

# Licensing & Regulatory Committee

Monday 20 February 2017

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Monday 20 February 2017 at 4.00 pm.

## Membership:

Councillor Illingworth (Chairman)	
Councillor Mrs Falp	
Councillor Ashford	Councillor Miss Grainger
Councillor Mrs Cain	Councillor Murphy
Councillor Davies	Councillor Quinney
Councillor Mrs Evetts	Councillor Mrs Redford
Councillor Gallagher	Councillor Mrs Stevens
Councillor Gifford	Councillor Weed
Councillor Gill	

## Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

## 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 entered on the form to be circulated with the attendance sheet and declared 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**

To receive the minutes of the Licensing & Regulatory Committee meeting held on 31 October 2017.  
**(Pages 1 to 12)**

4. **Record of Licensing & Regulatory Panel Hearings**

To note the minutes of the Licensing & Regulatory Panel Hearings as set out below:

- 4a) 14 June 2016 – 10am
- 4b) 4 July 2016
- 4c) 5 August 2016
- 4d) 5 September 2016
- 4e) 7 September 2016
- 4f) 12 September 2016
- 4g) 20 September 2016
- 4h) 24 November 2016
- 4i) 21 December 2016

5. **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 Nos.	Para No.	Reason
6	1	Information relating to any individual
6	2	Information which is likely to reveal the identity of an individual

6. **Record of Licensing & Regulatory Panel Hearings**

To note the confidential minutes of the Licensing & Regulatory Panel Hearings as set out below:

- 6a) 7 June 2016
- 6b) 14 June 2016 - 2pm
- 6c) 30 June 2016
- 6d) 28 July 2016
- 6e) 9 August 2016
- 6f) 23 August 2016
- 6g) 4 October 2016
- 6h) 18 October 2016
- 6i) 3 November 2016
- 6j) 14 December 2016 -10am
- 6k) 29 December 2016

**General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.**

**Telephone: 01926 456114**

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**Enquiries about specific reports: Please contact the officers named in the reports.**

**You can e-mail the members of this Committee at**

**[landrcommittee@warwickdc.gov.uk](mailto:landrcommittee@warwickdc.gov.uk)**

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**Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.**

**The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.**

# Licensing & Regulatory Committee

Excerpt of the minutes of the meeting held on Monday 31 October 2016, at the Town Hall, Royal Leamington Spa at 2.30 pm.

**Present:** Councillor Illingworth (Chairman); Councillors Ashford, Boad, Mrs Cain, Mrs Falp, Gallagher, Miss Grainger, Quinney, Mrs Redford, Mrs Stevens and Weed.

## 16. **Apologies and Substitutes**

- a) Apologies for absence were received from Councillor Davies and Councillor Gill; and
- b) Councillor Boad substituted for Councillor Gifford.

## 17. **Declarations of Interest**

There were no declarations of interest made relating to the minutes contained within this excerpt.

## 18. **Proposed Boundary Review of Warwick District Council Wards & Community Governance Review of Parish and Town Council Boundaries/Wards within Warwick District**

The Committee considered a report from the Chief Executive which brought forward a proposal for a combined review of Warwick District Council Ward boundaries by the Local Government Boundary Commission for England (LGBCE), together with a Community Governance Review of all Parish/Town Council boundaries (and their Wards) by Warwick District Council, in light of electoral inequality across the District and the lack of coterminous boundaries.

The Licensing & Regulatory Committee was responsible for "all the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews". This included requesting a review of the Ward boundary arrangements for WDC. However, the advice from the Council's Solicitors was that to avoid any potential challenge of decision, this should be a decision taken by Council because of the proposed reduction in the number of Councillors. Section 8 of this report set out the broad guidelines that the LGBCE would follow during such a review.

The last Boundary Review of Warwick District came into force at the combined District, Town and Parish Council elections held in May 2015. Under the previous review of Warwick District Wards, the LGBCE set a District average ratio of 2313 electors per Councillor, with an acceptable variance of +/- 10% from the average. This was based upon the request (at the time) from this Council to retain 46 Councillors.

However, it was clear that there were two issues now arising which strongly suggested that a further review should be requested by this Council. Firstly, the level of electoral growth in the District had already surpassed the level predicted by the LGBCE for 2018. This growth had already resulted in three District Wards exceeding the acceptable 10% variance from the average for the ratio of electors to Councillors. It was forecast that the number of District Wards out of tolerance would grow even further by the time of the next District elections, thus undermining the principle of electoral equality, i.e. that no matter the ward, all

votes had equal (or as near as practically possible) weight in terms of the number of representatives that could be elected. Secondly, this Council had sought to establish and maintain the principle of coterminous boundaries at all levels of electoral representation. This had now been seriously breached by the implications of the LGCBE proposals for the WCC Divisions for Town Council Wards in the three largest towns in the District.

During the last review, strong representations were made by the Council over anticipated growth/development, especially to the south of the District. This was not accepted by the LGBCE because at that time development had not started, nor was the Local Plan at a significantly advanced stage for all of its proposals to be taken into account. The Local Plan had now progressed with a number of large developments already approved, built or under construction. This development, combined with a general increase in the number of people registered to vote, had resulted in the ratio of electors to Councillors in three wards in this area already exceeding the tolerance level of 10% set by the LGBCE.

Appendix 1, to the report, illustrated the forecasted growth in the electorate across Warwick District over the next five years using a number of different, but linked data sets, including the Register of Electors, population growth forecasts, forecasts from the LGBCE and the level of approved development in the District. All of these sources indicated significant electoral growth in Warwick District over the next five years up to 2021, with the lowest estimate predicting a further 2,000 electors and the highest estimate predicting an increase of 8,000 electors.

Appendix 2, to the report, provided an overview of the number of electors per ward as outlined in the 2013 LGBCE review of Warwick District. It also provided the current status of each ward and detailed how they compared in relation to the acceptable variance from the approved ratio of 2313 electors to one Councillor, as approved by the LGBCE for 2018.

In order to challenge the levels predicted by the LGBCE for WDC in 2018 and seek an early Boundary Review, the Council needed to demonstrate/evidence the significant level of growth expected in order for the Council to seek an early review of its boundaries. This early review would need to be agreed by the LGBCE. Therefore, it was important to cross reference the level of growth anticipated in the District against the values set by the LGCBE for 2018.

Ideally, the Council would include a comparison of the anticipated electorate in Warwick District in 2020, as predicated by the LGCBE as part of their review of Warwickshire County Council Divisions. However, the Council did not have this data broken down by current WDC Ward.

As shown in the report, Table 1 of the report, illustrated the current percentage variances from the ratio of Councillors to Electors set for this Council's wards by the LGBCE for 2018 for the present value and predicted electoral growth up to 2021.

Those wards of immediate concern were Brunswick, Manor and Saltisford, because they already exceeded the 2018 electorate predicted by the LGBCE. However, the table also showed predicted level variances for each ward in 2018 and 2021, and thus illustrated how many more wards would fall out of the tolerance levels by these dates.

The importance of contrasting WDC's position to the LGBCE forecast was primarily that the Council needed an agreement from the LGBCE to undertake the review. The argument that had to be put forward was that its previous estimates now differed significantly from the current reality and as a consequence, the principle of electoral equality had been seriously compromised as demonstrated by the key points that the data in Appendix 2 to the report showed:

- (i) the total electorate for Warwick District was already at a greater level than that predicted by the LGBCE for 2018;
- (ii) three WDC wards already had an electorate greater than 10% of the ratio of Councillor to electorate predicted by the LGBCE for 2018;
- (iii) based on current approved development, it was forecast that by 2018, 10 of 22 District Wards would be outside the tolerance accepted by the LGBCE, with two wards at least 19% above the average ratio, and that by 2021 there would be three wards at 25% or greater of the average ratio; and,
- (iv) the level of approved development within Warwick District would see further significant increases in the electorate across the District in the period to 2021.

In the last review, this Council committed itself to the principle of coterminous electoral boundaries, wherever reasonably practicable, to ensure clarity of representation for communities and also to enhance community identity.

The LGBCE decision on WCC Divisions conflicted significantly with the District Council Ward Boundaries. The proposals for the WCC Divisions radically altered some of the Town and Parish Council ward boundaries, resulting in a large number of small wards in the three largest towns in the District. This was a direct result of WCC Division and WDC Ward Boundaries not being coterminous, and the requirement under legislation for Town/Parish Council Ward Boundaries not to cross a District Ward or WCC Division Boundary.

The outcome of the revised WCC Division Boundaries was not conducive to making participation in elections easy for the community, when in the WDC area the District Council had its elections at the same time as the Parish/Town Councils, whilst WCC did not. The problem this created was that, if unchanged, at the next set of local elections in 2019, the wards for the District Council and the Town Councils of the three largest towns would be on different boundaries. In the Returning Officer's view, this was a recipe for voter confusion, would deter electoral participation, create more difficulties for electoral administration, and make it harder for candidates and their supporters to engage effectively with the electorate. None of this would be good for local democracy.

A copy of the following plans were attached to the report:

- the current WDC Ward Boundaries, at Appendix 3;
- the current Parish & Town Council Boundaries, along with their wards, at Appendix 4;
- the approved WCC Division Boundaries for 2017, at Appendix 5; and
- the proposed Town/Parish Wards and Boundaries, at Appendix 6.

The LGBCE had previously informed this Council that it would not reconsider the boundaries within the District without radical proposals for change coming forward. The Returning Officer considered that the prospect of significant electoral inequality and the outcome of the review of County Council Division

Boundaries had made a further review necessary, including the consideration of radical alternative options.

Given that this Council could not ask for the County Division Boundaries to be reviewed, the only options available to the District Council were to either:

- do nothing, which for the reasons stated above would be contrary to achieving effective electoral equality and the Council's own disposition to seek coterminous electoral boundaries at all levels of representation; or,
- seek to re-set the District and Parish/Town Council Ward Boundaries to be on those of the new County Council Divisions (14). This would mean that in retaining 3 Councillors per ward, the overall number of Councillors would be reduced from 46 to 42.

Having undertaken an assessment of the implication of having 14 wards, based on the WCC Divisions, with three District Councillors for each ward, the ratio provided would be 2574 electors to each Councillor. The ratio of WDC Councillors to electors had been set using the LGBCE predicted electorate for Warwick District as at 2020, according to their review of WCC Divisions. This ratio would place the Budbrooke and Bishop's Tachbrook ward significantly out of tolerance within five years. This analysis was outlined at Appendix 8 to the report.

Therefore, it was considered more logical for the Council to seek a reduction to 43 Councillors with 15 wards. The additional ward would be formed by splitting the Budbrooke and Bishop's Tachbrook Division area in half and having two District Councillors to represent each of these wards. The Budbrooke Ward would comprise of the Parishes of Budbrooke, Norton Lindsey, Shrewley and Hatton. The Bishop's Tachbrook Ward would comprise of the parishes of Bishop's Tachbrook, Barford, Sherbourne and Wasperton. This adjustment would result in an average ratio of 2513 electors per Councillor, and all wards being well within 10% tolerance during the next five years. This ratio was set using the LGBCE predicted electorate for Warwick District as at 2020. The analysis of this information was set out at Appendix 9 to the report.

In addition, it was suggested that the Lapworth and West Kenilworth Division area be split into two District Wards, to enable Kenilworth town to retain its coterminous electoral boundaries. The two District Wards would be formed thus: one covering the majority of the current Kenilworth Abbey ward and Burton Green Parish Council area, represented by two Councillors, and the other formed by the parishes of Beausale, Hasely, Honiley & Wroxall, Baddesley Clinton, Rowington, Bushwood and Lapworth, represented by a single Councillor. This geographical split was commensurate with the Council's principle of coterminous electoral boundaries. These proposals would lead to the District Council being made up of 16 wards.

Appendix 7 to the report provided a comparison across the Council's 15 nearest CIPFA neighbours, as well as the four other Districts/Boroughs of Warwickshire. The data was in order of ratio of electors to Councillors, and demonstrated that the recommended proposal from the Council would be reasonable and in-line with its nearest CIPFA neighbours.

It was considered good practice to make the County Council and all Parish & Town Councils aware of the revised boundary proposals by the District Council at an early stage, so that they had sufficient notice to engage in the process fully. This would also enable them to make a request to the Returning Officer regarding any boundary issues that they would like the Council to consider.

Recommendation 2.4 had been brought forward, after discussion with the LGBCE, to ensure that at the very least the related alterations would bring District and Parish/Town Boundaries in line with each other wherever possible.

The Council was required to evidence what impact, if any, a proposed reduction in the number of Councillors would have on the Council. This had been considered and the impact of the potential reduction of the size of the Council by three Councillors. The Council did not believe this would impact upon its governance framework and ability for democratic responsibilities. This was because this small reduction in the number of Councillors could be accommodated because at present some Councillors had few if any Committee responsibilities and in addition, the Council had experienced, since 2013, some Councillors being away from the authority for several months (for various reasons) without it impacting on the wider workload of Councillors. While there might be a small increase in workload, it would in essence be spread amongst the Wards of Kenilworth, Leamington and Warwick. In addition, this process would be aided through there being coterminous boundaries which would enable improved cross Council working for Councillors.

A separate report on the agenda set out the proposed new Parliamentary Boundaries. In the context of the argument above regarding coterminous boundaries, it was suggested in that other report that the Council should make representations to make sure that the Parliamentary Boundary Review took into account the review proposed by this Council, to ensure that coterminous boundaries were applied to all levels of electoral representation and used the same boundaries. This would then help to avoid some of the current confusion that the local community had to experience, such as in the areas around Hopton Crofts and New Cubbington.

As an alternative option the Council could consider maintaining the status quo, i.e. stay as it was, this was not considered a realistic option for the reasons set out in section 3 of the report.

Another alternative option could have been given to realigning Warwick District wards with Warwickshire County Council Divisions, but subdividing them into smaller wards of equal number of electors, each represented by a Councillor. This had been proposed in so far as it has remained compatible with achieving coterminous boundaries and achieving electoral equality for Lapworth and Kenilworth West and for Budbrooke and Bishop's Tachbrook. However, further subdivision was not considered appropriate as it was not believed that this could be achieved whilst retaining an appropriate ratio of electors to Councillors and the current Town/Parish Council Boundaries.

Another alternative option could have been given for having two District Councillors representing each County Division. However, this would have led to a significant increase in workload for Councillors and could potentially have given rise to a full time role, with a similar ratio of electors to Councillors as in single tier and County authorities. Councillors would need to understand that this would be a much more radical change to their role if they chose to pursue this option. It was also unlikely that this route would generate much in the way of financial saving, as officers predicted that Member Allowances would need to increase significantly and would likely offset any saving that might be made by reducing the overall number of Councillors. For all of these reasons, this option was not recommended.



The Council could alternatively consider deviating from the coterminous boundary principle and redrawing boundaries it felt were appropriate based on a ratio of electors to Councillors that best met the needs of the community. This option was not brought forward because of the issues discussed in section 3 of the report. In addition, there were a number of historic Parishes within the District that the Council would not wish to impact upon by drawing boundaries which could result in new Parish Boundaries or "Warding" of these Parishes.

The Committee should be mindful that a Parish/Town Ward cannot cross a District Ward or a County Divisional Boundary. Therefore, amending these Boundaries, depending on the election to take place, would not have been permissible nor would it have been approved by the LGBCE, who had to provide consent for the change of a Parish/Town Boundary or Ward if a change had been made to that Boundary within the previous five years.

The Deputy Monitoring Officer and Democratic Services Manager explained that there was a formulaic error within the data for Appendix 8 which did not significantly alter the information provided and this would be revised before submission.

Members of the Committee had concerns that if the Council was committed to coterminous boundaries this should apply at all levels of election and therefore at Parish level this should include New Cubbington and Whitnash East wards. This was proposed duly seconded and

Recommended to Council that:

- (1) it should approach the Local Government Boundary Commission for England (LGBCE) to undertake a review of Warwick District Council (WDC) Ward Boundaries, and alongside it this Council undertakes a Community Governance Review of all Parish/Town Council boundaries (and their wards), in the light of electoral inequality across the District and the lack of coterminous boundaries, as explained in Section 3 of the report;
- (2) the proposal to be put to the LGBCE is for the WDC Ward Boundaries and names to follow those of the Warwickshire County Council (WCC) Divisional Boundaries within the District, with each ward having three WDC Councillors, except for:
  - (a) the Budbrooke & Bishop's Tachbrook Division which should be split into two District Wards, each represented by two District Councillors – one to be named Budbrooke and the other Bishop's Tachbrook; and
  - (b) the Lapworth and Kenilworth West Division which should be split into two wards; one ward will cover the current Warwick District Kenilworth Abbey Ward area (to be represented by two District Councillors) and the other ward will represent the remaining rural area to be known as Lapworth, represented by one District Councillor.

- (3) subject to approval of (1) and (2) by Council, the Chief Executive is asked to notify WCC and all Parish & Town Councils within Warwick District of this Council's intention to approach the LGBCE, outlining the proposed principles of the review and seeking views on any specific issues relating to the proposed boundary revisions and/or revised electoral arrangements, which would include:
  - (i) A proposal to move the area of New Cubbington Parish Ward into Royal Leamington Spa;
  - (ii) A proposal that the area of Whitnash East Town Ward is moved into Royal Leamington Spa;
- (4) if the LGBCE does not approve the request for a Boundary Review of Warwick District or that this review will not be completed until after the 2019 elections, the Chief Executive is authorised to
  - (a) Bring related alterations forward to ensure where possible the revisions made under the previous community governance order are coterminous with the District Wards;
  - (b) Bring forward the necessary Community Governance orders to amend the Town Council Wards in line with the requirements of the WCC Divisions review order.
- (5) in the submission of a request to the LGBCE the Chief Executive outlines the reasons why the Council does not feel the reduction of three Councillors will impact on its ability to operate democratically or for the Councillors to represent the local community effectively, as outlined in paragraph 3.23 of the report.

*(After the vote on this item had been taken Councillors Mrs Cain, Mrs Falp, Illingworth and Stevens asked for their votes (against this proposal due to the wording of (3)) to be recorded in the minutes.*

## **19. Community Governance Review - Heathcote Area**

The Committee considered a report from Democratic Services that proposed minor amendments to the Parish/Town boundaries of Bishop's Tachbrook Parish Council, Warwick Town Council, and Whitnash Town Council.

The Licensing & Regulatory Committee was responsible for "All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews". This included amendments to the boundaries of Parish and Town Councils as part of Community Governance Order.

The last Community Governance Review was completed in August 2014 and came into force for the Town and Parish Council elections held in May 2015.

That review concluded that changes were required to the boundaries within the Heathcote estate, but only when these could be coterminous with WDC Boundaries. However, it was not possible to amend the District Council

Boundaries prior to the May 2015 election. Therefore, these Parish/Town Council changes were placed on hold because it would impact on a large number of electors and would cause confusion.

Since then, the Local Government Boundary Commission for England (LGBCE) had completed a review of the Warwickshire County Council (WCC) Divisions with conclusions that were consistent with the Community Governance Order, as set out at Appendix 1 to the report.

Before the Council could confirm the order it needed consent from the LGBCE, because these boundaries had been amended within the last five years. It was understood that this request would be supported by the LGBCE because the WCC Divisions it had already agreed followed the same boundaries now proposed.

If this decision was confirmed by the Committee, it would make the boundaries coterminous with WCC Divisions. This would support the other proposal on this agenda to bring the WDC ward boundaries into a coterminous arrangement with the relevant Parish/Town Councils.

Warwick Town Council, Whitnash Town Council, Councillor Andrew Day (the Ward Councillor for Bishop's Tachbrook) and Councillor Mrs Falp (one of the Ward Councillors for Whitnash), had been re-consulted and supported the proposal. No objections or comments had been received from any of the other consultees.

Recommendation 2.2 was only included as a fall-back position, to mitigate the complicated electoral boundaries in this area, in case the wider review of the District boundaries was not approved or was not completed by May 2019.

**Resolved that**

- (1) subject to the consent of the Local Government Boundary Commission for England (LGBCE), the order is made that the boundaries of Bishop's Tachbrook Parish Council, Warwick Town Council and Whitnash Town Council be amended, as set out in the Community Governance Order at Appendix 1 to the report;
- (2) if the Council's request for a review of its ward boundaries is not approved by the LGBCE or will not be complete by May 2019, the Council seeks a related alternation to amend the Warwick District Council ward boundaries, in line with the proposals of the Community Governance Order, to take effect from May 2019; and
- (3) once the order is confirmed, all households affected by the order, along with the relevant Parish and Town Councils and respective Warwick District Ward Councillors and County Councillors, be notified in writing of the change in Parish/Town Council representation.

20. **Record of Licensing & Regulatory Panel Hearings**

The minutes of the Licensing & Regulatory Panel Hearings on 15 March 2016, 22 March 2016, 3 May 2016, 10 May 2016, 11 May 2016 and 17 May 2016 were noted.

21. **Public & Press**

**Resolved** 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 paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006,

22. **Record of Licensing & Regulatory Panel Hearings**

The confidential minutes of the Licensing & Regulatory Panel Hearings on 22 September 2015, 20 October 2015, 9 November 2015, 3 December 2015, 23 February 2016, 10 March 2016, 22 March 2016 and 7 April 2016 were noted.

23. **2018 Review of Parliamentary Constituencies**

The Committee considered a report from the Chief Executive that set out a proposed response to the Initial Proposals for the new Parliamentary constituency boundaries in the West Midlands.

The Licensing & Regulatory Committee was responsible for "All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews". This included responding to the Parliamentary Boundary Review Consultation.

The Committee was advised to consider the proposals and how these impacted on the local communities that it represented. However, without significant analysis of the electoral numbers across the region, it would not be appropriate for this Council to bring forward significantly different alternative proposals. Officers were not in a position to undertake this wider significant analysis and, therefore, this report confined itself to impacts on the local community and this Council.

The Boundary Commission for England had set out the criteria for the points that would be considered as part of a submission. It discouraged submissions based on potential boundary changes and instead sought to use the District Ward boundaries that were in place in May 2015. As such, the proposed submission from this Council would not fall within this criterion. Even so, it was clear that there were some issues of principle about the proposals that the Council should raise; specifically, the impact of the proposals on the local community and the significant changes coming forward relating to the Review of Warwick District Council Boundaries, as set out in minute 18.

The review of Parliamentary Constituencies stemmed from the desire by Government to reduce the number of MPs and to achieve greater electoral equality. That was, that each constituency should have the same number of voters in ratio to an MP. Currently that was not the case. Whilst electoral

equality was a major concern, there were also other important aspects. These were:

- a. That a constituency should reflect the integrity of recognisable geographic and economically linked communities. A constituency devised simply to make numbers balance out was a poor basis for Parliamentary democracy.
- b. That the electoral number upon which the constituencies were devised should properly reflect development growth and improved electoral registration so that electoral equality could be sustained for at least the period to the General Election in 2025, without requiring a further significant boundary review. There was little point in not looking far enough ahead whilst undertaking a review because it would inevitably result in electoral inequality and the need for another costly review in short order.
- c. That the same electoral boundaries were used to construct a constituency as those of County Divisions, District Wards and Parish Council or Parish ward boundaries, to avoid voter confusion.

However, the proposals relating to the constituencies proposed to cover the area of Warwick District generated issues on all three points above, as follows:

- a. The proposals split two towns (Warwick and Royal Leamington Spa) that had been within the same Parliamentary Constituency since the 19<sup>th</sup> Century. More importantly, the towns physically adjoined each other and had considerable economic, environmental and community links. The proposals also split the town of Warwick by placing one of its District Wards (Myton and Heathcote) within the Kenilworth and Leamington Constituency.
- b. The proposals did not allow for the growth in the electorate that this Council had forecast even over the period to 2020, let alone beyond it. The proposals used 97,930 as a base and at the EU Referendum the parliamentary electorate in the District was 103,195. This was the estimated level predicted by the LGBCE for 2018 (estimated register of 106,305 less circa 3,000 EU voters) and by 2020 this was estimated to rise to circa 105,000. However, Warwick District Council estimated that electorate growth (based on proposed development) would see its Parliamentary electorate rise to between 106,000 and 109,000 by 2020. Whilst there were variables within these calculations, the current disparity was significantly large.

It was recognised that Warwick District was growing and so was the electorate. There were two consequences arising from this disparity; one was that electoral equality would not, in fact, be achieved and the other was that it would not be maintained for very long if it was achieved. This would lead to another review with all the cost that this involved and the uncertainty created about representation, neither of which should be overlooked at this time.

There was a much wider national point at stake. As a result of voter engagement as part of the EU Referendum, there had been a significant increase in registered electors within Warwick District. If this was reflected in other areas across the region or country, it could impact on the calculations of having an electorate per MP in the region of 75,000. This, if replicated at the same or greater scale across the country, had the potential to create more enduring and significant electoral inequality.

- c. This Council had continually sought coterminous electoral boundaries and was proposing a series of changes to District Wards and Town Council Wards to avoid what officers foresaw as a significant problem of voter confusion. Unless the Boundary Commission took these proposals up, the Parliamentary elections of 2020 would be fought on one set of boundaries which would be different to those used the year before (2019) in the District and Town/Parish Council elections. This ought not to be a significant obstacle for the Boundary Commission because even if it did not change the proposals substantively, it could make this change without prejudicing the balance of electoral numbers.

This latter point was relevant to whatever geography was agreed for the Parliamentary Constituencies. The basic building blocks should be the electoral boundaries of parishes, District and County Division boundaries. If this principle was applied, then the potential for voter confusion would be minimised or avoided altogether.

It was worth highlighting to Members that should the Boundary Commission address the Council's concerns about the towns of Warwick and Leamington being in different Parliamentary Constituencies, this would have a consequence elsewhere; namely that Kenilworth and the immediate surrounding parishes were likely to then be part of a different constituency. The alternative geographical options were limited but could include Kenilworth becoming part of a constituency with either; the southern part of Coventry, which given the mutual links with the University could have some merit; Balsall Common and Meriden etc, as was previously proposed; with Rugby, as was the case in the past; or with the Southam area, as was currently the case.

If the Boundary Commission decided to continue using the current WDC Ward boundaries, then two points should be made:

1. That the Myton and Heathcote Ward should be part of the Warwick and Stratford constituency, and not the Kenilworth and Leamington constituency, because the Ward was firmly part of the town of Warwick.
2. That the other related changes which were the subject of two other reports on this agenda must also be recognised by the Boundary Commission in their eventual proposals.

The Members of the Committee individually had concerns about the proposals from the Boundary Commission and the impact of these on the local community. While in principle they all supported the recommendations proposed within the report, they considered that the wording needed to be amended to ensure clarity and priority of the Council's view.

**Resolved** that the Chief Executive be authorised, in consultation with the Chairman of the Committee, to finalise the wording for the Council's submission to the Boundary Commission regarding the Initial Proposals for new Parliamentary Constituency boundaries in the West Midlands, that:

- (1) Myton & Heathcote Ward should be in the constituency that covers the rest of the Town of Warwick;

- (2) Warwick & Leamington Spa should be included within a single constituency, recognising the special economic and historic link between the towns;
- (3) the review should be mindful of the proposals for a review of Warwick District Boundaries to be in place by 2019. Therefore, any proposals for 2020 should be coterminous with these because this would provide coterminous electoral boundaries from Parish to Parliament; and
- (4) the Commission should seek to verify its electoral registration figures because of increases that may have occurred in some wards due to improved registration and the EU Referendum.

(The meeting ended at 3.50 pm)

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 14 June 2016, at the Town Hall, Royal Leamington Spa at 10.00 am.

**Present:** Councillors Mrs Cain, Miss Grainger and Mrs Stevens.

**Also Present:** Mr Gregory (Council's Solicitor), Mrs Dury (Committee Services Officer), and Mrs Dudgeon (Licensing Officer).

1. **Appointment of Chairman**

**Resolved** that Councillor Mrs Cain be appointed as Chairman for the hearing.

2. **Declarations of Interest**

Councillor Mrs Cain declared an interest because she knew one of the observers.

3. **Application for a variation of a premises licence under the Licensing Act 2003 for Hickory's Smokehouse, Cromwell Lane, Coventry**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a premises licence from Hickory's (ROS) Limited, Hickory's Smokehouse, Cromwell Lane, Coventry.

The Chair introduced the members of the Panel and the officers present. The other parties then introduced themselves as:

- Mr McDonnell, owner of Hickory's (ROS);
- Mr Cooper, Community Liaison – Hickory's;
- Mr Bartley, from Joliffe and Co Solicitors, acting for Hickory's;
- Ms Evans, from Joliffe and Co Solicitors (observing only);
- Mr Deeley, supporter, and also representing his wife;
- Mrs Kenney-Herbert, objector;
- Mr Bassett, objector, and also representing Mrs Bassett;
- Mrs Deeley – observer;
- Ms Lester – observer; and
- Councillor Taylor, Chairman, Burton Green Parish Council – observer.

The Council's Solicitor explained the procedure for the hearing.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it and the representations made at the meeting, in order to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The application was for a variation of the premises licence for Hickory's Smokehouse, 216 Cromwell Lane, Coventry. The variation application had been submitted on 27 April 2016 and details proposed were outlined in paragraph 3.2 of the report.

Details of the variation to licensable activities were as per the tables below:



#### Current Licensable Hours:

	Sale of alcohol for consumption on and off the premises *	Live Music **	Recorded Music ***	Opening Hours
Monday to Saturday	11:30 to 00:00	20:00 to 00:00	11:30 to 00:00	11:30 to 00:30
Sunday	12:00 to 00:00	20:00 to 00:00	12:00 to 00:00	12:00 to 00:30
Christmas Eve	11:30 to 00:30	No seasonal variation	No seasonal variation	No seasonal variation

\*On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

\*\*Note: Between the hours of 08:00 and 23:00, when amplified live music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises; or when amplified live music is taking place to any number people on any premises, all licensing conditions applicable to the control of live music on this licence are deemed not to be in operation.

Live music if (a) it is amplified and played to an audience of less than 200 premises licensed to sell alcohol (whilst alcohol is being sold), or a workplace; (b) it is unamplified to any number of people anywhere.

\*\*\*Note: Between the hours of 08:00 and 23:00, when recorded music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.

#### Variation Application:

	Sale of alcohol for consumption on and off the premises *	Late night refreshment	Opening Hours	Live and recorded music
Monday to Thursday	11:00 to 00:00	23:00 to 00:00	09:00 to 00:30	No change
Friday to Sunday	11:00 to 00:30	23:00 to 00:30	09:00 to 01:00	No change

\*On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The Licensing Officer advised that representations had been received from ten residents, and these were detailed in appendices 2 to 11 in the report. Six of these representations were objections, and four were in support of the application.

Under the Licensing Act 2003, there had been a premises licence issued by Warwick District Council, in place at Hickory's Smokehouse since 2005. The premises had previously operated under the name "The Peeping Tom". Since the licence was issued by Warwick District Council, there had been no complaints received by the Licensing Department.

The applicant had provided a plan of the premises distributed at the hearing, and a photo of the area was attached as appendix 12 to the report, along with a map of the area at appendix 13. Also provided by the applicant at the hearing was a bundle of papers, which included:

- A copy of the application
- Representations made to the Licensing Authority
- Sample menus for Hickory's Smokehouse
- The Applicant's Submissions

Mr Bartley drew attention to the bundle and stated that the key elements of the variation were:

- the change of permitted hours for the supply of alcohol;
- the change of the opening hours; and
- the inclusion of late night refreshment.

He drew attention to a condition requiring all doors and windows to be shut at 11.00pm, and that alcohol could only be consumed indoors after 11.00pm, with the outside area vacated by this time.

Mr Bartley stated that objectors had been concerned about the premises operating as a takeaway, but only doughnuts and coffee would be served after 11.00pm, so there would be no takeaway service after this time. He referred to paragraph 62 in the bundle which the applicant would be happy to accept as a condition of the licence:

"All food served at the premises is for the consumption on site albeit this condition shall not prevent the Premises Licence Holder from providing its customers with the service of taking any leftovers home with them."

In reference to objectors' concerns about noise from departing customers, Mr Bartley reminded Members that once people left the premises, the applicant was no longer responsible for their behaviour, but there would be "Quiet" notices on all exits.

Mr Bartley informed Members that the applicant wished to vary the hours on the licence so that customers could be served brunch; for this reason an opening time of 9.00am was requested, and serving alcohol could start at 11.00am. The application also sought to increase terminal hours. The premises had operated since 2005 up to midnight with no problems. The intention was to provide an upscale expensive meal environment in what had become a 24 hour society. There was no evidence that an additional 30 minutes would cause any problems or make any difference. A nearby public house "The Saracen's Head" had a later licence.

The layout proposed for the premises would have one way in and out which would mean that people would have to pass the host. No "gangs" would be allowed in, only quiet people.

In response to questions from the Panel, Mr Bartley responded:

- Customers did not only go outside to smoke. There would be a full outdoor operation with lots of staff and table service. People who sat outside would be told that they must go inside by 11.00pm, even if they had not finished their meal. There would be a gradual move to seat

people inside so that they could finish their meals. The previous operator had only had seven staff, but under Hickory's, 44 staff would be employed.

- The other four Hickory's establishments worked perfectly well and were very service minded.
- The host would be at the one entrance/exit point and if a group of people arrived that were not wanted, they would not be allowed in.
- There would be 98 covers inside and 90 outside when the weather permitted. There would be some heating provided outside, plus blankets and hot water bottles.
- Customer demand would determine the time of last orders and what was provided. If someone placed a food order at 11.00pm, they would not be allowed to place an order for a three-course meal; instead, they could order a burger.
- There would be smaller snack choices at the bar and staff would be trained to push sales of these. It was always better to serve food with drink.
- At other Hickory's establishments, the kitchens tended to start winding down by 11.00pm.
- In comparison to TGI Friday's, which were more town based and bar led, Hickory's was kitchen focused. Cocktails were offered but the premises did not have a "bar" environment. Families would be the main focus "early doors". Mr Bartlett referred Members to the food choices on the sample menus in the bundle.
- Depending on the person, customers would be served just drinks late at night. The general customer profile was someone arriving on foot or by car, pre-booking a table.
- The premises had trialed a "soft" opening and most customers were dining and drinking. Over 220 people attended over the course of three evenings. They had been mostly local residents so had most likely walked to the establishment. Going forward, it would be a mixture of local customers and those from further afield. Hickory's was popular with families and over 90% of customers booked a table which allowed control of timings. On the application, a condition would be that bookings would be spread every 15 minutes.
- The peak period for customers coming and going was between 7pm and 9.30pm. After that people did not arrive or leave in such large numbers so the issue of noise and cars would not be such a nuisance.

Mr Bassett, representing a local resident, Mrs Bassett, informed Members that:

- The pub was surrounded on three sides by properties in a semi-rural setting.
- Public transport stopped at 6.20pm, which meant that private vehicles were the only way for customers who lived outside Burton Green to get to the pub. Local residents were already being disturbed.
- Despite the offer to post notices for consideration to residents, disturbance would be inevitable, and the additional hours on the application would only serve to increase this.
- He had telephoned other Hickory's establishments and had established that a takeaway service was offered by them. He would welcome the inclusion of a condition that takeaway would not be sold.
- There was nothing to prevent issues arising from the sale of alcohol by customers who started by drinking elsewhere and then went to Hickory's to continue to drink. The Bell Inn in Station Avenue, Tile Hill sold cheap

alcohol up until midnight, as did The Green Man and The Bear and Ragged Staff in Kenilworth. He requested the licensing hours should be the same as the other establishments to stop people transferring from one pub to another.

- The additional hours would cause loss of privacy issues and material harm to the living conditions for residents. He could not understand the need to sell alcohol beyond midnight, and referred to Hickory's in the Wirral where a 10.30pm closing was advertised.
- The objectors to the variation in the licence were all nearby residents, as opposed to the supporters who were not. The supporters would not be disturbed. He requested that the closing time should be set at midnight all days of the week. If the Panel was minded to grant the application, then he requested a condition should be placed on it so that last entry time was 11.00pm to discourage people transferring from another licensed premise.

In response to questions from the Panel, Mr Bassett replied that:

- There had not been any need for serious complaint about disturbance by late closure of the Peeping Tom because the business had been struggling for a long while and so had closed at 11.00pm. However, even at 11.00pm, young people had congregated and made some noise and the manager had put up notices to ask the clientele to be quiet; this had not had any effect.
- The pub had been there when he had moved into the road. He did not have an issue living close to a pub, but he did have a problem with late opening hours because the car park was adjacent to his house and fence.
- The effect of disturbance during the working week was completely different to disturbance at the weekend. People drank far more at the weekend. The pub had a small car park (about 65 spaces). He was more concerned about disturbance at the weekends because he did not think people would stay until midnight during the working week. Getting up for work on a Monday after being disturbed on a Sunday night would be difficult.

In response to a question from Mr Bartley, Mr Bassett responded that he did think the clientele at Hickory's would be different to those that used the Peeping Tom, but that the Peeping Tom had not been that busy. Hickory's would have a younger customer; when he had visited branches of Hickory's at Chester and Wirral, customers were mainly in their 30's. There had been a lot of families and the places were much busier. Mr Bartley pointed out that there were no boy racers. He also asked Mr Bassett whether he would find it acceptable should last entry be before end of service to discourage people coming from other pubs after they closed. Mr Bassett agreed that this would be much better but he would still prefer that a time for last tables was set at 10.00pm or 10.30pm and 11.00pm for last entry to stop transference.

Mr Bassett applauded Hickory's efforts to engage with the residents; he did not have any issues in respect of the management, simply the 12.30am extension of opening hours at weekends.

