



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

WEDNESDAY 18TH JANUARY 2017 AT 6.00 P.M.

COMMITTEE ROOM, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

MEMBERS: Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman), M. T. Buxton, B. T. Cooper, J. M. L. A. Griffiths, C. M. McDonald, S. R. Peters, S. P. Shannon, P.L. Thomas, L. J. Turner and S. A. Webb

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 14th November 2016 (Pages 1 - 8)
4. Options for increasing the number of Hackney Carriage Vehicles that are wheelchair accessible vehicles (Pages 9 - 36)
5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

6th January 2017



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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 14TH NOVEMBER 2016 AT 6.00 P.M.

PRESENT: Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman), M. T. Buxton, B. T. Cooper, J. M. L. A. Griffiths, C. M. McDonald, S. R. Peters, S. P. Shannon (during Minute No's 11/16 to part of 16/16), M. A. Sherrey (substituting for Councillor P. L. Thomas), L. J. Turner and S. A. Webb

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. P. Ross

Prior to the meeting commencing the Chairman informed the Committee that it was with sadness that he was stepping down and resigning as Chairman of Licensing Committee. He had enjoyed his time as Chairman and would like to take this opportunity to thank officers from Worcestershire Regulatory Services for their excellent, clear and professional reports, the Council's Legal Advisor for her enthusiasm in supporting Committee Members and the Democratic Services Officer for her help and support with meetings.

The Vice-Chairman then held a minutes silence in memory of the late Mr. P. Lammas.

11/16 **ELECTION OF CHAIRMAN**

A nomination for Chairman was received in respect of Councillor R. L. Dent.

RESOLVED that Councillor R. L. Dent be elected as Chairman for the remainder of the municipal year.

Councillor R. L. Dent expressed the Committee's thanks to Councillor B. T. Cooper for his hard work as Chairman of the Licensing Committee.

12/16 **APOLOGIES**

An apology for absence was received from Councillor P.L. Thomas. The Committee was advised that Councillor M. A. Sherrey was attending as the substitute member for Councillor P. L. Thomas.

13/16 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

14/16

MINUTES

The minutes of the meeting of the Licensing Committee held on 13th June 2016 were submitted.

Councillor C. M. McDonald drew Members' attention to the RESOLVED item as detailed at Minute No. 9/16, (b) "that the findings be brought back to a future meeting of the Licensing Committee". Councillor McDonald questioned this, as she thought it was agreed at the Licensing Committee meeting on 13th June 2016, that the findings would be brought back to the next Licensing Committee meeting on 12th September 2016, and that in light of the meeting being cancelled, the findings should have been brought to tonight's meeting.

The Democratic Services Officer reported that this item had been included on the Licensing Committee Work Programme to be allocated to a suitable date in 2017/2018.

In response to a suggestion by the Chairman, Councillor C. M. McDonald agreed with the findings being brought back to the next meeting of the Licensing Committee on Monday 13th March 2017 and that the Licensing Committee Work Programme 2016/2017 be updated to reflect this.

RESOLVED that the minutes of the Licensing Committee meeting held on 13th June 2016 be approved as a correct record.

15/16

DRAFT SCRAP METAL LICENSING POLICY - CONSULTATION RESULTS

The Committee received a report which detailed the consultation responses received on the draft Scrap Metal Licensing Policy and Guidelines for the licensing of scrap metal sites and collectors in the District and the finalised version of the Scrap Metal Licensing Policy and Guidelines following consultation.

The Senior Practitioner, Licensing, Worcestershire Regulatory Services (WRS), introduced the report and in doing so reminded the Committee that the Scrap Metal Dealers Act 2013 (the Act), came into force on 1st October 2013, with full enforcement powers coming into effect on 1st December 2013.

A draft Scrap Metal Licensing Policy and Guidelines was produced in order to provide clear guidance as to how the Council would administer and enforce the requirements of the Act.

The draft Scrap Metal Licensing Policy and Guidelines were prepared in accordance with the Act and the regulations that governed it. At the Licensing Committee meeting held on 13th June 2016, Members approved the draft Scrap Metal Licensing Policy and Guidelines for the purpose of consultation.

Consultation subsequently took place with the relevant partners and representatives of the metal recycling industry. Only one response was received, as detailed at Appendix 1 to the report. The response was received from Mr. Robin Edwards a Director of Obis Consultancy, who was part of the team that drafted the guidance on the Scrap Metal Dealers Act 2013, when the Act was first being implemented. Members were asked to note that Mr. Edwards saw no issues with the draft Scrap Metal Licensing Policy and Guidelines and wished to commend the Council for reinforcing the importance of the Act to the recycling industry.

The Senior Practitioner, Licensing, WRS responded to questions from Members and highlighted that a multi-agency enforcement check had been carried out which had also involved the Environment Agency. No legal action had been taken as a result of those checks.

