

Licensing Committee

Thursday, 5th October,
2023

MINUTES

Present:

Councillor Karen Ashley (Chair), Councillor Timothy Pearman (Vice-Chair) and Councillors Salman Akbar (for Minute numbers 12/13/14), Juma Begum, Sharon Harvey, Chris Holz, Anthony Lovell (for Minute numbers 12/13/14), Emma Marshall, Kerrie Miles and Monica Stringfellow

Officers:

Dave Etheridge and Vanessa Brown

Democratic Services Officers:

Gavin Day

8. APOLOGIES

There were no apologies for absence.

9. DECLARATIONS OF INTEREST

There were no declarations of interest.

10. MINUTES

The minutes of the Licensing Committee of 17th July 2023 were presented to Members.

RESOLVED that

The minutes of the Licensing Committee held on the 17th July 2023 were approved as a true and accurate record and signed by the Chair.

11. PUBLIC SPEAKING

There were no registered public speakers.

Chair

12. LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY

The Principal Licensing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to seek Members approval for the draft licensing Policy to go out for consultation with relevant parties.

The 2003 Licencing act imposed a duty upon Local Authorities to review the licence policy every 5 years, it was last updated on 1st June 2019, therefore, was due for review on 1st June 2024. Once the consultation had been concluded, the results would be brought back to the Licensing Parent Committee in March 2024, the policy would then go to a full Council meeting to be approved.

Officers drew Members attention to the draft revised licencing policy statement at appendix 1 on pages 15 to 63 of the Public Reports pack, Officers further highlighted the table summarising the changes at appendix 2 on pages 65 to 67.

The Principal Licencing Officer informed Members that the statutory consultees were detailed on page 12 of the Public reports pack.

The following was clarified after questions from Members.

- There was no available information as to the prevalence of drink spiking in Redditch, however, there had been indication that there was a particular problem within the Borough.
- That WRS worked in conjunction with Community partnerships such as Pubwatch and the Business Improvement District to guide individuals during their application process.
- The new policy sought to guide new applicants on what they could do to enhance the access and inclusiveness of their establishment such as included ramps, lifts and accessible toilets. Officers further detailed that there were exceptions within the equalities act for those premises which were not practically able to undertake the necessary modifications.
- Information was contained within the policy on who to contact if an individual believed that a premises was not being inclusive, as this was not inherently a matter directly addressed by WRS.

Officers further detailed that the licencing policy sought to inform new applicants what they needed to do to be granted a licence and guide them on the additional factors such as disabled access and public safety which they would need to also have regard to and would assist in their application.

An amendment was proposed by Councillor Emma Marshall and seconded by Councillor Sharon Harvey to address an error in paragraph 6.36 on page 30 of the Public Reports pack, it was highlighted that due to the UK leaving the EU the bullet point “**a photocard driving licence issued in a European Union country**” should be amended to also include UK driving licences. Officers agreed with the amendment which was an oversight on the part of WRS.

On being put to a vote it was:

RESOLVED that

Subject to the amendment detailed in the preamble above, the Licensing Committee approved the revised draft Statement of Licensing Policy and instructed Officers to commence the consultation process with relevant parties.

13. RENEWAL OF LICENCES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE PREVIOUSLY BEEN WRITTEN OFF.

The Principal Licencing Officer, Worcester Regulatory Services (WRS), presented the report to Members. The purpose of the report was to seek members approval for a short, targeted consultation to amend wording of the licencing policy which had an unintended effect on some drivers during their licence renewal.

The updated licencing policy which came into effect on 1st September 2022 changed the policy regarding insurance write off vehicles falling under categories ‘C’ and ‘S’, in that they would no longer be licenced under the policy.

The intention of the change was to prevent future new vehicles being licenced if they had been written off under categories ‘C’ and ‘S’. However, an unintended side effect of this change was that whenever a vehicle which had previously been licenced and was a category ‘C’ or ‘S’ write off came up for its annual renewal, it was no longer within policy and therefore needed to come before Members to approve.

