

# Licensing Committee

Monday, 4 November 2019

## MINUTES

### Present:

Councillor Salman Akbar (Chair), Councillor Michael Chalk (Vice-Chair) and Councillors Joanne Beecham, Brandon Clayton, Andrew Fry, Julian Grubb, Mark Shurmer and Yvonne Smith

### Also Present:

### Officers:

Dave Etheridge and Vanessa Brown

### Committee Services Officer:

Sarah Sellers

## 8. APOLOGIES

Apologies for absence were received from Councillors Pattie Hill and Gareth Prosser.

## 9. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 10. MINUTES

### RESOLVED that

the Minutes of the Licensing Committee held on 8<sup>th</sup> July 2019 be confirmed as a correct record and signed by the Chair.

## 11. PUBLIC SPEAKING

Mr Asim Nasir from the Redditch Taxi Association addressed the Committee under the Council's Public Speaking Rules in relation to

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Chair

the Hackney Carriage and Private Hire Penalty Points Scheme (Agenda item 5).

## **12. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME**

Members received a report providing an update in relation to the Council's Hackney Carriage and Private Hire Penalty Points Scheme (the scheme).

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and explained that the scheme had been introduced in early 2018 as a measure to tackle drivers responsible for minor offences and acts of non-compliance. Under the scheme a tariff was introduced setting out the number of points that would be issued for different offences or breaches. Any drivers who accumulated over a set number of points within a defined period of time would be automatically referred to the Licensing Sub-Committee for consideration of whether they remained a fit and proper person.

It was noted that alongside the scheme itself, officer retained the ability to take more formal action against licence holders in the event of serious offences or breaches.

Members were referred to the Table at Appendix 2 which set out the total number of points issued to drivers since the scheme was introduced broken down into the different categories for which points were awarded. The total number of notices of penalty points for the period was 37 which officers believed to be quite low. Only one driver had been referred to the Licensing Sub-Committee for accumulating more than the maximum number of points permitted. Overall, the scheme seemed to have been working well; it had been supported by the Redditch Taxi Association and this had led to an element of self-regulation by the drivers which was to be welcomed.

In response to comments from the public speaker, the SPL explained that there had been a high number of penalty point notices issued for the offence of failing to display vehicle licence plate on the outside rear of the vehicle. This had to be considered though in the context that the rules required licenced vehicles to display their plates at all times. Officers had tried to use some discretion when issuing points to licenced vehicles under this category, and if drivers did not feel the points had been awarded fairly then they could appeal. However, if licenced vehicles were seen being driven without their licence displayed then points would be issued.

The SPL explained that the options for the Members of the Committee were either to note the report or to instruct officer to carry out a consultation on making possible changes to the scheme. Although the scheme was working well, there were a few areas where it was possible that improvements could be considered including the rules around defective lights and whether the scheme could be used to encourage drivers to not to leave engines running unnecessarily.

During the debate the following matters were referred to:-

- Whether or not there might be some unintended bias in the scheme with hackney carriage drivers possibly being more likely to receive penalty points notices because the vehicles were more readily identifiable. The SPL did not have any data on this but highlighted that both private hire and hackney carriage drivers were awarded points and the only case to go before sub-committee for breaching the number of points was a private hire driver.
- That officers tried wherever possible to use their discretion when assessing whether a vehicle had been left unattended. If a driver was just outside the vehicle stretching their legs or waiting nearby that would be acceptable; where drivers had clearly left the area where their vehicle was parked for some minutes that would not be acceptable. Places on the taxi rank were at a premium and it caused problems for other drivers when vehicles were left unattended.
- That a number of councils were operating penalty points schemes, including two others in Worcestershire. The schemes had the benefits of discouraging low level non-compliance and identifying drivers who repeatedly infringed the rules.
- That points could be awarded to either the driver or the proprietor of the vehicle depending on the circumstances. Usually it was clear based on the facts to whom the points should be awarded, but if there was any confusion then the person receiving the points could appeal.

Officers clarified that the options for Members were either for the scheme to remain unchanged and for the report to be noted, or if Members were considering making any changes then there would need to be a formal consultation.

Following further discussion it was moved and seconded that the report be noted. An amendment was moved that officers should be requested to carry out consultation.

On being put to the vote the amendment was lost. Members then considered the recommendation to note the report.

## **RESOLVED that**

**The contents of the report be noted, and that an officers report on the Hackney Carriage and Private Hire Penalty Points scheme be brought back to Licensing Committee in 12 months.**

### **13. HACKNEY CARRIAGE TABLE OF FARES**

Members received a report regarding the hackney carriage table of fares. In introducing the report the Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) reminded the Members that district councils hold responsibility under section 65(1) of the Local Government Miscellaneous Provisions) Act 1976 for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate in the district.

Members were referred to the existing Table of Fares at Appendix 1 which Licensing Committee had approved in November 2018. It was noted that prior to that there had been no increase since 2011, and this had resulted in the Redditch fares falling to a level that was lower than other neighbouring districts.

At the time of the 2018 review the representatives of the hackney carriage trade in Redditch were seeking an increase of between 10% to 15%. Members however had reservations about such a large increase being imposed, and instead favoured a more gradual increase. For that reason, although the fares were increased, it was by a lesser level than sought by the trade.

