



# LICENSING COMMITTEE

Mon 18 Jul  
2016  
7.00 pm

Committee Room 2  
Town Hall  
Redditch

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# Licensing Committee

Monday, 18th July, 2016

7.00 pm

Committee Room 2 Town Hall

## Agenda

### Membership:

Cllrs: Pat Witherspoon (Chair)  
Andrew Fry (Vice-Chair)  
Roger Bennett  
Natalie Brookes  
Anita Clayton  
Pattie Hill

Gay Hopkins  
Gareth Prosser  
Antonia Pulsford  
Rachael Smith  
Jennifer Wheeler

<p><b>1. Apologies</b></p>	<p>To receive the apologies of any Member who is unable to attend this meeting.</p>
<p><b>2. Declarations of Interest</b></p>	<p>To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.</p>
<p><b>3. Minutes</b> (Pages 1 - 8)</p>	<p>To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 7th March 2016.  (Minutes attached)</p>
<p><b>4. Overview and Scrutiny Committee - Improving Disabled People's Access to Redditch Taxi Fleet Task Group</b> (Pages 9 - 44)</p>	<p>To receive a presentation from the Chair of the Overview and Scrutiny Board, Improving Disabled People's Access to Redditch Taxi Fleet Task Group and to consider the findings of the Task Group.  <b>All Wards</b></p>
<p><b>5. Penalty Points Scheme for Hackney Carriage and Private Hire Drivers - Consultation results</b> (Pages 45 - 56)</p>	<p>To consider the consultation responses received to the Penalty Points Scheme for Hackney Carriage and Private Hire Drivers.  <b>All Wards</b></p>
<p><b>6. Licensing Annual Report</b> (Pages 57 - 62)</p>	<p>To consider an update on the functions carried out under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing.  <b>All Wards</b></p>

# Licensing

Committee

Monday, 18th July, 2016

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**7. Licensing Committee  
Work Programme  
2016/2017**

(Pages 63 - 64)

To consider the Committee's Work Programme for the current municipal year 2016/2017.

**All Wards**

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## Licensing Committee

7th March 2016

### MINUTES

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**Present:**

Councillor Pat Witherspoon (Chair), and Councillors Tom Baker-Price, Natalie Brookes, Anita Clayton, Gay Hopkins, Antonia Pulsford and Jennifer Wheeler

**Officers:**

Kevin Barnett, Dave Etheridge and Ann May

**Democratic Services Officers:**

Pauline Ross

**37. APOLOGIES**

Apologies for absence were received on behalf of Councillors Andrew Fry and Rachel Smith.

**38. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**39. MINUTES**

**RESOLVED that**

**the minutes of the meeting of the Licensing Committee held on 2nd November 2015 be confirmed as a correct record and signed by the Chair.**

**40. HACKNEY CARRIAGE AND PRIVATE HIRE LIAISON MEETINGS**

The Committee considered a brief update report following on from the Hackney Carriage and Private Hire Liaison meeting held on 18th January 2016.

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Chair

# Licensing Committee

7th March 2016

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The Chair highlighted that the meeting was well received by the taxi trade, however she was disappointed that only five private hire licensed drivers had attended. The Chair stated that it would prove really useful should the Taxi Association be re-formed, as suggested by the licensed drivers who had attended the meeting.

The Chair suggested that a further Hackney Carriage and Private Hire Liaison meeting be held in August 2016.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), informed Members that, following on from the meeting and the issues raised by the licensed drivers with regards to the bus station, officers had entered into dialogue with the bus station owners to see if the issues could be resolved. The issue with regard to the ingress / egress of the bus station could not easily be solved due to the design of the bus station and the taxi bays. Councillor A. Clayton informed the Committee that she was a member of the Town Centre Partnership and would raise the issue of the bus station taxi rank ingress / egress at the next meeting of the Town Centre Partnership.

The Committee were in agreement that not all of the issues raised at the meeting could be easily resolved, if resolved at all; but Members and officers could provide an update on what had been achieved in respect of the issues raised should a further Hackney Carriage and Private Hire Liaison meeting be held in August 2016.

The Senior Licensing Practitioner, WRS, responded to questions from Members and in doing so, agreed to liaise with licensed drivers with regard to a Taxi Association being re-formed. In respect of the bus station 'feeder rank', the Senior Licensing Practitioner, WRS, explained that problems often occurred when there were too many taxis parked in the area. It was difficult for licensed drivers to see, on approach, how many cars were already parked in the area. Once drivers had driven into the area they were then reluctant to drive back around, so often stayed parked in the area which resulted in too many parked licensed vehicles. The Senior Licensing Practitioner, WRS, agreed to look into additional detailed signage being erected in order to address this issue.

The Democratic Services Officer informed the Committee that, as agreed at the Hackney Carriage and Private Hire Liaison meeting, Councillor Pattie Hill had agreed to raise the issue of signage being installed at the railway station using specific funding from Worcestershire County Council (WCC). To date Councillor Pattie Hill had not received a response from WCC but she would endeavour to keep the Democratic Services Officer updated as to progress.

**RESOLVED that**

**(a) the Hackney Carriage and Private Hire Liaison meeting update report be noted; and**

**(b) that the Senior Licensing Practitioner, Worcestershire Regulatory Services, be tasked to arrange a further Hackney Carriage and Private Hire Liaison meeting in August 2016.**

**41. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE POLICIES**

The Committee considered a report detailing information from the recent Hackney Carriage and Private Hire Liaison meeting and a letter received by Worcestershire Regulatory Services (WRS) from a licenced private hire operator in respect of the Council's vehicle age policy.

The Senior Licensing Practitioner, WRS, presented the report and in doing so reminded the Committee that vehicle age policies had been discussed at the recent Hackney Carriage and Private Hire Liaison meeting in January 2016. Appendix 1 to the report detailed a letter from a licensed private hire operator who had operated in the Borough of Redditch for the past twenty years. It had been requested by a number of license holders, and the private hire operator mentioned, if consideration could be given to relaxing the Council's existing vehicle age policies for both hackney carriage and private hire vehicles.

The Senior Licensing Practitioner, WRS, further explained that a balance should be maintained between the needs and requests of the taxi trade and what was deemed to be an appropriate age limit for the purpose of ensuring that vehicles on the taxi fleet were suitable, safe and presentable; whilst also taking into account the continued advances in relation to vehicle safety and reliability.

Members were reminded that any vehicle proprietor with a vehicle that was outside of the Council's age exemption policy could submit an application for exemption and have their application determined at a Licensing Sub-Committee meeting. Licensing Sub-Committee Members would then decide whether or not to grant such an application, taking into account any exceptional circumstances that justified them going outside of the Council's age exemption policy.

In July 2013, the Council updated the vehicle age policy for private hire vehicles in relation to vehicles that were constructed or adapted to load and convey wheelchair users. These vehicles could be licensed as private hire vehicles provided that the vehicles met all other requirements and were not older than six years of age when first licensed; and could remain licensed until they were not older than twelve years of age from the date of first registration. In November 2013 the same vehicle age policy was agreed in relation to hackney carriage vehicles.

Further discussion followed whereby Members highlighted that the decision to update the Council's vehicle age policy, with regard to vehicles constructed or adapted to load and convey wheelchair users, had been changed in the hope that this would increase the number of wheelchair accessible vehicles on the borough's taxi fleet. Councillor Gay Hopkins commented that she had spoken with the Licensing and Support Manager, WRS, who had confirmed that there had been no significant increase in the numbers of this type of vehicle.

The Senior Licensing Practitioner, WRS, informed the Committee that the Overview and Scrutiny Committee had, during its meeting held on Tuesday 16th February 2016, agreed to conduct a Short Sharp Review in respect of Disabled People's Access to Redditch's Taxi Fleet. Councillor Gay Hopkins informed Members that she had been appointed as Chair of the Short Sharp Review in respect of Disabled People's Access to Redditch's Taxi Fleet and that the review completion date had been set at 12th April 2016.

The draft scoping document presented by Councillor Tom Baker-Price to the Overview and Scrutiny Committee, had been suggested as a result of the concerns raised at the Hackney Carriage and Private Hire Liaison meeting held on 18th January 2016. One of the agreed actions during the Hackney Carriage and Private Hire Liaison meeting was for the Senior Licensing Practitioner, WRS, to consult with drivers and look at potential ways to incentivise drivers to purchase wheelchair accessible vehicles (WAVs) with a view to increasing the number on the Borough's fleet.

Members were mindful that there was potential for a duplication of work, should WRS commence a formal consultation on the Council's current age policy for hackney carriage and private hire vehicles, whilst the Short Sharp Review of Disabled People's Access to Redditch's Taxi Fleet was also being carried out. WRS had confirmed that they would be happy to be involved in the Short Sharp Review.

Following on from specific concerns raised at the Hackney Carriage and Private Hire Liaison meeting with regard to the use of, booking of and charges made for wheelchair accessible vehicles (WAVS); a brief discussion took place on Section 165 (s165) of the Equalities Act 2010 with regard to passengers in wheelchairs. The Council's Legal Advisor had previously informed Members that s165 of the Equalities Act 2010 had not been enacted. However, disabled hackney carriage and private hire passengers were protected from discrimination under the general provision of the Equalities Act 2010, which prohibited any form of discrimination in the provision of goods and services.

Councillor Anita Clayton informed Members that since being made aware by the Council's Legal Advisor, that s165 of the Equalities Act 2010 had not been enacted, she had in her role as Chair of the Disability Action Group, Redditch, contacted Karen Lumley, Local MP with regard to s165 of the Equalities Act 2010 to request that a parliamentary question be asked as to when s165 of the Equalities Act 2010 would be enacted.

