If there are no objections, the proposed fare increase will take effect in May 2024.
- 1.16 If there are objections, these will need to be considered by Cabinet. At that point Cabinet can choose to make modifications to the proposed table of fares in light of the objections received or not.
- 1.16 For future Hackney Carriage fare increases it is proposed that the trade will be consulted by means of a survey every 18 months from when the last increase took place to determine if the HC trade feel a fare increase is appropriate at that time.

2. Alternative Options

- 2.1 The Committee could recommend to Cabinet that the proposed fares are not accepted or they could propose. Both of these would need to include reasons for the proposal, based on the evidence within the report.

3. Legal Implications

- 3.1 Local Government (Miscellaneous Provisions) Act 1976:
Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 states:
 - a) A District Council may fix the rates or fares within the District as well as for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle; to be paid in respect of the hire of a Hackney Carriage by means of a table (hereafter in this section referred to as a table of fare) made or varied in accordance with the provisions of this section.

- b) When a District Council make or vary a table of fares they shall publish in at least one newspaper circulating in the District, a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the notice, within which and the manner in which objections to the table of fares can be made.

3.2 There is no statutory right of appeal against the fares once set.

4 Financial Services

4.1 There are no financial implications for Warwick District Council.

4.2 There is a small cost to advertising the proposed fees and charges. These will be met from existing budgets.

5. Corporate Strategy

5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.

5.2 Delivering valued, sustainable services –Low cost, low carbon energy across the district.

5.3 Creating vibrant, safe and healthy communities of the future.

6 Environmental/Climate Change Implications

6.1 There are no adverse environmental impacts because of this proposal.

7 Analysis of the effects on Equality

7.1 If a fare increase is decided, then it may have an impact on the elderly and disabled/vulnerable passengers who used licenced vehicles.

8 Data Protection

8.1 All necessary precautions were undertaken when drivers were asked to complete the survey online, with details of the privacy notice sent to drivers.

8.2 The data that was collected for the survey was used solely to determine whether to increase hackney carriage taxi fares.

8.3 All comments are anonymous.

9 Health and Wellbeing

9.1 There are no health and wellbeing implications in this report.

10 Risk Assessment

10.1 A significant increase could lead to less business for the taxi trade which could result in drivers leaving the service. If this were to happen there could be a reduction in Hackney Carriage vehicles, which in turn would see a reduction in wheelchair accessible vehicles (WAV's)

10.2 However choosing to not increase the fares could also lead to drivers leaving the service which would could have the same affect as above.

10.3 The fare increase would need to be fair for both the driver and passenger.

11 Consultation

11.1 The WDC Hackney Carriage Vehicle owners were consulted via an online survey.

There is no requirement for a public consultation, however if there are any objections to the proposed increase when advertised then these objections

would need to be considered by Cabinet which would delay the implementation of the fare increase.

Background papers:



None.

Supporting documents:





None.

Review of Warwick District Council's Hackney Carriage Fare Tariff 2023

2. Do you support a review of the hackney carriage fares?

Answer Choices		Response Percent	Response Total
1	Yes		98.78% 81
2	No		1.22% 1
		answered	82
		skipped	0

3. What percentage increase would you consider most appropriate?

Answer Choices		Response Percent	Response Total
1	20% to 30%		8.54% 7
2	30% to 40%		24.39% 20
3	40% to 50%		48.78% 40
4	Other (please explain below):		18.29% 15
		answered	82
		skipped	0




Other (please explain below): (15)

1	18/12/2023 15:08 PM ID: 234131860	35% to 45% Start £6 and £3 per mile would be in line with neighbouring council's and close to P/H tariffs. Waiting time should be increased to double of what it is at the moment as its less than minimum wage and a vehicle too.
2	18/12/2023 16:00 PM ID: 234136044	I don't support a increase
3	18/12/2023 17:36 PM ID: 234143496	17.5%
4	19/12/2023 08:18 AM ID: 234160466	Minimum 50% increase due to the fact that there hasn't been an increase since 2014. Before any increase is implemented it could be another 12-18 months and potentially any increase implemented could be in place for several years ahead.
5	19/12/2023 13:52 PM ID: 234186544	10 - 15%
6	19/12/2023 15:14 PM ID: 234193180	almost 10 years naw



