

Licensing Committee

Monday, 8 March 2021

MINUTES

Present:

Councillor Salman Akbar (Chair), Councillor Roger Bennett (Vice-Chair) and Councillors Joanne Beecham, Michael Chalk, Andrew Fry, Julian Grubb, Ann Isherwood, Wanda King, Mark Shurmer and Yvonne Smith

Officers:

Dave Etheridge, Vanessa Brown and Kiran Lahel

Committee Services Officer:

Sarah Sellers

20. CHAIRS WELCOME

The Chair welcomed the Committee members, public speaker and officers to the virtual Licensing Committee meeting being held via Microsoft Teams. 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.

21. APOLOGIES

Apologies for absence were received from Councillor Gareth Prosser.

22. DECLARATIONS OF INTEREST

There were no declarations of interest.

23. MINUTES

RESOLVED that

The Minutes of the Licensing Committee meeting held on 9th November 2020 be confirmed as a correct record and signed by the Chair.

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Chair

24. PUBLIC SPEAKING

Mr Imran Altaf, on behalf of the Redditch Taxi Association, addressed the committee under the Council's Public Speaking Rules and commented on the report at agenda item 6.

25. DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - APPROVAL TO COMMENCE CONSULTATION

Members considered a report relating to a new draft hackney carriage and private hire licensing policy which officers were proposing should be consulted upon.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented the report and in doing so referred Members back to the report that they had received at the previous meeting in November 2020 regarding the "Statutory Taxi and Private Hire Standards" published by the Department for Transport in July 2020.

Since the November 2020 meeting, officers had reviewed the existing policies for taxis in light of the new statutory standards, and Members were referred to new draft Hackney Carriage and Private Hire Licensing Policy ("the draft policy") at Appendix 2 of the report.

The draft policy incorporated any recommendations from the statutory standards that were not already being met, and it was hoped that the exercise of updating policies could result in some harmonisation of policies across the six districts in Worcestershire.

Officers highlighted some specific parts of the draft policy as follows: -

- Adoption of the Department of Transport's recommended guidelines for the assessment of previous convictions.
- Provisions preventing the granting of a licence to any individual appearing on the children or adult barred lists maintained by the Disclosure and Barring Service.
- Provisions for referrals to be made to the Disclosure and Barring Service of individuals subject to refusal or revocation on grounds relating to risk of harm to a child or vulnerable adult.
- Use of the national register of taxi and private hire driver vehicle licence refusals and revocations (known as "NR3") to check details of new applicants and report information on decisions to refuse or revoke a driver licence.
- Requirements for applicants to complete safeguarding training and demonstrate proficiency in the English language.

- More robust checks for operators of private hire vehicles around record keeping and criminality checks on staff.

Officers explained that they would be introducing a system for new applicants to obtain a “Worcestershire Taxi and Private Hire Competency Certificate” which was hoped would be a joint initiative across all 6 districts in the county. Applicants would be assessed as to skills, knowledge and understanding in areas including safeguarding and English language proficiency. Inquiries were being made by WRS to identify a suitable training provider.

In addition to updating the draft policy to cover generic issues applicable to all Councils, some provisions specific to Redditch had been included to reflect a number of issues Members had considered at recent meetings and decided to consult upon.

Display of livery on licensed vehicles

Although this issue had previously been considered by the committee in January 2020, consultation had been delayed due to the pandemic. In summary the new requirements, if adopted, would require the display of approved signage issued by the Council on the outside of the front driver and passenger doors when the vehicle was in use as a hackney carriage or private hire vehicle.

Requirement for licensed drivers to demonstrate their medical fitness

Members were referred to the previous decision made in September 2020 to consult on potential changes to the requirements around medical fitness, and it was noted that the specific changes under consideration were set out at paragraph 3.31 of the report. Sub paragraph 1 on page 15 of the report, relating to expanding the number of approved medical practitioners was being progressed by officers and did not impact on the draft policy.

Wording had been included in the draft policy to reflect sub paragraphs 2 and 3 on page 16, and these issues would form part of the consultation.

Vehicle Age Policies

As agreed by Members at their meeting on 9th November 2020, the draft policy included revisions to age limits for vehicles with an emphasis on promoting use of cleaner vehicles and phasing out the most polluting vehicles over time.

Requirement to undertake Practical Driving Assessments

It was noted that in September 2020 Members had decided to remove the requirement on drivers to undertake a practical driving test every three years, and this element had therefore been omitted from the draft policy.

As outlined at paragraphs 3.39 to 3.44 of the report, the next stage would be for a consultation exercise to be carried out on the draft policy with the outcome to be reported back to a future meeting.

