



Licensing Committee

Monday, 5 November 2018

MINUTES

Present:

Councillors Roger Bennett, Joanne Beecham, Pat Witherspoon, Julian Grubb, Pattie Hill, Antonia Pulsford, Yvonne Smith and Bill Hartnett

Also Present:

Officers:

Dave Etheridge and Vanessa Brown

Committee Services Officer:

Sarah Sellers

15. APOLOGIES

Apologies for absence were received from Councillors Anita Clayton, Gareth Prosser and Jennifer Wheeler. Councillor Bill Hartnett attended as substitute for Councillor Jennifer Wheeler.

In the absence of Councillor Anita Clayton (Chair) the meeting was chaired by Cllr Roger Bennett as Vice-Chair.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 3rd September 2018 be confirmed as a correct record and signed by the Chair.

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Chair

18. CONSIDERATION OF OBJECTION TO PROPOSED HACKNEY CARRIAGE TABLE OF FARES

Members received a report setting out the outcome of the consultation exercise regarding changes to the Hackney Carriage Table of Fares, and asking Members to consider the Revised Table of Fares attached to the report at Appendix 3.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report. Members were advised that the proposed Table of Fares approved at the Licensing Committee meeting on 16th July 2018 had been advertised in the press on 22nd August 2018 inviting any parties with comments to make to do so by 19th September 2018.

One objection had been received from a member of the public, and Members were referred to the copy of the objection at Appendix 2. The SPL explained that the objection did not relate to the proposed increase in the level of fares but to the use of imperial measurements in the table.

Summarising the objection, the SPL explained that the issue raised was that the member of the public believed that the table should be expressed entirely in metric units. Members were advised that whilst a small number of local authorities set out their table of fares in metric units (kilometres), the vast majority of local authorities used miles. The use of miles was accepted in the UK and well understood by the general public and the taxi trade.

A point regarding interpretation of the relevant regulations regarding use of metric measurements had been made by the member of the public. Officers had considered this but were of the view that use of imperial measurements was permitted under the regulations, and could not be said to be unlawful.

As the point had been raised, the SPL had re-visited the text of the table and this had been updated to show the distance measurements both in miles as previously and in metric units in brackets. The updated table, referred to as the Revised Table of Fares was attached at Appendix 3 of the report.

With regard to Appendix 3, Members commented that miles were the units that were commonly understood. They noted that Table 3 had been updated to include reference to metric units and did not see that this presented any issues.

RESOLVED that

The Revised Table of Fares at Appendix 3 of the report be brought into effect from 16th November 2018.

19. FURTHER CONSIDERATION OF AMENDMENTS MADE TO HACKNEY CARRIAGE HACKNEY AND PRIVATE HIRE DRIVER LICENSING POLICY

Members were asked to consider a report setting out information regarding the requirement for drivers to undertake disability awareness training and driving assessments as introduced in the Council's Hackney Carriage and Private Hire Driver Licensing Policy in November 2017.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and summarised the background. Members were reminded that the current Hackney Carriage and Private Hire Driver Licensing Policy (the revised policy) had come into effect on 1st December 2017 (Appendix 1).

The revised policy had included a new requirement that licensed drivers undertake disability awareness training and driving standards assessments every three years. Prior to the policy being introduced drivers had only been required to undertake such training once when they first became licensed.

These new requirements had resulted from an Overview and Scrutiny Task Group which had looked into issues around access to the Redditch taxi fleet by people with disabilities.

The recommendations made by the Task Group had been accepted by Licensing Committee subject to a consultation exercise being carried out in relation to those recommendations that would result in changes to the Hackney Carriage and Private Hire Driver Licensing Policy.

Through the consultation exercise it became apparent that there was significant opposition from the Redditch Taxi Association to the additional training requirements. Following further consideration of the issue by Licensing Committee at its meetings in March 2017 and July 2017, the decision to adopt changes as set out in the revised policy was made by Members in November 2017.

Following the adoption of the revised policy there was further feedback to Members from the licensed trade regarding the changes and concerns were expressed at the Taxi Forum in January 2018.

For this reason Members considered the matter again at their meeting on 5th March 2018 and officers were tasked to look at alternative ways to fund the disability awareness training and driving assessments and all options for targeting disability awareness training and driving assessments.

The SPL advised that with regard to funding, no other sources of funding had been found to cover the cost of the three yearly disability awareness training and driving assessments which is currently paid for by the drivers. With approximately 530 licensed drivers the cost was in the region of £30k over three years.

Officers had investigated whether there were any alternative providers for the training, but had concluded that the County Council Driver Training Team which provided the disability awareness training and driving assessments offered the lowest prices.

Officers had also investigated options for targeting additional training to drivers who had been the subject of repeated or serious complaints regarding their standard of driving or treatment of disabled persons. The SPL advised that Licensing Sub-Committee could if appropriate suspend a driver's licence until additional training had been completed. This would be an approach that could be used to allow training to be targeted at specific drivers.