3. What percentage increase would you consider most appropriate?

7	19/12/2023 15:33 PM ID: 234194893	i think 40 to 50% is good because almost ten years now about fare.everything gone up except our taxi fare
8	19/12/2023 19:55 PM ID: 234211678	Minimum 60% increase is needed. There has not been an increase for 10 years. And it could be another 10 years before the next one!
9	19/12/2023 20:09 PM ID: 234212392	Minimum 50% increase is needed to assist drivers and owners to earn a basic living. We haven't had an increase for 10 years and it's possible that this new one will also stay in place for just as long.
10	19/12/2023 20:50 PM ID: 234214203	Would these drivers pay to use a taxis with a 50% rise They wouldn't even pay the price at the moment but ealk
11	21/12/2023 08:12 AM ID: 234304526	35%
12	23/12/2023 22:59 PM ID: 234415256	T1 and T2 - £3/mile Minimum fare - £5
13	06/01/2024 22:22 PM ID: 234900668	T1 - £3/mile, meter starts at £3.40 and starts ticking straight away. So 1st mile £6.40, 2 miles £9.40, 3 miles £12.40 and so on. T2 - £3/mile, meter starts at £5.10 and starts ticking straight away. So 1st mile £8.10, 2 miles £11.10, 3 miles £14.10 and so on.
14	12/01/2024 23:11 PM ID: 235325209	T1 and T2 £3/mile T1 meter start at £3.40 and start clicking straight away. So first mile £6.40, 2 miles £9.40, 3 miles £12.40 and so on. T2 meter start at £5.10 and start clicking straight away. So first mile £8.10, 2 miles £11.10, 3 miles £14.10 and so on.
15	13/01/2024 12:04 PM ID: 235337632	At 50% for the distance per mile, but the minimum start should be more

4. Which parts of the tariff do you believe need reviewing? (Select as many as necessary)

Answer Choices		Response Percent	Response Total
1	Initial starting rate increase		85.37% 70
2	Distant cost increase		81.71% 67
3	Waiting time cost increase		75.61% 62
		answered	82
		skipped	0

5. Do you think that the tariff times should be changed?

Answer Choices			Response Percent	Response Total
1	Yes (please explain below)		51.22%	42
2	No		48.78%	40
			answered	82
			skipped	0



Comment: (27)

1	18/12/2023 14:43 PM ID: 234129495	9:00 pm
2	18/12/2023 15:08 PM ID: 234131860	I think the current time are suitable.
3	18/12/2023 16:00 PM ID: 234136044	Sunday rate should return
4	18/12/2023 16:50 PM ID: 234140027	On Sundays should be tariff 2 all day
5	18/12/2023 18:42 PM ID: 234146694	May have a peak time rate. Have an increase on Saturday and Sundays to rate two. Minimum charge should be £10 and stay for first two miles then increase by £2.50 per mile after. Rate 2 should start at between 5pm- 7pm.
6	18/12/2023 18:48 PM ID: 234146970	May have a peak time rate. Have an increase on Saturday and Sundays to rate two. Minimum charge should be £10 and stay for first two miles then increase by £2.50 per mile after. Rate 2 should start at between 5pm- 7pm.
7	18/12/2023 21:24 PM ID: 234152645	Sunday should be tariff 2 all day like ot was previously.
8	18/12/2023 21:38 PM ID: 234153086	9pm till 5am
9	18/12/2023 22:41 PM ID: 234154619	Tariff 3 should be removed and tariff 2 need to start but early
10	18/12/2023 23:03 PM ID: 234155022	Night rate should starts at 9 pm and it should ends at 7 am
11	19/12/2023 08:18 AM ID: 234160466	T2 implementation times should change from 22.00 to 21.30 and Sunday should be T2 all day
12	19/12/2023 09:44 AM ID: 234166241	Journey take more time to complete.
13	19/12/2023 10:04 AM ID: 234168015	Weekends and holidays tariffs should be changed.
14	19/12/2023 19:55 PM ID: 234211678	T2 is needed for Sunday.