The first set of renewal applications was due at the end of November 2016. Should Members approve the Scrap Metal Licensing Policy and Guidelines, as detailed at Appendix 1 to the report, a copy of the approved document would be sent out with all renewal applications for help and guidance.

The Senior Practitioner, Licensing, WRS further informed and reassured the Committee that, as highlighted in Mr. Edward's response, with regard to reports of cash returning on a daily basis; there appeared to be no evidence of the use of cash re-emerging for the payment of scrap metal in the Worcestershire area. Scrap metal dealers must only pay for scrap metal by either:-

- a) a cheque (which was not transferable under Section 81A of the Bills of Exchange Act 1882); or
- b) electronic transfer of funds (authorised by a credit, debit card or otherwise).

As set out in the Act it was a legal requirement for scrap metal dealers to keep and produce two types of records and an audit trail detailing the receipt of scrap metal and the disposal of scrap metal.

Councillor M. T. Buxton stated that there had been a noticeable decline in the number of complaints received regards mobile collectors and the noise made by some of those mobile collectors.

RESOLVED:

- (a) that the response received to the draft Scrap Metal Licensing Policy and Guidelines be noted; and
- (b) that the draft Scrap Metal Licensing Policy and Guidelines, as detailed at Appendix 1 to the report be approved.

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME

The Committee considered a report which provided details of a Hackney Carriage and Private Hire Penalty Point Scheme to use as a tool to assist officers in ensuring that holders of hackney carriage and private hire licences were compliant with the requirements they had placed upon them as licence holders.

The Senior Practitioner, Licensing, Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that the vast majority of licence holders complied with the requirements placed upon them.

The introduction of a Hackney Carriage and Private Hire Penalty Point Scheme would be to enable WRS officers to deal quickly and efficiently with minor non-compliance issues and to help identify those who were regularly not acting in compliance with their licensing requirements so that further action could be considered against the individuals in a targeted and proportionate way.

The basic principle of such a scheme was that individuals that were found to have committed relatively minor offences or acts of non-compliance would have a number of penalty points logged against their licensing records held by the authority.

If an individual accumulated a given number of penalty points, within a defined period of time, this would trigger an automatic referral of the licence holder to a Hearing of the Licensing Sub-Committee for consideration as to whether or not they remained a fit and proper person to hold such a licence.

Members were further informed that other authorities across the United Kingdom operated penalty point schemes and had received a number of legal challenges.

In order to avoid such legal challenges being successful, it was necessary to have a mechanism in place to enable appeals against the imposition of penalty points; and to ensure that any decision in respect of whether, or not, to revoke a licence, once the maximum number of permissible points had been reached, was taken at the appropriate level, based on the merits of each individual case.

WRS Officers would use the scheme as an additional mechanism for dealing with minor offences and acts of non-compliance, where there was no impending risk to the travelling public. A penalty point scheme would be used in order to assist them in addressing low level breaches of regulations and to ensure that licensed drivers remained compliant.

The holders of hackney carriage and private hire licences issued by the Council were subject to a number of legal requirements and licence conditions which governed how they conducted their business.

WRS, who acted on behalf of the Council, were responsible for ensuring that licence holders complied with these legal requirements and were responsible for taking appropriate action when dealing with any licence holders who had committed offences or had failed to comply with their legal requirements.

Currently there were a number of options available to officers from WRS when dealing with offences or acts of non-compliance, as summarised:-

- Verbal warnings
- Written warnings
- Formal cautions
- Prosecution
- Referral to a meeting of a Licensing Sub-Committee

The way in which offences and acts of non-compliance were dealt with by officers from WRS was dependant on the circumstances of each individual case; whilst having appropriate regard to the Regulator's Code and relevant enforcement policies in order to ensure that any action taken was proportionate.

The introduction of a penalty point scheme would not affect the Council's ability to take formal enforcement action for any offence or act of non-compliance as every case would continue to be considered on its own merits. A penalty point scheme would not be an appropriate mechanism for dealing with serious offences or acts of non-compliance.

Appendix 1 to the report detailed the draft Hackney Carriage and Private Hire Penalty Point Scheme for consideration by Members. Should Members approve the draft penalty point scheme, officers from WRS would then conduct further consultation on the draft Hackney Carriage and Private Hire Penalty Point Scheme with licence holders and other relevant organisations. The results of the consultation exercise would then be presented to a future meeting of the Licensing Committee.

In response to questions from Members, the Senior Practitioner, Licensing, WRS, informed the Committee that a penalty point scheme would enable officers to build up evidence. Any licensed driver who continued to breach their conditions and were in receipt of a number of penalty points under the scheme would be brought before a Hearing of the Licensing Sub-Committee.

