

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 23RD SEPTEMBER 2019, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), A. B. L. English, M. Glass,
C.A. Hotham (during Minute No's. 12/19 to 14/19), S. A. Hughes,
C. J. Spencer, M. Thompson, J. Till and S. A. Webb (Substitute)

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

9/19 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors M. A. Sherrey and H. D. N. Rone-Clarke.

The Committee were informed that Councillor S. A. Webb was in attendance as the substitute Member for Councillor M. A. Sherrey.

10/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

11/19 **MINUTES**

The minutes of the Licensing Committee held on 15th July were submitted.

RESOLVED that the minutes of the Licensing Committee held on 15th July 2019, be approved as a correct record.

12/19 **AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME - RESULTS OF CONSULTATION**

The Committee considered a report which provided details of the consultation exercise carried out on the revised Hackney Carriage and Private Hire Penalty Point Scheme.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented the report and in doing so provided a brief synopsis for the benefit of newly elected Members.

In November 2017 the Council implemented a Hackney Carriage and Private Hire Penalty Point Scheme, following a decision made by Licensing Committee Members to implement such a scheme.

The basic principle of the scheme was that individuals that were found to have committed relatively minor offences or acts of non-compliance had 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, this triggered an automatic referral of the licence holder to a meeting of the Licensing Sub-Committee, whereby Members would consider whether the licence holder remained a fit and proper person to hold the relevant licence.

The scheme enabled officers to deal quickly and efficiently with minor compliance issues and helped to identify those that were regularly not acting in compliance with their licensing requirements, so that more serious action could be considered against these individuals in a targeted and proportionate way.

The Senior Practitioner (Licensing), WRS, continued and informed the Committee that on 12th November 2018, Licensing Committee Members received a report which provided an update on the operation of the Hackney Carriage and Private Hire Penalty Point Scheme. Following consideration of the report, Licensing Committee Members requested that a further report be provided with a view to amending the penalty points scheme to include reference to drivers leaving engines running unnecessarily whilst their vehicle was stationary on a public road.

A further report was presented at the Licensing Committee meeting held on 18th March 2019. Following consideration of the report, Members requested that officers carried out a consultation on the draft revised Hackney Carriage and Private Hire Penalty Point Scheme; with licence holders, other relevant organisations and more widely, as detailed at paragraph 3.14 in the report. In addition the consultation was available to view and respond to via an online version hosted on the Council's website and publicity was provided via the local press and social media channels.

Appendix 1 to the report detailed the consultation survey which commenced in May 2019 and concluded on 26th July 2019. The consultation survey included a copy of the draft revised Hackney Carriage and Private Hire Penalty Point Scheme.

The Senior Practitioner (Licensing), WRS, drew Members' attention to the six responses received to the consultation, as detailed at paragraphs 3.17 to 3.22 and also detailed at Appendices 2 and 3 to the report.

Following on from the consultation, Appendix 4 to the report detailed the revised Hackney Carriage and Private Hire Penalty Point Scheme.

In response to questions from Members, the Senior Practitioner (Licensing), WRS, commented that the response to the consultation

from Dodford with Grafton Parish Council provided no explanation, rationale or evidence as to why they wanted their suggestions included.

In response to further questions from Members with regard to the suggestion from one of the WRS, Licensing Officers in respect of 'using a vehicle with defective tyres'.

The Senior Practitioner (Licensing), WRS, stated that licensed drivers were responsible for checking their tyres on a regular basis. However, licensing officers would also normally rely on the test centre to pick up defective tyres. WRS officers also carried out spot checks on licensed vehicles and used a tyre tread depth gauge. The 6 penalty points suggested by officers would be consistent with Redditch Borough Council's, Hackney Carriage and Private Hire Penalty Point Scheme. However, it was the decision of Licensing Committee Members to determine the number of penalty points to be issued for each defective tyre.

In response to the Chairman, the Senior Practitioner (Licensing), WRS, stated that should Members decide to amend the points applicable to 'Using a vehicle with defective tyres' or points applicable on any other items listed under the 'Schedule – Tariff of Points issued for Offences / Breaches'; the scheme would not be subject to a further consultation.

Following further discussion, whereby Members agreed to amend the draft Hackney Carriage and Private Hire Penalty Point Scheme as follows:

- 26 Obstructing an authorised officer or constable – 4 points applicable.
- 27 Failing to comply with a requirement properly made by an authorised officer or constable – 4 points applicable.
- 34 Using a vehicle with defective tyres – 4 points (per tyre) applicable.

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

RESOLVED that subject to the amendments as detailed in the preamble above, the revised Hackney Carriage and Private Hire Penalty Point Scheme, be approved.