5. Do you think that the tariff times should be changed?

15	19/12/2023 20:09 PM ID: 234212392	Tariff 2 should apply on Sunday
16	19/12/2023 21:47 PM ID: 234216602	But personally I want to see Sunday tariff are should be back to time and half again
17	20/12/2023 13:53 PM ID: 234254648	Almost every city and town changed
18	20/12/2023 22:20 PM ID: 234291956	Need T2 especially for weekends
19	21/12/2023 08:12 AM ID: 234304526	i think the night rate should stay the same
20	22/12/2023 20:58 PM ID: 234394563	Start T2 at 9pm, Sunday all say T2
21	23/12/2023 22:59 PM ID: 234415256	T2 should start at 9.00 pm
22	11/01/2024 16:46 PM ID: 235214568	It's not been reviewed since 2014.
23	12/01/2024 23:11 PM ID: 235325209	Sunday should be T2 all day like before
24	12/01/2024 23:29 PM ID: 235325619	Change it to 21:00
25	13/01/2024 12:04 PM ID: 235337632	20.00 hrs to 06.00 hrs and time and half all day Sunday
26	15/01/2024 12:23 PM ID: 235428205	Night tariff should start early like 20:00pm because it is night.
27	15/01/2024 23:55 PM ID: 235481295	Start remains the same ,but meter runs straight away reaching £6 for the first mile then £2.40 mile tariff 1 and £9 upon reaching one mile Tariff 2 then £3.60 mile tariff 2.

6. Do you think tariff 3 should be removed?

Answer Choices			Response Percent	Response Total
1	Yes (please explain below)		28.05%	23
2	No		71.95%	59
			answered	82
			skipped	0

6. Do you think tariff 3 should be removed?

Comment: (19)

1	18/12/2023 14:46 PM ID: 234129803	Double price becomes very expensive and harder for people to afford to pay for it. Even it is 7 people in a taxi, most of the times only one or two person shares the fare.
2	18/12/2023 15:08 PM ID: 234131860	I have a 4 seater saloon, so tariff 3 is not applicable to me.
3	18/12/2023 16:50 PM ID: 234140027	For group service (more than 4 passengers) we should keep tariff 3. For more than 4 passengers for tariff 3 I never had complaint.
4	18/12/2023 17:25 PM ID: 234142831	Once the fare is increased it would be extortionate to charge tariff 3.
5	18/12/2023 18:42 PM ID: 234146694	You should be able to use for smaller distance job & maybe for further jobs use rate 2. Taxi driver should be able to use at his/her discretion.
6	18/12/2023 18:48 PM ID: 234146970	You should be able to use for smaller distance job & maybe for further jobs use rate 2. Taxi driver should be able to use at his/her discretion.
7	18/12/2023 21:24 PM ID: 234152645	There is no need for tariff 3. T3 is not competitive and if we get a 50% rise then this is sufficient to have just t1 and t2
8	18/12/2023 23:03 PM ID: 234155022	Tariff 3 should not be removed as if it does that would be really unfair to the taxis which are licensed to carry more than 4 person
9	19/12/2023 08:18 AM ID: 234160466	Tariff 3 should be removed from general use and only be applicable for Special bank holidays - Christmas Day, Boxing Day, New Years Eve, New Years Day, Good Friday, Easter Monday
10	19/12/2023 10:04 AM ID: 234168015	Tariff 3 is expensive, especially when the costumers are just 5 person and 6 or 7.
11	19/12/2023 15:14 PM ID: 234193180	i think too much
12	19/12/2023 15:33 PM ID: 234194893	tariff 3 will be too much so i recomend increas 1st and 2nd and finish 3rd
13	19/12/2023 19:55 PM ID: 234211678	This is not required.
14	19/12/2023 20:09 PM ID: 234212392	This should only be used for Christmas / New year.
15	19/12/2023 21:47 PM ID: 234216602	But starting tariff can be same as tariff 2 But the distance fair can be changed for example instead of £4 pound per mile can be £5 per mile
16	20/12/2023 13:53 PM ID: 234254648	Should be some different between saloon

6. Do you think tariff 3 should be removed?

17	21/12/2023 08:12 AM ID: 234304526	it's to much in my opinion
18	21/12/2023 19:51 PM ID: 234349671	Tariff 2 is more than sufficient as the vehicle is already being paid more than 4 seaters if tariff 3 comes in it is just over pricing the customer to take a large vehicle after certain hours. Tariff 3 should never been made available in the first place.
19	11/01/2024 16:46 PM ID: 235214568	There are hardly any jobs for tariff 3. People always negotiate. Moreover this is the only benefit 7 or 8 seater drivers have.