During the course of the debate Members discussed the option of relaxing the requirements for drivers to complete the disability awareness training and driving assessments once every three years. In doing so Members commented that the current requirements could be seen as onerous and that a better approach might be to have a system where training was targeted at drivers who had infringed the rules or been subject to complaints. It was noted that the vast majority of drivers in Redditch maintained very high standards. Members commented that the taxi drivers themselves met often and shared information and that through this type of networking there would be an element of the drivers themselves helping to maintain good standards.

The overall view of the Committee was that notwithstanding the previous imposition of the three year requirement, that looking at this issue afresh there were arguments in favour of this being relaxed and of a consultation exercise taking place. It was moved and seconded that a consultation should take place in relation to amending the revised policy to take out the requirement for drivers to undertake disability awareness training and driving assessments every three years.

During the course of the debate Members also discussed issues around licensed drivers from outside of Redditch being able to operate as either Hackney Carriage Drivers or Private Hire Drivers in the Borough. At the request of Members the SPL outlined the rules in this regard and in doing so clarified that:-

- Hackney Carriages, where they have been pre-booked, can work anywhere in the country, although they cannot ply for hire outside their area;
- Private Hire drivers can do jobs outside the area in which they are licenced; and
- It is not unlawful for a private hire operator to accept a booking in one area and pass it to an operator licensed by a different local authority to fulfill.

RESOLVED that

- 1. Members note the outcome of the officer investigations set out in the report.**
- 2. Members note the requirements introduced in the Council's Hackney Carriage and Private Hire Driver Licensing Policy in November 2017.**
- 3. Officers be tasked to carry out a consultation exercise in relation to amending the Hackney Carriage and Private Hire Driver Licensing Policy to remove the requirement that drivers undertake disability awareness training and driving assessments every three years.**

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

Members received a report regarding the age limits for vehicles as set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies. The report invited Members to consider whether a consultation should be carried out regarding the age limits and set out statistics regarding the number of applications contrary to policy that Members had approved in the previous two years.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and reminded Members of the current age limits for the different types of vehicles as set out in the table at Appendix 1.

The SPL explained that the number of applications by drivers to go outside policy was significant, and of the applications made a high percentage related to owners whose vehicles were reaching the

age of 9 years who wanted an extra year. Every application made had to be considered by Members sitting on the Licensing Sub-Committee (Taxis). Processing and determining these applications formed a notable part of the workload of the licensing officers, democratic services officers and of the Committee members themselves when sitting on the Licensing Sub-Committee.

It was noted the Committee had previously considered a report regarding making changes to the vehicle age limits in November 2016, but at that time Members had decided to leave the age limits as they were.

The SPL provided data for the two years from September 2016. During this period there had been 52 applications made and referred to Licensing Sub-Committee for vehicles that did not meet the age requirements in the Council's Policy.

40 of the applications related to saloon vehicles which had reached the age of 9 years and the proprietor wanted an extra year. Of the 40 applications 36 were determined of which 31 were granted and 5 refused. This represented an approval rate of 86%.

The figures showed that a significant percentage of applications were being granted.

The SPL advised Members that the Redditch Taxi Association had for some time been asking for the age limit on renewal to be increased from 9 years to 10 years.

Taking into account the data for 2016 to 2018, the representations from the Redditch Taxi Association and the time and cost of putting the applications through Sub-Committee, Members were being asked to look afresh at whether the age limits should be amended.#

In response to questions from Members, the SPL provided details of the age limits for vehicles which had been adopted by other district councils in Worcestershire as follows:-

Bromsgrove District Council	<u>Hackney Carriage/ Private Hire</u> Renewal of Saloon vehicles 10 years Renewal of Wheelchair Accessible Vehicles (WAVS) 12 years
Worcester City Council	<u>Hackney Carriage</u> Renewal of Saloon vehicles 8 years Rear access WAV 10 years Side access WAV 12 years London International Hackney Carriage 15 years

	<p><u>Private Hire</u> Renewal of Saloon vehicles 10 years WAV 12 years</p>
Wychavon District Council	<p><u>Hackney Carriage</u> Renewal of Saloon vehicles 10 years WAV 12 years</p> <p><u>Private Hire</u> Renewal of Saloon vehicles 10 years WAV no age limit</p>
Malvern Hills District Council	<p><u>Hackney Carriage/ Private Hire</u> Saloon 8 years Vehicle licenced for 5 to 8 passengers 10 years WAV 12 years</p>
Wyre Forest District Council	<p><u>Hackney Carriage</u> All vehicles (must be WAV) 10 years</p> <p><u>Private Hire</u> All vehicles 7 years</p>

It was noted that the age limits varied in different locations and that the closest neighbours to Redditch, Bromsgrove, were operating a 10 year limit as opposed to the 9 years in Redditch.

In further discussion Members commented that increasing the limit for saloon vehicles from 9 years to 10 years should be considered. The standard of vehicles of that age coming to Sub-Committee for extensions was generally extremely good, and the addition of a year would bring Redditch into line with Bromsgrove.

Members went on to consider the Table at Appendix 1 in detail and discussed a numbers of changes to the age limits for new vehicles, replacement vehicles and for the renewal of vehicles that they felt should be subject to consultation.

