

Licensing Committee

Monday, 6 November 2017

MINUTES

Present:

Councillor Pat Witherspoon (Chair), Councillor Andrew Fry (Vice-Chair) and Councillors Tom Baker-Price, Roger Bennett, Natalie Brookes, Anita Clayton, Pattie Hill, Antonia Pulsford and Jennifer Wheeler

Also Present:

Jill Action – Young Solutions Worcestershire (for Minute No.11)
Debbie Roberts – Young Solutions Worcestershire (for Minute No.11)
Detective Inspector Mark Roberts – Worcestershire Vulnerability, West Mercia Police (for Minute No.11)

(A taxi driver was also present for the first part of the meeting)

Officers:

Timothy Bishop and Dave Etheridge

Democratic Services Officer:

Debbie Parker-Jones

8. APOLOGIES

An apology for absence was received from Councillor Gay Hopkins.

9. DECLARATIONS OF INTEREST

There were no declarations of interest.

10. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 17th July 2017 be confirmed as a correct record and signed by the Chair.

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Chair

11. CHILD SEXUAL EXPLOITATION TRAINING - VERBAL UPDATE

The Senior Practitioner (Licensing) ('SPL'), Worcestershire Regulatory Services (WRS), introduced this item and reminded Members that the issue of Child Exploitation had previously been discussed by the Committee, with leaflets on this having been circulated to taxi drivers 2 years prior.

WRS were working in partnership with West Mercia Police and Young Solutions Worcestershire ('YSW') on child exploitation matters. Detective Inspector Mark Roberts of Worcestershire Vulnerability, West Mercia Police, and Ms Jill Action and Ms Debbie Roberts of YSG, were in attendance at the meeting to provide Members with a verbal update on the Child Sexual Exploitation training which was being rolled out across the county.

Ms Roberts spoke on the training which YSG, a Worcester based charity, would be running on behalf of the Police and Crime Commissioner (PCC). The training would be tailored to add value to existing initiatives which were in place, and would extend to taxi drivers, hotels, bed and breakfast establishments and staff working in the night-time economy. In light of the large number of taxi drivers in Redditch, training would begin at the Town Hall in Redditch in January 2018, and would be rolled out to the other districts thereafter.

The training, which would not be mandatory in Worcestershire (initially at least), would last an hour and be delivered face-to-face. Taxi drivers were the eyes and ears of the community and the training would define child sexual exploitation, explain the legal aspects of this, and outline scenarios for drivers. A certificate of attendance would be given to drivers who completed the training. Drivers could work in partnership with the authorities for the protection of the community and the training would also help protect drivers. Detective Inspector Roberts stated that it was important for the Police to work collaboratively with partners to tackle child sexual exploitation in the county.

The SPL stated that WRS would look to encourage drivers to attend the training and would monitor attendance at this. Should attendance be low Officers might look to bring a report back to the Committee on this, which could result in training being made mandatory, which could ultimately result in a cost implication for drivers should the PCC not fund this in the future. Drivers would therefore be encouraged to attend the training whilst this was free.

Members thanks the SPL, Detective Inspector Roberts, Ms Action and Ms Roberts for the update and welcomed the Child Sexual Exploitation training.

12. APPROVAL OF THE REVISED HACKNEY CARRIAGE AND PRIVATE HIRE POLICIES

The Licensing Committee was asked to consider a report which set out revisions to the Council's Hackney Carriage and Private Hire Vehicle and Driver Policies. This followed decisions taken at the last meeting of the Committee in response to the Overview and Scrutiny Committee's "Improving Access for People with Disabilities to Redditch Taxi Fleets" Short, Sharp Review.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services, presented the report and explained the proposed amendments, which would take effect from 1st December 2017.

The Driver Licensing Policy contained changes in relation to holders of driver licences having to undertake refresher training in disability awareness, and the requirement to pass a Driving Assessment test with Worcestershire County Council at least every three years.

The Hackney Carriage Licensing Policy included a change where applications for additional licences for Hackney Carriages would be granted only to approved vehicles which were less than 6 years old (72 months), which met European "M1" safety standards, and which had facilities for carrying a disabled person in a wheelchair within the vehicle.