7. Any other comments

Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	21
1	18/12/2023 14:43 PM ID: 234129574	Consider sunday as time and half . Aa it used to be.		
2	18/12/2023 14:46 PM ID: 234129803	Warwick and Stratford District should be working together as in one district and prices should be the same.		
3	18/12/2023 15:08 PM ID: 234131860	As from January 2023 most private hire company's were charging £8 the first mile £8 being minimum charge and £2 per mile with waiting time of £25 per hour, when you have a driver waiting you also have vehicle. If you were unaware H/C vehicles do private hire jobs. Most people that use the taxi rank also phone for taxis and are surprised of how cheap H/C Fares are.		
4	18/12/2023 16:00 PM ID: 234136044	I don't support a review of the HC fares. As a night driver I am satisfied with the rate. I do think the initial day time rate should be increased for the day rate. The initial starting rate should match the night tariff.		
5	18/12/2023 17:25 PM ID: 234142831	I feel this fare increase is irrelevant if we are not getting the fares in the first place - we think council should allow Hackney drivers to join uber or bolt as 80% of our work is gone. This will stop Uber drivers working in our area who are coming from other counties and you have unable to stop them so if you can beat them ! Join them.		
6	18/12/2023 21:03 PM ID: 234152079	Try to give permission Bolt or Uber		
7	18/12/2023 21:24 PM ID: 234152645	I am in agreement of the 2nd attachment in your email of a 50% rise. I know this is slightly steep, but we haven't had a rise since 2014, and if we get one in 2024, it is likely we won't get another until 2034. So taking that into consideration I would propose the 50% rise is ok.		
8	19/12/2023 08:18 AM ID: 234160466	Please enter a clause into the legislation that requires the tariff to be reviewed every 24 months. This will remove the need for large increases in the future.		
9	19/12/2023 09:44 AM ID: 234166241	Rest is fine. Thanks		
10	19/12/2023 15:33 PM ID: 234194893	pls do it naw		


7. Any other comments

11	19/12/2023 20:50 PM ID: 234214203	We should have a tariff for out of town job 25-30% on top	
12	19/12/2023 21:47 PM ID: 234216602	In my opinion the day time starting tariff should never be less than £5 pounds to start on the meter hopefully this are going to happen	
13	21/12/2023 08:12 AM ID: 234304526	our day rate should increase and all other fares should stay the same	
14	21/12/2023 19:51 PM ID: 234349671	After 9 years we are looking at a price review, in that time we have had pandemics 3 prime ministers, interest rates have rocketed, mass migration due to UK leaving EU. Fuel prices rocketed, insurances premiums doubled. I think the price review is a little bit too late as smartphone & app bookings has nearly killed our trade.	
15	22/12/2023 20:58 PM ID: 234394563	Happy to go with the 50% increase especially as we haven't had one for 10 years	
16	26/12/2023 19:09 PM ID: 234451395	I have been a taxi driver for 20 years and we have not had any fare increase since 2014. Uber drivers are now charging more money than us, and don't have a wdc licence	
17	05/01/2024 22:49 PM ID: 234873948	Increase the rate every two years or when WDC increases their fees	
18	06/01/2024 22:22 PM ID: 234900668	Age of vehicle when replacing should be at least 7 years considering the cost of the vehicles has dramatically increased after COVID. Coventry has minimum age of 10 years. Also Uber are parked all over town. They should be at base not parked outside clubs and bars opposite hackney carriage vehicles. They even have there own queue outside the railway station. This should be policed and and the Uber vehicles should be moved.	
19	12/01/2024 08:51 AM ID: 235255129	Everything gone high it's been 12,13 years fares was last changed so it's right time to increase 50% fares	
20	13/01/2024 12:04 PM ID: 235337632	It been 10 years since our last fare increase we should be able to increase our rates in line with the rate if inflation every year.	
21	15/01/2024 23:55 PM ID: 235481295	Review for taxi fares whenever the licence fee goes up. Regulatory committee give initial agreeance to a fare increase then it goes out to the public, it's not a policy change so I don't see what else to go to the executive committee	
		answered	21
		skipped	61

Current Hackney Carriage Fare Tariff

 Warwick District Council	Tariff 1 4 or less passengers (Day*)	Tariff 2 4 or less passengers (Evening **) 5+ passengers (Day*)	Tariff 3 5+passengers (Evening**)
Distance First 7/10 th Mile	£3.40	£5.10	£6.80
Subsequent Distance 1/10 th Mile	£0.20	£0.30	£0.40
Waiting Time 30 Seconds	£0.10	£0.15	£0.20
Soiling Charge	£75		
Day* = 06:00 to 22:00 Evening = 22:00 to 06:00 and Bank Holidays ** Except on Christmas Eve and New Years Eve = 18:00 to 06:00			