Mrs Kenney-Herbert was invited to speak by the Chairman. She informed the Panel that she had visited the premises the previous day and had thought that it had been beautifully decorated. She had lived in Burton Green since 1963. In the 1970's, there had been issues with bikers and she had been told that she should expect a certain amount of trouble living close to a pub. But she did not

expect disturbance on a Sunday night. She pointed out that a nearby pub, The Saracen's Head was not surrounded by houses.

In response to questions from the Panel, Mrs Kenney-Herbert replied that she had complained to the previous manager about glasses being thrown into her garden and he had banned the culprits from the pub. She also confirmed that she would be happy with the same opening hours at weekends as for weekdays. She did not see the point of the additional half an hour opening for shift workers when most shifts finished at 8.00pm.

The Council's Solicitor advised Councillors who questioned whether residents had been put off complaining about the pub because of the negative impact this could have should they ever wish to sell their house, that this point had no relevance to the licence application and there was no evidence to suggest that this was a reason why complaints had not been made. Mr Bartley informed Panel members that the comments they had heard about problems late opening might cause with people transferring from another pub were not relevant to the licensing objectives that they should consider when dealing with an application; to which the Council's Solicitor responded that he would provide advice to Panel Members on what was relevant for consideration.

Mr Deeley, a local resident, was invited to speak by the Chairman. He informed the Panel that he had lived in Burton Green for 30 years and had attended the opening event. He felt that it was a "classy" establishment and would have a positive impact. The management had engaged with the residents and had adapted plans in response to feedback that the community had provided. It would provide local employment and was an important enterprise for the village. Mrs Kenney-Herbert advised the Panel that she echoed Mr Deeley's sentiments and her only objection was the additional half an hour on closing time.

The Chairman invited the applicant to make a short closing speech. Mr Bartley reminded the Panel that:

- Mr Bassett had acknowledged that the clientele using Hickory's would be different to those that had used the Peeping Tom.
- Mrs Kenney-Herbert was only concerned about the additional 30 minutes.
- That the Panel could only impose conditions on the licence on the objections they had heard.
- His client was willing to offer last entry one hour before the terminal alcohol hour.

At 11.22 am, the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the application for a premises licence be **granted**, subject to:

- (1) the agreed conditions restricting the sale of takeaway food; and
- (2) preventing last entry to the premises no later than one hour before the terminal hour for the sale of alcohol.

The Panel has considered the application before it, the officer's report, the Council's Licensing Policy and the submissions made on behalf of the Applicant and Objectors at today's hearing.

Turning first to the removal of the condition restricting sales of alcohol to those paid for beforehand or simultaneously, the so called "tabs" condition, the Panel notes that it has received no representations in this respect and it does not consider that the condition serves to promote the licensing objectives. The Panel has consequently decided that the condition should be removed.

Similarly, as regards the change to the layout of the premises, the Panel does not consider that it has heard any evidence that suggests that this change would adversely affect the Licensing Objectives and has decided that the variation should be granted in this respect.

Turning finally to the variation in the licensable hours and provision of late night refreshment. On the basis of the evidence the Panel has heard today, along with the written representations, the Panel considers the main issue in this regard to be whether or not the grant of the application would adversely affect the Licensing Objective of the Prevention of Public Nuisance, in particular noise nuisance.

Whilst the Panel has heard some anecdotal evidence of noise nuisance caused by those coming and going from the premises in its previous incarnation as the Peeping Tom, it does not consider that it has heard evidence sufficient to demonstrate that there is likely to be an increase in public nuisance if this application is granted. Whilst the Panel appreciates the concerns of local residents, it considers that many of the representations are speculative and general in nature, and that the addition of an extra half hour at the weekends is acceptable. In this respect, the Panel has given weight to the fact the Council's Environmental Health Department has not objected to the application, and that the Council has received no complaints about the premises in the past.

However, given the location of the premises in a predominantly quiet residential area, and some reported incidents of noise nuisance caused by the previous premises, it considers that it is appropriate that the conditions volunteered by the Applicant should be imposed in order to reduce the likelihood of noise nuisance being caused by those arriving at or leaving the premises late at night.

The application is therefore granted, subject to the agreed conditions restricting the sale of takeaway food, and

preventing last entry to the premises later than one hour before the terminal hour for the sale of alcohol.

At 12.00pm all parties and the Licensing Officer re-entered the room. The Chairman invited the Council's Solicitor to read out the Panel's decision.

All parties were advised that they had the right to appeal within 21 days of the formal decision being published.

The Council's Solicitor confirmed that "Leave Quietly" notices had not been set as a condition because it had not been agreed beforehand.

(The meeting ended at 12.05pm)

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Monday 4 July 2016, at the Town Hall, Royal Leamington Spa at 10.00 am.

**Present:** Councillors Ashford, Gill and Redford.

**Also Present:** Mr Howarth (Council's Solicitor), Mrs Dury (Committee Services Officer), Mrs Dudgeon (Licensing Officer), and Miss Cox (Committee Services Officer (observing only)).

## 1. **Appointment of Chairman**

**Resolved** that Councillor Ashford be appointed as Chairman for the hearing.

## 2. **Declarations of Interest**

There were no declarations of interest.

## 3. **Application for a premises licence under the Licensing Act 2003 for Bar Angeli, 5 Livery Street, Royal Leamington Spa**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a premises licence from Ms Ahmadi for Bar Angeli, 5 Livery Street, Royal Leamington Spa.

The Chair introduced the members of the Panel and the officers present. The other parties then introduced themselves as:

- Ms Ahmadi, the applicant;
- Mr Nankali, the applicant's agent; and
- Dr Cave, objector.

The Council's Solicitor explained the procedure for the hearing.

Dr Cave drew attention to the officer's report, and requested that the word "significantly" was deleted from paragraph 3.9 because this word was not used in the Council's Statement of Licensing Policy under paragraph 10.8. The Council's Solicitor thanked Dr Cave for his comment and said that this would be taken into account when making a decision on the application.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it and the representations made at the meeting, in order to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The application was for a restaurant /café selling alcoholic beverages with food served by waiters/waitresses. Discussions had taken place between Environmental Health and the applicant to reduce the hours for late night refreshment and hours of opening. The application subsequent to those discussions was as per the table below:



	Sale of Alcohol for Consumption on and off the premises	Opening Hours	Late Night Refreshment
Everyday	10:30 to 23:30	08:30 to 23:30	23:00 to 23:30

The Licensing Officer advised that representations had been received from Warwickshire Police and Environmental Health. However, conditions had been agreed with the applicant and these representations had subsequently been withdrawn. These conditions would be added to any premises licence issued, and were detailed at paragraph 3.4 of the report.

A representation had been received from a resident which was detailed on page 3/6 of the report. The objection was based on the addition of another bar within the town's saturation zone, and a failure to promote the four licensing objectives, in particular, the prevention of crime and disorder, public safety and the prevention of public nuisance.

The report advised that there had been no representations from any of the other public bodies or authorities, as listed in paragraph 3.6 of the report. As there were no licensable activities currently taking place at the premises, there was no evidence in relation to licensing which could be considered at the hearing.

The premises were located in the Council's Cumulative Impact Zone and the onus was on the applicant to prove that the application would not impact significantly on the Licensing Objectives.

Mr Nankali informed the Panel that they had satisfied all of the criteria. The applicant had come to the conclusion that her sales had been decreasing because she was not selling alcohol in line with the competition, and therefore she had applied for a licence. Agreement had been reached with both the Police and Environmental Health over the conditions that would apply.

Ms Ahmadi informed the Panel that when Bar Angeli had opened, the businesses around it had all been retail outlets. Subsequently, the amount of retail outlets had decreased and the area had become a food mecca, and the businesses in competition provided alcohol to their customers. Ms Ahmadi told the Panel that she had "nice" customers and did not envisage that they would be drinking all day.

The Council's Solicitor referred back to the point Dr Cave had made earlier; the word "significantly" appeared in paragraph 10.9 of the Council's Statement of Licensing Policy, and therefore the last sentence of paragraph 10.8 should state that "The onus of proof will be on the applicant to show that the application will not impact significantly on the four licensing objectives".

Mr Nankali stated that the premises would not impact significantly on the four licensing objectives. Drinks would be served alongside food. There had been a licence previously at Bar Angeli, but Ms Ahmadi had not pursued it because at that time, it had not been necessary. Bar Angeli was a small premises and the number of customers would not increase significantly if a licence was awarded. Ms Ahmadi's aim was to win back the customers that had been lost, and her intention was that customers would be served a small glass of wine with their meal.

Ms Ahmadi interjected that the food served at Bar Angeli did not attract the type of clientele who drank all day or consumed excess alcohol. Large numbers of students were not an issue because of the pricing of food.

In response to questions from Panel Members, Ms Ahmadi and Mr Nankali responded that:

- Food sales would stop at 10pm, which would mean that the last drink would be served at 10pm also.
- Alcohol would not be sold without food.
- Despite last entry being at 11pm, as stated in the agreed conditions, and the sale of alcohol for consumption on and off the premises between 10.30am and 11.30pm, alcohol would not be served at 11.30pm because that was closing time.
- Customers could purchase drinks providing they were eating a meal. Once the meal was finished, they could not.
- Customers would be allowed to enter the premises at 10pm and that would be the last entry time for food. The person could then drink alcohol whilst eating a meal.
- The premises currently closed on Christmas Day.
- CCTV operated in the premises.

The Licensing Officer clarified that condition 2 that had been agreed meant that customers could only drink if eating a meal, to which Ms Ahmadi reiterated that last orders for food was at 10pm. The Council's Solicitor then confirmed to Members that the agreed conditions meant that anyone who wanted to buy alcohol must be sat at a table eating food. He also informed the Panel that monitoring this was a matter for the Licensing Team and if there were complaints, then the matter would be an enforcement issue.

In response to questions from Dr Cave, Ms Ahmadi confirmed that:

- She was aware that she had applied for a premises licence and not a personal licence, and it would be sold on if she left the premises.
- She was aware of the Council's policy in respect of the cumulative impact zone.

Councillor Mrs Redford then sought clarification on how the applicant would ensure that children were not allowed by the serving area, and was informed that it was policy not to allow children around the kitchen area and that trained staff were always present. Parents with pushchairs would be shown to seats near the window area where there was sufficient space for pushchairs. Other businesses faced similar issues regarding children. The Council's Solicitor advised the Panel Members that they must show reasonableness in what could be expected, and staff were not responsible for looking after children. The applicant stated that troublesome families would be asked to leave.

Dr Cave was then invited to make his representation. He lived in the centre of Leamington Spa and had a keen interest in licensing matters. He contended that Leamington Spa had had social issues until recently but overall there had been an improvement. Nuisance bars had been closed and others had gone upmarket to improve the type of customers they attracted. He had been to Bar Angeli on Saturday and found that it had a lively and authentic Italian atmosphere. It was very popular and a credit to the town, but it was situated in the Cumulative Impact Zone and this was a new application. There was no recognition of this in

the application and no explanation as to how the premises would not have a significant negative impact on the four Licensing Objectives. In respect of Public Nuisance, smokers gathered outside between 9pm and 11.30pm. Their smoke and chatter could be a possible nuisance to the residents living in the flats above and the applicant had not proven otherwise.

Dr Cave accepted that the additional conditions had been approved by the Police, but this did not prove that there would not be a negative impact. The applicant had failed to prove that there would be no risk, no public nuisance and no public disorder. Under these circumstances, Dr Cave maintained that the Panel should not grant the licence application.

In response to Dr Cave's comments, Ms Ahmadi accepted that she could not prove anything with 100 percent certainty; no business in the area could. It surely depended on the type of business, and Bar Angeli was a nice environment with nice customers that would not attract the type of problems mentioned. Mr Nankali added that smokers would be outside with or without alcohol. The intention of the application was to keep the number of customers they had.

Ms Ahmadi informed the Panel that the types of customers at Bar Angeli were people very much like Dr Cave. She had never experienced an unwanted customer. In response to a question from Councillor Ashford, Ms Ahmadi confirmed that street pastors did patrol the area. Currently, the premises served meals until between 10pm and 10.30pm and last orders were at 10pm. There had never been any problems at the premises and smokers sat outside.

When asked to make any closing remarks, the applicant and her agent said that the premises were a restaurant café, not a bar, and it would never be just a bar. They had applied for a licence to keep their customers from deserting them and taking their business to premises that did sell alcohol. Service was refused to any unwanted customers. Bar Angeli needed to be able to compete equally with other businesses in the courtyard area.

In his closing remarks, Dr Cave stated that an application for a premises licence meant that alcohol could be sold in the saturation zone. The onus of proof was on the owner to prove that this would not affect the four Licensing Objectives; public nuisance being the main issue, but also public disorder. The Police had removed their objection but this in itself was not proof that there was not an issue. Smokers outside the premises after 9pm would make more noise if they had been drinking alcohol.

At 10:57 am, the Chair asked all parties other than the Panel, the Council's Solicitor and the two Committee Services Officers to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the application for a premises licence be **granted**, subject to:

- (1) the licensable activities detailed in the table in section 3.2 of the report; and
- (2) conditions 1 to 14 listed in section 3.5 of the report.

The Panel has heard the representations from the applicant and Dr Cave in support of the application.

The Panel notes that there were originally objections from the Police and Environmental Health; however, that these have been withdrawn as the applicant has agreed conditions with both responsible authorities.

The Panel also notes that the premises are located within the cumulative impact zone and therefore the Council's special policy in relation to cumulative impact applies. The test under the policy is that the applicant must demonstrate that the grant of licence will not significantly impact upon the Licensing Objectives. The Panel notes that the burden of proof lies with the applicant.

The Panel heard from the applicant that it was their intention to serve alcohol with meals and that the last meal would be ordered at 10pm. The applicant advised that it was their intention to attract back previous customers and to provide for existing customers who wished to be served alcohol with their meal. The Panel heard that currently the applicant serves food until 10pm and that to-date they have not received any complaints regarding noise or public disorder.

The Panel heard from Dr Cave about the potential for public nuisance caused by noise from patrons smoking outside the premises. The Panel notes, however, that Environmental Health has withdrawn their objection on the basis that the applicant has agreed to have conditions imposed upon the licence. The Panel are aware of the decision in the case of Thwaites which states that there must be more than a fear that the Licence will impact upon one of the Licensing Objectives and that there must be a real possibility of such an impact.

Taking into account the particular nature of these premises and the type of customer the applicant intends to attract, and taking into account that both Responsible Authorities have withdrawn their objections, and that there have been no previous complaints in relation to people smoking outside the premises, albeit it that the premises does not currently have a licence, it is the Panel's view that on a balance of probabilities, the grant of the licence will not impact significantly on the Licensing Objectives.

The Panel notes the concerns of Dr Cave; however, the Panel notes that if there is any future impact on the Licensing Objectives, then the Licensing Authority or one of the Responsible Authorities can call for a review of the licence. This will involve the licence coming back before a Licensing Panel who will consider whether the licence should be varied or revoked.

The Panel resolved to grant the licence in accordance with the Operating Schedule and the conditions agreed with the Police and Environmental Health.

At 11.42 am Mr Nankali and the Licensing Officer re-entered the room. The Chairman invited the Council's Solicitor to read out the Panel's decision.

(The meeting ended at 11:45am)

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Friday 5 August 2016, at the Town Hall, Royal Leamington Spa at 10.00am.

**Present:** Councillors Mrs Cain J.P., Gill and Weed.

**Also Present:** Mr Gregory (Council's Solicitor), Miss Carnall (Senior Committee Services Officer) and Mrs Dudgeon (Licensing Enforcement Officer).

## 1. **Appointment of Chairman**

**Resolved** that Councillor Mrs Cain be appointed as Chairman for the hearing.

## 2. **Declarations of Interest**

Councillor Mrs Cain declared an interest because a member of her family worked at Warwick Castle.

## 3. **Application for a Premises Licence under the Licensing Act 2003 for Knight's Village, Warwick Castle, Warwick**

The Panel considered a report from Health and Community Protection which sought a decision on an application from Ms Lawson, Senior Hotel Operations Manager for Merlin Operations Attractions Limited.

The Chair, members of the Panel and officers introduced themselves. The applicant introduced himself as Mr Blofeld, Divisional Director at Warwick Castle, there on behalf of Ms Lawson.

The Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it, and the representations made to the meeting, in order to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

An application had been submitted for the Knight's Village, situated within the grounds of Warwick Castle. The village consisted of wooden lodges, seasonal tented accommodation and a restaurant/function room. Warwick Castle had held a premises licence since November 2011 which covered the whole site, including the Knights Village area.

However, due to the layout changes for the village, the applicant had decided to apply for a new, separate licence to cover the village only. A colour map showing the entire Warwick Castle site and distinguishing between the existing licensed area and the proposed Knight's Village area, was distributed at the meeting, together with a plan of the restaurant/function room.

The application was for the following licensable activities:

<b>Opening Hours of the premises</b>	<b>Sale of alcohol for on and off the premises</b>	<b>*Plays</b>	<b>Films</b>
24 hours	From 08:00 to 23:00	Indoors from 07:00 to 21:00 Outdoors from 08:00 to 20:30	Indoors from 08:00 to 00:00

<b>*Live Music</b>	<b>*Recorded Music</b>	<b>*Performance of dance</b>
Indoors from 08:00 to 23:00 Outdoors from 08:00 to 20:30	Indoors from 08:00 to 02:00	Indoors from 08:00 to 21:00 Outdoors from 08:00 to 20:30

<b>Anything of a similar description to live music, recorded music or performance of dance</b>	<b>*Indoor Sporting events</b>	<b>Late night refreshment</b>
Indoors from 08:00 to 23:00 Outdoors from 08:00 to 20:30	From 08:00 to 23:00	Indoors and outdoors from 23:00 to 02:00

An operating schedule had been submitted by the applicant and would form part of any license issued. This was detailed in section 3.3 of the report. The report advised that representations had been received from 13 people who lived within the vicinity of the premises, and these were attached as appendices 2 to 14.

Following discussions with Environmental Health, conditions had been agreed and would be added to any licence issued. The four conditions were detailed in paragraph 3.5 of the report.

The applicant was invited to address the panel and outline the application. Mr Blofeld explained the desire to licence the Knight's Village area separately to the rest of the Warwick Castle site. He explained that the alcohol sales would take place in the restaurant and would only be made to guests who were eating in the restaurant.

Mr Blofeld advised that this was a family-based dinner setting. He explained that the venue was currently operating under a Temporary Event Notice and to his knowledge they had not received a single complaint or issue relating to alcohol..

Mr Blofeld recognised that since starting the 'glamping' provision in 2013, Warwick Castle had received complaints relating to entertainment noise, but staff had acted quickly to resolve these issues. Mr Blofeld advised that the original application was incorrect because no licensable activities would continue after 23:00, apart from Late Night Refreshment, which was solely to be able to provide teas and coffees to guests. He explained that a 23:00 curfew was in place and the venue would be providing a number of children's activities during the daytime.

Mr Blofeld assured Members that there was a successful management plan in place and reminded them that approximately 30% of guests also went into Warwick Town Centre when staying at the castle.

Following questions from the Panel, Mr Blofeld confirmed that no alcohol would be served after 23:00, but the late night refreshment aspect was being requested until 02:00. He also assured Members that the Knight's Village customer base was families and young children.

In response to a question from Councillor Gill, Mr Blofeld stated that there would be no need for the provision of films and he was happy for the application to be amended to reflect this.

The Chairman then invited the interested parties to put forward their objections.

Ms Highland, a resident of Stuart Close, outlined her and her husband's objection and detailed the noise nuisances that they currently suffered from, including noise from delivery trucks, loud traffic controller staff who communicated by shouting instead of using radios, and the blowers used to clear the walkways. She made reference to the Grade 1 listed aspect of the castle and felt that the development of the Knight's Village could be detrimental to the character of the building. Whilst noting that the overnight accommodation was aimed at families, she raised concerns that the late night refreshment licence would encourage large groups, such as 'Stag and Hen Do's', to continue to make noise up to 02:00 in the morning.

Ms Highland was also concerned that the low level lighting proposed in the original planning application had not been adhered to, and found the current lighting very intrusive.

In response to a question from the Panel, Ms Highland confirmed that she was content with the alcohol licence until 23:00, but was not happy with the late night refreshment licence continuing until 02.00.

In addition, Ms Highland advised that her and her husband kept a record of the disturbances and had made complaints to Environmental Health in the past. She stated that they found the late night deliveries disturbing and had made a log of foresters beginning work at 07.30, which she did not find acceptable.

The applicant did not have any questions for Ms Highland.

The second interested party to address the Panel was Mr Murphy, also a resident of Stuart Close. He requested clarification regarding the statement made in the report relating to amplified music, which appeared contradictory.

The Licensing Enforcement Officer explained that following deregulation, any premise could play amplified music up to 23:00 without a licence.

Mr Murphy outlined his objection and explained that he had worked in the area for over 33 years and had dealt with a number of noise complaints whilst working for the Ford Motor Company. He felt that the noise he and his wife encountered was detrimental to their health, and Merlin had no regard for the neighbours. Having heard a commotion and shouting at 20:30 one night, he had spoken to the security guard who advised him that he must have been mistaken.

Mr Murphy felt that there were enough places to purchase alcohol from in the vicinity and, as a family orientated venue, the Knight's Village did not need to provide this facility. In his opinion, an alcohol licence would lead to increased noise which would affect his family's health, and he stated that he was unable to



sit in his own garden peacefully between 08:00 and 23:00 due to the noise generated by visitors and staff at the castle. In addition, he explained that there were a number of elderly residents in Stuart Close who were also unhappy with the application, but who did not want to have to write letters or attend hearings. He was disappointed that they had to live next door to such levels of noise and felt that Merlin would only continue to increase the activities they provided.

In response to a question from Councillor Gill, Mr Murphy confirmed that originally Stuart Close had been a quiet place to live, but the noise problems had started five years ago. He also stated that he had made complaints to Environmental Health in the past, but these had not been very successful.

Councillor Mrs Cain asked Mr Murphy if the noise was currently intolerable. He stated that it was, and he anticipated that the licence application, if granted, would only make it worse. Mr Murphy also advised that planning conditions were not being adhered to and the main gates of the castle were not being locked, resulting in more people being able to walk in and cause disturbance.

The applicant was invited to sum up and again reiterated that this was a separate licence to the rest of the Warwick Castle site. He stated that the Knight's Village was designed and was operating as a family friendly venue, accommodation had to be booked on a bed and breakfast basis and the restaurant was run through bookings only.

Mr Blofeld assured the Panel that there were systems and processes in place to manage the site, and staff worked carefully to try to monitor any noise issues.

At 10.37am, the Chair asked all parties other than the Panel, the Council's Solicitor and the Senior Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Prior to leaving the room, Mr Blofeld clarified the licensable activities being applied for with the Licensing Enforcement Officer. The amended application renounced the request for the provision of films and performance of dance, and reduced the timings of the provision of recorded music to 23.00.

**Resolved** that the licence is granted subject to sales of alcohol being prohibited before 10.00 and the exclusion of Late Night Refreshment, for the following reasons:

The Panel has considered the representations made in writing, and orally at this hearing. It has also considered the Council's Licensing Policy and the guidance issued under Section 182 of the Licensing Act.

The Panel notes that the application has been amended and that the only Licensable Activity that is intended to extend beyond 23:00 is the Provision of Late Night Refreshment. Further, the Panel notes that the showing of films and the performance of dance has been removed from the application altogether. For the avoidance of doubt, the Panel has considered the application on this basis.

Again, for the avoidance of doubt, the Panel has only considered representations to the extent that they relate to

the Licensing Objectives, and has not considered matters that only relate to the earlier planning application.

The Panel considers the main issue to be whether or not the grant of this licence would adversely affect the Licensing Objective of the Prevention of Public Nuisance, primarily noise nuisance. In this respect, the Panel has given significant weight to the fact that the Council's Environmental Health Department has no objection to the application and has not supplied any details of substantiated complaints about the premises as they are presently run.

However, the Panel also recognises that a number of local residents are concerned that the grant of the licence would cause them unacceptable levels of noise nuisance, and it takes these concerns extremely seriously. Whilst some of the concerns expressed are, by the speaker's own admission, speculative, and relate to what might happen in the future, the Panel is satisfied that there has been some noise nuisance caused by loud voices and shouting coming from the premises, and that such disturbance would be unacceptable at particular hours of the day.

The Panel has therefore decided that the element of the application for the Provision of Late Night Refreshment until 02.00, should be refused. This is because the Provision of Late Night Refreshment to this time would be highly likely to cause people who have consumed alcohol to linger in the area, and to cause noise disturbance when making their way back to their accommodation. The Panel considers that this level of noise would be unacceptable after 23.00, and that neighbours have provided credible evidence that such noise would be disturbing to them.

Similarly, the Panel has decided that the sale of alcohol should be excluded before 10:00. Again, this is because the Panel considers that there is some evidence of noise caused by shouting and loud voices, which would be unacceptable this early in the morning.

However, on balance, the Panel considers that there is insufficient evidence that the Licensing Objectives would be adversely affected by the grant of the licence, so far as it relates to activities up until 23:00.

The licence is therefore granted subject to sales of alcohol being prohibited before 10:00 and the exclusion of Late Night Refreshment.

Finally, the Panel has decided that the four conditions requested by the Council's Environmental Health Department set out on Pages 3 and 4 of the Agenda are appropriate, in order to prevent any potential noise

nuisance. Consequently, these conditions will be attached to the licence.

At 11.29am, all parties were invited back into the room, at which time the Council's Solicitor read out the Panel's decision.

All parties were advised that they had the right to appeal within 21 days of the formal decision being published.

(The meeting ended at 11.35am)

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Monday 5 September 2016, at the Town Hall, Royal Leamington Spa at 10.00am.

**Present:** Councillors Ashford, Gill and Miss Grainger.

**Also Present:** Mr Lucas (Council's Solicitor), Mr Leach (Democratic Services Manager & Deputy Monitoring Officer) and Mrs Dudgeon (Licensing Enforcement Officer).

1. **Appointment of Chairman**

**Resolved** that Councillor Miss Grainger be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Application for a Premises Licence under the Licensing Act 2003 for Old Shire Hall, Northgate Street, Warwick**

The Panel considered a report from Health and Community Protection which sought a decision on an application from Ms K Birla on behalf of Warwickshire County Council for Old Shire Hall, Northgate Street, Warwick.

The Chair, members of the Panel and officers introduced themselves. The applicant's representative introduced himself as Mr P Kolvin. The objectors introduced themselves as Miss S Clover (representing the Joburn Family), Mr Rodgers, an acoustics expert for the Joburn Family, Mr A Brown, Mr T Morris and Mrs Adkins.

The Democratic Services & Deputy Monitoring Officer explained that because the applicant was Warwickshire County Council it was considered not appropriate for Warwick District Council to use its shared legal services with Warwickshire County Council. Therefore Warwick District Council had appointed an external expert in this area to provide legal support to the Council. At this point the Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, and the representations made to the meeting, in order to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The Licensing Enforcement Officer highlighted the additional paperwork that had been circulated and made available to all parties prior to the hearing. This included the reports from Sustainable Acoustics, a statement from Ms K Birla (on behalf of the applicant), photos of Old Shire Hall, Hoare Lee comments and rebuttal of Sustainable Acoustics report and a newspaper article regarding Merlin Entertainments pulling out of the opportunity to manage the venue.

Ms Birla, on behalf of Warwickshire County Council, had applied for a premises licence for Old Shire Hall, Northgate Street, Warwick on 29 June 2016.

The premises licence was for a Grade 1 listed building comprising of a main hall, three court rooms, prison cells and a dungeon. Also included was a Grade 2 listed building known as the Judges House. The licensable activities requested by the applicant were:

	Normal Opening Hours	Sale of alcohol for consumption on the premises.	*Plays, Films (Indoors only)	*Live Music, *Performance of Dance, Other Activities of a similar description to that of live music, recorded music or performance of dance (Indoors only)	*Recorded Music (Indoors only)
Sunday to Thursday	08:00 to 00:00	09:30 to 00:00	10:00 to 00:00	09:30 to 00:00	09:30 to 00:00
Friday and Saturday	08:00 to 01:00	09:30 to 01:00	10:00 to 01:00	09:30 to 01:00	09:30 to 01:00
	New Year's Eve and every Thursday in December from 08:00 to 01:00	New Year's Eve from end of permitted hours until 01:00 on New Year's Day			New Year's Eve from end of permitted hours until 01:00 on New Year's Day.

The report highlighted that under the requirements of the Live Music Act, live music, recorded music, plays or performance of dance performed to less than 500 people between the hours of 08:00 and 23:00 and where the premises was licensed to sell alcohol for consumption on the premises were classified as not licensable activities and therefore not subject to any conditions within the premises licence relating to those activities.

An operating schedule had been submitted by the applicant and was set out in full within the report. If the application was granted this would form part of any licence.

Five representations had been received objecting to the grant of the premises licence, these were attached as Appendices 2 to 6 to the report.

Additional conditions had been agreed with Environmental Health. These conditions would be added to a licence if the application was granted and were as follows:

1. Use of a drum kit, amplified guitar or amplified bass guitar after 21:00 was prohibited within the main hall.
2. All windows and external doors in the main hall would be kept closed when regulated entertainment takes place, except for the immediate access and egress of persons.
3. A direct telephone number for the manager at the premises be publicly available at all times the premises was open. This telephone number would be made available to residents and businesses in the vicinity and would be displayed on the Old Shire Hall website.
4. Noise levels would be monitored on and off site at regular intervals to ensure that noise from activities at the venue did not give rise to a nuisance. The Designated Premises Supervisor or Duty Manager shall undertake a noise risk assessment of any activities at the venue to determine how regularly noise monitoring must take place.

5. For events of 100 guests and greater; security staff would manage guests leaving the complex and after 22:00 hours guests would be directed through the main Shire Hall building via the main doors onto Market Place.
6. To minimise potential noise disturbance, a sound limiting device be fitted to any musical amplification system being used at the premises and set at a level determined by and to the satisfaction of an authorised officer of Environmental Health. The level of the limiter could not be altered without the prior written agreement of the Council's Environmental Health Department.
7. The Designated Premises Supervisor or Duty Manager would ensure that no open vessels would leave the premises at any time.
8. A designated smoking area would be provided in the gardens to the rear of the Old Shire Hall as marked on the plan and guests would be directed to this area. The events team would ensure no more than 10 people at a time congregate in the smoking area to the rear of Old Shire Hall after 22:00 to minimise any potential disturbance to local residents. No guests would be permitted to smoke on Northgate Street.

No representations had been received from; Warwickshire Police; the Fire Authority; Enforcement Agency for Health and Safety; the Licensing Authority; Authority Responsible for Planning; National Health Service/Public Health; Body responsible for the protection of children from harm; or Warwickshire County Council (Weights and Measures).

A plan of the premises had been provided by the applicant and was attached as Appendix 7 to the report, a map of the area was attached as Appendix 8 to the report and photographs of the area were attached as Appendix 9 to the report.

The applicant was invited to address the Panel and outline the application. Mr Kolvin, as the applicants' representative, explained that in his opinion the application was not a technical case and a matter of common sense. He explained that the application, which was made by a company completely owned by Warwickshire County Council, was for a variety of uses with the intention to bring the building back into use which had been vacant since the Court Service had relocated to Royal Leamington Spa.

Mr Kolvin confirmed that it was not the intention of the applicant to use the premises as a night club, pub or restaurant, and that the best description of its use would be a civic function suite, therefore in keeping with its fabric as a Grade 1 listed building. The booked events, at present were a parade by the Royal Regiment of Fusiliers, a High Sheriff function, an evening awards ceremony for the Law Society, a two day event for Warwickshire College, a short event for classic conferences and the Warwickshire Police awards.

Mr Kolvin explained that because the premises was owned by Warwickshire County Council and the company operating the premises was owned by Warwickshire County Council the accountability for this licence would be Warwickshire County Councillors. This was a purposeful slow start to operation of the premises that enabled the applicant to monitor noise, both on and off the premises, and to liaise with neighbours over issues.

Mr Kolvin highlighted that there was no intention to have dancing in Old Shire Hall, itself, but if there was to be dancing, this would be in the Octagonal Room, as marked on the accompanying plan. This room would include noise mitigation measures such as curtains and seals on the doors and curtains on the windows.

He added that liaison had taken place with Warwick Town Council and the Warwick Society to ensure they were engaged and their concerns addressed. With regard to noise nuisance overall, the professional advice from Environmental Health was that this could be mitigated by the use of the agreed conditions and in addition to these there would be those within the operating schedule to further mitigate this potential issue. However, he explained that if there was a noise problem raised by neighbours the licence holder would respond as quickly as possible.

Mr Kolvin provided the view that noise from the premises was controlled by the condition not to cause a nuisance. However, in the technical report from objectors, the loudest noise produced was 56db or after 23:00, 39db. The highest reading would be the same as two people having a conversation and after 23:00 would be the same as two people whispering. The applicant could not accept these readings because after measuring his own voice a normal conversation was 65db. He reported the week before the hearing they had undertaken tests in Old Shire Hall and these could not be heard from the other side of Northgate Street.

In addition Mr Kolvin challenged the accuracy of the details within the noise report, for example the width of the road was nearly 6 metres wider than reported, which increased noise loss from the premises to the houses by a further 4db. There had also been tests to quantify the noise loss through the building's windows and doors as at present. The results of these showed that civic functions would not cause a problem in the main hall and the noise within the Octagon, with the proposed further insulation work, would not cause a nuisance. However, if a nuisance was caused the applicant would have to review the operation of the building.

In response to questions from the Panel Mr Kolvin explained that:

- the operator would be a company solely owned by Warwickshire County Council, managed by Kushal Birla and use WCC Staff;
- the basement was included in the plans to enable small tours of the area to interested parties during events, including the dungeons;
- there were seven bookings, one would operate under a Temporary Event Notice (TEN), another TEN was due to be submitted and the others did not require a licence;
- no music would be played in the main hall for people to dance to, the dancing would only be in the Octagonal Room;
- there would be someone on the door of the rear court yard to manage smokers outside;
- the applicant would use the initial events as a trial to test its operation, from this soft marketing would follow, it would then depend on the demand and any problems that occurred to determine viability;
- the applicant recognised that noise was a problem for them to mitigate and not one for residents, especially because of potential limitations on measures that could be taken due to the historic nature of the buildings;
- the capacity of the building was 500 including staff;
- there would be standing capacity of 500 in the main hall but staff were required so this would reduce the overall capacity;
- dining in the Main Hall would limit capacity to circa 200;
- theatre style seating would limit capacity to circa 280;

- there was a condition in place for any event finishing after 22:00 whereby if there were 100 guests or more, the exit would be from the front of Shire Hall;
- it was very unlikely that 500 people would be present for a late night event;
- there could be queues for events but they would be ticket only and no searches so entry should be swift;
- if queues did become an issue in early evening, the applicant would discuss this with residents and would also consider moving the entry to the front of Shire Hall;
- the applicant had not undertaken any noise monitoring for any of the events in the last year, but they had not received any complaints about them;
- it was recognised that there should be a 30 minute drinking up time before closing;
- there was a taxi rank out the front and any other mini cab collection would be directed to the front of Shire Hall; and
- whilst the applicant wanted to exclude drums from the application, there was a need to enable the Royal Regiment Fusiliers to march into the building using drums.

In response to questions from the interested parties, Mr Kolvin explained that:

- the final accountability for the licence would rest with Warwickshire County Councillors;
- the applicant was aware of residential premises in Market Square;
- the Fusiliers event had been attended by circa 300 people, the High Sheriff function was scheduled for circa 350, expected attendance at the Warwickshire College event was for around 200 people, the Law Society dinner for around 140 people, and the Police and Crime Commissioner function around 150 people;
- the Octagonal Room would have its doors closed, less entry and egress while music was played, in addition, an acoustic curtain would be installed to further reduce noise; and
- there would be acoustic windows installed in Old Shire Hall along with rush seals on all the doors.

In response to a further question from the Panel the applicant's representative explained that there would be monitoring of all entries to the Octagonal Room and the installation of the curtain would help provide a double lock on the noise.

At the request of the Chairman, Miss Clover, outlined the representation of the Joburn family.

Miss Clover reminded the Panel of their concerns with regard to the late submissions, in response to her clients' acoustics engineer report, from the applicant and that in their view they had had plenty of time to consider and respond to it.

Miss Clover explained to the Panel that Northgate Street was an iconic part of Warwick. The residential properties opposite Old Shire Hall had originally been residential properties before being converted to offices then back to houses again. The aim of the Planning Authority had been for these to become family homes. The photos provided to the Panel were taken from one of the bedrooms and showed the juxtaposition with WCC which would simply not work.

Miss Clover drew the Panel's attention to the press release, by Merlin Entertainment, dated, April 2013, that stated after undertaking tests on the site



for several months the site was not viable for them. This was from an international business which had significant experience of managing venues. No detail had been included within the main application from Warwickshire County Council to explain who the operator would be, details of acoustic solutions or details of why Merlin failed but WCC could prosper. Therefore these had not been open to full public scrutiny and assessment.

The applicant had had events in the venue over the last 12 months but had failed to undertake any noise testing. When its report was submitted it identified issues that needed to be resolved but no conditions had been submitted to enforce this. This had been followed by the request to revise the application to enable drinking up time and revisions on recorded music. It was Miss Clover's view that this was not an acceptable approach and the applicant should have provided firm details not a "suck it and see" application.

