

Licensing Committee

Monday, 17 July 2017

MINUTES

Present:

Councillor Pat Witherspoon (Chair) (during Minute No's 1 and part of 6), Councillor Andrew Fry (Vice-Chair, in the Chair during Minute No's part of 6 to 7) and Councillors Roger Bennett, Natalie Brookes, Anita Clayton, Pattie Hill, Gay Hopkins, Antonia Pulsford and Jennifer Wheeler

Officers:

Timothy Bishop and Dave Etheridge

Democratic Services Officer:

Pauline Ross

1. APOLOGIES

Apologies for absence were received on behalf of Councillors Tom Baker-Price and Rachael Smith.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 6th March 2017 be confirmed as a correct record and signed by the Chair.

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Chair

4. **FURTHER CONSIDERATION OF THE RESULTS OF THE EARLIER CONSULTATION ON 'IMPROVING DISABLED PEOPLE'S ACCESS TO REDDITCH TAXI FLEETS' TASK GROUP**

Following on from the Licensing Committee meeting held on 6th March 2017, Members received a further update with regard to the "Improving Disabled People's Access to Redditch Taxi Fleets" consultation document produced by Worcestershire Regulatory Services (WRS).

During the meeting held on 6th March 2017, Members had expressed their concern with regard to the following:-

- Redditch Taxi Association (RTA) had suggested in their response to the consultation that not all licensed drivers had received the additional consultation document so were therefore unable to respond.
- The low level number of responses received to the consultation from the relevant agencies. Members requested that officers clarified that all relevant agencies, as listed below, had been consulted with:-
 - Older People's Forum
 - Community Forum
 - Health and Well Being Group
 - BARN (Bromsgrove and Redditch Network)
 - DAR (Disability Action Redditch)
 - Town Centre Partnership

The Senior Practitioner (Licensing), WRS, introduced the report and in doing so informed the Committee that despite requests being made by Licensing Officers, WRS, RTA had not provided details of any of the licence holders who had not received the consultation document when originally distributed.

Officers were also able to confirm that, after liaising with the Council's Engagement and Equalities Advisor, all of the agencies as detailed in the preamble above had been given the opportunity to respond to the consultation document.

Therefore officers were of the opinion that any further consultation with licence holders or agencies was an unnecessary step to take.

Members commented that officers had done as much as possibly with regard to liaising with RTA. They were also pleased to note that, despite the low responses received, that all of the relevant

agencies had been given the opportunity to respond to the consultation document.

The Senior Practitioner (Licensing), WRS, responded to questions from Members and explained that the number of licensed hackney carriages had stayed constant for the last few years. By lowering the required age to allow new applications for hackney carriages to be made for vehicles less than six years old, it was hoped that this would incentivise licensed drivers to purchase suitable vehicles at a lower cost. It was envisaged that as a result of this policy change that there would be an increase in the number of wheelchair accessible hackney carriages in the borough.

Members suggested that should the implementation of the legislation locally, on Section 165-167 of the Equality Act 2010, as detailed in Minute Number 5, be approved by Council; that any media campaign conducted included additional information with regard to assistance dogs and the Royal National Institute of Blind People (RNIB) Guidance be included so that licensed drivers and passengers were aware of their role and responsibilities when travelling by taxi.

RESOLVED that

- a) the Hackney Carriage Vehicle Licensing Policy be amended 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; and**
- b) the Driver Licence Policy be amended to require that refresher training be provided on driving standards and disability awareness to taxi drivers every three years.**

**5. EQUALITY ACT 2010 - SECTIONS 165 TO 167 POSITION
STATEMENT ON THE MAINTENANCE OF A LIST OF
DESIGNATED VEHICLES**

Following on from the meeting held on 6th March 2017 whereby Members received a legislative update report on Section 165 to 167 of the Equality Act 2010 – Taxi and Private Hire Passengers in Wheelchairs.

Members were asked to further consider a report which highlighted the recently enacted provisions of sections 165 to 167 of the Equality Act 2010 with regard to local authorities maintaining a list of designated vehicles in accordance with section 167 of the Act.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), informed the Committee that on 7th February 2017 the Department for Transport (DfT) announced their intention to implement sections 165 to 167 of the Equality Act 2010 and made the Equality Act 2010 (Commencement No. 2) Order which subsequently took effect on 6th April 2017.

As a result of this change to the law, drivers of designated wheelchair accessible taxi and private hire vehicles were now obliged to:-

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

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

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

The new powers only applied in those areas where the licensing authority had decided to maintain a list of designated vehicles under section 167 of the Equalities Act 2010, and where the driver was driving a vehicle included on the list of designated vehicles maintained by the licensing authority.

A vehicle can then be added to the list of designated vehicles provided:

- (a) it was either a taxi or private hire vehicle, and
- (b) it conformed to such accessibility requirements as the licensing authority thought fit.

The Department for Transport published guidance, as detailed at Appendix 1 to the report, detailed the accessibility requirements that licensing authorities should apply. Licensing authorities that decided to maintain a list of vehicles under section 167 of the Equality Act 2010 had a legal obligation to have regard to this guidance under section 167 (7).

The list should set out details of the make and model of the vehicle, if the vehicle was a taxi or private hire vehicle and state the name of the operator.

Drivers could not opt out from being on the list. If Licensing Officers, WRS, deemed that the vehicle met the requirements, the relevant details as detailed in the preamble above, would be included on the list.

Members commented that should the draft position statement be adopted, that WRS should raise awareness, with regard to sections 165 to 167 of the Equality Act 2010, with the public and the taxi trade to ensure they were fully aware of the requirements of the Act.

RECOMMENDED that the draft position statement, as detailed at Appendix 2 to the report, with regard to sections 165 to 167 of the Equality Act 2010, be adopted.

6. LICENSING ANNUAL REPORT 2016/2017

The Committee considered the Licensing Annual Report 2016/2017 which provided an overall view of 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.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) responded to questions from Members with regard to the information, as detailed in paragraph 3.19 Scrap Metal Dealers.

Members were informed that there had been a significant reduction in the number of licences in force compared to the previous year. A number of licence holders had not renewed their licences when due for renewal towards to the end of 2016. Officers would continue to establish if any of those who had not renewed their licence were still acting as scrap metal dealers. There had been a decrease across the county with the number of mobile collectors renewing their licences.

Reminders to renew their licences had been issued, but the vast majority had not responded. Officers would look at issuing a further reminder, with the possibility of including a reply slip stating 'No Longer Collecting', requesting that the slip be returned to WRS, in the prepaid envelope provided.

Members also commented that they had noticed a reduction in the number of mobile collectors, now collecting in the borough.

Members thanked the Senior Practitioner (Licensing), WRS, for his comprehensive report and requested that it would be useful if the annual report for 2017/2018 showed the previous year's figures for premises licences, as per the information detailed for Hackney

carriage and private hire licences, as shown in paragraph 3.15 in the report.

RESOLVED that

the Licensing Annual Report 2016/2017, as presented, be noted.

7. LICENSING COMMITTEE WORK PROGRAMME 2017/2018

The Committee considered the Licensing Committee Work Programme for the 2017/2018 Municipal Year.

RESOLVED that

the Licensing Committee Work Programme 2017/2018 be noted.

The Meeting commenced at 7.00 pm
and closed at 8.00 pm