

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 13TH, NOVEMBER 2017, AT 6.00 P.M.

PRESENT: Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman), M. T. Buxton (during Minute No's 19/17 to 21/17), M. Glass, H. J. Jones, C. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey, L. J. Turner and S. A. Webb

Observers: Councillor P. J. Whittaker, Portfolio Holder for Regulatory Services

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

Prior to the meeting commencing the Chairman took the opportunity to remind Members that the Senior Licensing Practitioner, Worcestershire Regulatory Services, would be providing a brief update on the Immigration Act 2016 after the meeting.

17/17 **APOLOGIES**

No apologies for absence were received.

18/17 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

19/17 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 11th September 2017 were submitted.

The Democratic Services Officer referred to an amendment she had received from Councillor C. M. McDonald with regard to minute number 14/17, Street Trading – Designation of Streets (Response to the Proposal). Councillor McDonald had requested that it be recorded in the minutes that the Senior Licensing Practitioner, Worcestershire Regulatory Services, had informed the Committee that the costs incurred so far were £250.60 and that he had spent thirty minutes of his time on this item.

RESOLVED that subject to the above amendment, the minutes of the meeting of the Licensing Committee held on 11th September 2017 be approved.

PROPOSED AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICIES

The Licensing Committee was asked to consider a report that detailed proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policies and to approve consultation on those proposed amendments.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), drew Members' attention to the Council's Hackney Carriage and Private Hire Handbook, at Appendix 1 to the report.

The Senior Licensing Practitioner, WRS, informed the Committee that currently there were no scheduled reviews due to be undertaken in relation to the Council's licensing policies, although officers ensured that policies were continually updated to reflect any relevant changes in legislation and other circumstances.

The Hackney Carriage and Private Hire Handbook was approved and updated in March 2016. The handbook sets out the Council's policies on the licensing of Hackney Carriage and Private Hire vehicles and drivers.

There were two specific areas within the handbook that had caused some difficulty since the Hackney Carriage and Private Hire Handbook was last updated and officers were asking the Committee to consider the proposed amendments to these two areas, the NVQ Level 2 in Road Passenger Vehicle Driving and Tints on Windows; and to decide whether to carry out a consultation on the proposed amendments, as detailed in paragraphs 3.13 and 3.19 in the report.

NVQ Level 2 in Road Passenger Vehicle Driving

The Senior Licensing Practitioner, WRS, informed the Committee that, new holders of driver licences were required to be awarded an NVQ Level 2 in Road Passenger Vehicle Driving or an equivalent qualification within twelve months from the date of the grant of their initial licence.

It was highlighted that, as detailed in paragraphs 3.8 and 3.9 in the report; to achieve a full Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Community Transport, Taxi and Private Hire), learners had to obtain a minimum of 31 credits from mandatory and optional groups. Mandatory units covered health and safety, driving community transport/chauffeured vehicles safely and efficiently, providing professional customer services and services for those who required assistance, dealing with difficult situations and emergencies and working with others.

Learners could choose from a range of optional units according to their job role. These included; defensive driving, meeting special customer needs, providing a service to children and young people, processing

telephone bookings, transporting luggage and parcels, planning routes and processing fares.

Some license holders had reported difficulties to WRS, in obtaining the Level 2 NVQ Certificate in Road Passenger Vehicle Driving or an equivalent qualification, as there were very few training providers in the local area offering this qualification. Licence holders had also complained that the costs of obtaining the qualification were unduly burdensome.

The Senior Licensing Practitioner, WRS, further informed the Committee that when the requirement to obtain the Level 2 NVQ Certificate in Road Passenger Vehicle Driving was initially introduced, Government funding was made available to fund the cost of the training and to encourage uptake of the qualification amongst licensed drivers across the country. Government funding was apparently no longer being provided, so those undertaking the qualification had to fund it themselves.

The Senior Licensing Practitioner, WRS, highlighted to the Committee that Bromsgrove District Council was the only licensing authority in Worcestershire that currently required its licenced drivers to obtain this qualification.

The Senior Licensing Practitioner, WRS, responded to questions from Members and in doing so explained that, the Level 2 NVQ Certificate in Road Passenger Vehicle Driving could not be completed on-line. The qualification was achieved through 'Guided Learning', which included practical on-the-job training observed by a qualified trainer and a portfolio of evidence that was assessed by the training provider. The licenced driver would have to complete between 161 to 171 'learning hours' in order to complete the qualification.

