

Licensing Committee

Mon 11 Nov
2013
7.00 pm

Committee Room 2
Town Hall
Redditch



www.redditchbc.gov.uk

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LICENSING COMMITTEE

Monday, 11 November 2013

7.00 pm

Town Hall

Agenda

Membership:

Cllrs: Phil Mould (Chair) Andrew Fry
 Alan Mason (Vice- Pattie Hill
 Chair) Gay Hopkins
 Joe Baker Wanda King
 Roger Bennett Brenda Quinney
 Michael Braley
 Michael Chalk

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 (Pages 1 - 8)	To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 1st July 2013. (Minutes attached)
4. Hackney Carriage and Private Hire - Disability Awareness Training (Pages 9 - 16)	To consider the draft Hackney Carriage and Private Hire Vehicle Driver Licensing Policy to implement the proposal to introduce mandatory disability awareness training for those that they licence to drive Hackney Carriage and Private Hire Vehicles. (Report attached) All Wards
5. Licensed Vehicle Mileage Information (Pages 17 - 20)	To consider the information as requested by Licensing Committee Members at the Licensing Committee meeting held on 1st July 2013 for officers to provide information on the recorded mileage of licensed vehicles that were registered with the DVLA since 1st March 2010. (Report attached) All Wards
6. Hackney Carriage Vehicle Policy - Multi Seated Wheelchair Accessible Vehicles (Pages 21 - 28)	To consider the feedback on the responses received during the consultation with the taxi trade over amendment of the Hackney Carriage Vehicle Licensing Policy. (Report attached) All Wards

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<p>7. Licensing Committee Work Programme 2013/2014 (Pages 29 - 30)</p>	<p>To consider the Committee's Work Programme for the current municipal year 2013/2014.</p>
<p>8. Exclusion of the Public</p>	<p>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:</p> <p>“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 (<i>to be specified</i>) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p> <p>These paragraphs are as follows:</p> <p>Subject to the “public interest” test, information relating to:</p> <ul style="list-style-type: none">• Para 1 – <u>any individual</u>;• Para 2 – the <u>identity of any individual</u>;• Para 3 – <u>financial or business affairs</u>;• Para 4 – <u>labour relations matters</u>;• Para 5 – <u>legal professional privilege</u>;• Para 6 – <u>a notice, order or direction</u>;• Para 7 – the <u>prevention, investigation or prosecution of crime</u>; <p>may need to be considered as ‘exempt’.</p>



Licensing Committee

1st July 2013

MINUTES

Present:

Councillor Phil Mould (Chair), Councillor Alan Mason (Vice-Chair) and Councillors Joe Baker, Roger Bennett, Michael Braley, Michael Chalk, Andrew Fry, Pattie Hill, Wanda King and Brenda Quinney

Officers:

K Barnett, S Garratt and D Etheridge

Committee Services Officer:

I Westmore

18. APOLOGIES

Apologies for absence were received on behalf of Councillor Gay Hopkins.

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 11th March 2013 be confirmed as a correct record and signed by the Chair.

21. LICENSING ANNUAL REPORT

The Committee considered an update on the functions carried out under the Licensing Act 2003, the Gambling Act 2005 and other aspects of licensing during the preceding year and significant issues anticipated in the coming year.

Officers explained that the on-going transference of data to new software had resulted in some of the reported figures being slightly

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Chair

out of date. It was noted that the main activities undertaken within the Licensing function were reported and that other, ancillary activities were excluded at present. The Committee was informed that such information could be included within future Annual reports whilst still retaining the summary nature of the report.

RESOLVED that

- 1) **the contents of the Licensing Annual Report 2012/13 be noted; and**
- 2) **future Annual Reports provide an overview of the broad scope of licensing activities undertaken by the Council.**

22. PRIVATE HIRE VEHICLE POLICY - MULTI SEATED WHEELCHAIR ACCESSIBLE VEHICLES - CONSULTATION FEEDBACK

The Committee considered a report detailing the responses received to a consultation with the taxi trade on the draft Private Hire Vehicle Licensing Policy. It was reported that 17 responses to the consultation had been received and Members were asked to consider the draft Policy in the light of these comments.

Members noted that the majority of the consultation responses were apparently written by the same individual and the view was expressed that this should be a consideration when assessing how much weight to give them. Officers confirmed that these responses, although written in the same hand, had been received from different individuals. It was reported that the majority of respondents were supportive of the changes which reflected the fact that they were generally of benefit to taxi drivers and operators.

