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Lichfield
District Council

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Monday, 18 March 2024

Dear Sir/Madam

REGULATORY AND LICENSING COMMITTEE

A meeting of the Regulatory and Licensing Committee has been arranged to take place **TUESDAY, 26TH MARCH, 2024 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

The meeting will be live streamed on the Council's [YouTube channel](#)

Yours faithfully

Kerry Dove
Chief Operating Officer

To: Members of Regulatory and Licensing Committee

Councillors B Yeates (Chair), Salter (Vice-Chair), Anketell, Ashton, Bragger, Checkland, Coe, L Ennis, Evans, Henshaw, Hill, Leung and S Wilcox



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Previous Meeting 3 - 8
4. Taxi Policy Update 9 - 12
5. Work Programme 13 - 14



REGULATORY AND LICENSING COMMITTEE

13 DECEMBER 2023

PRESENT:

Councillors B Yeates (Chair), Anketell, Ashton, Bragger, Checkland, Coe, L Ennis, Evans, Henshaw, Hill, Leung and Warfield

15 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor Salter.

16 DECLARATIONS OF INTEREST

Councillor Bragger declared a non-pecuniary interest in item 4 as a member of The Ramblers and as the secretary of Lichfield Ramblers. It was discussed that this would not impact his decision-making since he was not involved with the consultation process.

17 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting, held on 25 September 2023, were taken as read and approved as a correct record by the Chair.

18 FOOTPATH- PROPOSED EXTINGUISHMENT OF PUBLIC FOOTPATH

Robin Carr (Public Rights of Way Consultant) outlined the application that has been made for the extinguishment of public footpath No.15 that runs between Cannock Road and Cobbett Road in the Parish of Burntwood as illustrated in the Appendix of the report. He noted that the path has not been physically available for a significant amount of time, but this should be disregarded in the consideration of the application.

He explained that an extinguishing order can be made if it is determined that the path is not needed for public use and that there would be little use if it were to remain open. He noted the likely use of the path, if opened, should also be taken into consideration.

Mr Carr explained that consultations were carried out with user groups, and it was reported that the Peak and Northern Footpath Society withdrew their initial objection after additional consultation. The objection received from the Staffordshire Ramblers remained, but it was noted that their objection was more on principle than any specific concerns. No responses or views from the public were received from the notices posted onsite.

The path was described as having been part of a long walk across open fields, but it is currently running through an industrialised area. The majority of users could easily find alternative routes using Cobbett Road and Attwood Road to Cannock Road. He concluded that the path is not needed and would likely have minimal future use. Therefore, his recommendation was to make the extinguishment order.

A concern was raised about the safety of the path, if open, particularly due to the lack of streetlights. It was acknowledged that this could impact the future use of the path, but it was clarified that safety was not a specific consideration in making the order.

Members expressed support for the proposal due to the availability of an alternative safer route, although it was acknowledged by members that they are not usually in favour of extinguishing public paths.

Concerns were raised about the justification for the application and the permanent nature of extinguishing the path. Mr Carr clarified that the application was motivated by the development of the site and the need for site security.

The definition of a temporary obstruction was discussed, and it was clarified that a building could be considered a temporary obstruction. It was emphasised that the consideration of the path needed to be based on its current state, disregarding any temporary obstructions. The need to close the path was explained as being related to the narrowness of the area between the industrial units and the path, which would result in vehicular movements and parking adjacent to the path. It was noted that the current drop of about a meter between the industrial units and the path further complicated the situation.

Comments from the website Lichfield Live were raised, mentioning that some individuals expressed a desire to use the path if it was restored and accessible. Mr Carr responded by stating that during the six-week period when notices were posted inviting comments, no responses were received.

Members proposed accepting the application to extinguish the public path, taking into account the considerations discussed during the meeting.

RESOLVED: That the proposed extinguishment of Public Footpath No.15 (part) in the Parish of Burntwood as set out in Appendix A of the report be approved.

19 REVISED TAXI LICENSING POLICY

James Johnson, Regulation & Enforcement Manager, provided an overview of the current policy on Hackney Carriages and Private Hire vehicles. He mentioned that the policy, written in 2022, serves to bridge the gap between the law and its local implementation. He stated that the review of the policy's objectives and timeline is the main consideration for members, prompted by concerns expressed by taxi drivers during a meeting in October.

