

# Licensing Committee

Monday, 6 March 2017

## MINUTES

### Present:

Councillor Pat Witherspoon (Chair), Councillor Andrew Fry (Vice-Chair) and Councillors Natalie Brookes, Anita Clayton, Pattie Hill, Gay Hopkins, Gareth Prosser, Antonia Pulsford, Rachael Smith and Jennifer Wheeler

**Also Present:** (It was noted that there were three representatives from the Redditch Taxi Association in attendance in the public gallery).

### Officers:

Timothy Bishop and Dave Etheridge

### Democratic Services Officer:

Pauline Ross

Prior to the commencement of the meeting the Chair acknowledged and welcomed the three representatives from the Redditch Taxi Association.

## 16. APOLOGIES

Apologies for absence were received on behalf of Councillor Roger Bennett.

## 17. DECLARATIONS OF INTEREST

No declarations of interest were received.

## 18. MINUTES

### RESOLVED that

the minutes of the meeting of the Licensing Committee held on 7th November July 2016 be confirmed as a correct record and signed by the Chair.

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Chair

## 19. LEGISLATIVE UPDATE

Members received a report which detailed the recent changes in legislation that related to the Council's licensing functions and supplementary papers which detailed the Department of Transport, Statutory Guidance on Access for Wheelchair users to Taxis and Private Hire Vehicles.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and supplementary guidance and in doing so referred to the specific legislative changes to the Immigration Act 2016, the Police and Crime Act 2017, Section 165-167 of the Equality Act 2010 Taxi and Private Hire Passengers in Wheelchairs and Department for Environment, Food and Rural Affairs (DEFRA) Animal Licensing Proposals.

The Senior Licensing Practitioner, WRS, provided Members with information on each specific area as follows:-

**The Immigration Act 2016** received Royal Assent on 12th May 2016. The Act included provisions aimed at making it more difficult for people to live and work illegally in the United Kingdom (UK). Schedule 5 of the Immigration Act which came into effect on 1st December 2016, impacted on the Council's taxi and private hire licensing functions.

The new provisions meant that hackney carriage and private hire driver and operator licences must not be issued to people who were illegally present in the UK, who were not permitted to work, or who were permitted to work but were subject to a condition that prohibited them from holding such a licence. Appendix 1 to the report detailed the Home Office Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales.

The Senior Licensing Practitioner, WRS, further informed Members that Licensing Officers, WRS, had received training from the Home Office Immigration Enforcement Team on the new provisions and on increased document fraud awareness. Licensing Officers, WRS, were taking steps to ensure compliance with the new provisions introduced.

**Policing and Crime Act 2017** received Royal Assent on 31st January 2017. The Act contained provisions that would impact on both taxi licensing and the licensing of alcohol and late night refreshment under the Licensing Act 2003.

A summary of the provisions that would affect the licensing regimes carried out by WRS on behalf of the Council were detailed at Appendix 2 to the report.

Licensing Officers, WRS, would carefully monitor the progress made towards the commencement of the licensing related provisions in the Act. Further information would be provided to Members as and when necessary.

**Section 165-167 of the Equality Act 2010 Taxi and Private Hire Passengers in Wheelchairs** would be implemented by the Department for Transport (DfT) with effect from 6th April 2017. From 6th April 2017 drivers of designated wheelchair accessible taxi and private hire vehicles would be obliged by law to:

- transport wheelchair users in their wheelchairs.
- provide passengers in wheelchairs with appropriate assistance.
- charge wheelchair users the same as non-wheelchair users.

The new rules would apply in England, Wales and Scotland affecting vehicles that were designated as wheelchair accessible and would apply to both taxis and private hire vehicles.

Drivers found to be discriminating against wheelchair users may be fined up to £1,000. Drivers could also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons would be able to apply for an exemption from the new rules.

Further updates in relation to the change in the law would be brought to the Licensing Committee later during the year.

Licensing Officers, WRS, would raise awareness amongst licensed drivers with regard to the introduction of the new law and how it could affect them.