**RESOLVED that**

- (a) the contents of the letter, as shown at Appendix 1 to the report, and the representations made by licence holders at the Hackney Carriage and Private Hire Liaison meeting held on 18th January 2016, be noted;**
- (b) that the formal consultation on amending the current age policies for hackney carriage and private hire vehicles be deferred, pending the findings of the Overview and Scrutiny Committee, Short Sharp Review into Disabled People's Access to Redditch's Taxi Fleet; and**
- (c) that a further report be presented to a future meeting of the Licensing Committee to consider the findings of the Overview and Scrutiny Committee, Short Sharp Review into Disabled People's Access to Redditch's Taxi Fleet; and consideration of the Council's current age policies for hackney carriage and private hire vehicles.**

**42. HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME**

The Committee considered a report which provided details of a Hackney Carriage and Private Hire Penalty Point Scheme to use as a tool to ensure that holders of hackney carriage and private hire licences were compliant with the requirements they had upon them as licenced holders.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that other local authorities had introduced penalty point schemes as an additional mechanism for dealing with minor offences and acts of non-compliance, where there was no impending risk to the travelling public. A penalty point scheme was used in order to assist them in addressing low level breaches of regulations and to ensure that licensed drivers remained compliant.

The holders of hackney carriage and private hire licences issued by the Council were subject to a number of legal requirements and licence conditions which governed how they conducted their business.

WRS, who acted on behalf of the Council, were responsible for ensuring that licence holders complied with these legal requirements and were responsible for taking appropriate action when dealing with any licence holders who had committed offences or had failed to comply with their legal requirements.

Currently there were a number of options available to officers from WRS when dealing with offences or acts of non-compliance, as summarised:-

- Verbal warnings
- Written warnings
- Formal cautions
- Prosecution
- Referral to a meeting of a Licensing Sub-Committee

The way in which offences and acts of non-compliance were dealt with by officers from WRS was dependant on the circumstances of each individual case; whilst having appropriate regard to the Regulator's Code and relevant enforcement policies in order to ensure that any action taken was proportionate.

The introduction of a penalty point scheme would not affect the Council's ability to take formal enforcement action for any offence or act of non-compliance as every case would continue to be considered on its own merits. A penalty point scheme would not be an appropriate mechanism for dealing with serious offences or acts of non-compliance.

Appendix 1 to the report detailed a draft Hackney Carriage and Private Hire Penalty Point Scheme for Redditch Borough Council for consideration by Members. Should Members approve the draft penalty point scheme, officers from WRS would then conduct further consultation on the penalty point scheme with licence holders and other relevant organisations. The results of the consultation exercise would be presented to a future meeting of the Licensing Committee.

In response to questions from Members, the Senior Licensing Practitioner, WRS, informed the Committee that a penalty point scheme would enable officers to build up evidence. Any licensed driver who continued to breach their conditions and were in receipt of a number of penalty points under the scheme would be brought before a meeting of the Licensing Sub-Committee.

The Chair stated that she had welcomed the report as she had received verbal complaints with regard to licenced drivers. The Chair thanked the Senior Licensing Practitioner, WRS, for presenting the report.

**RESOLVED that**

- (a) the draft Redditch Borough Council Hackney Carriage and Private Hire Penalty Points Scheme, as detailed at Appendix 1 to the report, be approved for the purpose of consultation with licence holders and other relevant organisations; and**
- (b) that, as detailed in the preamble above, following consultation with licence holders and other relevant organisations the consultation results be presented to a future meeting of the Licensing Committee.**

**43. LICENSING COMMITTEE WORK PROGRAMME 2015/2016**

The Committee considered the Licensing Committee Work Programme for the remainder of the 2015/16 Municipal Year.

**RESOLVED that**

**the Licensing Committee Work Programme 2015/16 be updated as discussed and agreed during the course of the meeting.**



REDDITCH BOROUGH COUNCIL**LICENSING  
COMMITTEE**

18th July 2016

**IMPROVING ACCESS FOR PEOPLE WITH DISABILITIES TO REDDITCH TAXI  
FLEETS SHORT, SHARP REVIEW – COVERING REPORT**

Relevant Portfolio Holder	Councillor Bill Hartnett, Portfolio Holder for Community Leadership and Partnership (including Voluntary Sector and Health Services)
Portfolio Holder Consulted	No
Relevant Head of Service	Claire Felton, Head of Legal, Equalities, and Democratic Services and Simon Wilkes, Head of Regulatory Services
Ward(s) Affected	No specific ward relevance.
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

This report provides an overview of the findings of the Improving Access for People with Disabilities to Redditch Taxi Fleets Short, Sharp Review. More detailed information about the evidence basis for the group's recommendations can be found in the group's final report attached at Appendix 1.

**2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that, subject to further consultation where appropriate,**

**the Hackney Carriage Vehicle Licensing Policy and the Private Hire Vehicle Licensing Policy should be amended:**

- 1.1) 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**
- 1.2) to require drivers to display stickers in their vehicles that provide information about how to report complaints;**
- 1.3) the Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver's Licence – should be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years;**

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COMMITTEE**

18th July 2016

- 2.1) **there should be a media campaign to guide disabled people and taxi drivers when travelling by taxi about their rights and responsibilities;**
- 2.2) **WRS should publish a list of drivers who currently operate licensed wheelchair accessible vehicles on the WRS and Redditch Borough Council websites in a similar format to Brighton and Hove City Council and Eden District Council;**
- 3.1) **WRS should undertake a review of the conditions attached to taxi operators' licences; and**
- 3.2) **the Licensing Committee should review the effectiveness of the disability awareness training provided to taxi drivers.**

**3. KEY ISSUES****Background**

- 3.1 In February 2016 Councillor Tom Baker-Price submitted a proposal form for the consideration of the Overview and Scrutiny Committee. This form outlined suggested terms of reference for a review of action that could be taken to improve taxi services delivered to customers with disabilities in the Borough. Members had concluded that a review of this subject matter would be timely as it followed on from a distressing case involving a lady with multiple disabilities who had struggled to book a taxi to transport her home from a supermarket in November 2015.
- 3.2 Four Councillors were appointed to serve on this review; Councillor Gay Hopkins (Chair) and Councillors Tom Baker-Price, Natalie Brookes and Jennifer Wheeler. To ensure that the group's findings and proposals could be acted on as soon as possible, to the benefit of local residents with disabilities, a decision was taken to launch this exercise as a short, sharp review.
- 3.3 As part of the exercise Members took into account the relevant findings of a previous review of access for people with disabilities to Redditch town centre, which was completed in 2012. The impact of the previous group's proposals in respect of taxi services provided to customers with disabilities is detailed in the group's final report attached at Appendix 1.
- 3.4 The Overview and Scrutiny Committee considered the group's findings at a meeting on 12th April 2016. During this meeting the Committee endorsed all of the group's recommendations. A relevant extract from the meeting of the Committee on 12th April has been attached at Appendix 2 to this report for Members' consideration.

**Financial Implications**

- 3.5 All financial implications arising from the group's recommendations are detailed in the final report.

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COMMITTEE**18th July 2016

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**Legal Implications**

- 3.6 All legal implications arising from the group's proposals are detailed in the final report.

**Service / Operational Implications**

- 3.7 In line with standard practice any of the group's proposals that receive support from the Council's Licensing Committee, and which require changes to Licensing Policies, will be subject to further consultation with relevant stakeholders.
- 3.8 This short, sharp review has been a very intense exercise. A total of 11 meetings of the group were held over period of six weeks creating a significant workload for both Members and Officers.

**Customer / Equalities and Diversity Implications**

- 3.9 The group has proposed numerous actions which are designed to enhance the services that are received by customers with disabilities who travel by taxi in the Borough.
- 3.10 There are numerous equalities and diversity implications which are detailed in the group's final report.

**4. RISK MANAGEMENT**

No specific risks have been identified.

**5. APPENDICES**

Appendix 1 – The Improving Access for People with Disabilities to Redditch Taxi Fleets Short, Sharp Review's final report.

Appendix 2 – Extract from the minutes of the Overview and Scrutiny Committee meeting held on 12th April 2016.

**AUTHOR OF REPORT**

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## Overview & Scrutiny

### **Improving Access for People with Disabilities to Redditch Taxi Fleets Short, Sharp Review.**

April 2016

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<b>Membership of the Task Group</b>	
Councillors Gay Hopkins (Chair), Tom Baker-Price, Natalie Brookes and Jennifer Wheeler.	
<b>Support Officer</b>	
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**FOREWORD**

This short, sharp review has been a very intense piece of work, which has taken place in just six weeks. Natalie Brookes, Jenny Wheeler, Tom Baker-Price and myself have met twice a week and in that short time have covered a very comprehensive piece of work. We have interviewed legal, equalities, the Chairs of both Disability Action Redditch and the Redditch Older People's Forum. We have consulted with the taxi operators and requested feedback from the public, particularly elderly and disabled people who use our taxi services. We have had help, feedback and guidance from Sue Garratt and Worcestershire Regulatory Services.

Everyone concerned in this review has worked with passion to provide disabled people with a good service that meets their needs. This is a complex thing to achieve and will take a lot of work to get this right. The recommendations we have made may not be enough to provide a complete answer but we hope they will make a difference to the service in a way that is needed to provide an equal service to that which is received by people who are not disabled.

I would like to thank the people who have given us their time, feedback and advice. The panel have worked really hard in a short timeframe to supply these ideas that we hope will improve the experience for people with disabilities when travelling by taxi and make this a pleasurable experience.

Also it has been a herculean task for Jess Bayley to have had all the paperwork, notes and research ready twice a week. She has also had to organise all the meetings and interviews very quickly. We are all grateful for her hard work, help and advice which has helped to get this project ready in time.

We know we don't have all the answers. Maybe there is more that Overview and Scrutiny can do by scoping some of the issues we have uncovered. We are advocating some policy changes to licensing that we hope can be implemented to make Redditch a town that gives disabled residents a fair and friendly service.



**Councillor Gay Hopkins,  
Chair of the Improving Access for People with Disabilities to Redditch Taxi Fleets  
Short, Sharp Review**

**SUMMARY OF RECOMMENDATIONS****CHAPTER 1: LICENSING POLICY CHANGES****Recommendations 1.1 – 1.2**

**The Hackney Carriage Vehicle Licensing Policy and the Private Hire Vehicle Licensing Policy should be amended**

- 1.1) **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*).**
- 1.2) **To require drivers to display stickers in their vehicles that provide information about how to report complaints.**

**Financial Implications:** In line with standard practice Worcestershire Regulatory Services (WRS) will need to undertake consultation with relevant stakeholders before implementing either of these recommendations. Such consultation entails the cost of officer time though it is anticipated that this could be met within existing budgets.