This was compounded by the facts that the application marked the Designated Premises Supervisor as "to be confirmed" so there could not be any scrutiny of the individual in this key role. The company to run the premises had yet to be set up and although a Council owned business, the premises would not be run by Councillors or officers but contractors, nor were any assurances provided that the premises would not be sublet.

Miss Clover highlighted that there was a limit on the works that could be undertaken to a Grade 1 listed building and that the approach of the applicant that "the application of a condition not to cause a nuisance" was not acceptable. All the bands or performances would lead to noise break out, the Octagonal Room was a single glazed room that was overlooked. The conditions provided within the operating schedule were neither precise, nor enforceable.

While the objectors had noted that the front of Shire Hall would be used as the main exit for 100 people or more, it was unclear whether would apply if people left in smaller groups. This was a concern because it was the regular little disturbances that caused the problems and nothing within the application had been included to mitigate against them.

Miss Clover outlined the potential issue of the capacity for dancing in the Octagonal Room. This was because it could only hold 60 people and therefore if there were 250 people how would this be managed effectively, for example would tickets be issued for entry? In addition to these, the room would retain heat due to the noise curtain but there were no proposals to mitigate this heat.

Miss Clover reminded the Panel that once patrons had left the premises the licence holder was not responsible for them, therefore any disturbance caused by patrons away from the premises could not be mitigated through conditions. She highlighted the practicalities of ensuring that patrons left through the correct exit points and questioned the resources required to deliver this safely and effectively for all.

Miss Clover questioned the lack of details about queues entering the building and managing parking for patrons, as both of these would impact on local residents.

Miss Clover summarised that the application felt like a cut and paste application, to try to make a viable business case for a building for which the applicant had run out of options; and questioned if in addition to this, a planning application for

the change of use was required along with listed building consent for the noise attenuation measures.

Miss Clover reminded the Panel that because of the Live Music Act, the conditions regarding amplified or unamplified music (in any form) would not be enforceable before 23:00 unless the licence was reviewed. However for a review to take place, disturbance must have occurred and there was the cost associated with this process that could be prevented by rejecting the application at this stage.

Miss Clover concluded by asking the Panel that at the very least it should reject the application to allow a detailed noise monitoring report to be submitted. She highlighted that at present the only residents in the street were the Joburns, therefore the level of objections would be low. She encouraged the Panel to reject the application so that the applicant could review the hours, provide an acoustic report, establish the company and appoint a DPS.

At the request of the Chairman, Mr Rodgers submitted his representation to the Panel.

Mr Rodgers explained that on examination and testing he had found the area to be very quiet and tranquil which was unusual for a town centre location. The monitoring undertaken measured that while busier in the day the sound levels dropped dramatically in the evening and the only noticeable noise were those of the clock chimes which ceased at 23:00.

He explained that because of these specific circumstances the impact from these events would be significant. There were other specific issues relating to the premises, for example, it was single glazed and the doors would have a high noise escape level. However the greatest factor would be due to the Lombard effect of having a number of people all talking, meaning the volume would be significantly increased. A limiter on the PA was possible but would not mitigate against some factors and would make the venture unviable.

Mr Rodgers explained that it would be almost impossible to contain noise and manage the Octagonal Room and the use of drums in the building would require all doors and windows to be closed.

Mr Rodgers highlighted that any event would increase traffic movement along the road and this would have a significant effect because at present there was little or no traffic present.

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

- he was trying to obtain a copy of the research undertaken by Merlin Entertainment but at present could only base the evidence on the press article;
- there was an impact from the church bells but these chimed earlier in the day; and
- no evidence had been provided that the article from the newspaper was false or incorrect.

In response to questions from the Panel, Mr Joburn explained that:

- the church bells were pleasant and only between 7:00 to 23:00;
- he knew the premises had been empty since 2010 and that the Council was looking for an alternative use;

- he had lived at his home during two events covered by Temporary Event Notices;
- no formal application had been made when he had brought the house;
- he knew that lots of residents were either not aware of the application or had become aware of it after the deadline for objections;
- he had no idea about events taking place before he moved in;
- there had been no noise increase at present, only on one day when an event had taken place and it was a little higher than usual; and
- he recognised there was some noise from the street normally, but it was not significant.

Mr C Smith did not wish to add to his written representation to the Panel because he supported the submission made by Miss Clover. In response to a question from the Panel he confirmed he had not been aware of the events that had already taken place in the building.

At the request of the Chairman, Mr Brown outlined his representation. He explained that he had nothing substantial to add to his written representation and those comments already submitted by fellow objectors.

Mr Brown explained he had become aware of the interest in the site from Merlin Entertainment but was surprised when they withdrew from the scheme. He highlighted that the properties were all built post the great fire of Warwick and were either Grade 2 or Grade 2\* listed.

Mr Brown recognised that the building needed to be brought into reuse, but that the use needed to be appropriate. In his opinion, the application had a feeling of failing to prepare, which was ergo preparing to fail because it lacked the due diligence you would expect from a Council. In his opinion the use in the day time was acceptable but it was the use into the evening which caused the concern.

In response to a question from the Panel, Mr Brown explained that he was not aware of any events that had taken place while the properties were being built.

At the request of the Chairman, Mr Morris submitted his representation to the Panel.

Mr Morris explained that he was a Councillor for this Ward, at both the District and Town Council, and he had noted in the submission from Mr Kolvin, that this was not a technical case but one of common sense. He recognised that difficult decisions had to be taken but these had to be effective and fair.

Mr Morris accepted that the application had followed due process but highlighted that the application had not been widely advertised. At a presentation made to the Town Council, a number of questions and concerns were raised, but the Town Council did not become aware of the actual application until after the deadline for objections had passed.

The Old Shire Hall building was a beautiful building and everyone would like to see it reused for the benefit of all. However there would be an impact from this proposal not just from patrons but also from staff when they left after an event.

Some aspects of the proposals were, in his opinion, hopeful and unfeasible, for example, the restrictions on smoking and how this would be managed, the hope

of traffic direction which was restricted by traffic orders and the impact from taxis for Shire Hall on the residents in this area.

Mr Morris raised concerns about the late circulation of the sound report from the applicant and objectors. The Solicitor for the Council explained that this was acceptable under regulations and all parties had been provided with the information as soon as practicable.

In summary Mr Morris explained that he had found the procedure frustrating and whilst he excepted that planning merits were not for determination by the Panel, he understood from the District Council's conservation officer that permission would be required because the proposed use was a material change of use.

In response to questions from the Panel, Mr Morris explained that:

- he was not an expert in the Licensing Act and making representations, so on becoming aware of the application he had contacted the Town Clerk and Portfolio Holder, as a result of this there was a presentation to the Town Council but the issue was debated by a Committee that did not take place until after the deadline for comments;
- there were learning points from this case for Councillors;
- he had not appreciated, until seeing the photos, of how the buildings were connected to the rear around the Old Post Office development;
- no resident had raised concern with him about events at Old Shire Hall;
- the area was changing with 1 Northgate Street up for sale, the Old Square changing to A1/A3 use with homes above the businesses; and
- this was the largest venue in this area and therefore there could be significant demand.

At the request of the Chairman, Mrs Adkins outlined her objection to the Committee. She explained that it was difficult to find out where the people who caused a disturbance came from. She highlighted that noise would reverberate around stone buildings both inside and outside in a different manner to modern dwellings.

At the request of the Chairman, Miss Clover summed up her objections. She explained that the Council's policy stated conditions needed to be precise, enforceable and unambiguous, which the conditions presented were not. The applicant had not considered the unique locality and had not demonstrated how the licensing objectives would be met.

Miss Clover asked the Panel to consider if the premises were suitable for the proposed application and use, which was very broad. How had the applicant sought to prevent public nuisance and could the Panel be satisfied there would not be public nuisance as a result of this licence.

Miss Clover highlighted that nobody had complained about the other events because they were not comparable to the application because nobody really understood or knew what the premises would do if it was licensed.

Miss Clover concluded by saying that if the Panel felt the application should be more restricted, or the applicant did, then the application should be refused for further investigations and consideration.

Mr Rodgers summarised by highlighting that the high stone buildings on Northgate Street created a canyon effect with noise reverberating up and down

the road. Nothing had been submitted before the Panel that demonstrated there would not be a public nuisance as a result of the licence being granted.

Mr Joburn summarised that the proposal was not suitable for the building, but that he wanted to work with the applicant to help find alternative solutions.

Mrs Adkins summarised that she recognised the challenge the Council faced in bringing the building back into use.

Mr Kolvin then summarised on behalf of the applicant. He highlighted that the Town Clerk was made aware of the application on 14 June 2016. He asked the Panel to determine the application on facts presented to it and evidence presented to it. He reminded the Panel that planning matters were not factors that they could consider. He reminded them that they should take a balanced decision as set out in the Act, guidance and case law taking into consideration the application and the wider public interest.

Mr Kolvin recognised that Merlin had pulled out but this was three years ago and there was no evidence to demonstrate why the current applicant could not make the premises successful. The venue would be operated by Council staff, there had been previous events with no complaints, the applicant had offered four pages of conditions, the application had been considered by Environmental Health which had agreed conditions that included a noise limit for outside the building. He accepted that the application was for a broad range but explained that this was because of the wide range of functions expected to be held at the venue.

Mr Kolvin felt that it was unfair that objectors had been critical of changes proposed to the application, because these were made following concerns raised. These included recognising that disco music and dancing would only be in the Octagonal room and how the noise was limited from this was a problem for the applicant. They also recognised the need for drinking up time and proposed that this should be 30 minutes before the closing time set out in the application.

Mr Kolvin emphasised the aim of the application was to bring the building back into use but the applicant was the Council and there was appropriate control through the conditions. If there were problems, the applicant would seek to resolve them and they knew that there was the possibility of the licence being reviewed or noise abatement notices being served if they failed to manage the premises.

Mr Kolvin explained that whilst the Live Music Act meant conditions on such music did not bite before 23:00, the applicant would commit to abiding by these anyway. His client knew the challenges they faced and the additional responsibility this brought.

Mr Kolvin, Miss Clover and Mr Morris all raised matters relating to the planning requirements for the site, which were not material to the deliberation of the application.

Mr Kolvin reminded the Panel that there was a significant number of conditions brought to them for consideration to mitigate the impact of the premises and ensured that it would operate correctly and that whilst these came from several sources, if approved, the applicant was willing to work with the authority to ensure the final wording of these was clear and unambiguous. Miss Clover

objected to this proposal in that there were three sources of proposed conditions and the decision of the Panel, if it approved the licence, should include the final conditions.

In conclusion, Mr Kolvin said he would accept no dancing in the Main Hall, but that he could not prevent the Fusiliers walking through with their drums in the afternoon or young bridesmaids dancing; his client would also accept a reduction in the terminal hour; proportionate conditions requiring drapes and screens to further limit noise loss.

At 3.00pm, the Chair asked all parties other than the Panel, the Council's Solicitor and the Democratic Services Manager to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the Panel is of the opinion the application should be granted subject to revisions of the hours of operation and appropriate conditions.

The Panel considered the officers report, application, additional information circulated to it and the evidence submitted to it at the Hearing.

The Panel, had serious concern about the impact of the application on the residents of this area through the use of the venue. The Panel is mindful of case law and the need for conditions to be appropriate and based on evidence. The actual disturbance from a new premises is difficult to evidence.

The revised hours and conditions to be as follows:

- (1) Sale of alcohol to cease at 23:30 Sunday to Thursday and 00:30 Friday & Saturday and New years Eve from the end of permitted hours to 00:30;
- (2) Plays, Films, Live Music, Performance of Dance, other activities of a similar description to that of live music, recorded of music or performance of dance and recorded music (all indoors) to start at the applied time but to cease at 23:30 Sunday to Thursday and 00:30 Friday & Saturday and for New years Eve from the end of permitted hours to 00:30.

However the use of drums or amplified live or recorded music is not permitted in the Main Hall at any time;

- (3) The opening hours of premises to be approved as applied for;
- (4) Prior to operation the agreement in writing and implementation to the satisfaction of the EHO of a suitable noise attenuation scheme, including all appropriate measures to reduce noise escape from all doors and windows;

- (5) All doors and windows to be closed when regulated entertainment takes place;
- (6) All doors and windows to be closed by no later than 21:00;
- (7) condition 3 from EHO be accepted, but that a log of calls received must be maintained, for at least 6 months, including what action, if any was taken by the DPS/Duty Manager to respond to any issues;
- (8) condition 4 from EHO be accepted but the licence holder to agree appropriate monitoring arrangements with EHO and a record to be kept of all monitoring undertaken for at least six months;
- (9) condition 5 from the EHO is replaced by - No egress from the premises to Northgate Street after 18:00, less in the case of emergency exit. No access to the premises via Northgate Street after 21:00. In both cases excluding staff.
- (10) condition 6 & 7 from EHO be approved;
- (11) condition 8 from the EHO has been replaced by: Access to outside areas closed after 21:00 less for no more than a maximum of 10 persons in the small court yard area, as identified on the plans at the hearing, for smoking. This area to be managed by SIA registered door staff;
- (12) No open vessels allowed outside after 21:00 or to leave the premises at any time;
- (13) There will be a personal licence holder on site at all times that licensable activity takes place;
- (14) Operate a Challenge 25 year old policy and if customers look under 25 photographic identification is requested by bar staff. (passport, photo driving licence or proof of age card carrying "Pass" logo);
- (15) Qualified door supervisors from a professional security company will be on site if there is any event after 17.50;
- (16) Door supervisors will sign the staff log for the evening which includes name, address and hours worked,
- (17) If any force is used or guests/ customers removed, details will be recorded.

- (18) If any complaints on or off site are made these will be recorded by the Duty Manager/DPS and held in the event file which will be retained for at least six months;
- (19) Clear notices shall be displayed at the exit doors to advise guests that the premises fall within an alcohol restricted zone and to be quiet as they leave to respect the local neighbours;
- (20) The maximum number of persons (including staff and suppliers) allowed at the premises shall not exceed:
  - Old Shire Hall 500
  - Judges Dining Room 150
  - Judges Drawing Room 76
  - Jury Rest Room 80
  - Courts 60 in each
  - Dungeon & Cells 20 on each visit
  - Maximum in building at any one time 500;
- (21) A CCTV system shall be installed and the premises licence holder will ensure that:
  - a. CCTV cameras are located within the premises to cover all entrances and exits.
  - b. The system records clear images permitting the identification of individuals.
  - c. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - d. The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
  - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
  - f. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation);
- (22) the premises will become a member of the locally approved retail radio scheme and it will conform to its policies and procedures;
- (23) Northgate Street entrances shall be managed in such a way that it minimises disturbance or nuisance to neighbours at all times;

While the Panel notes the implications of the Live Music Act, on these conditions it would expect the Licence holder



to abide by this as part of its commitment to prevent public nuisance and work with its neighbours.

The Panel also noted the assurance from the applicant that the premises will not be used as a pub, restaurant or night club.

At 4.35pm, all parties were invited back into the room, at which time the Council's Solicitor read out the Panel's decision.

All parties were advised that they had the right to appeal within 21 days of the formal decision being published.

(The meeting ended at 4.40pm)

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Wednesday 7 September 2016, at the Town Hall, Royal Leamington Spa at 2.00 pm.

**Present:** Councillors Gill, Mrs Stevens and Weed.

**Also Present:** Mrs Gutteridge (Council's Solicitor), Mrs Dury (Committee Services Officer) and Mrs Dudgeon (Licensing Officer).

1. **Appointment of Chairman**

**Resolved** that Councillor Weed be appointed as Chairman for the hearing.

2. **Declarations of Interest**

All Members of the Panel declared an interest because they knew one of the objectors.

3. **Application for a premises licence under the Licensing Act 2003 for 27 Augusta Place, Royal Leamington Spa**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a premises licence for Punch Taverns PLC at 27 Augusta Place, Royal Leamington Spa.

The Chair introduced the members of the Panel and the officers present. The other parties then introduced themselves as:

- Mr Warne – TLT Solicitors representing Punch Taverns PLC
- Ms Hanson – representing Punch Taverns PLC
- Mr Alexander – observing
- Mrs Gifford – observing
- Mr Gifford – local resident and representing Dr Cave, also a local resident
- Mr O'Reilly – Chair of Governors, St Peter's School, speaking on behalf of the Governing Body

The Council's Solicitor explained the procedure for the hearing.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it and the representations made at the meeting, in order to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The application was for a premises licence for a restaurant with a small reception bar at 27 Augusta Place, Royal Leamington Spa. The application had been submitted on 18 July 2016 and the details proposed were outlined in paragraph 3.2 of the report.

Details of the licensable activities requested were as per the table below:

	Opening Hours	Sale of alcohol for consumption on and off the premises	Late Night Refreshment (Indoors)
Monday to Saturday	10:00 to 01:00	10:00 to 00:30	23:00 to 01:00
Sunday	10:00 to 00:30	10:00 to 00:00	23:00 to 00:30

The Licensing Officer advised that six representations had been received objecting to the grant of the premises licence, and these were attached as appendices 1 to 6 of the report. No representations had been received from responsible authorities.

In November 2005, a premises licence was issued under the Licensing Act 2003 for 27 Augusta Place, Royal Leamington Spa. This licence remained in place until April 2011 when the licence lapsed due to bankruptcy. In January 2012, a premises licence was refused for the premises to operate as a bar by the Licensing Committee. Therefore, since April 2011, there had not been a premises licence at the premises.

A plan of the premises provided by the applicant was attached as appendix 7 to the report, a map of the area was attached as appendix 8 and photographs of the area were attached as appendix 9 to the report.

The applicant had provided a letter dated 24 August 2016, distributed prior to the start of the hearing, which advised that there was a typing error on one condition on the application and proposed additional conditions.

Mr Warne addressed Members and stated that it was unusual to have an application for a licence when the operator was not in place, but it did happen. Punch Taverns wanted the licence in place so that they would be able to steer the chosen operator.

The Operating Schedule had been amended as per the details of the letter dated 24 August 2016. These changes had been borne out of conversations held with responsible authorities and interested parties. The conditions would ensure that the premises could only act as a restaurant, and the small ancillary bar can only be used by people who were waiting to be seated at a table to eat.

Mr Warne gave a short history of the premises. Punch had acquired the premises as part of a "job lot" of three restaurants including the premises above. Punch leased these to operators. 27 Augusta Place had been on the market for two years, but there was not any interest because a licence was not in place. A restaurant operator had shown interest, subject to a licence. Punch had considered letting the premises as a retail unit but there had been no interest.

Punch Taverns had commissioned an exterior refit of the whole block. There had been no complaints of the other restaurants it had taken over as part of the "job lot" in 2011. They had consulted with Environmental Protection and others to shape the revised conditions, and the hours requested on the licence mirrored those operated by La Pergola.

The Conditions meant that the premises could not be turned back into a bar. Good operating practices would be in place like CCTV and a "No open vessels" condition would mean people could not take their drinks outside; this in turn would mean that pavements would not be blocked. If there were issues, these could be raised directly with the Operator.

Punch Taverns had a lot of experience; in respect of there being no tenant present, any licence would be attached to the building and not the person. Mr Warne reminded Members that if there were any concerns that could not be addressed, then there was always the power to review the licence.

Mr Warne then spoke about the person living above the premises. The noise experienced would be far less from a restaurant. In all likelihood, the restaurant would operate for fewer hours than applied for on the licence. The hours applied for were to provide the ability to run special events, and the hours had been applied following advice received from Police. The surrounding area was not a known trouble spot, so Mr Warne was fairly confident there would not be problems caused by people using the restaurant.

In respect of the Cumulative Impact Zone (CIZ), Mr Warne contended that the Police would be the source of information if the premises would be a likely problem in the CIZ. From figures he had obtained, there were no issues surrounding public nuisance or crime and disorder. This restaurant would not add to the cumulative impact.

In response to questions from the Panel, Mr Warne responded:

- The premises would operate as a restaurant only and not as a public house serving food. The conditions applied to the licence would make this explicit.
- Whilst off-sales were permitted, a condition on the licence meant that there could be no open vessels, which meant there could be no drinking outside.
- The application did not include regulated entertainment and structural works would prevent noise outbreak. Punch Taverns would ensure that the operator understood that loud noise was unacceptable.

In response to a question from Mr Gifford, who had concerns about how Punch Taverns would deal with any breaches of conditions by the operator, Mr Warne responded that Punch allowed businesses to manage how they ran themselves and Punch Taverns' managers dealt with the operators. Punch Taverns were notified about complaints and they worked hard with publicans to resolve these. The lease agreement used by Punch was very firm because it had the power to take away the property. There had only been two incidents where they had to inform residents that this would happen in the last six years.

In response to a question from Mr O'Reilly, Mr Warne replied that the information about the potential tenant was commercially sensitive but he assured Mr O'Reilly that Punch Taverns selected very carefully and applicants had to have a good business plan.

Mr O'Reilly addressed the Panel. He stated that if the restaurant was similar to La Pergola, then he had no issues with it. But if the premises were going to be used as a public house, he had concerns about the 105 children who would walk

past people outside the pub. 13 staff, who sometimes left the school late, would be forced to walk past the premises to get to the car park.

Mr Gifford then addressed the Panel and reminded Members that he was also speaking on behalf of Dr Cave. He reminded the Panel of the appalling record of the premises and that it was the last premises to lose its licence under the old Act. Since the premises had closed, life had improved for nearby residents. He noted that the new application with Punch Taverns was for 30 minutes later than La Pergola. La Pergola did not use its late night licence, but other premises like Shalimar had done and there were problems there. He requested a 12 midnight end time. La Pergola had a 12.30 am close time but it normally closed at 11.00pm. He felt that it would alter the type of restaurant if closing time was 1.00am. Dr Cave had concerns about the CIZ and it was up to the applicant to prove why this application would not be a problem in the CIZ. Nothing had been said to show why the additional hour would not be a problem in the CIZ. This would be attractive to the night-time economy, but not the evening economy.

Mr Gifford understood why Punch Taverns wanted the licence and he understood the premises would operate as a restaurant. He felt that a midnight closing time would ensure this happened; given the previous bad history at the premises, the extra hour could be an issue. Up to 80 people might gather outside, and whilst the Management Plan had been drawn up to stop people congregating outside was well-intentioned, it was unrealistic.

In respect of the promise that entertainment would be rare, the undertaking to keep doors closed made Mr Gifford think that noise escaping would be an issue. It was critical that doors be kept closed at all time and Mr Gifford requested that a condition be imposed on the licence to ensure this.

Mr Gifford congratulated Punch Taverns on the additional conditions, but the lack of movement on the 1.00am closure and only the statement by Mr Warne that this would not be used often, was a matter of concern. The operator had not been chosen yet. Mr Gifford requested that the licence ensured closing time was 12 midnight. The case had not been proven for a 1.00am closure.

Mr Warne declined the opportunity to ask any questions to the interested parties. He reassured Mr O'Reilly over a concern that the premises would sell takeaway food by stating that the licence was for food to be supplied inside the premises. In response from a request from Mr Gifford about the closure time, Mr Warne offered a concession that Punch Taverns were prepared to accept licensable activity up to 12 midnight with closure at 12.30am.

In summation, Mr Warne read out paragraph 13.3.6 from the Cumulative Impact Guidance which stated that a small restaurant would not impact. Restaurants very rarely caused problems. The two restaurants already in operation were not causing a problem. The historical problems happened when the premises operated as a bar where music was played, and the evidence pointed to the fact that the licence was deservedly revoked. The problems caused had nothing to do with the CIZ, and everything to do with poor management.

The plans would bring life back into the building, and the only way to lease it was to obtain a licence first; without which, the building would stay empty. Punch Taverns would give the operator clear guidance on expected standards and the Police had given advice about hours of business. If matters did deteriorate,

there were significant legal powers in place to stop the offending activity. Punch was happy to offer the change in hours if this would provide reassurance.

At 3.15pm, the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the application for a premises licence be **granted**, subject to conditions for the following reasons:

In reaching their decision the Members of the Licensing Panel have considered all of the evidence provided by the Applicant and the Interested Parties.

The Panel has also had regard to the statutory guidance under s182 of the Licensing Act 2003 and the Warwick District Council statement of Licensing Policy.

The Panel has to consider the application in the light of the licensing objectives. The two objectives that are particularly engaged are the prevention of crime and disorder and the prevention of public nuisance.

The Panel made the following findings in this case:

- (i) The premises are situated in the Leamington Spa Cumulative Impact Zone and it is for the Applicant to demonstrate that the grant of the licence will not impact on the licensing objectives.
- (ii) Warwickshire Police and Environmental Health have not objected to the application.
- (iii) The Panel has noted the history of the premises and the serious problems relating to crime and disorder and public nuisance that have, in the past, had an unacceptable impact upon local residents. The Panel fully understands residents' concerns about the grant of a further licence.
- (iv) The Panel note that the premises would operate as a restaurant and not as a bar.
- (v) Punch Taverns are the applicant and own the property. They do not yet have a tenant and are not yet able to give indication of who would operate the premises. The property has been empty for over 2 years and the only interest in the property has been as a licensed venue. Punch Taverns would not directly operate the premises but would lease the premises to the operator and the terms of the lease would require compliance with conditions of the licence. The Applicants has a system of partner development managers who work directly with leasehold operators.
- (vi) During the hearing the Applicant confirmed that they had no objection to the opening hours shown on the licence being restricted so that the premises would close at 00:30 hours and licensable activities would

cease at 00:00 hours should the Panel believe that this would be appropriate.

The Panel has decided to grant the application with the following conditions:

- (1) the opening hours of the premises shall be from 10:00 to 00:30 Monday to Sunday. The sale of alcohol for consumption on and off the premises shall take place between 10:00 to 00:00 hours Monday to Sunday. The provision of late night refreshment (Indoors) shall take place between 23:00 hours to 00:00 hours;
- (2) the premises shall operate as a restaurant, with a small reception/bar indicated on the plan where customers may drink alcohol whilst waiting for a table in the main restaurant;
- (3) sales of alcohol shall be waiter/waitress service only;
- (4) all sales of alcohol, with the exception of customers waiting to be seated in the main restaurant area, shall only be to persons seated and partaking in a substantial table meal;
- (5) no open vessels to leave the premises at any time;
- (6) CCTV shall be installed and operated at the premises. Notices to this effect shall be displayed as required to comply with data protection legislation. CCTV shall be capable of being stored and should be stored for a minimum of 31 days. The areas covered by CCTV to include the entrance/exit and at least one camera shall cover each public area (with the exception of the toilets and corridor staircase to the toilets) Images shall be capable of being downloaded onto a portable device such as a DVD or memory stick and shall be provided to Warwickshire Police on request;
- (7) at least one member of staff shall have received first aid training;
- (8) a challenge 21 policy shall be operated at the premises and all staff responsible for the sale of alcohol shall be trained in relation to the policy and in relation to the law relating to the sale of alcohol;
- (9) no persons under the age of 18 shall be admitted onto the premises after 21:00 hours unless accompanied by an adult;
- (10) notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly;

- (11) all doors and windows shall be kept closed after 23:00 hours except for the immediate access and egress of persons;
- (12) a management plan will be drawn up and implemented to ensure that customers do not block the pavement outside the front of the premises either when going outside to smoke or leaving the premises; and
- (13) a complaints log ("the log") will be maintained at the premises to record any complaints received from residents in relation to the operation of the premises. The log will record the date and time of the complaint, the name (if known) of the person complaining, the nature of the complaint and any action taken to deal with the complaint.

The Panel considers that the conditions imposed are justified and proportionate in the particular individual circumstances of this application. The Panel have decided to restrict the opening and licensable hours in view of the concerns expressed by the Interested Parties about late night noise and disturbance. The Panel is satisfied that the Applicant has demonstrated that the grant of a licence with conditions would not be likely to impact on the licensing objectives.

At 3.38pm all parties and the Licensing Officer re-entered the room. The Chairman invited the Council's Solicitor to read out a summation of the Panel's decision, which would be confirmed in full in writing.

(The meeting ended at 3.43pm)



# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Monday 12 September 2016, at the Town Hall, Royal Leamington Spa at 2.25pm.

**Present:** Councillors Ashford, Mrs Cain J.P. and Gill.

**Also Present:** Mrs Gutteridge (Council's Solicitor), Miss Carnall (Senior Committee Services Officer) and Mrs Dudgeon (Licensing Officer).

1. **Appointment of Chairman**

**Resolved** that Councillor Ashford be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Application for a premises licence under the Licensing Act 2003 for Dale Temperance Hotel and Coffee House**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a premises licence from Phoenix (City) Pub Company Limited for Dale Temperance Hotel & Coffee Tavern.

The Chair introduced the members of the Panel and the officers present. The other parties then introduced themselves as:

- Mr McCann, on behalf of the applicant, Mr McDonald from Phoenix (City) Pub Co Ltd;
- Mr Purton, on behalf of Cobalt Developments Warwick Ltd; and
- Mr & Mrs Jobburn, local residents.

The Council's Solicitor explained the procedure for the hearing.

Prior to the start of the meeting, the applicant had circulated some amendments to the hours originally applied for. As a result, the Environmental Health Department had withdrawn its objection subject to certain conditions being attached to any licence issued. However, this had caused some conflict with the interested parties who were not satisfied that the conditions proposed would mitigate the potential issues they felt they would encounter.

The Chairman addressed the residents and the applicant and asked if they wished to adjourn the hearing. All parties agreed that they were content to continue.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it and the representations made at the meeting, in order to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The application was for a premise licence for a pub with rooms for let. The application was as per the table and text below:

	Opening Hours	Sale of alcohol for consumption on and off the premises.	*Recorded Music (Indoors)	Late Night Refreshment (Indoors and outdoors)
Sunday to Monday	11:00 to 00:30	11:00 to 00:00	23:00 to 00:00	23:00 to 00:30
Friday and Saturday	11:00 to 01:30	11:00 to 01:00	23:00 to 01:00	23:00 to 01:30

For all the above from the end of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

\* Note: Between the hours of 08:00 and 23:00, when recorded music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.

In addition, an operating schedule had been provided by the applicant which would form part of any licence issued and this was laid out at section 3.3 of the report.

As stated previously, the applicant had circulated amendments to the application which removed the request for regulated entertainment and reduced the hours applied for. The amended application was as per the table below:

	Opening Hours	Sale of alcohol for consumption on and off the premises.	Late Night Refreshment (Indoors and outdoors)
Sunday to Thursday	11:00 to 23:30	11:00 to 23:00	23:00 to 00:30
Friday and Saturday	11:00 to 00:30	11:00 to 00:00	23:00 to 01:30

In addition to the above, further conditions had been agreed with Environmental Health which read:

1. No regulated entertainment;
2. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same of similar alcoholic drinks are sold, or usually sold, on the premises, unless accompanied by a substantial table meal;
3. The DPS shall make an ongoing professional risk assessment as to whether to employ SIA door staff at any time;
4. No speakers for the amplification of music or speech shall be placed on the outside of the premises or on the outside of any building forming part of the premises;
5. All windows and doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons;

6. All outdoor areas shall be cleared by 22:00, except for the purposes of smoking;
7. No regulated entertainment shall take place in the outdoor areas at any time;
8. No open vessels shall be taken outside the curtilage of the premises at any time; and
9. A sound limiting device shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorized officer of Warwick District Council's Environmental Health service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior agreement with the Environmental Health Service.

The Licensing Officer advised that representations to the original application had been received from three residents living in the vicinity of the premises, attached as appendices one to three of the report and one from the owners of the Old Post Office, attached as appendix four. An objection was also received from Environmental Health, however, following the agreement of the above conditions and an amendment to the hours being applied for, this had been withdrawn.

In addition, an objection had been received from Warwickshire Police however, following the agreement of certain conditions relating to CCTV, the objection was withdrawn. The seven conditions agreed were detailed in section 3.5 of the report.

Mr McCann outlined the application and reminded Members that the applicant had withdrawn the request for regulated entertainment and had reduced the opening hours. He advised that this was a Grade II listed building in need of attention and referred the Panel to the 'Statement of Case' which had been circulated prior to the meeting. He stated that they had been trying to liaise with residents and was hopeful that this dialogue would continue.

Mr McCann referred to Mr Purton's representation which detailed a number of issues relating to planning permission and were therefore not relevant at this hearing. He advised that St Mary's Church had not made representation and the capacity figures stated in Mr Purton's document were incorrect, with capacity being unlikely to reach 200. He explained that with regards to noise, the regulated entertainment aspect had been withdrawn and only background music would be supplied, with conditions if necessary.

In addition, Mr McCann addressed the issues raised regarding CCTV by advising that conditions had now been agreed with the Police and the applicant would be willing to install cameras on the outside of the building, if permitted. With regards to the issue of smoking outside, Mr McCann advised that patrons would not be allowed to take drinks outside, which should mitigate the impact.

In response to questions from Panel Members, Mr McCann stated that:

- The dispersal procedure would include dedicated taxi numbers, no drinks would be allowed outside of the premises and staff would be proactive in administering this;
- The premises would have ten letting rooms and approximately 70 covers;
- The applicant would not want customers who were staying to be disturbed and 22:00 would be the last order for food with the extraction system being turned off at the same time;
- There would be no segregation in the premises so customers just enjoying drinks would be mixed in with those who were dining;

- Once the premises was trading, the applicant would be able to determine the best areas for taxis to set down and drop off passengers;
- The background music would be Radio 2 style and 'middle of the road'.

In response to questions from Mr Jobburn, Mr McCann stated that:

- The applicant would be unlikely to proceed with the venture if they did not obtain a premise licence;
- The construction and soundproofing of the building was being discussed with the Planning officers, in conjunction with the Listed Building officers;
- The applicant would not look to restrict the number of smokers allowed outside at any time because this was a condition that would be unenforceable.

Mr Jobburn outlined his objection and made reference to the original objection submitted by the Environmental Health officer. He described the setting of Old Square and felt that the granting of the licence would have an adverse impact on noise with its mix of licensed and residential properties. He did not feel that the noise from licenced premises would end at closing time and customers would congregate on the street, causing disturbance to local residents.

Mr Jobburn noted that Environmental Health had withdrawn its objection on Thursday, subject to a number of agreed conditions. He was disappointed that he had been unable to contact officers from Environmental Health on Friday to discuss this because he felt that the conditions agreed did not match the comments officers had originally submitted.

He queried the alteration of the opening hours and the loss of a condition relating to windows and doors, solely because the regulated entertainment element had been withdrawn.

The Licensing Officer advised that an email had been forwarded to her by Environmental Health, explaining why it had withdrawn its objection. Having asked the applicant if they were content, the Legal Officer advised that the document could be circulated.

In response, Mr Jobburn felt that the email raised more questions because he was unsure if the conditions being proffered, met the residents' concerns. He stated that residents would prefer the licence to be rejected.

In response to questions from the Panel, Mr Jobburn stated that:

- He noted that condition 3 advised that SIA door staff would be employed if deemed necessary and a dispersal policy would also be included in the licence;
- He accepted that this area of Warwick did not fall into a Cumulative Impact Zone and any street disturbances would fall to the Police to deal with.

There were no questions from the applicant to Mr Jobburn.

The Chairman asked Mr Purton if he wished to address the Panel but he advised that he was satisfied with the Statement of Case he had already submitted.

When asked to make any closing remarks, the applicant reminded the Panel that Environmental Health had withdrawn its objection following discussions with the

applicant, had agreed conditions and were satisfied. He felt that officers had taken a balanced approach and had addressed the concerns raised. With regards to the issue of smoking, he felt that the applicant could erect signage to deter people, but did not feel it would be an issue because smoking was less fashionable nowadays. With regards to CCTV, Mr McCann suggested that it would be preferential to have the building in operation rather than derelict and reiterated that the applicant would be happy to install their own CCTV system outside if possible. He reminded the Panel that there was no representation from the Police and no evidence had been raised to suggest that the granting of the licence would impact detrimentally on the area. Finally, he explained that the applicant wanted to work with the residents and would monitor the smoking area proactively. He did not feel that the nearby application granted the previous week should have any impact on this application.

The Chair asked Mr Jobburn if he had any closing remarks and he reminded the Panel that this was a noise sensitive area which was predominantly residential. He reiterated that he felt the email sent by Environmental Health raised more questions than it answered.

At 3.31 pm, the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the application for a premises licence be **granted**, subject to conditions, for the following reasons:

The Panel have considered the evidence before it and have also had regard to the statutory guidance, the WDC licensing policy and noted the representations and further correspondence from Environmental Health. The Panel have listened carefully to the applicant and the objectors. The Panel are concerned about public nuisance if the premises are licensed but they believe that their concerns can be mitigated by the imposition of suitable conditions and therefore they have decided to grant the licence with conditions.

There are a number of local residents in close proximity to the premises and the Panel consider that a balanced approach is required. The Panel have considered the latest representation made by Environmental Health and have noted that they now recommend a terminal hour of 23:30 Sunday to Thursday and 00:30 on Friday and Saturday. The Panel having listened to all representations and in particular those put forward by the residents at the hearing are of the view that an earlier terminal hour of 23:00 is appropriate given the situation of the premises and the close proximity of residential dwellings in order to prevent public nuisance.

The Panel believe that the outside area to the rear of the premises should be cleared of all patrons by 22:00 in order to protect residents living in close proximity who may work and also residents who are elderly living in the area.