**Animal Licensing Proposals (DEFRA).** During December 2015 and March 2016, DEFRA carried out a consultation with relevant stakeholders as part of a review of animal establishment licensing in England.

Having considered the responses received to the consultation, DEFRA has now published the following document “The review of animal establishments in England – Next steps”, as detailed at Appendix 3 to the report.

DEFRA were proposing to update and combine the current licensing regimes that regulated the sale of pet animals, dog and

cat boarding, dog breeding and riding schools. These licensing functions were carried out by WRS on behalf of the Council.

Licensing Officer, WRS, would continue to monitor the progress of the review of animal establishment licensing in England, with further progress reports being provided to Licensing Committee Members when available.

## **RESOLVED that**

**The contents of the report on legislative updates, the appendices and supplementary papers be noted.**

### **20. WHEELCHAIR ACCESSIBLE VEHICLES - CONSULTATION RESULTS**

Following on from the Licensing Committee meeting held on 7th November 2016. Members received an update report on the consultation document produced by Worcestershire Regulatory Services on "Improving Disabled People's Access to Redditch Taxi Fleets".

The Senior Licensing Practitioner reminded Members that following the findings and recommendations of the Overview and Scrutiny Committee, Improving Disabled People's Access to Redditch Taxi Fleets Task Group; Members had considered the recommendations of the Task Group at the Licensing Committee meeting held on 18th July 2016.

The Licensing Committee had agreed that the Task Group recommendations be approved subject to a minor amendment, as detailed at paragraph 3.7 in the report.

Following discussions with WRS and the Council's Legal Services, WRS were advised that those recommendations that required amendments to the Council's policies and those that involved licence holder's contact details being published on the Council's website would require further consultation with the relevant stakeholders.

A further consultation document was produced, as detailed at Appendix 1 to the report. During October 2016 the consultation document was distributed to all drivers and operators licensed by Redditch Borough Council and relevant stakeholders. Details of the consultation were also included on the Council's website. The consultation was open for responses until 31st December 2016.

The Senior Licensing Practitioner highlighted that Members were being asked to consider the responses received to the additional

consultation, a summary of which was detailed at Appendix 2 to the report and to consider which proposed amendments to the Council's Hackney Carriage and Private Hire Policies they wished to take forward.

The majority of respondents agreed with the Council's proposal to relax its policy on the licensing of vehicles as hackney carriages, so that instead of additional hackney carriages having to be 'brand new' wheelchair accessible vehicles, they could be wheelchair accessible vehicles that were up to six years of age.

A small minority of respondents agreed with the Council's proposal to amend its policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness training every three years.

A substantial majority of respondents agreed with the Council's proposal to amend its policy and conditions for the licensing of hackney carriage and private hire vehicles to require proprietors to display stickers in their vehicles which provided information for passengers on how to make complaints or pass on compliments.

Every single respondent agreed with the Council's proposal to publish a list on the Council's website of all taxi owners / operators who were able to provide a vehicle that was capable of carrying a passenger whilst they remained seated in their wheelchair.

The Senior Licensing Practitioner, WRS, drew Members' attention to the responses received from the Redditch Taxi Association (RTA), as detailed at Appendix 3 to the report.

The RTA had disagreed with the proposal to relax the Council's policy on the licensing of vehicles as hackney carriages, so that instead of additional hackney carriages having to be 'brand new' wheelchair accessible vehicles, they could be wheelchair accessible vehicles that were up to six years of age.

The RTA had also disagreed with the Council's proposal to amend its policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness training every three years. The RTA had stated in their response that drivers had unanimously rejected this amendment. Drivers had seen a decrease in their earnings over the last few years, so were concerned as to who would cover the cost of such training and courses.

The RTA had agreed with the Council's proposal to amend its policy and conditions for the licensing of hackney carriage and private hire vehicles to require proprietors to display stickers in their vehicles which provided information for passengers on how to make complaints or pass on compliments. However, the RTA had suggested that such information should be included on the licence plates rather than on a separate sticker.

The RTA also made a number of other comments and suggestions in their response, which included the suggestion that an independent inquiry should be carried out before any decision was made to change Council policies.

