

**LICENSING COMMITTEE
HELD ON 9 JUNE 2021
(FROM 5.30 PM TO 6.09 PM)**

PRESENT: Councillor Victoria Oldham in the Chair. Councillors Trevor Chapman, Ed Darling, Andrew Paraskos, Nigel Simms and Robert Windass.

Late Arrivals: None

Early Departures: None

01/21 – **APOLOGIES FOR ABSENCE:** Apologies for absence had been received from Councillors John Ennis, Sue Lumby, John Mann, Stuart Martin, Pauline McHardy and Norman Waller.

(5.30 pm)

02/21 – **DECLARATIONS OF INTEREST:** Councillor Trevor Chapman declared an interest in Minute 06/21 but as this was not a pecuniary interest he remained in the meeting and took part in the debate and vote on the item.

(5.31 pm)

03/21 – **MINUTES:** The Minutes of the meeting of the Committee held on 11 November 2020 were approved unanimously as a correct record and signed by the Chair.

(5.32 pm)

04/21 – **EXEMPT INFORMATION:** There were no exempt information items.

(5.32 pm)

05/21 – **PUBLIC ARRANGEMENTS – QUESTIONS:** Mr Richard Fieldman submitted a question under Standing Order 27 on 4 June 2021 that related to Minute 06/21. Mr Fieldman submitted the following question:

I would like to attend the licensing meeting on the above date at 5.30pm, and also raise a question. The question is, When there are only 10 applicants for the proposed 12 free WAV plates, why are you considering a proposal to unlimit the numbers of them to be issued? which is deregulation under another guise. This would not only be devastating to the trade, but also to the council, and its road traffic problems, as there is not enough rank space to accomodate it.

The Chair thanked Mr Fieldman for his question and gave the following response:

The purpose of these proposals is to overcome the shortfall in provision for customers who require wheelchair accessible vehicles to go about their lives whether for social, medical or occupational purposes. We know from the work that

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officers have done that the current provision by the trade is insufficient and does not meet the need.

Please refer to 5.17 of the report. The benefits of having an unlimited number of HC WAV plates are:

- i. Greater availability of WAV vehicles for passengers with disabilities at all times of day.
- ii. Compliance with the authority's Public Sector Equality Duty.
- iii. Financial and resource benefits of not having to undertake a 3 yearly unmet demand survey.
- iv. Not having to defend challenges to any allocation policy adopted by the Council.
- v. HC WAV vehicles not having to be constantly highly utilised due to limited numbers on the road.

5.18 The disadvantages of having an unlimited number of designated HC WAV plates are:

- Potential for impact upon the existing market for the transfer of HC plates (but this is mitigated by preserving the grandfather rights of existing plate holders).
- Based upon the expressions of interest received (January 2021) there is no indication at this stage that there will be a surge in applicants for HC WAV plates. What the proposals will facilitate is the market meeting the existing demand. Numbers will also be naturally limited by the cost in purchasing/upkeeping a WAV vehicle. At present, I'm not aware of an issue with rank space.
- Any subsequent detailed proposals concerning town-centre rank space, by the Highways' Authority (North Yorkshire County Council), will be subject to consultation and with the aim of maintaining provision within the context of sustainable transport improvements and the value of Hackney Carriages for all customers (both WAV and non WAV).

(5.32 pm – 5.38 pm)

MATTER REFERRED TO COUNCIL FOR CONSIDERATION

06/21 – **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES; PROVISION OF WHEELCHAIR ACCESSIBLE VEHICLES (WAVs)**: The Head of Safer Communities (HoSC) submitted a written report which sought to grant an unlimited number of additional Hackney Carriage (HC) plates, which are designated as WAV plates only. This would avoid the requirement for an allocation system altogether. On the 16 September 2020 the Licensing Committee decided to grant 12 additional dedicated Wheelchair Accessible Vehicle (WAV) plates. Officers had since been working to create a fair and lawful system for their allocation. This report noted the

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potential obstacles and consequences which would flow from allocating 12 additional licences and Members were therefore being asked to grant an unlimited number of additional Hackney Carriage (HC) plates, which would be designated as WAV plates only.