In discussing the draft policy a number of questions were put to the Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), by Members and clarification was given as follows: -

- Officers were not aware of any matters which could constitute “local reasons” not to implement the statutory standards.
- Once adopted, the draft policy would apply to all licence holders, although some of the provisions would only be relevant to new applicants.
- The requirement for refresher training on disability awareness training would continue. Current arrangements for that training to take place had been disrupted by the Covid pandemic and the bar on face to face meetings. Officers were exploring alternatives for the training to be delivered virtually on line.
- The assessment of English language under the proposed Worcestershire Taxi and Private Hire Competency Certificate, would test both written and oral language skills. Tests would be practical and based on the functions performed by licence holders. Examples given included conversing with passengers, understanding written English and being able to provide a written receipt.
- Some checking of records held by private hire operators was already taking place. The standards being proposed would introduce more detailed requirements, and officers would work with operators to ensure that they were complying with the changes.
- The aim of the government in introducing the statutory standards was to compel all Councils to adopt very similar policies. This of itself should address the local variations that currently existed under which some applicants chose to apply to be licensed by councils imposing less stringent requirements on new applicants.
- There was no specific enforcement mechanism for Councils that set lower standards although it was likely such Councils

- would come under intense pressure from the Department of Transport to comply.
- Across Worcestershire itself, it was unlikely that there would be significant local variations as officers from WRS were working to have a harmonised approach.
 - The introduction of the statutory standards would not affect the ability of some drivers to be licensed in more than one area. However, the standards from area to area should be much more consistent.
 - The treatment of licensed vehicles that had sustained accidental damage was outlined and the members referred to the different categories and which levels of damage would allow reinstatement of the vehicle, the overriding issue being the need to maintain public safety.
 - Under the statutory standards the question of whether or not vehicles should be fitted with internal CCTV had been left open. It was for licence holders to decide whether to install it and this was replicated in the draft policy. If licence holders did install CCTV, they would be classed as the data controller and have to comply with requirements imposed under data protection rules. The draft policy would require those licence holders installing CCTV to notify the licensing authority.
 - With regard to the age limits for vehicles, officers summarised the current regime and how this would be amended under the draft policy, with longer age limits being permitted for greener vehicles and vehicles that were wheelchair accessible.

In debating the draft policy Members discussed the vehicle age limits set out on pages 79 to 82 of the agenda, and how best to balance the move to using less polluting vehicles which was seen as desirable, with the potential impact on licence holders of the cost of replacement vehicles. Officers clarified that by the end of 2025 all vehicles would have to meet Euro 6 or Euro 4 standards as a minimum. From 2026 new vehicles would have to be electric/hydrogen, or ultra low emission, the only exception being wheelchair accessible vehicles meeting Euro 6 or Euro 4 (paragraph 3.2.2 and 3.2.3 on page 79). It was anticipated that the market for electric and ultra low emission vehicles would develop and those types of vehicles would become more affordable, although as this was an unknown at this stage Members had the option of adopting a phased approach.

Following further discussion on vehicle ages, an amendment was proposed that the ages referred to in paragraphs 3.2.4, 3.2.7, 3.2.8, 3.3.4 and 3.3.5 be amended as follows:-

- By replacing the references to the age of 5 years with the age of 6 years
- By replacing the references to the age of 7 years with the age of 8 years

Some concerns were expressed by Members regarding the current practice whereby licence holders apply to exceed the current vehicle age limits, and whether this might continue regardless of the slightly more generous limits set out in paragraph 3.4.2. (page 84).

Officers explained that the proposed new age limits had been designed to incentivise the use of less polluting vehicles. Members were referred to the updated policy for consideration of applications to exceed the vehicle age criteria, as set out on page 94 of the agenda. Officers explained the test to be applied at 3.12.4, and that the starting point would be refusal. Officers acknowledged the concerns raised by Members but hoped that the increase in age limits would mitigate against extension applications being made, and that the re-worded policy would be clearer for any Sub-Committees considering such applications.

RESOLVED that: -

(1) The contents of the report be noted;

(2) Officers be instructed to amend the draft Hackney Carriage and Private Hire Licensing Policy at Appendix 2 as follows: -

- **In the first bullet point in paragraph 3.2.4 substitute the number 5 with the number 6**
- **In the second bullet point in paragraph 3.2.4 substitute the number 7 with the number 8**
- **In the first bullet point in paragraph 3.2.7 substitute the number 5 with the number 6**
- **In the second bullet point in paragraph 3.2.7 substitute the number 7 with the number 8**
- **In the first bullet point in paragraph 3.2.8 substitute the number 5 with the number 6**
- **In the second bullet point in paragraph 3.2.8 substitute the number 7 with the number 8**
- **In paragraph 3.3.4 substitute the number 5 with the number 6**
- **In paragraph 3.3.5 substitute the number 7 with the number 8**

(3) Subject to those amendments, officers be instructed to undertake consultation with the relevant stakeholders on the draft policy at Appendix 2.

26. WORK PROGRAMME

Members were referred to the Work Programme at page 143 of the agenda and officers outlined the items due to be considered at the next three meetings of the committee.

RESOLVED that

The Licensing Committee Work Programme 2021/22 be noted.

The Meeting commenced at 7.00 pm
and closed at 8.55 pm