Members discussed the penalty point scheme in some detail and in doing so raised several questions with regard to the scheme, their main concerns being:-

- That some passengers, particularly elderly passengers, would not complain and that the scheme would be reliant on passengers reporting areas of non-compliance.
- Passengers not been aware of how to report any concerns.
- Concerns that reports of non-compliance could be one person's word against another.
- Reasonable assistance being given, some licenced drivers may be unable to assist passengers due to either a long term or short term medical condition.
- Passengers who had reported an act of non-compliance may not want to attend a Hearing of the Licensing Sub-Committee.
- Consideration of a broader range of points dependent on the severity of the non-compliance.
- Some of the offences / breaches listed at Appendix 1 to the report were covered under other legislation and the Highway Code, so why were they included in the list?

The Senior Practitioner, Licensing, WRS, responded and in doing so, explained that WRS did not solely rely on passengers to report areas of non-compliance. WRS licensing officers who patrolled the taxi ranks witnessed acts of non-compliance. Under the penalty point scheme, the officer, where possible, would speak with the driver and highlight the non-compliance / breach and explain that a letter would be issued explaining the details of the incident, the amount of penalty points awarded and the right to appeal. This would then be logged onto the driver's record by the officer.

Passengers should feel confident in coming forward and reporting any concerns to WRS. WRS could only act on information received and investigate non-compliances reported. Passengers would be made aware that their details would not be given out to licensed drivers, but it would also be highlighted to those who reported incidents, that should the matter be referred to a Hearing of the Licensing Sub-Committee that it may be difficult to keep their anonymity.

With regard to the question raised whereby incidents were reported and it could be one person's word against another. The Senior Practitioner, Licensing, WRS, reassured Members that should delegation be given to the Licensing and Support Manager, WRS, she would dispassionately take into consideration all of the evidence presented to establish the facts and if necessary seek further clarification from both the passenger and the driver. Each case would be determined on its own merits and if deemed relevant points could be overturned.

Members were further informed that with regard to a broader range of penalty points being included at Appendix 1 to the report. That, following on from the suggestions made by Members, this was something he would look to include in the consultation document, in order to seek the views of those consulted with, should Members agree with the consultation being carried out.

The Senior Practitioner, Licensing, WRS, further explained that the inclusion of some of the offences / breaches, which could be dealt with by other legislation and enforcement agencies, had been included in order for officers to use it as a further deterrent. For example, WRS received a lot of complaints regards drivers sounding their horns, by including “using vehicle horn otherwise than in accordance with rule 112 of the Highway Code” provided officers with another arm in which to deal with and monitor such complaints and to act as a deterrent.

If the Committee agreed with the consultation being conducted, and if following that consultation, the Hackney Carriage and Private Hire Penalty Point Scheme was introduced, WRS would ensure that a press release was issued to raise public awareness of the agreed scheme.

Members welcomed the report and were reassured to note, that as highlighted earlier by the Senior Practitioner, Licensing, WRS that the vast majority of licence holders complied with the requirements placed upon them. The consultation would raise awareness with the taxi trade that any minor breaches or non-compliances could be monitored.

Members agreed for the consultation document to be approved by the Chairman.

The Senior Practitioner, Licensing, WRS, further responded and informed the Committee that the consultation period followed the Code of Practice on Consultation, which states that consultations should last for a minimum of twelve weeks. By allowing at least twelve weeks this should enhance the quality of responses and avoid any possible legal challenge

The Chairman thanked the Senior Practitioner Licensing, WRS, for presenting his report.

RESOLVED:

- (a) that following approval of the consultation document with the Chairman;
- (b) the draft Hackney Carriage and Private Hire Penalty Point Scheme, as detailed at Appendix 1 to the report, be approved for the purpose of consultation with licence holders and other relevant organisations; and
- (c) that, as detailed in the preamble above, following consultation with licence holders and other relevant organisations the consultation results be presented to a future meeting of the Licensing Committee.

17/16

LICENSING COMMITTEE WORK PROGRAMME

The Committee considered the Work Programme for 2016/2017.

RESOLVED that, the Licensing Committee Work Programme be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 7.21 p.m.

Chairman

OPTIONS FOR INCREASING THE NUMBER OF HACKNEY CARRIAGE VEHICLES THAT ARE WHEELCHAIR ACCESSIBLE VEHICLES

Relevant Portfolio Holder	Councillor R Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Members have requested a report setting out options that could be considered with a view to increasing the number of hackney carriage vehicles licensed by Bromsgrove District Council that are wheelchair accessible vehicles.

2. RECOMMENDATIONS

That the Licensing Committee consider the contents of the report and RESOLVE which option, if any, they would like to pursue with a view to increasing the number of hackney carriage vehicles licensed by Bromsgrove District Council that are wheelchair accessible vehicles.

3. KEY ISSUES

Financial Implications

- 3.1 Any decision to reduce or remove licence fees would lead to a drop in income that would leave a shortfall in the licensing budget that would need to be subsidised from the Council's general fund.