A member queried whether applicants for licences had to be over 21 years of age throughout the county, which Officers agreed to check and advise Members on.

RESOLVED that

- 1) **the revised Driver Licensing Policy at Appendix 1 to the report be approved and take effect on 1st December 2017; and**
- 2) **the revised Hackney Carriage Licensing Policy at Appendix 2 to the report be approved and take effect on 1st December 2017.**

13. DRAFT REVISED STREET TRADING POLICY

The Licensing Committee was asked to consider a report which presented a draft revised Street Trading Policy ('the Policy'), for the purpose of consultation with relevant parties. It was noted that the current policy had been in place since July 2012, with it being considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its

functions were carried out, and to review any adopted policy from time to time.

The Senior Practitioner (Licensing) ('SPL'), Worcestershire Regulatory Services ('WRS'), explained the key changes in the revised Policy. Members were advised that this was more comprehensive than the existing Policy and also brought together various related documentation.

The new Policy was based on a template which WRS were looking to introduce across the whole of the county. Whilst there would no doubt still be some specifics for individual authorities it was hoped that this would allow for certain consistencies across the board, which would be helpful to Officers.

The SPL responded to Members' questions and highlighted the Key Considerations when granting or renewing a Street Trading Consent detailed in the report, with road safety being a primary issue. It was hoped that the new Policy would be sufficiently robust to ensure that no inappropriate applications were granted.

A Member queried the position in relation to street trading where premises used the adjoining street/pavement to display goods, and whether this might be deemed as causing an 'obstruction' with the police/highways, and if any issues with this would be picked up as part of the planning process. The Legal Advisor present stated that the position could be looked into and the SPL stated that he understood there to be legislation which addressed this.

Members approved the Policy for the purpose of consultation, and in doing requested that any relevant child employment agencies also be consulted on this.

RESOLVED that

the draft revised Street Trading Policy at Appendix 2 to the report be approved for the purpose of consultation with relevant parties.

14. STREET TRADING - DESIGNATION OF STREETS

Further to the previous agenda item which asked the Licensing Committee to approve consultation on a draft revised Street Trading Policy, the Committee was also asked to give approval to the advertisement of a proposal to designate all streets in the Borough as 'consent streets' (streets in which street trading was prohibited without the consent of the Borough Council), for the purposes of controlling street trading.

The Senior Practitioner (Licensing) ('SPL'), Worcestershire Regulatory Services, advised that he appreciated there were arguments on both sides of the divide. In response to Members' questions he confirmed that no complaints had been received in relation to streets which were currently designated as prohibited. Members were advised what their involvement would be in the process should all streets be designated as consent streets.

The rationale behind Officers' request to designate all streets in the Borough as consent streets and remove any prohibited streets (a street in which street trading is prohibited), was that this would allow every application to be considered on its merits and would enable street trading permitted in what were currently prohibited streets, where this was felt appropriate. This could be, for example, to facilitate a short-term community event or other similar event where the ability to allow street trading would enhance the event and provide a benefit to the wider community. Additionally, Officers felt that the draft revised Street Trading Policy would, if adopted, put in place a robust framework for consultation and consideration of all applications received on their own merits. Therefore the need to designate any street as prohibited streets would be diminished.

During the course of the debate on this Members expressed varying viewpoints. In response to Members' concerns the SPL made clear that there would still be the ability, in appropriate circumstances, for a consent which had been given to be referred to the Committee for consideration, which the Committee could revoke should there be genuine reason(s) for this. Members noted that as only approximately 5 licences had been granted under the Street Trading Policy (which did not include market traders, which were separate) there was capacity for the Committee to deal with any issues should these arise.

The SPL set out the broad approach behind recommendation 2.1 of the report, and how this would work. Members felt that Officers should first consult on the Council's intention to rescind all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, rather than publishing its intention to do so. Any relevant responses received to the consultation on this, which would link in with the consultation on the Street Trading Policy discussed under the previous agenda item, could then be considered by the Committee, as necessary.