Officers accepted that this was not the intended purpose of the policy change and sought Members approval to undertake a short, targeted consultation with the intent of changing the wording to allow those vehicles which had previously been licenced to continue to be licenced. Officers further clarified that the current position of preventing new vehicles being licenced would be retained within the policy.

Officers drew Members attention to the proposed wording on page 103 of the Public Reports Pack.

Officers confirmed that should Members agree to undertake consultation, the results would be presented to the next Committee on 27th November 2023 and should Members agree to the amendment, the change could be made immediately.

The following was clarified after questions from Members.

- That the consultation would consist of a brief background explanation and the proposed changes with the question whether they (the consultee) agree to amend the policy in that way.
- That there had been a significant number of vehicles that had come to a Sub-Committee and all had been approved, however, in the Officers opinion it was an unnecessary disruption and worry for the drivers and was a poor use of Officer and Members time.
- Officers explained that although the change would, in theory, allow a driver to continue to use their vehicle if it was written off whilst licenced, in practice this was highly unlikely as the majority of drivers would take the insurance money and purchase a new vehicle so as to not have a disruption in their work whilst the vehicle was being repaired.

Officers further detailed that WRS would review the situation and would attempt to delay as many determinations as possible until after the next Parent Committee, however, there was a risk for drivers, especially those who work for some companies such as UBER, as some companies may not accept the driver having an expired plate whilst the matter was resolving. Members commented that it was also a poor perception for RBC when Members of the public see an expired plate.

Members agreed that it was an unintended consequence of the change in the policy which intended to phase out write off vehicles and was unfair to drivers who had already had their application approved under the previous policy.

On being put to a vote it was.

RESOLVED that

the Licensing Committee directed Officers to carry out a short, targeted consultation exercise on amending the wording of paragraphs 3.4.4 and 3.5.4 of the Council's Hackney Carriage and Private Hire Licensing Policy.

14. WORK PROGRAMME

Officers sought clarity from Members regarding the future Work Programme item “**Hackney Carriage and Private Hire Vehicle MOTs**” in which the proposer requested that Officers present a report on the possibility of outsourcing the MOT of private hire and hackney carriage vehicles. However, Officers clarified to Members that drivers may already have their MOT completed at any garage under the current policy. Officers further clarified that the vehicle safety check needed to be undertaken at the Crossgates depot and sought Members opinion whether they wished the report to focus on that.

After some discussion with Members, it was agreed that the report would focus on the viability of outsourcing the Vehicle Safety Checks and the advantages and disadvantages of the process and change.

Councillor Marshall enquired as to the viability of moving the standing agenda item “**Enforcement Matters**” from the Licensing Sub-Committees to the Parent Committee. Councillor Marshall further detailed that as the enforcement matters were only detailed to those in attendance there were some Members who might be unaware of enforcement activities and it would, therefore, be better if all Members of the Licencing Committee were informed together.

Officers detailed that the change may require that the Licencing Committee go into exempt session if there were sensitive or restricted reports, however, Officers confirmed that there was no problem with moving the item. It was agreed by Members to add the additional standing item “**Officer Update(s) - Enforcement and Appeal Matters**” to all future Licencing Parent Committee agendas.

Members requested an update from Officers regarding transferring new licencing applications to an electronic online portal. The Principal Licencing Officer detailed that work was in progress which had identified a supplier for the service and testing was currently underway. It was also detailed that WRS planned to have licencing applications across a number of areas submitted via the online portal. Further details could be found in the agenda and minutes of the WRS Board Meeting.

After a short discussion on the transfer of Taxi Vehicle licence plates to magnetic versions, Councillor Salmon Akbar requested that a report be added to the work programme which would give an outline the progress of the transition towards magnetic licencing number plates.

Councillor Salmon Akbar requested an update report on delegating age criteria renewals to Officers. Officers explained that it was heard at the Constitution Review Working Party (CRWP) in June 2023, however, Members of the CRWP requested additional information to make a recommendation so it was scheduled to return to the CRWP before going to full council. Officers further detailed that the next meeting was in March, to which Members requested that the possibility be explored with Democratic services and the CRWP of adding a meeting before this date.

The Meeting commenced at 7.00 pm
and closed at 8.31 pm