The areas proposed for review included the possibility of increasing the number of electric vehicles and wheelchair accessible vehicles in the district. The fare review for taxi services, ensuring competitiveness, and the enforcement aspects of the policy were also highlighted. Mr Johnson outlined an alternative approach to the current penalty point system, with a list of contraventions and corresponding sanctions that would provide a simpler and more efficient enforcement process.

He concluded that the current policy needs to be simplified. A proposed timeline for the review was included in the report and if agreed by members a consultation would be undertaken using methods such as online surveys and face-to-face sessions with taxi drivers and taxi users. The outcome of the consultation and the proposed and revised policy would then come back to the Committee in March 2024.

Members expressed their support for the review and inquired about the available levers for increasing the number of electric vehicles and wheelchair accessible vehicles. Mr Johnson stated that the specific levers would be explored during the review, which would involve looking at practices used by other authorities.

Councillors queried how the public and taxi clients would be consulted. Mr Johnson responded that an online consultation would be the primary method, but face-to-face sessions would also be held for those who wished to participate in person.

The importance of consulting with the National Union of Rail, Maritime and Transport Workers (RMT) representatives and ensuring public safety was raised along with the need to consider

fees and charges in relation to covering costs adequately and remaining comparable to other authorities.

Mr Johnson confirmed that the review would consider all disabilities, not just wheelchair accessibility. He mentioned existing conditions requiring drivers to assist passengers with disabilities when needed, including partial sightedness and the use of assistance dogs.

Members suggested prioritising face-to-face meetings for better responses and inquired about the October meeting and its purpose. Mr Johnson explained that the October meeting focused on taxi ranks in the city centre and served as an opportunity to rebuild the relationship with RMT.

The chair concluded the discussion by expressing approval for the proposed review and its recommendations, highlighting the importance of regular updates to keep pace with changing circumstances.

RESOLVED:

(1) That the objectives and timeline for the review as set out in section 3.6 of the report be approved.

(2) That the Assistant Director of Operations, Regulation and Enforcement retains the ability to make minor variations to the policy in consultation with the Chair of the Regulatory and Licencing Committee be approved.

20 SETTING OF REGULATION AND ENFORCEMENT FEES, CHARGES AND FIXED PENALTY AMOUNTS FOR 2024-25

James Johnson, Regulation & Enforcement Manager, presented a review of the fees, charges, and penalties imposed by the Regulation and Enforcement Service under various circumstances, including Environmental Health licensing and planning enforcement.

The consolidation of fees, charges, and penalties into one document, including the addition of penalty aspects, was discussed. The committee was requested to approve the proposed fees, charges, and penalties listed in Appendix 1 to come into force on April 1st, with Appendix 2 noting the fees and charges set nationally.

It was recommended that the Chair and the Assistant Director of Operations Regulation and Enforcement be authorized to confirm the fees in relation to taxi vehicles and taxi operators, subject to a consultation process, in time for implementation on April 1st.

It was proposed that an annual review of fees, charges, and penalties be undertaken, with automatic increases to recover costs, and subsequent noting by the committee.

Mr Johnson highlighted the extensive calculations and benchmarking conducted to set the proposed fees, charges, and penalties. A comparison with neighbouring authorities showed that the proposed fees and charges were generally within the range and often below the median.

Members inquired about the discrepancies in fines for littering at £500 and fly tipping at £1,000, questioning whether the maximum fines in court influenced these differences. Mr Johnson explained that littering carried a maximum fine of £2,500, while fly tipping had an unlimited fine. He also mentioned that by increasing fixed penalties for fly tipping, they hoped to deter such offences.

Concerns were raised about the fixed penalty for smoking in public places at £50 compared to the fine for littering. Mr Johnson clarified that smoking fixed penalties were set by the

Department of Health, which required a different template and had different ranges from DEFRA-set fixed penalties.

