

Licensing Committee

Monday 11th March
2013
7.00 pm

Committee Room 2
Town Hall
Redditch



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Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

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The emergency Assembly Area is on Walter Stranz Square.



Licensing

11th March, 2013

7.00 pm

Committee

Committee Room 2 Town Hall

Agenda

Membership:

Cllrs:	Andrew Fry (Chair)	Pattie Hill
	Luke Stephens (Vice-Chair)	Roger Hill
	Joe Baker	Gay Hopkins
	Juliet Brunner	Wanda King
	Michael Chalk	Alan Mason
	Carole Gandy	

1. Apologies	To receive the apologies of any Member who is unable to attend this meeting.
2. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
3. Minutes	To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 17th December 2012. (Minutes attached)
4. Private Hire Vehicle Policy - Multi Seated Wheelchair Accessible Vehicles (Pages 1 - 8) Head of Worcestershire Regulatory Services	To consider a report to undertake a 12 week consultation with the taxi trade and other agencies on the proposed draft Private Hire Vehicle Policy. (Report and appendix attached) All Wards
5. Hackney Carriage and Private Hire - Disability Awareness Training (Pages 9 - 12) Head of Worcestershire Regulatory Services	To consider an update on work undertaken by licensing officers in identifying a suitable training provider to administer disability awareness training on behalf of Redditch Borough Council to Hackney Carriage and Private Hire vehicle drivers and to consult with the Redditch Taxi Trade on the introduction of Disability Awareness training. (Report attached) All Wards

6. Exclusion of the Public

Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged, it may be necessary to move the following resolution:

“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (*to be specified*) of Part 1 of Schedule 12 (A) of the said Act, as amended.”

These paragraphs are as follows:

Subject to the “public interest” test, information relating to:

- Para 1 – any individual;
- Para 2 – the identity of any individual;
- Para 3 – financial or business affairs;
- Para 4 – labour relations matters;
- Para 5 – legal professional privilege;
- Para 6 – a notice, order or direction;
- Para 7 – the prevention, investigation or prosecution of crime;

may need to be considered as ‘exempt’.



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17th December 2012

MINUTES

Present:

Councillor Andrew Fry (Chair), and Councillors Joe Baker, Juliet Brunner, Michael Chalk, Pattie Hill, Gay Hopkins, Wanda King, Alan Mason and Yvonne Smith

Officers:

J Bayley, C Flanagan and S Garratt

Committee Officers:

I Westmore

7. APOLOGIES

Apologies for absence were received on behalf of Councillors Roger Hill and Luke Stephens.

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. MINUTES

RESOLVED that

the minutes of the meeting of the 11th July 2012 be confirmed as a correct record and signed by the Chair.

10. STATEMENT OF GAMBLING PRINCIPLES

The Committee was advised of the outcome of the recent consultation exercise undertaken with stakeholders in relation to the 2013-2016 Statement of Gambling Principles. It was noted that no consultation responses had been received within the prescribed timescales.

Members asked several questions of clarification around the terminology within the draft Statement of Gambling Principles but no changes were recommended.

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Chair

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RECOMMENDED that

the outcome of the consultation exercise be noted and the 2013-2016 Statement of Gambling Principles be adopted from January 2013.

11. ACCESS FOR DISABLED PEOPLE GROUP - REFERRAL REPORT

Members received a referral report setting out the findings of the review undertaken by the Access for Disabled People Task Group, including two recommendations for the consideration of the Licensing Committee.

The Task Group was concerned that there was a relatively low number of adapted vehicles within the hackney carriage and private hire vehicle fleet within the Borough and considered whether incentives might encourage local taxi firms to increase this number. The primary means of encouraging the expansion of the adapted vehicle fleet was the offering of licences to operate adapted vehicles for a longer period of time than standard vehicles. The Licensing Committee unanimously supported the offering of extended licences to those operating adapted vehicles.

A second recommendation from the Task Group proposed that drivers be offered disability awareness training. The training would be provided by or through the Council and individual taxi drivers or their taxi companies would be expected to meet the cost of the training. For this reason it was proposed that the training not be made mandatory.

Members of the Licensing Committee were generally of the opinion that the disability awareness training should be made mandatory for those drivers who operated adapted vehicles, although it was recognised that there was an issue with multiple drivers using particular vehicles.

Given that both of the recommendations proposed by the Task Group would amend the Borough's existing Taxi Licensing Policy, Officers confirmed that each would be subject to a 12 week consultation period with interested parties. It was further agreed that both should be the subject of a further report from Licensing Officers in order that further detail of the available options might be provided to Members.

