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Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



**Cyfarwyddiaeth y Prif Weithredwr / Chief
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 30 September 2020

Dear Councillor,

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held remotely via Skype for Business on **Tuesday, 6 October 2020 at 09:30.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 10
To receive for approval the minutes of the 25/02/2020 and 14/07/2020
4. Appointment of Licensing Sub-Committee(s) and Delegations to Officers 11 - 12
5. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

K Watson

Chief Officer, Legal, HR & Regulatory Services

Please note: Due to the requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Committee Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available once the meeting has concluded. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Councillors:

PA Davies
DRW Lewis
JE Lewis
RM James
RJ Collins

Councillors

B Jones
G Thomas
AA Pucella
JE Williams
MJ Kearn

Councillors

A Hussain
TH Beedle
JR McCarthy
A Williams

LICENSING COMMITTEE - TUESDAY, 25 FEBRUARY 2020

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 25 FEBRUARY 2020 AT 09:30

Present

Councillor DRW Lewis – Chairperson

RM James
MJ Kearns

RJ Collins
A Hussain

B Jones
TH Beedle

AA Pucella

Apologies for Absence

PA Davies, JE Lewis and JE Williams

Officers:

Julie Ellams
Andrea Lee
Will Lane

Democratic Services Officer - Committees
Senior Lawyer
Operational Manager Shared Regulatory Services

38. DECLARATIONS OF INTEREST

None

39. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting dated 13 August 2019 be approved as a true and accurate record.

40. NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS & REFUSALS (NR3)

The Operational Manager, Shared Regulatory Services presented a report advising the Committee of the functionality of the National Register of Taxi Licence Revocations and Refusals (NR3). He explained that the Local Government Association (LGA) had commissioned the development of a national register of hackney carriage/private hire driver licence refusals and revocations to assist local authorities in determining whether applicants were “fit and proper” to obtain a licence.

The Operational Manager, Shared Regulatory Services explained that the NR3 was a mechanism for licensing authorities to share details of individuals who had had a hackney carriage/private hire driver’s licence revoked or an application for one refused. Currently, unless disclosed by the applicant, there was no consistent way of knowing if that applicant had previously been refused or revoked by another Licensing Authority. It was envisaged that the NR3 register would provide a consistent approach towards licensing, increase confidence in the suitability of applicants and potentially increased public safety through assisting the refusal of unsuitable applicants to the taxi/private hire trade.

The Operational Manager, Shared Regulatory Services outlined the changes to the current procedure. When a grant or renewal application was received, officers would undertake a search of the NR3 register. If there was a positive result a request would be made to the local authority that made the entry for further information to determine the applicant’s suitability. A draft policy was detailed in appendix B to the report. As the NR3 Register would involve the processing of personal data, the General Data Protection Regulation and Data Protection Act 2018 principles would need to be followed. He

stressed that an applicant would not automatically be refused because there was an entry on the NR3 Register. An entry would indicate there was further information to allow the committee to make a decision on whether or not an applicant was “fit and proper” to obtain a licence.

A member raised concerns that the NR3 Register would only cover Wales and that a number of drivers in Bridgend had dual registration with other areas outside Wales. The Operational Manager, Shared Regulatory Services replied that the NR3 Register covered both Wales and England but currently it was voluntary. It was hoped that new draft regulatory guidance would state that all local authorities in England and Wales should adopt NR3.

A member asked what arrangements were in place to check applicants from outside the UK. The Operational Manager, Shared Regulatory Services explained that there were standard checks in place regarding criminal records, right to work and the immigration process.

A member asked what would happen if an application was submitted using another person’s information. The Operational Manager, Shared Regulatory Services replied that officers requested passport information and other checks to confirm an applicant’s identity.

RESOLVED: That Licensing Committee adopt:

- a) the use of the NR3 register and
- b) the NR3 Policy detailed in Appendix B with immediate effect.

41. URGENT ITEMS

None

The meeting closed at 09:50

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN REMOTELY VIA SKYPE ON TUESDAY, 14 JULY 2020 AT 10:00

Present

Councillor DRW Lewis – Chairperson

PA Davies
AA Pucella
TH Beedle

JE Lewis
JE Williams

RM James
MJ Kearn

RJ Collins
A Hussain

Apologies for Absence

B Jones and G Thomas

Officers:

Kirsty Evans	Senior Licensing Officer
Mark Galvin	Senior Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer
Yvonne Wittchell	Team Manager Licensing
Sharon Jones	Licensing Assistant
Michael Pitman	Democratic Services Officer – Committees

42. DECLARATIONS OF INTEREST

None.

43. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Team Manager – Licensing presented a report, the purpose of which, was to ask the sub-committee to consider an application to grant a licence for a private hire vehicle.

The application was made by Stacey Jones and Christopher Jones of Bridged to licence a Mercedes E220d vehicle registration number KJ17 FHW as a private hire vehicle to seat 4 persons.

The vehicle is pre-owned and was first registered at the DVLA on 7 June 2017.

The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee due to age of the vehicle and policy guidelines. The vehicle was also not wheelchair accessible. A service report has been submitted for the 6 March 2019 with the mileage recorded at 24923 and for the 14 October 2019 with mileage at 39912.

On the 2 July 2020 the vehicle was inspected by a Licensing Enforcement Officer and the vehicle was found to be in good condition. A Vehicle Assessment form is provided at Appendix A and photographs of the vehicle in Appendix B.

The Committee retired to consider the application further, whereupon on their return, it was

RESOLVED:

The Committee considered the application to register vehicle KJ17 FHW as a Private Hire Vehicle.

Members noted that it fell outside of the Licensing Policy provision 2.1, due to the vehicles age and mileage.

Members noted that the policy could be relaxed as set out in paragraph 2.2 (of the policy), namely the exceptional interior and exterior quality and the exceptional standards of safety.

For these reasons, the Committee granted the licence.

44. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Team Manager – Licensing presented a report, the purpose of which, was to ask the sub-committee to consider an application to grant a licence for a private hire vehicle.

Application was made by G & S Travel Limited of Ogmores Vale to licence a Mercedes Vito vehicle registration number KJ18 HHZ as a private hire vehicle to seat 7 persons.

The vehicle is pre-owned and was first registered at the DVLA on 22 June 2018.

The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee due to age policy guidelines. The vehicle is not wheelchair accessible. A service report has been submitted for the 17 March 2020 with the mileage recorded at 20074.

On the 30 June 2020 a Licensing Enforcement Officer inspected the vehicle and the vehicle was found to be in good condition. A Vehicle Assessment form is provided at Appendix A and photographs of the vehicle in Appendix B.

The Committee retired to consider the application further, whereupon on their return, it was

RESOLVED:

The Committee considered the application to register vehicle KJ18 HHZ as a Private Hire Vehicle.

Members noted that it fell outside of the Licensing Policy provision 2.1, due to the vehicles age and mileage.

Members noted that the policy could be relaxed as set out in paragraph 2.2 (of the policy), namely the exceptional interior and exterior quality and the exceptional standards of safety.

For these reasons, the Committee granted the licence.

45. POLICY ON DETERMINING THE SUITABILITY OF PROTECTIVE SCREENS IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Licensing Policy Officer presented a report, in order for Members to consider the adoption and publication of a policy on “Temporary Screens in Taxis and Private Hire Vehicles” following consultation with the trade.

She advised that the Licensing Authority have received requests from the trade urging the Licensing Department to push through greater in-car safety measures to guard against Covid-19 including the use of safety

screens. According to the Office of National Statistics taxi drivers have one of the highest mortality rates of any other occupation in the UK.

A draft policy document has been produced, and approved by the Directors of Public Protection in Wales (DPPW), detailing the requirements and approval procedure for the use of screens in vehicles. A copy of this draft policy was attached at Appendix A to the report.

In Bridgend, as at 6 July 2020, there have been a total number of 554 confirmed cases of Covid-19 out of a local population of 147,049; this compares to a total of 15,890 confirmed cases in Wales. As at 26 June there had been 90 Covid related deaths in Bridgend.

It is understandable that licence holders will want to put measures in place in order to protect themselves from the transmission of Covid-19. However, this must not impact the safety or integrity of the vehicle.

With the restrictions starting to ease, more and more taxi and private hire drivers are looking to return to work attempting to ensure that they do their utmost to protect themselves and their passengers. Temporary screens in vehicles have been at the forefront of enquiries from the trade in the hope that a physical separation between drivers and passengers may reduce the transmission of Covid-19.

