

# Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 27 May 2021 in the Council Chamber, City Hall - City Hall, Bradford

Commenced 10.00 am  
Concluded 12.00 pm

## Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Warburton Wainwright Lee Shafiq	Ali Brown	Edwards

Observers: Councillor K Green ( minute 5) and Councillor Kamran Hussain ( minute 6)

## Councillor Warburton in the Chair

### 1. DISCLOSURES OF INTEREST

At the commencement of the meeting, the following disclosures were made in the interests of clarity:

- Councillors, Warburton, Wainwright and Brown disclosed that they had been members of the committee when both agenda items were previously discussed but undertook to consider the items wholly on the information provided at this meeting.
- Councillor Shafiq disclosed an interest in the item regarding the proposed changes of the hackney carriage and private hire vehicle licensing condition specification as he had a family member who ran private hire business.

During consideration of the item regarding the proposed changes of the hackney carriage and private hire vehicle licensing condition specification, Councillor Ali disclosed that he had a family member who drove a taxi on a casual basis.

*ACTION: City Solicitor*

### 2. MINUTES

**Resolved –**

**That the minutes of the meeting held on 15 April 2021 be signed as a correct record.**

*ACTION: City Solicitor*

**3. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no requests to review restrictions on reports or background papers.

**4. MEMBERSHIP OF SUB-COMMITTEES**

**Resolved -**

**(1) That the Panels set out in Document “A” be appointed with memberships as shown and with the role and functions as contained in the Articles of the Council’s Constitution and subject to the Rules of Procedure contained in Part 3 of the Constitution.**

**(2) That the Chairs and Deputy Chairs be appointed to the Panels as indicated in Document “A”.**

*ACTION: City Solicitor*

**5. PUBLIC SPACE PROTECTION ORDER FOR BRADFORD DISTRICT RELATING TO ANTISOCIAL BEHAVIOUR AT ILKLEY RIVERSIDE PARKS**

Previous reference: Minute 57 (2020/21)

The Assistant Director Neighbourhoods and Customer Services submitted a report (**Document “B”**) which provided a summary of the responses from the statutory consultation on the proposed Public Space Protection Order for Ilkley Riverside Parks area and submission of the proposed Order for this Committee’s approval.

He reminded members that the reason for the consultation was the increased incidence of anti-social behaviour in the Riverside area and advised that the consultation had received a very good response with a high number of respondents being in favour of the proposed PSPO.

Some respondents expressed concern about the proposed PSPO, stating that they did not want to prevent visitors coming to enjoy the attractions of Ilkley.

It was also noted that, although the proposed PSPO included a prohibition on overnight camping, the park’s bye-laws already prevented it. It was proposed to keep the prohibition within the PSPO to ensure it mirrored the bye-laws.

Members were also advised that approval of the PSPO would be subject to a final review by the City Solicitor.

A Member asked a series of the questions about the proposal, including:-

- Who would enforce the PSPO ?
- Was there an alternative to issuing fines ?
- Could the bridge be made safer in order to prevent people jumping from it into the river ?

In response, he was advised that the area was patrolled by the Police as well as wardens and youth workers and that fines would only be issued as a last resort, if advice and warnings had no effect. He was also advised that the bridge was over 100 years old and would require very careful handling for changes to be made. The basic safety issue with jumping into the river was the shallowness of the water in which a person would be jumping.

A members also queried what the penalty of breaching park bye-laws would be as overnight camping could now potentially carry a considerable fine. He was advised that the bye-laws had previously been very difficult to enforce and that, although not a major issue, overnight camping was recommended to remain in the PSPO in order to make it as clear as possible to people that it was prohibited. It was stressed that the order would be equally applicable to everyone and was not intended to discriminate against any particular community. The member expressed some concern that the prohibition of camping could potentially adversely affect the traveller community more than any other. Other Members noted that there were other avenues to work with the traveller community and that this prohibition was intended to deal with unwanted leisure campers.

A local councillor attended the meeting and thanked the Assistant Director, his team and the Police for all the work undertaken in getting the PSPO to this stage. He considered it a necessary device to deal with the ongoing anti-social behaviour that had been experienced for a number of years. He also considered the issue of enforcement to be important, especially as a number of those carrying out the anti-social behaviour were under 18s. He understood the concerns about including camping in the PSPO but stated that the problems of littering and raw sewage left behind after unauthorised camping in the park were dreadful. He urged the Committee to approve the PSPO.

Members discussed the PSPO further, stating that it was important to have as many tools in place as possible to protect the amenity of the majority of the park users and noting that it would be reviewed at least every three years.

**Resolved –**

- (1) That, subject to final review by the City Solicitor, the proposed PSPO and boundary as outlined at Appendix C and D to Document “B” be approved.**
- (2) The Strategic Director, Place, be authorised to take all necessary actions to implement and make the PSPO operational.**

*ACTION: Assistant Director, Neighbourhoods and Customer Services*

**6. PROPOSED CHANGES OF THE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING CONDITIONS AND VEHICLE SPECIFICATION**

Previous Reference: Minute 59 (2020/21)

The Strategic Director Place submitted a report (**Document “C”**) which set out proposed changes to the Hackney Carriage and Private Hire Vehicle Licensing Conditions and Vehicle Specification so that they aligned with the Clean Air Plan (CAP) and Clean Air Zone (CAZ) standards effective from the 5<sup>th</sup> January 2022.

