

Licensing Committee

Monday, 9 November 2020

MINUTES

Present:

Councillor Salman Akbar (Chair), Councillor Roger Bennett (Vice-Chair) and Councillors Joanne Beecham, Michael Chalk, Andrew Fry, Julian Grubb, Ann Isherwood, Gareth Prosser, Yvonne Smith and John Fisher

Officers:

Jess Bayley, Dave Etheridge and Vanessa Brown and Kiran Lahel

Committee Services Officer:

Sarah Sellers

10. CHAIRS WELCOME

The Chair welcomed the Committee members, public speaker and officers to the virtual Planning Committee meeting being held via Skype. The Chair explained that the meeting was being live streamed on the Council's YouTube channel to enable members of the public to observe the committee.

11. APOLOGIES

Apologies for absence were received from Councillor Pattie Hill. Councillor John Fisher attended as substitute on behalf of Councillor Hill.

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. MINUTES

RESOLVED that

The Minutes of the Licensing Committee meeting held on 29th September 2020 be confirmed as a correct record and signed by the Chair.

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Chair

14. PUBLIC SPEAKING

Councillor Anthony Lovell addressed the committee under the council's public speaking rules and commented on the report at agenda item 7 regarding age limits for hackney carriage and private hire vehicles. Speaking in his capacity as the portfolio holder for Climate Change, Councillor Lovell asked the committee to consider the importance of the taxi fleet moving to lower emission or electric vehicles, and whether the age criteria policy could be updated to include more generous age limits for lesser polluting vehicles in the interests of the environment and reducing emissions in the Borough.

15. STATUTORY TAXI AND PRIVATE HIRE STANDARDS

Members considered a report in relation to the recently published Department for Transport guidance "Statutory Taxi & Private Hire Standards".

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented the report and in doing so explained that the guidance had been issued under section 177 of the Policing and Crime Act 2017. The Council would be required to have regard to the Standards in its role as a public authority carrying out licensing functions under taxi and private hire legislation.

It was noted that section 177 enabled the issuing of guidance to direct licensing authorities as to how to exercise their functions to protect children and vulnerable individuals. This latest guidance had been prompted to a large degree by the Jay and Casey reports into abuse of children and sexual exploitation in Rotherham which had linked the involvement of taxi/private hire drivers to incidents of abuse of children.

The public consultation on the guidance had taken place between February 2019 and April 2019. Following a lengthy period of consideration of the responses, the guidance was issued on 21st July 2020. Members were referred to the text of the guidance which was attached to the report at Appendix 1.

In summary, the guidance (referred to hereinafter as the Standards), set out a number of recommendations to Licensing Authorities relating to the processes and procedures which should be in place for taxi and private hire licensing; there was a clear expectation from the Department of Transport that the recommendations should be implemented.

The members were referred to the list of recommendations at part 3.7 of the report, namely: -

- Criminality checks for licence holders
- Working with the Police
- Sharing information with other licensing authorities
- Dealing with complaints about drivers and operators
- Training for Members
- Criminal convictions and rehabilitation of offenders
- Safeguarding awareness advice, guidance and training for drivers
- Language proficiency
- CCTV in licensed vehicles
- Regulation of booking and dispatch staff
- Record keeping

It was noted that the Department for Transport would be expecting the recommendations contained within the Standards to be implemented unless there was a “compelling local reason” not to do so. This demonstrated the desire of the government to see consistent standards applied by licensing authorities across the country.

The members were advised by the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), that the next stage would be for officers to review the existing policies and procedures to establish where changes would have to be made to bring them into line with the Standards. Examples of key policies this process would affect were the fit and proper test, the policy on previous convictions, the licence conditions and vehicle standards.

