

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 12TH MARCH 2018, AT 6.00 P.M.

PRESENT: Councillors R. L. Dent (Chairman), M. T. Buxton, M. Glass, H. J. Jones, C. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey, L. J. Turner and S. A. Webb

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

22/17

APOLOGIES

Apologies for absence were received from Councillor C. J. Spencer.

In giving apologies from Councillor Spencer, Councillor R. L. Dent informed the Committee that Councillor Spencer was unwell. Members expressed their good wishes to Councillor Spencer for a speedy recovery.

23/17

DECLARATIONS OF INTEREST

There were no declarations of interest.

24/17

MINUTES

The minutes of the meeting of the Licensing Committee held on 13th November 2017 were submitted.

RESOLVED that, the minutes of the meeting of the Licensing Committee held on 13th November 2017 be approved.

25/17

GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES

The Committee considered a report informing Members of the required consultation on the Council's current Statement of Principles. In accordance with Section 349 of the Gambling Act 2005, the Council are required to prepare and publish a Statement of Principles every three years.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) introduced the report and informed the Committee that the Gambling Act required the Council to carry out a review of its Gambling Act 2005 – Statement of Principles every 3 years. Members were being asked to consider and approve the draft revised Statement of Principles,

as detailed at Appendix 1 to the report, for the purpose of consultation with relevant parties, as detailed in paragraph 3.18 in the report.

Members were further informed that whilst there had been no significant amendments to the provisions of the Gambling Act 2005 since the last Statement of Principles, changes had been made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators had to comply with. The Gambling Commission had also updated its Guidance to Licensing Authorities (GLA).

Therefore a new Statement of Principles had to be consulted on and the agreed Statement of Principles had to be published by 31st January 2019.

Members were being asked to consider the required changes to the current Statement of Principles for the purpose of consultation with the relevant parties.

The Senior Practitioner (Licensing), WRS, drew Members' attention to Appendix 1 to the report and in doing so, informed the Committee that the amendments to the draft revised Statement of Principles were shown in red text in the document. The more significant changes had also been summarised in paragraphs 3.12 to 3.17 in the report.

It was proposed that the consultation would take place over a period of 10 weeks. The consultation would also be made available for comment via the Council's website and publicised via social media and the local press. Responses to the consultation would be reported back to the Licensing Committee prior to its implementation in January 2019.

Members thanked the Senior Practitioner (Licensing), WRS, and commented that they had found it helpful that the amendments had been shown in red text.

RESOLVED:

- a) that the revised draft Statement of Principles, as detailed at Appendix 1 to the report, be approved for the purpose of consultation with relevant parties, and
- b) that the findings of the consultation be reported back to Licensing Committee Members prior to the implementation of the Statement of Principles in January 2019.

26/17

PROPOSED AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICIES - RESULTS OF CONSULTATION

Following on from the Licensing Committee meeting held on 13th November 2017, whereby Members approved for the purposes of consultation, proposed amendments to two areas of the Council's Hackney Carriage and Private Hire Handbook. Namely, the NVQ Level 2 in Road Passenger Vehicle Driving or an equivalent qualification and

tinted windows that concealed the identity of passengers inside the vehicle.

Members were asked to consider the responses received to the consultation as detailed at Appendix 2 to the report.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services, (WRS), introduced the report and in doing so informed the Committee that whilst there had been no scheduled reviews due to be undertaken in relation to the Council's policies; two specific matters which had been brought to the attention of Licensing Committee Members, as detailed above, had resulted in the consultation exercise being conducted.

The Senior Practitioner (Licensing), WRS, highlighted that any proposed change to the Council's policies, should take into account the responses received to the consultation.

The Senior Practitioner (Licensing), WRS, continued and reminded the Committee of the two specific areas of the Council's Hackney Carriage and Private Hire Handbook, that had caused some difficulty since the handbook was last updated in March 2016. The NVQ Level 2 in Road Passenger Vehicle Driving or an equivalent qualification and tinted windows that concealed the identity of passengers inside the vehicle.

The Senior Practitioner (Licensing), WRS, drew Members' attention to the consultation document, as detailed at Appendix 1 to the report, the table which summarised the consultation responses, as detailed at Appendix 2 to the report and the response received from the Guide Dogs for the Blind Association, as detailed at Appendix 3 to the report.

The Senior Practitioner (Licensing), WRS, also drew Members' attention to paragraph 3.9 in the report, which detailed the consultees who were sent a copy of the consultation document.

The consultation period commenced in December 2017 and concluded on 16th February 2018. A total of eleven consultation responses were received.

The Chairman suggested that Members considered the responses received with regard to the NVQ Level 2 in Road Passenger Vehicle Driving or an equivalent qualification first, then considered tinted windows that concealed the identity of passengers inside the vehicle.

The NVQ Level 2 in Road Passenger Vehicle Driving or an equivalent qualification.