The conditions that will be attached to the licence are as follows:

1. Opening hours and sales of alcohol shall be from 11:00 to 23:00 Monday to Sunday. All licensed activities are available 24 hours a day for residents only.
2. No regulated entertainment shall take place at the premises.
3. Substantial food and non-intoxicating beverages including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
4. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.
6. An approved age scheme shall be adopted implemented and advertised within the premises such as "Challenge 25" whereby an accepted form of 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.
7. All staff are to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a Police Officer.
8. The Premises Licence Holder shall require the Designated Premises Supervisor, or in his or her absence other responsible person, to keep an incident/refusals log in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed and by whom is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a Police Officer when required.

9. CCTV is to be installed and the premises licence holder shall ensure that:-
  - a. CCTV cameras are located within the premises to cover all public areas
  - b. The CCTV system records clear images permitting the identification of individuals
  - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - d. The CCTV system operates at all times when the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
  - e. The CCTV system is fitted with security functions to prevent recordings being tampered with ie. password protected.
  - f. Downloads will be provided to a Police Officer or authorised officer of the Licensing Authority upon reasonable request.
  - g. The CCTV system shall be signed off by the Warwickshire Police Architectural Liaison Officer.
10. The Premises Licence Holder shall devise and implement a dispersal policy which shall include the provision of information on local taxi firms and transport links to all patrons leaving the venue to ensure that patrons do not congregate outside the premises and that they disperse from the premises in an orderly and quiet manner so as not to disturb residents within the vicinity.
11. A clear notice shall be displayed at any exit to the premises to instruct customers to respect needs of local residents and leave the premises and the area quietly.
12. A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use area quietly.
13. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold or usually sold on the premises unless accompanied by a substantial table meal.
14. The Designated Premises Supervisor shall make an ongoing professional risk assessment as to whether to employ SIA door staff at any time.
15. No speakers for the amplification of music or speech shall be placed on the outside of the premises or on the outside of any building forming part of the premises.
16. All windows and doors should be closed at 22:00 except for the immediate access and egress of persons.
17. All outdoor areas shall be cleared of patrons and residents by 22:00.
18. No open vessels shall be taken shall be taken outside the curtilage of the premises at any time.
19. A sound limiting device shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of

Warwick District Council's Environmental Health Service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior agreement with the Environmental Health Service.

In imposing conditions the Panel have noted those offered by the applicant and have carefully listened to the representations made on behalf of the residents. They believe that the conditions imposed are proportionate appropriate and enforceable

At 4.46 pm all parties were invited back into the room and the Chairman invited the Council's Solicitor to read out the Panel's decision.

All parties were advised that they had the right to appeal within 21 days of the formal decision being published.

(The meeting ended at 4.54 pm)



# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 20 September 2016, at the Town Hall, Royal Leamington Spa at 2.00pm.

**Present:** Councillors Mrs Cain J.P., Davies and Mrs Stevens

**Also Present:** Mrs Gutteridge (Council's Solicitor), Miss Carnall (Senior Committee Services Officer) and Miss Russell (Licensing Officer).

1. **Appointment of Chairman**

**Resolved** that Councillor Mrs Cain be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Application for a premises licence under the Licensing Act 2003 for 130 Parade, Royal Leamington Spa**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a premises licence from Everards Brewery Limited for 130 Parade, Royal Leamington Spa.

The Chairman introduced the members of the Panel and the officers present. The other parties then introduced themselves as:

- Mr Lucas, representing the applicant, Everards Brewery Limited
- Ms Toogood, business partner
- Mr Acaster, designer
- Mr Cable, Estates Manager
- Mr Fleet, licence holder and DPS

The Council's Solicitor explained the procedure for the hearing.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it and the representations made at the meeting, in order to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The application was for a premise licence for an Everards Brewery Limited at 130 Parade, Royal Leamington Spa. The licence was for a public house and would merge two existing premises into one licensed premise. The premises concerned were The Lounge at 130 Parade and The Bedford at 75 Bedford Street, Royal Leamington Spa.

Following discussions between the applicant, Environmental Health and Warwickshire Police, the applicant amended their original application and the revised licensable activities were outlined in Appendix 1 to the report, as follows:

	Opening Hours	Sale of alcohol on premises	Sale of alcohol off premises	Recorded Music Ground floor only (Indoors)
Sunday to Wednesday	08:00 to 02:00	09:00 to 01:00	10:00 to 23:00	09:00 to 01:00
Thursday	08:00 to 02:00	09:00 to 02:00	10:00 to 23:00	09:00 to 01:00
Friday & Saturday	08:00 to 03:00	09:00 to 02:00	10:00 to 23:00	09:00 to 02:00

	Live Music (Indoors)	Films (Indoors)	Late Night Refreshment (Indoors)
Sunday to Wednesday	08:00 to 23:00	08:00 to 00:00	23:00 to 01:00
Thursday	08:00 to 23:00	08:00 to 00:00	23:00 to 02:00
Friday & Saturday	08:00 to 00:00	08:00 to 00:00	23:00 to 02:00

*For all the above and New Year's Eve – The licensable activity will take place from the standard start time on 31 December to the standard finish time on 1 January.*

*An additional hour to the standard and non-standard times on the day when British Summertime commences.*

*\*Between the hours of 08:00 and 23:00, when **recorded music** is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.*

*Between the hours of 08:00 and 23:00, when **amplified live music** is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises; or when **unamplified live music** is taking place to any number people on any premises, all licensing conditions applicable to the control of live music on this licence are deemed not to be in operation.*

In addition, an operating schedule had been provided by the applicant which would form part of any licence issued, and this was laid out at section 3.4 of the report.

The Licensing Officer advised that representations had been received from two members of the public and these were attaches as appendices 2 and 3 of the report. Further email correspondence had been received from both members of the public and copies of these were circulated prior to the start of the meeting.

Representations had also been received from Environmental Health and Warwickshire Police, however, additional conditions had been agreed and the representations were subsequently withdrawn. The conditions agreed were laid out in section 3.5 of the report and would be added to any premise licence issued.

The Licensing Officer also reminded the Panel that the premise was located in the Cumulative Impact Zone and a plan of the proposed internal layout of the premise and a design statement were also circulated at the start of the meeting.

Mr Lucas outlined the application and advised Members that Everards Brewery was a family owned business based in Leicester. In addition, they had been the owner of the premises in question for a number of years and were very familiar with the history of the Bedford Inn, to the rear of the site. This building had been empty for a while and had experienced issues with squatters.

He stated that the applicant would be making a substantial financial commitment, the existing licences would be surrendered and the one all-encompassing licence would take precedent.

Mr Lucas explained the proposed layout of the new premise with the provision of food leading the design statement. This would be enhanced with a theatre style kitchen which patrons would be able to walk past and view in action. There would be three distinct areas comprising of various themed seating areas. Mr Lucas assured Members that none of the areas had been designed to encourage vertical drinking.

In addition, he advised that the staff involved had extensive experience in the business and all licensable activities being requested were already permitted by one or other of the premise licences in existence. Mr Lucas summarised the discussions with Environmental Health and the Police explaining that conditions had been agreed as a result. With regard to the objections received, he advised that one was from a neighbouring resident and the other a local business owner.

Mr Lucas suggested that the proposed application was a vast improvement on the existing premise and reminded the Panel that control measures were in place for Local Authorities to use should complaints be received.

In response to questions from Panel Members, Mr Lucas responded as follows:

- The food being offered would be slightly less technical with an emphasis on fresh food and quality produce, the volume of food being produced would be higher.
- The premise would hope to encourage clientele between 20 and 50 years of age and they noted that there was a high student population in the town.
- The hours of opening were earlier at the weekend because the company hoped to serve breakfast from 08:00.
- The Lounge had the capacity to process 140 covers with the new layout and the capacity would be no more than 500.
- The Bedford would have a reduced footprint due to the kitchen and W/C reducing their covers to 80.
- All conditions had been agreed and accepted.
- Local taxi companies would be advertised to assist customers with travelling home.
- Very little entertainment would be provided as far as live bands were concerned.

Following a question from the Legal Officer, Mr Lucas confirmed that the applicant would be willing to accept a condition ensuring the surrender of the two existing licences, should the proposed licence be granted.

When asked to make any closing remarks, Mr Lucas advised that the applicant was aware of the Local Authority's Policy, the Cumulative Impact Zone and the licensing objectives and suitable measures would be in place to ensure there was no detrimental impact. He felt that the proposed development would have a positive outcome instead and reminded Members that the application was supported by Environmental Health and the Police.

At 2.54 pm, the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the application for a premises licence be **granted**, subject to conditions, for the following reasons:

The Panel has considered the application and given careful consideration to the documents submitted and the representations made. The Panel has had due regard to the statutory guidance and the WDC statement of Licensing Policy. The Panel has decided to grant the application.

It has considered the Cumulative Impact Policy and the current opening hours that apply to both premises at 130 Parade and 75 Bedford Street. It has listened carefully to what the applicant has said about their plans for the premises and note that because of the improvements to the toilets and kitchen areas the overall capacity of premises is likely to be less than the combined total of both premises as it exists today. The Panel note that there will be condition attached to the licence that prevents entrance or exit onto Bedford Street after 01:00 hours.

The Panel is satisfied that the applicant has demonstrated that the grant of this licence is not likely to impact on licensing objectives. The Panel has noted that the applicant has amended the application following consultation with the Police and EH service and there is no objection from any of the responsible authorities.

The conditions that will apply are:

1. An approved age scheme shall be adopted implemented and advertised within the premises such as "Challenge 25" whereby an accepted form of 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 customer's 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.
2. The DPS will implement a 30 minute drinking up time to allow dispersal of customers

3. Prominent, clear signs will be displayed at all exits asking customers to respect the needs of local residents and to leave quietly
4. All staff are to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a Police Officer.
5. All windows and doors shall be closed after 23:00 or at any time when regulated entertainment takes place except for the immediate access and egress of persons.
6. No speakers for the amplification of music or speech shall be placed on the outside of the premises or on the outside of any building forming part of the premises.
7. No open vessels shall be taken outside the curtilage of the premises at any time.
8. Noise levels shall be monitored on and offsite at regular intervals to ensure that noise from the activities at the premises do not give rise to a nuisance. The DPS or Duty Manager shall undertake a noise risk assessment of any activities at the premises to determine how regularly noise monitoring shall take place
9. A sound limiting device shall be fitted to any musical amplification system used for the provision of regulated entertainment and shall be set at a level determined by and to the satisfaction of an authorised officer of WDC's Environmental Health Service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior approval from the Environmental Health Service.
10. Except in emergencies, no customers shall be permitted to access or exit the premises via the Bedford Street entrance(s) between the hours of 01:00 hours and 08:00 hours on any day
11. Door supervision must be provided on Fridays and Saturdays by SIA registered door supervisors. Door supervisors must be on duty from 21:00 hours and must remain on duty until the premises are closed and all customers have left. A record must be kept of door supervisors' SIA registrations and the dates and times when they are on duty. There must be a minimum of one door supervisor on duty per entrance/exit that are in use and the DPS must complete on going professional risk assessments as to how many door supervisors are required in addition to the minimum requirement.
12. CCTV is to be installed and the premises licence holder shall ensure that:
  - a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits.

- b. The CCTV system records clear images permitting the identification of individuals.
  - c. The CCTV system is able to capture a minimum of four frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - d. The CCTV system operates at all times when the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
  - e. The CCTV system is fitted with security functions to prevent recordings being tampered with i.e. password protected.
  - f. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to a Police Officer or authorised officer of the Licensing Authority. Downloads will be provided to a Police Officer or authorised officer of the Licensing Authority upon reasonable request.
13. The Premises Licence Holder shall require the Designated Premises Supervisor, or in his or her absence, other responsible person, to keep an incident/refusals log in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed and by whom is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced on request to a Responsible Authority.
  14. No persons under the age of 18 years will be allowed on the premises after 23:00 hours.
  15. No entry or re-entry of customers one hour before the closing hours permitted by the licence when the premises open after 01:00 hours.
  16. The premises will be a member of a local police approved retail radio scheme and conform to its licence policies and procedures.
  17. No regulated entertainment shall take place in any areas of the first floor of the premises.
  18. No licensable activities shall take place at the premises until premises licenses WDCPREM00663 and WDCPREM00224 have been surrendered.

In imposing conditions the Panel has noted those offered by the applicant and has carefully listened to the representations made on behalf of the residents. It believes that the conditions imposed are proportionate appropriate and enforceable.

At 4.05pm all parties were invited back into the room and the Chairman invited the Council's Solicitor to read out the Panel's decision.

All parties were advised that they had the right to appeal within 21 days of the formal decision being published.

(The meeting ended at 4.12pm)

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Thursday 24 November 2016, at the Town Hall, Royal Leamington Spa at 10.00am.

**Present:** Councillors Ashford, Mrs Cain and Gifford

**Also Present:** Mr Howarth (Council's Solicitor), Mr Leach (Democratic Services Manager & Deputy Monitoring Officer) and Mrs Dudgeon (Licensing Enforcement Officer).

1. **Appointment of Chairman**

**Resolved** that Councillor Gifford be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Application for a Premises Licence under the Licensing Act 2003 for 66-68 Clemens Street, Royal Leamington Spa**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a premises licence from Mr Crowther for 66 to 68 Clemens Street, Royal Leamington Spa.

The Chair, Members of the Panel, officers and applicant introduced themselves.

The Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, and the representations made at the meeting, in order to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

Following discussions between the applicant, Environmental Health and Warwickshire Police, the applicant had amended their original application. The revised licensable activities requested were:

- The sale of alcohol on the premises from Sunday to Wednesday 09:00 to 00:00, Thursday 09:00 to 01:00; Friday and Saturday 09:00 to 02:00 and on Christmas Day and New Year's Day from 09:00 to 02:00;
- live music on Sunday from 12:00 to 18:00, Monday 12:00 to 23:00, Tuesday to Saturday 18:00 to 23:00 and Christmas Day and New Year's Day from the end of permitted hours until 00:30;
- recorded music from 09:00 to 00:00 every day; and
- late night refreshment (indoors and outdoors) Sunday to Wednesday from 23:00 to 00:00, Thursday 23:00 to 01:00, Friday and Saturday 23:00 to 02:00 and until 02:00 on Christmas Day and New Year's Day.



The Panel was reminded that all conditions relating to live or recorded music would not be enforced on the premises between the hours of 08:00 and 23:00 because of the introduction of the live music act.

An operating schedule had been submitted by the applicant and would form part of any licence issued. This was detailed in section 3.3 of the report.

Mr Crowther outlined the application and explained that he was currently the licence holder for three premises, including The Fat Pug and The Royal Pug in Royal Leamington Spa. His intention was for this premise to operate as a coffee shop at street level, with a bar/restaurant in the basement.

He explained that The Fat Pug was a similar property to the application premises in that it had adjoining residential properties. For this reason, he recognised the need to work closely with residents and had made alterations with the operation of the business to make sure it was a good neighbour.

In response to questions from the Panel, Mr Crowther explained that:

- the hours applied for on a Monday were necessary to cover bank holiday operations;
- the intention was for the premises to be family oriented, more so than The Fat Pug;
- since he had been operating The Fat Pug and The Royal Pug, there had been no issues reported to the Council;
- music at The Fat Pug was through small amplifiers only and the intention was the same for this premises;
- the original application had been until 2.00am to mitigate against a bottleneck in the area from people returning from the town centre to their homes;
- normal business would involve food service stopping at 22:00;
- he had tried to meet with objectors and would be willing to accept a terminal hour for live music of 22:00;
- the premises would be an exclusive venue and not a cheap venue and, therefore, it was unlikely to attract large numbers of drinkers, but it would be managed in the same manner as The Royal Pug and The Fat Pug;
- the restaurant would form at least 50% of the business plan;
- the premises would now close at 00:00 every night;
- he did not feel SIA door staff would be required, but this would be reviewed regularly;
- he did not feel that live music would be scheduled more frequently than once a month; and
- the emphasis was on coffee and dining, not vertical drinking.

The objector, Mr Hubbard, arrived during the questions from the Panel. In response to a question from Mr Hubbard, Mr Crowther explained that the coffee shop would be upstairs and somebody would be present at all times; and that he would work with neighbors to resolve any issues.

At the request of the Chairman, Mr Hubbard outlined his objection to the application. He explained that he had lived in the area for 25 years and supported the change of use for the premises. His main concern was the use of live music because the previous tenant had had live music which was so loud he had been unable to be in some parts of the house. It was for that reason he asked the Panel not grant the application for live music.

The Council's Solicitor provided Mr Hubbard with details of the Live Music Act, which stated that if a licence was granted for the sale of alcohol, the premises could have live music from 08:00 to 23:00, with only a restriction on the number of people present.

At the request of the Chairman, Mr Crowther explained that he did not know the previous tenant of the premises, but it was not his intention to have loud rock music and he was mindful of the impact that bass and drums could have on residents.

Mr Hubbard thanked the Council's Solicitor and Mr Crowther for their explanations and recognised the potential for involvement from Environmental Health and a review of the licence in future. Mr Hubbard also confirmed that he had no issues with the proposed hours for recorded music.

In response to a question from the Panel, Mr Hubbard stated that he accepted the implications of the Live Music Act and the constraints it placed on the Panel in restricting live music.

At 10.35am, the Chair asked all parties other than the Panel, the Council's Solicitor and the Democratic Services Manager & Deputy Monitoring Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the licence should be granted as set out in the report, subject to:

(1) The conditions agreed with the Police and Environmental Health, as set out in the report; and

(2) a condition that the premises be operated in accordance with the operating schedule submitted with the application, as set out in the report.

In taking the decision, the Panel has considered the report, written representations within the report and representations made at the meeting by the applicant and Mr Hubbard.

The Panel notes that both the Police and Environmental Health have withdrawn their objections to the application, subject to the conditions set out in the report.

The Panel heard from Mr Crowther that the premises would be run as a coffee shop, bar and restaurant and that the food offering would form 50% of the business plan. Further to that, it was the intention that any live music would be used to enhance the customers' experience and it was the intention that it would usually take place once the food offering had ended.

The Panel also heard from Mr Crowther that he currently runs two other licensed premises in the District and that neither of these premises have experienced any licensing issues, which was confirmed by the Licensing Officer.

The Panel heard from Mr Hubbard that his main concern was regarding live amplified music. Mr Hubbard requested that the Panel imposed a condition relating to live amplified music. The Panel noted, however, that by virtue of the Live Music Act 2012, where there is a premises licence permitting on sales, live music is taking place between 8.00am and 11.00pm and when there are less than 200 people on the premises, all licensing conditions applicable to the control of live music are deemed not to be in operation.

Whilst the Panel notes Mr Hubbard's concerns and the concerns of the other objectors, it is the Panel's view that there is no evidence before it that the grant of the licence would result in an impact on the licensing objectives as a result of live amplified music.

The Panel notes that should residents experience noise nuisance from the premises then they have the ability to complain to the Council's Environmental Health team and also the Licensing team.

The Council's Environmental Health team has a statutory obligation to investigate any complaint made to it and has the power to serve a noise nuisance abatement notice in the event that a noise nuisance is evidenced. The Licensing department has the power to call for a review of the licence in the event that there are complaints of noise nuisance; this could result in the licence being revoked or conditions being applied to control live amplified music.

It is the Panel's view that these powers, together with the conditions agreed with the Police and Environmental Health, will adequately safeguard and provide an effective remedy in the event that there is a noise nuisance caused by live amplified music.

The Panel, however, does not believe this will be necessary in this case as they believe the applicant has a proven track record of running licensed premises responsibly within the District.

At 11.15am, all parties were invited back into the room, at which time the Council's Solicitor read out the Panel's decision.

All parties were advised that they had the right to appeal to the Magistrates' Court within 21 days of the formal decision being published.

(The meeting ended at 11.20am)

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Wednesday 21 December 2016, at the Town Hall, Royal Leamington Spa at 10.00am.

**Present:** Councillors Mrs Cain, Davies and Gifford.

**Also Present:** Mr Gregory (Council's Solicitor), Mrs Barnes (Senior Committee Services Officer) and Mrs Dudgeon (Licensing Officer).

1. **Appointment of Chairman**

**Resolved** that Councillor Gifford be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Application for a Street Trading Consent to trade outside the hours set out in Warwick District Council's Policy**

The Panel considered a report from Health and Community Protection which sought a decision on a Street Trading Consent application from an individual who wished to trade outside the permitted hours set out in the policy.

The Chair introduced the members of the Panel and the officers present. The other parties then introduced themselves as:

- Mr Reid, the applicant; and
- Mr Munsey, observing.
- 

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it and whether the applications for three Street Trading Consents should be granted in line with the applications.

Warwick District Council had designated every street within the District as a consent street and any person wishing to expose goods for sale, anywhere the public had free access, must apply for a Street Trading Consent.

The Council's policy permitted trading between the hours of 06:00 and 18:00.

Mr Reid had applied for three renewals of his street trading consents to trade from his ice cream vans from 10:00 to 20:00, two hours later than the Policy currently permitted. If granted, Mr Reid would only be permitted to trade during these hours.

As per procedure, Mr Reid had supplied the Licensing Department with photographs of his vehicles, a copy of his public liability insurance and a basic disclosure. These documents were circulated at the meeting.

Mr Reid addressed the Panel and explained that Monday through to Friday, he would usually finish trading by 18:00, however, on a Saturday he would like the

opportunity to be able to trade up to 20:00. He assured Members that he would not be sounding the chimes on the vehicle after 18:00 and it was only at the weekend that longer trading hours would be used.

In response to questions from Panel Members, Mr Reid stated that:

- His usual pitch was at Dormer Place or Newbold Terrace,
- The extension of hours would provide him with greater flexibility to trade later, especially in the summer months.

At 10.06am, the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the three Street Trading Consents be granted as per the application.

The Panel has considered the application, the officer's report, the Council's Street Trading Policy and the representations made by you today. It is satisfied that it is appropriate to grant consent for you to trade between the hours of 10:00 and 20:00.

At 10:14am all parties were invited back into the room and the Chairman invited the Council's Solicitor to read out the Panel's decision.

All parties were advised that they had the right to appeal within 21 days of the formal decision being published.

4. **Application for a Street Trading Consent to trade outside the hours set out in Warwick District Council's Policy**

The Panel considered a report from Health and Community Protection which sought a decision on a Street Trading Consent application from an individual who wished to trade outside the permitted hours set out in the policy.

The Chair introduced the members of the Panel and the officers present. The other parties then introduced themselves as:

- Mr Munsey, the applicant; and
- Mr Reid, observing.
- 

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it and whether the applications for three Street Trading Consents should be granted in line with the applications.

Warwick District Council had designated every street within the District as a consent street and any person wishing to expose goods for sale, anywhere the public had free access, must apply for a Street Trading Consent.

The Council's policy permitted trading between the hours of 06:00 and 18:00.

Mr Munsey had applied for a renewal of his street trading consents to trade from his ice cream van from 12:00 to 19:00, one hour later than the Policy currently

permitted. If granted, Mr Munsey would only be permitted to trade during these hours.

As per procedure, Mr Munsey had supplied the Licensing Department with photographs of his vehicles, a copy of his public liability insurance and a basic disclosure. These documents were circulated at the meeting.

Mr Munsey addressed the panel and explained that he only ever traded from 12:00 each day but would like an extension of one hour to trade until 19:00. Mr Munsey assured Members that he was aware of the Local Government Code of Practice which restricted him using the chimes on his vehicle after 19:00.

In response to questions from Panel Members, Mr Munsey stated that:

- The extension of time was only for one hour each day.


At 10.18am, the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the Street Trading Consent be granted as per the application.

The Panel has considered the application, the officer's report, the Council's Street Trading Policy and the representations made by you today. It is satisfied that it is appropriate to grant consent for you to trade between the hours of 12.00pm – 19.00.

At 10:14am all parties were invited back into the room and the Chairman invited the Council's Solicitor to read out the Panel's decision.

(The meeting ended at 10:30 pm)

 <b>Licensing &amp; Regulatory Committee</b> <b>20.02.17</b>		<b>Agenda Item No.</b> <b>5</b>
<b>Title</b>	Consideration of a Hackney Carriage Vehicle Limitation Policy	
<b>For further information about this report please contact</b>	Lorna Hudson Regulatory Manager, Health and Community Protection. Tel: 01926 456705 Lorna.hudson@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	NA	
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	27.01.17	Andrew Jones
Head of Service	25.01.17	Marianne Rolfe
CMT		NA
Section 151 Officer		NA
Monitoring Officer	27.01.17	Andrew Jones
Finance	30.01.17	Mike Snow
Portfolio Holder(s)	02.02.17	Moira-Ann Grainger
Consultation & Community Engagement		
Recommendation to approve a six week public and stakeholder consultation		
Final Decision?		No
Final decision expected to be made after the public consultation, report to be sent to Executive Committee.		

## **1. Summary**

- 1.1 The purpose of this report is to introduce Members to the findings of the Warwick District Council Hackney Carriage Unmet Demand Survey – Final Report (*The Report*) carried out by CTS Traffic and Transportation and request approval to carry out a public consultation on the proposed options.

## **2. Recommendation**

- 2.1 Members are requested to approve a 6 week consultation with stakeholders on the 4 options for hackney carriage Licences (HCL) as outlined in *The Report*.

Potential options are outlined below: (*See page 61, chapter 7. Summary and Conclusions and page 65, chapter 8. Recommendations: The Report*).

- § Retain the status quo – no change to existing policy\*
  - § Return a limit at a fixed level\*
  - § Option 2 but also take opportunity to work to develop the fleet\*
  - § Return a limit but on the basis of no issue of any new plates (therefore number of plates reduces over time)\*
- \*(page 64, *The Report*)

- 2.2 Members to note the above is to be undertaken with a view to a full report back to Licensing & Regulatory Committee at the earliest opportunity, which will confirm the outcome of the consultation (projected to be 30 May 2017) and discuss the advantages and disadvantages of applying a limit.

## **3. Reasons for the Recommendation**

- 3.1 In respect of hackney carriages the main statutory function and aim of Warwick District Council is to protect the public but at the same time ensuring there is reasonable access to a safe and well maintained taxi service.
- 3.2 Representations have been received from the trade that there are too many hackney carriages in the Warwick area and they request a cap to be put on numbers. The Council waited until the petition numbers had raised to over 75% of the trade being in favour of a survey being carried out, which was achieved in March 2015.
- 3.3 Conducting a public consultation on the proposed options will, as far as practical, help to ensure stakeholders are aware of the findings in *The Report* and have had opportunity to comment on the proposed options.

## **4. Policy Framework**

- 4.1 **Policy Framework** – Currently the Warwick District Council policy does not limit the number of HCL it issues. Anybody can apply for a HCL, subject to applicants meeting our quality standards and complying with vehicle and driver conditions.

Adopting a limitation policy would not require any change to the constitution. The power to implement such a change in policy is contained within HCP (50) in the Council's Scheme of Delegation.



The Committee is at liberty to remove a limit at any point that it becomes clear such a change is necessary, such as if there is significant growth in the area, or if passenger complaints are received in terms of availability in the area

- 4.2 **Fit for the Future** – Setting a limit would support existing business growth and development; however there is an argument that adopting a limit can restrict new business growth and future entrepreneurs in the trade.

Protecting the public needs to be the main factor in the decision making process. In terms of supporting business growth the Council need to balance the rights of an applicant to make an application whilst providing assurances to the public.

- 4.3 **Impact Assessments** – An impact assessment will be carried out following consultation with the stakeholders.

## **5. Budgetary Framework**

- 5.1 Restricting the number of licences issued could have some impact on income; however, the local authority is able to recoup costs for the services against the trade.
- 5.2 Members to note subject to a decision to apply a new Hackney Carriage Vehicle Limitation Policy, the position will need to be continually evidenced and further independent surveys will need to be undertaken.

The next survey would be due in 2019 and every 3 years thereafter.

- 5.3 The additional charges arising from surveys and the on-going staffing costs should not be met by the tax payer. Subject to Executive Committee approval, these charges should be paid for by the hackney carriage trade by way of the licence fees, which may need to be increased if necessary. Currently the best guess estimate for all the associated staffing and resource costs for commissioning, implementing and maintaining a Hackney Carriage Vehicle Limitation Policy are between £15,000 to £20,000 triennially. Licence fees are due to be reviewed as part of Fees and Charges in October for any changes to be effective from 2018.

## **6. Risks**

- 6.1 For a period of time, the decision to apply a limit would be defensible in Court, should any challenge be raised following the introduction of a Hackney Carriage Vehicle Limitation Policy by somebody who was refused, based solely on a limitation policy.
- 6.2 The policy and justification for applying a limit would need to be reviewed every three years.
- 6.3 It should also be noted that Government policy discourages too much interference with “market forces” and tends to prefer quality controls over quantity ones. The Government are also in the process of reviewing taxi related legislation, however at the point of writing there has been no indication given as to when the review will be finalised.

## **7. Alternative Option(s) considered**

- 7.1 The authority can attempt to restrict the number of vehicles in a hackney carriage fleet by using quality controls. For example, controls on age or types of vehicles used, which can have a similar effect to increasing the cost of entry to the hackney carriage vehicle market. Other quality controls adopted by other local authorities include mileage limitations on vehicles, restrictions to where proprietors live and even on exhaust emissions and greener vehicles in areas with elevated air pollution levels.
- 7.2 At the present time, the quality controls applied to a new hackney carriage license application are that it must be a brand new vehicle and have side loading wheelchair accessibility.

## **8. Background**

- 8.1 In 1974, Warwick District Council agreed to restrict the number of hackney carriage licences in its area. The main driving factor at the time was to ensure, as far as possible, that an adequate service was provided during off-peak hours. This position was considered again in 1999 when it was reported there appeared to be an unmet demand for wheelchair accessible vehicles. Subsequently the sub-committee decided to rescind the cap on numbers and agreed new licences would only be granted which had facilities for carrying disabled persons in a wheelchair.
- 8.2 In 2003, following representation from taxi proprietors, Members were asked to consider whether to agree in principal to re-introduce the limit on the number of Hackney carriage licenses and officers were requested to obtain quotes for a survey. However, no record can be found of any such survey having been carried out at this time.
- 8.3 In August 2015 the council appointed CTS Traffic and Transportation to undertake a survey of demand for hackney carriages in the Warwick District. The review was carried out between September 2015 and February 2016. The review methodology included on-street pedestrian surveys, consultation with drivers, rank surveys, and communication with other stakeholders such as local business the police and town councils. The final report was submitted to the Head of Health & Community Protection in September 2016 and shared with the Drivers and Operators Forum in November 2016, the report was then downloaded onto the council website for public view.



THE DATA COLLECTION SPECIALISTS

## Warwick District Council Hackney carriage unmet demand survey Final Report

July 2016





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## **Data Quality Assurance:**

Report by: Ian Millership

Date: 21/06/16

Checked by: Joe Maclaren

Date: 04/07/16





## **Executive summary**

CTS Traffic and Transportation were appointed by Warwick District Council to undertake their "Hackney carriage unmet demand survey" on 14<sup>th</sup> August 2015. This report presents the results of all investigations undertaken to provide a database of robust information on which a decision can be taken by councillors in regard to the possibility of applying a hackney carriage vehicle limitation policy. All research was undertaken in line with the current Department for Transport Best Practice Guidance (April 2010) and taking advantage of the extensive research undertaken by the Law Commission in their recent review of licensing.

The review was undertaken between September 2015 and February 2016 with most survey work in October or November 2015, followed by a trade survey, with key stakeholder consultation during most of the study period.

Warwick District is one of five district councils operating within the County of Warwickshire. Highway and transport powers are at the County level, who have a relatively unique taxi and private hire vehicle strategy in place within its Local Transport Plan. Warwick District Council never appears to have applied its power to restrict hackney carriage vehicle numbers, and currently anyone can obtain a hackney carriage vehicle licence for the District. Concerns exist that there are too many vehicles to meet the current demand.

DfT has produced statistics about the licensed vehicle trade comprehensively since 1997, and since 1994 for hackney carriages. Normal practice is to compare vehicle and driver growth over these periods although the 1985 Transport Act first impinged on these numbers around 1988 when the first unmet demand studies occurred. Hackney carriage growth has been the main increase in licensed vehicles over this period, some threefold, whilst private hire vehicles have only increased by 20%, typical where there are no limits on vehicle numbers. Driver growth has been less – 26% - suggesting that much vehicle growth has been people obtaining their own vehicle. All drivers can drive either a hackney carriage or a private hire.

A fairly unique local issue is that the fleet size can appear very much larger than it actually is since lapsed numbers are not re-used. This means the highest fleet numbers are more than the actual number of vehicles, particularly noticeable on the private hire side where numbers start at 500, with the highest plate number in excess of 1,000, but there are in fact just 185 vehicles (at the time of our survey). Hackney carriages have a highest number of 250, but there were only 213 in service.

252 hours of rank surveys were undertaken and analysed. This included all ranks including the private ones on Chiltern Railways land. Of all the vehicle departures observed, 10% were private cars and just 2% were private hire, both figures suggesting relatively low abuse of ranks across the area. Of the hackney carriages observed, 59% were WAV style, in the same order as the 72% that are understood to be in the fleet at present.

No rank was active 24/7. Hamilton Terrace and the Leamington Spa station saw the longest activity hours. Three ranks were dependent on club patronage and opening. Overall passenger demand at ranks was low. Service to ranks was very good to fair.

Most ranks saw excess levels of vehicles compared to passengers. 63% of the fleet was found to be operating in a sample within the survey period. A high peak at one club used a quarter of the fleet with no passenger there ever having to wait for a vehicle to arrive.

The private Leamington Spa station rank takes 38% of estimated weekly demand followed by 19% at Hamilton Terrace. Although there is unmet demand, this was found to be far from significant in terms of the industry standard index of significance of unmet demand.

250 people were interviewed in the streets across the District. 47% had used a licensed vehicle in the last three months with overall usage 1.6 trips per person per month, dropping to 0.6 for those saying they had used hackney carriages. 33% said they used ranks, a relatively high level compared to many other areas. Despite the bulk of vehicles being hackney carriage, most companies phoned were pure private hire, although there was a high number of companies named and relatively little brand loyalty.

38% of people could not remember using a hackney carriage with 26% not being able to remember seeing a hackney carriage in the area, a relatively high level compared to other surveys. Levels tend to be higher either where there is a fully wheel chair accessible fleet or where there is a livery, or both. People were satisfied with current rank provision and most ranks including those at night clubs were known about. However, the Warwick and Kenilworth ranks tended only to be known about locally.

The proportion of people surveyed needing a wheel chair accessible vehicle was higher than normal, at around 13%, with most saying they needed a wheel chair accessible style rather than any other adapted style.

Key stakeholder response from businesses mainly focussed on usage of private hire although some were aware of ranks their customers used. The response from the hospital, police and disability groups was disappointing (but not unusual for this kind of study). The response by other groups, particularly the town and parish councils, was excellent, as was response from the Warwick University Student Union.

There was a 10% response to our trade survey. 76% were from hackney carriage and 79% owned their own vehicles. Most seemed to work on a one-man basis and by direct calls if they were contactable by phone. The working week tended to be low, five days and 34 hours on average. There was a 79% vote for returning a limit on hackney carriage vehicle numbers. Many said this would reduce driver tiredness by holding numbers at the current level and providing stability of income. Most of these told us they noticed every time an extra vehicle was added through further reductions in income.

Although the market for licensed vehicles appears to be strongly technology based, there remain several important rank-based operations in the area, although even within these there are significant different modus operandii. The current estimated level of 5,986 passenger trips for an average week implies 15 jobs per vehicle per week from ranks. However, we also identified that most potential hackney carriage demand is met by hackney carriages rather than by private hire, even at lesser used ranks such as the one in Kenilworth.

Leamington is the main 'hackney carriage country' of the District. Despite relatively low demand for the size of the town, there are two highly active ranks supplemented by other night ranks, yet still having one informal area without a rank active. General waiting times by vehicles at the main Leamington council rank can be high. Service to school contracts can cause shortages here however. The station rank sees commuter usage in both directions and there can be issues when busier trains arrive.

Warwick has just one active rank which is an unusual design with safety concerns. It is also felt it would benefit from better advertising. The Kenilworth rank is only used at very specific times. There are opportunities to grow demand here when the new station opens, although this is now not expected till 2017.

A key issue is safety and operational practise at the Smack rank. Students need better information on what is legal, and stewards are continually needed here for student nights. There is need for better and longer term understanding of the needs of students and this location which have only been touched upon within our study.

There is no significant unmet demand in the area, and the best estimate of excess capacity is that on average there is 20% more supply than demand, although this obviously increases much more in the non-peak times which people tend to prefer to service.



# **1. Introduction**

Warwick District Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the council area. At the present time there is no limit on hackney carriage vehicle numbers and this has been the case since DfT statistics have been published (1997).

## **Study timetable**

Warwick District Council appointed CTS Traffic and Transportation on 14<sup>th</sup> August 2015 to undertake this survey of demand for hackney carriages in line with our quotation dated July 2015.

The review was carried out between September 2015 and February 2016, with on-street pedestrian survey work undertaken in October 2015. Licensed vehicle drivers were consulted by a letter sent out during November 2015, with other stakeholder consultation between September and March 2016. Rank surveys were undertaken in November 2015. A Draft Final report was submitted and this was reviewed in mid-March 2016 to identify any factual or missing issues.

## **National background and definitions**

At the present time, hackney carriage and private hire licensing is carried out under the Town Police Clauses Act 1847 (as amended by various further legislation including the Transport Act 1985, especially Section 16) in regard to hackney carriages and the Local Government (Miscellaneous Provisions) Act 1976 with reference to private hire vehicles. A number of modifications have been made within more recent legislation and through case law.

