

# Licensing Committee

Monday, 4 March 2019

## MINUTES

### Present:

Councillor Anita Clayton (Chair), and Councillors Joanne Beecham, Andrew Fry, Julian Grubb, Pattie Hill, Antonia Pulsford, Yvonne Smith, Pat Witherspoon, Jennifer Wheeler, Tom Baker-Price and Matthew Dormer

### Also Present:

### Officers:

Jess Bayley, Sue Garratt and Vanessa Brown

### Democratic Services Officer:

Sarah Sellers

## 23. APOLOGIES

Apologies for absence were received from Councillors Roger Bennett and Gareth Prosser. Councillor Tom Baker-Price attended as substitute for Councillor Bennett and Councillor Matthew Dormer attended as substitute for Councillor Gareth Prosser.

## 24. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 25. MINUTES

### RESOLVED that

the minutes of the meeting of the Licensing Committee held on 5<sup>th</sup> November 2018 be confirmed as a correct record and signed by the Chair.

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Chair

**26. CONSULTATION ON AMENDMENTS TO LICENSED DRIVER TRAINING AND ASSESSMENT REQUIREMENTS - CONSIDERATION OF RESPONSES**

Members received a report setting out the outcome of the consultation exercise regarding the Council's Hackney Carriage and Private Hire Driver Licensing Policy, and the responses to the question asked about the option of removing the current requirements that drivers undertake refresher training in disability awareness and must pass a driving assessment test at least every three years.

The Licensing and Support Services Manager, Worcestershire Regulatory Service (WRS), presented the report and reminded Members of the background and the previous consideration of the policy by the Overview and Scrutiny Task Group, Improving Disabled People's Access to Redditch Taxi Fleet. The recommendations made by the Task Group had led to the Licensing Committee making changes to the policy to introduce the requirements that drivers undertake refresher training for disability awareness and a driving assessment, every three years. These new provisions came into effect from 1<sup>st</sup> December 2017.

Following the introduction of the new requirements, there was feedback from licensed drivers that the additional tests represented a disproportionate and unjustified burden on drivers, and that disability awareness refresher training should only be required of drivers in relation to whom a complaint had been made.

In light of the strength of feeling the issue was re-considered by the Licensing Committee at its meeting on 5<sup>th</sup> March 2018 when further information was requested. The Committee considered the issue again at its meeting on 5<sup>th</sup> November and resolved to carry out a consultation exercise on the option of removing the requirement that drivers undertake disability awareness training and a driving assessment every three years.

The consultation ran from 3<sup>rd</sup> December 2018 to 31<sup>st</sup> January 2019 and Members were referred to the list of consultees at paragraph 3.16 of the report and the responses as set out in Appendix 3.

It was noted that there were 186 responses to the consultation survey, of which 123 came from licence holders and 63 from other respondents. 138 of the 186 respondents (74.2%) agreed with the proposal to remove the requirement to undertake disability awareness training and driving assessments every three years. 48 respondents (25.8%) did not agree with the proposal. Further analysis of the results had indicated that the vast majority of respondents in favour of removing the requirements were licensed

drivers, whereas the majority of respondents from the “others” category were in favour of retaining the requirements.

The decision for Members in light of the consultation exercise was what amendments, if any, they would wish to make to the policy.

In discussing the report, Members made reference to various issues including:-

- The importance of providing disability awareness training in terms of promoting awareness of issues faced by disabled travellers.
- That the standards of Redditch drivers in this regard were very good and that this should be maintained.
- That it would be better to take a pro-active approach and positively reinforce high standards around disability awareness as opposed to only providing training in a reactive way in response to specific complaints.
- That whilst some drivers would prefer to see a reduction in the training requirements, this would need to be balanced against the importance of preserving the safety and comfort of disabled travellers.
- That overall the requirement for the tests to be repeated every three years seemed to be about right.
- That as the new requirements had only been introduced in December 2017 it would be premature to make changes, and the current requirements should remain in place for the time being.

Members were referred to the relevant part of the policy at page 21 of the main agenda and officers clarified that the two aspects under consideration were disability awareness and driving assessments.

### **RESOLVED that**

**Having considered the outcome of the consultation exercise, that no changes be made to the Council’s current Hackney Carriage and Private Hire Driver Licensing Policy with regard to the requirement that holders of driver licence must undertake refresher training in disability awareness and must pass a driving assessment test at least every three years.**

## **27. CONSULTATION ON VEHICLE AGE LIMITS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - CONSIDERATION OF RESPONSES**

Members received a report setting out the outcome of the consultation exercise regarding the Councils Hackney Carriage and Private Hire Driver Licensing Policy, and the responses to the questions asked about amending the existing applicable age limits for vehicles.

The Licensing and Support Services Manager, Worcestershire Regulatory Service (WRS), presented the report and reminded Members that the consultation had been requested at the last Committee meeting in light of the volume of extension applications being received, and representations from the Redditch Taxi Association that the upper age limit for saloon type vehicles should be increased from nine years to ten years. Under existing arrangements it was necessary for all applications falling outside the set age criteria to be referred to a meeting of the Licensing Sub-Committee where Members would decide whether the individual vehicle was of an exceptional standard and could therefore be licenced even though it did not meet the policy requirements.