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RESOLVED that

Officers prepare a further report setting out the options for

- 1) the offering of licences to operate adapted vehicles for a longer period of time than for standards vehicles to incentivise taxi firms operating within the Borough to increase the number of adapted vehicles in their fleets; and**
- 2) offering disability awareness training to hackney carriage and private hire vehicle drivers operating within the Borough;**

to be submitted to the next meeting of the Licensing Committee.

12. FEEDBACK FROM THE UNICORN HILL TAXI RANK CONSULTATION EXERCISE

Members received a report following the 12 week consultation on proposals to amend the arrangements for short stay parking and the hackney carriage rank on Unicorn Hill. The Committee was reminded that this matter had been the subject of previous consideration by the Licensing Committee. Officers added that the taxi rank at the Bus Station would be closed for a limited period this winter.

Mr Laight, representing the interests of the petitioners supporting the reduction of the taxi rank on Unicorn Hill by the removal of four spaces during the day, argued that in the daytime the rank was not usually full. As the rank was only partly used it was contended that the effect of the change would not be significant.

Mr Nadeem Naz, representing the Redditch Taxi Association, noted that there were large numbers of taxis in the town but only limited numbers of spaces in which to wait. Unicorn Hill was reported to be one of the busiest ranks and was usually full. Parking was unavailable on the opposite side of the street. The addition of speed ramps to Unicorn Hill had already served to reduce the number of spaces on the rank.

Members discussed the proposals, some arguing that it was reasonable to remove these four bays during the daytime to assist businesses on Unicorn Hill. By contrast, it was also noted that the existing short-stay parking spaces on Unicorn Hill were under-used, indicating that there was not a clear need for further spaces. The speed ramps were also observed to have effectively removed

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several spaces on the rank already and, linked to the works to the bus station, it was suggested that this was not the time to be reducing the size of the rank.

Following a vote on the matter it was

RESOLVED that

the taxi rank on Unicorn Hill not be reduced by four spaces during the daytime.

The Meeting commenced at 7.00 pm
and closed at 8.01 pm

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Chair

**LICENSING
COMMITTEE**

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Private Hire Vehicle Policy - Multi Seated Wheelchair Accessible Vehicles.

Relevant Portfolio Holder	Councillor Rebecca Blake
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The report provides a recommendation to consult with the taxi trade and other agencies on the draft Private Hire Vehicle Policy (appendix 1) which incorporates adapted vehicles (Multi seated wheelchair accessible vehicles). and the recommendation from Access for Disabled People Task Group that those vehicles be allowed; subject to three vehicle tests per year, to have an extended life span of 3 years over current policy.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 2.1 **Officers undertake a 12 week consultation with the taxi trade and other agencies on the draft Private Hire Vehicle Policy and that Officers report back to the Licensing Committee any changes.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications to Redditch Borough Council. The cost of the consultation would be covered by Worcestershire Regulatory Services within current budget.

Legal Implications

- 3.2 There are no legal implications to the Council arising from this report however, should an applicant feel aggrieved by any decision made by a Sub Committee then the applicant may apply for a Judicial Review.

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- 3.3 On the 17th December 2012, at the Overview & Scrutiny Committee it was recommended that taxi proprietors who operate adapted vehicles should be offered a licence for an extended period of time over the standard period of time for vehicles (currently 9 years) from the date of first registration.
- 3.4 In November 2011, members gathered data on adapted vehicles which showed that there were 4 adapted Hackney Carriages and 10 adapted Private Hire vehicles, representing approximately 2% of the taxi fleet, compared to Worcester City Council (30%) and Wyre Forest District Council (50%). These figures have not changed to date.
- 3.5 The Access for Disabled People Task Group was concerned about the relatively low number of adapted vehicles currently in the taxi fleet operating in Redditch.
- 3.6 A key incentive that the group believes would encourage an increase in the number of adapted vehicles would be to offer licenses for an extended period of time for adapted vehicles. In this context, adapted vehicles would be awarded licenses to operate for a number of years longer than standard vehicles.
- 3.7 A higher age criteria could enable a taxi company to justify the significant expenditure required to invest in an adapted vehicle, which costs more than a standard vehicle as the costs involved would be offset by the additional trade that could be attracted over an extended period of time.
- 3.8 Neighbouring Authorities provide:

Licensing Authority	Wheelchair Accessible - Number of years
Bromsgrove District Council	10 years
Wychavon District Council	12 years
Malvern District Council	10 year
Worcester City Council	12 years
Wyre Forest District Council	7 years

- 3.9 Officers, having considered the feedback from Members, the Hackney Carriage and Private Hire trade and the Overview and Scrutiny Committee propose to overhaul the Private Hire Vehicle Policy to incorporate adapted vehicles (wheelchair accessible) and multi seated vehicles and the draft policy can be found at appendix 1.