The issue of limits on hackney carriage vehicle licences (and other potentially restrictive practices) were considered by the Office of Fair Trading (OfT) (and latterly the House of Commons Select Committee on Transport). The Department for Transport most recently published Best Practice Guidance in April 2010 to cover a number of more recent issues and take on board both the recommendations of the OfT and House of Commons Select Committee (HoC SC).

More recently a further HoC SC has led to the Law Commission (LC) taking on a wide ranging review of vehicle licensing law to be completed over the next few years. The consultation document from the LC was released in mid-May 2012.

The final LC recommendations published on 23<sup>rd</sup> May 2014 including 84 recommendations (specific recommendation numbers in brackets below from Report) including:

- Retaining the two-tier system (1)
- A statutory definition of pre-booking (3) and a new offence of anyone other than a locally licensed taxi driver accepting a booking 'there and then' (10)
- That the term "hackney carriage" should be replaced in legislation with the word "taxi" (4)
- New duty on taxi drivers to stop in specified circumstances if so determined by the local licensing authority (12)
- Each licensing authority under a duty to consult on the need to alter rank provision, not exceeding every three years (13)
- Introduction of national standards for taxi and private hire services (30)
- Licensing authorities retain power to set local taxi standards over and above national standards (46)
- A more flexible power to introduce and remove taxi licensing zones (57)
- Licensing authorities continue to have power to limit the number of taxi vehicles licensed in their area (58)
- Subject to a statutory public interest test with how this statutory test should be applied determined by the Secretary of State (59)
- Reviewed every three years and subject to local consultation (60)
- Mandatory disability awareness training for all drivers (62)
- An accessibility review at three year intervals (65)

Other recommendations are included of less relevance to this current report. At the time of writing this report, there has still been no further Government response to the report or Draft Bill, although it remains a key think-piece on current industry concerns and potential solutions.

The Deregulation Bill originally contained three clauses impacting on taxi licensing. These cover unlicensed relatives being able to drive private hire vehicles (dropped), operators being able to transfer work across borders and length of driver and operator licences. An opportunity was also given for trade representatives to identify conditions of licence that were felt to be unduly restrictive. None of these really impact on the issue of unmet demand directly but could have some impacts on operations which might move demand from hackney carriages towards private hire more than the current situation might. Both clauses taken forward came into effect in October 2015.

At the present time, each licensing authority in England supervises the operations of two different kinds of locally licensed vehicle. For clarity, all vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing and licensing authorities only have jurisdiction over those carrying eight or less passengers. These vehicles are subdivided into:

- Hackney carriage vehicles (sometimes referred to as 'taxis' in legislation), which alone are able to wait at ranks and pick up people in the street (ply for hire). To operate such a vehicle also requires a driver to be licensed to drive within the area the vehicle is licensed to operate. However, such vehicles are also able to operate as private hire.
- Private hire vehicles, which can only be booked through an operating centre and who, otherwise, are not insured for their passengers (often also known as 'taxis' by the public). To operate such a vehicle requires a vehicle and driver licence, and there must also be an affiliation to an operator. Such vehicles can only transport passengers who have made bookings via this operator.

For the sake of clarity, this report will refer to 'licensed vehicles' when meaning hackney carriage and private hire collectively, and to the specific type when referencing either specific type of vehicle. The term 'taxi' will be avoided as far as possible, although it has to be used in its colloquial form when dealing with the public, few of whom are aware of the detailed differences.

There is a further current issue that does impact on demand – the fact that many hackney carriages once properly licensed in an area with a driver then undertake private hire work in other licensing areas, often many miles from their home base. Such vehicles can have cost base advantages and can appear to be available for immediate hire when they are not in fact legally able to do so (e.g. with stickers saying 'this vehicle can be hired immediately', which only applies within their licensing area).

This particular issue has become more complicated with the Deregulation Bill right of private hire operators to subcontract work to operators in other areas. Contrariwise, some authorities who have licensed vast numbers of hackney carriages which have ended up working outside that authority area are now attempting to reign this back by various methods.

### **Review aims and objectives – national background**

Warwick District Council is seeking a review of their current policy towards hackney carriage quantity control in line with current Department for Transport (DfT) Best Practice guidance as published in April 2010. Further background information about previous policy is contained in Chapter 2 to set the context of the current situation.

The “Best Practice Guidance” paragraph 47 states: “Most licensing authorities do not impose quantity restrictions the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered....”. Our database of taxi regulation, updated to January 2016, shows 92 authorities who openly declare a limit on hackney carriage vehicle numbers.

There are other licensing authorities who restrict new plates to various levels of wheelchair accessible vehicles and have various levels of grandfather rights for the remaining saloon vehicles which are effectively often limited in number albeit not in the terms of a formal limit under Section 16 (as this is counted as quality restriction rather than quantity).

Of the 92 authorities in England and Wales with a formal limit on vehicle numbers, four have never seemed to have any formal study of the limit. A further 26 have tested their policy, but on an irregular basis (and not within the last three years). Over two thirds (62 authorities) undertake a regular review, all but three of which tend to undertake this more or less every three years. Many of these authorities are very strict on their repeat cycle.

In recent years several authorities have determined to remove their limit policy – most recently Exeter. Others – most recently Cambridge – have returned a limit. In some cases, authorities returning a limit set either a ‘settling limit’ e.g. Watford, or a limit beneath the current level (Chesterfield), whilst others fixed at the level when the decision was made (allowing for vehicles in the pipeline at the time of decision). Some limited authorities (notably Knowsley) have set a new limit lower than the current to take account of dormant licences at time of survey. Some authorities still are found needing to issue plates (e.g. BANES).

Some authorities (two known at present) are presently considering if a limit should be re-applied or applied for the first time given current circumstances in their area. Warwick is one of these authorities.

### **Current Warwick requirements**

There is no record of any previous study of demand for hackney carriages in the Warwick District Council (WDC) licensing area.

The key objectives of the independent study of demand are to:

- See if the district has a sufficient amount of hackney carriages
- To see if these are of the right type to meet current accessibility needs of the area
- To identify if there is currently any unmet demand in the area which is significant



## **Study Requirements**

The Council requires the study to:

- Include an assessment of the use of each taxi rank including patent and suppressed usage
- Evaluation of the Warwick district population identifying specific needs and disabilities
- Assess number of taxis licensed against demand of population
- Estimate delays and give comparisons to demand
- Identify peak areas, times and dates of usage
- Consult on rank provision identifying if current ranks should be removed, moved, or new ranks introduced
- Consult with trade, council, general public and other relevant stakeholders regarding the taxi service
- Provide evidence of any issues associated with ranks or peak areas / times of demand for hackney carriages
- Provide recommendations to the required number of licensed vehicles
- Provide observations and evidence to support any conclusions

## **Study Content**

The study includes the following:

- Inception meeting
- Rank review
- Rank observations
- Public attitude interviews
- including face to face interviews supplemented by other council provided opportunities
- Written consultation
- Report (draft and final)

## **Methodology**

In order to meet WDC's objectives, the following methodology was adopted:

- Review of relevant policies, standards etc.: to understand the authority's aspirations for meeting travel needs and social inclusion and provide context to determining overall demand for travel and how this should be met;
- Extensive rank observations and audits of all the ranks in the Authority, including monitoring passengers' waiting time, any illegal plying for hire, use of Hackney Carriages by wheelchair users and rank audits;
- On street interviews: a survey of 250 representative people on street to obtain information about their understanding of the sector, their last taxi journey, their overall levels of taxi use, about quality and barriers to use;
- Consultation: including consultation with all relevant stakeholders – the local authorities, police, trade associations, all drivers, mobility impaired, specific user groups, businesses, and other major generators of taxi trips

In essence, the methodology used follows similar principles to all surveys undertaken by CTS together with all developments of methodology more recently applied to our surveys, particularly including guidance from both the 2004 DfT letter and their 2010 Best Practice Guidance (which includes the 2004 guidance as an appendix), and including the latest knowledge arising from the Law Commission Review and the current status of the Equality Act. This report also seeks to provide compatibility with previous reports provided by other consultants to the Council.

### **Report structure**

This Report provides the following further chapters:

- Chapter 2 – current background to taxi licensing statistics and policy
- Chapter 3 – results from the rank surveys
- Chapter 4 – results from the surveys undertaken with the public
- Chapter 5 – up to date stakeholder consultation
- Chapter 6 – results from consultation with the taxi licensing trade
- Chapter 7 – summary and conclusions of this review
- Chapter 8 – recommendations for policy arising from this review.

## **2. Background to taxi licensing in Warwick**

### **The Warwick District Council area**

Warwick District Council (WDC) is one of five district councils within the Warwickshire County Council area and comprises four towns – Leamington Spa, Warwick, Kenilworth and Whitnash together with numerous villages.

Warwick, Leamington and Whitnash provide an almost contiguous urban area running through the centre of the District. Kenilworth is an almost separate town lying directly between Leamington Spa and Coventry. Warwick University is sited on the border between Warwick District Council and Coventry with much of the formal business part of the University actually outside the borders of Warwick District Council.

In public transport terms, Warwick and Leamington are on the rapidly developing Chiltern Railways route between Kidderminster, Birmingham and London Marylebone. The area includes the more recent station of Warwick Parkway located very near to the M42. There is also a link from Leamington Spa and Warwick onwards to Stratford upon Avon, as well as Leamington Spa being a key station on the Cross Country network which links Manchester and the North East via Birmingham to Banbury, Oxford, Reading and Bournemouth. One train per hour uses the route to Coventry, which although passing through Kenilworth does not currently have any station there. Bus services focus on the Warwick – Leamington urban area but also radiate to Coventry northwards.

In terms of rank provision, whilst most ranks are provided by Warwickshire County Council, there are two private ranks provided by Chiltern Railways at Warwick Parkway and at Leamington Spa railway stations. The former rank at Warwick station is now serviced by a private hire booking office which is within the main station building and subject of a private agreement.

### **Background Council policy**

Warwick is a District Council within Warwickshire County Council, the latter having highway and transport powers for the area. Transport Policy is summarised in the current Local Transport Plan (LTP). The third LTP covers the period 2011 to 2026. Its principal aim is to manage, maintain and improve the transport network across the Warwickshire county area to ensure the transport system meets the needs of those who live, work and visit the County. There are a number of references and policies regarding hackney carriage (called taxi in the LTP) and also private hire vehicles. A summary of these is provided below.

The main reference to “taxis and private hire vehicles” is stating that enhanced facilities for them will be provided at key interchanges consistent with the aims set out in the Public Transport Interchange Strategy. There is a stated aim to develop taxibus services to meet specific demand in the County where conventional public transport is neither operationally or economically appropriate.

There is also comment that any new station at Kenilworth will include appropriate taxi provision to ensure the station is fully part of the overall transport network in the area. Proposals for improvement of the Leamington Spa station public transport interchange will also propose enhanced facilities for both hackney carriage (taxi) and private hire vehicles providing links for rail customers.

The LTP notes that “taxis and private hire vehicles” are key providers of surface access from the area to aviation facilities. It acknowledges that fares to such locations are generally expensive but often the only viable form of alternative to the car for local residents.

The LTP identifies that hackney carriage and private hire will be an appropriate part of access opportunities either as a single mode or within an appropriate combination allowing people the access they need. It points out that the Warwickshire county area statistics in the West Midlands Travel Survey 2001 stated “people without access to a car are four times more likely to use a public transport service, including taxis and private hire vehicles than people with access to a car. This is particularly true when bus and rail services are not operating, either by temporal or geographical constraints on their operation.

Chapter 30 of the LTP provides a specific “taxi and private hire vehicle strategy” for the overall Warwickshire county area. The aim is to ensure that they play their full role in helping meet the needs of current and potential passengers in all of Warwickshire county. It quotes the 2004 Government Action Plan for taxis and private hire vehicles. This recognised the role in providing both the first and last stage of journeys by other modes as well as providing people in lower income groups with access to vital services and an enhanced quality of life.

It acknowledges that the County makes extensive use of taxis and private hire vehicles to meet certain school / college / Social services journeys, but that the main responsibility lies with the relevant district council. Problems include:

- High cost of fares compared to bus (three to four times more)
- Wide variation by district and by operator
- Large numbers of vehicles not within the DDA guidance
- Rogue operators affecting reputations

Taxis and private hire vehicles are known to provide a flexible service, and a thriving, efficient and affordable taxi service clearly contributes to a towns' economy and benefits both local residents and tourists. They provide specialist provision for people with various impairments. They provide a 24/7/365 service, security, local knowledge, assistance for those with luggage, and a mode able to provide for any destination or origin.

Warwickshire County Council states its vision for taxis and private hires as:

"an affordable, accessible, safe, convenient and environmentally friendly provision across the County, capable of meeting local demand, improving accessibility and reducing social exclusion, contributing to the achievement of the objectives in the LTP". A key matter is working in partnership with the Districts to deliver aims and objectives (Policy PTT1). Policy PTT2 states "the County will work in partnership to encourage the provision of taxis and private hire vehicles in the County which are affordable, accessible, available and acceptable."

It is important that information should be readily available, easy to understand and simple to use, including typical charges likely. Signage to taxi facilities is also important. Policy PTT3 supports taxibus development. Policy PTT4 supports improvements at public transport interchanges for taxi and private hire. There is a stated aim to include taxi options within the Traveline facility. The County would also wish to encourage 'greener' taxi vehicles.

In conclusion, the County seeks to support taxi service provisions (both hackney carriage and private hire) within a framework that works with the local District.

### **Policy of restricting hackney carriage vehicle licences**

Warwick has a power to restrict the number of hackney carriage vehicle licences it grants when it is satisfied there is no unmet demand for the services of hackney carriages which is deemed to be significant. This power has been in this format since the introduction of the 1985 Transport Act, Section 16 (before which the power to limit was unfettered). Warwick does not currently exercise this power.

At the present time, overall government taxi policy is under review by the Law Commission (LC) (see Chapter 1, page 1 for more detail). The current status is that the LC recommended that councils are able to retain the option of limiting their number of hackney carriage vehicles, although any change will have to be agreed by Government and then taken through any appropriate legal process. Formal Government encouragement remains towards the minimisation of restrictions, including limit policies.

There is no record of any previous survey of demand within Warwick District Council area. The background to this current survey is that the Council received a petition stating there were too many taxis for the

community. Over 75% were in favour of a survey being undertaken. This Report is undertaken within the context of these requirements.

## Background statistics

Information was obtained to demonstrate the current make-up of the licensed vehicle fleet in the Warwick area, including current vehicle trends. The table below shows the historic level of vehicle numbers in this area. These statistics are taken from the national Department for Transport database which is comprehensive from 1997 and also provides hackney carriage details from 1994. Impact of the 1985 Transport Act which introduced the need for unmet demand surveys was first noticed in around 1988 when the first of these surveys were undertaken to justify the level of vehicle numbers at that time. Prior to that, councils could limit hackney carriage vehicle numbers in an unfettered manner, in other words, without any formal need to justify their policy, and therefore without any need for independent review of the impacts.

The statistics below utilise the full DfT database in a way normally undertaken within our unmet demand studies, allowing comparison over the longest formally available period. It does not preclude other comparisons within the data set, but does leave the full picture available.

	<b>Hackney carriage vehicles</b>	<b>Private hire vehicles</b>	<b>Total licensed vehicle fleet</b>	<b>Driver numbers</b>				<b>Operators</b>
				<b>Hcd</b>	<b>phd</b>	<b>Dual</b>	<b>Total</b>	
<b>1994</b>	69	unknown	n/k	118				
<b>1997</b>	65 (6)	145	210	110	282	0	392	
<b>1999</b>	65 (6)	158	223	110	270	0	380	25
<b>2001</b>	81 (25)	149	230	146	307	0	543	25
<b>2004</b>	81 (11)	149	230	146	307	0	543	25
<b>2005</b>	81 (25)	149	230	146	307	0	453	25
<b>2007</b>	165 (79)	220	385	0	0	350	350	35
<b>2009</b>	162 (63)	220	382	0	0	453	453	55
<b>2010</b>	166 (60)	190 (11)	356	Not collected				
<b>2011</b>	163 (66)	190 (16)	353	0	0	500	500	53
<b>2012</b>	187 (66)	313 (8)	500	Not collected				
<b>2013</b>	186 (67)	198 (0)	384	0	0	479	479	57
<b>2014</b>	194 (68)	360 (7)	554	Not collected				
<b>2015</b>	205 (67)	174 (0)	379	0	0	495	495	68
<b>2016</b>	213 (72)	185 (2+)	398	0	0			68

*Note: DfT statistics used from 1994 to 2009, 2011, 2013.*

*National Private Hire Association survey for 2010 / 2012/ 2014.*

*Council statistics for time of survey (Autumn 2015) and at March 7 2016*

Since 1994 when DfT statistics were first published, there has been almost a threefold growth in hackney carriage vehicle numbers. From 1997 the overall private hire growth has been just 20% given the lack of restriction on hackney carriage vehicle numbers in the area – i.e. people appear to be choosing to use hackney carriages for the generic taxi trade rather than private hire. There have been some apparent increases of private hire vehicle numbers but it is understood these are issues with the data provided rather than actual increases. The overall growth in fleet size from 1997 to date is about 80%. It has to be noted that growth of the hackney carriage fleet since 2007 has been just 29% in which period the private hire fleet actually decreased by 16%, tipping the balance towards hackney carriages in the area further.

The fact that most growth in an unrestricted vehicle policy environment is hackney carriage may also imply that many of these hackney carriage vehicles rarely see regular ranks, but do have the option of meeting demand on a non-prebooked format when necessary (such as being able to pick up outside busy night venues).

Dual driver licensing was introduced in 2007. Since 1997 overall driver numbers have increased about 26% - less than the overall growth in vehicle numbers although there are still about 31% more drivers than vehicles in total, suggesting some element of double shifting or renting does occur.

The level of operator numbers is very high – with just over 2.5 private hire vehicles per operator on average. Even if it was assumed all hackney carriages were part of private hire operators, the average fleet size would only be just under 6 vehicles per company. This potentially suggests a high level of competition in the area

It is also noted that plate numbers run from 1 to 499 for hackney carriage. The highest current plate number is 250, but numbers are not re-used so there are many numbers not in use. The same is true on the private hire side. There, numbers run from 501 upwards, with the highest number now being over 1000 (but the same applies, there are many gaps and nowhere near that level of vehicles). There is some thought that having such a numbering system gives a false sense of the level of plates on issue.

### ***Vehicle Accessibility***

The level of vehicles which are wheel chair accessible (WAV) is moderate – but also appears to have fallen from potentially higher levels which may be issues with the information. There are around 2% of WAV style vehicles in the private hire fleet according to the latest information.



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### **3. Results from rank surveys**

During the course of preparation of our bid for this survey, a list of ranks was identified provided on the Warwick District Council website. This list was used as the basis for our proposed rank surveys. The list and the detailed specification for the survey were updated at the inception meeting.

The council list identifies seven ranks in Leamington. Of these, the main all-day rank is that located 'opposite the Leamington Police Station, Holly Walk'. This rank is actually located along the northern edge of Hamilton Terrace opposite the Police Station. It provides a significant amount of capacity although often over-spilling into the parking spaces provided further along Hamilton Terrace. The other all-day rank is located outside Boots, again on the northern side of Warwick Street, but we were advised this location is little used. The only other all-day rank listed is that at Leamington Spa railway station, although this is a private rank requiring an extra permit from Chiltern Railways.

The other four listed Leamington ranks are in fact night only and outside pubs or clubs. The Copper Pot rank (Warwick Street) (formally listed as outside Duke on the internet list) tends to service a wider clientele but we were advised that it was dissuaded from being used by the marshals when the main night club was in operation since vehicles using this rank could cause safety issues. The remaining three ranks relate to specific clubs – The Assembly, Rio's and Smack (formerly known as Sugars and listed as such on the internet list). All operate only when the night clubs operate. There is a further location not on the current internet list, a two space rank operating from 20:00 onwards outside Vialli's on Lower Parade.

We were advised that there is one other location where hackney carriages tended to form informal ranks in Leamington Spa at night – near another club (Moo Bar).

There is a rank at Abbey End, Kenilworth, and another adjacent to Costa Coffee in Warwick. Warwick Parkway has a private rank again under contract to Chiltern Railways. It was identified that the former rank at Warwick Railway station was now superseded by a private hire office whose base was located within the buildings of Warwick station and who used the area outside the station as parking. Any person wanting to travel onwards from this location by 'taxi' would automatically use the private hire company located here.

The above information was utilised to revise the rank observation specification to better cover the observed use of ranks. Rank surveys were undertaken and some further changes applied arising from issues with the equipment used for data collection.

During our research we did not find evidence of any other ranks within the Warwick area and understand our rank coverage is therefore comprehensive as required by the Department for Transport's Best Practice Guidance on taxi and private hire licensing (BPG). The only private ranks we are aware of are the two provided by Chiltern Railways at Warwick Parkway and Leamington Spa stations.

Surveys were proposed during the tender stage of the project (as informed by information received from the Council before tendering), and were modified at the inception meeting to take account of current expectation of times of use of ranks and informal rank locations. The proposed level of rank observations was set to 250 hours. Appendix 1 provides a summary of the hours covered over the weekend of Thursday 5<sup>th</sup> November 2016 through to Sunday 8<sup>th</sup> November. An additional set of information was obtained on Tuesday 15<sup>th</sup> December (actually more into the early hours of Wednesday 16<sup>th</sup>) at the rank near the Smack night club given that we were advised that Tuesday evening was the main usage of this location. In the event, some 252 hours of video were collected and analysed (including the four hours at Smack on the Tuesday night). The coverage is shown in detail in **Appendix 1**. For the sake of completeness this also shows the proposed hours which were lost although the additional hours added are not identified separately.

Ranks were observed, using video methods with the recordings observed by trained staff, and analysed to provide details of the usage and waiting times for both passengers and vehicles. Passenger waiting time was kept to that which was true unmet demand, i.e. when passengers were waiting but no hackney carriage vehicle was there. Full details of the observed volumes of passenger and vehicle traffic are included in **Appendix 2**. Our observations always take account of feeder ranks where necessary to ensure true estimation of the hackney carriage waiting times at ranks for passengers (although there were no such locations amongst the ranks observed in Warwick).

### **Overall comments on ranks**

A total of 22 different rank locations / days were observed (each termed a sample). In total, 1,979 vehicle departures were recorded. Of the total vehicle departures observed, 10% were private cars at or near the ranks. 1% was goods vehicles. 2% were private hire vehicles and there was just one case where emergency vehicles stopped at a rank. A further site was observed manually at Smack on a Tuesday (making a total of 23 sites/days).

No people accessed hackney carriages at ranks in a wheel chair across the area during our survey. One person was noted as being visibly disabled but not in a wheel chair. A further 16 people across the area were seen to be assisted by the driver to get into a vehicle.

Of all the hackney carriage observations (87% of the overall sample), 59% were believed to be wheel chair accessible (WAV) style. This is very similar to the level of such vehicles within the current fleet.

## Detailed rank performance

The Table below summarises the time periods observed at each location as well as providing overall operational statistics for each location during each period of observation. A detailed description of the observations follows below.

Rank	Period (2015)	Total passengers observed	Total loaded vehicle departures	Passengers per loaded vehicle	Empty vehicle departures	% of vehicles leaving empty	No. of passengers having to wait for vehicle to arrive
<b>Leamington Spa ranks</b>							
Hamilton Terrace	Thursday 5 <sup>th</sup> Nov	94	67	1.4	44	40	2
	Friday 6 <sup>th</sup> Nov	251	160	1.6	68	30	13
	Saturday 7 <sup>th</sup> Nov	284	150	1.9	68	31	0
	Sunday 8 <sup>th</sup> Nov	39	23	1.7	24	51	0
Boots	Saturday 7 <sup>th</sup> Nov	2	1	2	6	86	0
Copper Pot	Thursday 5 <sup>th</sup> Nov	92	37	2.5	38	51	0
	Saturday 7 <sup>th</sup> Nov	120	55	2.2	40	42	2
The Assembly	Friday 6 <sup>th</sup> Nov	74	32	2.3	69	68	1
	Saturday 7 <sup>th</sup> Nov	7	2	3.5	12	86	0
Rio's	Thursday 5 <sup>th</sup> Nov	0	0	0	2	100	0
	Saturday 7 <sup>th</sup> Nov	52	29	1.8	29	50	7
Smack	Thursday 5 <sup>th</sup> Nov	40	12	3.3	15	56	0
	Friday 6 <sup>th</sup> Nov	34	13	2.6	13	50	0
	Saturday 7 <sup>th</sup> Nov	9	4	2.3	1	20	0
	Tuesday 15 <sup>th</sup> Dec	161	59	2.7	11	16	0
Vialli's	Friday 6 <sup>th</sup> Nov	35	18	1.9	80	82	1
<b>Kenilworth rank</b>							
Abbey End	Friday 6 <sup>th</sup> Nov	92	43	2.1	10	19	1
<b>Warwick rank</b>							
Costa	Friday 6 <sup>th</sup> Nov	122	59	2.1	9	13	3
	Saturday 7 <sup>th</sup> Nov	40	17	2.4	12	41	2
<b>Informal rank</b>							
Moo Bar	Friday 6 <sup>th</sup> Nov	0	0	0	5	100	0
	Saturday 7 <sup>th</sup> Nov	9	4	2.3	15	79	1
<b>Private ranks</b>							
Warwick Parkway	Friday 6 <sup>th</sup> Nov	64	64	1.0	3	4	0
Leamington Spa Station	Friday 6 <sup>th</sup> Nov	349	243	1.4	118	33	42
<b>TOTALS – all areas</b>		<b>1981</b>	<b>1033</b>	<b>1.8</b>	<b>681</b>	<b>40</b>	<b>75</b>

For each rank, we conclude with an overall qualitative appreciation of the performance of the rank over the days observed:

- Poor – major issues with service to rank resulting in long passenger queues;
- Fair – rank deals with high volumes but sees some passenger queueing at times;
- Good – no passenger queueing observed but nothing else of note in way rank operates;
- Excellent – very high turnover with no passenger queueing and clear examples of drivers helping passengers use rank;
- Developing – rank of recent origin but clearly growing in use

### **Hamilton Terrace rank**

This rank is located on the northern side of Hamilton Terrace at the end towards The Parade and opposite the local Police Station. Passengers would enter vehicles from the driver side, and passenger side loading would be dangerous given the traffic passing by. The rank extends back some way but still regularly sees over-ranking which can often extend into the parking spaces behind the rank. The rank is located on the central traffic island although this is part of the main walking route from north to south in the town centre.

This rank was observed from Thursday 5<sup>th</sup> November 2016 at 15:00 right through to 16:00 on Sunday 8<sup>th</sup> November 2016. Apart from a late start to the observations no planned data was lost.

#### *Thursday observations*

During the Thursday observations 94 passengers were observed leaving in 67 vehicles, giving vehicle occupancy of 1.4 persons per vehicle – low. 44 vehicles left empty (40%), with just two passengers having to wait for a vehicle to arrive. These passengers were in the 01:00 and 02:00 hours with one waiting a minute and another four minutes. Shared over all passengers the average expected wait is just three seconds.

In passenger terms, flows were low – never more than 13 passengers in any hour, and occasionally as low as one passenger. There was no demand at all from the 03:00 hour onwards.

Average vehicle waiting times for fares were very long – between 41 and 96 minutes with one vehicles seen to wait for nearly 2.5 hours at one point.

#### *Friday observations*

During the Friday observations (a full 24 hours) 251 passengers were observed leaving in 160 vehicles, giving vehicle occupancy of 1.6 persons per vehicle – moderate. 68 vehicles left empty (30%), with 13 passengers having to wait for a vehicle to arrive.

Passenger waits occurred in the 11:00, 13:00, 14:00, 17:00, 21:00 to 23:00 and 02:00 hours. In most cases the wait was just one minute, but there was one case of a four minute and another of a three-minute wait.

When averaged over all passengers, the wait was an average of just four seconds.

In passenger terms, flows were between two and 10 from 07:00 until the 12:00 hour. After this, flows were between 10 and 21 up until the 20:00 hour. The 21:00, 22:00 and 23:00 hours were busier with 27, 35 and 27 passengers respectively. After this flows dropped until the 04:00 and 05:00 hours were quiet.

Average vehicle waiting times for fares were much less than on the Thursday. However, there were still longest waiting times up to an hour, and beyond this from 23:00 onwards.

#### *Saturday observations*

During the Saturday observations (which also covered a full 24 hours) 284 passengers were observed leaving in 150 vehicles, giving vehicle occupancy of 1.9 persons per vehicle – high. Some 68 vehicles left empty, 31% of those arriving. No passengers had to wait for a vehicle to arrive.

In passenger terms, flows again were low, between one and eight, in the hours from 07:00 through to 12:00. After this flows were between eight and 19 until the 17:00 hour which saw a peak of 33 passengers. The rank increased in patronage with the peak of 50 seen in the 23:00 hour. Flows were very low from the 02:00 hour onward although only the 04:00 hour saw no passengers at all.

Average vehicle waiting times for fares were between once again extended with some vehicles waiting quite long times before obtaining a fare.

#### *Sunday observations*

During the Sunday, 39 passengers were observed leaving in 23 vehicles, a moderate occupancy of 1.7 per vehicle. 24 vehicles, 51% of those arriving, left without passengers. No passenger arrived when there was no vehicle available to service their needs.

Overall passenger flows were between one and nine – with no passengers in either the 06:00 or 09:00 hours. Vehicles again waited quite long times to obtain fares.

#### *Summary*

Overall, service to this rank is **fair**.

#### **Boots**

This rank is located outside Boots on the northern side of Warwick Street just east of The Parade. It was observed on Saturday 7<sup>th</sup> November 2015 from 09:00 through to 09:00 on the Sunday morning.

During this period there were just two passengers observed, leaving in the same vehicle. A further six vehicles left empty (86%). No passengers ever arrived when no vehicles were there. Vehicles did not tend to wait at the rank long.

### *Summary*

This rank is not really used and no service level can be sensibly given.

### **Copper Pot**

This rank is directly outside this bar / club and vehicles load from the passenger side. It is on the northern side of Warwick Street but on the eastern side of the Parade rather than on the West as the Boots rank is. The nearby road is quite busy so it would not be safe for any driver side loading. The rank is also near the access route to the Smack night club rank and is often discouraged from being used by marshals as movements from this location towards the Smack rank can be dangerous. Unlike the following ranks that are very closely allied to single clubs, this rank is much more central to overall night life in the central Leamington area.

The rank was observed on two nights – Thursday 5<sup>th</sup> November 2015 from 20:00 to 05:00 and on Saturday 7<sup>th</sup> November 2015 from 20:00 to 06:00.

#### *Thursday observations*

On the Thursday a total of 92 passengers used this rank, leaving in some 37 vehicles, a very high occupancy of 2.5 people per vehicle. A further 38 vehicles – just over half of those serving this location left empty. During the course of the observations no passenger ever arrived when there was no vehicle available for immediate hire.

In passenger terms the rank was only used in the hours starting from the 22:00 hour and ending in the 03:00 hour. The peak flow – of some 47 passengers – was in the 02:00 hour. The occupancy of vehicles leaving at this time was incredibly high – 3.6 persons per vehicle suggesting groups leaving together.

Vehicle waits for passengers were relatively long early on, but much less in the peak hour and afterwards. Some vehicle waited here up to 51 minutes for a fare.

#### *Saturday observations*

On the Saturday a marginally higher 120 passengers left the rank, using 55 vehicles, a relatively high occupancy of 2.2 per vehicle. A smaller level of vehicles left empty – 40 vehicles or 42% of those arriving. There were two passengers who arrived when no vehicle was immediately available. One waited 12 minutes in the 04:00 hour whilst another waited just two minutes in the 05:00 hour. Averaged over all passengers, the average typical wait was just seven seconds.

On this night, every hour observed saw passengers use the rank. Flows were often between one and six, but the 22:00, midnight, 01:00 and 02:00 hours all saw between 16 and 30 passengers with the peak observed in the 02:00 hour, after which the rank became quieter but still saw some activity – and leading to the two passenger waits that were observed.

When passenger numbers were low, the average vehicle wait for them was quite high. When the rank became busier, vehicle waits fell to between five and ten minutes and a maximum wait of 35 minutes (at the end of the busy spell).

### *Summary*

Overall service to this rank is **good** and it is clear that people expect to obtain a vehicle from this location (hence the willingness to wait here for 12 minutes).

### ***Leamington Club focussed ranks***

There are three ranks in Leamington which focus very much on the exits from three specific clubs. One of these has changed its name since the formal internet listing. All are very dependent on the activity at the specific clubs which they service.

### **The Assembly (Spencer Street)**

This rank services The Assembly in Spencer Street. Although not far away from the main traffic junction at the lower end of Leamington Parade it is almost exclusively dependent on the clientele from the one club. The rank is in two parts right outside the club exit, and loading would be from the passenger side. The nearby road is very busy and driver side loading would be dangerous.

This rank was observed on Friday 6<sup>th</sup> November 2015 from 22:00 through to 04:00 and again on Saturday 7<sup>th</sup> November 2015 from 19:00 through to the 23:00 hour. From midnight onwards, data from the site was lost due to equipment issues (the memory card used to collect the data failed) although there was some activity before that time which was analysed.

### *Friday observations*

On the Friday 74 passengers left in 32 vehicles, a relatively high occupancy of 2.3 people per vehicle. A further 69 vehicles, 68% of those servicing this point, left the location empty. One person in the 03:00 hour had to wait just a minute for a vehicle to arrive.

Passenger flows began at midnight and ended in the 03:00 hour. The peak flow was 32 in the 03:00 hour. Some vehicles did wait here for passengers although the wait time was reduced for the peak hour.

### *Saturday observations*

On the Saturday, seven people used the rank in the 23:00 hour (earlier than on the Friday). They left in just two vehicles – a very high occupancy of 3.5. The vehicles servicing them did not wait long possibly suggesting these might have been booked trips. None of the passengers arrived when there was no vehicle available for hire. No further information was available from this site on this evening.

### *Summary*

Service to this rank is **good** although it is clearly linked strongly to the club operating hours and days.



### **Rio's, Bedford Street**

This rank is at the rear of many of the shops on the Parade but only accessible from Rio's club. It is directly outside the exit of the club towards the bottom end of the Parade. Passenger loading would be from the driver side of the vehicle although loading from both sides would be relatively safe as the road sees relatively little traffic.

The rank was observed from 21:00 on Thursday 5<sup>th</sup> November 2015 through to 05:00 the next morning and then again from 22:00 on the Saturday 7<sup>th</sup> November through to 06:00.

#### *Thursday observations*

No passengers were observed at all during the Thursday observations and just two vehicles so it is assumed that the club was not operating that night.

#### *Saturday observations*

During the Saturday a total of 52 passengers left in 29 vehicles, a high occupancy of 1.8 persons per vehicle. A further 29 vehicles left empty (50%).

During the operating period some seven passengers arrived when there were no vehicles at the rank. The longest wait was 17 minutes in the 02:00 hour, with just one person waiting in the midnight hour for four minutes, and others waiting other lengths of time in the 02:00 hour. When the total waits are shared out between all passengers using this site this night, the average typical wait was 46 seconds.

Passenger flows started at three in the midnight hour and rose to a peak of 34 in the 02:00 hour, dropping back to five and then zero in the 04:00 hour onwards.

Corresponding vehicle waits for passengers tended to be relatively short, in the order of one to seven minutes, though one vehicle was observed waiting a maximum of 16 minutes.

#### *Summary*

Overall, service to this rank is fair, though very dependent on this one location.

### **Smack, Tavistock Street**

This rank is directly outside the exit from Smack (formerly known as Sugars on the internet listing). This club is one of the main student outlets servicing Warwick University students. It is located on Tavistock Street towards the top end of the Parade. Loading is from the driver side of vehicles although a false one-way does allow vehicles to leave the location without having to turn round – though many still u-turn which can lead to safety issues here. We also understand that one of the key nights for this establishment is Tuesdays, but the club also opens Thursdays to Saturday nights, but not necessarily every week.

The rank was observed on Tuesday 15<sup>th</sup> December 2015 from 23:00 until 05:00, on Thursday 5<sup>th</sup> November 2015 from 20:00 to 05:00, on Friday 6<sup>th</sup> November 2015 from 22:00 to 06:00 and finally on Saturday 7<sup>th</sup> November 2015 again from 22:00 to 06:00. It is accepted that the Tuesday night would likely be a peak of peaks but it was felt important to understand how the rank performed at its busiest. We were also later advised that most students had in fact returned home by this date so the results are felt to be inaccurate – with the next possible date for ‘typical’ usage by students considered by the Council to be mid-October 2016. During none of the observations were any passengers ever seen to have to wait for a vehicle to arrive – in fact in many cases vehicles appeared to be waiting here for passengers for some while (see below for individual days).

#### *Tuesday observations*

On the Tuesday evening (into the early hours of Wednesday) some 161 persons left using this rank in 59 vehicles – a very high occupancy of 2.7 persons per vehicle. Passenger numbers were light in the midnight and 01:00 hours and rose to the peak of 105 in the 03:00 hour, with 16 leaving in the 04:00 hour after which the site became quiet.

We were advised by those watching the location that passengers had plenty of vehicles to choose from. No passengers ever waited for a vehicle to arrive, but a large number clearly moved between vehicles. They told us they were negotiating prices and availability of a vehicle to take them. None appeared to end up without a vehicle although this was difficult to tell with some clearly going to nearby food outlets as their first port of call, mainly returning to a vehicle later. There was no clear rank protocol in people taking the first vehicle available at all.