Members were further informed that the qualification was only available to fulltime licensed drivers, due to the number of 'learning hours' required to complete the qualification; and that as a result of the criteria being changed that there was now less access to Government funding for this qualification.

Further discussion followed whereby the majority of Members were in agreement that it was entirely reasonable to consult on an alternative training solution now that the criteria had changed.

Councillor C. M. McDonald was not in agreement and commented that in her opinion it was a backward step and that the only issue was that the funding had been removed and she would like to see the requirement to achieve the Level 2 NVQ Certificate in Road Passenger Vehicle Driving retained in the handbook.

The Council's Legal Advisor reiterated that, as stated earlier the funding for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving was

only available to full time licensed drivers. Part time licensed drivers would have to meet the cost of £600.

Members were in agreement that the question, as detailed at paragraph 3.13 be included in the consultation document, but with the following amendment; that disability awareness training be undertaken before new licence holders were licenced.

Members were also mindful that, as highlighted earlier, that Bromsgrove District Council was the only authority in Worcestershire who required licensed drivers to undertake the Level 2 NVQ Certificate in Road Passenger Vehicle Driving; but Members would still ask WRS to encourage fulltime licenced drivers to consider achieving this qualification.

The Senior Licensing Practitioner, WRS, informed Members that there were a number of training providers who provided disability awareness training for licensed drivers and that some organisations provided online training solutions. Members were reassured that only approved training providers would be considered and that licenced drivers who undertook the training would be required to produce a certificate to evidence that the training had been completed.

Tints on Windows

The Senior Licensing Practitioner, WRS, informed the Committee that, licence holders had raised some concerns that the majority of vehicles currently manufactured were fitted with some level of tint on the windows as standard.

Licence holders had also complained that the cost involved in replacing the glass in the windows, so that their vehicle complied with the requirements as detailed in the Council's Hackney Carriage and Private Hire Handbook, were unduly burdensome.

The Senior Licensing Practitioner, WRS, highlighted to Members that in the last twelve months Licensing Sub-Committees were convened to consider ten applications for vehicle licences. The applications could not be determined by licensing officers under delegated powers, due to the level of tint on the windows. It was noted that all ten applications were granted by Licensing Sub-Committee Members.

The Senior Licensing Practitioner, WRS continued and stated that as a result there were a number of licensed vehicles operating in the district that did not comply with the Council's Hackney Carriage and Private Hire Handbook. Some licence holders who had paid out considerable amounts of money in order to replace the tinted windows in their vehicles had complained to WRS that this was unfair.

The Council's Legal Advisor reminded the Committee that each application presented to Licensing Sub-Committee Members was considered on its own merits.

The Senior Licensing Practitioner, WRS drew Members' attention to the three proposals, as detailed in paragraph 3.19 in the report; that Members were being asked to consider for the purpose of consultation with relevant stakeholders.

Further discussion followed whereby Members raised a number of questions on:-

- Safeguarding for both travelling passengers and licenced drivers.
- Setting an appropriate level for tinted windows with officers using a light meter to determine the levels of tint on each vehicle presented.

Members requested that the following amendment and two additional options be included in the consultation questionnaire:

- Option B – to include that the amount of light to be transmitted through the glass to be determined following further research and consultation.
- Option D - that the glass to be factory fitted standard glass and that no additional tint was added on top of the manufacturer's factory fitted tint.
- Option E - that the wording in the Council's Hackney Carriage and Private Hire Handbook be left as it is and not amended.

The Senior Licensing Practitioner, WRS, provided the Committee with brief details on the criteria as set by other local authorities with regard to tinted windows.

Members accepted that manufacturers now fitted, factory tinted windows, as standard on vehicles for environmental reasons.

Following discussion it was

RESOLVED:

- a) that, following the amendments, as detailed in the preamble above, being incorporated into the consultation questionnaire, the report be approved for the purpose of consultation with relevant parties and stakeholders; and
- b) that the results of the consultation be reported back to a future meeting of the Licensing Committee.

21/17

LICENSING COMMITTEE WORK PROGRAMME 2017/2018

The Committee considered the Licensing Committee Work Programme for 2017/2018.

RESOLVED that the Licensing Committee Work Programme 2017/2018 be noted.

The meeting closed at 6.42 p.m.

Chairman