RESOLVED that

Officers be authorised to consult with relevant parties on the Council's intention to pass resolutions which would take effect on 1st September 2018 and which would rescind all existing designations of streets under Schedule 4 of the Local

Government (Miscellaneous Provisions) Act 1982, and designate all streets in the Borough (as existing at the time of the making of the resolution and in the future) as consent streets.

15. FURTHER CONSIDERATION OF A PENALTY POINT SCHEME FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS

The Licensing Committee was asked to give further consideration to implementing a penalty points scheme for hackney carriage and private hire licence holders to help deal with minor offences and acts of non-compliance with licensing requirements.

The Senior Practitioner (Licensing) ('SPL'), Worcestershire Regulatory Services ('WRS'), reminded Members that during 2016 the Council carried out a consultation on introducing a penalty points scheme. The consultation results had been considered by the Committee in July 2016, at which point it was decided to defer the implementation of a penalty points scheme to allow the Redditch Taxi Association to undertake a period of self-regulation to see if this could achieve the aims of the penalty points scheme by improving compliance with licensing requirements.

In March 2017 the Committee considered an update report on this matter and were provided with an overview of the complaints received about hackney carriage and private hire vehicles during the periods 1st February 2016 to 31st July 2016 and 1st August 2016 to 31st January 2017. As the figures had shown a reduction in the number of complaints received it was agreed that WRS should continue to monitor the number of complaints received to see if these continued to reduce.

Members were now asked to consider a summary of the complaints received about hackney carriage and private hire vehicles, operators and drivers during the period 1st February 2017 and 31st July 2017.

It was noted that there had been an increase in the number of complaints during the six month period. Some of the complaints were about matters covered by the proposed penalty points scheme, whilst others were not covered by this. The SPL advised that there were a lot of poor driving complaints throughout the county, which the penalty points scheme would not address. Other complaints fell within the bracket of criminal offences, which the police would address. He added that in the context of taxi driver numbers it was only a very small minority of drivers who were giving the trade a bad name, with it being those drivers who were the main

offenders and which the proposed penalty points scheme would aim to address.

Members were disappointed to see that complaint numbers had increased and felt that the introduction of a penalty points scheme would provide greater protection for the public. They were also disappointed to see that nobody from the Redditch Taxi Association was present to hear the discussion on this item. Members also wished to see greater communication in the media regarding what actions the Council was taking to address such issues.

A Member raised the issue of the “fit and proper person” test for drivers, which the SPL advised would still apply. Drivers would continue to be called before Members where offences were of a sufficiently serious nature, with the general threshold for referral of penalty points to Members under the proposed scheme being 12 points over a rolling 2-year period.

RESOLVED that

Officers be directed to take steps to implement a penalty points scheme for hackney carriage and private hire licence holders.

16. LICENSING COMMITTEE WORK PROGRAMME

The Committee considered its Work Programme for the remainder of the 2017/18 Municipal Year.

In relation to the Redditch Taxi Association (‘the Association’) issue raised under the previous agenda item, a Member queried whether this might be assisted by the introduction of a ‘public participation’ section at the start of Committee meetings, which it was noted would require a constitutional change. The Chair stated that the Committee could think about this in the future if necessary, and that having worked hard to reinstate the Association it was hoped there would be more engagement with them following the meeting that evening. The Senior Practitioner (Licensing) (‘SPL’), Worcestershire Regulatory Services), stated that Officers would do as much as possible to communicate the introduction of the penalty points scheme to drivers and the Association.

The Legal Advisor updated Members on the position with the taxi rank sign at the bus station in the centre of town, which had not been working for some time. Officers had persuaded the County Council Highways Department that the sign was their responsibility, and Highways had advised him that they were currently looking into funding to make the necessary repairs to this. It was agreed that

Councillor Bennett, as a county councillor, would pursue with matter with them.

Councillor Bennett went on to raise the issue of ex-London wheelchair accessible cabs which were less than 6 years old which were currently on sale on eBay for reasonable prices. The SPL agreed to include an update on the position with wheelchair accessible vehicles on the Work Programme for a future meeting.

RESOLVED that

the Licensing Committee Work Programme 2017/2018, and the additional updates detailed in the preamble above, be noted.

The Meeting commenced at 7.03 pm
and closed at 8.35 pm