

Licensing & Regulatory Committee

Minutes of the meeting held on Monday 25 September 2017, at the Town Hall, Royal Leamington Spa at 4.00 pm.

Present: Councillor Illingworth (Chairman); Councillors Ashford, Mrs Cain, Davies, Gallagher, Gill, Grainger, Heath, Mrs Knight, Murphy, Quinney, Mrs Redford and Mrs Stevens.

15. Apologies and Substitutes

- (a) Apologies for absence were received from Councillor Mrs Hill.
- (b) There were no substitutes.

16. Declarations of Interest

Minute 18 – Record of Licensing & Regulatory Panel Hearings

Councillor Gifford declared an interest because he had attended the panel on 22 August 2017 as an interested party and local resident to one of the premises.

17. Minutes

The minutes of the Licensing & Regulatory Committee meeting held on 7 August 2017 were taken as read and signed by the Chairman as a correct record.

The minutes of the Licensing and Regulatory Committee meeting held on 20 September were not available and would be submitted to a future meeting.

18. Record of Licensing & Regulatory Panel Hearings

The minutes of the Panel Hearings held on 1 February 2017, 25 April 2017 and 22 August 2017 were noted.

19. Consideration of a Warwick District Council Hackney Carriage Vehicle (HCV) Limitation Policy

The Committee received a report from Health and Community Protection which informed Members of the outcome of the Council's six week consultation regarding the proposed options outlined in the CTS Unmet Demand Survey.

In addition, the report expanded on the CTS Unmet Demand Survey, outlined the advantages and disadvantages of introducing a limitations policy and sought Members' views on a future approach to restricting the number of hackney carriages licensed in the Warwick District.

In 1974, Warwick District Council agreed to restrict the number of Hackney Carriage Vehicles (HCV's) licensed in its area. The main driving factor at the time was to ensure, as far as possible, that an adequate service was provided during off-peak hours.

The Transport Act 1985 allowed the Council to limit the number of HCVs it licensed, but only if it was satisfied that there was no significant unmet demand for them.

In 1999, when it was reported there appeared to be an unmet demand for wheelchair accessible vehicles, the Council decided to rescind the cap on numbers and agreed new licenses would only be granted when a vehicle had facilities for carrying disabled people in a wheelchair.

In March 2010, the Department for Transport issued Best Practice Guidance to Councils and since then the Law Commission had been considering and consulting on a wide range of potential reforms of the taxi trade as a whole, on behalf of the Government.

Following further representations from the HCV trade, the Council appointed CTS Traffic and Transportation to undertake a survey of demand for hackney carriages in the Warwick District. The review was carried out between September 2015 and February 2016. At the Licensing and Regulatory Committee on 20 February 2017, Members were advised of the report findings and asked to approve a six week consultation with stakeholders on the options for HCV.

The final CTS study report was received and submitted to the Head of Health & Community Protection in April 2017.

The study found that there was no evidence of any unmet demand for Hackney Carriages in the District. The conclusion was based on 252 hours of taxi rank observations, 250 street interviews and widespread consultation. Based on this conclusion, the Council could return a limit on the number of hackney carriage licenses.

The study recommended that option 3 in the report be taken – return a fixed limit, which would need to include all successful applications underway at that time, and that the issues of rank needs and student issues be resolved as promptly as possible using the stability of the limit to encourage trade co-operation.

Officers consulted with the trade and other interested parties on the proposals of the Hackney Carriage Unmet Demand study by carrying out a six week consultation from 15 May which ended 25 June 2017 and 118 individual responses were received in total.

The preferred option of the consultation was option 4 - Return a limit but on the basis of no issuing of any new plates (therefore the number of plates would be reduced over time). This suggested that the trade wanted a limit to be put in place but were not in favour of any fleet development.

The Regulatory Manager and the Licensing Team Leader introduced the report and, in response to questions from Members, advised that:

- There were 215 licensed taxis on the books with only two not using their licence.
- CTS had not made a specific recommendation on the desired number of taxis for the District.
- It was thought that the number of surplus taxis could be reduced over time.
- CTS had estimated there was a 20% surplus of taxis in the District.
- The Council was not in a position to request that a driver surrender his plate.
- The trade was not concerned with plates that were not being utilized.
- 40% of the current licensed vehicles were capable of carrying a wheelchair.
- Officers did not have a figure of how many 'foreign' taxis were plying for hire in the District, but these drivers were challenged when discovered.

- Officers were not aware of taxi ranks introducing a time limit.
- The trade had stated that the introduction of 'Uber' had impacted on their business.