In responding to questions from members, the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), the following points were noted: -

- The Council currently required applicants for licences to complete an essential skills test which included assessment of language skills. Guidance as to the expected level of proficiency in oral and written English was included in the Standards and officers would be reviewing the essential skills test to identify any changes needed to comply with the Standards.
- With regard to the recommendation in the Standards that all licensing authorities should provide safeguarding advice to the trade, Members were reminded that arrangements for such training to be made available had been in place prior to the Standards being issued. Sessions for taxi drivers in Redditch to receive child exploitation awareness training had taken place in 2019 with good attendance. The training sessions had been provided by an organisation called Young

Solutions part funded by the Police and Crime Commissioner. It was envisaged that provision of this type of training would continue going forward.

- With regard to criminal convictions and rehabilitation of offenders, the Council already operated under a policy which gave guidance on how different offences should be considered in the granting and holding of licences. The Standards provided a template policy regarding convictions and officers would be reviewing this as against the Council's existing policy.
- Officers estimated that following the work on updating the existing policies, the revised policies would be reported to Members at the March 2021 meeting of the Licensing Committee. There would then be a consultation exercise before the revised policies could be adopted.
- The government had not provided any examples of the types of situations which may allow a licensing authority to decide not to adopt part of the Standards on the grounds that there was a "compelling local reason" not to do so.
- The Standards included an Annex giving guidance about use of CCTV systems in taxis and private hire vehicles. However, the Standards were silent on the issue of whether or not licensing authorities should require the use of CCTV and this would be a local decision to be made by individual licensing authorities following local consultation. There were some complex issues around use of CCTV, including who should bear the cost and who the data controller would be. Some local licensing authorities had decided to introduce it.
- The agencies to which taxi drivers could report any concerns about potential child or sexual exploitation were Worcestershire Children First or the police, via the 101 number or Crime Stoppers.

Members welcomed the introduction of the Standards and thanked the Senior Practitioner (Licensing) for his report.

RESOLVED that

the contents of the report be noted.

[Note: Part way through this agenda item Councillor Salman Akbar had to give his apologies and leave the meeting. Councillor Roger Bennett took the chair as Vice Chair and chaired the remainder of the meeting.]

16. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE LIMITS

Members considered a report in relation to the age limits for vehicles as set out in the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies.

In introducing the report the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) explained that this matter had originally been due to be reported to Licensing Committee in March 2020 but that meeting had been cancelled due to the Covid pandemic.

The report had not changed in the interim save that the function of determining applications by vehicle owners to exceed the age criteria which had previously been carried out by the Licensing Sub-Committee was now being exercised by officers under delegated authority. This change had been made due to the Covid pandemic and restrictions on holding meetings.

It was noted that the Licensing Committee had considered the issue of the age limits on vehicles twice in recent years, in November 2016 and November 2018. In November 2016 no further action had been taken to review the age limits; in November 2018 officers had been asked to carry out a consultation exercise on alternative age limits. The results of that consultation had been reported back to Members in March 2019 but the committee had decided not to make any changes.

The item had been placed back on the work programme again in November 2019, with Members requesting that the additional issue of vehicles producing lower emissions should also be addressed.

Members were referred to the existing age criteria limits as set out in Appendix 1, and the limits which had been consulted on in 2019, but not adopted, in Appendix 2. Members were also referred to the statistics as to the numbers of applications granted and refused in paragraph 3.15 of the report. Given the very high numbers of applications for extensions which were granted, this appeared to be a strong indicator that the policy should be reviewed and amended.

With regard to vehicle emissions, it was noted that other local authorities were looking to use taxi and private hire vehicle licensing policies to encourage the use of less polluting vehicles to address concerns about air quality. For example, such an approach could be used to remove the most polluting vehicles from the fleet. Members were referred to specific examples from other local authorities as set out in paragraphs 3.19 to 3.21 of the report.

At the invitation of the Chair the legal officer summarised the issues that Members have to take into consideration when determining an application for a vehicle to exceed the age criteria.

In debating the report, the Members expressed views in favour of updating the current policy particularly in light of the increasing use and availability of electric vehicles and to reflect that electric vehicles would be more expensive to acquire. It was suggested that the Council might be able to look at examples of other authorities where policies had already been introduced to promote use of electric and greener vehicles.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) commented that some authorities had introduced measures to prevent the most polluting vehicles from being licensed and there was a trend towards this approach being taken. That being the case there were arguments in favour of using the policy update to incentivise licensed drivers to move to less polluting vehicles.