It was noted that if the age limit on renewal was to be increased from 9 years to 10 years, then provision should also be made for the requirement of three inspections a year to apply during 9th year and the 10th year.

A proposal was moved and seconded that a consultation proceed on the basis of the amended age limits that the Members had discussed.

RESOLVED that

Officers be tasked to carry out a consultation exercise in relation to amending the age limits for vehicles as set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies in accordance with the amended version of Appendix 1 attached to these minutes.

21. GAMBLING ACT 2005 - CONSIDERATION OF RESPONSES TO CONSULTATION ON REVISED STATEMENT OF PRINCIPLES

Members received a report setting out the outcome of the consultation exercise regarding the Gambling Act 2005 Draft Statement of Principles, and seeking approval of the Revised Draft Statement of Principles attached to the report at Appendix 2.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and advised Members that the current Statement of Principles for the Council had come into force in January 2016. Under the Gambling Act 2005 there was a requirement to renew the Statement of Principles every three years. Accordingly, an updated version would need to be adopted to come into effect no later than 31st January 2019.

It was noted that Members at Licensing Committee had approved a Draft Statement of Principles for consultation purposes on 12th March 2018. The consultation had been sent to the relevant statutory consultees including the police, responsible authorities and other public bodies. The consultation had also been open to members of the public and had been made available on the Council's website and publicised through social media and the local press. The consultation period had run from 4th May 2018 to 27th July 2018.

The SPL summarised the two substantive responses which had been received from the Public Health Team at Worcestershire County Council and a consultant specialising in gambling matters.

The Public Health Team had requested some minor changes to the wording in part 10 of the Statement of Principles. It was noted that this section dealt with engagement between Public Health and the Council with regard to addressing gambling-related harm. The changes had been suggested by Public Health to reflect a firmer commitment to engagement with them in this area. It was confirmed that the changes had been agreed and incorporated into the amended Revised Draft Statement of Principles.

With regard to the second response from the consultant, it was explained that the point raised regarding the need for Basic Disclosure certificates to be provided where unlicensed family entertainment centres were operated by limited companies had been accepted. Accordingly paragraph 19.5 of the Revised Draft Statement of Principles had been amended to require each director of the company to provide a Basic Disclosure Certificate.

Regarding the second paragraph of the response, it was confirmed that the issues referred to had been considered, but officers had decided not to make any changes to the Revised Draft Statement of Principles. In forming that view they had taken into consideration:-

- That the wording of the Revised Draft Statement of Principles would not imply that gambling premises are inappropriate in town centres;
- That Part 10 of the Revised Draft Statement of Principles acknowledged that Public Health is not a responsible authority; and
- That the wording of Part 10 with regard to public health issues was appropriate, and each individual application would be considered on its merits.

RECOMMENDED that

The Revised Draft Statement of Principles at Appendix 2 be approved and published

22. WORK PROGRAMME

Members considered the work programme for the Committee for 2018/2019.

With regard to the meeting on 4th March 2019, the Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) pointed out that there were two items arising from the agenda that would require consultation exercises to be carried out. He stated that if possible he would try to combine the questions about the training requirements, and the questions about the vehicle age limits into one questionnaire. This would then allow for Members to receive a report on each of those matters for the March meeting.

Members requested that an item be added to the work programme to provide an update on the operation of the Penalty Points

Scheme. The SPL indicated that this could be looked at but it might not be ready for the March meeting.

Members also asked about any current plans for officers to carry out enforcement checks on licensed vehicles for example with VOSA (the Vehicle and Operator Services Agency). The SPL responded that it was difficult to get involvement from VOSA. Licensing Officers had powers that could be used to carry out inspections independently by the issuing of direction notices to drivers. However, these were not always effective as there was an element of advance warning. The only other option would be to carry out an operation jointly with the police who had powers to stop vehicles.

The SPL stated that he would find out if a vehicle enforcement exercise could be scheduled in to take place before the next meeting. In doing so he pointed out that due to the requirement in Redditch for vehicles to undergo testing twice yearly, the standard of vehicles was generally at a good level compared to other districts.

RESOLVED that

The Licensing Committee Work Programme 2018/2019, and the additional updates detailed in the preamble above, be noted.

The Meeting commenced at 7.00 pm
and closed at 8.07 pm

Amended Appendix 1

	Current Policy - Hackney Carriage	Current Policy - Private Hire
New (additional) vehicles being licensed	Must be <u>wheelchair accessible</u> and under 6 7 years of age.	Must be under 6 7 years of age
Replacement vehicles	Must be under 6 7 years of age (and wheelchair accessible if replacing a wheelchair accessible vehicle)	Must be under 6 7 years of age
On Renewal	Can be no older than 9 10 years of age unless wheelchair accessible when it can be no older than 12 years of age.	Can be no older than 9 10 years of age unless wheelchair accessible when it can be no older than 12 years of age.
Inspections	Vehicles up to 9 years of age must be inspected twice per year. Vehicles over 9 years of age must be inspected three times per year.	Vehicles up to 9 years of age must be inspected twice per year. Vehicles over 9 years of age must be inspected three times per year.

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