Proposed Hackney Carriage Fare Tariff with 30% increase

 Warwick District Council	Tariff 1 4 or less passengers (Day*)	Tariff 2 4 or less passengers (Evening **) 5+ passengers (Day*)	Tariff 3 5+passengers (Evening**)
Distance First 7/10 th Mile	£4.40	£6.65	£8.85
Subsequent Distance 1/10 th Mile	£0.25	£0.40	£0.50
Waiting Time 30 Seconds	£0.15	£0.20	£0.25
Soiling Charge	£75		
Day* = 06:00 to 22:00 Evening = 22:00 to 06:00 and Bank Holidays ** Except on Christmas Eve and New Years Eve = 18:00 to 06:00			

Current Hackney Carriage Fare Guide

Miles	½	1	1 ½	2	2 ½	3	3 ½	4	4 ½	5
Tariff 1	3.40	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00
Tariff 2	5.10	6.00	7.50	9.00	10.50	12.00	13.50	15.00	16.50	18.00
Tariff 3	6.80	8.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00
Kilometers	0.8	1.6	2.4	3.2	4	4.8	5.6	6.4	7.2	8

Proposed Hackney Carriage Fare Guide with 30% increase

Miles	½	1	1 ½	2	2 ½	3	3 ½	4	4 ½	5
Tariff 1	4.40	5.15	6.40	7.65	8.90	10.15	11.40	12.65	13.90	15.15
Tariff 2	6.65	7.85	9.85	11.85	13.85	15.85	17.85	19.85	21.85	23.85
Tariff 3	8.85	10.35	12.85	15.35	17.85	20.35	22.85	25.35	27.85	30.35
Kilometers	0.8	1.6	2.4	3.2	4	4.8	5.6	6.4	7.2	8



Hackney Carriage - Table of Fares

SDC/0216/JAN23

VALID FROM 9 JANUARY 2023	Tariff 1	Tariff 2	Tariff 3
Initial charge Payable for the first 502.9 yards or uncompleted part thereof OR for the first 144 seconds or uncompleted part thereof	£3.00		£6.00
Initial charge Payable for the first 502.9 yards or uncompleted part thereof OR for the first 205.7 seconds or uncompleted part thereof		£4.50	
Mileage charge (rate applicable after the initial charge) For each subsequent 251.4 yards or uncompleted part thereof	39p		78p
Mileage charge (rate applicable after the initial charge) For each subsequent 176.0 yards or uncompleted part thereof		39p	
Waiting time (rate applicable after the initial charge) For each period of 72 seconds or uncompleted part thereof	30p	30p	60p

Tariff 1 For hirings on any day except as below

Tariff 2 For hirings begun between 11.00pm and 7.00am, and hirings begun between 6.00pm and Midnight on Christmas Eve and New Year's Eve, also for hirings at any time on Sundays and Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day)

Tariff 3 For hirings on Christmas Day, Boxing Day and New Year's Day

Extra charges

- | | |
|---|------------|
| (a) An additional 50% fare could be charged when a vehicle carries five or more passengers | |
| (b) For each article of luggage conveyed outside the passenger compartment | 20p |
| (c) For each person in excess of two
(2 children under the age of 10 years count as one person for fare purposes only) | 20p |
| (d) Soiling charge | £45 |
| (e) That unavoidable toll and congestion charges incurred during a journey be reimbursed in full | |

Rugby Borough Council

Hackney Carriage fares

The following Hackney Carriage fares came into effect on 1 March 2022:

Tariff	Fare
Tariff 1: Daily between 6am and midnight, first 440 yards or part thereof or 1 minute 38.70 seconds or a combination of both parts	£3.50
Each subsequent 176 yards or part thereof or 39.24 seconds waiting time	20p
Tariff 2: Daily between midnight and 6am for a hiring between midnight and 6am and Public Holidays (except Christmas Day, Boxing Day and New Year's Day). First 440 yards or part thereof or 1 minute 38.70 seconds or a combination of both parts	£5.10
Each subsequent 176 yards or part thereof or 39.24 seconds waiting time	30p
Tariff 3: From 6pm Christmas Eve through to 6am on 27 December (including Christmas Day and Boxing Day), and from 6pm New Year's Eve to 6am on 2 January (including the whole of New Year's Day), annually. First 440 yards or part thereof or 1 minute 38.70 seconds or a combination of both parts	£6.80
Each subsequent 176 yards or part thereof or 39.24 seconds waiting time	40p
Soiling charge	£100

IMPORTANT - if a journey takes the taxi outside the borough of Rugby, the driver must still charge in accordance with the above tariffs.