The group is aware that new wheelchair accessible vehicles (WAV) are more expensive to purchase than new or second hand saloon vehicles. By making the change to policy proposed in recommendation 1.1 the costs involved should become more reasonable as second hand WAVs have a cheaper resale value. This may enable local taxi firms to afford to purchase WAVs.

The group has been advised that the stickers detailed in recommendation 1.2 could be purchased for as little as £140 + VAT (for a bulk purchase of 400 stickers).

**Legal implications:** There are no specific legal implications.

**Recommendation 1.3**

**The Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver’s Licence – should be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years.**

*(Members would be happy for this recommendation to be implemented after the action detailed in recommendation 3.2 below has been implemented)*

**Financial Implications:** As with recommendations 1.1 – 1.2 above WRS will need to undertake consultation with relevant stakeholders before making any changes to policy. Such consultation entails the cost of officer time though it is anticipated that this could be met within existing budgets.

The group has been advised that combined refresher training covering driving standards and disability awareness could be delivered at a cost of £55 – 60 per person. Members are proposing that, subject to the outcomes of consultation, these costs should be covered by the driver and / or their employer.

**Legal implications:** There are no specific legal implications.

**CHAPTER 2: COMMUNICATIONS****Recommendation 2.1**

**There should be a media campaign to guide disabled people and taxi drivers when travelling by taxi about their rights and responsibilities.**

**Financial Implications:** The group has been advised that the Council’s Communications Team would probably be able to co-ordinate this campaign free of charge. There would be the costs of officer time involved in producing any communications on this subject.

**Legal implications:** There are no specific legal implications, though Members are anticipating that legal requirements in respect of people with disabilities travelling by taxi would be covered within this guidance.

**Recommendation 2.2**

**WRS should publish a list of drivers who currently operate licensed wheelchair accessible vehicles on the WRS and Redditch Borough Council websites in a similar format to Brighton and Hove City Council and Eden District Council.**

**Financial Implications:** There would be the costs of officer time in terms of updating the two websites to provide information on this subject.

**Legal implications:** Members have been advised that the Council cannot promote particular firms. To address this the group is suggesting that the same style of wording that has already been adopted by the two other Councils named in the recommendation should be adopted.

**CHAPTER 3: FURTHER REVIEW WORK****Recommendation 3.1**

**WRS should undertake a review of the conditions attached to taxi operators' licences.**

**Financial Implications:** There would be the costs of officer time involved in undertaking a review.

**Legal implications:** No specific legal implications have been identified.

**Recommendation 3.2**

**The Licensing Committee should review the effectiveness of the disability awareness training provided to taxi drivers.**

**Financial Implications:** There would be the costs of Members' and Officers' time in terms of undertaking this proposed review.

**Legal implications:** No specific legal implications have been identified.

## **INTRODUCTION/BACKGROUND INFORMATION**

In February 2016 Councillor Tom Baker-Price submitted a proposal form for the consideration of the Overview and Scrutiny Committee. This form provided suggested terms of reference for a review of action that could be taken to improve taxi services delivered to customers with disabilities in the Borough. Members had concluded that a review of this subject would be timely as it followed on from a distressing case involving a lady with multiple disabilities who had struggled to book a taxi to transport her home from a local supermarket in November 2015.

The group was tasked with addressing a small number of objectives:

- To investigate ways to prevent the overcharging of disabled passengers for taxi journeys.
- To identify action that could be taken to increase the number of licensed wheelchair accessible vehicles (WAVs) operating in the Borough.
- To review how best to reduce the waiting time for WAVs.

To ensure that the group's proposals could influence local policies and working practices as soon as possible it was agreed that this exercise should be undertaken as a short, sharp review.

The group gathered evidence from a variety of sources. This included considering relevant licensing policies particularly the *Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver's Licence*, the *Hackney Carriage Vehicle Licensing Policy* and the *Private Hire Vehicle Licensing Policy*. Members considered reviews of similar subjects undertaken by other local authorities including Eden District Council's *Wheelchair Accessible Transport – Scrutiny Review*, (2012) and Shropshire Council's *Policy Review – Wheelchair Accessible Hackney Carriages* (2011). Reference was also made to reviews of similar subjects that had been undertaken at the national level including the Law Commission's report *Taxi and Private Hire Services* (2014) and relevant extracts from the report by the House of Lords' Select Committee on the Equality Act 2010 and Disability which was published on 24th March 2016. It should be noted that at the time of writing neither the recommendations from the Law Commission or those from the House of Lords' Select Committee had been approved by the Government.

In order to obtain first hand evidence about the local situation interviews were held with representatives of Worcestershire Regulatory Services (WRS), the Council's Legal Services team and the Policy team. Councillors Anita Clayton and Pat Witherspoon were also invited to attend interviews in their capacity as the Chairs of Disability Action Redditch (DAR) and the Redditch Older People's Forum respectively.

Members were keen to consult with service users in order to learn more about the level of demand for taxi services both from wheelchair users and from people with other forms of disability. For this reason the group invited residents to submit evidence for their consideration, which was advertised in the local press and on social media. Local community groups supporting elderly and disabled residents were also contacted directly and invited to submit comments for the group's consideration. Members were disappointed to only receive four responses from local residents and three responses from local community groups, though the group recognises that the limited timeframes available during this consultation process may have restricted the level of feedback that was received. However, Members did feel that the comments which were submitted

were useful and these helped to inform the group's final recommendations. Members also welcomed the exposure that this received on social media which indicated that the subject was of interest to the local community; information about the review and consultation exercise was viewed 631 times on the Council's Facebook account.

The group recognised that as part of the review it was important to engage with local taxi operators. Consequently all the taxi operators in the Borough were invited to send a representative to attend a meeting with the group on 29th March 2016 to discuss the services that were provided to passengers with disabilities. Members were disappointed with the turnout at this meeting as only one taxi operator out of 17 local firms was represented at the meeting. However, Members would like to thank the gentleman who attended this meeting for his honest feedback, which again helped to inform their recommendations.

#### Background:

Throughout the review the group was keen to establish the level of demand locally for services that meet the needs of people with disabilities. The House of Lords' Select Committee reported that there were 11.6 million disabled people living in Great Britain in 2011 (the latest year for which figures are available). This covered a range of disabilities across different age groups.

At the local level statistics were more difficult to obtain. Members were however advised that, in the feedback provided in the 2011 census for Redditch, 8 per cent of people had reported that their day to day activities were limited a lot, 9.1 per cent of people had reported that their day to day activities were limited a little and 82.9 per cent of residents had reported that they had no limitations. The census did not address the types of disability that people might have had and the group recognises that these figures, five years after the census was conducted, cannot now be regarded as entirely reflective of local circumstances. However, the information does provide a useful indication of the potential need for services for people with disabilities at the local level.

This review was not the first scrutiny exercise in Redditch to investigate the travel requirements of people with disabilities. In 2012 Members completed a review of access for people with disabilities by all forms of transport to Redditch town centre. The group proposed two recommendations that were relevant to taxi service provision:

- Recommendation 3: Taxi companies should be offered licences to operate adapted vehicles for a longer period of time than standard vehicles to incentivise taxi firms to increase the number of adapted vehicles in their fleets. The vehicles should be permitted to operate for these lengthier periods of time subject to passing the three inspection tests and the MOT that the Council's licensing regime requires for each vehicle.
- Recommendation 4: Taxi drivers should be offered disability awareness training, which would include information about manually assisting people with disabilities, by Redditch Borough Council.

The Council's Licensing Committee considered these proposals and, following consultation with relevant stakeholders, these recommendations were implemented. Detailed information about the impact of these recommendations at the local level is provided in Chapter One of this report.

The group also investigated the current provision of WAVs in the Borough. As of February 2016 Members were advised that there were five licensed hackney carriage vehicles that were WAVs, representing 2.5 per cent of the overall hackney carriage vehicle fleet in the Borough. There were also 18 licensed private hire vehicles that were WAVs, representing 10 per cent of the private hire vehicle fleet in Redditch. Combined this represents 5.7 per cent of the local fleet, or 23 out of a total of 399 licensed vehicles in the Borough.

#### Legal Context

During the review Members were keen to establish the legal rights of passengers with disabilities and the requirements of taxi drivers. As part of their investigations Members discovered the following:

- It is illegal under the Equality Act 2010 for a taxi driver to refuse to transport a passenger with an assistance dog unless they have an exemption certificate on medical grounds. (Members have been advised that at present no licensed drivers in Redditch have exemption certificates).
- Under this legislation the Government and public authorities have a duty to “have due regard” to the need to eliminate discrimination and advance equality of opportunity.
- Section 165 of the Equality Act 2010, pertaining to transporting passengers in wheelchairs in licensed taxis, has never been brought into force. This covers areas such as how passengers should be transported in a wheelchair and requires drivers to provide reasonable assistance to the passenger as and when required.
- Disabled passengers are, however, protected from discrimination under the general provisions of the act prohibiting any form of discrimination in the provision of goods and services.
- Members were advised by Council Officers that it is illegal for taxi drivers to overcharge disabled passengers for their journey on the basis of their disability. This is easier to enforce for hackney carriages for which the Council sets the tariff. Private Hire Vehicle charges are agreed as a verbal contract, usually during an initial telephone conversation, and there needs to be proof of overcharging in order to demonstrate that a criminal offence has taken place.

In recent months questions have frequently been raised in Parliament as to why Section 165 of the Equality Act 2010 has not yet been brought into force. In January and March 2016 questions were tabled by both Richard Fuller, MP for Bedford, and Karen Lumley, MP for Redditch, on this subject. The House of Lords’ Select Committee’s report also questioned the delay in bringing into force Section 165, which the Committee noted had first been considered as part of the Disability Discrimination Act in 1995. The following points have been raised by the Department of Transport and Andrew Jones, Parliamentary under Secretary of State at the Department of Transport, in response to the MPs and / or the Committee concerning the delay:

- The Government is considering how to best enact Section 165 of the Equality Act 2010.
- There were concerns about the burdens this regulation could place on taxi drivers and companies as small businesses. The Government was therefore investigating whether there were alternative ways of improving driver behavior.
- There were also concerns about whether provisions in Section 165 would meet the diverse needs of people with different types of disabilities.