Legal Implications

- 3.2 The Council's policy in relation to the operation of Private Hire Licences and Hackney Carriage Licences are set out in the Taxi Handbook and associated guidance issued by the Council. Any amendments made to Policy by the Licensing Committee, following consultation, will be incorporated into the Policy and notified to the taxi trade. In the event that Members were to make changes to the existing fees and charges (as set out in Option 2), in addition to altering the Handbook and guidance, formal steps would need to be taken to amend the Councils fees and charges order.

Service / Operational Implications

- 3.3 Members have requested a report setting out options that could be considered with a view to increasing the number of hackney carriage vehicles licensed by Bromsgrove District Council that are wheelchair accessible vehicles.
- 3.4 At the time of preparing this report, Bromsgrove District Council has 124 vehicles that are licensed to be used as hackney carriages. Of these 124 vehicles there are currently only 7 vehicles that are wheelchair accessible vehicles.
- 3.5 In this context “wheelchair accessible vehicle” means a vehicle that is constructed or adapted to carry a wheelchair user whilst they remain seated in their wheelchair.
- 3.6 For some time Members have been concerned that the number of wheelchair accessible hackney carriage vehicles licensed by the Council is very low.
- 3.7 In March 2015 the Licensing Committee approved consultation on proposed amendments to the Council’s hackney carriage and private hire licensing policies. One of the proposals consulted upon was to introduce a requirement that, from a specified future date, all new vehicles being licensed as hackney carriage vehicles must be a wheelchair accessible vehicle. The effect of this policy change would have been to see the gradual phasing out of “saloon” type vehicles so eventually all vehicles licensed by the Council to be used as Hackney Carriages would be wheelchair accessible vehicles.
- 3.8 The results of the consultation were considered by the Licensing Committee in November 2015. In relation to the proposal above, Members felt that further consultation work was required in order to ascertain if there was currently an unmet demand for wheelchair accessible vehicles as hackney carriages within the district or if this was just a perception. The replies received from the trade during the consultation suggested that there was little demand for wheelchair accessible vehicles in the district.
- 3.9 It was agreed that WRS licensing officers would conduct a further comprehensive consultation with relevant agencies / organisations in order to ascertain if there was a demand and if that demand was being met, also taking into account visitors accessing Bromsgrove via the railway station.

- 3.10 This further consultation took place between January and April in 2016. The results of the further consultation were considered by the Licensing Committee in June 2016. A copy of the report that went to Licensing Committee at the June meeting is attached at Appendix 1.
- 3.11 Following lengthy discussions, Members were not satisfied that there was sufficiently robust evidence to support amending the Council's policies to require hackney carriage vehicles to be wheelchair accessible, but instead resolved
- (a) that Licensing Officers, WRS, explore other options to potentially increase the number of wheelchair accessible vehicles licensed as hackney carriages in the Bromsgrove district; and
 - (b) that the findings be brought back to a future meeting of the Licensing Committee.

This report sets out some options that could be considered.

Option 1 – Relaxing Vehicle Age Policies in respect of Wheelchair Accessible Vehicles

- 3.12 Under the Council's current policies, a saloon-type vehicle being licensed to be used as a hackney carriage for the first time must be less than seven years of age. The vehicle licence can then be renewed annually until such time as the vehicle is more than 10 years of age when no further renewal applications will normally be accepted.
- 3.13 Where the vehicle being licensed to be used as a hackney carriage for the first time is wheelchair accessible it must be less than seven years of age. The vehicle licence can then be renewed annually until such time as the vehicle is more than 12 years of age when no further renewal applications will normally be accepted.
- 3.14 Once any licensed hackney carriage vehicle reaches 7 years of age, it must be tested twice per year at the Council's testing station. Vehicles under the age of 7 are tested once per year.
- 3.15 The Council could consider relaxation of the current vehicle age requirements in place with respect to the licensing of wheelchair accessible vehicles as hackney carriages. For example the Council could decide that a wheelchair accessible vehicle could continue to be licensed as a hackney carriage for more than 12 years or even indefinitely, subject to it passing the required tests twice per year.

- 3.16 Relaxing the current vehicle age requirements may make it more attractive to a hackney carriage proprietor to licence a wheelchair accessible vehicle as they would be able to use the vehicle for longer making their investment in a wheelchair accessible vehicle more worthwhile.

Option 2 – Reduce or Remove the Licence Fee in Respect of Wheelchair Accessible Vehicles licensed as Hackney Carriages

- 3.17 The current fee for a licence to use a vehicle as a hackney carriage is £243 for a licence that lasts one year. The fee payable is the same regardless of whether the vehicle concerned is a wheelchair accessible vehicle or not.
- 3.18 The Council could consider reducing the fee or removing the requirement to pay a fee altogether for a licence to use a wheelchair accessible vehicle as a hackney carriage. This would provide an obvious direct financial incentive for hackney carriage proprietors to licence wheelchair accessible vehicles.
- 3.19 The reduction or removal of the fee could be for the first licence in respect of the vehicle only, for a set number of years, or for every application in respect of the vehicle.
- 3.20 Members will be aware that the Council's licence fees are set on a cost recovery basis, and therefore any decision to reduce or remove licence fees would lead to a drop in income that would leave a shortfall in the licensing budget that would need to be subsidised from the Council's general fund.