On first presentation of these results to the Council we were advised that the main student body had all returned home by the time this survey was undertaken. This set of results are therefore considered not to be a true reflection of the Tuesday night demand here – with the next likely true date now mid-October 2016.

#### *Thursday observations*

On the Thursday, first departures were in the 01:00 hour with a peak of 24 in the 02:00 hour and 11 in the 03:00 hour. A total of 40 passengers left in 12 vehicles – an incredibly high occupancy of 3.3 per vehicle. 15 vehicles (56%) left the area empty. Although most vehicle waits were short there were some vehicles appearing to wait some while. There were no passengers in any other hour observed.

#### *Friday observations*

On the Friday some 34 passengers left in 13 vehicles, again a very high occupancy level of 2.6 per vehicle. 13 other vehicles, 50% of those arriving, left without passengers. Passenger flows were much lower, with 10 in the 01:00 hour, 13 in the 02:00 and 10 again in the 03:00 with no other passengers observed apart from one person in the 22:00 hour. Again vehicle waits for fares were relatively short apart from some vehicles which appeared to arrive in the 23:00 hour and wait to return.

### *Saturday observations*

On the Saturday just nine passengers left using four vehicles, still a relatively high occupancy of 2.3 per vehicle. Just one other vehicle left empty – 20% of those observed. There were two passengers in the 02:00 hour and the balance of seven in the 03:00 hour. Vehicle waits were just six to ten minutes.

### *Summary*

Overall service to this rank is **very good**. Whilst all vehicles observed were hackney carriages from the Warwick district, it is not clear how many were booked repeat journeys and how many were speculative waits – some of the evidence of vehicles waiting does suggest some might be booked return trips. It is also still unclear what a typical 'student Tuesday' might look like since our observations, which showed very high demand, were inaccurate as students had ended their term, yet were still very much higher and different to the other three nights observed which were within term time.

### **Lower Parade – near Vialli's**

This area of Lower Parade has several bus stops and food establishments. It is also just north of the gyratory servicing the station and fairly close to one of the night clubs that has its own rank. However, it is a key location where people gather wanting to get home. A two space rank was established here in November 2004. It operates from 20:00 until 05:00 and is not currently on the internet listing of ranks.

The location was observed from 21:00 on Friday 6<sup>th</sup> November 2015 right through to 04:00 on Saturday 7<sup>th</sup> November. Hackney carriages were observed waiting through the entire period. However, one person did have to wait 11 minutes for a vehicle in the midnight hour. In total some 35 passengers left the area in 18 vehicles, an average occupancy of 1.9 per vehicle. 80 hackney carriage vehicles, some 82% of those arriving, left the area empty.

### *Summary*

This rank sees **fair** service and is probably a pausing point for vehicles generally heading towards the other night ranks more towards the centre of Leamington. Given the relatively low demand it appears to have about the right capacity although with just two spaces and being near both bus stops and a busy junction corner, any over-ranking could have serious effects. Were there issues later on, once buses stopped running, consideration could be given to making the bus stop beyond a part time location perhaps after midnight. This is not necessary on the present evidence, however.

### **Abbey End, Kenilworth**

This rank is located on the off-side of a separated carriageway to the north end of the Kenilworth shopping area, with the opposite side being bus stops. Passenger loading would be from the driver side although only a small number of buses use the stops allowing potentially safe access for passengers from either side of the vehicle. However, it is necessary for any

passenger either to cross the main road, or the bus / taxi traffic lanes to access the rank itself.

There is a Holiday Inn opposite the rank and the bus stops / ranks also service a shopping area, albeit to the northern end of the main shopping area and some distance from the main supermarket in the town.

The rank was observed on Friday 6<sup>th</sup> November from 08:00 until midnight. During this period a total of 92 people were observed leaving in 43 vehicles – a relatively high occupancy of 2.1 persons per vehicle. A further ten vehicles, 19% of the total arriving, left empty. During the observations just two people were observed waiting (together) four minutes for a vehicle to arrive.

Passenger flows at this location were generally as expected, very low. During daytime hours there was only one passenger, in the 10:00 hour. This vehicle had waited ten minutes before obtaining a fare. One vehicle was observed pausing at the rank in each hour until the 16:00 hour but all others left without passengers. In the 16:00 hour two people arrived and left in one vehicle after the four-minute wait. There were a few more passengers from the 18:00 hour onwards. Between that hour and the 22:00 hour there were between three and nine passengers in each and every hour. Vehicles tended to wait around the rank at this period – some for extended times with a small number leaving empty.

The peak hour at the rank was the 23:00 hour when some 64 people left in 26 vehicles – and just one vehicle left without passengers. None had to wait for a vehicle to arrive and vehicles tended to wait around for some six minutes.

### *Summary*

Overall service to this rank is **good** although it is clearly only used in evenings when there seems to be more customers around – and not at all in the daytime.

### **Warwick - Costa**

This rank is located outside the Costa coffee shop in the centre of Warwick. The rank is a unique arrangement within the District, being reverse on, drive-off parallel bays. This leads to interesting and potentially dangerous movements of vehicles to be in the right place for passengers to hire them. The general road area is relatively quiet although all passengers have to enter the vehicles from the roadside in one way or another. There is little additional space for extra vehicles to wait.

The location was observed from 11:00 on Friday 6<sup>th</sup> November 2015 until 02:00 on the Saturday morning, and again from 07:00 on the Saturday morning until 18:00 that evening.

### *Friday observations*

During the Friday some 122 passengers left the rank using 59 vehicles – a relatively high occupancy of 2.1 per vehicle. Just nine vehicles left without passengers – 13% of those arriving. There were two people who had to

wait for a vehicle to arrive in the 01:00 hour, waiting up to two minutes. When shared over all passengers, this average wait was just six seconds.

Passenger flows at this location were only two to four per hour between 12:00 and 20:00 hours. After this, flows increased to a peak of 42 in the midnight hour, after which they dropped again to just 10. Vehicles tended to wait long periods for fares, and then ended up leaving when flows increased.

#### *Saturday observations*

On the Saturday just 40 passengers used the rank leaving in 17 vehicles- a very high occupancy of 2.4 persons per vehicle. 12 – some 41% of those arriving – left the rank without passengers.

Passenger flows again did not begin until the 12:00 hour with just a few vehicles arriving and departing empty in those hours. Flows were generally between four and eight in the observed hours from 13:00 to the 17:00 hour, but there was a peak of 15 people in the 16:00 hour. In the 14:00 hour one person waited ten minutes whilst in the 16:00 hour one person waited seven minutes. Shared over all the passengers using the rank, the average wait was 26 seconds.

When the rank was active, vehicle waits tended to be between one and 23 minutes for fares.

#### *Summary*

The overall service summary for this rank is a **good** service. In a similar manner to Kenilworth the rank has specific periods when it is used – principally afternoons and evenings.

#### ***Informal rank – Leamington***

We were advised at inception of an area in Leamington Spa where hackney carriages tend to pick up informally near to one specific location.

#### **Near Moo Bar (Russell Street)**

This location is near to the Smack rank but in a parallel road not easy to get through to the other rank from. This location was observed on Friday 6<sup>th</sup> November 2015 from 22:00 until 01:00. During that period five hackney carriages were observed pausing briefly but not taking any passengers.

Further observations on the Saturday night, from 22:00 again to 01:00, saw nine people leave the area in four hackney carriages. This is a relatively high occupancy of 2.3 per vehicle. A further 15 vehicles were observed pausing in this area for short periods. One person had to wait two minutes to obtain a vehicle – which could be a booking.

#### *Summary*

There is no valid service level for this location although it is clear that it is a location people do meet with hackney carriages although not to any significant extent.

### ***Private ranks – Chiltern Railway stations***

There are two private ranks within the Warwick District. Both are located at Chiltern Railway operated stations.

#### **Warwick Parkway**

This rank is located on Chiltern Railways land immediately outside the booking office of the station. It did not prove possible to find a location for any camera to watch the actual rank, so records were made of hackney carriages arriving and departing from the location.

Records were taken from 07:00 on Friday 6<sup>th</sup> November 2015 until 01:00 the next morning. During this time 64 hackney carriage vehicles serviced the area, waiting between two and 21 minutes before leaving. Peak departures were eight in both the 14:00 and 15:00 hours, with no departures between 20:00 and 23:00 hours, but two in the midnight hour. There were flows in all other hours from 07:00 to 19:00 but varying from one to seven (other than the two peaks).

#### *Summary*

As this is a private rank, with supplementary service rules outside the control of the Council, it cannot be included in the ISUD calculation nor is it appropriate for any service level indicator to be given.

#### **Leamington Spa Station**

This rank needs a supplementary permit from Chiltern Railways. It is located immediately outside the station exit, providing double-banked waiting space and some feeder space the other side of the station exit (although there are potential issues here clashing with other vehicles). The location was observed on Friday 6<sup>th</sup> November 2015 between 06:00 through to 02:00 on the Saturday morning. During this period, some 349 people left the rank in 243 vehicles – a low average of 1.4 persons per vehicle. A further 118 vehicles left the rank without passengers (a third of those observed).

During the course of the day a total of 42 passengers ended up waiting for vehicles to arrive. The longest wait was two people up to 16 minutes in the 16:00 hour. The most people waited in the 09:00 hour, when 15 people had to wait – with one waiting six minutes. Overall all passengers during the period observed, the average expected wait was 33 seconds.

Passenger flows at the station varied between two and 35. The peak flow was in the 23:00 hour. Two other hours saw 30 passengers each – the 08:00 and the 20:00 hours. 09:00 and 19:00 were the only other two hours with passenger numbers in the twenties.

Average vehicle waits were between three and 47 minutes. Longest waits were just under an hour apart from a vehicle waiting just over an hour which arrived at the end of the 23:00 hour.

#### *Summary*

Overall, service to this rank is **fair**

### **Overall comments on rank performance and adequacy**

Generally, performance and behaviour of both drivers and passengers at ranks in the Warwick District area is very good, with a few key exceptions:

- Operation of the Warwick Costa rank – needs significant thought arising from the need to reverse and the method of moving between spaces
- Hamilton Terrace – needs extra space to rear for feeder at busy times to ensure sufficient vehicles available
- Smack – need to discourage lack of use of the false one-way and also stop any cherry picking of fares from this location

The private ranks are not the responsibility of the Council although the only issue arises from shortage of space at Leamington Spa station which can cause issues at some points with other traffic there.

### **Comparison of overall supply and demand**

The Table below provides a slightly different summary of supply and demand, comparing average vehicle arrivals per hour with average loaded departures per hour, i.e. seeing how supply and demand match on average.

Rank	Period	No of hours rank active	Average veh arrivals / hr	Average loaded dep/ hr	Overall judgment of service provided
<b>Leamington Spa Ranks</b>					
Hamilton Terrace	Thursday 5 <sup>th</sup> Nov	12	10	6	Fair
	Friday 6 <sup>th</sup> Nov	20	11	8	
	Saturday 7 <sup>th</sup> Nov	22	10	7	
	Sunday 8 <sup>th</sup> Nov	8	4	3	
Boots	Saturday 7 <sup>th</sup> Nov	1	7	1	N/A
Copper Pot	Thursday 5 <sup>th</sup> Nov	6	13	6	Good
	Saturday 7 <sup>th</sup> Nov	10	10	6	
The Assembly	Friday 6 <sup>th</sup> Nov	4	25	8	Good
	Saturday 7 <sup>th</sup> Nov	1	14	2	
Rio's	Thursday 5 <sup>th</sup> Nov	0	0	0	Fair
	Saturday 7 <sup>th</sup> Nov	4	15	7	
Smack	Thursday 5 <sup>th</sup> Nov	3	9	4	Very good
	Friday 6 <sup>th</sup> Nov	4	7	3	
	Saturday 7 <sup>th</sup> Nov	2	3	2	
	Tuesday 15 <sup>th</sup> Dec	5	14	12	
Vialli's	Friday 6 <sup>th</sup> Nov	7	14	3	Fair
<b>Kenilworth Rank</b>					
Abbey End	Friday 6 <sup>th</sup> Nov	8	7	5	Good
<b>Warwick Rank</b>					
Costa	Friday 6 <sup>th</sup> Nov	14	5	4	Good
	Saturday 7 <sup>th</sup> Nov	6	5	3	

Informal Rank					
Moo Bar	Friday 6 <sup>th</sup> Nov	0	0	0	N/A
	Saturday 7 <sup>th</sup> Nov	2	10	2	
Private Ranks					
Warwick Parkway	Friday 6 <sup>th</sup> Nov	14	5	5	N/A
Leamington Spa Station	Friday 6 <sup>th</sup> Nov	21	17	12	Fair

Twelve different ranks or locations were observed. Of these, none were really active 24/7. The closest two locations to 24/7 operation were Hamilton Terrace and Leamington Spa Station. Three ranks were directly related to specific club operations.

A total of 23 locations / days were observed. When ranked by passengers per hour just two of these observation periods had an average active level of passengers per hour of 12 persons. The next highest usage, at two locations was eight. Two observation periods had no passengers at all.

All observations sets with passengers always had a significant level more vehicles available than passengers – which when occupancy is allowed for suggests a high level of excess vehicles for the demand available. There is even more than enough available for the high peak just before Christmas at Smack.

Overall service levels to ranks tends to be between very good to fair – with quite a number of locations seeing good service to customers. Interestingly one of those with poor service is the Leamington Spa station rank where there is quite a bit of waiting by customers – which may relate to less vehicles being available arising from the permit system. It may also relate to peaks caused by train arrivals.

### **Summary of Total demand**

The table below calculates a typical week from the observations undertaken in 2015. Ranks or pick-up locations are listed in descending order of passenger usage in 2015.

Rank	Passengers per week 2015 survey
Private – Leamington Spa Station	2269 (38%)
Leamington, Hamilton Terrace	1120 (19%)
Warwick, Costa	804 (13%)
Leamington, Copper Pot	456 (7.6%)
Private – Warwick Parkway	450 (7.5%)
Kenilworth, Abbey End	368 (6.1%)
Leamington, Smack	244 (4.1%)
Leamington – Vialli's	105 (1.8%)
Leamington, The Assembly	81 (1.4%)
Leamington, Rio's	52 (0.9%)
Leamington, Boots	24 (0.4%)



Leamington – informal – Moo Bar	14 (0.2%)
<b>Total</b>	<b>5,986</b>

Note – Total includes all observations at relevant points as available, factored to full week from detail available.

The table above shows that the Leamington Spa station rank is the dominant rank in the area – providing some 38% of all demand in a typical week. Second is Hamilton Terrace providing 19%. The Warwick rank provides 13% of passengers. All other ranks provide 7.6% or less in demand terms. Warwick Parkway provides around 7.5% (this might be an underestimate) as we could not record actual passenger departures), with the general night Copper Pot rank taking 7.6%. With the Friday night peak, Abbey End at Kenilworth is next, taking some 6.1% of total passenger demand.

Smack dominates the club demand, although this estimate is possibly on the high end due to the date of the Tuesday observations – which are the main provider of demand at this point.

The rank at Vialli's does provide more than the other two formal club ranks – 1.8% compared to 1.4% for The Assembly and 0.9% for Rio's.

The total passengers estimated in a typical week is just 5,986. Using the average occupancy of 1.8 per vehicle, this equates to 3,326 jobs per week from ranks. With 212 plates sharing equally this would be just 15 jobs per vehicle per week from ranks.

### **Plate activity levels**

A sample of plate numbers were collected during the rank surveys to identify the level of activity of the fleet during the survey. Observations covered each part of the area near to key ranks (but not at the ranks) – covering a total of 8.5 sample hours ranging from 12:00 to 02:00. This included samples in Kenilworth and Warwick as well as around Leamington Spa.

These observations were collected on the Friday of the rank survey work and a total of 417 records were observed. Of these, 133 were identified as different Warwick hackney carriage vehicles. This is 63% of the 212 vehicles active at the time of the survey. This seems a reasonable level allowing for other vehicles not working, but not as high as to suggest any significant playing up to the survey by the trade.

The most frequently seen vehicle was observed 11 times, three vehicles were observed 9 times, two eight times, two vehicles seven times, twelve six times, six vehicles were observed five times, and the remaining 107 vehicles four times or less.

### **Application of the ISUD index**

The industry standard index of significant unmet demand (ISUD) has been used and developed since the initial Government guidance that limits could only apply if there was no significant unmet demand for the service of hackney carriage vehicles. Initially developed by a university, it was then adopted by one of the consultant groups undertaking surveys, developed

further by them in the light of various court challenges, and most recently adopted as an 'industry standard' test utilised by most current practitioners of unmet demand studies.

The index is principally used to identify a statistical guide if observed unmet demand is in fact significant. Early in the process of developing the index, a cut-off point of 80 was identified beneath which no conclusion of unmet demand being significant had been drawn, and over which all studies had concluded there was significant unmet demand. This level has become accepted as the guide. Once unmet demand has been identified as significant it is usual for a calculation to be undertaken to identify the exact number of new licences needed in order to reduce the significance of the unmet demand below the threshold – although this cannot be an exact science in terms of outcomes due to the high number of parameters involved in determining where new licences actually end up working – there is no way to guarantee that licences will focus on reducing the unmet demand at all.

The ISUD calculations draw from various elements of the work, reflecting statistics which seek to capture components of 'significant unmet demand' although principal inputs are from the rank surveys, factored to produce a typical week of observations based on the knowledge available to us.

The current index has two elements which can negate the need for use of the index by setting the value to zero. The first test relates to if there are any daytime hours (Monday to Friday 1000 to 1800) where people are observed to queue for hackney carriages. Using the direct outputs from the survey a value of 23% is estimated.

The other index that could be zero – proportion of passengers in hours in which waits occurred which was over 1 minute – was 4.5%.

The seasonality index is 1.0 since the surveys were undertaken in November 2015.

The area exhibits peaked demand, so this factor is 0.5.

Average passenger delay in minutes across the whole survey is 0.05 minutes (or 3 seconds).

From the public attitude work, the latent demand factor is 1.028, assuming all who did not give an answer had not ever given up waiting – i.e. there were no hackney carriage relevant responses.

The ISUD index is the multiple of all the above. Using detailed numbers (but then rounding) the calculated value is 2.66. This is well short of the cut-off value of 80 suggesting there is no unmet demand in the Warwick area which is significant at this point in time. This result takes on board both patent (measureable) and latent demand. This needs to be considered with other evidence to understand the right course of action with plate

numbers but it is unlikely that this guide value would be reversed by other evidence.

Further discussion occurs below to make use of this information in the decision regarding the significance or otherwise of unmet demand.

### **Summary of incidence of unmet demand**

Unmet demand is defined as any time when a passenger arrives at a clearly designated rank location and finds there is no vehicle available for immediate hire. Patent unmet demand occurs at ranks which regularly see vehicles so that the passenger eventually leaves in a hackney carriage. Latent unmet demand is signified when a person either chooses to walk off before a vehicle arrives, or when they use a location which is marked but which rarely sees vehicles, so again they walk away. This is captured principally in the public attitude on-street interviews.

Unmet demand observed in this survey occurred both in off peak hours (where any people having to wait for any length of time is counted towards the significance of the unmet demand). In this survey, off peak hours saw patent unmet demand at Hamilton Terrace in the 11:00, 13:00, 14:00 and 17:00 hours on the Friday of the survey. Abbey End, Kenilworth saw one incidence in the 16:00 hour on the Friday. There were more instances at Leamington Spa station on the Friday in the 11:00, 13:00, 15:00, 16:00 and 17:00 hours, but these could not be included in the ISUD calculation as there is a supplementary permit fee and restriction on vehicles that can service this rank out of the control of the local authority.

In terms of other hours when there was unmet demand that resulted in an average waiting time for passengers in the hour over a minute, there were nine incidences during this survey. Hamilton Terrace saw incidences in the Thursday observations in the 01:00 and 02:00 hours (early Friday morning), the Copper Pot rank saw issues in the 04:00 and 05:00 hours in the early hours of Sunday, Rios similarly in the midnight and 02:00 hours, Kenilworth Abbey End (the same 16:00 hour as above) and Costa, Warwick on Friday in the 11:00 hour and Saturday in the 14:00 hour. In total, 58 people arrived when no vehicle was available.

As in the off peak sample, Leamington Spa station saw four hours where average passenger waiting exceeded a minute, but only one of these hours was also an off peak hour. Again, these cannot be included in the ISUD calculation.

Overall, though the above seems to be a large amount of unmet demand, in reality the actual extent and numbers involved were relatively small and the ISUD calculation confirms these are not significant. Whilst the trade may be able to give clear reasons for these incidences, and possibly react to improve service, the overall level is not such that the council is required to take any action whatsoever. The ISUD index is a long way from the point at which this would be considered significant.

## 4. Public Consultation results

A thirteen question survey was undertaken with 250 persons in the Warwick District Council area. Surveys were undertaken on Thursday 29<sup>th</sup> October in the shopping areas of Kenilworth, Leamington, South Leamington (near student accommodation) and Warwick. Responses were mainly from those available during the day time, following standard practise for these interviews. The Table in **Appendix 3** summarises the overall responses.

47% of those interviewed had used a licensed vehicle in the Warwick District Council (WDC) area in the last three months, a moderate level of recent usage. Values were between 31 and 53% across the areas with the lowest value in the South Leamington area and the highest in Warwick.

Of the respondents who told us they had used a licensed vehicle recently, 54% said how often they used a licensed vehicle. We have assumed the remaining non-respondents do not use licensed vehicles and calculated the average level of licensed vehicle trips per month. On average, there are 1.6 person trips by licensed vehicle per month based on these assumptions, again a moderate level. The level of usage varies from 0.7 in Leamington through 1.4 in South Leamington to 1.7 in Kenilworth and up to 2.0 in Warwick (this value is for hackney carriage and private hire together).

58% of interviewees told us how they obtained licensed vehicles in the Council area. By far the highest percentage got taxis by booking them by telephone (44%), followed by mobile or smart phone (18%), with the total by phone methods being 63%. 33% said they got them from ranks (quite high) and 1% said their normal method was hailing. The final 3% said they used online or internet methods to obtain their licensed vehicles.

For this sample, rank usage was highest in Kenilworth and lowest in Leamington – seemingly perverse given the spread of ranks. Second highest rank usage was for those interviewed in South Leamington. However, overall the level of interest in answering this question was not high.

The use of phones was queried further, seeking to understand the companies that people used. Across the full survey some 193 different mentions were made of a total of 36 different companies (some were corruptions of the same name). These suggestions were made by a total of 100 people – of which 55 were in the Warwick sample. Of all the mentions, just six companies obtained more than 5% of mentions. The top two companies obtained between 27% and 14% - and both were most used in Warwick. Some hackney carriage companies were named, but none got more than three references.

Considering how many people quoted more than one company, Warwick again had the strongest response with 24 people quoting three companies there. The dominant response however was 38 people who quoted just single names. Overall there is a very high level of competition and very little brand loyalty with specific parts of the trade. In summary – the licensed vehicle trade in the area is very disparate although it is clear that private hire companies dominate the minds of those seeking to book vehicles rather than hackney carriages doing this. It also suggests there is a lot of niche market operation in this area – with large numbers of people ‘doing their own thing’.

A set of questions were then asked relating specifically to use of hackney carriages. 70% of those questioned provided hackney carriage usage frequencies. Of these, 38% in fact said they could not remember when they had last used a hackney carriage. 26% said they could not remember seeing a hackney carriage in the area. The resulting level of trips per person per month was just 0.6 on average – very low. South Leamington claimed no real usage of hackney carriages on this measure. Highest values, of 1.0, were for Kenilworth and Warwick with just 0.2 for Leamington. The overall value compared to total usage of licensed vehicles gives a slightly higher estimate of hackney carriage usage – about 38%.

People were asked to name all the rank locations they were aware of in the Council area and if they used the locations they named or not. Of the 229 different mentions given, there were 23 different names (some of which are the same location, e.g. train station, Leamington station). Two people said they were aware of the rank at Birmingham Airport – not in the Warwick district.

From within the area, the top four ranks (adding some where the location was mentioned by different names) were Leamington Station (36%), Hamilton Terrace (21%), Warwick (14%) and Kenilworth (10%). Interestingly the top three ranks are in the same order as the rank usage statistics – and the share of the total is remarkably similar for all three (38, 19 and 13% respectively). The ranks in Kenilworth and Warwick were both only named by those in their particular area. A number of other locations were mentioned including some of the night club ranks. The private hire office at Warwick station was considered to be a rank, and obtained 5% of responses.

When asked about new locations, the whole sample provided just 16 mentions, by the same number of people, which covered eight different locations. The largest number of people – four – sought a rank at Shire Hall. Two supermarket locations were mentioned, as was a rank for M&S (Leamington). None of these are significant and generally show satisfaction with the provision of ranks in the area at the present time.

In terms of problems with the local hackney carriages service there were 63 people who responded (25% of the total). Just two gave two responses giving a total overall of 65 responses on issues.

Of these, the largest proportion had issues with delay getting a taxi (29% but mainly in Kenilworth and Warwick). 20% had driver issues (mainly in Warwick), 18% had issues with position of ranks (nearly all Warwick) and 17% said other but only one specified what that issue was. 58% of all issues were recorded in Warwick, with Leamington (the main location for hackney carriages) having least issues.

In terms of what might make people use hackney carriages more, there were more responses – some 180 from all the respondents. There were a total of 163 people responding, with 17 people giving two responses. Warwick surveys provided a very high response rate.

As is normal in these surveys, the bulk of those who said 'other' said they would use them more if they were cheaper. This accounted for 52% of the responses. This response was across all four areas. The next highest response – 19% was 'better drivers', with 11% saying more hackney carriages they could hail (mainly for Kenilworth and South Leamington and none from Leamington where hackney carriages and ranks work more). Better vehicles scored 9%, with other responses 4% or less.

People were asked if they or anyone they knew had a disability needing either a wheel chair accessible vehicle (WAV), or a vehicle adapted in some other way. 75% of those interviewed responded. On average 87% said they did not themselves need, or know anyone who did need an adapted vehicle (a slightly lower than normal response). Of the total respondents, 3% said they would need a WAV, 6% said someone they knew would need a WAV and 2% said a differently adapted vehicle, not WAV (for either themselves or someone they knew). This tends to suggest people favour WAV in this area even though the current offer is a mixed vehicle fleet.

Of those answering if they had ever given up waiting for a hackney carriage, nine people said they had. Two locations given were outside the Warwick boundary (Coventry and Warwick University), whilst six responses were at Abbey End, Kenilworth. Overall, the total number giving up at relevant Warwick District locations was seven, giving a latent demand factor for ISUD purposes of 1.028, quite low. The only other location mentioned was one person giving up at the Holly Walk rank.

51% said they had regular access to a car. Just 53% of those interviewed lived in the area although this was dominated by few of the Warwick sample actually being local. For the other three areas, between 86 and 88% of those interviewed were local.

Our gender sample saw marginally more men (51% compared to 50% in the 2015 census estimate). Our age sample saw very slight under-representation of the older group (31% compared to 34%), with almost exact representation of the middle group – 41% in both the census and our survey. The under 30 group was correspondingly over-represented (28% compared to 25%). This is a generally representative sample – even though the Warwick sample was mainly from out of the area.

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## 5. Stakeholder Consultation

The following key stakeholders were contacted in line with the DfT Best Practice Guidance 2010:

- Supermarkets
- Hotels
- Hospital
- Pubwatch / night clubs
- Disability representatives
- Police
- Rail operators
- Other council contacts
- County council contacts

Specific comments have been aggregated below to provide an overall appreciation of the current situation, although in some cases comments are specific to the needs of a particular stakeholder. It should be noted that the comments contained in this Chapter are the views of those consulted, and not that of the authors of this Report. **Appendix 4** provides further details of those consulted. Information was obtained by telephone / email / letter as appropriate. Contacts were made with a selection chosen from an extensive list provided by the Council as well as by checking internet sources for other contact details or more detailed references.

The licensed vehicle trade consultation is the subject of the following chapter.

### ***Supermarkets***

Seven supermarkets were contacted. Three were too busy to speak with us. It was not possible to get any answer from another. One said their customers regularly used taxis (booking them through a Freephone with a named private hire company), another that only elderly customers used them (for whom the store would phone their preferred company if asked), and the third (in Whitnash) was not aware that any of its customers used taxis as they felt most were very local. Only one was aware of a nearby rank but did not think any of their customers used it. The only issue raised was that the booked vehicles often quoted shorter times than in actuality for arrival.

### ***Hotels***

Five hotels were contacted. Three did not respond in the time available. Both said their customers used taxis and that they would book them for the customer. Neither were aware of any ranks and the only issue one suggested was more vehicles available at weekends.



## ***Restaurants / Night venues***

Six different restaurants / cafes from across the area were contacted. All but one responded. One said their customers did not use taxis, one said only at the weekend, with the others all saying they did use them. Four said they would book taxis for customers by phone if asked, but many customers used their own mobile phones to make bookings. The two locations in Warwick were both aware of the rank there, the other locations were not aware of any ranks. Two said customers had not reported issues, the other two said the main issue was the time vehicles often took to arrive.

Three large entertainment venues were contacted. One refused to speak with us, another could not be contacted and the other said the entrance was too far away for them to know if customers used taxis or not.

Six public houses were contacted. Two were not contactable within the time available. The other four all said their customers did use taxis. Two would call if asked but felt customers usually called themselves. One (again in Warwick) said people would head to the rank there. Both this location and another in Leamington were aware of the ranks directly outside. Neither the Kenilworth nor Whitnash respondents were aware of any nearby ranks. Only one said their customers had any issue – which was mainly of the expense of the fares.

Five night clubs were contacted. In the time available for response, two replied to say their customers did use taxis. One said people called vehicles using their own mobiles. The others said people either called on their own mobiles or used the rank directly outside. Both were in fact aware of the rank outside their doors, and neither had received any complaints about the service received at all.

## ***Hospitals***

Warwick Hospital was contacted but no response was received despite several attempts to contact them.

## ***Police***

No police response was obtained during the time available for consultation for this survey.

## ***Disability representatives***

It did not prove possible to identify or contact any representatives of those with disabilities across the area. This is not unusual for surveys of this type given that our request for consultation is not statutory and given the current pressures on such organisations – whose contact details can also sometimes be hard to find or confirm. Further, we have often found that disability response timescales are usually very much longer than those for other stakeholders.

### ***District Council representatives***

The Safer Communities Manager from Warwick District Council told us they were concerned about public safety arising from the activities of hackney carriage and private hire vehicles late at night. They felt trade driving standards were very poor and that few drivers could readily be recommended for the service they provided. They felt many were turning down short journeys in favour of fares to the University. They felt few took proper advantage of the false one-way created in Tavistock Street meaning there were dangerous u-turns still occurring there whilst there were many people around the vehicles.

They felt there were too many hackney carriages competing for the trade on busy nights – but that it might be hard to provide sufficient taxi rank spaces in the right places to encourage safe operation.

### ***Town and Parish Councillors***

Contact was made with most local town and parish councils within the District. During the time available for response, three of the town and one parish councils responded.

One Town Council felt there were a large number of taxis for the size of the area. Key issues for them were the need for better information about the difference between hackney carriage and private hire services, clearer idea of potential fares, and need for better knowledge and ability of drivers to communicate with passengers.

Another Town Council welcomed the opportunity to contribute, but mainly gathered the views of individual members rather than any formal view of the Town Council. One person felt there were not enough formal ranks available, and that many drivers tended to refuse short journeys, dissuading higher levels of usage by doing so. One mentioned the issues that Warwick University has, particularly leaving female students vulnerable if they are refused a journey home. Another felt there were times when not enough taxis were at the ranks – particularly at school transport times and in evenings. There were also issues with discrimination against those needing assistance. They pointed out an issue with refusal of assistance dogs had been reduced by provision of appropriate training.

The third town council gathered comments from its members. One felt there needed to be better rank provision in Warwick but that the trade did not help in not supporting potential change. Another felt a better location was needed than the current one. Another felt that current gaps in service might be helped by some phone link provided near to the rank. They felt any regulation of hackney carriages would give private hire the advantage over them. Another felt extra provision was needed in other locations, though they did mention Warwick Parkway where there is a rank already.

Two representatives noted the main issues in terms of shortages of vehicles related to when they were undertaking school contracts. They felt the rank needed to be made safer – particularly citing issues with the present arrangement of needing to reverse every time a vehicle left and that drivers seemed to lack local knowledge. There was a feeling that vehicles left Warwick at night to service demand in Leamington, meaning people found it hard to get home after 23:00.

A parish council felt the invitation to comment did not provide enough information for them to form any judgment from. They felt that hackney carriage numbers should self-regulate to meet demand. They also felt that an inability to apply the same rules on vehicle numbers to both sides of the trade would limit any effectiveness of any action taken on the hackney carriage side. Overall they felt the mix of private hire and hackney carriage they were aware of was satisfactory. They expected a wide-ranging review would be undertaken with them, not just a general opportunity provided to make comment.

We also obtained a copy of the Taxi Survey undertaken by Warwick University Students Union. Information from this covers activity of both Coventry and Warwick licensed vehicles. This survey collected information over a two week period with 492 responses. It found that 74% of students did not know that refusal of a fare by a hackney carriage was illegal. 59% of respondents had been refused a taxi journey.

51% of these had been refused in Leamington. Reasons for refusal included too short a journey (56%) or not enough passengers (9%) though 15% were that the driver said they were 'too drunk'. One person said they had been refused a journey home from a Leamington club when they left early on their own. Some students living in Leamington student accommodation found it hard to get a journey home from central Leamington as they were told the journey was too short. The report provides lots of quotes of issues by students although it is difficult to make a strong case from this as these are not formal complaints and have been made in a specific context focussing on the issues rather than within a wider research context.

### ***County Council representatives***

A Warwickshire County Council (WCC) representative from their Transport Operations advised us that they source operators for their contracts from across the County not from specific licensing areas. Their contracts are county-wide and not district specific. Operators apply to be on their framework and once part of that then bid for work. The only specification made is the size of vehicle needed and / or need for specific accessibility criteria. There is no distinction made between hackney carriage or private hire.

They felt most hackney carriages which serviced ranks were not interested in being on the WCC contract as they felt it tied them up to specific times. They felt that 80% of work went to private hire vehicles.

## ***Rail Operators***

National statistics are publicly available showing the total number of entries and exits at each rail station in the United Kingdom. These numbers are calculated using ticket barrier and ticket issue information from ticket sales. The Table below shows information from 1997/1998 to date. The figures after the station name show the position in rank in terms of usage of English, Welsh and Scottish railway stations, with the smallest usage being the 2,533<sup>rd</sup> station and the highest being 1<sup>st</sup> in the list (Waterloo, London). Within the Warwick area there are five stations, Leamington Spa (247<sup>th</sup>), Warwick Parkway (748<sup>th</sup>), Warwick (817<sup>th</sup>), Hatton (2027<sup>th</sup>) and Lapworth (2099<sup>th</sup>).

Rail year (ends March in last yr. noted)	Entries / exits	Growth / decline
<b>Leamington Spa (247<sup>th</sup>)</b>		
1997 / 1998	740,719	n/a
1998 / 1999	881,209	+19%
1999 / 2000	872,105	-1%
2000 / 2001	921,999	+6%
2001 / 2002	964,259	+5%
2002 / 2003	999,111	+3%
2003 / 2004	Not collected	
2004 / 2005	1,198,749	+21% (2 yrs.)
2005 / 2006	1,220,031	+2%
2006 / 2007	1,326,763	+9%
2007 / 2008	1,400,832	+6%
2008 / 2009	1,767,556	+26%
2009 / 2010	1,772,398	+0%
2010 / 2011	1,856,378	+5%
2011 / 2012	2,014,910	+9%
2012 / 2013	2,097,938	+4%
2013 / 2014	2,241,038	+7%
2014 / 2015	2,315,836	+3%
Last three years (11/12 to 14/15)		+15%
Over full period		+213%

Since data began collection, rail patronage at Leamington Spa – the busiest station in the Warwick District - has increased 213% to well over 2.3 million entries and exits per year. Even the last three years have seen some 15% growth.

The internet-based Train Taxi guide correctly states there is a rank or cab office at Leamington Spa, Warwick and Warwick Parkway, and provides three numbers to use at Leamington if a booking is preferred. The three numbers for both Warwick stations are the same. None of the private hire operators quoted suggests they provide wheel chair accessible (WAV) services.

No comment was obtained from the rail operator.

## 6. Licensed Vehicle Trade Consultation

### ***Trade consultation***

A letter was issued to all licensed drivers by the Council inviting them to complete a questionnaire about their current service to the public, and their views on the policy of limiting hackney carriage numbers. This letter was issued to all current drivers – all of whom have dual licences. All responses were returned to CTS using a freepost address provided by CTS, or returned using our on-line option.

Some 51 responses were received (10%), a very good response for this type of survey. If just hackney carriage responses are compared to the total number of hackney carriage vehicles, the response from hackney carriage drivers was 19%, very high.

76% said they drove a hackney carriage, 16% a private hire and 8% said they drove both kinds of vehicle. Although all driver badges are dual (but vehicle licences cannot be), 27% said they had a hackney carriage 'badge' but 69% said 'dual'.

79% owned and drove their own vehicles. 20% said someone else drove their vehicle – quite low. This is typical of an area where there is no limit on hackney carriage vehicles and where the vehicle licences are freely available.

Just 6% of respondents said they operated on a radio circuit whilst 94% did not. Only one respondent went on to tell us which circuit they worked on.