The group was advised during the review that a lack of consensus about what constitutes a WAV may be a further consideration in this matter. The Law Commission's report noted that the dimensions for WAVs are based on those of a "reference wheelchair". These are a length of 1200mm, a width of 700mm, a sitting height of 1350mm and the height of the footrest at 150mm. These dimensions appear to be adequate for many standard wheelchairs, however, the Law Commission did receive reports that they were inadequate for some modern wheelchairs, particularly electric wheelchairs.

Members were interested to learn that the House of Lord's Select Committee was not convinced by the reasons that have been provided to date for the delay in enacting Section 165 of the Equality Act 2010. Indeed within the Committee's report the following has been stated:

*"The reasons offered by the Government for failing to bring section 165 into force 20 years after its enactment are entirely unconvincing. Ministers should be considering the burden on disabled people trying to take taxis, not the burden on taxi owners or drivers. Section 165 and the remaining provisions of Part 12 of the Act should be brought into force forthwith."*

The group would be interested to learn of the response that the Select Committee receives to these proposals and would suggest that the Licensing Committee be kept informed of progress with this matter in case any changes occur which will have implications for practice at the local level.

**CHAPTER 1: LICENSING POLICY CHANGES**

<b>Recommendations 1.1 – 1.2</b>	<p><b>Hackney Carriage Vehicle Licensing Policy and the Private Hire Vehicle Licensing Policy should be amended</b></p> <p><b>1.1 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. (<i>This relates to the Hackney Carriage Vehicle Licensing Policy only</i>).</b></p> <p><b>1.2 To require drivers to display stickers in their vehicles that provide information about how to report complaints.</b></p>
<b>Financial Implications</b>	<p>In line with standard practice WRS will need to undertake consultation with relevant stakeholders before implementing either of these recommendations. Such consultation entails the cost of officer time though it is anticipated that this could be met within existing budgets.</p> <p>The group is aware that new WAVs are more expensive to purchase than new or second hand saloon vehicles. By making the change to policy proposed in recommendation 1.1 the costs involved should become more reasonable as second hand WAVs have a cheaper resale value. This may enable local taxi firms to afford to purchase WAVs.</p> <p>The group has been advised that the stickers detailed in recommendation 1.2 could be purchased for as little as £140 + VAT (for a bulk purchase of 400 stickers).</p>
<b>Legal Implications</b>	<p>There are no specific legal implications.</p>

**Local Demand for WAVs**

From the start of the review Members were keen to increase the number of licensed WAVs operating in the Borough in order to meet local demand. The group was advised that any action that was proposed needed to be reasonable and proportionate. Proposals also needed to be underpinned by an understanding of the level of demand for WAVs in the local area.

The group attempted to ascertain the level of demand for WAVs within the Borough during the review. Given the limited feedback received from the public this was difficult to do. However, the information that was provided by the public and some expert witnesses on behalf of the public indicated that there was demand locally for more

licensed WAVs to be available for commercial bookings. The following concerns were raised for Members' consideration:

- One mother had reported that she had taught her child to "transfer" into a vehicle from their wheelchair so that they did not need to rely on WAVs.
- Another parent reported that "...*half the time they can't even accommodate my daughter's wheelchair...*"
- For the lady who had been stranded at a local supermarket in the case which inspired the launch of this review attempts were made to contact seven taxi firms for assistance to no avail.

However, Members were also informed that WAVs were not always the most appropriate form of transport for people with different types of disabilities, including ambulatory disabilities. For example Members were advised that people with conditions such as osteoarthritis often preferred to travel in a saloon car because it was more comfortable than a WAV. Some of the residents and expert witnesses who submitted evidence suggested that they preferred accessing saloon cars because they were not required to use a step or to climb up into a vehicle at an elevated height.

The taxi operator who attended a meeting with the group in March reported that he rarely received requests for a WAV from passengers. In many cases Members were advised that customers could access the vehicle without needing to remain in their wheelchairs and were happy in these circumstances for their wheelchair to be secured safely in the boot. On the rare occasions when the operator received requests for a WAV he would refer the customers to another firm which operated licensed WAVs.

Some of the elderly and disabled respondents to the group highlighted their preference for using Dial a Ride services to travel in the Borough. Dial a Ride was consistently praised for being an excellent service valued by its customers. The group acknowledge that it is possible that this service may impact on the level of demand for WAVs locally, though Members feel it should be noted that Dial a Ride services do have to be booked in advance and only operate during certain hours of the day. Outside these hours and during peak periods of demand for services customers may not be able to access Dial a Ride and instead may need to utilise taxi services.

Based on all of the feedback that they received Members concluded that whilst there appeared to be demand locally for an increase in the number of licensed WAVs the evidence available did not suggest that every taxi in the Borough should be a WAV. The group accepts that their conclusion differs from the House of Lords Select Committee which in March 2016 recommended that "...*no taxis are licensed unless they are wheelchair accessible...*" The group would contend that based on the evidence they have obtained this would appear to run counter to the needs of some disabled people.

#### Hackney Carriage Vehicle Licensing Policy

In 2013 the Licensing Committee agreed to amend the *Hackney Carriage Vehicle Licensing Policy* to enable WAVs to be licensed for a lengthier period of time than standard saloon vehicles (for 12 rather than 9 years). This policy amendment was made in response to a recommendation made by the Access for Disabled People Task Group in 2012. At the same time a requirement was also introduced in the policy which stipulated that "...*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*".

The aim of these amendments to the policy was to facilitate an increase in the number of licensed WAVs operating in the Borough. However, the group was advised by WRS that as a consequence of implementing the recommendation made by the previous Task Group “...there has been no increase in the number of vehicles, no additional purchases or new licences granted.”

Members were disappointed to learn about the limited impact of the previous scrutiny proposal and investigated this matter further in order to learn lessons and to work out how to progress in future. It quickly became apparent that a key obstacle to the increase in the number of WAVs in this context was the requirement in the policy for applications for additional licences for hackney carriages to be for new WAVs. New WAVs are considerably more expensive to purchase than standard saloon vehicles: the group has been advised that a new WAV can cost between £12,000 for a standard WAV and £45,000 (for an FX4 or London black cab). Furthermore under the terms of the policy drivers who already hold a hackney carriage vehicle licence are permitted to transfer their licence to a vehicle of a similar type, a practice known as “grandfather rights”, and these vehicles can be up to six years old. The group has been advised that on average a standard second hand saloon vehicle can be purchased for £6,000 – 8,000. In addition to the different costs involved in purchasing a new WAV compared to a second hand saloon car Members have learned that WAVs are considerably more expensive to operate. Shropshire Council, in their review of wheelchair access and hackney carriages, found that on average a WAV costs £1,000 more per annum to operate than a standard saloon vehicle. The group believes that these additional costs are deterring taxi firms from investing in WAVs.

Members investigated the action that had been taken by other local authorities in an attempt to increase the number of licensed WAVs in their areas to find out whether a similar approach could overcome the problems encountered in Redditch. Some local authorities, like Worcester City Council, had a similar arrangement to Redditch Borough Council in as much as new vehicles had to be wheelchair accessible. This did not impact on grandfather rights and a significant number of licensed vehicles in the city continued to be saloon cars. At other local authorities, such as Wyre Forest District Council and Stratford-on-Avon District Council, licensing policies were amended so as to require all licensed vehicles to be WAVs by a set date. In both these cases the policy requirements had been subject to legal challenge. The group concurred that based on feedback about local demand for WAVs neither of these approaches would meet the needs of residents or drivers in Redditch.

Instead the group is proposing that the *Hackney Carriage Vehicle Licensing Policy* should be amended so as to enable applications for additional licences for hackney carriages to be granted for WAVs that are up to six years of age. This could address operators’ concerns about costs as Members have been advised that a second hand WAV can be purchased for as little as £8,000. Given the current limited provision and the group’s finding that there is a certain level of demand locally for WAVs Members believe that the extra running costs for a WAV would be offset by the trade that firms would receive for transporting customers in wheelchairs. The group is therefore contending that this policy change would both increase the availability of WAVs for customers with disabilities and have a beneficial impact on local taxi firms’ businesses.

### Stickers

A key finding during the course of the review was that customers did not know how to submit a complaint if they were dissatisfied with the service they had received. Members first became concerned that there may be limited awareness of the complaints process when they were advised that WRS had received no complaints about taxis in respect of services provided to passengers with disabilities in the past five years. Members concurred that as with most services it was likely that there had been some dissatisfied customers and poor travelling experiences even if the majority of services had been good. The lack of complaints was considered concerning by the group as without this feedback it would be difficult for WRS or taxi firms to make improvements to services to meet the needs of local customers.

During the investigation Members received information, both from expert witnesses and from the public, about their experiences of travelling by taxi. It should be noted that some respondents highlighted that they had only had positive experiences when travelling by taxi. Typical of this positive feedback was the community group supporting elderly and disabled people which reported that when their members used taxis they had “*no problems*”. However, a number of respondents did advise the group that they had had negative experiences when travelling by taxi. Despite this they had not submitted formal complaints. The following reasons were provided by residents and expert witnesses for the lack of complaints:

- Passengers did not always know the names of the drivers or the vehicle’s licence plate numbers so did not feel they had sufficient information to report a complaint.
- In some cases customers used the same company for every journey and got to know the drivers well. Under these circumstances they did not feel comfortable making a complaint about an individual that they knew.
- Customers reported feeling scared about making their complaints directly to the driver.
- There were also concerns that if a customer made a complaint they might be identified and the taxi driver / operator might not be prepared to transport them again in future.
- Members were advised that unfortunately discrimination was frequently experienced by people with disabilities. There was a risk that in these circumstances poor services could become normalised and accepted.

To address this problem the group is proposing that stickers highlighting the complaints process should be provided to drivers to display inside their vehicles. During their investigation the group found that similar stickers have been introduced by Sandwell Metropolitan Borough Council, Blackpool Council and Birmingham City Council. There had been some opposition to the introduction of stickers in these areas on the basis that they could remove the paintwork from the vehicles. However, the group is contending that if the stickers are displayed in a suitable location inside the vehicle this should not be a problem. Concerns had also been raised in Blackpool and Sandwell that this could lead to vexatious complaints and cause distress to the driver. The group, though, feels that WRS, as a professional service, would be able to distinguish vexatious complaints if and when they arose.