Option 3 – Do nothing

- 3.21 A final option available is for the Council to take no further steps with a view to increasing the number of hackney carriage vehicles licensed by Bromsgrove District Council that are wheelchair accessible vehicles.
- 3.22 This option would leave the number of wheelchair accessible vehicles licensed by the Council to be determined by market forces.

4. RISK MANAGEMENT

- 4.1 It is difficult to identify any obvious risks arising from the subject matter for this report. If members do wish to make changes these will be the subject of consultation prior to implementation; on the other hand the evidence collated by officers for the June 2016 report did not indicate that there was any significant unmet demand amongst the travelling public for WAV vehicles.

5. APPENDICES

Appendix 1 - Copy of report to Licencing Committee title
"Results of additional consultation on Wheelchair
Accessible Hackney Carriages".

AUTHOR OF REPORT

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LICENSING COMMITTEE

13th June 2016

RESULTS OF ADDITIONAL CONSULTATION ON WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES

Relevant Portfolio Holder	Councillor Rod Laight
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes - Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

During the course of 2015 consultation was carried out in relation to a number of proposed amendments to the Council's policies and procedures relating to hackney carriage and private hire licensing.

The results of this consultation were considered by the Licensing Committee on 9 November 2015. At that meeting Members requested that further consultations be carried out in relation to the provision of wheelchair accessible vehicles with relevant agencies / organisations and licence holders.

The results of these additional consultations are now being reported back to the Licensing Committee.

2. RECOMMENDATIONS

Members are asked to consider the results of the additional consultation exercise and RESOLVE whether they feel there is sufficient evidence to justify making any amendments to the Council's policies in relation to WAVs or if there are other options they wish to explore to increase the number of WAVs licensed as hackney carriages in the Bromsgrove district.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the additional consultations were met from existing budgets held by Worcestershire Regulatory Services.

LICENSING COMMITTEE

13th June 2016

Legal Implications

- 3.2 The Council's policy in relation to the operation of Private Hire Licences and Hackney Carriage Licences are set out in the Taxi Handbook and associated guidance issued by the Council. Any amendments made to Policy by the Licensing Committee, following consultation, will be incorporated into the Policy and notified to the taxi trade.

Service / Operational Implications

- 3.3 During the course of 2015 consultation was carried out in relation to a number of proposed amendments to the Council's policies and procedures relating to hackney carriage and private hire licensing.
- 3.4 One of the proposals consulted upon was:
- "The Council is considering introducing a requirement that, from a specified future date, all new vehicles being licensed at Hackney Carriage Vehicles must be a wheelchair accessible vehicle (WAV). WAV means a vehicle capable of carrying a wheelchair user whilst they remain seated in their wheelchair"**
- 3.5 The effect of this policy change would be to see the gradual phasing out of "saloon" type vehicles so that ten years after the Policy comes into effect all vehicles licensed by the Council to be used as Hackney Carriages should be WAVs.
- 3.6 This proposal was met with considerable opposition from those in the hackney carriage and private hire trade who responded during the consultation exercise. Many cited fears over the costs involved in purchasing and maintaining WAVs and stated that there was no significant demand for such vehicles in the Bromsgrove District.
- 3.7 However Members remained concerned about the low number of WAVs that the Council currently licenses to be used as hackney carriages and felt that further consultation work was required in order to ascertain if there was currently an unmet demand for WAVs as Hackney Carriages within the district or if this was the perception.
- 3.8 Members also discussed the possibility of introducing incentives to encourage drivers to purchase and operate WAVs. The Senior Licensing Practitioner agreed that licensing officers could carry out an additional consultation with the taxi trade and look at possible ways to incentivise them to purchase and operate WAVs.

LICENSING COMMITTEE

13th June 2016

- 3.9 Following the Licensing Committee meeting in November, additional consultation work has been carried out. Licence holders were all sent a copy of the questionnaire at **Appendix 1** with a newsletter that was posted to all licence holders in late November.
- 3.10 Additionally the consultation questionnaire at **Appendix 2** was sent to all members of the Bromsgrove Engagement and Equalities Forum, all members of Bromsgrove and Redditch Network (BARN), the Worcestershire and Warwickshire Royal Voluntary Service and the Life After Stroke Centre.
- 3.11 The consultation questionnaire at **Appendix 2** was also placed on the Council's website and a press release was used to draw attention to the consultation being undertaken and social media channels were also utilised for this purpose.
- 3.12 Just two responses were returned from licence holders. These can be viewed at **Appendix 3**. Neither of the respondents currently own a hackney carriage capable of carrying a passenger who remains seated in their wheelchair. Neither applicant identified any factors that would encourage them to purchase such a vehicle.
- 3.13 Seven surveys were received to the consultation survey sent out via the other relevant organisations referred to in paragraph 3.10 and placed on the Council's website. A table showing the responses to each question is at **Appendix 4**.
- 3.14 The majority (71%) of respondents strongly agree that there are not enough wheelchair accessible taxis in Bromsgrove. Only one respondent agreed that they found wheelchair accessible vehicles difficult to access and preferred saloon style vehicles.
- 3.15 6 out of the 7 respondents either use a wheelchair or care for a person who does. Of these the vast majority of respondents said that they or the person they care for prefers to travel in a taxi whilst remaining seated in their wheelchair. All of the respondents also agreed that they currently book taxis in advance that meets their needs. The majority of respondents were put off from trying to obtain a taxi at a rank as they are unlikely to find a vehicle that meets their needs.