The Committee questioned the reference to "hypnotism permits" and "high hedge applications" in the proposed fees and charges. Mr Johnson explained that licenses for public displays of hypnotism exist, although none have been issued locally. High hedge applications allow councils to charge fees for handling complaints about hedges' height, aiming to encourage informal action and avoid vexatious complaints.

The rounding up of fees to the nearest £5 was discussed, with clarification that all fees had indeed been rounded up. It was noted that this accounted for the decreasing use of change in transactions.

Members expressed surprise at the lack of fee reviews in over 20 years for some items. Mr Johnson stated that licenses like high hedge applications, camping and caravan licensing, and mobile home licensing, which were set a long time ago, were in need of review to align them with current standards and regulations. He assured the committee that resources would be allocated next year to undertake this review.

Members emphasised the importance of both punishment and deterrence in setting penalties, particularly for offences where people believe they can get away with their actions.

Councillors raised questions about sex establishment licensing, referring to the presence of only one registered establishment and inquired about any exploitation concerns. Mr Johnson clarified that the establishment was a shop requiring a license, and no particular concerns were raised about the business compared to establishments in other sectors.

The Chair mentioned that the committee had previously visited the site when approving the license and explained that the decision to maintain the current fee was based on supporting the business and occupation of the premises.

RESOLVED:

(1) The committee is recommended to approve the revised fees, charges and penalties outlined at Appendix 1 ready for them to come into force on 1 April 2024. These amounts are set by the Council.

(2) The committee is recommended to note the revised fees, charges and penalties outlined at Appendix 2 ready for them to come into force on 1 April 2024. These amounts are set in law.

(3) The committee is recommended to approve that the Chair and Assistant Director of Operations, Regulation & Enforcement confirm the fees for taxi vehicles and taxi operators following a period of statutory consultation, and to make minor amendments to other fees, charges and penalties to reflect future changes, particularly in legislation, where necessary.

(4) The committee agree a delegation to the Assistant Director of Operations, Regulation and Enforcement to apply CPI increases annually for application on 1 April each year. Any amendment to fees, charges and penalties outside of CPI will be subject to committee review.

21 WORK PROGRAMME

The committee discussed the work program and proposed adjustments. The committee agreed to consider street trading in February or March, depending on the progress of related work. It was suggested that a provisional date be set to avoid last-minute changes. The review of the delivery and monitoring of private water supplies was also mentioned as a possible addition to the program.

Members expressed thanks and appreciation to Mr Johnson and his team for their excellent work.

The Committee raised a query regarding the closure of Darwin Walk due to the construction of a housing estate. The historical significance of Darwin Walk and its impact on annual events was discussed. Mr Carr indicated that the matter falls under the County Council. Christie Tims, Assistant Director Operations - Regulation and Enforcement, agreed to investigate the matter.

Mr Johnson thanked members for acknowledging his team's hard work. He extended an invitation to members to spend time with the team, either in the office or on a visit.

RESOLVED: That the Work Programme 2023-2024 be noted and agreed.

(The Meeting closed at 6.55 pm)

CHAIR

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Taxi Policy Review Update

Date: 26 March 2024
 Agenda Item:
 Contact Officer: James Johnson
 Tel Number: 01543 308040
 Email: james.johnson@lichfielddc.gov.uk
 Key Decision? **NO**
 Local Ward Members N/A



Lichfield
District Council

**REGULATORY &
LICENSING
COMMITTEE**

1. Executive Summary

1.1 On 13 Dec 2024 this Committee approved the objectives for a review of the Council’s Hackney Carriage and Private Hire Licensing Policy. These objectives covered a review of the age of vehicles, electric vehicles, wheelchair accessible vehicles, hackney carriage fares, enforcement, and policy accessibility. This report is to update the Committee as to subsequent progress and to propose a revised timeline for introducing a new policy.

2. Recommendations

- 2.1 Following consultation with taxi drivers, to approve the inclusion of additional objectives for the review: a review of potential levers to increase the use of local vehicles by operators, window tints, and MOT and compliance tests.
- 2.2 To approve the revised timeline detailed at 3.4.
- 2.3 That the Assistant Director of Operations, Regulation and Enforcement retains the ability to make minor variations to the policy in consultation with the Chair of the Regulatory and Licencing Committee.