Councillor C. M. McDonald stated that in her opinion, firstly, that since the consultation survey only allowed for a "Yes/No" answer, the questions had not been answered correctly. Secondly, those who had responded had not mentioned the cost or any difficulty in being able to obtain and achieve the NVQ qualification. Which if achieved, would

indicate that licensed drivers were well trained to protect their customers and also themselves. She would like to see the NVQ qualification or an equivalent qualification remain in the handbook.

Councillor C. M. McDonald continued and highlighted that compared to disability awareness training, which could be completed on-line; the NVQ qualification was hands on learning, whereby learners covered more in depth learning, when compared to that of the disability awareness training. Full time licensed drivers received funding in order to undertake and achieve the NVQ qualification, only part-time drivers incurred any costs. She felt that the survey responses received reflected that drivers wanted to carry on with the requirement to undertake the NVQ qualification.

The Chairman sought clarification from the Senior Practitioner (Licensing), WRS, with regard to the funding and the accessibility of trainers.

The Senior Practitioner (Licensing), WRS, informed Members that the taxi trade had indicated that licensed drivers had struggled to find available trainers and that funding was not widely available.

Furthermore, funding for the NVQ qualification was not guaranteed past 2018. Currently there was some funding available for full time licensed drivers, which covered the whole cost of achieving the NVQ Level 2 in Road Passenger Vehicle Driving.

Currently Bromsgrove District Council was the only licensing authority in Worcestershire that required its licenced drivers to obtain the NVQ Level 2 in Road Passenger Vehicle Driving.

The Senior Practitioner (Licensing), WRS, further informed the Committee that should Members consider the option that new drivers should undertake disability awareness training, then new drivers would be required to undertake that training prior to their licence being issued. The NVQ Level 2 in Road Passenger Vehicle Driving took 12 months to achieve, so new drivers were issued with their licence, without actually initially undertaking any training towards the required NVQ Level 2 in Road Passenger Vehicle Driving.

In response to further questions from Members, the Senior Practitioner (Licensing), WRS, explained that:-

- The NVQ Level 2 in Road Passenger Vehicle Driving did not include any Child Sexual Exploitation (CSE) training, as CSE training was relatively new. WRS were currently working in partnership with West Mercia Police and Young Solutions on providing CSE training for all licensed drivers in Worcestershire. The training was not mandatory. Training had recently been offered to all licensed drivers, licensed by Redditch Borough Council. Over 200 licensed drivers had attended

the sessions provided. The training would continue to be rolled out to each of the districts.

- Disclosure and Barring Services (DBS) enhanced checks were carried out by WRS for all new applicants and then every three years thereafter. Although once licensed, drivers had a duty to notify licensing officers of any cautions or convictions received during that three year period. Under the Common Law Police Disclosure scheme, the police also had a duty to notify WRS of any disclosure, which involved a licensed driver, and there was a public protection risk.

A further brief discussion took place whereby the majority of Members agreed that the best way forward was the requirement for new licensed drivers to undertake Disability Awareness training, prior to their licence being issued;

Members therefore voted on the following Recommendation:-

- a) that the requirement to undertake the NQV Level 2 in Road Passenger Vehicle Driving or an equivalent qualification be removed from the Council's Hackney Carriage and Private Hire Handbook; and
- b) that new licensed drivers undertake Disability Awareness training, prior to their licence being issued;

Having been put to the vote, with 6 for the Recommendation and 3 against the Recommendation, the Recommendation was carried.

Tinted windows that concealed the identity of passengers inside the vehicle.

The Senior Practitioner (Licensing), WRS, drew Members' attention to page 55 in the report, which detailed the five suggested options with regard to tinted windows.

Members were informed that the law on tinted windows required that the front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. There were no rules for tinting on the rear windscreen or rear passenger windows. Manufacturers now fitted tinted windows as standard to increase fuel economy and to reduce emissions.

The Senior Practitioner (Licensing), WRS, further commented that some local authorities had determined specific levels (levels which varied considerably for each authority). He was also aware that one local authority had set a level of 40%, but this had created further issues, as some of the newer models of vehicles had levels below 40%.

Members debated all five options in some depth and raised a number of questions on the use of the window tint meter purchased by WRS; which

measured the total amount of visual light transmission through a window and any coatings on a window.

- If the window tint meter was used to determine a specific level, what would be acceptable / safe levels.
- How would this be determined and what parameters would be set.
- The Council's duty of care and safeguarding with regard to children and the travelling public.
- That the majority of new vehicles were now fitted with some level of tint on the rear windscreen and rear passenger windows as standard factory fitted for passenger comfort and emissions reasons.
- The cost involved for licensed drivers to replace the glass in their vehicles, in order for their vehicle to comply with the current requirements as stated in the Council's Hackney Carriage and Private Hire Handbook.

Officers suggested the possibility of using the window tint meter on the vehicles that had recently been before Licensing (Miscellaneous) Sub-Committee Members; in order to measure the level of tint on the rear windscreen and rear passenger windows on each of the vehicles. This could provide some valuable information to help identify any variations in levels measured.

Members were in agreement that, the Council's Hackney Carriage and Private Hire Handbook was very clear on the criteria for tinted windows. The onus was on licenced drivers to seek advice from a Licensing officer, WRS, prior to purchasing a vehicle.

