

Licensing Committee

Monday, 7 November 2016

MINUTES

Present:

Councillor Pat Witherspoon (Chair), Councillor Andrew Fry (Vice-Chair) and Councillors Roger Bennett, Natalie Brookes, Anita Clayton, Gareth Prosser, Antonia Pulsford and Rachael Smith

Officers:

Timothy Bishop and Dave Etheridge

Democratic Services Officer:

Pauline Ross

8. APOLOGIES

Apologies for absence were received on behalf of Councillor Jennifer Wheeler.

9. DECLARATIONS OF INTEREST

No declarations of interest were received.

10. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 18th July 2016 be confirmed as a correct record and signed by the Chair.

11. UPDATE ON THE CONSULTATION ON "IMPROVING DISABLED PEOPLE'S ACCESS TO REDDITCH TAXI FLEETS"

Following on from the Licensing Committee meeting held on 18th July 2016. Members received an update report on the consultation exercise being undertaken; following on from the findings of the Overview and Scrutiny Committee, Improving Access for People with Disabilities to Redditch Taxi Fleets, Task Group.

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Chair

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing so drew Members' attention to the recommendations from the Overview and Scrutiny Committee, Improving Access for People with Disabilities to Redditch Taxi Fleets, Task Group, as detailed at paragraph 3.6 in the report. The recommendations were approved by Licensing Committee Members during the meeting held on 18th July 2016.

The Senior Practitioner (Licensing), WRS, reminded Members that the recommendations as agreed by the Licensing Committee, were subject to further consultation. A consultation document was produced by WRS, as detailed at Appendix 1 to the report. At the beginning of October 2016, the consultation document was distributed to all drivers and operators licensed by Redditch Borough Council. Details of the consultation document were also included on the Council's website, for those wishing to respond to an online version. The consultation document was also sent to relevant stakeholders that represented the hackney carriage and private hire trade, the police and groups within the borough that represented people with disabilities.

The Senior Practitioner (Licensing), WRS, informed the Committee that the consultation would run until 31st December 2016. The results of the consultation would then be presented to Licensing Committee Members at the meeting on 6th March 2017. Members were further informed that thirteen responses had been received to date.

The Senior Practitioner (Licensing), WRS, responded to questions from Members and clarified that in respect of the recommendation with regard to the displaying of stickers in licensed vehicles, which detailed information for passengers on how to report any complaints or compliments, WRS intended to include the relevant information on the 'mini plates' issued to all licensed drivers. It was also the intention of WRS to roll this initiative out across the County. A media campaign would also be launched to inform residents of the initiative.

The Senior Practitioner (Licensing), WRS, further responded and informed the Committee that the consultation period followed the Code of Practice on Consultation, which states that consultations should last for a minimum of twelve weeks. By allowing at least twelve weeks this should enhance the quality of responses and avoid any possible legal challenge.

The Senior Practitioner (Licensing), WRS, clarified that he had contacted the Chair, Redditch Taxi Association with regard to attending their next meeting. He had not received a response but would contact the Chair, Redditch Taxi Association again with a

view to attending their next meeting to further discuss the consultation document.

Further discussion followed whereby Members stated that they welcomed the consultation document. The recommendations as detailed, at paragraph 3.6 in the report, had raised a number of issues, the role of the Licensing Committee was to ensure that the borough continued to have a taxi service to be proud of. Regular refresher training, especially training that helped drivers when assisting passengers with complex disabilities, was a good way forward as it would ensure that passengers were continually given the best level of service possible.

RESOLVED that

The update on the consultation on 'Improving Disabled People's Access to Redditch Taxi Fleets', be noted.

12. PRIVATE HIRE OPERATOR LICENCE DURATIONS

Members received a report which provided details to enable private hire operator licences to be granted for a period of three years, in addition to the current option of licences granted for a period of one and five years.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing so reminded Members that following the Deregulation Act 2015, and as a result of section 10 of the Deregulation Act 2015, the standard duration of private hire operator licences was five years.