In response to members concerns about the availability of electric charging points, it was noted that the electric vehicle technology was improving all the time. Hackney carriage vehicles would not be able to be “charged” while they were on the rank, but an alternative approach would be to have electric charging bays dedicated for use by taxis.

Following further discussion, a recommendation was moved and seconded that the policy should be subject to further consultation with a view to updating it as to both age limits and providing incentives for use on the fleet of lower emission and electric vehicles. It was proposed that the starting point with regard to age limits would be to consult on the alternative ages previously consulted on as set out in the table at Appendix 2. With regard to vehicle emissions, officers were requested to formulate an updated draft policy along the same lines as the Coventry City Council policy referenced in paragraph 3.21 of the report. The Coventry City Council policy set specific deadlines based on Euro emissions standards to gradually achieve a fleet of zero emission vehicles by 2025.

It was noted that the draft revised age criteria policy would be brought back before Members at a future meeting for further consideration and a decision on proceeding to consultation.

RESOLVED that

1. **Officers be directed to draw up a revised age criteria policy with the aim of encouraging licensed hire drivers to use less polluting vehicles.**
2. **In drafting the revised policy, officers be directed to use the age limits previously consulted upon as set out in Appendix 2 of the report and to incorporate a phased approach to removing the most polluting vehicles along similar lines to that introduced by Coventry City Council as set out in paragraph 3.21 of the report.**

17. REVIEW OF HACKNEY CARRIAGE TABLE OF FARES

The Senior Practitioner (Licensing), Worcestershire Regulatory Services, introduced the report and in doing so reminded members of the responsibility of Licensing Authorities under the Local Government (Miscellaneous Provisions) Act 1976 to set the maximum fares than can be charged.

Members were reminded that the Table of Fares had last been considered at the meeting of the Licensing Committee on 4th November 2019. At that stage no increase had been considered as the trade had not requested one. The Committee had however, requested that the situation be reviewed again within 12 months. Hence the matter coming back before committee again.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services had consulted with the trade for the preparation of the report and they had indicated through the Redditch Taxi Association that no increase was being sought.

For that reason the recommendation before Members was for the report to be noted.

In discussing the report Members acknowledged the decision of the trade not to seek an increase in 2020 and commented that this had to be seen in the context of the Covid pandemic. At the same time, there was concern that the issue should not be allowed to slip again for a prolonged period as had happened prior to the previous increase in November 2018.

Officers advised that the trade were free to request a review at any time, but that Members might want to consider asking for the issue to be reviewed again in 12 months.

RESOLVED that

The contents of the report be noted and that officers be requested to bring a further report to Licensing Committee

regarding review of the hackney carriage table of fares no later than November 2021

18. VERBAL UPDATE ON ENGAGEMENT WITH STAKEHOLDERS IN RELATION TO PROPOSALS FOR THE CREATION/ AMENDMENT OF STANDS FOR HACKNEY CARRIAGES

Members received a verbal report from the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) giving an update on officer inquiries into making changes to the existing stands for hackney carriages.

Members were reminded that at the Licensing Committee meeting held on 27th January 2020 Members had received a report regarding the location of the current hackney carriage stands in Redditch.

Members had resolved to ask officers to engage with stakeholders to explore the following potential changes: -

- The creation of a hackney carriage stand at Redditch railway station
- The creation of a hackney carriage stand at the Alexandra Hospital
- Changes to the existing hackney carriage stand at Unicorn Hill
- The creation of a new hackney carriage stand on Bates Hill

The Senior Practitioner (Licensing) explained that with as the station and the hospital were located on private land, the consent and co-operation of the land owners would be required in order to create a hackney carriage stand. To that end, the Senior Practitioner (Licensing) had contacted both the NHS trust (Worcestershire Acute Hospitals NHS Trust) and West Midlands Trains.