The RTA had also highlighted that a number of drivers had not received the additional consultation so were unable to comment.

The Senior Licensing Practitioner, WRS, explained that the consultation document had been sent to all licensed drivers. The onus was on licensed drivers to ensure that WRS held all of their correct details, including their correct postal addresses. WRS would therefore need to be made aware of any drivers who had not received the consultation papers.

Members expressed their concerns with the low number of responses received to the consultation from relevant agencies. They were concerned that potentially not all of the relevant agencies and stakeholders had been consulted with.

The Senior Licensing Practitioner, WRS, responded to a number of questions from Members and in doing so highlighted that he had liaised with the Council's Engagement and Equalities Advisor with regard to the relevant agencies and stakeholders to forward the consultation document to.

Having expressed their concerns, Members agreed that the Recommendation, as detailed at paragraph 2 in the report, be amended in order that the revised consultation document, as detailed at Appendix 2 to the report, be distributed to any identified licensed drivers and agencies not included in the original consultation process.

The Senior Licensing Practitioner, WRS, responded to further questions from Members with regard to the content and positioning of the compliments / complaints stickers in vehicles.

The Chair expressed sincere thanks from the Committee to the Senior Licensing Practitioner, WRS, for the work carried out on the consultation.

**RESOLVED** that as detailed in the preamble above

- the Senior Licensing Practitioner, WRS, to liaise with the Redditch Taxi Association with regard to licensed drivers who did not receive the initial consultation document. The revised consultation document, as detailed at Appendix 2 to the report, to be distributed to those drivers as identified;
- the Senior Licensing Practitioner, WRS, to liaise with the Council's Engagement & Equalities Advisor, to clarify which agencies were consulted with and if the following agencies were consulted with:-
  - Older People's Forum
  - Community Forum
  - Health and Well Being Group
  - BARN (Bromsgrove and Redditch Network)
  - DAR (Disability Action Redditch)
  - Town Centre Partnership

If any of the above agencies were not consulted with, the revised consultation document, as detailed at Appendix 2 to the report, to be distributed to those agencies. A further report on the responses received to be presented to the next meeting of the Licensing Committee.

- that following on from those responses received, to the revised consultation document, the following **RECOMMENDATIONS** from the Overview and Scrutiny Committee, Improving Disabled People's Access to Redditch Taxi Fleets Task Group, be re-considered by Licensing Committee Members:-
  - to allow applications for new hackney carriages to be made for vehicles that are less than six years old, meet European M1 safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle. (*This relates to the Hackney Carriage Vehicle Licensing Policy only*); and
  - The Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver's Licence be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years.
- the following **RECOMMENDATIONS** from the Overview and Scrutiny Committee, Improving Disabled People's Access to Redditch Taxi Fleets Task Group, be approved:

- Information to be displayed in licensed vehicles for passengers detailing how to make compliments or report complaints.
- Following the implementation of the legislation locally, on Section 165-167 of the Equality Act 2010 Taxi and Private Hire Passengers in Wheelchairs, a media campaign be conducted to guide disabled people and taxi drivers when travelling by taxi about their rights and responsibilities.
- Worcestershire Regulatory Services (WRS) to produce a list of drivers, who consent to having their details published and currently operate licensed Wheelchair Accessible Vehicles, to the next meeting of the Licensing Committee; with the intention to publishing the list on the WRS and Redditch Borough Council websites, once seen by Licensing Committee Members.

### **21. PENALTY POINTS SCHEME FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Committee were asked to consider an update report with regard to the introduction of a Hackney Carriage and Private Hire Penalty Point Scheme.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so reminded the Committee that at the Licensing Committee meeting on 18th July 2016; Members agreed to defer the implementation of a Hackney Carriage and Private Hire Penalty Point Scheme. This was to enable further meetings and discussions to take place with officers from WRS and representatives of the newly formed Redditch Taxi Association (RTA), in order to explain in more detail the aims of the scheme and how it would operate in practise.