The Technical Officer (Licensing), WRS, commented that some licenced drivers did seek advice, as highlighted in the Council's Hackney Carriage and Private Hire Handbook; whilst others purchased vehicles without seeking any advice or referring to the Council's Hackney Carriage and Private Hire Handbook, which all licensed drivers should be familiar with.

The Council's Legal Advisor stated that every vehicle presented to Licensing (Miscellaneous) Sub-Committee meetings were inspected by Sub-Committee Members and determined on their own merits.

RESOLVED:

- a) that the requirement to undertake the NQV Level 2 in Road Passenger Vehicle Driving or an equivalent qualification be removed from the Council's Hackney Carriage and Private Hire Handbook;
- b) that new licensed drivers undertake Disability Awareness training, prior to their licence being issued;

- c) that the Council's Hackney Carriage and Private Hire Handbook be updated to reflect the amendments, as detailed in the preamble above,
- d) that a decision on the acceptable level of tint on windows of licensed hackney carriages and private hire vehicles be deferred; and
- e) that officers be tasked to conduct further research in respect of the precise amount of visible light to be transmitted; and
- f) that the research information be brought back to a future meeting of the Licensing Committee for consideration, together with the options as detailed on page 55 in the report.

27/17

UPDATE ON THE SITUATION REGARDING WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Committee were asked to note a report that provided an update on the situation regarding Wheelchair Accessible Hackney Carriage and Private Hire Vehicles. Wheelchair Accessible Vehicles (WAV's) were vehicles that have been constructed or adapted to carry a wheelchair user whilst they remained seated in their wheelchair.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), reminded Members that Members had, at previous Licensing Committee meetings, considered reports regarding the availability of WAV's in the district.

At the Licensing Committee meeting held on 18th January 2017, Licensing Committee Members considered a number of different options that the Council could take with a view to increasing the number of WAV's licensed by the Council to be used as Hackney Carriages.

At the time of the report being presented to Members, the Council licensed 124 vehicles to be used as Hackney Carriages, seven of which were WAV's.

Members resolved, at that meeting, that no further steps were to be taken to increase the number of WAV's vehicles licensed by Bromsgrove District Council; but tasked officers to work with the taxi trade to raise public awareness of taxi companies that were able to provide WAV's.

Members further requested that an update report, on the situation with regard to WAV's, be presented to Licensing Committee Members after a period of twelve months.

The Senior Practitioner (Licensing), WRS, informed Members that, following on from the meeting on 18th January 2018, officers had written to the proprietors of all Hackney Carriage and Private Hire Vehicles that had been identified as being a wheelchair accessible vehicle.

Those proprietors were asked to give their consent for their personal data, which included their telephone number, to be publicised by the

Council to raise public awareness of the availability of which taxi providers could supply a WAV.

Unfortunately only one private hire operator had responded to the request and they had indicated that since their WAV was committed to contracted work for most of the time, they would not normally be available without at least 24 hours' notice.

Members were reminded that on 7th February 2017, the Department for Transport (DfT) had announced their intention to implement sections 165-167 of the Equality Act 2010 and had made the Equality Act 2010 (Commencement No. 12) Order 2017, which took effect on 6th April 2017.

On 21st June 2017, following a recommendation from the Licensing Committee on 12th June 2017, Council resolved to adopt the position statement on sections 165-167 of the Equality Act 2010. This position statement committed the Council to publishing and maintaining a list of those vehicles that had been designated as wheelchair accessible for the purposes of sections 165-167 as from 1st December 2017.

The designated list of WAV's was published and hosted on both the Council's and Worcestershire Regulatory Services website and would be maintained as part of the Council's public register of Hackney Carriage and Private Hire vehicles.

The public register identified six Hackney Carriage and six Private Hire Vehicles that were WAV's. This was out of a total of 123 Hackney Carriages and 42 Private Hire vehicles licensed by Bromsgrove District Council.

The Senior Practitioner (Licensing), WRS, responded to questions from Members and in doing so:-

- Explained that vehicles licensed as Hackney Carriages could carry out pre-booked private hire work, as well as waiting for passengers at designated taxi ranks and being flagged down by a member of the public, if their "For Hire" light was on.
- A considerable number of WAV's carried out a lot of pre-booked work and contract work.

The Chairman reminded Members that a consultation exercise had been carried out and that the report presented to Licensing Committee Members at the meeting held on 18th January 2017 had provided Members with options to consider potentially increasing the number of WAV's in the district.

During that meeting, Members expressed their disappointment at the small number of WAV's licensed in the district, but the majority of

Members had agreed that there was a lack of supporting evidence to suggest that there was an unmet demand for WAV's.

RESOLVED that the update report be noted.

28/17

LICENSING COMMITTEE WORK PROGRAMME 2017/2018

The Committee considered the Work Programme for 2017/18.

RESOLVED that the Licensing Committee Work Programme for 2017/2018 be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 7.01 p.m.

Chairman