Those responding had, on average, been involved with the licensed vehicle trade as drivers for 12 years (but ranging from one to 40 years). They tended to work 5 days per week for an average of 34 hours per week (low). The range of days worked was between one and 7. The range of hours was from four to 80.

Drivers told us issues that affected when they chose to work. The largest proportion – 35% said they worked at busy times or when there was most demand. 13% worked around family commitments. Many other reasons were cited but few saw high response (the next highest was avoiding traffic congestion, 9% of responses).

There were 93 responses about the ranks used with many drivers telling us several locations. The strongest response was drivers telling us areas they worked rather than specific ranks. 30% of responses were 'Leamington', 14% 'Warwick' and 10% 'Kenilworth'. Several ranks were known by different names, with the main Leamington rank being called most different names (e.g. Police Station, Town Hall). Some specifically named night clubs.

There was a strong response about issues with ranks – 64% of these responses were that there were too few ranks and spaces available. No other issue was as strongly quoted – though 8% of responses did suggest need for stewards.

Of the 94 total responses about methods used to get fares, 44% were rank, 23% phone bookings, 14% hailing, 11% contracts with private companies and 8% school contracts. Many gave more than one response.

In terms of the limit policy, 79% said the current policy of not limiting should be overturned and a limit returned to hackney carriage vehicle numbers. Some responded to tell us how they thought this would benefit the public with most responses (35%) being it would help reduce public safety issues including tired drivers. It was also suggested it would help ensure clean, safe, well-maintained vehicles, reducing over-ranking and congestion and ensuring vehicles were always available at ranks.

Many comments were made. The bulk pointed out there were too many vehicles and that as more plates were issued, their work levels were reduced further. Another issue raised by many was a preference for the fleet to remain mixed between saloons and WAV style.

There was an early issue with use of the on-line response options but this was quickly resolved and overall we do not consider this affected overall response, which as stated above is high for this kind of survey.

## **7. Summary and conclusions**

### ***Policy Background***

Warwick District Council is one of five districts within the County of Warwickshire. Warwickshire County Council has the highway and transport powers for the area and is therefore responsible for overall transport policy and provision of hackney carriage ranks (other than those on private land). The Third Warwickshire (County) Local Transport Plan (LTP) covers 2011 to 2026 developments and issues. The key reference in the LTP is that enhanced facilities will be provided for both hackney carriages (called taxis) and private hire at all public transport interchanges. This is particularly true for the proposed new station at Kenilworth (now expected to be in August 2017, with expected completion of construction by March that year) (Today's Railways Issue 172).

Relatively uniquely for a Shire County, Warwickshire County Council does have a 'taxi and private hire vehicle strategy'. This is, however, based on the 2004 Government Action Plan for taxis. Focus is on providing first and last stages of journeys as well as providing lower income people access they would not otherwise have and a better quality of life. Concerns include high cost of fares compared to public transport, the fact this varies across authorities within the County, the low level of vehicles meeting DDA requirements and the impact of rogue operations on overall reputation. There are four specific policies outlined with the County well aware it needs to work with the districts to implement these. A key issue is ensuring sufficient information is available and accessible.

Warwick District Council, along with all other English licensing authorities, retains the power to apply a limit to hackney carriage vehicle licences under Section 16 of the 1985 Transport Act and related law, but we have no record of this Council ever having applied that power. The authority was created on 1<sup>st</sup> April 1974 from two municipal boroughs, an urban and a rural district which in other areas has led to zone systems for hackney carriages but there is no evidence of this occurring in Warwick.

### ***Statistical Background***

DfT statistics show hackney carriages in the area have grown almost threefold between 1994 and 2016 whilst growth of private hire vehicles has been much less at 20%. This is typical for an area where there is no limit on hackney carriage vehicle numbers, although the encouragement to have wheel chair accessible (WAV) style hackney carriages can often reduce the growth – for which there is no evidence in Warwick. Most growth in hackney carriages was between 2005 and 2007. The overall licensed vehicle fleet has grown 80% since 1997. Hackney carriages are presently 54% of the total licensed vehicle fleet (they were 31% of the fleet in 1997).

All drivers are now able to drive either hackney carriage or private hire. Driver numbers have only grown 26% since 1997 – less than vehicle numbers – suggesting a reduction in any double shifting though the current driver ratio of 1.31 suggests some may still occur.

A notable fact is the high number of private hire operators implying there is a high level of competition in this area and little dominance by any company. Another key fact is that the plate numbering system for both kinds of vehicle does not currently permit re-use of lapsed numbers, which artificially inflates the apparent numbers in service. At present, the highest hackney carriage plate is 250 though there are only actually 213 vehicles in service. The issue is worse on the private hire side where numbers start at 500 (which does not actually exist), there are 185 vehicles, but the highest plate number is presently over 1000. This can give a false impression of the fleet size.

The fleet has a relatively high level of WAV in the hackney carriage side, and around 2% in the private hire fleet. This is well above the average for England excluding London and excellent for a shire district authority.

### ***Rank Survey results***

A total of 252 hours of rank observation have been analysed to provide the database of information for demand for this study. The survey covers all ranks identified in the area including the two private rail station ranks operated by Chiltern Railways with requirement for a supplementary paid for permit. Surveys covered one full weekend with a supplementary night at the busiest night club on its busiest night (Tuesdays).

A total of 23 different rank locations / days were observed with just under 2,000 vehicle departures recorded. Of these, 10% were private cars at or near ranks. Just 2% were private hire vehicles. 59% of the hackney carriages observed were identified as WAV style – in the same order of magnitude to the 72% understood to be in the current fleet.

No rank was active 24/7. The longest active hours were found at the Hamilton Terrace and Leamington Spa station locations. Three other ranks were specifically related to specific clubs (and dependent on their operating days and hours). Overall passenger demand at ranks was low – the two busiest ranks only seeing 12 passengers per active hour. Most usage was eight passengers or less per hour on average.

Service levels to ranks are generally very good to fair. This is supported by there being a high level of excess vehicles compared to demand at all rank locations on average. A sample of plates observed on the Friday of the surveys identified 63% of the active fleet in operation. The very high demand at one-night club on a Tuesday in mid-December – likely to be a peak – needed just under a quarter of the fleet to service this without any passenger having to wait for a vehicle to arrive.



The dominant rank in passenger terms is the one at Leamington Spa station – though it only sees 38% of estimated total demand. Hamilton Terrace provides about half that level – 19%. Warwick rank provides 13%. The Copper Pot rank provides 7.6% and Warwick Parkway in the order of 7.5%. Abbey End provides 6.1% though much of this is from the one busy hour on a Friday night which was observed. The rank near Vialli's is marginally busier than the other club ranks (excluding Smack).

Unmet demand was observed both in off peak hours having some passengers having to wait for vehicles to arrive, and by average passenger waiting times over a minute. The ISUD index calculated was well below the formal cut-off level that would otherwise define the observed unmet demand as significant. It can therefore clearly be stated that, according to the ISUD index, there is currently no unmet demand in the Warwick District Council area which is significant. Further discussion of this occurs in the light of other evidence below (see Synthesis section).

### ***Public Consultation***

250 persons in the street gave us their views of the current 'taxi' service in the area. Responses were mainly from those available during the day time as is the standard practise for these interviews.

47% overall had used a licensed vehicle in the Warwick District Council area in the last three months – moderate. The average level of trip making is 1.6 licensed vehicles per person per month. When narrowed down to hackney carriages the level is 0.6, or 38% of the total estimate. This is not far different to the 33% who said they got licensed vehicles from ranks, plus the 1% who said they hailed them (quite high for this kind of area). There was a high level of obtaining vehicles by mobile or smart phone (18%) together with on-line or internet methods (3%). Traditional phone methods were the highest means – 44% - though less than in other places given the high level of interactive responses quoted.

When asked about who they contacted to obtain licensed vehicles, a very high number of companies were named including some corruptions of the same name. Of all the 36 different names given, just six had 5% or more of the total mentions. The top company had 27%, followed by one with 14%. Hackney carriage related companies were mentioned but none obtained more than three actual mentions each.

The overall response on who people used to obtain licensed vehicles demonstrates that the licensed vehicle trade in this area is very disparate but still dominated by private hire companies rather than hackney carriage operations. There appear to be a lot of operators keeping to niche markets rather than wider advertising. Very little brand loyalty was found overall.

In terms of hackney carriage usage, 70% of all respondents replied. However, 26% could not remember seeing a hackney carriage in this area. 38% could not remember when they had last used a hackney carriage. This left just 36% telling us frequencies.

In terms of ranks known about, knowledge matched usage very closely with the top three ranks known matching those used, with very similar percentages (Leamington Station 36% knew, 38% used in rank results; Hamilton Terrace 21% / 19% and Warwick 14% / 13%). Kenilworth rank was fourth most known. Most of the night club ranks were quoted, and people did think the Warwick station office was a rank. The Warwick and Kenilworth ranks were only known by those in the samples in these specific areas whereas Leamington ranks were more widely known.

The low level of suggestion regarding new ranks demonstrates further the satisfaction with the current provision of ranks.

Issues with hackney carriages tended to be less significant in Leamington with the main issues being delay getting a hackney carriage (in Kenilworth and Warwick), with driver and rank location issues in Warwick (although the latter has to be tempered by the fact most Warwick respondents were not living in the area – though most likely those working here rather than visitors given the time of year).

In terms of matters that would make people use hackney carriages more the dominant response across the area was if they were cheaper. Again it was clear that the Leamington area were better acquainted with and happier with the hackney carriage service than Kenilworth and Warwick where people would have liked to see more hackney carriages available to hail. Overall 19% said better drivers (top score apart from the cost issue).

75% responded about if they or anyone they knew needed a wheel chair accessible (WAV) or other adapted vehicle. 87% did not need (or know anyone who needed) a WAV. 6% said need was for a WAV and 2% for another style of vehicle – tending to support WAV style vehicles although the current fleet provides a mixed offer.

In terms of the latent demand factor, the effective ISUD factor is just 1.028 (2.8%) – quite low. Kenilworth was the main location together with one mention of “Holly Walk” (Hamilton Terrace).

Only 51% had regular access to a car. Apart from the Warwick sample, 86 to 88% were local. The gender / age profile was very representative compared to the latest census estimates.

### ***Stakeholder Consultation***

Supermarkets and hotels, together with larger entertainment venues, were generally not interested in giving information but those that did mainly used private hire or booked vehicles. One supermarket was aware of a nearby rank. The only complaints were about delay arriving.

Restaurants and night venues were much more willing to share their customer’s experiences of licensed vehicles. Most said their customers tended to book vehicles using their own mobile phones. Those responding in Warwick were aware of the rank there.

Public houses said their customers did use taxis and most were aware of ranks if they were nearby – but not for Kenilworth. Both night clubs responding said people tended to phone on their own mobiles but one said people also used the rank outside the club. None had any issues or had received any complaints.

No response was obtained from the local hospital, the police nor disability representatives. Sadly, none of these omissions are atypical of other studies. The key area which could be improved is the disability area, but this would need much more research and proactive engagement than is possible within the scope or timescales of a standard unmet demand survey. This is noted further in recommendations below.

The Warwick Council Safer Communities Manager was most concerned about the danger of service to Smack despite various measures having been taken to try to make the area safer – which drivers were not using (the false one way in particular).

An excellent response came from town and parish councillors. Their key issues related to needing better information about what services were available and to better rank provision specifically in Warwick. Some preferred more information and more consultation before they could feel able to make any real comment.

Input was provided from the Warwick University taxi survey – which from the nature of the university covered both Warwick District and Coventry City licensed vehicles. The survey demonstrated significant issues for service to students particularly returning from Smack in Leamington to student accommodation not only at the University but also more locally in Warwick / South Leamington.

Warwickshire County Council does use local vehicles for its contracts but does not restrict contracts for the Warwick area to Warwick registered vehicles. They felt that most hackney carriages were not interested in work from their contract preferring to remain able to work if and when they wished rather than be tied to regular specific times.

Leamington Spa Station sees the 247<sup>th</sup> highest passenger flows in England, Scotland and Wales. These flows have increased 213% since 1997/98 and 15% over the last three years. Much of this is related to the dynamic growth of Chiltern Railways. However, just before the survey, an issue arose in that most London to Stratford upon Avon services were withdrawn and replaced by the need to change trains at Leamington Spa. It is not clear how this affected taxi services.

Only Leamington Spa, Warwick Parkway and Warwick are quoted as having taxi services available on the traintaxi web site. The other stations have references to needing to use the three main stations. All are quoted as having either ranks or booking offices, and all are given three alternative private hire numbers for use, with both Warwick stations being given the same three operators.

## ***Trade Consultation***

All licensed dual drivers were sent a letter and questionnaire regarding their current service to the public. Returns were direct to CTS either via post or electronic means. 10% responded.

76% said they drove hackney carriages and 8% said they drove both kinds of vehicle. 79% owned and drove their own vehicle – high but typical of an area without any limit on obtaining any vehicle.

Just 6% said they operated on a radio circuit suggesting many worked on a one-man basis and by direct calls. The working week tended to be five days and 34 hours on average – low. Average experience in the trade was 12 years.

35% worked at busy times. 13% worked around family commitments.

Most drivers told us the areas they worked ranks rather than specific ranks. 30% said Leamington, 14% Warwick and 10% Kenilworth. Drivers gave a wide range of different names for specific rank locations. 64% of those responding felt there were not enough ranks or spaces available.

44% said they got fares from ranks, 23% phone, 14% hail, 11% private company contracts and 8% from schools.

79% of those responding felt a limit should be reintroduced. Many gave reasons they thought this was in the public interest – 35% saying it would reduce public safety issues particularly tiredness of drivers. Other improvements considered included improved opportunity for maintenance, reduction of over-ranking and congestion and ensuring vehicles were always available at ranks.

Most comments related to their considering there were too many vehicles and that every time a new plate was introduced their work fell further – they did not feel there was currently any growth in the area at all. Many also said they preferred to retain a mixed fleet rather than continue to increase WAV levels.

## ***Synthesis and Conclusions***

The market for licensed vehicle usage in Warwick appears to be strongly technology based from the passenger side. A high level of passenger numbers appears to make bookings for journeys using their own mobile phones, or other smart methods, including some making bookings by internet. This is supported by a large range of relatively small or one-man band private hire companies, some of which are in reality hackney carriage one-man bands (although formal private hire seems to take a much larger proportion of this trade).

Notwithstanding this, there are several important rank-based operations in the area but even within this there are a number of specific and different elements.

Total passenger demand at ranks, estimated based on the surveys undertaken is 5,986. With average occupancy of 1.8 and 212 plates this equates to some 15 jobs per vehicle per week from ranks – or three per day based on the average working week quoted of five days. This perhaps explains why the overall level of hours in a week worked is also relatively low at well under 40 hours. However, despite this, our surveys demonstrate that most potential hackney carriage demand is appropriately met by hackney carriages across the area, even where overall demand is perhaps less than might normally justify hackney carriages (e.g. at Kenilworth).

The main hackney carriage area is Leamington. Hackney carriages service the station and Hamilton Terrace, although demand at both of these is low for the size of the town. Service at the station is restricted by there being a need for an additional paid for permit from the local rail operator. Neither rank has demand 24/7, with at least three dead hours even on the busiest nights. Leamington demand sees a major peak from one general night rank and three other club related ranks. The major demand in the whole area comes from one nightclub and its service to students at Warwick University. Even with relatively low demand, there is one area where hackney carriages attempt to form a rank where there is no easy / safe place to pick up.

Demand at the main Leamington rank is not high and vehicles can wait here for extended periods. Even though relatively few take schools contracts those numbers can cause minor issues with availability at this rank when there is a peak in demand. But overall, the issue is too many vehicles at this rank rather than too few.

The station rank can face issues when larger trains arrive. There is a clear commuter peak at the station – both for people coming to work in the area, and for those arriving home from various places including Birmingham and London in the evening.

Warwick has one active rank which is well-known and relatively well-used although some people would like a wider range of locations or a better design for this unusual drive-on, reverse off, move down as vehicles leave, operation. There is a higher presence of larger companies providing private hire services in Warwick including them having supplanted the rank at Warwick station with a private hire office (although the rank would have been in any event on private railway land). There is some evidence that people would prefer a more active hackney carriage fleet here than the level of demand ends up providing.

Kenilworth seems to be a location where the rank is only used (but very well used) for very short periods principally relating to pub closing times. It appears that the rest of the time one-man hackney carriage phone links and some small private hire operators meet demand – particularly that from the local large supermarkets. It will be interesting to see how / who provides the licensed vehicle service when the new Kenilworth station

opens with a stated aim by Warwickshire County Council of having a good licensed vehicle interchange there.

There are strong issues related to how students get home from the main night club to their accommodation, which is shared between that on campus on the boundary with Coventry City, and other locations closer to Warwick and Leamington. This leads to issues with drivers and passengers wishing to obtain the best deal which is inconsistent with this being principally a hackney carriage operation. Normal legality, including rank protocol for taking the first available vehicle, and charging being only by the meter, appears to justifiably disappear as the longest journey takes vehicles outside Warwick District into Coventry and gives an apparent right to charge a quoted fare rather than that by the meter. Ignorance on behalf of the students as to what can be done – and a preference to have a quoted fare rather than relying on the meter – complicates this issue.

There are other issues related to safety with operation of this rank, and others related to it at night, which also need to be addressed in a comprehensive manner. Preferably this would involve the local Council, the Students Union and the club. A key factor is to confirm just how dominant the student demand actually is, and particularly how many nights and weeks of the year this demand occurs. It would be costly to undertake a long term monitoring of this and the club should be able and willing to work with the council on this matter, perhaps through an external reviewer were this felt important to maintain confidentiality on the overall usage levels.

Other than the student issue, most people using Leamington hackney carriages appear to be generally happy with the service provided and it is clear that Leamington is much more 'hackney carriage' serviced than either Warwick or Kenilworth.

A key factor in both sides of the trade is that there are very few larger companies, and a large number of very small operators all seeming to be happy to do what they are doing. This means the overall market is disparate – with it being very hard for any one company to become large enough to dominate, but also meaning that customers either build a relationship with one or two people, or trust bookings or turning up at the rank. The level of demand probably best suits the more individual approach.

In terms of overall hackney carriage demand, there is unmet demand both off-peak and in peaks. However, the level of this is well below that at which it would be counted as significant. None of the other evidence from on-street users or key stakeholders would counter this conclusion. Latent demand is very low. The general picture is that more than enough vehicles are generally provided to service rank needs, including meeting high peaks where necessary. The meeting of the main club demand is impressive – but even a very busy night only needs a quarter of the current fleet to meet demand. There is no other demand at this time of night – though there are also issues that some passengers / drivers appear to be able to cherry pick

their journeys to get the best deal. This issue is not dominated by either driver or passenger but equally driven towards sub-optimal service for both.

It is interesting that the statistics and information gathered seem to suggest the private hire fleets to be obtaining much more trade than the hackney carriage fleet do, although the tendency is growth on the hackney carriage side in terms of vehicle numbers. This implies that private hire fleets are becoming more effective in dealing with customer numbers whilst on the hackney carriage side there seems to be increasing numbers yet it is not clear if there is any significant increase in demand to match this.

### ***Potential options for Warwick hackney carriage limit policies***

A limit on vehicle numbers can be applied if, and only if, an authority is certain that there is no unmet demand for hackney carriages which is not significant. This does not mean there cannot be any unmet demand, just that it must be clear that this has not become significant due to the restraint on ability of people to have new vehicles when demand requires it.

For the sake of clarity, patent unmet demand is when a passenger arrives at a hackney carriage rank (be it used or unused in general by vehicles) and finds no vehicle ready for immediate hire. Latent demand is when people wait and then move away having given up expecting a vehicle to arrive at that location. Or they choose to travel another way not even considering the hackney carriage option because they believe they would not get them.

There are other elements to latent demand, such as not even bothering to wait at a rank or making arrangements to travel by another, non-licensed vehicle method, such as private car, public transport but sometimes including use of private hire bookings.

An authority can attempt to restrict the number of vehicles in a hackney carriage fleet by two principal methods. Section 16 permits quantity control when there is no unmet demand which is significant but requires this to be regularly tested. Other authorities have applied quality controls which can have a similar effect of increasing the cost of entry to the hackney carriage vehicle market, such as by imposing age limits on new or current vehicles. Government policy discourages too much interference with 'market forces' but tends to prefer quality controls over quantity ones.

At the present time, Warwick applies quality controls requiring any new hackney carriage to be a completely new vehicle. There is no further stipulation made. Despite this, numbers of hackney carriage vehicles continue to grow. If it is assumed the market is working, this should mean there is demand for these new plates. Apart from the growth at the railway station which is presently restrained by needing an additional, paid for permit, we cannot find any significant evidence for such growth.

The issue of quantity controls applies along a continuum. This ranges from those authorities with no limit back to authorities who have set a limit below the current level of vehicle numbers. Some authorities have a 'settling limit' (e.g. Birmingham which has a moratorium on issue of new plates and no replacement of plates which cease to be used). Others have a fixed limit and re-issue spare plates that become available.

The final step on the scale towards having no limit is authorities who retain a fixed limit but issue a number of plates over a particular time period – otherwise known as managed growth. One of the most well-known authorities with such growth is Brighton and Hove, who issue five WAV style plates per year in order to grow their WAV percentage upwards (they are not fully WAV). Some fully WAV authorities also have managed growth (e.g. Manchester) but this is currently set at zero plates per year.

There are benefits and disbenefits of having no limit (sometimes known as 'deregulation' or 'delimitation', although adding quality controls into this mix can make actual impacts much harder to unpick).

Allowing entry to the hackney carriage vehicle market allows entrepreneurs ready entry if they see an opportunity. It allows vehicles to grow to meet demand quickly. It is in tune with the latest stated government policy (although this has not been updated by the Law Commission research at all and is therefore relatively 'old' in terms of when it was clearly stated most recently in the public domain).

On the negative side, if there is no increase in demand adding further plates continues to dilute the earnings amongst more vehicles. It leads to further reaction from the trade and potential unease amongst those with high levels of experience in servicing the public. It also assumes that the free market is working properly and effectively which may not be the case.

Application of a fixed limit on plates would be very clearly possible if there is no unmet demand whatsoever. Such a status is rare as demand and supply rarely always lead to sufficient supply. This is because random elements in demand will nearly always lead to short term failure of supply to meet demand. Rank capacity can have an impact on this particularly for small ranks, or where high levels of demand can occur in short periods – such as at railway stations.

We therefore consider that application of a fixed limit on plates is also possible even when there is unmet demand identified. This is clearly not possible however if the level of unmet demand is beyond that which is counted to be significant. The present situation in Warwick is that there is unmet demand, but at a level far from that which would be considered significant. Put another way, if a limit were applied and this was challenged, we believe the evidence in this report would lead to the challenge not being sustainable, i.e. it would be defeated.

The negatives of applying a limit at the current level of vehicle numbers are that it does not allow entrepreneurs to enter if they wish at the level of



owning a hackney carriage vehicle. It does not readily provide for times when growth of the market exceeds that which the current level of vehicles is able to meet. It provides the potential for an expensive challenge by those wishing to apply for hackney carriage vehicle plates. It does not actually address the issue if there are currently much higher numbers of vehicles than justified by demand and can prevent any market reduction in numbers by giving the vehicle plate an inflated value.

It depends on the actual rules regarding return of plates if the plates can be traded if no longer required by their owner or not. Some authorities have found ways in which the plates have to be returned (the clear direct legal option for this only exists in Scotland) such that no true plate value can accrue other than that relating to buying the value of the business.

Positives of a limit include the stability it adds to the trade and the positive impact from a trade feeling more secure. It can allow the trade to feel better able to focus on customer service. If demand remains the same, over-ranking will not worsen, and the current level of earnings will also remain the same and more predictable. It may encourage renting of vehicles by drivers no longer able to obtain a vehicle, which can increase the activity levels and length of time the fleet is overall available, particularly impacting on periods when people might not otherwise choose to work. It can allow the trade to feel able to work on various specific issues to benefit the public more easily than if there is no limit. One example was where a fleet moved to being fully wheel chair accessible (WAV) in one authority where the limit was retained. It could be that a clear way to properly resolve the issues of the student service might be one option that could be tackled were a limit to be returned.

Coventry re-issues plates which lapse and has a clear method for allocating these and giving people sufficient time to take up the returned plates before offering them on again. This keeps the fleet at the current level but allows a level of renewal of vehicles and gives a quicker option of updating the fleet since new owners are often more willing to invest than those already in the trade.

Some authorities have re-applied a limit by saying no new plates will be issued (moratorium, eg Birmingham City Council). This has the impact of steadily reducing the number of plates on offer. This does provide a response to the issue of supply well exceeding demand, and as plates reduce, income increases given the same level of demand. It also has the benefit of encouraging people to remember to renew within the new rules, and to keep to any rules that might jeopardise their plate. Chesterfield did this for at least five years, seeing some benefit.

In summary, given the low levels of unmet demand, which are far from being significant, and the fact that the highest demand was met by a quarter of the plates, and the full demand over our survey period met by 63% of plates, there is clearly in the order of 20% spare capacity in the present fleet (allowing for some plates not being active at the time of the

survey (add say 10%) and some requirement for growth till the next survey should occur (add 5% then round to 80%)).

This provides four options for choice: Option 1 – retain status quo; Option 2 – return a limit at a fixed level; Option 3 – option 2 but also take opportunity to work to develop fleet; Option 4 – return limit but on basis of no issue of any new plates (therefore number of plates reduces over time).

## 8. Recommendations

### ***Limits on the number of hackney carriage vehicles***

There is **no evidence** of any unmet demand for hackney carriages either patent or latent which is significant at this point in time in the Warwick District council area.

The Council could therefore return a limit on the number of hackney carriage vehicle licences and this would be defensible in Court were any challenge to be raised to this policy.

Taking all matters into consideration, we would recommend that Option 3 be taken – returning a fixed limit set at the time this Report is considered by the Council which would need to include all successful applications under way at that time, and that the issues of rank needs and student issues be resolved as promptly as possible using the stability of the limit to encourage trade co-operation. The limit should be set at the current level at the time the committee accept this recommendation, which will be the number of vehicle licences on issue at the time of the meeting, plus allowance for any applications in progress at that time. Any failed applications should be discounted from further consideration once all reasonable allowances have been given to rectify their issues for failure. Also, the time allowed for a person to complete their application should be specified.

It should also be made clear that the introduction of a limit is linked to other changes being made, and that the hackney carriage trade would be expected to give full cooperation on other matters being worked on, particularly on issues about operation of the student element of the service.

The committee is also at liberty to remove the limit at any point that it becomes clear such a change is necessary, such as if there is significant growth in the area, or if passenger complaints are received in terms of availability of hackney carriages in the area.

### ***Rank provision***

General rank provision across the area is sufficient and adequate, and tends to meet the needs of the bulk of customers and trade. There are a small number of issues which would bring benefit if they could be dealt with. We are aware that these matters need multi-agency decisions and may therefore be difficult or take a long time to resolve. However, the LTP supports such collaborative working and the Warwickshire County Council Taxi Policy should be used to achieve these aims.

Discussion needs to occur between relevant parties including the trade, Warwickshire County Council, Warwick Town Council and the District Council (various parts), to consider the options for revision of rank provision in central Warwick. Although the current rank does work, it has ongoing threats in terms of potential for accidents, and with changes in the central area, might be better re-designed or moved to a different location. The best way forward would be arranging a workshop day gathering all with interest to try to identify a way forward.

In terms of Vialli's rank, we accept this rank is small and located between a bus stop and a busy junction corner. There is potential for significant issues if more than two vehicles attempt to wait here, and this can lead to potential unmet demand if both vehicles are taken by passengers and it is a while before other vehicles fill the gap. The principal way that extra capacity could be provided here would be considering making the bus stop, or part of it, a part time rank perhaps from midnight onwards or after buses have ceased running.

On a counter note, the rank outside Boots in Warwick Street should be removed and given over to other forms of parking since it is not used by hackney carriages. Signage should be provided to the main rank in Hamilton Terrace to assist any passengers that might require hackney carriages on this part of Warwick Street.

In terms of overall spaces available in Leamington Spa, the only active daytime rank is at Hamilton Terrace. If possible, the spaces released by removal of Boots should be added at the rear of this rank, which often ends up with vehicles informally using the spaces behind the rank. Such extra space is often needed to ensure there are sufficient vehicles ready for peak departure times. There was no evidence of lack of space at other ranks which was leading to issues needing formal amendment.

Action is needed to identify and improve the operation of the rank at Smack involving the club, the Student Union, Warwick District Council and the trade, to discourage unsafe operation (u-turns and lack of use of the false one-way) and unfair operation (cherry-picking of journeys). This would need regular service by stewards on the busiest nights as well as better information about how many nights suffer such abuses (see also below).

Warwick District and the trade need to work with Warwickshire County Council to ensure there is appropriate provision and service provided to the new Kenilworth station when this is finally provided. Preparation for this should begin at the current time to ensure the best possible options are provided.

The reference to ranks on the internet, readily accessible, is best practise and needs to be maintained. However, the list should be kept up to date, and ranks unlikely to be serviced removed, and references to club locations made secondary in case names change. Specifically, the Vialli's location needs to be added.

It may be worth noting the ranks which are provided by Chiltern Railways and a comment that any views about operation of these should first be directed to the rail operator who has jurisdiction rather than the local Council which only controls vehicle and driver standards in these locations (and has no powers over number of vehicles servicing them).

### ***Student Issues***

A working party should be set up including the District Council licensing, representatives from the Student Union, Coventry City Licensing and any other relevant parties, to produce a clear Code of Conduct for the transport of students by both Warwick District and Coventry City hackney carriage drivers. This needs to clearly address both legalities and preferences from all sides and include agreed and practical enforcement options. This is very important as students are the future market for the taxi trade around the country and their early education into what is legal and what is practical is crucial to the future of the licensed vehicle trade. This may take some hard choices by the trade to eradicate any poor practise and to work with the authorities who determine what proper service means to this important clientele group.

It is very important also to understand how 'typical' the student demand is of the overall demand for hackney carriage in the District. Either the club or the Student Union need to provide advice on how many days per year they consider Tuesday student nights to occur, and how this relates to other nights.

This is very important as this demand pushes the numbers of vehicles needed in the area, and it needs to be clearly understood if this demand can be seen to be appropriate for overall vehicle requirements to be set at, or counted as a peak that is well beyond the 'typical'.

### ***Disability inputs***

As is regularly the case for such studies, we were unable to obtain any input from those representing people with disabilities in the area. We recommend that various methods are attempted by the Council to seek such views, including use of their internet site as well as possibly direct visits to offices of those representing people with disabilities in the area to attempt to engage such groups further. This could also include arranging practical half days where disability friendly hackney carriages were gathered together so that those with disabilities could see for themselves how vehicles could assist them, and to encourage further engagement between the council, trade and those needing disability style vehicles.

### ***Future review of hackney carriage demand***

The current review of demand has been useful in understanding one facet of the licensed vehicle trade in Warwick District. It is clear that there are other markets which the hackney carriages in the area also trade in which have not been fully identified, but in general this study has highlighted overall usage and demonstrated that the current operation is reasonable and does generally meet most needs of passengers.

We would strongly recommend that a further repeat be undertaken within at a three-year horizon, with rank work repeated in October / November 2018. This would allow the situation to be reviewed at that time, and is in context of the Law Commission recommendations and the current Best Practice Guidance in this respect. This should include a review of ranks (as undertaken this time) but should also consider adding more detailed review of the provision made for those with disabilities or other special needs. This should include the needs of specific groups in the area, such as students and tourists.

This repeat should occur whichever option is taken in regard to the limit on vehicle numbers as otherwise there is no information readily available to help continue to develop the hackney carriage (and even private hire) trades in an area. It would also maximise returns from the investment in this current study, with updating of the database of information collected.

There may be wider elements of the present study which are not necessary to repeat in the future re-survey, and the brief needs to be carefully checked before the future study is undertaken. This may allow some other issues to be included of benefit (see below).

Any future study should have one eye on the beneficial suggestions resulting from the Law Commission review (i.e. consideration of public interest) but mindful that this remains purely guidance and not case law (although the Best Practice Guidance document also does not have legal standing either). It should consider including a wider review of the private hire sector and particularly how this interacts with the contractual needs of Warwickshire County Council also considering how the general lack of ability to contact the principal WAV element of the trade by phone actually works for the public (i.e. a wider consultation with disability groups and persons is needed – perhaps this needs to begin within the current validity period of the present survey since often timescales in working with those with disabilities need to be much longer than usually fit with a demand survey profile).

