

Licensing Committee

Monday, 27th November,
2023

MINUTES

Present:

Councillor Karen Ashley (Chair), and Councillors Salman Akbar, Joe Baker, Juliet Barker Smith, Sharon Harvey, Chris Holz, Joanna Kane, Emma Marshall and Jane Spilsbury

Also Present:

Councillor Imran Altaf

Officers:

Vanessa Brown, Mamta Patel and Dave Etheridge

Democratic Services Officers:

Gavin Day

15. APOLOGIES

Apologies for absence were received from Councillors Juma Begum, Kerrie Miles and Monica Stringfellow with Councillors Juliet Barker-Smith, Jane Spilsbury and Joanna Kane in attendance as substitutes respectively.

Apologies for absence were also received from Councillors Tomothy Pearman and Anthony Lovell.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. MINUTES

The minutes of the Licensing Committee of 5th October 2023 were presented to Members.

RESOLVED that

The minutes of the Licensing Committee held on the 5th October 2023 were approved as a true and accurate record and signed by the Chair.

Chair

18. PUBLIC SPEAKING

At the invitation of the Chair Mr Ilyas Mohammad representing the Redditch Taxi Association and Councillor Imran Altaf addressed the Committee.

19. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE COMPLIANCE TESTING - CURRENT ARRANGEMENTS AND ALTERNATIVE OPTIONS

Following the Public Speaking representations and in light of the comments made, The Chair rearranged the order in which items were heard by the Committee. Agenda item 8 (minute No19) was heard first followed by agenda item 7 (minute No20) and Agenda item 6 (minute No21). The agenda then proceeded in the order originally published.

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to inform Members of the vehicle safety testing arrangements and outline possible alternative options.

The Principal Licensing Officer detailed that there were 420 Taxi Licence holders with Redditch Borough Council, It was further detailed that each licenced vehicle needed 2 Safety Compliance Tests a year. There were 7 timeslots each day which amounted to 35 tests a week and when accounting for shutdown weeks gave 1600-1700 available slots a year to accommodate approximately 820 Vehicle Safety Inspections. Therefore, Officers expressed the opinion that there was sufficient capacity within the current testing arrangements. It was reported that a driver was generally able to get an appointment on short notice if they were fully flexible or within 2 or 3 weeks should they required a specific timeslot.

The additional activities which the engineers at Crossgates participated in was detailed. This included late night enforcement exercises and spot checks, which allowed Officers to direct a driver to the garage for a vehicle examination if a quick visual inspection raised concerns. It was further highlighted that an equivalent service, the engineers' knowledge, experience and good working relationship may not be replicated with an alternative arrangement.

Officers detailed concerns that should an alternative arrangement be sought, an equivalent standard of work may not be replicated, it

was due to concerns regarding work standards and public safety which prompted the migration to in house testing in 2010. Likewise, it was highlighted that the Taxi Vehicle Safety inspection went beyond a standard MOT and examined the internal and external state of the vehicle and compliance with vehicle licencing policy, therefore, it would be unlikely for a garage to agree to undertake the work for the same price as an MOT.

The Principal Licensing Officer outlined the possible options available for the vehicle safety inspection.

1. **Maintain the current arrangement**, which was the recommendation of Officers.
2. **Outsource the Safety Vehicle Inspection to approved providers**. The number of which would be decided during a procurement process. It was unknown how many, if any, garages would be prepared to undertake the work and for what cost. Regular auditing would have to be undertaken to ensure an appropriate quality of work was maintained.
3. **Allow any valid recent MOT undertaken at any DVSA approved garage combined with a brief visual inspection**. Officers advised against this option and did not consider it suitable.

Officers further detailed that of the 6 Worcestershire Authorities that WRS covered, Redditch, Bromsgrove and Wyre Forest had their own garages. Malvern Hills and Worcester City had approved garages. Wychavon currently accepted a recent MOT; however, Wychavon were currently undertaking a procurement process to secure a number of garages to carry out their safety inspections.

The following was clarified after questions from Members.

- That although the fee free retesting period was 24 hours, if the work was a minor in nature such as a bulb or tyre replacement, an engineer was able to check that the work was completed without having to book in another appointment.
- That it was considered best practice to perform the inspections in house should an authority have the capacity to do so and although outsourcing was not dangerous if it was managed effectively, it was a deviation from best practice and therefore not recommended.

- Drivers could book appointments 12 months in advance and the current 2-week period was for drivers to get their preferred timeslot and not for the earliest available appointment, however, there were some longer lead in periods of up to a 4 week wait, at certain times of the year.
- That 4.1 on page 175 of the Public Reports Pack detailed that Monitoring and Auditing may be required, however, details on the cost implication would not be known without an in-depth examination during the procurement process.
- As the licensed activities should be cost neutral, any additional costs incurred needed to be covered, a possible solution could mean an increase in licencing fees.
- Crossgates had a number of bays, one of which was exclusively used for Taxi Safety Checks.