13/19

THE AIR QUALITY (TAXI AND PRIVATE HIRE VEHICLES DATABASE) (ENGLAND AND WALES) REGULATIONS 2019

The Committee were asked to note a report that provided information on the implications of the following regulation, The Air Quality (Taxis and

Private Hire Vehicles Database) (England and Wales) Regulations 2019 which came into effect on 1st May 2019.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented the report and explained that in 2017, the government published the UK plan for tackling roadside nitrogen dioxide concentrations followed by a supplement in 2018 (together “the plan”).

The plan identified 61 local authorities in England showing exceedances which had been required to carry out feasibility studies and if necessary, develop bespoke plans to bring roadside concentrations of nitrogen dioxide within legal limits in the shortest possible time. The Welsh Government was taking the same approach.

Clean Air Zones (“CAZs”) would have a key role to play in delivery of a number of these local plans. The Clean Air Zone Framework sets out the minimum requirements for a CAZ and the expected approach to be taken by local authorities when implementing and operating these zones.

CAZs were not required to include a charging element. However, where there were no other viable options to reduce air pollution to legally permissible levels in the shortest possible time, some local authorities may decide to introduce zones; where vehicle owners were 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 Senior Practitioner (Licensing), WRS, drew Members’ attention to paragraph 3.7 in the report, which detailed the Clean Air Zone Framework, four classes of charging CAZ and paragraph 3.8 in the report, which detailed the minimum standards each vehicle type was expected to reach.

Ultra-low emission vehicles with significant zero emission range would never be charged for entering or moving through a CAZ.

Members were further informed that, Leeds and Birmingham would be introducing charging CAZs in 2020 (class B add D respectively). A number of other authorities had also consulted on the introduction of a charging CAZ.

To implement these schemes, local authorities may need to differentiate between taxis/PHVs and private vehicles. This was because in some cases local authorities would implement CAZs that applied charges to taxis and PHVs and not to private vehicles, or they may wish to set a different level of charge for these vehicles.

Licensing authorities only held information on taxis and PHVs licensed within their own area so were not able to clearly identify and charge a

taxi/PHV entering or moving around their charging CAZ which had been licensed by another authority (also known as 'out of area vehicles').

If local authorities could not identify all 'out of area vehicles', than this would undermine their ability to effectively operate CAZs where charging of these vehicles had been determined to be necessary.

The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, therefore required all licensing authorities in England and Wales to submit certain information about their licensed taxis/PHVs to a national database to be overseen by the Department for Food, Environment and Rural Affairs (DEFRA).

Licensing authorities were responsible for ensuring that the data which they provided was accurate, legitimate and up to date.

It was also for licensing authorities to ensure that they complied with any data protection legislation when implementing their obligations under the Regulations. The Council had to sign a Memorandum of Understanding (MoU) with DEFRA with regard to the data that the Council had to provide under the Regulations.

It was anticipated that the Council would be required to begin supplying the required data towards the end of October 2019. In preparation for this all vehicle proprietors would be notified in writing of the obligation placed on the Council to provide the relevant data to DEFRA and the Council's vehicle licence application forms would also be updated to make reference to the Regulations.

WRS officers would try and extract the required information on a weekly basis to send to DEFRA, they were just waiting for the go ahead from DEFRA.

In response to questions from Members, the Senior Practitioner (Licensing), WRS, stated that the costs of complying with the requirements, would be met from existing budgets. The Council currently had 108 hackney carriages and 40 private hire vehicles.

The Senior Practitioner (Licensing), WRS, briefly explained the European emission standards, Euro 4 for petrol driven vehicles and Euro 6 for diesel driven vehicles.

RESOLVED that the report on The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, be noted.

14/19

LICENSING COMMITTEE WORK PROGRAMME 2019/2020

The Committee considered the Work Programme for 2019/2020.

The Chairman expressed her disappointment that a timescale for a review of the Council's policy on the Guidance Relating to the Relevance

of Convictions and Cautions for Hackney Carriage and Private Hire Drivers had still to be determined.

The Senior Licensing Practitioner, WRS, had informed Members at the Licensing Committee held on 15th July 2019, that In February 2019, the Department for Transport had launched a 10 week consultation on the draft statutory guidance to taxi and private hire licensing authorities on how their licensing powers could be exercised in order to safeguard children and vulnerable adults. The consultation period ended on 22nd April 2019.

The Senior Licensing Practitioner, WRS, further informed Members that the final version of this statutory guidance had not yet been published and that officers would need to have regard to this guidance when reviewing and revising the Council's policies on the licensing of taxi and private hire vehicles.

Therefore, a review of the Council's policy on the Guidance Relating to the Relevance of Convictions and Cautions for Hackney Carriage and Private Hire Drivers would be carried out as soon as the Department for Transport, statutory guidance was published. Officers were hoping that the guidance would be issued during the next few months.

RESOLVED that the Licensing Committee Work Programme for 2019/2020, be noted.

The meeting closed at 6.31 p.m.

Chairman