Members have received suggestions that these stickers could invite customers to submit both compliments and complaints. Whilst the group recognise that it is nice for firms to receive positive feedback Members did not feel that it would address any service needs. By contrast, the limited number of complaints indicates to the group that more action

needs to be taken to raise awareness of the complaints process so that problems can be addressed as and when they occur. The group is therefore proposing that these stickers should invite customers to report their experience that day and should provide relevant contact details and the licence numbers for the vehicle.

Members have been advised that it should be possible for this type of sticker to be produced at a cost of £140 (+VAT) for a batch of 400. This represents a minimal amount per driver and Members hope that the cost could be covered within existing budgets, though it is accepted by the group that licence fees may need to be adjusted to cover the costs. This figure is based on the stickers being produced digitally and WRS would need to provide an excel spreadsheet containing the data required.

<p><b>Recommendation 1.3</b></p>	<p><b>The Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver’s Licence – should be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years.</b></p> <p><i>(Members would be happy for this recommendation to be implemented after the action detailed in recommendation 3.2 below has been implemented)</i></p>
<p><b>Financial Implications</b></p>	<p>As with recommendations 1.1 – 1.2 above WRS will need to undertake consultation with relevant stakeholders before making any changes to policy. Such consultation entails the cost of officer time though it is anticipated that this could be met within existing budgets.</p> <p>The group has been advised that combined refresher training covering driving standards and disability awareness could be delivered at a cost of £55 – 60 per person. Members are proposing that, subject to the outcomes of consultation, these costs should be covered by the driver and / or their employer.</p>
<p><b>Legal Implications</b></p>	<p>There are no specific legal implications.</p>

A requirement for all drivers to participate in disability awareness training, or to be able to demonstrate having equivalent training, was introduced in 2013 in line with the recommendation from the Access for Disabled People Task Group. Members have been advised that every licensed driver has now either participated in this training or can demonstrate that they have secured equivalent training. Any newly licensed drivers are required to undertake the training at Worcester County Hall before they can start to work as a taxi driver in the Borough.

Members welcomed the news that this training had been delivered. The group has been advised that Redditch Borough Council was the first local authority in the county to require licensed taxi drivers to participate in this training. At a national level Members learned that many Councils do not require their drivers to participate in such training despite the fact that it is considered best practice. The Law Commission reported in

2014 that “...the latest statistics from the Department for Transport indicate that just under a third of authorities require disability awareness training for taxi drivers, and even fewer impose such a requirement on private hire drivers.” Under these circumstances the group believes that Redditch is leading the way locally in terms of the requirements placed on taxi drivers to meet the needs of customers with disabilities.

However, Members received mixed feedback from respondents about the impact that this training has had on the quality of services that are provided to customers with disabilities. In some cases respondents reported that they had had no problems and generally received good services. Typical of this feedback was a lady who reported that “...I have found that some of the taxi drivers are lovely and have really clean cars. In my experience when I travel on my own the drivers are generally helpful – you get the occasional driver who is obstreperous. I use a walker and they always help me get it into and out of the car when I have to go to the Doctors.” Members were concerned, though, to note that some customers were continuing to receive a poor service. Members received complaints that drivers were “...rude and unhelpful...” or drivers “...do not know how to help us...” Concerns were also raised about where taxis stopped to collect and deliver passengers with disabilities; “...there is a problem with where the vehicles stop when they come to pick us up or drop us off. They don't always stop at locations where there is a dropped kerb and this can create even more difficulties when getting out of the vehicle.” The group was advised that in one case a customer, who had ordered a taxi without advising the taxi firm that they were disabled, had found that the driver was not happy about having to place their wheelchair in his car because it had only recently been cleaned. When questioned one expert witness informed the group that they had observed no noticeable difference in the quality of the service that had been provided to disabled customers or in the behavior of drivers in the previous five years which covered the period in which the requirement to undertake training had been introduced.

The group was pleased to find that they received no complaints about drivers refusing to transport customers with assistance dogs, though they did receive evidence from a resident who was distressed that some drivers refused to transport pet dogs on the basis that they could make the vehicle dirty. Members were concerned to receive anecdotal reports that some customers with disabilities appeared to have been over charged for journeys in the town.

By contrast with this mixed feedback, and without prompting, Members received consistently positive reports about the services provided by Dial a Ride drivers. Residents reported that the services they provided were invaluable. Typical of these comments was the lady who stated that “...the drivers are helpful and the service is always excellent...” Members were advised that the Dial a Ride drivers received disability awareness training from the same training providers as taxi drivers. However, unlike the taxi drivers, Dial a Ride drivers were required to retake this training as well as particular driving tests every three years. The group is suggesting that if taxi drivers were required to undertake refresher training at similarly regular intervals this might have a beneficial impact on the quality of local services.

The group has been advised that this combined refresher training could be delivered at a cost of £55 – 60 per driver. Members recognise that taxi operators and drivers will need to be consulted about this proposal and the costs involved would be an aspect to raise during these discussions. However, the group is suggesting that these costs should be met by the taxi drivers and / or operators as an occupational expense rather than by the Council.

Concluding Remarks

Members were concerned about the extent to which the legal requirements in respect of drivers and passengers with disabilities, as detailed in the Equality Act 2010, could be enforced. These concerns were reflected in the Law Commission's report:

*“As the law currently stands, much of the behavior complained of by disabled passengers would infringe the provisions of the Equality Act 2010, in particular the requirement not to discriminate in the provision of services. However, the only means of enforcing this is through pursuing an action in the civil courts. This is costly, complex and, without the support of a representative organisation or charity, not feasible for most individuals. Furthermore, even if action were to be taken against a driver or dispatcher, the court would not have the power to take action against the licence.”*

The group had hoped to address this problem by proposing that the Council's licensing policies be amended to ban drivers from refusing to transport passengers with assistance dogs or from overcharging disabled passengers in line with legislative requirements. Members had felt that this would have enabled the Council to address this problem through less costly enforcement action at the local authority level. However, the group has been advised that it is considered bad practice for a local authority to mix law and policy which are two distinct areas. Instead, further information about these requirements could be incorporated into relevant guidance and the handbooks that are provided to drivers. The group has accepted this advice but would call upon the Licensing Committee to note their concerns in respect of this matter and to ensure that where possible the guidance materials are updated accordingly.

**CHAPTER 2: COMMUNICATIONS**

<b>Recommendation 2.1</b>	<b>There should be a media campaign to guide disabled people and taxi drivers when travelling by taxi about their rights and responsibilities.</b>
<b>Financial Implications</b>	The group has been advised that the Council's Communications Team would probably be able to co-ordinate this campaign free of charge. There would be the costs of officer time involved in producing any communications on this subject.
<b>Legal Implications</b>	There are no specific legal implications, though Members are anticipating that legal requirements in respect of people with disabilities travelling by taxi would be covered within this guidance.

As part of the review Members were eager to establish the extent to which customers and drivers were familiar with the rights of disabled passengers travelling by taxi.

The group recognised that the disability awareness training provided to taxi drivers might raise awareness within the trade of the rights of disabled passengers. However, Members were not convinced that all drivers and operators were completely familiar with the legal rights of passengers. This was partly as a result of evidence received by the group to suggest that some drivers and operators were over charging passengers with disabilities for undertaking journeys in the Borough. For example one lady reported that when she phoned a taxi firm about the possibility of transporting a friend in a wheelchair she was advised by a taxi firm that "*...wheelchair users are now charged a minimum fee of £10.00!*"

Members were also concerned that some customers with disabilities might not be aware of their rights when travelling by taxi. The group discovered that there appeared to be no written guidelines available locally which outlined the rights of disabled passengers.

When consulted about the value of communications on this subject a number of expert witnesses suggested to the group that some form of written guidance would be useful. Concerns were raised with the group that often both the taxi driver and the passenger or their relatives were not aware of their respective responsibilities and if they were to fulfil these responsibilities the services provided to disabled customers might improve. For example the group was advised a number of times that drivers frequently would not provide assistance to passengers entering or alighting from the vehicle though were generally willing to carry wheelchairs, walkers and carrier bags for the passenger. However, Members were also informed that taxi drivers might be worried about touching the passenger without permission and were concerned that they could be sued if any accidents occurred whilst they were assisting the passenger. To address this problem it was suggested that passengers and their relatives or carers should be informing the operator or driver of their requirements, when accessing, travelling in and leaving the vehicle.

The group learned that other local authorities have previously produced written guidance concerning the transportation of customers with disabilities by taxi. For example the

Eden District Council scrutiny group reported that Shropshire Council had produced *Mobility Guidance for Shropshire* prior to the commencement of the Equality Act 2010. The target audience for Shropshire Council's guidance was the taxi trade. Members are suggesting that this guidance would be a useful reminder for taxi drivers and, if operators are willing, this written guidance could be made available to view at their premises.

Members are also suggesting that this written guidance would be useful for elderly and disabled passengers and their relatives and carers. Various forms of communication would need to be used to engage with this audience. For example the group was advised that people with some forms of disability were often housebound when they did not have access to a carer and under these circumstances were unlikely to pick up leaflets and more likely to access information on websites or on social media. However, it was suggested that some elderly residents might be more likely to learn about their rights and responsibilities through coverage in the local press. Members are also suggesting that it might be useful for posters to be produced containing basic information on this subject which could be placed on display in the reception area at GPs' surgeries.

Written communications would need to be informed by an understanding of the legislative position in respect of the rights of passengers with disabilities travelling by taxi. The group has been advised that the Council's Communications team would be in a position to co-ordinate a media campaign on this subject. Members are suggesting that they should be advised in this process by the Council's Policy team and WRS to ensure that the content of these communications is accurate.

<b>Recommendation 2.2</b>	<b>WRS should publish a list of drivers who currently operate licensed wheelchair accessible vehicles on the WRS and Redditch Borough Council websites in a similar format to Brighton and Hove City Council and Eden District Council.</b>
<b>Financial Implications</b>  <b>Legal Implications</b>	There would be the costs of officer time in terms of updating the two websites to provide information on this subject.  Members have been advised that the Council cannot promote particular firms. To address this the group is suggesting that the same style of wording that has already been adopted by the two other Councils named in the recommendation should be adopted.