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4. RISK MANAGEMENT

4.1 None

5. APPENDICES

5.1 Appendix 1 - Draft Private Hire Vehicle Policy

AUTHOR OF REPORT

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Manager.

Worcestershire Regulatory Services

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Local Government (Miscellaneous Provisions) Act 1976

Private Hire Vehicle Licensing Policy

Adopted by Licensing Committee, Draft.



The Council will licence any suitable motor vehicle for use as a private hire vehicle.

The licence will be granted for a period not exceeding twelve months.

The onus is on the vehicle owner to ensure the vehicle meets the following criteria; failure to do so, may lead to refusal of licence or suspension of that vehicle.

For the purposes of this policy a suitable motor vehicle means a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria;

- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
- where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
- has an engine capacity of more than 1250cc;
- has no side facing seats;
- each provided seat has a minimum width of 431 mm (17 Inches) per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
- each provided seat is accessible without the need to remove or fold, or tip up any other seat;
- the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
- the boot or luggage compartment is separated from the passenger compartment by a suitable barrier

Before licensing a motor vehicle as a private hire vehicle the authorised officer will also be satisfied that the following requirements are met:

- The applicant must be the proprietor or part-proprietor of the vehicle. “Proprietor” means the legal owner (or part-owner) or the person (or registered company) having possession of the vehicle under the terms of a hire purchase agreement.
- The vehicle is not currently licensed by another local authority as a private hire vehicle or hackney carriage.
- The vehicle is not of such design or appearance as to lead any person to believe it is a hackney carriage.
- The vehicle has valid certificate (or cover note) of motor insurance cover for private hire use.
- The vehicle must adhere to the National Inspection Standards, adopted by this Council and written by the Technical Officer Group in conjunction with the Public Authority Transport Network, the Freight Transport Association and endorsed by VOSA.
- The vehicle is not more than 6 years old (72 months) on the day the licence is issued.
- Vehicles more than 9 years old (108 months) from date of first registration of the vehicles as new by the Driver and Vehicle Licensing Agency will not be licensed.
- Vehicles constructed or adapted to load and convey wheelchair bound passengers will be licensed up to 12 years old (143 months) from the date of first registration as new by the Driver and Vehicle Licensing Agency.
- Any vehicles up to the age of 9 years will be subject to two vehicle inspection tests per year; over the age of 9 years the vehicle will be subject to three tests per year.

The age of the vehicle is reckoned from the date of first registration shown on the Vehicle Registration Certificate (V5 or V5c).

- Any owners or proprietor of a prestigious vehicle such as a veteran car, Limousine, or Rolls Royce, or other unusual vehicle such as a rickshaw or motor cycle and sidecar which is intended for use at a special occasion or special event, who is aggrieved by these age restrictions may apply to the Licensing Officer who may exempt the vehicle from the restrictions. Such vehicles will be required to undergo an assessment at Crossgates Garage, be

in good condition and be suitable for its intended use. Each application will be judged on its merits.

- The vehicle, if constructed or adapted for wheelchair bound passengers, can convey them securely in either the forward or rear facing position and all wheelchair restraints are BSI or CE marked, in good condition and operate correctly. Lifting equipment, if fitted for the purpose of loading passengers into the vehicle, complies with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 and is certified as safe.
- All requests for advertising are submitted by the owner for prior written approval by the authorised Officer. Advertising must not relate to alcohol tobacco or any matter which may cause an offense.
- The plate identifying the vehicle as a private hire vehicle and stating the number of persons permitted to be carried therein, shall be securely fitted externally at the rear of the vehicle, be clearly visible and below the window line. A frame holder will be permanently fixed to the vehicle and the licence plate fitted to the holder in the prescribed manner.
- The vehicle if converted or modified after manufacture to run on an alternate fuel supply, a valid fuel conversion installation certificate or safety report is presented for inspection and any additional fuel cut-off switches are correctly identified.

