

Licensing Committee

Monday, 5 March 2018

MINUTES

Present:

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

Officers:

Dave Etheridge and Timothy Bishop

Committee Services Officer:

Sarah Sellers

17. APOLOGIES

Apologies for absence were received from Councillor Pattie Hill and Councillor Rachel Smith.

The Chair welcomed members of the Redditch Taxi Association to the meeting, and confirmed the advice given prior to the start of the meeting that the procedure rules for the Licensing Committee did not provide for any public speaking.

18. DECLARATIONS OF INTEREST

There were no declarations of interest.

19. MINUTES

In relation to Minute number 16 from 6th November 2017, Councillor Roger Bennett updated Members on progress with the taxi rank sign at the bus station which was being progressed with the County Council. The Chair stated that Councillor Pattie Hill had been looking into the issue of taxi signage at the railway station, and this was also being progressed with the County Council.

RESOLVED that

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Chair

the Minutes of the meeting of the Licensing Committee held on 6th November 2017 be confirmed as a correct record and signed by the Chair.

20. GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES

The Licensing Committee were asked to consider a report which presented a draft revised Statement of Principles under the Gambling Act 2005.

The Senior Practitioner (Licensing) ('SPL'), Worcestershire Regulatory Services (WRS) introduced this item and explained the statutory requirement for Local Authorities to renew their Statement of Principles every 3 years.

The SPL stated that the Council's existing Statement of Principles had come into force on 31st January 2016 and would expire on 31st January 2019. The revised draft Statement of Principles had been prepared for the purpose of consultation with relevant parties. Following consultation the revised draft Statement would need to be approved by Council to come into force by 31st January 2019.

The SPL explained that the revised draft Statement of Principles took into account changes to the Gambling Commission's Licence Conditions and Codes of Practice.

The SPL referred the Members to the revised draft Statement of Principles at Appendix 1 of the report, on which the changes had been marked in red, and in doing so highlighted that the main changes that had been made were:-

- The inclusion of a new section that set out information about the Gambling Commission and its responsibilities;
- The inclusion of a new section on the links between Public Health and gambling related harm;
- More detail regarding regulation by the Council of gambling in clubs and alcohol licensed premises;
- The inclusion of new sections in relation to Unlicensed Family Entertainment Centre Permits and Prize Gaming Permits;
- More detail regarding the role and responsibilities of the Council in relation to Small Society Lotteries.
- Changes to the section on Local Area Profile to reflect the fact that the Local Area Profile will have been introduced by January 2019.

The SPL confirmed that consultation on the revised draft Statement of Principles would take place with West Mercia Police, the Gambling Commission, responsible authorities identified under the Act, trade associations, Public Health, organisations working with people who are problem gamblers, Parish Councils and the general public.

The consultation would be advertised in the local press and via social media and would last for 10 to 12 weeks. A further report would be brought back to Licensing Committee to notify members of the outcome of the consultation.

The SPL responded to Members questions and clarified the position that no licence is required for the playing of bingo in residential settings and that such activity is acceptable provided that it is conducted in compliance with the relevant rules. As such the Statement of Principles under the Gambling Act would not be directly relevant to this type of activity.

Members noted the additional wording that had been included in the Statement to cover public health issues and the link to gambling related harm, and welcomed the inclusion of this extra information.

Members requested that the SPL amend a small number of factual inaccuracies in the document including the reference to the population of Redditch as being the smallest in Worcestershire on page 15 and some of the district names included on the map on page 46.

Subject to those minor amendments, Members approved for the purpose of consultation the revised draft Statement of Principles.

RESOLVED that

the revised draft Statement of Principles at Appendix 1 to the report be approved for the purpose of consultation with the relevant parties.

21. FURTHER CONSIDERATION OF RECENT AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENSING POLICY

Following on from the Licensing Committee meeting held on 6th November 2017, and in light of feedback received from taxi drivers at the recent Taxi Liaison Forum, Members received a report inviting them to give further consideration to the additional requirements introduced in relation to driver training and testing.

As set out at paragraphs 3.5 to 3.7 of the report, at their meeting on 6th November 2017 the Licensing Committee had decided to amend

the policy for the licensing of Hackney Carriage and Private Hire drivers with effect from 01 December 2017. Specifically, the Members had introduced a new requirement for licensed drivers to undertake disability awareness training and driving standards assessments every three years. It was noted that these changes had been introduced in response to recommendations from the Overview and Scrutiny Board, Improving Disabled Peoples Access to Redditch Taxi Fleet Task Group.

The subsequent discussion focused on the advantages to the public and to the drivers of the new requirements for disability awareness training and driving standards assessments, as opposed to the cost, and whether this could be regarded as burdensome for the drivers under the amended policy. Two members of the Licensing Committee who had been involved in the scrutiny task group emphasised the importance of the work of the task group in highlighting problems with transport that disabled residents had been experiencing. It was further noted that the level of general awareness around the needs of disabled passengers appeared to have been raised with better engagement now with the drivers through the Redditch Taxi Association.