During the course of their investigations the group became concerned that there might be limited awareness within the community of which taxi firms and drivers currently operate WAVs. Members learned that in the case which inspired this review attempts were made to contact seven separate taxi firms to book a WAV but none could be located. Other concerns were raised with the group that some WAVs were known to be unavailable at particular times of the day as they were reserved for use as school transportation. Under these circumstances customers with disabilities could sometimes struggle to identify who to approach to order a WAV for a commercial booking.

To address this problem the group is contending that it would be useful for information about the WAVs that operate locally and relevant contact details that can be used to

book these vehicles to be made available for the public to access. The group did consider suggesting that this information should be made available in paper form. However, Officers have advised that drivers and their licensed WAVs do move between taxi firms and if this information was recorded on a leaflet the details would soon be out of date. The production of leaflets can also require a certain level of financial investment and Members do not feel that this expenditure would be justified if the information was to become out of date quickly. Therefore the group is suggesting that instead this information should be published electronically on the Council and WRS websites for the use of the public. Information on websites can easily be updated with any costs being limited to that of the officer time involved in amending the details electronically.

The group has been advised that the Council needs to be careful about publishing selective lists of firms because the local authority needs to strike a balance between service provision generally and its regulatory function. Under these circumstances it has been suggested to Members that it might be more appropriate for this information to be published on a third party's website, such as that of DAR. Members have noted these points but were concerned that this approach would not necessarily be the best way to promote this information to the target audience; Members believe that residents are more likely to check the Council's website and the website of the licensing authority for this information.

As part of their investigations Members discovered that a couple of other Councils already publish information, including contact details for taxi drivers who operate WAVs, on their websites. This includes Brighton and Hove City Council and Eden District Council. Members are suggesting that their example demonstrates that it is possible for local authorities to provide such information on their websites without compromising the authority's impartiality or position as a regulatory body. The group is proposing therefore that officers adopt a similar approach to these two Councils when publishing this information on the WRS and Redditch Borough Council websites. Members are asked to note that if this recommendation is approved reference would need to be made to the Data Protection Act. Drivers would also need to provide permission for contact details to be shared with the public in this manner.

**CHAPTER 3: FURTHER REVIEW WORK**

At the end of their review the group identified two key areas that would be suitable for further investigation. Unfortunately, due to the limited timeframes available for this exercise it was not possible for the group to scrutinise these matters in detail. Consequently they are proposing that WRS and the Licensing Committee should undertake this additional investigatory work.

<b>Recommendation 3.1</b>	<b>WRS should undertake a review of the conditions attached to taxi operators' licences.</b>
<b>Financial Implications</b>	There would be the costs of officer time involved in undertaking a review.
<b>Legal Implications</b>	No specific legal implications have been identified.

Action that could be taken to improve local services for customers with disabilities were discussed during the course of the consultation meeting that was attended by a representative of a local taxi firm. One of the suggestions that was raised during these discussions was that the Council should consider enhancing the responsibility of local taxi operators for the behavior of the drivers they employed. Members were advised that this might have a beneficial impact on the quality of local services provided to passengers with disabilities whilst also enabling companies to take more control of the way that their businesses operated.

As this suggestion was made during the penultimate meeting of the group Members had very little time to investigate the full implications of this proposal or how the suggestion might be addressed in practice. However Officers did suggest to the group that the role of taxi firms could potentially be enhanced if appropriate changes were made to the conditions attached to taxi operators' licences. Currently a small number of conditions apply to these licences and Members have been advised that local taxi firms comply with these requirements.

The group has been informed that a review of these conditions could be carried out and that there would be resources within WRS to enable this review to be conducted internally. Members would therefore encourage Officers to undertake this review and to report their findings, particularly any implications for the services provided to customers with disabilities, for the consideration of the Licensing Committee in due course.

<b>Recommendation 3.2</b>	<b>The Licensing Committee should review the effectiveness of the disability awareness training provided to taxi drivers.</b>
<b>Financial Implications</b>	There would be the costs of Members' and Officers' time in terms of undertaking this proposed review.
<b>Legal Implications</b>	No specific legal implications have been identified.

During the course of the review Members did express some reservations about the disability awareness training that was being delivered to drivers and the extent to which this was having a positive impact on the quality of services received by customers with disabilities. Notwithstanding the fact that this training represents best practice Members were concerned to receive complaints about the behavior of drivers who were rude and unable or unwilling to assist disabled passengers (as detailed in relation to recommendation 1.3 above). The group was keen to ensure that any training that is provided is meaningful and has the desired impact on the quality of local services.

To assess the impact of the training Members were keen to obtain further information about the content of the training that is delivered to drivers. The group was advised that the training was provided by Worcestershire County Council and involved a mixture of demonstrations and interactive learning. Members were also informed that the course covered the needs of people with different types of disability including mobility, sensory and cognitive impairments. However, Members concurred that it would have been useful to obtain more detailed information about the content of the training and how drivers were advised to apply this learning in order to assess its effectiveness.

The group was surprised to learn that no system was in place to enable the Council to monitor the impact of the training. Members were also concerned to find that the Council's policy team had not been involved in reviewing the content of the training, despite the fact that this team takes a lead on equalities for the Council and has developed expertise from delivering equalities training to staff.

In this context, and given that taxi drivers have now been required to undertake this training for the past three years, Members are suggesting that it would be appropriate for the Licensing Committee to review the effectiveness of the disability awareness training that is currently provided. This will provide the Committee with a chance to assess the extent to which the training is having the desired impact on the services provided by drivers to customers with disabilities and whether any improvements could be made to this training. Members recognise that, if the Licensing Committee is inclined to approve this recommendation, it may be useful to undertake this review prior to taking any further action on the group's proposal for refresher training, as detailed in recommendation 1.3 above.

**CONCLUSION**

Members of the Improving Access for Disabled People to Redditch's Taxi Fleets Short, Sharp Review have completed an intense and detailed scrutiny review of the services provided to customers with disabilities.

Throughout the review the group has attempted to promote actions that are reasonable and proportionate. Members are hoping that their proposals, if implemented, will meet the needs of residents with a range of disabilities and will enhance the quality of local taxi services. Equally the group is hopeful that their recommendations, if they are endorsed, will have a positive impact on business for local taxi firms.

Members recognise that some of their recommendations require detailed consideration and that taxi drivers will be keen to review and comment on their proposals. It is therefore imperative that further consultation with local taxi operators is undertaken in due course.

However, the group hopes that Members will agree with their findings and they urge the Licensing Committee to approve their recommendations.

**APPENDIX 1****Scrutiny Proposal Form**

(This form should be completed by sponsoring Member(s), Officers and / or members of the public when proposing an item for Scrutiny).

**Note:** The matters detailed below have not yet received any detailed consideration. The Overview and Scrutiny Committee reserves the right to reject suggestions for scrutiny that fall outside the Borough Council's remit.

Proposer's name and designation	Councillor Tom Baker-Price, Member for Headless Cross and Oakenshaw	Date of referral	16/02/16
Proposed topic title	Improving Disabled People's Access to Redditch's Taxi Fleet Short, Sharp Review		
Link to national, regional and local priorities and targets	<p><b><u>Local</u></b> Help me live my life independently</p> <p><b><u>National</u></b> Ensuring that disabled people are able to access the same services as everyone else with reasonable adjustments is a priority of parliament/the nation as demonstrated by the Human Rights Act 1999 and the Equality Act 2010.</p>		
Background to the issue	<p>On Monday 18th January Councillor A Clayton informed the Taxi Licensing Forum of the experiences of a disabled woman from Matchborough who went shopping and became stranded at the shops as she hadn't given any taxi firm 48 hours' notice (Redditch Standard, 22/1/16, p3). Disability Action Redditch (DAR) also report that disabled people have been charged 3 times more than a non-disabled person for the same journey and that several taxi firms refuse to take bookings for passengers who are wheelchair users. Although charging more for a disabled person is discriminatory it is common practise according to Scope and DAR.</p> <p>In 2013 an Overview and Scrutiny Task Group on "Access for disabled people" recommended that the age of wheelchair accessible vehicles (WAV) should be increased to elevate this problem. However according to Worcestershire Regulatory Services (WRS) this has not led to a significant increase in WAV which, with a rising population with physical disabilities, is only compounding the problem. WRS Officers have suggested that "there are various options that are worthy of consideration and lessons</p>		

	that can be learned from experiences in other areas” creating a need to review this policy area.
<p>Key Objectives Please keep to SMART objectives (Specific, Measurable, Achievable, Relevant and Timely)</p>	<p>The review will review disabled access to the taxi fleet and propose relevant solutions. Specifically, it will review:</p> <ul style="list-style-type: none"> <li>• Ways to prevent overcharging.</li> <li>• How to increase the number of WAV.</li> <li>• How best to reduce the waiting time for WAV.</li> </ul> <p>The measure of success will be:</p> <ol style="list-style-type: none"> <li>1) DAR and disabled residents reporting they are being charged the same price as non-disabled people.</li> <li>2) An increased number of WAV.</li> <li>3) Disabled people able to get a WAV in less than 2 hours.</li> </ol> <p>Licensing officers have suggested that policy options and considering other authorities’ experiences will enable the group to achieve the purposes of this review.</p> <p>This review is relevant to the Council’s strategic purpose of ‘Living my life independently and the Council is the taxi licensing authority for Redditch.</p>
<p>How long do you think is needed to complete this exercise? (Where possible please estimate the number of weeks, months and meetings required)</p>	<p>If this review can be launched this evening as a Short, Sharp Review I would suggest that it should be completed before the local elections in May, with a final completion date of 12th April 2016.</p>

**Please return this form to: Jess Bayley or Amanda Scarce, Democratic Services Officers, Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch, B98 8AH**

**Email: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk) / [a.scarce@bromsgroveandredditch.gov.uk](mailto:a.scarce@bromsgroveandredditch.gov.uk)**

**APPENDIX 2**  
**Acknowledgements**

Members would like to thank the following for providing evidence or other forms of support during the course of the review:

Jack Carradine, Senior Marketing and Communications Officer  
Councillor Anita Clayton (in her capacity as Chair of Disability Action Redditch)  
Rebecca Dunne (Policy Manager)  
Dave Etheridge, Senior Practitioner – Licensing, (Worcestershire Regulatory Services).  
Clare Flanagan, Legal Services Manager  
Sue Garratt, Licensing and Support Manager, (Worcestershire Regulatory Services)  
Anne-Marie Harley, Communications Manager  
Emily Payne (Equalities Officer)  
Tom Phelan, (Worcestershire Regulatory Services)  
Linda Ratchell, Print and Reprographics Assistant  
Councillor Pat Witherspoon (in her capacity as Chair of the Redditch Older People's Forum)

The group would like to thank the taxi operator who attended a meeting with the group on 29th March. The evidence he supplied was invaluable and contributed to the group's findings.