3. Background

- 3.1 On 13 Dec 2024 the Committee expressed its desire that taxi drivers should have the opportunity to provide face to face feedback on potential changes to the policy. A workshop was therefore held on 13 February 2024 to which all licensed drivers were invited to attend.
- 3.2 Eight attended the meeting, including a representative from the National Union of Rail, Maritime and Transport Workers (RMT). A summary of the areas the drivers would like to see reviewed can be found below:

Out of area drivers

Drivers expressed concern that operators licensed by this Council are giving jobs to drivers and vehicles licensed by other local authorities. It was suggested that operators could be obligated, through a licence condition, to have a minimum number of LDC licensed vehicles on their books or to use LDC licensed vehicles for a minimum percentage of their jobs.

Electric and hybrid vehicles

Drivers expressed concern that the infrastructure required to charge electric vehicles is limited in Lichfield district. Some of those who attended are engaged in regular journeys to airports, and stated electric vehicles are impractical in these circumstances as the destination cannot be reached without stopping to charge. The consensus was that electric and hybrid vehicles are more expensive and therefore a phased approach to their introduction, in line with the revised government deadline of 2035, would be appropriate. It was suggested that no new diesel or petrol vehicles be licensed after 2030. Drivers also proposed that the availability of a grant, loan or discount would encourage more drivers to switch to an electric or hybrid vehicle.

Vehicle age

Drivers overwhelmingly requested that consideration be given to increasing the age of vehicles that could be licensed, not least so that LDC remained competitive with other local authorities. Several proposals were made including allowing vehicles that are 8 or 10 years old to be granted a licence, and to hold that licence until they are 12 or 15 years old, with half yearly compliance tests after 5 years.

Window tints

Drivers suggested that the condition requiring a minimum of 70% light be admitted through all windows be replaced with a condition to require that window tints must not be altered from the manufacturer's specification. Currently, vehicles used for executive hire often have tints in rear windows that come as standard but exceed the minimum of 70% light condition.

Wheelchair accessible vehicles

Drivers suggested that it could be a condition of an operator's to have a minimum number of wheelchair accessible vehicles once they reach a particular threshold of vehicles on their books. Drivers also raised concerns that wheelchair accessible vehicles are considerably more expensive and that a financial incentive would encourage their use. Drivers were supportive of the idea of disability awareness training.

Fares

Drivers reiterated their desire that fares be reviewed but were mindful that they must avoid being priced out of the market by competitors licensed by other local authorities, and particularly those operating via Uber. It was suggested that yardage could be reviewed rather than the initial charge so that the cost increase is manageable for customers.

MOT and compliance test

Some drivers suggested LDC could move to requiring an MOT rather than a taxi compliance test, but others felt something extra would still be needed to check the interior and appearance of the vehicle.

- 3.3 Officers are conscious that adverse changes to the policy could push some existing licence holders to obtain a licence with another local authority, and still operate on a private hire basis in Lichfield District. This would lead to a reduction in the availability of hackney carriages and have an impact on the revenue available to provide the service. It is therefore important that fees remain competitive, and policy remains realistic and reasonable. Based on current numbers, annual revenue is forecasted to be:
- a. £10,728 from 147 drivers.
 - b. £25,908 from vehicles.
 - c. £1,402 from 18 operators.
- 3.4 The workshop was very helpful and identified some potential new objectives for review that could be incorporated into a future policy, and ideas that could be implemented to support the review of existing objectives. A revised timeline is therefore proposed:

- a. Committee agree formal review of policy 13 December 2023.
- b. Officers undertake an informal consultation with drivers.
- c. Committee agree revised objectives and timeline 26 March 2024.
- d. Officers investigate options and prepare new policy to present to Committee 18 Jun 2024.
- e. Formal consultation with stakeholders, including drivers, operators and the public. Minor amendments to policy made by officers, and major amendments agreed by the Assistant Director and Chair of the Committee.
- f. New policy approved by Cabinet Member and then adopted by full Council.

