

# Licensing Committee

7th March 2016

## MINUTES

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**Present:**

Councillor Pat Witherspoon (Chair), and Councillors Tom Baker-Price, Natalie Brookes, Anita Clayton, Gay Hopkins, Antonia Pulsford and Jennifer Wheeler

**Officers:**

Kevin Barnett, Dave Etheridge and Ann May

**Democratic Services Officers:**

Pauline Ross

**37. APOLOGIES**

Apologies for absence were received on behalf of Councillors Andrew Fry and Rachel Smith.

**38. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**39. MINUTES**

**RESOLVED that**

**the minutes of the meeting of the Licensing Committee held on 2nd November 2015 be confirmed as a correct record and signed by the Chair.**

**40. HACKNEY CARRIAGE AND PRIVATE HIRE LIAISON MEETINGS**

The Committee considered a brief update report following on from the Hackney Carriage and Private Hire Liaison meeting held on 18th January 2016.

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Chair

The Chair highlighted that the meeting was well received by the taxi trade, however she was disappointed that only five private hire licensed drivers had attended. The Chair stated that it would prove really useful should the Taxi Association be re-formed, as suggested by the licensed drivers who had attended the meeting.

The Chair suggested that a further Hackney Carriage and Private Hire Liaison meeting be held in August 2016.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), informed Members that, following on from the meeting and the issues raised by the licensed drivers with regards to the bus station, officers had entered into dialogue with the bus station owners to see if the issues could be resolved. The issue with regard to the ingress / egress of the bus station could not easily be solved due to the design of the bus station and the taxi bays. Councillor A. Clayton informed the Committee that she was a member of the Town Centre Partnership and would raise the issue of the bus station taxi rank ingress / egress at the next meeting of the Town Centre Partnership.

The Committee were in agreement that not all of the issues raised at the meeting could be easily resolved, if resolved at all; but Members and officers could provide an update on what had been achieved in respect of the issues raised should a further Hackney Carriage and Private Hire Liaison meeting be held in August 2016.

The Senior Licensing Practitioner, WRS, responded to questions from Members and in doing so, agreed to liaise with licensed drivers with regard to a Taxi Association being re-formed. In respect of the bus station 'feeder rank', the Senior Licensing Practitioner, WRS, explained that problems often occurred when there were too many taxis parked in the area. It was difficult for licensed drivers to see, on approach, how many cars were already parked in the area. Once drivers had driven into the area they were then reluctant to drive back around, so often stayed parked in the area which resulted in too many parked licensed vehicles. The Senior Licensing Practitioner, WRS, agreed to look into additional detailed signage being erected in order to address this issue.

The Democratic Services Officer informed the Committee that, as agreed at the Hackney Carriage and Private Hire Liaison meeting, Councillor Pattie Hill had agreed to raise the issue of signage being installed at the railway station using specific funding from Worcestershire County Council (WCC). To date Councillor Pattie Hill had not received a response from WCC but she would endeavour to keep the Democratic Services Officer updated as to progress.

**RESOLVED that**

**(a) the Hackney Carriage and Private Hire Liaison meeting update report be noted; and**

**(b) that the Senior Licensing Practitioner, Worcestershire Regulatory Services, be tasked to arrange a further Hackney Carriage and Private Hire Liaison meeting in August 2016.**

**41. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE POLICIES**

The Committee considered a report detailing information from the recent Hackney Carriage and Private Hire Liaison meeting and a letter received by Worcestershire Regulatory Services (WRS) from a licenced private hire operator in respect of the Council's vehicle age policy.

The Senior Licensing Practitioner, WRS, presented the report and in doing so reminded the Committee that vehicle age policies had been discussed at the recent Hackney Carriage and Private Hire Liaison meeting in January 2016. Appendix 1 to the report detailed a letter from a licensed private hire operator who had operated in the Borough of Redditch for the past twenty years. It had been requested by a number of license holders, and the private hire operator mentioned, if consideration could be given to relaxing the Council's existing vehicle age polices for both hackney carriage and private hire vehicles.

The Senior Licensing Practitioner, WRS, further explained that a balance should be maintained between the needs and requests of the taxi trade and what was deemed to be an appropriate age limit for the purpose of ensuring that vehicles on the taxi fleet were suitable, safe and presentable; whilst also taking into account the continued advances in relation to vehicle safety and reliability.

Members were reminded that any vehicle proprietor with a vehicle that was outside of the Council's age exemption policy could submit an application for exemption and have their application determined at a Licensing Sub-Committee meeting. Licensing Sub-Committee Members would then decide whether or not to grant such an application, taking into account any exceptional circumstances that justified them going outside of the Council's age exemption policy.

In July 2013, the Council updated the vehicle age policy for private hire vehicles in relation to vehicles that were constructed or adapted to load and convey wheelchair users. These vehicles could be licensed as private hire vehicles provided that the vehicles met all other requirements and were not older than six years of age when first licensed; and could remain licensed until they were not older than twelve years of age from the date of first registration. In November 2013 the same vehicle age policy was agreed in relation to hackney carriage vehicles.

Further discussion followed whereby Members highlighted that the decision to update the Council's vehicle age policy, with regard to vehicles constructed or adapted to load and convey wheelchair users, had been changed in the hope that this would increase the number of wheelchair accessible vehicles on the borough's taxi fleet. Councillor Gay Hopkins commented that she had spoken with the Licensing and Support Manager, WRS, who had confirmed that there had been no significant increase in the numbers of this type of vehicle.

The Senior Licensing Practitioner, WRS, informed the Committee that the Overview and Scrutiny Committee had, during its meeting held on Tuesday 16th February 2016, agreed to conduct a Short Sharp Review in respect of Disabled People's Access to Redditch's Taxi Fleet. Councillor Gay Hopkins informed Members that she had been appointed as Chair of the Short Sharp Review in respect of Disabled People's Access to Redditch's Taxi Fleet and that the review completion date had been set at 12th April 2016.

The draft scoping document presented by Councillor Tom Baker-Price to the Overview and Scrutiny Committee, had been suggested as a result of the concerns raised at the Hackney Carriage and Private Hire Liaison meeting held on 18th January 2016. One of the agreed actions during the Hackney Carriage and Private Hire Liaison meeting was for the Senior Licensing Practitioner, WRS, to consult with drivers and look at potential ways to incentivise drivers to purchase wheelchair accessible vehicles (WAVs) with a view to increasing the number on the Borough's fleet.

Members were mindful that there was potential for a duplication of work, should WRS commence a formal consultation on the Council's current age policy for hackney carriage and private hire vehicles, whilst the Short Sharp Review of Disabled People's Access to Redditch's Taxi Fleet was also being carried out. WRS had confirmed that they would be happy to be involved in the Short Sharp Review.

Following on from specific concerns raised at the Hackney Carriage and Private Hire Liaison meeting with regard to the use of, booking of and charges made for wheelchair accessible vehicles (WAVS); a brief discussion took place on Section 165 (s165) of the Equalities Act 2010 with regard to passengers in wheelchairs. The Council's Legal Advisor had previously informed Members that s165 of the Equalities Act 2010 had not been enacted. However, disabled hackney carriage and private hire passengers were protected from discrimination under the general provision of the Equalities Act 2010, which prohibited any form of discrimination in the provision of goods and services.

Councillor Anita Clayton informed Members that since being made aware by the Council's Legal Advisor, that s165 of the Equalities Act 2010 had not been enacted, she had in her role as Chair of the Disability Action Group, Redditch, contacted Karen Lumley, Local MP with regard to s165 of the Equalities Act 2010 to request that a parliamentary question be asked as to when s165 of the Equalities Act 2010 would be enacted.

**RESOLVED that**

- (a) the contents of the letter, as shown at Appendix 1 to the report, and the representations made by licence holders at the Hackney Carriage and Private Hire Liaison meeting held on 18th January 2016, be noted;**
- (b) that the formal consultation on amending the current age policies for hackney carriage and private hire vehicles be deferred, pending the findings of the Overview and Scrutiny Committee, Short Sharp Review into Disabled People's Access to Redditch's Taxi Fleet; and**
- (c) that a further report be presented to a future meeting of the Licensing Committee to consider the findings of the Overview and Scrutiny Committee, Short Sharp Review into Disabled People's Access to Redditch's Taxi Fleet; and consideration of the Council's current age policies for hackney carriage and private hire vehicles.**

**42. HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME**

The Committee considered a report which provided details of a Hackney Carriage and Private Hire Penalty Point Scheme to use as a tool to ensure that holders of hackney carriage and private hire licences were compliant with the requirements they had upon them as licenced holders.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that other local authorities had introduced penalty point schemes as an additional mechanism for dealing with minor offences and acts of non-compliance, where there was no impending risk to the travelling public. A penalty point scheme was used in order to assist them in addressing low level breaches of regulations and to ensure that licensed drivers remained compliant.

The holders of hackney carriage and private hire licences issued by the Council were subject to a number of legal requirements and licence conditions which governed how they conducted their business.

WRS, who acted on behalf of the Council, were responsible for ensuring that licence holders complied with these legal requirements and were responsible for taking appropriate action when dealing with any licence holders who had committed offences or had failed to comply with their legal requirements.

Currently there were a number of options available to officers from WRS when dealing with offences or acts of non-compliance, as summarised:-

- Verbal warnings
- Written warnings
- Formal cautions
- Prosecution
- Referral to a meeting of a Licensing Sub-Committee

The way in which offences and acts of non-compliance were dealt with by officers from WRS was dependant on the circumstances of each individual case; whilst having appropriate regard to the Regulator's Code and relevant enforcement policies in order to ensure that any action taken was proportionate.

The introduction of a penalty point scheme would not affect the Council's ability to take formal enforcement action for any offence or act of non-compliance as every case would continue to be considered on its own merits. A penalty point scheme would not be an appropriate mechanism for dealing with serious offences or acts of non-compliance.

Appendix 1 to the report detailed a draft Hackney Carriage and Private Hire Penalty Point Scheme for Redditch Borough Council for consideration by Members. Should Members approve the draft penalty point scheme, officers from WRS would then conduct further consultation on the penalty point scheme with licence holders and other relevant organisations. The results of the consultation exercise would be presented to a future meeting of the Licensing Committee.

In response to questions from Members, the Senior Licensing Practitioner, WRS, informed the Committee that a penalty point scheme would enable officers to build up evidence. Any licensed driver who continued to breach their conditions and were in receipt of a number of penalty points under the scheme would be brought before a meeting of the Licensing Sub-Committee.

The Chair stated that she had welcomed the report as she had received verbal complaints with regard to licenced drivers. The Chair thanked the Senior Licensing Practitioner, WRS, for presenting the report.

**RESOLVED that**

- (a) the draft Redditch Borough Council Hackney Carriage and Private Hire Penalty Points Scheme, as detailed at Appendix 1 to the report, be approved for the purpose of consultation with licence holders and other relevant organisations; and**
- (b) that, as detailed in the preamble above, following consultation with licence holders and other relevant organisations the consultation results be presented to a future meeting of the Licensing Committee.**

**43. LICENSING COMMITTEE WORK PROGRAMME 2015/2016**

The Committee considered the Licensing Committee Work Programme for the remainder of the 2015/16 Municipal Year.

**RESOLVED that**

**the Licensing Committee Work Programme 2015/16 be updated as discussed and agreed during the course of the meeting.**