The HoSC advised that in the Harrogate district, wheelchair users had been facing increasing difficulty obtaining wheelchair-accessible licensed vehicle services. At the time of writing this report there were 22 WAVs; a reduction of six vehicles since 2018/19. Eleven of these were dedicated hackney carriage licences, one was an undesignated hackney carriage plate, and the remainder were private hire licensed vehicles. Paragraph 5.5 of the report demonstrated how the numbers of WAVs had reduced over the last 15 years. Following a 2018 survey into the provision of WAVs and a detailed consultation the Committee, on the 16 September 2020, had decided to grant 12 additional dedicated WAV plates.

Following the Licensing Committee in September 2020 officers had undertaken further work to create a fair and lawful allocation system for these 12 new plates. It had become apparent however that designing a fair allocation system, that would not be susceptible to legal challenge, would not be straightforward. If the Council was to maintain a restriction on the number of WAV plates the Council would be required to justify its position through a three yearly unmet demand survey. A further unforeseen consequence of the decision to grant 12 additional HC WAV plates was that drivers would be able to legally transfer the plates, this would lead to the proposed allocation policy being ineffective. If the Committee were to support the officers proposal to grant an unlimited number of WAV plates it was considered that demand for WAV plates would be self-limiting in part due the upfront and ongoing cost of operating a WAV Vehicle, this view was supported by the trade consultation in which drivers had responded that bars to adopting a WAV plate and vehicle included cost, reduced profitability and lack of demand; among other reasons. The report also proposed that the 138 existing HC plates would protect their 'grandfather rights', this meant that they would retain the option of whether to have a WAV or non-WAV vehicle attached to that plate. In the rare instance that plates were returned to HBC they would be automatically re-designated as WAV plates. It was proposed that the existing rights were to be reviewed in 5 years in light of the constantly changing vehicle environment. The benefits and disadvantages of having an unlimited number of HC WAV plates were detailed in paragraphs 5.17 and 5.18 of the report. Section 6 of the report outlined the proposed licence conditions specific to designated wheelchair accessible Hackney Carriages.

Detailed discussion regarding the proposed scheme then followed and the HoSC responded to questions regarding the benefits and disadvantages of the proposals.

The officer recommendations were then moved by Councillor Oldham and seconded by Councillor Windass. Upon debate of the motion to approve the mover and seconder agreed that the review of the decision to de-limit the number of HC plates should be undertaken in 12 months, rather than the suggested five years. Upon a vote being held Members voted unanimously for the amendment and therefore the amendment was carried.

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A further amendment was proposed by Councillor Ed Darling, which was accepted by the original mover and seconder Councillor Oldham and Councillor Windass, that the Wheelchair assessment course training (section 6) for vehicle owners and any dual licence drivers must be undertaken within a month of date of the vehicle license, rather than the originally stated six months, subject to the availability of training.

RECOMMENDED:

That (1) the Council's policy of maintaining an upper limit of 148 HC plates within the district be amended by introducing no upper limit and all future HC Plates to be granted are to be designated as WAV plates;

(2) the existing 138 HC plates which are not designated as WAV plates are to remain undesignated. This decision is to be reviewed by the Licensing Committee within a period of not more than 12 months;

(3) all HC vehicle plates that are returned to the HBC are re-designated as WAV plates;

(4) the 10 existing HC plates designated as WAVs which have already been granted by the Council are to remain as such; and

(5) approve the proposed licence conditions specific to designated wheelchair accessible Hackney Carriages, as set out in section 6 below, the Wheelchair assessment course training for vehicle owners and any dual licence drivers must be undertaken within a month of date of the vehicle license, not six months, subject to the availability of training.

(Five Members voted for the motion and there was one vote against.)

(5.38 pm – 6.09 pm)