The ordering of the bullet points within the draft Policy was discussed as it was felt that, with regard to the rules governing the licensing of vehicles more than 9 years old, the present order was open to misinterpretation should the points not be considered in conjunction with each other.

Members were very supportive of the draft Policy and the underlying rationale behind it, that of encouraging an increase in the number of wheelchair accessible vehicles in the Redditch Private Hire fleet. It was suggested that a similar Policy change be introduced for Hackney Carriage vehicles and this also received general support. A Members suggested that the twice-yearly testing of vehicles within three years of their first registration was a somewhat onerous burden on drivers and operators and that a relaxation of the testing regime be introduced for the first 18 months – two years. To that end, Officers were asked whether mileage data

for taxis tested by the Council within their first three years of registration might be submitted to a future Committee meeting for consideration.

RESOLVED that

- 1) **the draft Private Hire Vehicle Licensing Policy at Appendix 1 (attached) be approved to come into effect from 1st August 2013, subject to the amendment of the ordering of the bullet points as noted in the preamble above;**
- 2) **consultation take place with the taxi trade over amendment of the Hackney Carriage Vehicle Licensing Policy to bring it into line with the Policy adopted for Private Hire Vehicles with respect to age extensions for adapted vehicles; and**
- 3) **Officers explore the feasibility of presenting mileage data for vehicles tested within three years of their first registration to a future meeting of the Committee.**

23. HACKNEY CARRIAGE AND PRIVATE HIRE DISABILITY AWARENESS TRAINING - CONSULTATION FEEDBACK

Members considered a report which set out the responses to further consultation with the local taxi trade, this time with regard to the introduction of mandatory disability awareness training for Hackney Carriage and Private Hire vehicle drivers within the Borough.

Of the responses received, most were generally in favour of the proposal, although there were concerns raised over a number of issues such as the additional cost to drivers and the applicability of equivalent disability awareness training. The Committee was clear that the training should be a mandatory requirement although it was stressed that the training should cover all forms of disability.

It was explained that the proposed training would be of an afternoon's duration, would cost each driver £20 and would be undertaken by the Worcestershire County Council Driver Safety Team. Officers provided basic information on the content and cost of the Level 2 NVQ in Road Passenger Vehicle Driving which provided equivalent training in disability awareness and undertook to provide Councillor Alan Mason with further detail following the meeting. The Committee discussed the timescales within which it was hoped that all taxi drivers might be trained and were advised that, from a practical and legal perspective, the end date should provide a reasonable opportunity for all drivers to undertake the training. It was proposed that a minimum of 12 months should be

given and that a figure be incorporated in the draft Policy which was to be submitted to the next meeting of the Committee.

RESOLVED that

- 1) **the Council proceed with the proposal to make disability awareness training a mandatory requirement for Hackney Carriage and Private Hire vehicle drivers in the Borough, excepting those drivers who can demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving); and**
- 2) **a report setting out the draft Policy on disability awareness training for Hackney Carriage and Private Hire vehicle drivers be submitted to the next meeting of the Committee.**

24. LICENSING COMMITTEE WORK PROGRAMME 2013/2014

Members noted the Committee Work Programme for the coming year. Officers highlighted that there would be an item coming forward relatively soon in respect of legislation concerning the licensing of scrap metal dealers. It was anticipated that this report would require consideration prior to the next scheduled meeting in November and it was therefore proposed that an additional meeting be arranged prior to November which would consider this matter and the Policy on Disability Awareness Training.

RESOLVED that

subject to the amendments set out in the preamble, above, the Committee Work programme be noted.

The Meeting commenced at 7.00 pm
and closed at 7.48 pm

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Chair

Local Government (Miscellaneous Provisions) Act 1976

Private Hire Vehicle Licensing Policy

Adopted by Licensing Committee, 1st July 2013



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 normally be licensed. However, if vehicles are constructed or adapted to load and convey wheelchair bound passengers, they 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 Worcestershire Regulatory Services.
Ward(s) Affected	All wards
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Members are asked to approve new Policies to implement the proposal to introduce mandatory disability awareness training for those that they licence to drive Hackney Carriage and Private Hire Vehicles.

2. RECOMMENDATIONS

The Committee is asked to **RESOLVE:**

To adopt the draft Hackney Carriage and Private Hire Vehicle Driver Licensing Policies attached at Appendix 1.

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 they may consider reasonably necessary or to have a Policy requiring certain criteria to be met before granting a driver's licence.
- 3.3 Any requirement within a Policy must be lawful and reasonable otherwise the Policy could be subject to Judicial Review.