LICENSING COMMITTEE

13th June 2016

- 3.16 Members are asked to consider the responses received during these additional consultations and decide whether they feel there is sufficient evidence to make any further amendment to the Council's policies in relation to WAVs or if there are other options they wish to explore to increase the number of WAVs licensed as hackney carriages in the Bromsgrove district.

4. RISK MANAGEMENT

- 4.1 The carrying out of consultation on the proposals under consideration was intended to mitigate any risks associated with changing the Council's policies without sufficient evidence to justify such changes.

5. APPENDICES

Appendix 1 – Consultation Document (Licence Holders)
Appendix 2 – Consultation Document (General)
Appendix 3 – Responses from licence holders
Appendix 4 – Summary of the responses from the public

AUTHOR OF REPORT

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WHEELCHAIR ACCESSIBLE VEHICLES – CONSULTATION

Do you currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair?

YES	
NO	

If you do not currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair, which of the following statements is applicable to your own personal circumstances (tick as many as apply to you)

I do not have a wheelchair accessible vehicle (WAV) because:	
They cost too much to buy	
They cost too much to run	
There is not enough demand for WAVs in Bromsgrove	
I don't want to have the hassle of transporting people in their wheelchairs	
I don't feel I would be capable of loading a wheelchair into such a vehicle	
They have a poor resale value	
They are not accessible to all passengers (such as the elderly or visually impaired)	
They are not attractive vehicles to look at	
Are there any other reasons why you do not operate a wheelchair accessible hackney carriage? If so write them here:	

Agenda Item 4

Which of the following measures would encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove (please tick as many as apply to you)

If grants were available to help subsidise the purchase costs	
If the Council charged a lower licence fee for WAVs	
If the Council allowed a WAV to be used for longer	
If my business got good publicity as a result	
If there was preferential treatment for WAVs on the taxi ranks	
None of the above would encourage me to purchase a WAV	
<p>Are there any other measures that could be taken to encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove?</p> <p>If so write them here:</p>	

Please return this questionnaire in the envelope provided or by email to wrsenquiries@worcsregservices.gov.uk using the subject line "Bromsgrove WAVs"

Consultation on the Provision of Wheelchair Accessible Hackney Carriages (Taxis)

Section 1

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly disagree	Don't know
There are not enough taxis available in Bromsgrove that are wheelchair accessible vehicles						
I find wheelchair accessible vehicles difficult to access and prefer traditional "saloon" style vehicles.						

Section 2

Do you use a wheelchair or care for someone who does?

YES		NO	
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If you have answered "NO" please ignore section 3 and move on to Section 4

Section 3 – Questions for wheelchair users or those who act as a carer for a wheelchair user

If you use a wheelchair or care for someone who does, please answer the following questions:

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly disagree	Don't know
I or the person I care for, prefers to be transported in a taxi whilst remaining seated in my/their wheelchair						
I always pre-book a taxi so that I know I can find a vehicle that allows me or the person I care for, to be transported whilst remaining seated in my/their wheelchair						
I am put off from trying to hire a taxi from a taxi rank in the Bromsgrove District as I am unlikely to find a vehicle that allows me or the person I care for to be transported in the way that I/they would prefer to be transported.						

	All the time	Most of the time	Frequently	Occasionally	Once	Never
I have attempted to hire a taxi from a taxi rank in the Bromsgrove District but failed to find a vehicle that allows me or the person I care for to be transported in the way I / they would prefer to be transported.						

Section 4 – Other Comments

Do you have any other comments to make regarding the provision of wheelchair accessible taxis in the Bromsgrove area?
If so, write them here:

Section 5 – Equalities Monitoring Data

Do you consider yourself to have a disability?

Yes	
No	
Prefer not to say	

What is your gender?

Male	
Female	
Other	
Prefer not to say	

How old are you?

0 – 16	
16 – 24	
25 – 29	
30 – 34	
35 – 39	
40 – 44	
45 – 49	
50 – 54	
55 – 59	
60 – 64	
65 +	
Prefer not to say	

How would you describe your ethnicity?