Members raised concerns that the trade did not appear to be interested in an investment option, especially considering the environmental impact of vehicles in the District. The Committee was also mindful that the option of colour coding the fleet had been discussed previously and could have had a positive effect on users of the service.

In addition, Members recognised that the Council had a duty to ensure public safety and to provide a good service, which could only be achieved by aiming for an improving fleet.

It was suggested that any plate transfer had to be on the condition that the vehicle receiving the plate should be a hybrid vehicle; however, officers did not feel this would be appropriate. Officers were not certain if there were any grounds under legislation to restrict the type of vehicle to a zero emissions design. It was stated that York City had recently brought in an emissions policy but Members were mindful that the infrastructure had been in place in the city to begin with.

It was suggested that officers should be invited to bring forward a paper on reducing emissions and it was proposed and duly seconded that option 3 of the report "(iii) Return a limit at a fixed level (and determine what that level should be and any other fleet development proposals)" be recommended to the Executive.

Whilst Members were agreed that further investment in the fleet should be explored, the Committee was not in agreement about how to reduce the number of HCV's, if at all, especially in consideration of the impact of the additional housing being proposed in the Local Plan. It was felt that the number of HCVs could be restricted by quality but without any detrimental restriction to free trade.

Concerns were raised about the sale and transfer of plates with some Members supporting the idea that this be stopped altogether, whilst other Members were mindful that this could be unhelpful to a driver if they wanted to transfer the plate to a younger vehicle.

The Committee therefore

Recommended that the Executive opt for option (iii) Return a limit at a fixed level (and determine what that level should be and any other fleet development proposals) but the Committee had concerns about the potential of sale and transfer of vehicle plates; and

Resolved that officers be asked to bring forward a report relating to taxis and reducing emissions.

20. **Implementation of the Equality Act 2010**

The Committee received a report from Health & Community Protection which informed Members of the introduction of and implications of Part 12 of The Equality Act 2010 (The Act).

In addition, the report outlined the advantages and disadvantages of adopting the powers introduced under the Act.

Licensing and Regulatory Committee was asked for its views on the establishment of a list of designated wheelchair accessible vehicles in the Warwick District, including appropriate delegation of authority to support the Act and make any additional comments for later consideration by the Executive.

The report advised that Sections 165 and 167 of the Equality Act 2010 (the Act) came into force on 6 April 2017. Section 167 of the Act provided local authorities with the power to establish and maintain a list of wheelchair accessible vehicles ('designated licensed vehicles'). Section 165 then required the drivers of the 'designated licensed vehicles', unless they had a valid medical exemption issued by the Council, to transport wheelchair users, provide passengers in wheelchairs with appropriate assistance, and to ensure that wheelchair users were charged the same fares as non-wheelchair users.

The statutory guidance, detailed at Appendix 1 to the report, stated that to be placed on the list, a vehicle must be capable of carrying some - but not all - types of occupied wheelchairs. The Council already had a list of approved types of wheelchair accessible vehicles (makes and models) that could be licensed as hackney carriages in the District.

The list upon which this report was focused, to be introduced under section 165 of the Act, went further, specifying individual licensed vehicles, together with details of their registration numbers, vehicle licence numbers and details of the registered owner/keeper of the vehicle and details of the proprietor or company through which the vehicle may be booked, where applicable.

The standards that officers expected a Warwick District Council driver to achieve, specifically in relation to disabled passengers, were clearly outlined in Appendix G of the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook.

The Licensing Team Leader introduced the report and hoped that the introduction of the list would compel drivers to follow certain rules. In addition, it was thought that the Council's expectations could be advertised to passengers.

The Committee were reminded that all drivers had to undertake Disability Awareness Training and the older wheelchairs were used for demonstrations when fleet inspections were undertaken.

Following a question from Councillor Gallagher, officers confirmed that the list would be published on the Council's website but was unlikely to prove particularly useful to customers. Instead, the publication of the list would allow the Council to better enforce standards on the driver.

Members felt that this was a very important issue and should be supported.

The Committee therefore

Recommended that the Executive agree to the establishment of a list of designated wheelchair accessible vehicles in the Warwick District, including appropriate delegation of authority to support the Act.

21. **Public & Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006,

22. **Record of Licensing & Regulatory Panel Hearings**

The confidential minutes of the Panel Hearings held on 14 December 2016 – 2pm, 24 January 2017, 21 February 2017, 13 June 2017, 11 July 2017 and 27 July 2017 were noted.

(The meeting ended at 5.38 pm)