## Appendix 1 – Hours for rank observations

		Leamington Spa - Hamilton Walk	Boots, Warwick St	Copper Pot, Warwick St	The Assembly Spencer St	Rio's Bedford St	Smack Tavistock St	Kenilworth Abbey End	Warwick, Costa Coffee Market Square	Moo Bar Russell Street informal	Lower Parade near Vialli's	Warwick Parkway station	Leamington Spa Station	Hours
Rank Spaces		12	6	6	4	4	3+2	4	5			2	5	
Operating Hours		24 hr	24 hr	2000-0600	1900-0400	2230-0300	?	24 hr	24 hr			24 hr	24 hr	
Usage?		High	Fair	?	?	?	?	Fair	Good					
Other comments												private	private	
Thursday	13:00													0
Thursday	14:00	1												1
Thursday	15:00	2												1
Thursday	16:00	3												1
Thursday	17:00	4												1
Thursday	18:00	5												1
Thursday	19:00	6												1
Thursday	20:00	7		1			1							3
Thursday	21:00	8		2		1	2							4
Thursday	22:00	9		3		2	3							4
Thursday	23:00	10		4		3	4							4
Thursday	00:00	11		5		4	5							4
Friday	01:00	12		6		5	6							4
Friday	02:00	13		7		6	7							4
Friday	03:00	14		8		7	8							4
Friday	04:00	15		9		8	9							4

Friday	05:00	16											1
Friday	06:00	17									1	1	3
Friday	07:00	18									2	2	3
Friday	08:00	19					1				3	3	4
Friday	09:00	20					2				4	4	4
Friday	10:00	21					3				5	5	4
Friday	11:00	22					4				6	6	4
Friday	12:00	23					5				7	7	4
Friday	13:00	24					6	1			8	8	5
Friday	14:00	25					7	2			9	9	5
Friday	15:00	26					8	3			10	10	5
Friday	16:00	27					9	4			11	11	5
Friday	17:00	28					10	5			12	12	5
Friday	18:00	29					11	6			13	13	5
Friday	19:00	30					12	7			14	14	5
Friday	20:00	31					13	8			15	15	5
Friday	21:00	32					14	9		1	16	16	6
Friday	22:00	33				10	15	10		2	17	17	7
Friday	23:00	34				11	16	11		3	18	15	7
Friday	00:00	35				12				4	19	16	5
Saturday	01:00	36				13				5		17	4
Saturday	02:00	37				14				6		18	4
Saturday	03:00	38				15				7			3
Saturday	04:00	39				16				8			3
Saturday	05:00	40				17							2
Saturday	06:00	41											1
Saturday	07:00	42						12					2
Saturday	08:00	43						13					2
Saturday	09:00	44						14					2
Saturday	10:00	45	1					15					3
Saturday	11:00	46	2					16					3
Saturday	12:00	47	3					17					3
Saturday	13:00	48	4					18					3
Saturday	14:00	49	5					19					3
Saturday	15:00	50	6					20					3
Saturday	16:00	51	7					21					3
Saturday	17:00	52	8					22					3



Saturday	18:00	53							23					2
Saturday	19:00	54			1				24					3
Saturday	20:00	55		10	2				25					4
Saturday	21:00	56		11	3				26	1				5
Saturday	22:00	57		12	4	9	18		27	2				7
Saturday	23:00	58		13	5	10	19		28	3				7
Saturday	00:00	59		14	6	11	20			4				6
Sunday	01:00	60		15	7	12	21			5				6
Sunday	02:00	61		16	8	13	22			6				6
Sunday	03:00	62		17	9	14	23			7				6
Sunday	04:00	63		18		15	24							4
Sunday	05:00	64		19		16	25							4
Sunday	06:00	65												1
Sunday	07:00	66												1
Sunday	08:00	67												1
Sunday	09:00	68												1
Sunday	10:00	69												1
Sunday	11:00	70												1
Sunday	12:00	71												1
Sunday	13:00	72												1
Sunday	14:00	73												1
Sunday	15:00	74												1
Sunday	16:00													0
Week day			41											
Week night			37											
Weekend day			30											
Weekend night			110											
Inter periods			32	250										
														250
Total hours at site		74	8	19	9	16	25	16	28	7	8	19	21	250



## **Appendix 2 Detailed rank observations**









Maximum passenger wait time												
Number waiting 11 mins or more												
Number of people waiting 6-10 mins												
Number of people waiting 1-5 mins												
Average Passenger Waiting Time, those waiting only												
Average Passenger Waiting Time in Hour												
Maximum Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time												
Total Vehicle Departures												
% of vehicles leaving empty												
Empty Vehicle Departures												
Average vehicle occupancy												
Loaded Vehicle Departures												
Total Passenger Departures												
No of Vehicle Arrivals												
Hour												
Date												
Ham Walk Su	08/11/2015	6	1	0	0	0	2	100%	2	01:27:00	01:27:00	01:27:00
Ham Walk Su	08/11/2015	7	1	1	1	1	0	0%	1	00:41:00		
Ham Walk Su	08/11/2015	8	7	1	1	1	4	80%	5	02:31:34	02:56:00	04:02:00
Ham Walk Su	08/11/2015	9	4	0	0	0	3	100%	3	02:35:45	02:09:20	02:28:00
Ham Walk Su	08/11/2015	10	2	3	2	1.5	0	0%	2	03:21:30	03:13:00	03:13:00
Ham Walk Su	08/11/2015	11	5	8	3	2.7	4	57%	7	03:38:24	03:38:24	03:54:00
Ham Walk Su	08/11/2015	12	6	4	2	2	3	60%	5	01:50:50	02:04:24	03:55:00
Ham Walk Su	08/11/2015	13	3	5	3	1.7	2	40%	5	00:58:20		
Ham Walk Su	08/11/2015	14	5	8	5	1.6	3	38%	8	00:32:12	00:32:00	00:44:00
Ham Walk Su	08/11/2015	15	1	9	6	1.5	3	33%	9	00:16:00		
<b>Hamilton Walk Su</b>	<b>08/11/2015</b>		<b>35</b>	<b>39</b>	<b>23</b>	<b>1.7</b>	<b>24</b>	<b>51%</b>	<b>47</b>			



Maximum passenger wait time										
Number waiting 11 mins or more										
Number of people waiting 6-10 mins										
Number of people waiting 1-5 mins										
Average Passenger Waiting Time, those waiting only										
Average Passenger Waiting Time in Hour										
Maximum Vehicle Waiting Time (for a fare)										
Average Vehicle Waiting Time (for a fare)										
Average Vehicle Waiting Time										
Total Vehicle Departures										
% of vehicles leaving empty										
Empty Vehicle Departures										
Average vehicle occupancy										
Loaded Vehicle Departures										
Total Passenger Departures										
No of Vehicle Arrivals										
Hour										
Date										
Boots Sa	07/11/2015	10	0	0	0	0	0	0%	0	
Boots Sa	07/11/2015	11	2	0	0	0	1	100%	1	00:09:00
Boots Sa	07/11/2015	12	1	0	0	0	2	100%	2	00:13:00
Boots Sa	07/11/2015	13	0	0	0	0	0	0%	0	
Boots Sa	07/11/2015	14	1	0	0	0	0	0%	0	01:20:00
Boots Sa	07/11/2015	15	2	0	0	0	2	100%	2	00:09:00
Boots Sa	07/11/2015	16	1	2	1	2	1	50%	2	00:01:00
Boots Sa	07/11/2015	17	0	0	0	0	0	0%	0	
<b>Boots Sa</b>	<b>07/11/2015</b>		<b>7</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>86%</b>	<b>7</b>	

Maximum passenger wait time												
Number waiting 11 mins or more												
Number of people waiting 6-10 mins												
Number of people waiting 1-5 mins												
Average Passenger Waiting Time, those waiting only												
Average Passenger Waiting Time in Hour												
Maximum Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time												
Total Vehicle Departures												
% of vehicles leaving empty												
Empty Vehicle Departures												
Average vehicle occupancy												
Loaded Vehicle Departures												
Total Passenger Departures												
No of Vehicle Arrivals												
Hour												
Date												
Copper Pot Th	05/11/2015	20	0	0	0	0	0	0%	0			
Copper Pot Th	05/11/2015	21	5	0	0	0	1	100%	1	00:43:48	00:51:00	00:51:00
Copper Pot Th	05/11/2015	22	8	3	3	1	5	62%	8	00:20:07	00:21:30	00:35:00
Copper Pot Th	05/11/2015	23	12	14	11	1.3	4	27%	15	00:15:50	00:16:51	00:29:00
Copper Pot Th	06/11/2015	0	12	6	3	2	5	62%	8	00:28:25	00:33:42	00:51:00
Copper Pot Th	06/11/2015	1	6	19	6	3.2	3	33%	9	00:23:10	00:27:30	00:44:00
Copper Pot Th	06/11/2015	2	27	47	13	3.6	16	55%	29	00:05:15	00:07:18	00:14:00
Copper Pot Th	06/11/2015	3	5	3	1	3	4	80%	5	00:07:36	00:02:00	00:02:00
Copper Pot Th	06/11/2015	4	0	0	0	0	0	0%	0			
<b>Copper Pot Th</b>	<b>05/11/2015</b>		<b>75</b>	<b>92</b>	<b>37</b>	<b>2.5</b>	<b>38</b>	<b>51%</b>	<b>75</b>			

	</																			



Maximum passenger wait time												
Number waiting 11 mins or more												
Number of people waiting 6-10 mins												
Number of people waiting 1-5 mins												
Average Passenger Waiting Time, those waiting only												
Average Passenger Waiting Time in Hour												
Maximum Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time												
Total Vehicle Departures												
% of vehicles leaving empty												
Empty Vehicle Departures												
Average vehicle occupancy												
Loaded Vehicle Departures												
Total Passenger Departures												
No of Vehicle Arrivals												
Hour												
Date												
The Assembly Sa	07/11/2015	19	3	0	0	0	3	100%	3	00:06:40		
The Assembly Sa	07/11/2015	20	0	0	0	0	0	0%	0			
The Assembly Sa	07/11/2015	21	0	0	0	0	0	0%	0			
The Assembly Sa	07/11/2015	22	2	0	0	0	0	0%	0	00:01:30	00:01:00	00:01:00
The Assembly Sa	07/11/2015	23	9	7	2	3.5	9	82%	11	00:02:20	00:03:00	00:03:00
<b>The Assembly Sa</b>	<b>07/11/2015</b>		<b>14</b>	<b>7</b>	<b>2</b>	<b>3.5</b>	<b>12</b>	<b>86%</b>	<b>14</b>			

Maximum passenger wait time											
Number waiting 11 mins or more											
Number of people waiting 6-10 mins											
Number of people waiting 1-5 mins											
Average Passenger Waiting Time, those waiting only											
Average Passenger Waiting Time in Hour											
Maximum Vehicle Waiting Time (for a fare)											
Average Vehicle Waiting Time (for a fare)											
Average Vehicle Waiting Time											
Total Vehicle Departures											
% of vehicles leaving empty											
Empty Vehicle Departures											
Average vehicle occupancy											
Loaded Vehicle Departures											
Total Passenger Departures											
No of Vehicle Arrivals											
Hour											
Date											
Rio's Th	05/11/2015	21	0	0	0	0	0	0%	0		
Rio's Th	05/11/2015	22	0	0	0	0	0	0%	0		
Rio's Th	05/11/2015	23	0	0	0	0	0	0%	0		
Rio's Th	06/11/2015	0	2	0	0	0	2	100%	2		
Rio's Th	06/11/2015	1	0	0	0	0	0	0%	0		
Rio's Th	06/11/2015	2	0	0	0	0	0	0%	0		
Rio's Th	06/11/2015	3	0	0	0	0	0	0%	0		
Rio's Th	06/11/2015	4	0	0	0	0	0	0%	0		
<b>Rio's Th</b>	<b>05/11/2015</b>		<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>100%</b>	<b>2</b>		



Maximum passenger wait time									
Number waiting 11 mins or more									
Number of people waiting 6-10 mins									
Number of people waiting 1-5 mins									
Average Passenger Waiting Time, those waiting only									
Average Passenger Waiting Time in Hour									
Maximum Vehicle Waiting Time (for a fare)									
Average Vehicle Waiting Time (for a fare)									
Average Vehicle Waiting Time									
Total Vehicle Departures									
% of vehicles leaving empty									
Empty Vehicle Departures									
Average vehicle occupancy									
Loaded Vehicle Departures									
Total Passenger Departures									
No of Vehicle Arrivals									
Hour									
Date									
Smack Tu	15/12/2015	23	0	0	0	0	0	0	0
Smack Tu	16/12/2015	0	21	7	3	2.3	4	50%	8
Smack Tu	16/12/2015	1	11	6	2	3	1	33%	3
Smack Tu	16/12/2015	2	8	27	11	2.5	3	21%	14
Smack Tu	16/12/2015	3	29	105	35	3	1	3%	36
Smack Tu	16/12/2015	4	0	16	8	2	1	11%	9
<b>Smack Tu</b>	<b>15/12/2015</b>		<b>69</b>	<b>161</b>	<b>59</b>	<b>2.7</b>	<b>10</b>	<b>14%</b>	<b>70</b>



Maximum passenger wait time											
Number waiting 11 mins or more											
Number of people waiting 6-10 mins											
Number of people waiting 1-5 mins											
Average Passenger Waiting Time, those waiting only											
Average Passenger Waiting Time in Hour											
Maximum Vehicle Waiting Time (for a fare)											
Average Vehicle Waiting Time (for a fare)											
Average Vehicle Waiting Time											
Total Vehicle Departures											
% of vehicles leaving empty											
Empty Vehicle Departures											
Average vehicle occupancy											
Loaded Vehicle Departures											
Total Passenger Departures											
No of Vehicle Arrivals											
Hour											
Date											
Smack Th	05/11/2015	20	1	0	0	0	1	100%	1		
Smack Th	05/11/2015	21		0	0	0	0	0%	0		
Smack Th	05/11/2015	22	2	0	0	0	0	0%	0	01:01:30	
Smack Th	05/11/2015	23	8	0	0	0	8	100%	8	00:37:07	02:06:30 02:18:00
Smack Th	06/11/2015	0	2	0	0	0	2	100%	2	00:00:30	
Smack Th	06/11/2015	1	0	5	1	5	0	0%	1		
Smack Th	06/11/2015	2	7	24	6	4	1	14%	7	00:08:17	00:09:40 00:24:00
Smack Th	06/11/2015	3	7	11	5	2.2	3	38%	8	00:04:34	00:04:30 00:11:00
Smack Th	06/11/2015	4	0	0	0	0	0	0%	0		
<b>Smack Th</b>	<b>05/11/2015</b>		<b>27</b>	<b>40</b>	<b>12</b>	<b>3.3</b>	<b>15</b>	<b>56%</b>	<b>27</b>		

Maximum passenger wait time												
Number waiting 11 mins or more												
Number of people waiting 6-10 mins												
Number of people waiting 1-5 mins												
Average Passenger Waiting Time, those waiting only												
Average Passenger Waiting Time in Hour												
Maximum Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time												
Total Vehicle Departures												
% of vehicles leaving empty												
Empty Vehicle Departures												
Average vehicle occupancy												
Loaded Vehicle Departures												
Total Passenger Departures												
No of Vehicle Arrivals												
Hour												
Date												
Smack F	06/11/2015	22	2	1	1	1	0	0%	1	00:06:00	00:03:00	00:03:00
Smack F	06/11/2015	23	5	0	0	0	4	100%	4	00:46:12	01:53:00	01:53:00
Smack F	07/11/2015	1	5	10	4	2.5	2	33%	6	00:16:24	00:15:30	00:24:00
Smack F	07/11/2015	2	6	13	6	2.2	0	0%	6	00:07:40	00:07:40	00:16:00
Smack F	07/11/2015	3	8	10	2	5	7	78%	9	00:05:00	00:04:00	00:04:00
Smack F	07/11/2015	4	0	0	0	0	0	0%	0			
Smack F	07/11/2015	5	0	0	0	0	0	0%	0			
<b>Smack F</b>	<b>06/11/2015</b>		<b>26</b>	<b>34</b>	<b>13</b>	<b>2.6</b>	<b>13</b>	<b>50%</b>	<b>26</b>			

Maximum passenger wait time												
Number waiting 11 mins or more												
Number of people waiting 6-10 mins												
Number of people waiting 1-5 mins												
Average Passenger Waiting Time, those waiting only												
Average Passenger Waiting Time in Hour												
Maximum Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time												
Total Vehicle Departures												
% of vehicles leaving empty												
Empty Vehicle Departures												
Average vehicle occupancy												
Loaded Vehicle Departures												
Total Passenger Departures												
No of Vehicle Arrivals												
Hour												
Date												
Smack Sa	07/11/2015	22	0	0	0	0	0	0%	0	00:05:00	00:06:00	00:06:00
Smack Sa	07/11/2015	23	0	0	0	0	0	0%	0			
Smack Sa	08/11/2015	0	0	0	0	0	0	0%	0			
Smack Sa	08/11/2015	1	0	0	0	0	0	0%	0			
Smack Sa	08/11/2015	2	2	2	1	2	1	50%	2			
Smack Sa	08/11/2015	3	3	7	3	2.3	0	0%	3			
Smack Sa	08/11/2015	4	0	0	0	0	0	0%	0			
Smack Sa	08/11/2015	5	0	0	0	0	0	0%	0			
<b>Smack Sa</b>	<b>07/11/2015</b>		<b>5</b>	<b>9</b>	<b>4</b>	<b>2.3</b>	<b>1</b>	<b>20%</b>	<b>5</b>			







[illegible]

Maximum passenger wait time										
Number waiting 11 mins or more										
Number of people waiting 6-10 mins										
Number of people waiting 1-5 mins										
Average Passenger Waiting Time, those waiting only										
Average Passenger Waiting Time in Hour										
Maximum Vehicle Waiting Time (for a fare)										
Average Vehicle Waiting Time (for a fare)										
Average Vehicle Waiting Time										
Total Vehicle Departures										
% of vehicles leaving empty										
Empty Vehicle Departures										
Average vehicle occupancy										
Loaded Vehicle Departures										
Total Passenger Departures										
No of Vehicle Arrivals										
Hour										
Date										
Informal Moo Bar F	06/11/2015	22	1	0	0	0	1	100%	1	00:03:00
Informal Moo Bar F	06/11/2015	23	2	0	0	0	2	100%	2	00:01:00
Informal Moo Bar F	07/11/2015	0	2	0	0	0	2	100%	2	00:03:00
<b>Informal Moo Bar F</b>	<b>06/11/2015</b>		<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>100%</b>	<b>5</b>	



Maximum passenger wait time														
Number waiting 11 mins or more														
Number of people waiting 6-10 mins														
Number of people waiting 1-5 mins														
Average Passenger Waiting Time, those waiting only														
Average Passenger Waiting Time in Hour														
Maximum Vehicle Waiting Time (for a fare)														
Average Vehicle Waiting Time (for a fare)														
Average Vehicle Waiting Time														
Total Vehicle Departures														
% of vehicles leaving empty														
Empty Vehicle Departures														
Average vehicle occupancy														
Loaded Vehicle Departures														
Total Passenger Departures														
No of Vehicle Arrivals														
Hour														
Date														
Informal Moo Bar Sa	11/06/2015	22	0	0	0	0	0	0%	0					
Informal Moo Bar Sa	11/06/2015	23	6	1	1	1	5	83%	6	00:01:10	00:00:00	00:00:00		
Informal Moo Bar Sa	12/06/2015	0	13	8	3	2.7	10	77%	13	00:00:55	00:01:00	00:01:00	00:00:15	00:02:00
Informal Moo Bar Sa	11/06/2015		19	9	4	2.3	15	79%	19				00:00:13	

Maximum passenger wait time

Number waiting 11 mins or  
more

Number of people waiting 6-10  
mins

Number of people waiting 1-5  
mins

Average Passenger Waiting  
Time, those waiting only

Average Passenger Waiting Time  
in Hour

Maximum Vehicle Waiting Time  
(for a fare)

Average Vehicle Waiting Time  
(for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

1286

% of vehicles leaving empty

44%

Empty Vehicle Departures

560

Average vehicle occupancy

1.9

Loaded Vehicle Departures

726

Total Passenger Departures

1396

No of Vehicle Arrivals

1286

Totals excl  
private ranks

Private Ranks

Maximum passenger wait time												
Number waiting 11 mins or more												
Number of people waiting 6-10 mins												
Number of people waiting 1-5 mins												
Average Passenger Waiting Time, those waiting only												
Average Passenger Waiting Time in Hour												
Maximum Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time (for a fare)												
Average Vehicle Waiting Time												
Total Vehicle Departures												
% of vehicles leaving empty												
Empty Vehicle Departures												
Average vehicle occupancy												
Loaded Vehicle Departures												
Total Passenger Departures												
No of Vehicle Arrivals												
Hour												
Date												
P - Wwick Pwy	06/11/2015	7	1	1	1	1	0	0%	1	00:00:00	00:00:00	00:00:00
P - Wwick Pwy	06/11/2015	8	3	2	2	1	0	0%	2	00:13:20	00:13:20	00:34:00
P - Wwick Pwy	06/11/2015	9	6	5	5	1	0	0%	5	00:15:50	00:07:48	00:31:00
P - Wwick Pwy	06/11/2015	10	6	5	5	1	1	17%	6	00:21:30	00:21:30	00:39:00
P - Wwick Pwy	06/11/2015	11	2	4	4	1	0	0%	4	00:02:00	00:02:00	00:04:00
P - Wwick Pwy	06/11/2015	12	5	4	4	1	0	0%	4	00:07:36	00:07:36	00:15:00
P - Wwick Pwy	06/11/2015	13	4	4	4	1	0	0%	4	00:10:45	00:10:45	00:34:00
P - Wwick Pwy	06/11/2015	14	8	8	8	1	0	0%	8	00:02:52	00:02:52	00:10:00
P - Wwick Pwy	06/11/2015	15	7	8	8	1	0	0%	8	00:10:00	00:10:00	00:23:00
P - Wwick Pwy	06/11/2015	16	5	4	4	1	0	0%	4	00:04:24	00:04:24	00:10:00
P - Wwick Pwy	06/11/2015	17	7	7	7	1	1	12%	8	00:01:42	00:02:00	00:08:00
P - Wwick Pwy	06/11/2015	18	4	4	4	1	0	0%	4	00:04:00	00:04:00	00:13:00
P - Wwick Pwy	06/11/2015	19	7	6	6	1	1	14%	7	00:07:25	00:08:40	00:17:00
P - Wwick Pwy	06/11/2015	20	0	0	0	0	0	0%	0			
P - Wwick Pwy	06/11/2015	21	0	0	0	0	0	0%	0			
P - Wwick Pwy	06/11/2015	22	0	0	0	0	0	0%	0			
P - Wwick Pwy	06/11/2015	23	0	0	0	0	0	0%	0			
P - Wwick Pwy	07/11/2015	0	2	2	2	1	0	0%	2	00:02:00	00:02:00	00:04:00
<b>Private - Warwick Pwy</b>	<b>06/11/2015</b>		<b>67</b>	<b>64</b>	<b>64</b>	<b>1</b>	<b>3</b>	<b>4%</b>	<b>67</b>			



Maximum passenger wait time

Number waiting 11 mins or  
more

Number of people waiting 6-10  
mins

Number of people waiting 1-5  
mins

Average Passenger Waiting  
Time, those waiting only

Average Passenger Waiting Time  
in Hour

Maximum Vehicle Waiting Time  
(for a fare)

Average Vehicle Waiting Time  
(for a fare)

Average Vehicle Waiting Time

Total Vehicle Departures

% of vehicles leaving empty

Empty Vehicle Departures

Average vehicle occupancy

Loaded Vehicle Departures

Total Passenger Departures

No of Vehicle Arrivals

Hour

251

1714

1809

1033

1.8

681

40%

1714

Overall Totals

### Appendix 3 –On-street public attitude survey summary results

Q1: Have you used a taxi in the last 3 months in the Warwick area?			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
Yes	117	46.80%	24	48.00%	24	48.98%	16	31.37%	53	53.00%
No	133	53.20%	26	52.00%	25	51.02%	35	68.63%	47	47.00%
<b>Total</b>	250	100.00%	50	100.00%	49	100.00%	51	100.00%	100	100.00%

Q2: How often do you use a taxi within this area?			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
Almost daily	10	7.46%	2	5.88%	0	0.00%	2	12.50%	6	10.17%
Once a week	18	13.43%	5	14.71%	2	8.00%	4	25.00%	7	11.86%
A few times a month	34	25.37%	7	20.59%	7	28.00%	6	37.50%	14	23.73%
Once a month	23	17.16%	4	11.76%	8	32.00%	2	12.50%	9	15.25%
Less than once a month	49	36.57%	16	47.06%	8	32.00%	2	12.50%	23	38.98%
<b>Total</b>	134	100.00%	34	100.00%	25	100.00%	16	100.00%	59	100.00%

Almost daily	20
Once a week	4
A few times a month	2
Once a month	1
Less than once a month	0.5

Resulting estimate of trips per person per month	1.7	0.7	1.4	2.0
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Q3: How do you normally book a taxi within this area?			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
At a Taxi rank	47	32.64%	14	53.85%	4	16.00%	9	47.37%	20	27.03%
Hail in the street	2	1.39%	0	0.00%	1	4.00%	0	0.00%	1	1.35%
Telephone a company	63	43.75%	11	42.31%	16	64.00%	1	5.26%	35	47.30%
Use a Freephone	2	1.39%	1	3.85%	1	4.00%	0	0.00%	0	0.00%
Use my mobile or smart phone	26	18.06%	0	0.00%	2	8.00%	8	42.11%	16	21.62%
Other - ONLINE	4	2.78%	0	0.00%	1	4.00%	1	5.26%	2	2.70%
<b>Total</b>	144	100.00%	26	100.0%	25	100.0%	19	100.0%	74	100.0%

Q4. If you book a taxi by phone, which three companies do you use most?			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
CASTLE CARS phv	53	27.46%	0	0.00%	2	6.06%	3	12.50%	48	39.02%
SAPPHIRE	27	13.99%	1	7.69%	5	15.15%	2	8.33%	19	15.45%
EASY CARS phv	16	8.29%	0	0.00%	7	21.21%	3	12.50%	6	4.88%
VICTORIA phv	14	7.25%	0	0.00%	6	18.18%	5	20.83%	3	2.44%
HOME JAMES	13	6.74%	0	0.00%	2	6.06%	4	16.67%	7	5.69%
247	10	5.18%	0	0.00%	0	0.00%	0	0.00%	10	8.13%
AP CABS	9	4.66%	0	0.00%	0	0.00%	0	0.00%	9	7.32%
CALL LINE phv	5	2.59%	2	15.38%	0	0.00%	0	0.00%	3	2.44%
STAR LINE	4	2.07%	1	7.69%	0	0.00%	0	0.00%	3	2.44%
BROOKLINE	2	1.04%	2	15.38%	0	0.00%	0	0.00%	0	0.00%
ABBAY CABS	1	0.52%	1	7.69%	0	0.00%	0	0.00%	0	0.00%
CHRIS'S TAXIS one man phv	1	0.52%	1	7.69%	0	0.00%	0	0.00%	0	0.00%
LOCAL TAXIS hcv	2	1.04%	1	7.69%	0	0.00%	0	0.00%	1	0.81%
ROBS CABS	2	1.04%	2	15.38%	0	0.00%	0	0.00%	0	0.00%
ROYAL CABS hcv	1	0.52%	1	7.69%	0	0.00%	0	0.00%	0	0.00%
YELLOW TAXIS hcv	3	1.55%	1	7.69%	2	6.06%	0	0.00%	0	0.00%
A TO B	2	1.04%	0	0.00%	1	3.03%	0	0.00%	1	0.81%
FOURWAYS phv	2	1.04%	0	0.00%	1	3.03%	0	0.00%	1	0.81%
FOURWAYS phv	2	1.04%	0	0.00%	0	0.00%	0	0.00%	2	1.63%
HACKNEY CARRIAGES hcv	1	0.52%	0	0.00%	0	0.00%	0	0.00%	1	0.81%
Kenny (Kenny Cabs) one man phv	1	0.52%	0	0.00%	0	0.00%	0	0.00%	1	0.81%
Kenny (Kenny's Runners) one man phv	1	0.52%	0	0.00%	0	0.00%	1	4.17%	0	0.00%
TAXI LINE	1	0.52%	0	0.00%	0	0.00%	0	0.00%	1	0.81%
WARWICK CABS	2	1.04%	0	0.00%	0	0.00%	0	0.00%	2	1.63%
ASHFORD CABS	2	1.04%	0	0.00%	1	3.03%	0	0.00%	1	0.81%
BANOR TAXIS	2	1.04%	0	0.00%	0	0.00%	0	0.00%	2	1.63%
AIRPORT TAXI	1	0.52%	0	0.00%	0	0.00%	0	0.00%	1	0.81%
LEAMINGTON	1	0.52%	0	0.00%	0	0.00%	0	0.00%	1	0.81%
A LINES	1	0.52%	0	0.00%	1	3.03%	0	0.00%	0	0.00%
K & B CARS	2	1.04%	0	0.00%	2	6.06%	0	0.00%	0	0.00%
UBER	2	1.04%	0	0.00%	2	6.06%	0	0.00%	0	0.00%
WHERE TO GO	2	1.04%	0	0.00%	1	3.03%	1	4.17%	0	0.00%



CENTRAL	1	0.52%	0	0.00%	0	0.00%	1	4.17%	0	0.00%
NS LINE	2	1.04%	0	0.00%	0	0.00%	2	8.33%	0	0.00%
PRIVATE HIRE	1	0.52%	0	0.00%	0	0.00%	1	4.17%	0	0.00%
ARROW TAXIS hcv	1	0.52%	0	0.00%	0	0.00%	1	4.17%	0	0.00%
<b>Total</b>	193	100.00%	13	100.0%	33	100.0%	24	100.0%	123	100.0%

Q5: How often do you use a hackney carriage within the Warwick area?			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
Almost daily	3	1.70%	1	2.78%	0	0.00%	0	0.00%	2	3.51%
Once a week	9	5.11%	4	11.11%	0	0.00%	0	0.00%	5	8.77%
A few times a month	16	9.09%	4	11.11%	2	5.56%	1	2.13%	9	15.79%
Once a month	13	7.39%	2	5.56%	1	2.78%	0	0.00%	10	17.54%
Less than once a month	24	13.64%	3	8.33%	6	16.67%	1	2.13%	14	24.56%
I can't remember when I last used a hackney carriage	66	37.50%	13	36.11%	3	8.33%	37	78.72%	13	22.81%
I can't remember seeing a hackney carriage in the area	45	25.57%	9	25.00%	24	66.67%	8	17.02%	4	7.02%
<b>Total</b>	176	100.00%	36	100.00%	36	100.00%	47	100.00%	57	100.00%

Almost daily	20
Once a week	4
A few times a month	2
Once a month	1
Less than once a month	0.5

<b>Resulting estimate of trips per person per month</b>	<b>1.0</b>	<b>0.2</b>	<b>0.0</b>	<b>1.0</b>
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Q6. Please tell me the ranks you are aware of			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
TRAIN STATION	70	30.57%	1	1.96%	20	52.63%	31	38.27%	18	30.51%
LEAMINGTON STATION	12	5.24%	7	13.73%	2	5.26%	1	1.23%	2	3.39%
POLICE STATION	30	13.10%	0	0.00%	11	28.95%	17	20.99%	2	3.39%
HOLLY WALK	18	7.86%	0	0.00%	0	0.00%	16	19.75%	2	3.39%
HAMILTON TERRACE	1	0.44%	0	0.00%	1	2.63%	0	0.00%	0	0.00%
ABBEY END	23	10.04%	23	45.10%	0	0.00%	0	0.00%	0	0.00%
MARKET SQUARE	23	10.04%	0	0.00%	0	0.00%	0	0.00%	23	38.98%
MARKET SQUARE WARWICK	1	0.44%	1	1.96%	0	0.00%	0	0.00%	0	0.00%
MARKET PLACE	8	3.49%	0	0.00%	0	0.00%	0	0.00%	8	13.56%
WARWICK SQUARE	1	0.44%	0	0.00%	1	2.63%	0	0.00%	0	0.00%
BOOTS LEAMINGTON	3	1.31%	2	3.92%	0	0.00%	1	1.23%	0	0.00%
BOOTS	2	0.87%	0	0.00%	0	0.00%	2	2.47%	0	0.00%
DUKE LEAMINGTON	1	0.44%	1	1.96%	0	0.00%	0	0.00%	0	0.00%
SUGERS	2	0.87%	2	3.92%	0	0.00%	0	0.00%	0	0.00%
WARWICK STATION	12	5.24%	7	13.73%	0	0.00%	5	6.17%	0	0.00%
WARWICK PARKWAY	7	3.06%	7	13.73%	0	0.00%	0	0.00%	0	0.00%
WARWICK STREET	8	3.49%	0	0.00%	0	0.00%	8	9.88%	0	0.00%
BATH STREET	1	0.44%	0	0.00%	0	0.00%	0	0.00%	1	1.69%
SAINSBURYS	1	0.44%	0	0.00%	0	0.00%	0	0.00%	1	1.69%
SHIRE HALL	1	0.44%	0	0.00%	0	0.00%	0	0.00%	1	1.69%
WARWICK UNIVERSITY	1	0.44%	0	0.00%	1	2.63%	0	0.00%	0	0.00%
THE PARADE	1	0.44%	0	0.00%	0	0.00%	0	0.00%	1	1.69%
BIRMINGHAM AIRPORT	2	0.87%	0	0.00%	2	5.26%	0	0.00%	0	0.00%
TOTAL	229	100.00%	51	100.00%	38	100.00%	81	100.00%	59	100.00%

Q7. Is there a location in the Warwick District Council area that you would like to see a taxi rank?			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
WAITROSE KENILWORTH	2	12.50%	2	50.00%	0	0.00%	0	0.00%	0	0.00%
WILCO KENILWORTH	2	12.50%	2	50.00%	0	0.00%	0	0.00%	0	0.00%
TOP PARK	1	6.25%	0	0.00%	1	33.33%	0	0.00%	0	0.00%
WARWICK UNIVERSITY	2	12.50%	0	0.00%	2	66.67%	0	0.00%	0	0.00%
MARKS AND SPENCERS	1	6.25%	0	0.00%	0	0.00%	1	100.00%	0	0.00%
RACE COURSE	2	12.50%	0	0.00%	0	0.00%	0	0.00%	2	25.00%
SHIRE HALL	4	25.00%	0	0.00%	0	0.00%	0	0.00%	4	50.00%
WARWICK CASTLE	2	12.50%	0	0.00%	0	0.00%	0	0.00%	2	25.00%
TOTAL	16	100.00%	4	100.00%	3	100.00%	1	100.00%	8	400.00%

Q8: Have you had any problems with the local Hackney carriage service?			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
Design of vehicle	6	9.23%	3	21.43%	0	0.00%	0	0.00%	3	7.89%
Driver issues	13	20.00%	1	7.14%	1	20.00%	0	0.00%	11	28.95%
Position of ranks	12	18.46%	0	0.00%	0	0.00%	1	12.50%	11	28.95%
Delay in getting a taxi	19	29.23%	8	57.14%	2	40.00%	2	25.00%	7	18.42%
Cleanliness	4	6.15%	1	7.14%	1	20.00%	0	0.00%	2	5.26%
Other – No	11	16.92%	1	7.14%	1	20.00%	5	62.50%	4	10.53%
<b>Total</b>	<b>65</b>	<b>100.00%</b>	<b>14</b>	<b>100.00%</b>	<b>5</b>	<b>100.00%</b>	<b>8</b>	<b>100.00%</b>	<b>38</b>	<b>100.00%</b>

<b>Q9: What would encourage you to use taxis or use them more often?</b>			<b>KENILWORTH</b>		<b>LEAMINGTON</b>		<b>S LEAMINGTON</b>		<b>WARWICK</b>	
Other - CHEAPER FARES	93	51.67%	9	36.00%	17	65.38%	10	52.63%	57	51.82%
Better Drivers	34	18.89%	1	4.00%	6	23.08%	0	0.00%	27	24.55%
More hackney carriages I could hail or get at a rank	20	11.11%	9	36.00%	0	0.00%	4	21.05%	7	6.36%
Better Vehicle	17	9.44%	2	8.00%	1	3.85%	0	0.00%	14	12.73%
More hackney carriages I could phone for	7	3.89%	4	16.00%	0	0.00%	0	0.00%	3	2.73%
Better located ranks	4	2.22%	0	0.00%	1	3.85%	1	5.26%	2	1.82%
Other - More hackney carriages	1	0.56%	0	0.00%	0	0.00%	1	5.26%	0	0.00%
Other - OAP discount	2	1.11%	0	0.00%	0	0.00%	2	10.53%	0	0.00%
Other – Reliability	1	0.56%	0	0.00%	1	3.85%	0	0.00%	0	0.00%
Other - Student Discount	1	0.56%	0	0.00%	0	0.00%	1	5.26%	0	0.00%
<b>Total</b>	180	100.00%	25	100.00%	26	100.00%	19	100.00%	110	100.00%

<b>Q10: Do you consider you or anyone you know to have a disability that means you need an adapted vehicle?</b>			<b>KENILWORTH</b>		<b>LEAMINGTON</b>		<b>S LEAMINGTON</b>		<b>WARWICK</b>	
No	163	86.70%	32	82.05%	30	88.24%	38	92.68%	63	85.14%
Yes – WAV	6	3.19%	4	10.26%	0	0.00%	1	2.44%	1	1.35%
someone I know WAV	11	5.85%	1	2.56%	4	11.76%	0	0.00%	6	8.11%
Yes, but not WAV	2	1.06%	0	0.00%	0	0.00%	0	0.00%	2	2.70%
Someone I know, but not WAV	2	1.06%	1	2.56%	0	0.00%	0	0.00%	1	1.35%
Other	4	2.13%	1	2.56%	0	0.00%	2	4.88%	1	1.35%
<b>Total</b>	188	100.00%	39	100.00%	34	100.00%	41	100.00%	74	100.00%

<b>Q11. Have you ever given up waiting for a hackney carriage at a rank in the Warwick area?</b>			<b>KENILWORTH</b>		<b>LEAMINGTON</b>		<b>S LEAMINGTON</b>		<b>WARWICK</b>	
No	202	95.73%	35	85.37%	46	95.83%	41	97.62%	80	100.00%
Yes	9	4.27%	6	14.63%	2	4.17%	1	2.38%	0	0.00%
<b>Total</b>	211	100.00%	41	100.00%	48	100.00%	42	100.00%	80	100.00%

Q12. Do you have regular access to a car?			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
Yes	124	50.61%	27	54.00%	20	41.67%	28	56.00%	49	50.52%
No	121	49.39%	23	46.00%	28	58.33%	22	44.00%	48	49.48%
<b>Total</b>	245	100.00%	50	100.00%	48	100.00%	50	100.00%	97	100.00%

Q13: Do you live in this area?			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
Yes	132	53.23%	44	88.00%	43	87.76%	42	85.71%	3	3.00%
No	116	46.77%	6	12.00%	6	12.24%	7	14.29%	97	97.00%
<b>Total</b>	248	100.00%	50	100.00%	49	100.00%	49	100.00%	100	100.00%

Q14: Gender			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
1. Male	128	51.20%	16	32.00%	29	59.18%	33	64.71%	50	50.00%
2. Female	122	48.80%	34	68.00%	20	40.82%	18	35.29%	50	50.00%
<b>Total</b>	250	100.00%	50	100.00%	49	100.00%	51	100.00%	100	100.00%

Q15: Age			KENILWORTH		LEAMINGTON		S LEAMINGTON		WARWICK	
1. Under 30	70	28.11%	9	18.00%	22	44.90%	24	47.06%	15	15.15%
2. 31 – 55	101	40.56%	20	40.00%	20	40.82%	17	33.33%	44	44.44%
3. Over 55	78	31.33%	21	42.00%	7	14.29%	10	19.61%	40	40.40%
<b>Total</b>	249	100.00%	50	100.00%	49	100.00%	51	100.00%	99	100.00%



## Appendix 4 Stakeholder Feedback Diary

Chapter	Stakeholder Group / Person	Views returned?
5	<b>Supermarkets</b>	
	Waitrose, Kenilworth	R
	Tesco Metro, Leamington Spa	Y
	Morrison's Leamington Spa	R
	Sainsbury's Warwick	Y
	M&S Warwick	N
	Boots Leamington Spa	R
	Orchard Whitnash	Y
5	<b>Hotels</b>	
	Grand Hotel Kenilworth	Y
	Victoria Park Hotel, Leamington Spa	N
	Lansdowne Hotel, Leamington Spa	N
	The Old Fourpenny Shop Hotel, Warwick	Y
	The Tudor House Inn, Warwick	N
	<b>Restaurants</b>	
	Pierre Le Bistro, Leamington Spa	Y
	Paprika Club, Leamington Spa	N
	Ego, Kenilworth	Y
	The Kitchen, Kenilworth	Y
	Micatto, Warwick	Y
	Ask, Warwick	Y
5	<b>Night clubs / Entertainment / Pubs</b>	
	Warwick Racecourse	N
	Royal Spa Centre and Town Hall	R
	Warwick Castle	Y
	Copper Pot, Leamington Spa	Y
	Roebuck Inn, Warwick	N
	Tilded Wig, Warwick	Y
	Bear and Ragged Staff, Kenilworth	Y
	The Lion, Kenilworth	R
	The Plough and Harrow, Whitnash	Y
	Rio's Leamington Spa	N
	Smack, Leamington Spa	Y
	Assembly Leamington Spa	N
	Moo Bar, Leamington Spa	N
	Altoria, Leamington Spa	Y
5	<b>Hospital</b>	
	Warwick	N

5	<b>Other District Council representatives</b>	
	Safer Communities Manger, Warwick DC	Y
5	<b>Disability, equality and other local group representatives</b>	
	Whitnash Town Council	Y
	Royal Leamington Spa Town Council	Y
	Warwick Town Council	Y
	Baginton Parish Council	Y
	All other town / parish councils in area	N
	No disability groups identified	
	Operations Inspector, Community Group, Warwickshire County Council	Y
5	<b>Police</b>	
	No response received	N
6	<b>Hackney carriage and private hire trade</b>	
	Via survey to all drivers	Y