Members were referred to the current policy documents, namely the Hackney Carriage Vehicle Policy (Appendix 1) and the Private Hire Vehicle Policy (Appendix 2).

The consultation ran from 3<sup>rd</sup> December 2018 to 31<sup>st</sup> January 2019 and Members were referred to the list of consultees at paragraph 3.12 of the report and the responses as set out in Appendix 4.

It was noted that there were 186 responses to the consultation survey, of which 123 came from licence holders and the remaining 63 responses from other groups or individuals. Of the 186 respondents between 171 and 179 had answered each question relating to the proposals to amend the vehicle age limits.

The vast majority of respondents were in favour of making the proposed changes to the vehicle age limits although this had to be considered in the context that the majority of those who had replied to the consultation were licence holders.

Whilst on the subject of vehicle standards, the Licensing and Support Services Manager gave feedback to Members regarding a taxi enforcement evening that had taken place in Redditch on 22<sup>nd</sup> February 2019. A total of 31 vehicles had been checked, made up of 20 hackney carriage vehicles, and 11 private hire vehicles. There were 18 roadside checks and 13 vehicles checked at the Council garage at Crossgates. Four vehicles were suspended, although one was re-instated the same evening following the connection of his meter, and another was re-instated first thing on Monday morning following presentation of satisfactory documents.

The evening had resulted in multiple drivers receiving penalty points, with a grand total of 80 points being issued in relation to the evening's inspections.

Examples of more minor issues encountered included roof signs that were not working, missing tariff cards, lack of no smoking signs and badges not being displayed. More serious matters recorded included faulty lights, a vehicle with no water in the screen wash dispenser, a vehicle with a damaged tyre and a meter that was not connected.

In response to questions from Members, it was established that the sample of vehicles that had been stopped on the enforcement evening represented just under 10% of the vehicles licensed by the Council.

In discussing the report, Members expressed a range of opinions including:-

- That the standard of vehicles falling outside the policy that came before the Licensing Sub-Committee was generally very high.
- In light of this, the upper age limit for renewal should be raised to 10 years.
- That the cost and time of holding Licensing Sub-Committee meetings, as referred to at paragraph 3.7 of the report, should not be a relevant factor; part of the role of the Licensing Sub-Committee was to make such determinations and it was not unreasonable to request drivers to bring their vehicles in for inspection if they wanted a licence for an additional year.
- That notwithstanding the excellent standard of the vehicles presented to the Licensing Sub-Committee, if the age limits were extended the volume of applications would not decrease as drivers would continue to seek extensions outside policy.
- That the current system of approving applications that were outside policy through the Licensing Sub-Committee worked well and should be allowed to continue without any changes.
- That the best approach would be to continue with the current age limits as assessed by the Licensing Sub-Committee carrying out a subjective examination of each individual vehicle.
- That the system as at present should continue but be kept under review.

Members were reminded by officers of the individual age limits in relation to which consultation had been carried out as summarised

in the table on page 11 of the main agenda. In light of the different changes that had been consulted on Members took a series of votes on the individual age limits and an overall vote on whether to make any changes to the two policies.

**RESOLVED that**

- 1. On the issue of the age of new hackney carriage or private hire vehicles on first application, the age limit remain at 6 years.**
- 2. On the issue of the age of replacement hackney carriage or private hire vehicles on first application, the age limit remain at 6 years.**
- 3. On the issue of the upper age limit for renewal of hackney carriage or private hire vehicles, the age limit remain at 9 years.**
- 4. Having considered the outcome of the consultation exercise, that no changes be made to the Council's current Hackney Carriage Vehicle Policy and Private Hire Vehicle Policy.**

**28. CONSULTATION ON REVISED STATEMENT OF POLICY UNDER LICENSING ACT 2003 - CONSIDERATION OF RESPONSES**

Members received a report setting out the outcome of the consultation exercise regarding the draft revised Statement of Licensing Policy.

The Licensing and Support Services Manager, Worcestershire Regulatory Service (WRS), presented the report and reminded Members that the Statement of Licensing Policy needed to be renewed every five years. The current policy had taken effect from 1<sup>st</sup> October 2014. Therefore a new Statement of Licensing Policy needed to be published by 1<sup>st</sup> October 2019.

On 16<sup>th</sup> July 2018 the Licensing Committee had approved a draft revised Statement of Licensing Policy for the purposes of consultation with the relevant parties.

The revised policy had been updated to reflect changes in legislation and guidance and Members were referred to the key changes which included:-

- A new section to explain the implications of the Immigration Act 2006 on the Council's functions under the Licensing Act 2003.
- New wording around how the Council would deal with applications for, and suspension or revocation of, personal licences in accordance with new legislation in the Policing and Crime Act 2017 which gave Licensing Authorities the power to suspend or revoke personal licences.
- Updating of the section regarding the Live Music Act 2012 to reflect further deregulation of the licensing of entertainment.
- Updating of the section regarding powers of local authorities to adopt special policies on cumulative impact, as introduced by the Policing and Crime Act 2017.
- A new section regarding local powers to deregulate the licensing of late night refreshment under the Deregulation Act 2015.