To ensure the matter was kept under regular review, officers had been asked to monitor the table of fares regularly. Therefore on the anniversary of the previous report officers had been in contact with the Redditch Taxi Association to find out if they wished to request a further increase. The responds from the Redditch Taxi Association had been that they did not wish to seek an increase.

The report was therefore for noting and Members were not being requested to take any further action.

In discussing the report some Members questioned why a further increase was not being requested, and the SPL responded to questions regarding the procedures that would be followed in the event of an increase being implemented.

Other Members accepted the position of the Redditch Taxi Association that an increase was not being asked for in 2019, but they stressed the importance of making sure that the Table of Fares was kept under regular review. The SPL commented that in discussions with the taxi trade they had expressed concerns about not wanting to create a price gap between hackney carriage fares and private hire fares. That said, as a group they were much more conscious now about the need to keep the fares under review, and there was nothing to prevent them from coming forward and requesting an increase if the position changed.

With this in mind, Members agreed to add some extra wording to the recommendation.

## **RESOLVED that**

**The contents of the report be noted, and that an officers report on the hackney carriage Table of Fares be brought back to Licensing Committee no later than November 2020.**

### **14. THE AIR QUALITY (TAXI AND PRIVATE HIRE VEHICLES DATABASE) (ENGLAND AND WALES) REGULATIONS 2019**

Members received a report for noting with regard to the Air Quality (Taxis and Private Hire Vehicles Database (England and Wales) Regulations 2019 (“the regulations”).

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and explained that the regulations had been brought into effect in response to work carried out by the government in 2017 looking at the levels of roadside nitrogen dioxide. The government identified 61 local authorities showing exceedances; those authorities were required to carry out feasibility studies and if necessary draw up plans to bring roadside concentrations of nitrogen dioxide within legal limits as quickly as possible.

Under the local plans an option open to local authorities would be to introduce Clean Air Zones (“CAZs”) where minimum emissions standards would be applied with the aim of reducing levels of nitrogen dioxide. Local authorities would also be able to introduce zones where vehicle owners would be required to pay a charge to

enter or move within a zone if they were driving a vehicle that did not meet the particular minimum emission standard for their vehicle type in that zone.

The three local authorities which were actively considering establishing CAZs to come into force in 2020 were Leeds, Birmingham and Bristol.

Members were referred to the Clean Air Zone Framework which set out the minimum requirements for a CAZ and the four classes of charging as set out at paragraph 3.7 on page 24 of the agenda. It was noted that under the four classes taxis, Private Hire Vehicles and private vehicles were listed separately. It might be necessary to differentiate between them in the event that any local authorities introducing CAZs decided to apply charges to say to taxis and Private Hire Vehicles, but not to private vehicles.

Licensing authorities would hold information on the taxis and private hire vehicles licensed within their areas, but they would not hold data on any vehicles moving around their areas that had been licensed by another authority. Accordingly to be able to track, and if necessary charge these vehicles, the government through the regulations would be setting up a national database for taxis and private hire vehicles. Under the regulations all licensing authorities would be required to submit information about the vehicles licensed in their areas and the database would be overseen by the Department of Food, Environment and Rural Affairs (DEFRA).

The SPL confirmed that the necessary systems for the information to be reported to DEFRA on behalf of Redditch Borough Council had been established and were in place, although at the time of the meeting DEFRA had not yet commenced calling for the information. When up and running the data would be supplied once a week.

Officers had taken steps to publicise the changes with licensed drivers through the trade newsletter and the taxi forum. The SPL confirmed that no personal data would be included in the information that was passed on which would be limited to the registration number, the make and model of the vehicle, which authority it was licensed by and whether it was Hackney Carriage or private hire.

**RESOLVED that**

**the report regarding the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019 be noted.**

## 15. WORK PROGRAMME

In reviewing the work programme, the Chair explained that there had been some helpful discussions at the recent meeting of the Taxi Liaison Forum. In light of this, there were a number of matters that he would be proposing should be added to the work programme. He also explained that to undertake some of the consultation that would be required, it would be necessary to move one of the scheduled meetings of the Licensing Committee and arrange for an additional meeting to be added.

Specifically the items that the Chair was seeking to have added to the work programme were:-

- a. A review of the existing taxi ranks in the Borough.
- b. Further consideration of the rules around age criteria for vehicles, including consideration of vehicles that produced lower emissions. It was hoped that this could be combined with the consultation that would be carried out upon the introduction of the new Department for Transport Guidance on Safeguarding.
- c. A review of the current rules whereby drivers are required to undertake three yearly driver assessments.
- d. Consideration of the introduction of a livery for vehicles licensed by Redditch Borough Council

To accommodate the proposed reports, the following changes to meeting dates would be made:-

- An additional meeting to be added on 27<sup>th</sup> January 2019
- The meeting scheduled to take place on Monday 16<sup>th</sup> March would be moved to Monday 30<sup>th</sup> March

In further comments, the SPL requested that some further detail about the terms of reference of the review of taxi ranks would be helpful and it was agreed that this could be pursued further by officers in discussion with the Chair.

With reference to the minutes of the meeting on 8<sup>th</sup> July, it was noted that on that occasion the members had agreed that an item be placed on the work programme around driver welfare and security.

**RESOLVED that**

**subject to the additional items and changes to the meeting calendar as outlined above, the work programme was agreed.**

The Meeting commenced at 7.05 pm  
and closed at 8.35 pm