Members were happy with the report but expressed a desire to obtain more information on the subject and the exploring interest from local garages before making a decision.

Councillor Joe Baker proposed an alternative recommendation that Officers be directed to look into the viability of allowing drivers to use DVSA testing stations to undertake vehicle safety checks, the alternative recommendation was seconded by Councillor Sharon Harvey.

Following further debate, it was clarified to Members that should they wish to alter the 24-hour fee free testing period, there needed to be a recommendation to the Executive Committee then the decision regarding any Fees or Charges would be made during Full Council.

Members further commented that should the 24-hour fee free testing period be extended a vehicle should have a valid MOT certificate to cover the duration to maintain public safety standards.

Councillor Joe Baker proposed an additional alternative recommendation that it be recommended to Executive that the period during which a taxi or private hire vehicle can be retested at Crossgates Depot without charge be extended from 24 hours to 10 working days, so long as the vehicle has a valid MOT certificate to cover that period of time, The additional alternative recommendation was seconded by Councillor Salmon Akbar.

Members debated the timeslots and the availability of Taxi drivers in general throughout the day, it was commented that considering multiple bays existed at the Crossgates Depot, it should be examined whether it was possible to use two bays for taxi inspections during more favourable periods, to allow for less disruption to school contracts and religious activities.

Councillor Emma Marshall proposed an additional alternative recommendation that Officers be directed to liaise with the relevant officers at Crossgates Depot to investigate how to make more efficient use of the testing bays at the Crossgates Depot taking into account school runs and other relevant aspects, The alternative recommendation was seconded by Councillor Juliet Barker Smith.

It was further noted by Members that the school term time and therefore school contracts would only be a consideration for a proportion of the year (approximately 39 weeks) and that this should be taken into account when reviewing the testing bays usage.

On being put to a vote it was

RECOMMENDED to Executive Committee that

- **the period during which a taxi or private hire vehicle can be retested at Crossgates Depot without charge be extended from 24 hours to 10 working days, so long as the vehicle has a valid MOT certificate to cover that period of time.**

RESOLVED that

- **Officers be directed to look into the viability of allowing drivers to use DVSA testing stations to undertake vehicle safety checks.**
- **Officers be directed to liaise with the relevant officers at Crossgates Depot to investigate how to make more efficient use of the testing bays at the Crossgates Depot taking into account school runs and other relevant aspects.**

20. IMPACT OF PUBLIC SPACE IMPROVEMENT WORKS IN UNICORN HILL AND CHURCH GREEN WEST ON THE TAXI RANK AT UNICORN HILL

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to inform Members of the required changes to the hackney carriage stands to facilitate public realm improvement works. Officers also sought approval to carry out the advertising process necessary to revoke and make hackney carriage stand orders.

Officers detailed that currently the entire 85m length of unicorn hill is designated as a hackney carriage stand (taxi rank) which accommodated approximately 17 vehicles and operated 24 hours a day. This was deemed excessive for a large portion of the time during the day, therefore, development plans proposed to alter the area.

Members attention was drawn to the proposed layout detailed on page 183 in the Public Reports Pack. The first 26m length would be designated as a Taxi rank 24/7 and would see no change, this would accommodate approximately 7 vehicles. The next 36m length would provide short stay parking between the hours of 08:00 to 18:00 hours for public use, outside of aforementioned hours it would be designated as space for the taxi service only.

After the taxi rank and public parking there would be an additional 13m of disabled parking for blue badge holders only. Finally, after the parking areas there would be a designated loading/ unloading area for local businesses.

Officers detailed that the first stage of the process would be to advertise the proposed changes which would allow for written objections or representation to be submitted, at which point the matter would be brought back before Members for determination.

The following was clarified after questions from Members.

- That there were approximately 17 bays under the existing hackney carriage stand, therefore, the new arrangements would reduce this number by approximately 10 bays during the day and 3 during evenings.
- That there were no plans for additional taxi ranks within the area, however, Officers were willing to consider any options raised by Members or the trade.
- Due to the medium which the notice had to be published in (a Paper advertisement) the information which could be relayed would be limited, however, the advertisement would

direct interested parties to further information. Officers also highlighted that the Trade had already been informed but an additional email would be sent out when the change is advertised to alert all drivers.

- There was no current provision for loading or Disabled parking along Unicorn Hill. Local businesses are forced to unload whilst parked on the taxi rank.

Members then debated the application.

It was highlighted that the improvements allowed for more flexibility for taxi drivers as it would permit them to use the short stay parking to temporarily park and leave their vehicle to allow them to have a comfort or lunch break, as leaving their vehicle was not permitted whilst parked on any areas designated as a taxi rank.