Members are also eager to thank the four residents and three local community groups that submitted evidence for their consideration during the course of the review. Again this information was really useful and helped to inform the group's recommendations.

**APPENDIX 3**  
**Timeline of Activities**

<b>Date</b>	<b>Task Group Activity</b>
25th February 2016	Considering the terms of reference and the approach to the review.
3rd March	Interview with the Licensing and Support Manager (Worcestershire Regulatory Services) and considering written feedback from the Legal Services Manager.
8th March	Interview with Councillor Pat Witherspoon and considering the content of a report by the Law Commission: <i>Taxi and Private Hire Services</i> (2014).
11th March	Interview with Councillor Anita Clayton and considering a report produced by Shropshire County Council: <i>Policy review - Wheelchair Accessible Hackney Carriages</i> (2011).
15th March	Reviewing progress to date with the review.
17th March	Interview with the Policy Manager and Equalities Officer.
22nd March	Reviewing progress to date and considering draft recommendations.
24th March	Considering feedback received from the public and local community groups regarding experiences of elderly and disabled people travelling by taxi in Redditch. Also consideration of relevant extracts from the report published that day by the House of Lord's Select Committee on the Equality Act 2010 and Disabilities.
29th March	Consultation meeting with taxi operators.
30th March	Considering and agreeing the group's final recommendations.



## APPENDIX 2

# Overview and Scrutiny

## Committee

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Tuesday, 12th April, 2016

## MINUTES

### Present:

Councillor Jane Potter (Chair), Councillor Gay Hopkins (Vice-Chair) and Councillors Joe Baker, David Bush, Gareth Prosser, Paul Swansborough, Jennifer Wheeler and Nina Wood-Ford

### Also Present:

Councillors Tom Baker-Price, Roger Bennett, Natalie Brookes, Antonia Pulsford, David Thain and D Jones (Independent Person, Audit, Governance and Standards Committee)

### Officers:

Tracy Beech, Jackie Boreham, Sue Garratt, John Godwin, Sam Morgan, Jayne Pickering and Deb Poole

### Democratic Services Officer:

J Bayley and A Scarce

### MINUTE EXTRACT

#### 95. IMPROVING ACCESS FOR PEOPLE WITH DISABILITIES TO REDDITCH TAXI FLEETS SHORT, SHARP REVIEW - FINAL REPORT

Councillor Gay Hopkins, Chair of the review, delivered a presentation which provided background information as to why it had been set up. She explained that it had been a very intense piece of work over a short period of time.

The presentation provided information in respect of the number of taxis in Redditch, together with data in respect of the number of wheelchair accessible vehicles (WAVs), the types of disabilities that could affect people when travelling by taxi, and details about relevant legislation. Councillor Hopkins stressed that there were some very good drivers in the Borough who provided excellent services to those in need. However, improvements could still be made to services available to customers with disabilities. She went on to provide a summary of the supporting evidence for each of the

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Chair

# Overview and Scrutiny Committee

Tuesday, 12th April, 2016

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recommendations that had been put forward by the group and provided details of the rationale behind each one.

Following the presentation Members of the review, who were present at the meeting, supported the recommendations and advised the Committee that as the Chair had stated, it had been a very informative, intense piece of work which had tackled a very difficult subject. The Chair of the review responded to a number of questions from Members and following further discussion it was

## **RECOMMENDED to the Licensing Committee that**

**The Hackney Carriage Vehicle Licensing Policy and the Private Hire Vehicle Licensing Policy should be amended:**

- 1.1) **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*);**
- 1.2) **to require drivers to display stickers in their vehicles that provide information about how to report complaints;**
- 1.3) **the Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver’s Licence – should be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years;**
- 2.1) **there should be a media campaign to guide disabled people and taxi drivers when travelling by taxi about their rights and responsibilities;**
- 2.2) **WRS should publish a list of drivers who currently operate licensed wheelchair accessible vehicles on the WRS and Redditch Borough Council websites in a similar format to Brighton and Hove City Council and Eden District Council;**
- 3.1) **WRS should undertake a review of the conditions attached to taxi operators’ licences; and**

# **Overview and Scrutiny Committee**

Tuesday, 12th April, 2016

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- 3.2) the Licensing Committee should review the effectiveness of the disability awareness training provided to taxi drivers.



**LICENSING  
COMMITTEE**18<sup>th</sup> July 2016**HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME**

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

Members are asked to consider the results of a consultation exercise recently undertaken in relation to implementing a penalty points scheme for hackney carriage and private hire licence holders to help deal with minor offences and acts of non-compliance with licensing requirements

**2. RECOMMENDATIONS**

**Members are asked to consider the responses received during consultation on the draft Redditch Borough Council Hackney Carriage and Private Hire Penalty Points Scheme and to RESOLVE that implementation of a penalty points scheme be deferred to allow further meetings and discussions with between officers and representatives of the newly formed Redditch Taxi Association (RTA) to explain the schemes aims and how it would operate in practise.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs involved in carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services. Any costs arising from the implementation of a hackney carriage and private hire penalty points scheme would also be met from these budgets.

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**Legal Implications**

- 3.2 Many authorities across the UK operate penalty point schemes and there have been a number of legal challenges to same. In order to avoid such challenges being successful it is necessary to have a mechanism in place to allow for appeals against the imposition of penalty points, and to ensure that any decision in respect of whether or not to revoke a licence, once the maximum number of permissible points has been reached, is taken at the appropriate level based on the merits of each individual case.

**Service / Operational Implications**

- 3.3 The holders of hackney carriage and private hire licences issued by the Council are subject to a number of legal requirements and licence conditions which govern how they carry out their businesses.
- 3.4 Worcestershire Regulatory Services, acting on behalf of the Council, is responsible for ensuring licence holders comply with these requirements and for taking appropriate action to deal with any licence holders who commit offences or fail to comply with their requirements.
- 3.5 There are currently a number of various options available to officers when dealing with offences or acts of non-compliance, which can be summarised as follows:
- Verbal warnings
  - Written warnings
  - Formal cautions
  - Prosecution
  - Referral to Licensing Sub-Committee
- 3.6 The way in which offences and acts of non-compliance are dealt with by officers will depend on the circumstances of each individual case and appropriate regard is had to the Regulator's Code and relevant enforcement policies.
- 3.7 Some local authorities have introduced an additional mechanism for dealing with minor offences and acts of non-compliance with hackney carriage and private hire licensing requirements in the form of penalty points schemes for their licence holders.
- 3.8 The basic principle of such a scheme, is that individuals that are found to have committed relatively minor offences or acts of non-compliance have a number of penalty points logged against their licensing records held by the authority.

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- 3.9 If an individual accumulates a given number of penalty points, within a defined period, this triggers an automatic referral of the licence holder to a Licensing Sub-Committee where consideration is given to whether the individual remains a fit and proper person to hold the relevant licence.
- 3.10 A penalty points scheme enables officers to deal quickly and efficiently with minor compliance issues and helps to identify those that are regularly not acting in compliance with their licensing requirements so that more serious action can be considered against these individuals in a targeted and proportionate way.
- 3.11 The introduction of a penalty points scheme would not affect the Council's ability to take formal enforcement action for any offence or act of non-compliance and every case will continue to be considered on its own merits.
- 3.12 For example, a penalty points scheme would not be an appropriate mechanism for dealing with serious offences or acts of non-compliance such as employing unlicensed drivers, driving without appropriate insurance or plying for hire in a private hire vehicle.
- 3.13 A draft penalty point scheme for Redditch Borough Council was considered by the Licensing Committee on 7<sup>th</sup> March 2016 and Members on approved the draft scheme for the purpose of consultation with licence holders and other relevant organisations.
- 3.14 The consultation exercise took place between 13<sup>th</sup> April 2016 and 10<sup>th</sup> June 2016. A consultation document was forwarded to all consultees along with a copy of the draft policy. The consultation document can be seen at **Appendix 1**.
- 3.15 As well as writing to all licence holders, the consultation document was forwarded to the following:
- National Private Hire Association
  - National Taxi Association
  - West Mercia Police (Redditch Safer Neighbourhood Team)
  - West Mercia Safer Roads Partnership
  - Crossgates Depot (Vehicle Testing Station)
  - Redditch Borough Council Parking Team
  - Feckenham Parish Council
  - Redditch Borough Councillors

REDDITCH BOROUGH COUNCIL**LICENSING  
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- 3.16 The draft penalty points scheme and consultation document were also hosted on a page on the Redditch Borough Council website and advertised using a press release and social media channels.
- 3.17 A large number of responses have been received to the consultation from individuals licensed by the Council to drive hackney carriage and private hire vehicles.
- 3.18 It is clear from the responses received that the vast majority of the licensed drivers responding to the consultation, opposed the introduction of a penalty points scheme.
- 3.19 Officers believe that this is down to a fundamental misunderstanding of the concept of a penalty points scheme and how it would operate. The intention is not to create new rules and regulations, but to put in place a mechanism for ensuring compliance with existing licensing requirements without the need to take formal legal proceedings, which are far more costly and inconvenient for all parties.
- 3.20 It is recognised that the majority of licensed drivers comply with the requirements placed on them. Therefore the majority of drivers have nothing to fear from the introduction of a penalty points scheme. The intention of the scheme is to help identify those that are persistently not complying with licensing requirements and calling them to account for their actions.
- 3.21 Officers believe that the consultation responses make it clear that a large number of licensed drivers need to have the scheme explained to them more fully in order that they can understand the aims of a penalty points scheme and how it would work in practise if implemented.
- 3.22 For this reason, officers are recommending that implementation of a penalty points scheme be deferred to allow further meetings and discussions with between officers and representatives of the newly formed Redditch Taxi Association (RTA).