To date there had been no response from the NHS trust, although other issues would be taking priority due to the pandemic. There had been a response from West Midlands Trains in March 2020 stating that they would be willing to discuss the issue further with a view to establishing an appropriate location.

With regard to Unicorn Hill and Bates Hill, the Senior Practitioner (Licensing) had been able to arrange a site visit involving interested parties and that visit took place on 1st October 2020. Those present included the relevant officer from County Highways, Kieron Hemstock, the Chair and Vice Chair of the Licensing Committee and one of the County Councillors for the division, namely

Councillor Andy Fry (who it was noted is also a member of the Licensing Committee).

The site meeting was useful in considering possible options. Feedback from County Highways was given that subject to any changes having the support of the County Councillors for the division, there was quite a lot of flexibility in what could be achieved. To progress matters the Borough Council would have to give a more detailed indication of what proposals it would wish to see implemented in terms of hackney carriage stand provision, and the Traffic Regulation Orders could be updated to reflect those changes.

To inform any proposals, officers advised that the next stage would be further engagement to seek the views of those parties that would be affected by any changes. This group would include the businesses located on Unicorn Hill, the town centre businesses more broadly and the taxi trade.

In terms of the detail of any changes, one option would be to retain a small number of spaces at the Hewell Road end of Unicorn Hill for use as a hackney carriage stand 24 hours a day, with the remainder of the existing rank being converted to short term parking during the day and reverting back to being a hackney carriage stand during the evening. This arrangement would also involve the current short term parking bays on Bates Hill being converted to a hackney carriage stand operating 24 hours a day, and acting as a feeder rank for the stand on Unicorn Hill.

It was noted that there were some issues with this proposal in that there would be no clear line of site between Bates Hill and any retained hackney carriage stand at the bottom of Unicorn Hill.

At the site visit another option suggested was to switch the hackney carriage stand on Unicorn Hill to where the short term parking is located currently on Bates Hill, and change the existing hackney carriage stand area on Unicorn Hill into short term parking bays.

Members were reminded that the above options were simply ideas at this stage and would be subject to the outcome of further stakeholder consultation and formal consultation which would have to take place before any new hackney carriage stand orders could be made.

It having been established in principle that changes on Unicorn Hill/Bates Hill were possible, the Senior Practitioner (Licensing) advised that the next step would be to carry out further stakeholder engagement, and the outcome of that consultation would be reported back to the Licensing Committee at a future meeting.

Officers would also follow up the previous contact with the NHS trust and West Midlands Trains.

In commenting on the officer update, Members supported the proposals for the station and the Alexandra Hospital. Opposing views were expressed regarding the possible use of Bates Hill as a hackney carriage stand, in place of Unicorn Hill. Councillor Fry raised issues around highway safety and was concerned that the switch of the hackney carriage stand to Bates Hill would be more dangerous for pedestrians than the current arrangement. In his capacity as County Councillor he indicated that such a change would not have his support. He also questioned the need for additional short term parking as historically spaces had been available to serve Unicorn Hill.

Councillor Chalk indicated his support for allowing short term parking on Unicorn Hill for the benefit of businesses and their customers and commented that in principle the idea of a feeder rank would be feasible in the same way as the feeder rank operates for the bus station.

There was further discussion as to which direction would work best for any hackney carriage stand on Bates Hill, and whether the vehicles should move uphill to collect fares, or downhill, or whether either option could be workable.

RESOLVED that

The contents of the verbal update be noted

[Note: Part way through this item Councillor Julina Grubb had to leave the meeting and gave his apologies.]

19. WORK PROGRAMME

Members were referred to the Work Programme at page 71 of the agenda and officers outlined the items due to be considered at the next meeting on 6th March 2021. This would include the review of taxi licensing policies in response to the publication of the new Standards as discussed under agenda item 7, and a written report on the proposed changes to hackney carriage stands.

RESOLVED that

The Licensing Committee Work Programme 2020/21 be noted.