In response to the requests from the trade to install screens in licensed vehicles, the Licensing Expert Panel, made up of representatives from the 22 Welsh local authority Licensing Departments, set up a working group in order to produce guidance for Licensing Authorities to adopt, with the intention of harmonising the approach to the approval of screen installations in Wales.

She explained that there are various types of screens on the market, including flexible plastic screens that wrap around the driver and can be easily removed, to rigid polycarbonate plastic screens that have been attached by way of nuts, bolts and rivets to the seats or other interior vehicle trim.

The proposed policy is intended to provide guiding principles on how the Licensing Authority will deal with such requests from licence holders who may wish to install a screen in their vehicle. There were a number of safety concerns associated with screens, for example, the potential to interfere with original features of the vehicle such as the side airbags or the movement of the driver's seat and looks to set out specific requirements to satisfy these concerns.

Paragraph 4.7 of the report, then outlined what the requirements of the policy included.

The Licensing Authority has consulted the trade on the proposed policy, which included a number of licensed operators as well as drivers.

One response was received in relation to this consultation. This response was from a licensed operator within Bridgend County Borough Council, Valley Cars, who advised that they would not be looking to install screens in their vehicles.

No other responses were received.

LICENSING COMMITTEE - TUESDAY, 14 JULY 2020

A Member noted that Valley Cars were not intending to install any such protective screens and he asked, could the Licensing Authority enforce the use of screens in taxi's.

The Licensing Policy Officer replied that there was currently no firm evidence that installing screens would reduce transmission of the illness, so in light of this, it would be disproportionate for the Licensing Authority to make it compulsory for all taxi drivers/operators to install screens in their vehicles.

A Member asked if there as yet been any firm directive for taxi drivers to wear masks whilst on duty and to insist that passengers similarly wore such masks.

The Licensing Policy Officer confirmed that this was one of a package of measures that were being looked at by the UK government and Welsh Government also. She added that in Wales it was proposed that from 27 July, it would be mandatory for users of public transport to wear masks.

In response to a further question, she stated that if any screens were introduced in taxi's, then they would have to meet required safety standards that had been introduced through any regulations and policy guidance introduced as a result of Covid 19.

RESOLVED: That Committee:

- (i) Adopted the Temporary Screens in Taxis and Private Hire Vehicles Policy detailed in Appendix A of the report.
- (ii) Agreed that the decision to approve a screen for use in a taxi or private hire vehicle be delegated to the Chief Officer of Legal, HR and Regulatory Services.

46. URGENT ITEMS

None.

The meeting closed at 11:15

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

6 OCTOBER 2020

REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

APPOINTMENT OF LICENSING SUB- COMMITTEE(S) AND DELEGATIONS TO OFFICERS

1. Purpose of Report.

- 1.1 To propose the membership of the Licensing Committee Sub-Committees following the Annual Meeting of Council 30 September 2020.

2. Connection to Corporate Well-being Objectives/Other Corporate Priorities

- 2.1 The proposals are required to effectively discharge the functions of the authority in respect of general licensing applications, the majority of which relate to taxi licensing. The range of functions is set out within the Council's Constitution in Part 3 Responsibility for Functions relating to the Licensing Committee and Sub-Committees. These functions include taxi licensing, street trading, and other general licensing regimes as required. A separate report is being submitted in respect of Licensing Act 2003 and Gambling Act 2005 functions.

3. Background.

- 3.1 At their meeting on 30 September 2020 Council received a report establishing the membership of the Licensing Act 2003 Committee and the Licensing Committee.

4. Current situation / Proposal.

- 4.1 It is proposed that the Licensing Committee continue with the existing arrangements and approve the formation of two panels sitting on a rota basis each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible.
- 4.2 In the event that the Chair or Vice Chair are not able to attend their respective sub-committee meeting, a chair will be elected from those in attendance.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 The report content has no direct effect upon the Policy Framework and Procedure Rules.

6. Equality Impact Assessment

6.1 There are no equality implications arising from this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial Implications.

8.1 There are no financial implications arising from the proposals.

9. Recommendations

9.1 The Committee is recommended to:

9.2 Approve the formation of two panels sitting on a rota basis each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible. In the event that the Chair or Vice Chair are not able to attend their respective subcommittee meeting, a chair will be elected from those in attendance. These Licensing Sub-Committees will undertake licensing functions, including taxi licensing and street trading as set out in the Council's Constitution.

Kelly Watson

CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

30 September 2020

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Background documents

Report to Council

Council Constitution