The Senior Practitioner (Licensing) Worcestershire Regulatory Services ('WRS') explained to the Committee that there were 2 main areas of concern that had been raised by the Redditch Taxi Association on behalf of their members. These were firstly, the cost of having to attend the training and the time element involved which for taxi drivers would equate to a loss of earnings. Secondly, that the taxi drivers felt the imposition of the new requirements was disproportionate and unjustified.

In further discussion members noted the following points:-

- That the amended rules introduced on 01 December 2017 would have financial implications for the taxi drivers and this in turn raised issues about affordability;
- That there may be other alternatives such as not charging for the training/assessments, or only charging on the first occasion for each driver;
- That a different approach would be to target the training to situations where there had been concerns or complaints, as opposed to making the training a standard requirement for all drivers.

Members commented on the need to have more information about financial implications before making any decision to change the policy. Legal advice was given that any amendments to the policy would have to be consulted on. As to funding, the SPL advised

members that the training was provided externally and that this would have to be taken into consideration in relation to any changes to the fee arrangements.

Members were in agreement that further information was needed to enable them to discuss alternative options at a future meeting.

RESOLVED that

1. **Officers be tasked to investigate:-**
 - (i) **alternative ways of funding the disability awareness training and driver assessment tests (as opposed to drivers paying the fees); and**
 - (ii) **all options regarding the targeting of disability awareness training/driver assessment tests**
2. **That officers provide a report on the outcome of these investigations to the Licensing Committee.**

22. UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS FROM "IMPROVING DISABLED PEOPLE'S ACCESS TO REDDITCH TAXI FLEET" TASK GROUP

Members received a report which gave an update on the implementation of the recommendations from the Overview and Scrutiny Committee's Improving Disabled People's Access to Redditch Taxi Fleets Task Group. It was noted that the Licensing Committee had agreed to adopt the recommendations of the Task Group in July 2016.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) summarised for Members the position in relation to the 7 recommendations as follows:-

Recommendation 1(a): The SPL reminded Members that the policy regarding the age criteria for Wheelchair Accessible Vehicles ("WAV"s) had been amended with effect from 01 December 2017 to allow vehicles up to the age of 6 years to be licensed. Previously only brand new vehicles had been eligible to be licensed. In the period since the change was made, 2 additional WAVs had been licensed.

Recommendation 1 (b): The SPL advised that following discussion with the licenced trade it had been agreed that information regarding how to make a complaint or express a compliment would be included on the small internal licence plate that is displayed on all vehicles. The proofs of the new design had been received and WRS officers would be looking to phase in the new licence plates as soon as existing stocks were used up.

Recommendation 2: It was noted that Members had already discussed the issues around the introduction of compulsory disability awareness training and driving standards assessments under agenda item 5, and that this element was going to be subject to further review in light of the feedback from the licensed trade.

Recommendation 3: The SPL advised that plans to start the recommended media campaign had been overtaken by events when the government had introduced sections of the Equality Act 2010. The SPL reported that officers would be looking to launch a media campaign in the spring which would pick up on the issues around accessibility for wheel chair users alongside promotion of the new plates including the complaints and compliments information for passengers.

Recommendation 4: The SPL advised that this recommendation, which had been to maintain a list of drivers who operate WAVs, had also been affected by the introduction of the provisions in the Equality Act 2010. Under the legislation Redditch Borough Council would be operating a list of designated (wheelchair accessible) vehicles and this had been introduced. The SPL confirmed that the list was available on the website for WRS and could also be accessed from the Redditch Borough Council website.

The SPL responded to Member comments that the list was not easy to find on the website and confirmed that officers would be looking to see whether this could be improved. It was noted that the list includes names and details but that it would not be possible to automatically include contact numbers without express permission due to the Data Protection Act.

Recommendation 5: The SPL confirmed that a review of conditions attached to private hire operator licences had been carried out comparing the position in Redditch with other councils in Worcestershire. The review had found that the conditions were broadly consistent. The SPL advised that this was an area where further work was planned to look at conditions across the West Midlands and it was hoped that in the longer term this could contribute to improving consistency and the development of regional standards.

Recommendations 6: In reporting back on this item the SPL commented that trying to gauge the effectiveness of Disability Awareness Training is hard to measure. The level of complaints had continued at a low level which was to be welcomed, although there was the question of whether passengers had information about how to complain. The level of complaints would be kept under review following the introduction of the new signage.

The SPL answered questions from Members and in doing so confirmed that:-

- All licensed drivers had been informed of the changes introduced by the Equality Act 2010 via a newsletter;
- That specific documents on the new equality duties had been provided for the holders of WAV licences;
- There was very little evidence in terms of any poor treatment of disabled passengers, with the one exception of an incident when a driver had refused to take a passenger with a guide dog.

RESOLVED

that the contents of the report be noted.

23. WORK PROGRAMME

The Committee considered the Licensing Committee Work Programme.

In terms of forthcoming reports, it was noted that a report on the options for Disability Awareness Training and driving standards assessments would be added to the work programme as discussed under agenda item 5.

The SPL stated that a further topic for consideration would be an increase to the Hackney Carriage Tariff as this had not been looked at for some time, and that the Age Exemption Policy would be reviewed later in the year.

RESOLVED

that the Licensing Committee Programme 2017/2018 be noted.

The Meeting commenced at 7.00 pm
and closed at 8.06 pm