Alternative options	1. No change to current policy. This will fail to acknowledge concerns of drivers and mean the Council continues with an overly complex policy.
Consultation	1. Drivers have been consulted via a workshop on 13 February 2024. 2. Formal consultation would take place once a new policy is approved by Committee on 18 June 2024. This will be open to all; drivers, operators and the public.
Financial implications	1. No financial implications are anticipated as part of the review. Depending on the changes in the new taxi policy, it could result in pushing drivers to hold a licence issued by other LAs resulting in a loss of revenue to LDC. Revenue from taxi driver licences
Approved by Section 151 Officer	Yes
Legal implications	1. No legal implications are expected as part of the review. 2. This committee retains the ability to determine policy for hackney carriage and private hire policy as set out in Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
Approved by Monitoring Officer	Yes
Contribution to the delivery of the strategic plan	1. The licensing of taxi drivers and vehicles supports aims around enabling people, shaping places and developing prosperity.
Equality, diversity and human rights implications	1. It is anticipated that the review could lead to increased transport options for those with disabilities. 2. The EIA for the policy will be revised and updated once the review is undertaken.
EIA logged by Equalities Officer	No
Crime & safety Issues	1. It is anticipated that the outcome of the review will lead to reduced crime and increased safety.
Data assessment	N/A
Environmental impact (including climate change and biodiversity)	1. It is anticipated that the review could lead to increased use of electric vehicles and therefore reduce harmful emissions and improve air quality

GDPR / Privacy impact assessment	N/A
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	Risk description & risk owner	Original score (RYG)	How we manage it	New score (RYG)
A	Policy does not provide robust decision-making framework	Yellow	Checking against legislation, case law, guidance and standards	Green
B	Adverse response to any changes	Yellow	Consultation prior to any key changes	Green
C	Results in policy that is unworkable	Yellow	Benchmarking against the policy of other Council's	Green
D	New policy pushes drivers to hold a licence elsewhere, impacting on hackney carriage availability and revenue.	Yellow	Impact on drivers to be considered with each proposed change. Drivers and RMT rep have been informally consulted via a workshop and will be formally consulted once a draft policy is created.	Green
E				

Background documents	Hackney Carriage and Private Hire Licensing Policy 2022 Committee Meeting 13 Dec 2023
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Relevant web links	Statutory taxi and private hire vehicle standards
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REGULATORY & LICENSING COMMITTEE WORK PROGRAMME FOR 2023/24

Item	20 June 2023	25 Sept 2023	13 Dec 2023	22 Feb 2024	26 Mar 2024	Comments
Presentation on the functions delivered by Regulation and Enforcement	✓					
Introduction of a Fly Posting and Unauthorised Highway Advertising Policy	✓					
Footpath Diversion No. 42 (part) – Fradley & Streethay	✓					Application received from Mr Will Baggott, Barratt, West Midlands for the diversion of public footpath No. 42 (part) in the Parish of Fradley and Streethay.
Footpath No.43 (part) in the Parish of Fradley & Streethay	✓					Application from Fradley Residential LLP, for the proposed diversion of Public Footpath No. 43 (part) in the Parish of Fradley and Streethay.
Extension of and amendments to the Public Spaces Protection Order for dog control		✓				The Council's current dog related Public Space Protection Order (PSPO) is due for review, with any decision on renewal or amendment to the PSPO having to be completed by August 2024, which is when the current PSPO expires.
Polling Places Review		✓				Due to the Parliamentary By-election in Tamworth currently underway and the potential for a UK Parliamentary general election to take place in 2024, it seems sensible that the review is undertaken no earlier than June 2024. However, issues highlighted in the last election in May 2023 are advised to ensure any issues are addressed in time for the Police and Fire Commissioner Elections in May 2024, initial notifications for which are sent out in late October.
Adoption of revised conditions for pavement licences		✓				This has become necessary as the current regime brought in during the pandemic has not been replaced as intended, but extended and new licences now need to be applied for
Revised Street Trading Policy						
Revised Taxi Licensing Policy			✓		✓	
Setting of Regulation and Enforcement fees, charges			✓			

REGULATORY & LICENSING COMMITTEE WORK PROGRAMME FOR 2023/24

and fixed penalty amounts for 2024-25						
Food Safety Delivery Plan 2024-25				✓		
Review of the delivery of the monitoring of private water supplies						