White	English	
	Welsh	
	Scottish	
	Northern Irish	
	Irish	
	Gypsy / Traveller	
	Other white background	

Mixed/multiple ethnic groups	White and Black Caribbean	
	White and Black African	
	White and Asian	
	Any other mixed background	

Asian / Asian British	Indian	
	Pakistani	
	Bangladeshi	
	Chinese	
	Any other Asian background	

Black/ African/ Caribbean/ Black British	African	
	Caribbean	
	Any other Black / African / Caribbean background	
	Black British	

Other ethnic groups	Arab	
	Any other ethnic group	

Prefer not to say	Prefer not to say	
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WHEELCHAIR ACCESSIBLE VEHICLES – CONSULTATION

Do you currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair?

YES	<input type="radio"/>
NO	<input checked="" type="checkbox"/>



If you do not currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair, which of the following statements is applicable to your own personal circumstances (tick as many as apply to you)

I do not have a wheelchair accessible vehicle (WAV) because:	
They cost too much to buy	<input type="checkbox"/>
They cost too much to run	<input type="checkbox"/>
There is not enough demand for WAVs in Bromsgrove	<input checked="" type="checkbox"/>
I don't want to have the hassle of transporting people in their wheelchairs	<input type="checkbox"/>
I don't feel I would be capable of loading a wheelchair into such a vehicle	<input type="checkbox"/>
They have a poor resale value	<input type="checkbox"/>
They are not accessible to all passengers (such as the elderly or visually impaired)	<input type="checkbox"/>
They are not attractive vehicles to look at	<input type="checkbox"/>
Are there any other reasons why you do not operate a wheelchair accessible hackney carriage? If so write them here:	

Agenda Item 4

Which of the following measures would encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove (please tick as many as apply to you)

If grants were available to help subsidise the purchase costs	<input type="checkbox"/>
If the Council charged a lower licence fee for WAVs	<input type="checkbox"/>
If the Council allowed a WAV to be used for longer	<input type="checkbox"/>
If my business got good publicity as a result	<input type="checkbox"/>
If there was preferential treatment for WAVs on the taxi ranks	<input type="checkbox"/>
None of the above would encourage me to purchase a WAV	<input checked="" type="checkbox"/>
<p>Are there any other measures that could be taken to encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove?</p> <p>If so write them here:</p>	

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WHEELCHAIR ACCESSIBLE VEHICLES – CONSULTATION

Do you currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair?

YES	
NO	✓

If you do not currently own a hackney carriage that is capable of carrying a passenger who remains seated in their wheelchair, which of the following statements is applicable to your own personal circumstances (tick as many as apply to you)

I do not have a wheelchair accessible vehicle (WAV) because:	
They cost too much to buy	✓
They cost too much to run	✓
There is not enough demand for WAVs in Bromsgrove	✓
I don't want to have the hassle of transporting people in their wheelchairs	✓
I don't feel I would be capable of loading a wheelchair into such a vehicle	
They have a poor resale value	
They are not accessible to all passengers (such as the elderly or visually impaired)	✓
They are not attractive vehicles to look at	✓
<p>Are there any other reasons why you do not operate a wheelchair accessible hackney carriage? If so write them here:</p> <p><i>Hackney Carriage meters are set to charge for mileage and time (when stationary), this is how the driver earns his money. However this starts at the beginning of the journey and ends stops at the end of the journey! No allowance is made for the loading and unloading of a wheelchair, which, on shorter journeys, can be as long as the journey itself! It's hard to make a living as a hackney carriage driver, but with all the additional costs of running a WAV together with the reduced income (because jobs take much longer) it would be almost impossible to make a living running a WAV.</i></p>	

Agenda Item 4

Which of the following measures would encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove (please tick as many as apply to you)

If grants were available to help subsidise the purchase costs	<input type="checkbox"/>
If the Council charged a lower licence fee for WAVs	<input type="checkbox"/>
If the Council allowed a WAV to be used for longer	<input type="checkbox"/>
If my business got good publicity as a result	<input type="checkbox"/>
If there was preferential treatment for WAVs on the taxi ranks	<input type="checkbox"/>
None of the above would encourage me to purchase a WAV	<input checked="" type="checkbox"/>
<p>Are there any other measures that could be taken to encourage you to purchase a wheelchair accessible vehicle to use as a hackney carriage in Bromsgrove?</p> <p>If so write them here:</p>	

Please return this questionnaire in the envelope provided or by email to wrsenquiries@worcsregservices.gov.uk using the subject line "Bromsgrove WAVs"

Consultation on the Provision of Wheelchair Accessible Hackney Carriages (Taxis)

Section 1

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly disagree	Don't know
There are not enough taxis available in Bromsgrove that are wheelchair accessible vehicles	5	0	0	0	0	2
I find wheelchair accessible vehicles difficult to access and prefer traditional "saloon" style vehicles.	0	1	1	0	3	1

Section 2

Do you use a wheelchair or care for someone who does?