Members also took on board the suggestion received from the RTA with regard to them introducing a self-regulating scheme to monitor any complaints and non-compliance received. Members agreed for the RTA to self-regulate any complaints and non-compliance for a period of six months; with a detailed report on the six monthly comparisons of the RTA self-regulating scheme being presented to the Licensing Committee meeting on 6th March 2017.

The Senior Licensing Practitioner, WRS, drew Members attention to Appendix 2 to the report, which provided a summary of the



complaints recorded for hackney carriage and private hire drivers and operators, during the period 1st February 2016 to 31st January 2017.

A total of 23 complaints were recorded during the period 1st February 2016 to 31st July 2016 compared to a total of 18 complaints being recorded during the period 1st August 2016 to 31st January 2017. This indicated a reduction in recorded complaints of 21.7% since the end of July 2016. This suggested that the efforts of the RTA could be having a positive impact on the overall number of complaints being received. However, complaints were still being received periodically with regard to a number of issues which included overcharging, poor driving standards and drivers being rude and abusive.

Some of the complaints received between 1st August 2016 and 31st January 2017 were acts of non-compliance which could have been dealt with under the proposed penalty point scheme.

The Senior Licensing Practitioner, WRS, informed the Committee that further discussions with representatives from the RTA had confirmed that their members remained opposed to the introduction of the proposed penalty point scheme.

The Senior Licensing Practitioner, WRS, responded to questions from Members and highlighted that each complaint was dealt with on its own merit. Occasionally the information received from those complaining could be rather sketchy. Where drivers were identified they would be made aware of the nature of the complaint / non-compliance made against them. The driver would be provided with the opportunity to accept / defend any complaint / non-compliance recorded against them. Officers from WRS would also consider any previous complaint(s) / non-compliances recorded about the driver, which would also be taken into account and dealt with appropriately.

The Senior Licensing Practitioner, WRS, highlighted that a very small number of complaints / non-compliances were received by WRS. The vast majority of drivers did comply and carried out a very good job. On average three complaints per month were received. Taking into account the number of licensed drivers and the hours they worked over a seven day week, this was a very small amount.

Members commented that they were pleased to see the results as presented and the positive input from the RTA. Members were happy that the RTA self-regulating scheme appeared to be working successfully.

Further discussion followed on the introduction of a penalty point scheme, with Members agreeing that WRS should continue to monitor the number of complaints received, in order to see if the number of complaints continued to reduce, since the RTA self-regulating scheme was still in its infancy.

**RESOLVED that**

- a) the implementation of a Hackney Carriage and Private Hire Penalty Point Scheme, be deferred until November 2017, in order to allow further information to be provided on the monitoring of the self-regulating scheme run by Redditch Taxi Association with regard to complaints and non-compliance recorded;**
- b) a further detailed six monthly comparison report on the Redditch Taxi Association self-regulating scheme be presented to the Licensing Committee meeting on 6th November 2017;**
- c) Worcestershire Regulatory Services to provide information on the type of complaints received to Redditch Taxi Association.**

**22. VERBAL UPDATE ON THE CONCERNS RAISED AT THE TAXI FORUM HELD ON 23RD AUGUST 2016**

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) provided Members with a further update on the actions noted at the Taxi Liaison Forum held on 23rd August 2016.

The Senior Practitioner (Licensing), WRS, informed that Committee that despite his efforts some of the issues were still ongoing. There had been a change in ownership at the Kingfisher Shopping Centre and some of the issues did not fall under the remit of Worcestershire County Council, Highways Team. Members did question if it was worth raising the outstanding issues at the next Town Centre Partnership meeting.

The Senior Practitioner (Licensing) WRS, highlighted that the parking wardens and officers from WRS still remained proactive in monitoring the taxi rank on Unicorn Hill, Redditch.

The Chair thanked the Senior Licensing Practitioner, WRS, for the verbal update.

**23. LICENSING COMMITTEE WORK PROGRAMME 2016/2017**

The Committee considered the Licensing Committee Work Programme for the remainder of the 2016/17 Municipal Year.

**RESOLVED that**

**the Licensing Committee Work Programme 2016/17 be updated as discussed and agreed during the course of the meeting.**

The Meeting commenced at 7.02 pm  
and closed at 8.45 pm