Members were advised that the effect of the proposed changes would be to allow older but cleaner vehicles to stay on the road to help the trade to make the transition to being compliant with the CAP and CAZ. It was also highlighted that the grants being offered to the trade to purchase a compliant vehicle were the second most generous in the country.

Members had various questions about the effect of the CAZ, the amount of grants available, the £12.50 daily charge and the perceived difference in dealing with hackney carriage and private hire vehicles but it was noted that the purpose of this report was simply to consider changes to the vehicle specification and that, therefore, those questions should be directed elsewhere.

A member queried whether a driver who leased a vehicle but then bought it from the leasehold company could be considered to have transferred ownership and thus be disadvantaged by the proposed changes. In response, he was advised that each case would be dealt with on its individual circumstances.

Another member asked how many licensed drivers there were in the District and how many had responded to the recent snap survey. He was informed that there were 5000 licensed drivers but only 1500 had responded.

A member noted that deferring consideration of this matter would not help drivers to deal with their obligation under the CAZ, which would be coming into force in January 2022.

The Chair also read out a statement from two councillors who had been members of the Committee when this item was considered previously but who were not present at this meeting. The statement noted that their ongoing concerns were about the CAZ and that they would continue to support the communities affected.

Several representatives of the trade attended the meeting and spoke in respect of matters such as the Euro 6 diesel vehicle standard, the difficulties they had encountered during the pandemic which were still affecting their business, the proposed £12.50 daily charge for non-compliant vehicles to enter the city centre and the financial problems around swapping vehicles at the present time.

Members of the Committee expressed their sympathy for the views being outlined but re-iterated that they had no remit to discuss them at this meeting. It was considered that a request could be made to the appropriate officers and the portfolio holder to have a meeting with trade representatives to discuss those concerns.

Members also noted the difficult time which the trade had been through but also

recognised that the Council must introduce the CAZ and that the effect of not approving the proposed changes set out in the report would be detrimental to the trade.

One of the members who had previously been on the Committee when this item was discussed joined the meeting and spoke as an observer, echoing the concerns expressed by the trade representatives and stating that he considered the proposed changes would affect the most deprived communities.

**Resolved –**

- (1) That all currently licensed vehicles, regardless of their emission standards, can remain and continue to be licensed to their maximum age of 10 years for Non-Wheelchair Accessible Vehicles and 12 years of age for Wheelchair Accessible Vehicles. This is subject to the following:**
  - (i) The vehicle must pass its annual and any other vehicle compliance inspection.**
  - (ii) The vehicle must remain continuously licensed and with the same Proprietor.**
  
- (2) That all vehicles presented for first license after the 27th May 2021 must meet the CAZ requirements.**
  
- (3) That all new and currently licensed vehicles which meet the CAZ standards at section 3, this being the following:-**
  - Hackney Carriage Euro 6 diesel / Euro 4 petrol or LPG**
  - Private Hire Vehicles 4 passenger seats (Non-Wheelchair Accessible Vehicle) Euro 5/6 Petrol Hybrid or LPG**
  - Private Hire Vehicles (Wheelchair Accessible Vehicle) Euro 6 diesel / Euro 4 petrol or LPG**
  - Private Hire Minibus 5-8 seats (Non-Wheelchair Accessible Vehicle) Euro 6 diesel / Euro 4 petrol or LPG**

can be licensed up to a maximum of 15 years of age from first date of registration; the vehicle can be any age at first licence. This is subject to the following condition:

  - (i) The vehicle must pass its annual and any other vehicle compliance inspection.**
  
- (4) That all non CAZ compliant, currently licensed vehicles that have exceeded the maximum age or will exceed this maximum age before the CAZ is introduced be permitted to apply for a short term licence up until December 31st 2021.**
  
- (5) That vehicles which are sold from one vehicle proprietor to another proprietor, known as transfers will be classified as a new vehicle for the purchasing proprietor and must meet the new proposed vehicle specification.**

- (6) That, for hackney carriage vehicles the exchange vehicle must meet the new proposed specification.
- (7) That relevant officers be requested to reassess the application of the Euro 6 Diesel standard and the variance between hackney carriage vehicles and private hire vehicles.

*Note: the committee also requested that relevant officers and the portfolio holder meet with drivers and operators in the run up to January 2022 to reassess various issues of concern including the treatment of Euro 6 diesel vehicles, the £12.50 and £50 charges and differences claimed by the trade representatives as to the way the CAZ is being introduced within Bradford compared with other authorities*

*ACTION: Strategic Director, Place*

## **7. SCHEDULE OF MEETINGS 2021- 2022**

Members noted the schedule of meetings set out below. All meetings would commence at 10.00 a.m. in City Hall, Bradford (with a Legal Briefing at 0915):

Thursday 24 June 2021  
Thursday 29 July 2021  
Thursday 19 August 2021  
Thursday 23 September 2021  
Thursday 21 October 2021  
Thursday 18 November 2021  
Thursday 16 December 2021

Thursday 20 January  
Wednesday 16 February 2022  
Thursday 24 March 2022  
Thursday 21 April 2022  
Thursday 12 May 2022

*ACTION: City Solicitor*

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.**

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER