



Licensing Committee

Monday, 18 July 2016

MINUTES

Present:

Councillor Andrew Fry (Vice-Chair), and Councillors Roger Bennett, Natalie Brookes, Pattie Hill, Gay Hopkins, Gareth Prosser, Antonia Pulsford, Rachael Smith and Jennifer Wheeler

Observing: Three members from Redditch Taxi Association

Officers:

Vanessa Brown, Dave Etheridge and Jess Bayley

Committee Services Officer:

Pauline Ross

1. APOLOGIES

Apologies for absence were received on behalf of Councillors Pat Witherspoon and Anita Clayton.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 7th March 2016 be confirmed as a correct record and signed by the Vice-Chair.

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Chair

4. **OVERVIEW AND SCRUTINY COMMITTEE - IMPROVING DISABLED PEOPLE'S ACCESS TO REDDITCH TAXI FLEET TASK GROUP**

Members received a presentation from Councillor Gay Hopkins, Chair, Improving Access for People with Disabilities to Redditch Taxi Fleets, Short, Sharp Review, Task Group.

Councillor Gay Hopkins briefly informed Members that the proposal for consideration by the Overview and Scrutiny Committee had been proposed by Councillor Tom Baker-Price, following a distressing case involving a lady with multiple disabilities who had struggled to book a taxi to transport her home from a local supermarket in November 2015. This had thrown up several issues: -

- Overcharging of wheelchair passengers.
- Pre-booking of wheelchair accessible vehicles.
- The availability of wheelchair accessible vehicles.
- Who should the lady have complained to?

The Overview and Scrutiny Committee had accepted the proposal form and in order to ensure that the task group's proposals could influence local policies and working practices as soon as possible, it was agreed that a short sharp review would be undertaken.

Therefore a short sharp review was carried out over a period of six weeks.

During her presentation, Councillor Gay Hopkins briefly explained the circumstances with regard to the difficulties the disabled lady had experienced when trying to arrange suitable transport to take her home. Councillor Gay Hopkins also drew Member's attention to the Equality Act 2010.

There were approximately 400 licensed taxis in Redditch, with only 23 of those vehicles being wheelchair accessible vehicles (WAVs). Councillor Gay Hopkins stated that if more WAVs were available in the Borough it could help with some of the issues experienced by wheelchair users, but it should be noted that the task group had been unable to determine the current demand for WAVs in the Borough.

The task group consulted with service users and local community groups who supported elderly and disabled residents. Task group members were disappointed as only four responses were received from local residents and three responses from local community groups. The task group, however, were aware that due to the limited timescale of the short sharp review process this may have

restricted the level of feedback received. The task group invited all of the taxi operators in the Borough to send a representative to a meeting of the task group to discuss the services provided to passengers with disabilities. Members were once more disappointed, as only one taxi operator out of seventeen operators had attended the meeting. This operator stated that he rarely received requests for a WAV from passengers. On the rare occasion that he received a request for a WAV he referred those customers to another operator with WAVs.

Councillor Gay Hopkins continued and informed Members that a new WAV could cost anything from £12,000 to £45,000. The task group had been advised that a standard second hand saloon vehicle could be purchased for between £6,000 and £8,000. It would be unreasonable to expect the taxi trade to address all of the issues and concerns raised during the task group's short sharp review.

Councillor Gay Hopkins highlighted that nationally Redditch Borough Council had led the way, as licensed drivers were required to undertake disability awareness training before commencing work as a taxi driver in the Borough. The task group however were concerned that not all taxi drivers remembered or applied their disability awareness training. The feedback received from Worcestershire Regulatory Services indicated that they did not receive a lot of complaints from disabled passengers. Task group members on considering this, wondered if it was a case of incidents not being reported, therefore incidents were actually unreported as passengers may not be fully aware of whom to report any incidents or concerns to.

The presentation also detailed the Recommendations from the task group and Councillor Gay Hopkins briefly highlighted the findings of the task group with regard to the reasons behind the Recommendations.

Further discussion took place with Members in strong agreement, that the vast majority of licensed drivers in the Borough were a credit to the Borough, the Task Group Report, had however, highlighted a need for the concerns of the travelling public to be addressed with regard to the minority of licensed drivers who failed to comply with the licensing requirements placed upon them or adhere to the disability training awareness undertaken.

Members briefly discussed Recommendation 1.2, as detailed in the task group report, with regard to drivers displaying stickers in their vehicles that provided information about how to report complaints. Councillor Jennifer Wheeler commented that the wording concentrated on the negative side, as it only referred to 'complaints'

being reported and that the wording should include positive feedback also. Therefore it was agreed that the wording be amended to include the reporting of any 'complaints' and 'compliments'.

Councillor Gay Hopkins drew Member's attention to the flipchart and informed Members that, as detailed at Recommendation 2.2, the lists referred to and displayed on Brighton and Hove City Council and Eden District Council websites; with regard to detailed information on licensed operators in their areas who operated WAVs were available to view on the flipchart.

Councillor Roger Bennett stated that he applauded anything that would improve the taxi service within the Borough, he would however highlight that not only are the taxi trade and Council responsible for addressing any concerns raised, but that passengers themselves should also ensure they took responsibility when making travel arrangements.

RESOLVED that, the Recommendations of the Task Group, as detailed in the report and subject to the amendments, as detailed in the preamble above, be agreed. Subject to further consultation, where appropriate, to be carried out by Worcestershire Regulatory Services with the relevant consultees.

- (a) that applications for new hackney carriages to be made for vehicles that are less than six years old, meet European M1 safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle. (*This relates to the Hackney Carriage Vehicle Licensing Policy only*);**
- (b) that drivers display stickers in their vehicles that provide information about how to report compliments and complaints;**
- (c) that the Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver's Licence – should be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years;**
- (d) that a media campaign be published to guide disabled people and taxi drivers when travelling by taxi about their rights and responsibilities;**

- (e) that Worcestershire Regulatory Services (WRS) publish a list of drivers who currently operate licensed wheelchair accessible vehicles on the WRS and Redditch Borough Council websites in a similar format to Brighton and Hove City Council and Eden District Council;**
- (f) that WRS undertake a review of the conditions attached to taxi operators' licences; and**
- (g) that the Licensing Committee reviews the effectiveness of the disability awareness training provided to taxi drivers.**

5. PENALTY POINTS SCHEME FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS - CONSULTATION RESULTS

Following on from the Licensing Committee meeting held on 7th March 2016, where Members considered and approved for the purpose of consultation, the draft Hackney Carriage and Private Hire Penalty Point Scheme. Members received a report on the responses received to the consultation and to consider deferring the introduction of a Hackney Carriage and Private Hire Penalty Point Scheme, following the responses received.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), reminded Members that during the Licensing Committee meeting held on 7th March 2016; Members had agreed and approved, for the purpose of consultation, the draft Hackney Carriage and Private Hire Penalty Point Scheme.

A large number of responses to the consultation were received, with the vast majority of responses received from licensed drivers. 95% of those who had responded had opposed to the introduction of a Hackney Carriage and Private Hire Penalty Point Scheme. The comments received from the taxi trade highlighted that they felt that the scheme was not a fair scheme; and as such there was no requirement for such a scheme. They were keen as a group to self-regulate and also felt that the current position to deal with complaints or non-compliance in respect of licensed drivers was thought to be adequate. It was suggested that the scheme be deferred in order for the newly formed Redditch Taxi Association to try and prove that self-regulation could improve matters.

The Senior Practitioner (Licensing), WRS, explained to the Committee that officers believed that the responses received which opposed to the introduction of the scheme was due to a fundamental misunderstanding of the concept of the scheme and

how it would be operated. The intention was not to create new rules and regulations, but to put a mechanism in place that ensured compliance with existing licensing requirements without the need for formal legal proceedings, which were far more costly.

The Senior Practitioner (Licensing) WRS, had met with three members of the newly formed Redditch Taxi Association. The meeting had highlighted that a further consultation exercise was required with the taxi trade with regards to the scheme in order to provide further details. This would enable licensed drivers to see how the scheme would work if implemented.

It was recognised that the majority of licensed drivers complied with the requirements placed upon them. Therefore the majority of licensed drivers should not be alarmed by the introduction of a Hackney Carriage and Private Hire Penalty Point Scheme. The intention of the scheme was to help identify licensed drivers who persistently failed to comply with the licensing requirements and therefore be accountable for their actions.

Further discussion followed on how self-regulation would work and be monitored by the taxi trade. Members were keen to know the basis of the self-regulation and what rules would be applied and adopted. Members had agreed, for the purposes of consultation, the draft scheme which had set out the requirements as agreed by the Licensing Committee, therefore the taxi trade would need to be clear on what they intended to monitor and how they would address any non-compliances and complaints.

In response the Senior Practitioner (Licensing), WRS, explained that there needed to be a balance. Officers could provide the taxi trade with information on the main non-compliances reported to them, Redditch Taxi Association could then reiterate the non-compliances to their drivers and monitor any future non-compliance and complaints.

In response to further questions from Members, the Senior Practitioner (Licensing), WRS, informed the Committee that self-regulation was always the best way to deal with any issues or concerns, but clear measures needed to be identified and monitored in order to evidence any improvement with non-compliances and complaints received and reported.

Members asked for it to be noted that licensed drivers were ambassadors for the Borough and that those drivers who complied were important to the community. Members were in agreement that only a small number of repeat offenders failed to comply with the requirements placed upon them, but there was still a need to

ensure that any non-compliance or complaint was addressed and dealt with accordingly.

Members agreed that the Redditch Taxi Association should be given a period of six months to monitor any non-compliances and complaints. Officers from WRS would then work with the Redditch Taxi Association to monitor any non-compliances and complaints. It was further agreed that a future report on the outcome of the self-regulatory period be presented to the Licensing Committee meeting scheduled for 6th March 2017.

The Chair, thanked the three members from the Redditch Taxi Association for attending and observing the Licensing Committee meeting. The Chair was extremely pleased that as a result of the Licensing Committee, Taxi Forums held on 18th January 2016, that the Redditch Taxi Association had been reformed.

RESOLVED that

- (a) the implementation of a Hackney Carriage and Private Hire Penalty Point Scheme, be deferred to allow further meetings and discussions with officers from Worcestershire Regulatory Services and representatives of the newly formed Redditch Taxi Association (RTA), in order to explain in more detail the aims of the scheme and how it would operate in practise; and**
- (b) that a further report, detailing the findings from officers at Worcestershire Regulatory Services, to establish, as detailed in the preamble above; the monitoring of the self-regulating scheme run by Redditch Taxi Association (RTA) with regard to complaints and non-compliance. The report to include detailed six monthly comparisons on the RTA self-regulating scheme to be presented to the Licensing Committee meeting on 6th March 2017.**

6. LICENSING ANNUAL REPORT

The Committee considered the Licensing Annual Report 2015/2016 which provided an overall view of the activities, under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing, and to inform the Committee on any issues anticipated in the ensuing year.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Committee that during 2015/2016 the Council's Statement of Principles under the Gambling Act 2005 was reviewed, with the

revised Statement of Principles was published with effect from 31st January 2016.

Also during 2015/2016 the Council had consulted on and adopted its first comprehensive policy on the licensing of Sex Establishments.

The Licensing Act 2003 transferred the liquor licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshments, cinemas and theatres.

The report also detailed the number of new licences issued and granted by Redditch Borough Council in 2015/2016. There had been an increase of approximately 8% in the number of driver licences issued. Whilst the number of licensed hackney carriages had fallen slightly, there had been an increase of approximately 20% in the number of vehicles licensed to be used as private hire vehicles.

The Senior Practitioner (Licensing), WRS, reminded Members of the two taxi forums held on 18th January 2016 for hackney carriage and private hire licensed holders. The taxi forum was well received by the taxi trade and had motivated the licensed drivers to re-establish the Redditch Taxi Association. The Senior Practitioner (Licensing), WRS, hoped that WRS officers and Redditch Borough Council would facilitate any future meetings of the newly formed Redditch Taxi Association. A further taxi forum for hackney carriage and private hire licensed holders was due to be organised in August 2016.

In October 2013 the Scrap Metal Dealers Act 2013 came into force within the Borough. The number of licenses issued had remained the same as for 2014/2015. The Licensing Team were responsible for enforcing the legislation in partnership with the police and environment agency. Two multi-agency operations in the North Worcestershire area were carried out during 2015/2016. The operations had also tried to identify any unlicensed scrap metal dealers operating in the area.

Members thanked the Senior Practitioner (Licensing), WRS for his comprehensive report.

RESOLVED that

that the Licensing Annual Report 2015/2016, as presented, be noted.

7. LICENSING COMMITTEE WORK PROGRAMME 2016/2017

The Committee considered the Licensing Committee Work Programme for the remainder of the 2016/17 Municipal Year.

RESOLVED that

the Licensing Committee Work Programme 2016/17 be updated as discussed and agreed during the course of the meeting.

The Meeting commenced at 7.00 pm
and closed at 8.06 pm