**4. RISK MANAGEMENT**

- 4.1 Consultation with those that would be affected by the introduction of a penalty points scheme has helped to mitigate against the risk of any legal challenge to the introduction and operation of the scheme.

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**5. APPENDICES**

Appendix 1 – Consultation Document

**AUTHOR OF REPORT**

Name: Dave Etheridge – Senior Practitioner (Licensing)  
Worcestershire Regulatory Services

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## Redditch Borough Council

### Consultation on Hackney Carriage and Private Hire Penalty Points Scheme

Redditch Borough Council is proposing to introduce a penalty points scheme as a tool to help secure compliance with licensing requirements from holders of the hackney carriage and private hire licences that the Council issues.

The basic idea of a penalty points scheme is to issue an appropriate number of points to those who commit minor offences or acts of non-compliance as an alternative to taking more formal action, with a view to identifying those that persistently commit minor offences or fail to comply with requirements placed upon them as licence holders.

A licence holder that reaches a certain number of points in a given period would then be referred to a Licensing Sub-Committee, which would consider whether or not to suspend or revoke the individual's licence.

The penalty points scheme is not intended to be used to deal with more serious offences or acts of non-compliance and in deciding what action to take, each case will continue to be considered on its own individual merits.

The draft penalty points scheme can be viewed and downloaded here:

<http://www.redditchbc.gov.uk/council/policy-and-strategy/consultations.aspx>

Please read the draft scheme before answering the questions below.

This consultation will remain open for responses until **Friday 10<sup>th</sup> June 2016**.

**CONSULTATION QUESTIONS**

1	In general terms, do you support the introduction of a penalty points scheme for those who hold hackney carriage and private hire licences issued by Redditch Borough Council? (please circle)	
	<b>YES</b>	<b>NO</b>
	Please provide reasons for your answer:	

2.	Are there any offences or other acts of non-compliance that are contained within the draft penalty points scheme that you think the Council should not include within any scheme they adopt?	
	<b>YES</b>	<b>NO</b>
	If answering YES, please specify and explain why you don't think the penalty points scheme should include these offences or acts of non-compliance:	

3.	Are there any other offences or acts of non-compliance that are not contained in the draft scheme you think the Council should include within any penalty points scheme they adopt?	
	<b>YES</b>	<b>NO</b>
	If answering YES, please specify and explain why you think the penalty points scheme should include these offences or acts of non-compliance:	

4.	The Council proposes to have those who receive 12 or more penalty points in a two year period, referred to a Licensing Sub-Committee. Do you think that this threshold is appropriate?	
	<b>YES</b>	<b>NO</b>
	If answering NO, what do you think the threshold should be when a licence holder is referred to a Licensing Sub-Committee?	

Please use this space to make any other comments or observations that you may have on the draft penalty points scheme?

This consultation will remain open for responses until **Friday 10<sup>th</sup> June 2016**.

Once completed, please return your consultation response to:

Consultation on Penalty Points Scheme – Redditch Borough Council  
Worcestershire Regulatory Services  
Wyre Forest House  
Finepoint Way  
Kidderminster  
Worcestershire  
DY11 7WF

You can also return your consultation response via email to [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)

Finally you can submit your consultation response at the Reception Desk at the Town Hall in Redditch in an envelope marked for the attention of “Licensing.”

REDDITCH BOROUGH COUNCIL**LICENSING  
COMMITTEE**18<sup>th</sup> July 2016**LICENSING ANNUAL REPORT**

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

To provide a report on the activities under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing and to inform the Committee on any issues anticipated in the ensuing year as required under the Council's Licensing Act 2003 and Gambling Act 2005 Policies.

**2. RECOMMENDATIONS**

**Members are asked to RESOLVE;**

**The contents of the licensing Annual Report 2015/2016 be noted.**

**3. KEY ISSUES****Financial Implications**

3.1 None.

**Legal Implications**

3.2 None

**Service / Operational Implications**

3.3 Since 1<sup>st</sup> June 2010 Worcestershire Regulatory Services Licensing Team has taken over operational delivery of the statutory functions of licensing and enforcement of regulated activities and businesses operating under the Licensing Act 2003 on behalf of Redditch Borough Council. These functions cover premises which sell and supply alcohol, provide regulated entertainment and late night refreshment, gambling premises, gaming machines and lotteries. The Licensing Team also deals with the operation and administration of Hackney Carriage/Private Hire vehicles, drivers and Operator's licenses, Street and House to House Collections. The Council retains full policy and statutory responsibility for all licensing functions.

REDDITCH BOROUGH COUNCIL**LICENSING  
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- 3.4 Under the terms of the Licensing Act 2003 and the Gambling Act 2005, each local authority is required to prepare and publish a licensing policy which has to be reviewed periodically.
- 3.5 During 2015/16 the Council's Statement of Principles under the Gambling Act 2005 was reviewed and a revised Statement of Principles was published with effect from 31<sup>st</sup> January 2016.
- 3.6 The Council's current Statement of Licensing Policy under the Licensing Act 2003 was published with effect from 1<sup>st</sup> October 2014. The Statement of Licensing Policy will therefore be due for revision prior to 1<sup>st</sup> October 2019.
- 3.7 The Council also consulted upon and adopted its first comprehensive policy on the licensing of Sex Establishments during 2015/16.

**Licensing Act 2003**

- 3.8 The Licensing Act 2003 transferred the liquor licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshment, cinemas and theatres.
- 3.9 The number of new licenses issued and granted by Redditch Borough Council in the year 2015/16, together with the total number of licences issued, are:

Personal Licenses	New	59	Total	724
Premises Licenses	New	6	Total	203
Club Premises Certificates	New	0	Total	23
Temporary Event Notices			Total	101

- 3.10 The Licensing Sub Committee created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises, met on three occasions during the year 2015/16. These meetings were to determine two applications for new premises licences and one application for variation of a premises licence, where representations were received and not able to be resolved.

**LICENSING  
COMMITTEE**18<sup>th</sup> July 2016**Gambling Act 2005**

3.11 Last year saw the Council continue its functions under the Gambling Act 2005. This legislation replaced most of the existing law relating to gambling in Great Britain and, much like the Licensing Act 2003, aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council. The Licensing Team now issue premises licenses for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres and casinos.

3.12 The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are:

Betting Premises	New	0	Total	10
Bingo Premises	New	0	Total	2
Adult Gaming Centres	New	0	Total	2
Family Entertainment Centres	New	0	Total	0
Casinos	New	0	Total	0

3.13 All yearly maintenance fees as set out in the Gambling Act 2003, which have been set by the Local Authority for the year ending 2015/16, have been received by the Authority.

**Taxi Licensing**

3.14 The Licensing Team is also responsible for the operational function of the licensing and enforcement of Hackney Carriage and Private Hire Vehicles, drivers and Operators.

3.15 There has been an increase of around 8% in the number of driver licences issued and whilst the number of licensed hackney carriages has fallen slightly, there has also been an increase of around 20% in the number of vehicles licensed to be used as private hire vehicles.

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3.16 At present the following number of licences are valid.

	<u>14/15</u>	<u>15/16</u>
Hackney Carriage Vehicles	205	201
Private Hire Vehicles	169	203
Hackney Carriage / Private Hire Drivers	408	441
Private Hire Operators	13	14

3.17 The Council has carried out consultation on the introduction of a penalty points scheme to help achieve compliance from licence holders with licensing and other legal requirements .

3.18 The Council also hosted two forums for hackney carriage and private hire licence holders in January 2016, which were a useful opportunity to discuss issues with the trade. Further Forums are planned to take place in the future.

**Scrap Metal Dealers**

3.19 In October 2013 the Scrap Metal Dealers Act 2013 came into force in the District. Under this new legislation the Council is responsible for issuing mobile scrap metal collector licences and scrap metal site licences. The Council has issued the following number of licences to date:

	<u>14/15</u>	<u>15/16</u>
Site Licences	6	6
Mobile Collector Licences	29	29

3.20 The Licensing Team is responsible for enforcing the legislation in partnership with the Police and Environment Agency and have taken part in two multi-agency operations in the North Worcestershire area during 2015/16, which included trying to identify any unlicensed scrap metal dealers operating in the area.

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- 3.21 Worcestershire Regulatory Services Licensing Team members regularly attend and represent Redditch Borough Council at a number of local and regional meetings, such as the Institute of Licensing meetings, the Regional Taxi Licensing Forums and other neighbouring authority groups, which continue to prove to be invaluable, on providing information on national and regional licensing matters including upcoming changes in any licensing legislation.
- 3.22 Redditch Borough Council hosted the West Midlands Region of the Institute of Licensing's AGM and training day on 12<sup>th</sup> June 2015.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

- 5.1 None

**AUTHOR OF REPORT**

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**LICENSING  
COMMITTEE****18th July 2016****LICENSING COMMITTEE WORK PROGRAMME 2016/17****18th July 2016**

- Overview & Scrutiny Committee – Improving Disabled People’s Access to Redditch Taxi Fleet report findings and presentation from the Task Group Chair, Councillor Gay Hopkins - Presentation.
- Penalty Points Scheme for Hackney Carriage and Private Hire Drivers – consultation results.
- Licensing Annual Report

**7th November 2016**

- To consider the options of offering a 1 year, 3 year and 5 year private hire operator’s licence.
- Wheelchair Accessible Vehicles – Approval for consultation on any changes to policy proposed as a result of the work of the Overview & Scrutiny Committee Task Group on Improving Disabled People’s Access to Redditch Taxi Fleet.

**6th March 2017**

- Wheelchair Accessible Vehicles – Results of consultation on any changes to policy proposed as a result of the work of the Overview & Scrutiny Committee Task Group on Improving Disabled People’s Access to Redditch Taxi Fleet.

**To Be Allocated To Suitable Available Dates in 2016/2017**

- Review of Policy on the Relevance of Convictions for Hackney Carriage and Private Hire Drivers
- Review of Street Trading Policy

**For noting**

- Hackney Carriage and Private Hire Taxi Liaison Meetings to be held in August 2016