North Warwickshire Borough Council

FARES FOR DISTANCE OR TIME	DAYTIME RATE	NIGHT TIME RATE	CHRISTMAS & NEW YEAR RATE
	6AM TO 12 midnight	12 midnight 6am and all day Sunday and Bank Holiday rate	From 6pm On 24th December to 6am on 27th December and from 6pm on 31st December to 6am on 2nd January
TO HIRE THIS TAXI FOR THE FIRST QUARTER MILE	£2.90	£4.35	DOUBLE DAY RATE
FOR THE FIRST MILE	£4.60	£6.90	DOUBLE DAY RATE
FOR EACH MILE AFTER	£2.20	£3.30	DOUBLE DAY RATE
WAITING TIME PER 1 MINUTE	40p	60p	DOUBLE DAY RATE
PRICE GUIDE			
1 MILE	£4.60	£6.90	£9.20
2 MILES	£6.80	£10.20	£13.60
3 MILES	£9.00	£13.50	£18.00
5 MILES	£13.40	£20.10	£26.80
10 MILES	£24.00	£36.60	£48.80
SOILING CHARGE	£30.00	£30.00	£60.00

HACKNEY CARRIAGE FARE TABLE

The proprietor or driver of a Taxi is entitled to charge the **maximum** fare prescribed by the following table. The proprietor or driver is not entitled to demand a fare greater than that recorded on the taximeter. All charges are inclusive of VAT.

	TARIFF 1	TARIFF 2	TARIFF 3
First 880 yards (804.67 metres) or the first 4 minutes 21 seconds (or uncompleted part thereof)	£3.75	£4.75	£6.20
Each subsequent 202 yards (184.7 metres)	£0.25	£0.35	£0.45
Waiting time 60 seconds	£0.25	£0.35	£0.45

Applies to any hiring not covered by tariff 2 or 3

Applies to journeys commencing between midnight and 6.00 a.m. **or** on a Bank Holiday (other than those covered by Tariff 3) **or** between 6.00 p.m. and midnight on Christmas Eve or New Year's Eve **or** on 26th December (if Boxing Day is on the 27th)

Applies to journeys commencing on Christmas Day **or** Boxing Day

Specimen Fare (Tariff 1)

1 mile	-	£4.75
2 miles	-	£7.00
3 miles	-	£9.00
4 miles	-	£11.25
5 miles	-	£13.50

Extra Charges

For each person in excess of one	£0.50
For each item of luggage	£0.30

(NB The luggage must be handled by the driver in order for the luggage charge to apply and 4 shopping bags count only as one item of luggage). Wheelchairs do not count as luggage.



HACKNEY CARRIAGE FARES IN COVENTRY

1. For journeys commencing and ending within the City of Coventry

Unless a lower fare is agreed before the journey starts:

	Day-Time (6am to 10pm)	Night-Time (10pm to 6am)	Holidays (See below)
For the first 0.922 Km (Approx. $\frac{6}{10}$ mile) or 4.5 minutes (or part)	£3.80	£4.60	£4.90
Then for every 0.162 Km (Approx. $\frac{1}{10}$ mile) or 48 seconds (or part)	30p	30p	35p

When the speed is below approximately 8 miles per hour only the time charge applies.

Soiling/Cleaning Charge: £40

Holidays	Christmas (6pm 24 Dec to 6am 27 Dec)	Easter Sunday & Monday May Day Bank Holiday Spring Bank Holiday Summer Bank Holiday (For 24 hours starting at 00.00am on the day)
	New Year (6pm 31 Dec to 6am 2 Jan)	

2. For journeys ending outside the City of Coventry

The law does not permit a taxi driver to charge more than the price shown on the meter (which will be calculated at the rates shown above) unless the journey ends outside the City boundary and you and the driver have agreed a different fare BEFORE the journey commences.