Members agreed that the advertisement should be sent out and responses collected which they would then review when it came back to the Licencing Committee.

On being put to a vote it was.

RESOLVED that

Officers be directed to carry out the advertising process required in order for the Council to be able to revoke the existing Hackney Carriage Stand Orders and make new Hackney Carriage Stand Orders in respect of Unicorn Hill.

21. RENEWAL OF LICENCES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE PREVIOUSLY BEEN WRITTEN OFF

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to consider the consultation responses in regard to the renewal of vehicles previously written off for insurance purposes.

An updated licencing policy came into effect on 1st September 2022, this changed the policy to no longer allow the licencing of vehicles which fell under categories 'C' and 'S' for insurance write off purposes.

The intention of the change was to prevent future new vehicles being licenced if they had been written off under categories 'C' and 'S'. However, an unintended side effect of the change was that whenever a vehicle came up for its annual renewal, it was no longer within policy if it had previously been written off and therefore needed to come before Members to approve.

During the last Licencing Committee on 5th October 2023, Officers sought Members approval to undertake a short, targeted consultation with the intent of changing the wording to allow vehicles which had previously been licenced to continue.

Officers drew Members attention to the consultation responses detailed on page 79 of the Public Reports pack. Officers further detailed that there were 29 (50.09%) responses in support of the proposed changes, additionally, when looking into the details of the 24 negative responses, many commented that they believed that the council should allow any vehicle previously written off and did not appear to be against the proposed policy change in regard to existing licence holders.

Members accepted the results and the Officers analysis that many of the 42.1% of negative responders appeared to be in support of allowing previously written off vehicles to be licenced and therefore, most responders appeared to support the proposed change.

After assurances that the changes detailed on page 77 of the Public Reports pack would correct the unintended error, on being put to a vote it was.

RESOLVED that

the Licensing Committee approved the draft revised Hackney Carriage and Private Hire Licensing Policy at Appendix 4 on pages 85 to 167 of the Public Reports pack to take effect immediately.

22. CONSIDERATION OF RESPONSES TO PUBLICATION OF PUBLIC NOTICE OF PROPOSAL TO DESIGNATE STREETS FOR THE PURPOSE OF CONTROLLING STREET TRADING IN REDDITCH

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to ask Members to review the consultation responses and to recommend that the resolutions be passed at full council.

Members considered the designation of streets at the Licencing Committee in July. During that Committee Members agreed to designate all current and future streets as consent streets. However, Members had concern with the 6 highways within the Borough and decided to designate those highways as prohibited streets for the purposes of street trading applications.

Subject to the aforementioned changes, Members agreed to publish the public notice. Officers detailed that the notices were published, however, no responses were submitted in support or objection. Officers further detailed that it was not usual to have very few or no responses to notices of this nature, the notice did not affect a great deal of people, therefore, there would be little interest.

The Principal Licensing Officer detailed the draft resolution as detailed on page 41 of the Public Reports pack.

Draft Resolution

Redditch Borough Council resolves, with effect from 1st September 2024:

- To rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
- To designate the following streets as prohibited streets – Alvechurch Highway, Alcester Highway, Bromsgrove Highway, Coventry Highway, Redditch Ringway and Warwick Highway
- To designate all other streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets.

On being put to a vote it was

RECOMMENDED to Council that

- 1. the draft resolution detailed in the Pre-amble above be agreed.**
- 2. should the draft resolution be passed, Officers be authorised to publish notice that the resolution has been passed in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.**

23. WORK PROGRAMME

The Principal Licensing Officer, Worcester Regulatory Services (WRS), detailed that the two additional reports requested by Members under agenda item 8 (Minute No19) would be added to the Work programme and other less time critical items be moved to accommodate.

Officers detailed that the decision to Delegate age criteria vehicle renewals would be heard at the Constitutional working group in the new year.

Councillor Akbar requested an update report on implementation of the new application software due to be implemented by WRS, the Principal Licensing Officer agreed to give a short verbal update to Members at the next Licensing Committee.

At the request of Councillor Akbar, the Principal Licensing Officer briefly detailed the technical difficulties that WRS had experienced with the Councils migration over to magnetic taxi licence plates. There had been an issue with the plates coming out of the printer smudged, at first WRS believed that it was the printing medium, however, after a second batch was showing a similar error it was believed that the problem could be the printer, the issue will continue to be investigated to find a solution.

24. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that

Under S100 A (4) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public were excluded on the grounds of the disclosure of exempt information as defined in paragraphs 1, 2, 3 and 5 of Part 1 of Schedule 12 of the said act, as amended.

25. OFFICER UPDATE(S) - ENFORCEMENT AND APPEAL MATTERS

Restricted.

The Meeting commenced at 7.00 pm
and closed at 9.14 pm