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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 Borough Council should not be mandatory, as companies may struggle to pay for their drivers to participate in the training.
- 3.5 However, officers believed that, unless disability awareness training was mandatory, it was unlikely that drivers will voluntarily undertake this training and, across the county, it is becoming the norm for such training to be mandatory. The anticipated cost of £20 per person was considered to be a reasonable cost and not prohibitive or likely to cause difficulty for drivers.
- 3.6 On 11th March 2013 the Licensing Committee considered a report on this topic and resolved that officers undertake a 12 week consultation with the Redditch taxi trade on the proposal to make disability awareness training a mandatory requirement for Hackney Carriage and Private Hire vehicle drivers in the Borough.
- 3.7 On 1st July 2013 the Licensing Committee considered the responses received during the consultation and resolved to proceed with the proposal to make disability awareness training a mandatory requirement for Hackney Carriage and Private Hire vehicle drivers in the Borough, excepting those drivers who can demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving).
- 3.8 To implement this requirement, it is necessary to amend the Council's Hackney Carriage and Private Hire Vehicle Driver Licensing Policy. A draft policy that incorporates the mandatory requirement for disability awareness training is attached at Appendix 1.
- 3.9 This policy provides that new applicants must undertake the required training before they are granted a licence to drive Hackney Carriage and/or Private Hire Vehicles.
- 3.10 In relation to existing licensed drivers, the policy provides that licences will not be renewed after 1st July 2014 unless the licence holder has undertaken the required training.

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- 3.11 Further discussions have also taken place since July 2013 with the proposed training provider, Worcestershire County Council.
- 3.12 Members are reminded that the training will cost £20 per delegate and 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 Council's Hackney and Private Hire conditions of licence.
- 3.13 The attendees 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
- 3.14 It is intended that courses will take place every three weeks at the Town Hall on Wednesdays. Each course will be open to approximately 15 delegates. It is anticipated that 3 courses can be offered per day as follows:
- 10:00am – 12:30pm
 - 1:00pm – 3:30pm
 - 4pm – 6.30pm
- 3.15 There are around 430 existing licensed drivers. Not all of these will necessarily need to undertake the training, if they can demonstrate that they have already undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving).
- 3.16 If the policy at Appendix 1 is approved, courses will commence in January 2014. Therefore driver's whose licences will expire shortly after 1st July 2014 will be given a reasonable opportunity to undertake the required training in plenty of time before they have to renew their licences.

Customer / Equalities and Diversity Implications

- 3.17 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

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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 None

5. APPENDICES

5.1 Appendix 1 - Draft Policy

6. BACKGROUND PAPERS

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

AUTHOR OF REPORT

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REDDITCH BOROUGH COUNCIL - DRIVER LICENCE POLICY

APPLICATION FOR A HACKNEY CARRIAGE AND/OR PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Driver's Licence covers the driving of either/both Hackney Carriage and Private Hire Vehicles and is valid for one year from the date of grant.

Criteria for Hackney Carriage and Private Hire Drivers:

- Applicants must be over 21 years of age;
- Applicants must hold a DVLA driver's licence or an equivalent E.U. member state driving licence;
- Applicants should have at least 2 years driving experience in the relevant class of vehicle in the UK;
- Applicants must have good conversational English
- Applicants for new licences must be free from previous convictions and cautions, other than for minor traffic offences.
- Applicants for any new driver licences must pass the Council's essential skills test.
- Applicants for new hackney carriage driver licences or dual hackney carriage/private hire driver licences, must pass the Council's knowledge test before issue of a licence;
- Applicants for any new driver licences must pass a Driving Assessment test with Worcestershire County Council before issue of a licence;
- Applicants for any new driver licences must undertake a disability awareness training course conducted by Worcestershire County Council or demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving)
- Applicants should be medically fit to drive hackney carriages or private hire vehicles and shall give proof of their medical fitness by completing and submitting a medical certificate carried out by a registered medical practitioner authorised by this Council (to the Driver and Vehicle Licensing Agency's Group 2 medical standards). This medical will include a drugs test.

Age 21 – 45 Medical/drugs test on first application

Age 45 – 65 Medical/drugs test every five years

Age 65 plus Medical/drugs test every year

Foreign Nationals and other persons who have lived abroad

If you are a foreign national and/or have lived abroad within the last twenty years for a period of 16 weeks or more then you will be required to produce a document from the relevant Government or Embassy of your country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record. This document must provide contact details for the Embassy or Government, in order that Officers can validate its authenticity.

Any relevant offences will be put before the Council's Licensing Committee so that they can make an informed decision as to the suitability of the applicant.