YES	6	NO	1
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If you have answered "NO" please ignore section 3 and move on to Section 4

Section 3 – Questions for wheelchair users or those who act as a carer for a wheelchair user

If you use a wheelchair or care for someone who does, please answer the following questions:

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly disagree	Don't know
I or the person I care for, prefers to be transported in a taxi whilst remaining seated in my/their wheelchair	5	0	1	0	0	0
I always pre-book a taxi so that I know I can find a vehicle that allows me or the person I care for, to be transported whilst remaining seated in my/their wheelchair	6	0	0	0	0	0
I am put off from trying to hire a taxi from a taxi rank in the Bromsgrove District as I am unlikely to find a vehicle that allows me or the person I care for to be transported in the way that I/they would prefer to be transported.	4	1	0	0	1	0

	All the time	Most of the time	Frequently	Occasionally	Once	Never
I have attempted to hire a taxi from a taxi rank in the Bromsgrove District but failed to find a vehicle that allows me or the person I care for to be transported in the way I / they would prefer to be transported.	1	1	1	0	1	2

Section 4 – Other Comments Received

<p>You find that you pay more than someone else for a taxi.</p>
<p>I actually have only heard of 2. Charges seem higher if you have a wheelchair, especially a motorised one.</p>
<p>It would be good to have wheelchair accessible taxis – otherwise disabled people always have to think in advance and make sure a vehicle is ordered for their trips out. Sometimes that is not always possible.</p>
<p>My husband rarely uses taxis as we prefer to use BURT wherever possible which provides an excellent service. We would like to see this service extended with further funding from BDC.</p>
<p>As a parish councillor (Lickey and Blackwell PC) I have never received a complaint about the lack of WAV taxis but it may be that I am not the most appropriate member to complain to.</p>
<p>I have Charcot-Marie-Tooth disease, a peripheral neuropathy which severely limits the use of my arms and legs. I am unable to walk and have restricted movements in my arms meaning I am totally reliant on my power wheelchair for mobility. I can no longer drive myself at all, and gave up my Motability vehicle some three years ago.</p> <p>I live alone and strive to retain as much independence as I can. Currently there is only one accessible taxi in Bromsgrove operated by a self-employed owner driver. There are other firms in Droitwich (Blue Door) and Redditch (Mr Taxi) which offer such a service but both charge premiums as they need to cover the additional distances to pick up in Bromsgrove.</p>

This means that there are often times when I am unable to participate in social activities at times which are unsociable but not unreasonable, without incurring prohibitive additional costs even if the taxis are available. For example; I am a regular patron of the Artrix theatre in Bromsgrove.

Between February and April 2016 I have tickets to attend six different shows all of which will finish between 10pm and 11pm. I have managed to book taxis to the venue at a cost of £6.00 per journey from my home in to the venue, but this is usually the last journey of the day for that Bromsgrove based sole operator. To book a return journey would cost between £15 & £18 from operators based outside Bromsgrove. This results in me having to make my way home alone in my power chair at the mercy of the weather.

I have never been able to access an appropriate taxi from the main taxi rank; and often have to rely on arranging trips to fit in with the one taxi that may be available rather than arranging transport to suit my needs as most taxi users can do most of the time.

Given the current ability for the adaptation of vehicles to be made relatively easy in many types of larger vehicles it would not seem unreasonable to demand that any company which offers taxi's capable of taking five or more passengers in one journey (i.e. people carrier type vehicles) should have to provide valid reasons why such a vehicle cannot be converted to serve the requirements of wheelchair users. This should go some way to at least recognising the needs of wheelchair users in the district.

Section 5 – Equalities Monitoring Data

Do you consider yourself to have a disability?

Yes	5
No	2
Prefer not to say	0

What is your gender?

Male	2
Female	5
Other	0
Prefer not to say	0

How old are you?

0 – 16	0
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16 – 24	0
25 – 29	1
30 – 34	0
35 – 39	0
40 – 44	0
45 – 49	0
50 – 54	1
55 – 59	0
60 – 64	0
65 +	5
Prefer not to say	0

How would you describe your ethnicity?

White	English	6
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	Welsh	0
	Scottish	0
	Northern Irish	0
	Irish	0
	Gypsy / Traveller	0
	Other white background	0

Mixed/multiple ethnic groups	White and Black Caribbean	0
	White and Black African	0
	White and Asian	0
	Any other mixed background	0

Asian / Asian British	Indian	0
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	Pakistani	0
	Bangladeshi	0
	Chinese	0
	Any other Asian background	0

Black/ African/ Caribbean/ Black British	African	0
	Caribbean	0
	Any other Black / African / Caribbean background	0
	Black British	0

Other ethnic groups	Arab	0
	Any other ethnic group	0

Prefer not to say	Prefer not to say	1
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