Sections 53 and 55 (as amended) of the Deregulation Act 2015 still allowed Council's to grant a licence for a lesser period if appropriate to do so. In November 2015, Licensing Committee Members resolved that private hire operator licences could be granted for a period of one or five years.

The Senior Practitioner (Licensing), WRS, highlighted that, as Members were aware, the duration of private hire operator licences had been raised and discussed at the recent private hire Taxi Liaison Forum. Private hire operators felt that to go straight from a one year licence to a five year licence was quite costly and had suggested would the Council consider granting private hire operator licences for an additional three year period.

The Senior Practitioner (Licensing), WRS, responded to several questions from Members with regard to safeguarding. The Senior Practitioner (Licensing), WRS, reassured Members that best practice required that a Disclosure and Barring Service Enhanced

Disclosure Certificate was provided every three years. WRS were encouraging both drivers and operators to sign up to the Disclosure and Barring Service Update Service and quite a few had signed up.

Members were informed that all licensed hackney carriage and private hire drivers had an obligation to inform WRS within seven days of any conviction or caution imposed. Also the new Home Office Guidance, Common Law Police Disclosure (CLPD), which had replaced the Notifiable Occupations Scheme; was a system that existed in order to ensure that, where there was a potential risk to the public, the police would pass information to the licensing authority to allow them to act swiftly to put in measures to mitigate any danger. The new CLPD scheme provided robust safeguarding arrangements.

RESOLVED that

- (a) the policy on the duration of private hire operator licences to be granted for a period of three years, be approved; and**
- (b) the Senior Practitioner (Licensing), Worcestershire Regulatory Services be tasked to ensure that an explanation and the appropriate Fees and Charges are included in the Fees and Charges report due to be presented to the next Executive meeting in December 2016.**

13. CONSIDERATION OF A REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE AGE LIMITS

Members were asked to consider a report with regard to conducting a review of the Council's Hackney Carriage and Private Hire vehicle licencing policies in respect of vehicles that fall outside of the policy.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented the report and in doing so drew Members' attention to Appendix 1 to the report, which detailed the Council's current age requirements for hackney carriage and private hire vehicles.

The Senior Practitioner (Licensing), WRS, highlighted that officers had noticed an increase in the number of age exemption applications received by WRS for consideration at Redditch Borough Council's, Licensing Sub-Committee. The Committee were provided with detailed information on the number of age exemption applications for vehicles that did not meet the age requirements, as set out in the Council's Hackney Carriage and Private Hire vehicle licencing policies.

During the period January to October 2016, WRS, received thirteen age exemption applications for consideration by Licensing Sub-Committee Members. Ten were granted, two were refused and one application was withdrawn by the applicant. Members were further informed that WRS had received a further four age exemption applications which would be presented to Licensing Sub-Committee Members in November 2016. Officers recognised that it was both costly and time consuming for both the Council and the applicants for applications to be considered at Licensing Sub-Committee meetings.

Therefore, taking into consideration the number of occasions that Sub-Committee Members have granted licences, to vehicles that fall outside of the Council's Hackney Carriage and Private Hire vehicle licencing policies, he would ask Members to consider if the Council's current policies should be reviewed. More specifically, if Members required officers to look at the potential options for amending the Council's policies, as currently set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies.

Members discussed in detail the number of age exemption applications received and stated that they had been aware and concerned with the significant increase in the number of age exemption vehicle applications being brought before the Licensing Sub-Committee.

Members were in agreement and reiterated that the Council had specific policies for hackney carriage and private hire vehicles regarding age criteria requirements. The policies were in place to ensure the continued safety of the travelling public. The onus was on the applicant to present their vehicle in such a condition that the vehicle could be regarded as 'exceptional', in order for Licensing Sub-Committee Members to depart from the Council's Hackney Carriage and Private Hire vehicle licencing policies.

Members expressed their concerns with regard to vehicles being presented at Licensing Sub-Committee Hearings with a significant number of advisories detailed on MOT Certificates; and that some applicants had failed to rectify some or all of the advisories before presenting their vehicle for inspection to Licensing Sub-Committee Members. Members were also concerned that on some occasions, those applicants who had confirmed that they had had the advisories rectified had failed to provide any evidence to reassure Members that the advisories had been attended to.

The Council's Legal Advisor clarified to Members that the role of Licensing Sub-Committee Members was to inspect the condition of the vehicles as presented and not the mechanical road worthiness of vehicles.

Age exemption vehicles were brought before Sub-Committee Members as they fell outside of the Council's Hackney Carriage and Private Hire vehicle licencing policies. Therefore, Members should determine if the vehicles, as presented, were of such an 'exceptional' condition, that it was appropriate for them to depart from the Council's Hackney Carriage and Private Hire vehicle licencing policies. Members should also be mindful to disregard any financial implications when considering age exemption applications.

Further discussion followed on the physical inspection of age exemption vehicles by Licensing Sub-Committee Members. Members felt that it would be extremely useful if a checklist or relevant guidance could be provided for Licensing Sub-Committee Members in order to ensure that a consistent approach was taken when physically inspecting the condition of age exemption vehicles.

Members strongly agreed that they had welcomed the report. The report had enabled a strong discussion to take place and had clarified and answered the concerns raised by those Members who sat at Licensing Sub-Committee meetings to consider and determine age exemption applications.

Members were of the opinion, as highlighted earlier, that in order to ensure the continued safety of the travelling public, age exemption applications should continue to be considered and determined on their own merits by the Licensing Sub-Committee.

RESOLVED that

Currently there was not a requirement for a report to be presented to a future meeting of the Licensing Committee setting out options for amending the existing applicable age limit for vehicles, as set out in the Council's Hackney Carriage and Private Hire vehicle licencing policies.

14. VERBAL UPDATE FOLLOWING ON FROM THE TAXI LIAISON FORUM HELD ON 23RD AUGUST 2016

It was noted that this item was included on the Licensing Committee Work Programme 2016/2017.

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

The Senior Practitioner (Licensing), WRS, informed that Committee that he would continue to pursue and discuss the issues raised by

the taxi trade during the Taxi Liaison Forum; in respect of the taxi rank at the Kingfisher Shopping Centre, with the Kingfisher Shopping Centre Manager and Worcestershire County Council, Highways Team.

The Senior Practitioner (Licensing), WRS, further informed Members that he had received a response from the Traffic Management Team, Worcestershire County Council (WCC), regards the question raised by the taxi trade about the potential use of bus lanes in Redditch by taxi and private hire drivers.

The Senior Practitioner (Licensing) WRS, was also keen to gain a better understanding of the current position and how a review might be instigated.

The Traffic Management Team, WCC, had responded that the permitted use of bus lanes would be detailed in the relevant Traffic Regulation Order (TRO). The bus lane gateway signs would show which vehicles were permitted in the bus lanes. The issue was raised in Worcester in 2015 and due to concerns about the increased risk of collision should extra traffic be allowed to use the bus lanes and possible greater risk of injury to vulnerable user groups, it was resolved to not permit access to bus lanes.

The Senior Practitioner (Licensing) WRS, highlighted that the parking wardens and officers from WRS were proactively monitoring and would continue to monitor the taxi rank on Unicorn Hill, Redditch, due to the issues raised by the taxi trade with delivery drivers parking on the taxi rank. Warning notices from WRS had recently been issued to vehicles illegally parked on the taxi rank.

The Chair suggested that the issues, as yet still unresolved, at the taxi rank in the Kingfisher Shopping Centre, also be pursued by County Council Members. In response, Councillor A. Fry agreed to pursue the relevant issues raised by the taxi trade with Worcestershire County Council.

15. LICENSING COMMITTEE WORK PROGRAMME

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 7.00 pm
and closed at 8.32 pm