Although the Council does not employ drivers who are the recipients of Hackney Carriage and Private Hire Licences it is recommended, in the Department for Transport Best Practice Guidance, to establish that an applicant has the right to work as part of the determination of whether an applicant is a 'fit and proper' person to hold a licence. Consequently you will be required to prove your right to work in the UK. This can be done by submitting a National Insurance Number and Customs and Revenue Code numbers.

Those who do not meet the criteria

Under taxi licensing legislation, the Council has to ensure that anyone holding a licence is a 'fit and proper person'.

Where there is any doubt as to whether the applicant is a 'fit and proper' person, for instance because the DBS or DVLA checks have shown the applicant has criminal or motoring convictions, the Licensing Team may not have the authority to grant or renew an application.

In these circumstances a report will be compiled by the Licensing Officer outlining the details and presented to the Committee.

Applicants are entitled to attend the meeting to explain the circumstances of their conviction (or other reason for referral) and speak in support of their application. They are entitled to be accompanied by a representative (who may be either legally qualified or a 'lay' representative).

In respect of criminal convictions, the Committee will have regard to the supplemental guidelines relating to the relevance of convictions.

Renewal of a Driver's Licence

A licence holder must apply for renewal of their licence whilst the existing one is still in force.

A reminder letter will usually be sent to the licence holder approximately 4-6 weeks before the current licence expires. If the renewal application is received more than 14 days after the expiry of the previous licence it will be treated as a new application.

When renewing a licence the applicant must submit the completed renewal application form, to the One Stop Shop, or by post to the address shown at the front of this handbook, together with the following supporting documentation:

- Application form for Disclosure and Barring Service check (where applicable);
- Medical report/drugs test (where applicable);
- DVLA licence showing current address;
- DVLA mandate;
- Licence fee;
- Two passport sized photographs.

With effect from 1st July 2014 a driver licence holder applying to renew their licence must have undertaken a disability awareness training course conducted by Worcestershire County Council or demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving).

Applicants for renewal of licences must be free from new convictions since the date of the grant of their last licence, other than minor traffic offences.

If the DBS or DVLA checks do not arrive prior to the expiry of the existing licence, drivers will be permitted to carry on driving hackney carriage and private hire vehicles, providing their application was received prior to the expiry date of the existing licence.

If the DBS disclosure reveals a conviction/s not disclosed by the licence holder, then the licence holder will be referred to the Committee for a decision as to whether their licence should be suspended or revoked.

If a licence holder is going on an extended holiday, they may apply for a renewal before they go, or give someone else written permission to renew their licence on their behalf.

Issue of Licence

An application will only be granted, and the licence issued, once the application has been properly completed and approved.

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LICENSED VEHICLE MILEAGE INFORMATION

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 To provide Members with information on the recorded mileage of licensed vehicles that were registered with the DVLA since 1st March 2010.

2. RECOMMENDATIONS

The Committee is asked to note the contents of the report and Appendix 1.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications to Redditch Borough Council.

Legal Implications

- 3.2 There are no legal implications to the Council arising from this report.

Service / Operational Implications

- 3.3 At Licensing Committee on 1st July 2013, Members considered a report that recommended the approval of a draft Private Hire Vehicle Licensing Policy.
- 3.4 During the meeting, concerns were raised by a Member who suggested that the twice-yearly testing of vehicles within three years of their first registration was a somewhat onerous burden on drivers and operators.

- 3.5 Following the debate, Members resolved to approve the draft Private Hire Vehicle Licensing Policy and also resolved that Officers explore the feasibility of presenting mileage data for vehicles tested within three years of their first registration to a future meeting of the Committee.
- 3.6 Officers have carried out a search of the records kept on licensed vehicles and have been able to provide information on the mileage recorded on the last MOT certificates received in respect of licensed vehicles that have been registered by the DVLA since 1st March 2010.
- 3.7 This information is shown in the table attached at Appendix 1 and relates to both private hire vehicles and hackney carriages.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- 5.1 Appendix 1 - Table of Mileage Data.