The consultation ran from 2<sup>nd</sup> October 2018 to 11th January 2019 and Members were referred to the list of consultees at paragraph 3.16 of the report. It was noted that only one response was received on behalf of the Director of Public Health at Worcestershire County Council.

The Director of Public Health had requested that a section be added to the Statement of Licensing Policy in all districts recognising the contribution of public health to the licensing process. Such a section had been added into the draft revised Statement of Licensing Policy between paragraphs 7.21 and 7.23 the wording of which had been agreed in consultation with the Public Health Directorate.

With regard to the text of the draft revised Statement of Licensing Policy the only comments from Members related to the "Protection of Children from Harm", and specifically paragraph 6.42 on page 110 of the main agenda pack. A request was made that some additional information should be included to direct readers of the policy to more information about safeguarding procedures for children involved in entertainment productions, and the need for suitably qualified adults to be identified to supervise/ chaperon children performing in shows and productions.

Officers confirmed that suitable wording to cover this request would be added to the policy.

### **RESOLVED that**

**The Revised Statement of Licensing Policy at Appendix 1 be amended by the addition of extra wording at paragraph 6.42**

regarding the safeguarding of children involved in entertainment productions.

**RECOMMENDED that**

**Subject to the inclusion of the additional wording to paragraph 6.42, the Revised Statement of Licensing Policy at Appendix 1 be approved and published to take effect on 1<sup>st</sup> June 2019.**

## **29. PUBLIC SPEAKING AT LICENSING COMMITTEE**

Members were asked to consider a report asking them to determine the arrangements for public speaking at meetings of the Licensing Committee.

The Senior Democratic Services Officer, presented the report, and reminded Members that at Council on 25<sup>th</sup> February, Members had agreed to introduce public speaking at certain Committee meetings, including meetings of the Licensing Committee (parent committee). It was noted that public speaking arrangements were already in place for some Committee meetings, including Council, the Executive Committee and Planning Committee. However, at other public meetings public speaking rights were not formalised and could only be exercised at the discretion of the Chair.

The background to this change was that a complaint had been received from a member of the public who had called for formal public speaking to be introduced at all public Committee meetings. The complaint had been considered by the Constitutional Review Working Party who had decided to recommend to Council that formal public speaking be introduced for those Committees where it was not currently in place.

The decision for Members was to consider what type of arrangements should be introduced for the Licensing Committee. It was noted that other Councils that permitted public speaking at Licensing Committee usually included it as an item at the start of the meeting. Locally, this was the practice at Worcester City Council. Members were advised that rules around public speaking should cover registering to speak by a certain cut off point, indicating the subject matter of the public speaking, setting a time limit for individual speakers and setting an overall time limit for all public speaking at a particular meeting.



To ensure consistency, Members were invited to consider aligning the new rules for public speaking at Licensing Committee to mirror the rules currently in place for public speaking at Planning Committee. It was noted that the time limit for individual speakers at Planning Committee was three minutes per speaker, and that the cut off point for registering to speak was at noon on the day of the meeting.

It was further noted that the purpose of allowing the public speaking would be for Members to listen to the comments being made by the speakers; it was not intended that there should be any dialogue by Committee members with the speakers, although it would be open to Members to refer to the points made during consideration of the relevant item.

In discussing the report, Members commented that the change to introducing public speaking was a positive one which they welcomed. It would enable members of the public to pass on their comments on issues under consideration and it would be helpful to Members to be able to receive this type of information.

Members agreed with the suggestion to align the public speaking to the current rules for public speaking at Planning Committee, and were in support of a time limit of three minutes per speaker, a cut-off point for registration of noon on the day of the meeting and an overall time limit for public speaking of 15 minutes. In discussing the proposals Members did not identify any other additional aspects of public speaking not mentioned in the report that they felt needed to be defined.

In response to questions from Members it was clarified that if a member of the public was late in registering, or wanted to speak about issues that had only just come to light, the Chair of the meeting would still retain the discretion to allow speaking at the meeting notwithstanding that the procedure had not been complied with.

## **RESOLVED:**

**That the following arrangements for public speaking at Licensing Committee meetings be adopted:-**

- 1. That members of the public wishing to register to speak at Licensing Committee shall notify Democratic Services officers of their intention to do so and the subject on which they intend to speak by no later than 12 noon on the day of the meeting.**

2. That the time limit for individual speakers exercising public speaking at Licensing Committee shall be three minutes.
3. That the maximum time limit devoted to public speaking at meetings of the Licensing Committee shall be 15 minutes.

## 30. WORK PROGRAMME

The Committee considered the Licensing Committee Work Programme for the 2018/2019 Municipal Year.

### **RESOLVED THAT**

**The Licensing Committee Work Programme 2018/2019 be noted**

Before the meeting closed, Councillor Fry invited the Committee to thank those Members who would be retiring from the Licensing Committee in May 2019 for their efforts, and in particular he thanked the Chair, Councillor Anita Clayton, for her hard work in chairing the Committee.

The Meeting commenced at 7.00 pm  
and closed at 8.15 pm