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HACKNEY CARRIAGE AND PRIVATE HIRE – DISABILITY AWARENESS TRAINING

Relevant Portfolio Holders	Councillor Phil Mould, Portfolio Holder for Corporate Management and Councillor Rebecca Blake, Portfolio Holder for Community Safety and Regulatory Services
Portfolio Holders Consulted	No
Relevant Heads of Service	Head of Regulatory Services.
Ward(s) Affected	All wards
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To provide an update to the committee on work which has been undertaken by licensing officers in identifying a suitable training provider to administer disability awareness training on behalf of Redditch Borough Council to Hackney Carriage and Private Hire drivers and to request that consultation is undertaken with the Redditch Taxi Trade on the introduction of Disability Awareness training.

2. RECOMMENDATIONS

The Committee is asked to **RESOLVE** that

- 1) **The contents of the report be noted; and**
- 2) **Officers undertake a 12 week Consultation with the Redditch Taxi Trade on the proposal to make disability awareness training a requirement for Hackney Carriage and Private Hire drivers in the Borough.**

3. KEY ISSUES

Financial Implications

- 3.1 It is estimated that the disability awareness training for drivers will cost £20.00 per person. Fees charged for the training will be paid directly to Driver Training at Worcestershire County Council.

Legal Implications

- 3.2 The Local Government (Misc. Provisions) Act 1976 Section 51 allows a District Council to attach to the grant of a licence any conditions as they may consider reasonably necessary or have a Policy requiring criteria to be met before granting a driver's licence.

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- 3.3 Any requirement within a Policy must be lawful and reasonable otherwise the Policy could be subject to Judicial Review.

Service / Operational Implications

- 3.4 On the 17th December 2012 members received a detailed referral report in relation to the finding of the "Access for Disabled People Task Group". One of the recommendations of the report was that Redditch Hackney Carriage and Private Hire drivers should be offered suitable disability awareness training to assist them in carrying out their role. It was further highlighted in the report that any training offered either by or on behalf Redditch BC should not be mandatory, as companies may struggle to pay for their drivers to participate in the training.
- 3.5 However, officers consider that unless disability awareness training is mandatory, it is unlikely that drivers will voluntarily undertake this training and across the county it is becoming the norm for such training to be mandatory. The cost of £20 per person is considered to be a reasonable cost and not prohibitive or likely to cause difficulty for drivers.
- 3.6 Since the meeting on the 17th December 2012 enquiries have been made by licensing officers with local training providers, Redditch and Bromsgrove College and Driver Training based at Worcestershire County Council in order to identify the most appropriate and cost effective training course available.
- 3.7 From the information gathered from the training providers contacted it was established that the Driver Training based at Worcestershire County Council could undertake the Disability Awareness Training on behalf of Redditch Borough Council in the most efficient, convenient and cost effective manner to both the drivers and the Local Authority. It is acknowledged that the College could not provide this training.
- 3.8 The training is designed to give Redditch Taxi drivers the knowledge and skills needed to transport any customers who may have a disability both safely and confidently. It will further ensure compliance with the requirements of the Equality Act 2010 and Redditch Borough Councils Hackney and Private Hire conditions of licence.
- 3.9 The attendee's will receive a certificate of attendance and the training will provide an understanding of:
- Wheelchair user as a passenger
 - The use of ramps
 - How to use ramps or tail lift
 - How to handle a manual wheelchair up the ramp
 - How to handle a wheelchair on and off the kerb
 - All types of Assistance Dogs

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- 3.10 Other Licensing Authorities across the County have a mandatory requirement of some form of disability awareness training: Driver Training at Worcester County Council currently provides this training for drivers in Worcester. Wychavon District Council is currently consulting with the trade within Wychavon about this particular training course. Bromsgrove District Council demands an NVQ in passenger transport before granting a licence.
- 3.11 The actions proposed in the recommendations may constitute a change to licensing policy in the Borough. Any changes within the licensing regime require consultation to be undertaken over a twelve week period. All interested parties would need to be consulted during this period including: taxi drivers, vehicle owners, taxi operator, West Mercia Police and groups representing people with disabilities.

Customer / Equalities and Diversity Implications

- 3.12 The Equality Act 2010 focused on the needs of people with protected characteristics, which includes disabilities. Public bodies, including local authorities, have a lawful duty of regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. The findings and actions detailed in the Access for Disabled People Task Group report should enable Redditch Borough Council to pay due regard to the needs of people with disabilities living in the Borough in line with these legislative requirements.

4. RISK MANAGEMENT

- 4.1 Redditch Borough Council has a duty to consult with and consider all responses received from the Taxi Trade or other interested parties during the 12 week consultation period.

5. APPENDICES

- 5.1 None

6. BACKGROUND PAPERS

Licensing Committee report - 17th December 2012 - Access for Disabled People Task Group – Referral Report.

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AUTHOR OF REPORT

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