AUTHOR OF REPORT

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Vehicles Registered Since 1st March 2010 and Licensed by Redditch Borough Council			
Plate Number	Date 1st Registered	Date of last MOT(s)	Mileage(s) recorded
PH 139	01.03.2010	27.02.2013	169882
HC 133	01.7.2010	12.10.2012	20194
HC 223	30.09.2010	05.02.2013	65951
HC 224	01.09.2011	07.03.2013 30.08.2013	60717 85647
PH 64	29.03.2011	27.11.2012 01.05.2013	27091 53098
PH 91	29.03.2013	03.04.2013	280

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**HACKNEY CARRIAGE 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 To provide Members with feedback on the responses received during the consultation with the taxi trade over amendment of the Hackney Carriage Vehicle Licensing Policy to bring it into line with the Policy adopted for Private Hire Vehicles with regard to age extensions for adapted vehicles.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE:

Whether or not to approve the draft Hackney Carriage Vehicle Licensing Policy at Appendix 1 to come into effect from 1st December 2013.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications for Redditch Borough Council.

Legal Implications

- 3.2 There are no legal implications for 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.

Service / Operational Implications

- 3.3 On the 17th December 2012, at the Overview & Scrutiny Committee meeting, 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 and private hire 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 licences for an extended period of time for adapted vehicles. In this context, adapted vehicles would be awarded licences 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 On 1st July 2013 the Licensing Committee resolved to approve a new Private Hire Vehicle Licensing Policy following consultation with the taxi trade. The new Policy provides that if vehicles are constructed or adapted to load and convey wheelchair bound passengers, they 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.

- 3.10 The Committee also resolved to carry out consultation with the taxi trade over amendment of the Hackney Carriage Vehicle Licensing Policy to bring it into line with the new Policy adopted for Private Hire Vehicles with regard to age extensions for adapted vehicles.
- 3.11 Consultation took place with the trade over a period of six weeks beginning in August 2013.
- 3.12 Only one response was received during the consultation, which was from a driver who was in favour of the proposal and had thought that the consultation carried out earlier in the year had related to the extension of age limits for both hackney carriage and private hire vehicles.
- 3.13 Members should note that it would remain open to the owner of any particular vehicle to ask the Council to depart from its policy and licence that vehicle even though it exceeds the upper age limit.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- 5.1 Appendix 1 - Draft Hackney Carriage Vehicle Policy

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Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976

Draft Hackney Carriage Licensing Policy

Adopted by Licensing Committee, Date



1. The Council will licence any suitable motor vehicle for use as a hackney carriage.
2. The licence will be granted for a period not exceeding twelve months.
3. 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.
4. 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
 - 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

5. Applications for additional licences for Hackney Carriages will be granted only to approved new vehicles which meet the European "M1" safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle.
6. Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.
7.
 - (1) replacement vehicles must be less than 6 years old (72 months) from the date of first registration of the vehicle as new by the Driver and Vehicle Licensing Agency.
 - (2) 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 normally be licensed. However, if vehicles are constructed or adapted to load and convey wheelchair bound passengers, they 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.
8. 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).

9. Applications be granted in respect of vehicles specifically intended for use as a taxibus as set out in paragraph 11.
10. Persons who hold existing hackney carriage vehicle licence be permitted to "transfer" those licences only to a vehicle of similar type (e.g. saloon car to saloon car), unless the replacement vehicle meets or is based on either the European "M1" safety standards or specification used by the Metropolitan Public Carriage Office, and has facilities for carrying a person with disabilities in a wheelchair within the vehicle
11. Suitable licensed hackney carriages specifically approved by the Borough Council which comply with the provisions of the Transport Act 1985 and notified and registered with the Traffic Commissioner may be approved for use as Taxi Buses with passengers permitted to travel at separate fares.
12. Before licensing a motor vehicle as a hackney carriage 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 hackney carriage or private hire vehicle.
- The vehicle has valid certificate (or cover note) of motor insurance cover for public 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, 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 hackney carriage 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.

**LICENSING
COMMITTEE**

11th November 2013

LICENSING COMMITTEE WORK PROGRAMME 2013/14

11th November 2013

- Licensing Committee Work Programme 2013/2014
- Hackney Carriage Vehicle Licensing Policy - feedback on the consultation with the taxi trade over the amendment of the Hackney Carriage Vehicle Licensing Policy to bring it in line with the Policy adopted for Private Hire Vehicles with respect to age extensions for adapted vehicles.
- To provide mileage data for vehicles tested within three years of their first registration.
- Draft Policy on disability awareness training for Hackney Carriage and Private Hire vehicle drivers.

7th April 2014

- Scrap Metal Dealers Act 2013 - update
- Scrap Metal Dealers Act 2013 – policy on suitability
- Review of Statement of Licensing Policy under Licensing Act 2003
- Licensing Committee Work Programme 2014/2015

To Be Allocated To Suitable Available Dates

- Licensing Annual Report
- Face to Face Fundraising – Site Management Agreement (PRFA)

