

Present:-

Councillor D Buttle - Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
W B Evans	C E Hughes	M E J Nott
R M Granville	R D Jenkins	K T Rowlands
D T Greaves	G C Lewis	M C Wilkins
J J Hipkiss		

Officers:

Mrs Y Witchell	-	Licensing & Registration Officer
Mrs K Watson	-	Legal Officer
Mr S Richards	-	Enforcement Officer
Mr M A Galvin	-	Senior Cabinet & Committee Officer

52 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:-

Councillor M Jones	-	Hospital
Councillor D Sage	-	Other Council business
Councillor A E Davies	-	Other commitments
Councillor M L Simmonds	-	Car in for MOT

53 DECLARATIONS OF INTEREST

Councillor W B Evans	-	Agenda item 4 (iii) – Application to increase table of taxi fares – Due to his nephew being a taxi driver. Councillor Evans left the meeting when this item was considered.
Councillor R D Jenkins	-	Agenda item 4 (iii) – Application to increase table of taxi fares – Due to his daughter and her partner being taxi drivers. Councillor Jenkins left the meeting when this item was considered.
Councillor C E Hughes	-	Agenda item 4 (iii) – Application to increase table of taxi fares – Due to a person mentioned in the report rents one of his properties. Councillor Hughes left the meeting when this item was considered.

54 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
LICENSING OF NON-UK RESIDENTS AS TAXI DRIVERS

The Director of Legal and Democratic Services submitted a report, which set to provide a policy framework for the determination of applications for hackney carriage/private hire driver licences from non-United Kingdom residents.

The Licensing & Registration Officer explained that the Council had received an enquiry from an agency supplying taxi drivers who wished to work in the County Borough, but who were not UK residents.

The Officer added that any such applicants would be expected to meet the various legal and licensing requirements, prior to making application to drive Hackney Carriage and Private Hire vehicles.

The report then set out for Members' benefit a number of proposals on possible ways to accommodate these applications, particularly in relation to:

- Vetting of criminal background
- Identity checks
- Driving licence requirements
- Driver experience and awareness, and
- Medical standards

During the course of debate that ensued on this item, members had a number of concerns in relation to the licensing of non-UK residents to drive taxis, for example:

- ❖ How could they be judged on their ability to read and speak English (in order to communicate with clients)?
- ❖ Will they be required to pass a new driving test as non-UK persons?
- ❖ What have other Local Authorities done in relation to the licensing of taxi drivers of a non-UK status?
- ❖ Would they have to be resident in the country for a required time period prior to being eligible to apply to be a taxi driver?
- ❖ Would the Council be required to alter its existing licensing policy to cater for applications from non-UK residents and if so, would this apply to new UK resident applications and existing drivers?
- ❖ How would non-United Kingdom persons cope with bilingual road/direction signs if granted a licence to drive taxis?

Though Officers responded to the majority of these concerns, members expressed some concern of adopting a scheme at this time with regard to licensing non-UK residents as taxi drivers.

It was therefore moved, seconded and unanimously agreed, that the licensing Committee:

- RESOLVED:
- (1) To defer the report so as to allow Officers to contact other Local Authorities who have implemented a policy relating to licensing of non-UK residents as taxi drivers.
 - (2) Upon conclusion of (1) above, to await a further report on the findings of such an exercise, prior to considering the matter further.

55 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
ROAD SAFETY ACT 2006
LICENSING OF PRIVATE HIRE VEHICLES

The Director of Legal & Democratic Services submitted a report, the purpose of which was to review policy guidelines in respect of the licensing of private hire vehicles.

The background of the report reminded members of the definition of Private Hire Vehicles, and how new legislation, when it comes into force next year would remove the exemption which allows some transport providers to operate outside the private hire licensing regime

LICENSING COMMITTEE – 16 NOVEMBER 2007

(i.e. the contract exemption). This exemption applied to vehicles provided for weddings and funerals and for other 8-seater (or less) vehicles, providing they were used under the terms of a contract of more than seven days duration.

Whilst the exemption from licensing would still apply to the hire of wedding and funeral cars, the change in legislation would mean that a number of transport providers may no longer be able to rely on the licensing exemption and the vehicles may therefore fall within the category of private hire vehicle.

The report then went on to explain what vehicles, when the new legislation is implemented, would likely fall under the category of private hire vehicles.

The report further added that under the new legislation, if a vehicle was already operating, then the overriding policy for dealing with an application should be that each case is dealt with on its merits, subject to the necessary conditions laid down in the current conditions. It was also recommended that any 'grandfather rights' granted, should be applicable to the specific vehicle and licence and not be transferable to another vehicle/licence.

The report then proceeded to outline driver and operator requirements, while paragraphs 5 to 5.5, gave details of a proposed special policy relating to vehicles previously relying on the "contract exemption" applied by provisions, included in Section 75 of the Local Government (Miscellaneous Provisions) Act 1976.

The report concluded then by advising of some changes to taxi licensing policies that may be required to fully accommodate the revisions to the future licensing of private hire vehicles.

Members welcomed the report, and

RESOLVED:

That the following policy apply in respect of vehicles which previously were subject to the exemption set out in Section 75 of the Local Government (Miscellaneous Provisions) Act 1976:

Any application to licence a private hire vehicle which previously relied on the "contract exemption" provisions of Section 75 of the Local Government (Miscellaneous Provisions) Act 1976, shall be accompanied by certified copies of contracts issued in respect of the vehicle.

- (1) Such applications for first licensing as a private hire vehicle will be considered on a case by case basis, subject to the following principles:

'The policies in respect age limit and colour of vehicle will not apply to vehicles of this category'.

- (2) The vehicle shall be in a first class condition both in relation to its appearance and the standard of comfort provided for passengers, and shall have been maintained to the satisfaction of the Council. In addition, where applicable, vehicle import and conversion certificates, and a full service history to a standard acceptable to the Council must be provided with the application and the vehicle must be capable of meeting the current conditions of licence in respect of safety and vehicle specification.
- (3) The vehicle must be in a satisfactory and safe condition for the carriage of passengers and must be presented at the Fleet Services Division of Bridgend County Borough Council, Waterton, Bridgend, or at any place within the Borough, as required by a

proper officer of the Council for the necessary inspection before the granting of a licence. The testing regime thereafter will be in line with existing policy i.e. vehicles over the age of five years will be subject to three tests per annum.

56

TAXI LICENSING

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

SECTION 65: APPLICATION TO INCREASE TABLE OF FARES

The Director of Legal and Democratic Services submitted a report, so as for the Committee to consider representations made in respect of a proposal to increase the table of taxi fares in the County Borough.

The report reminded of a recent Committee resolution to approve an application for an increase in taxi fares as shown in Appendix 'A' to the report, together with an increase in taxi waiting time from £12.00 to £15.00 per hour.

Representations to the proposals had since been made by Mr T Burke of Radio Cabs and these were outlined in paragraphs 4.1 and 4.4.1 of the report, while representations had also been received from Mr B J Griffiths of Pencoed, which were detailed in Appendix 'B' to the report.

No such representations or objections had been made to the fare increases themselves and the fare tariffs, and full details of these were shown in tabular form in paragraph 5.2 of the report.

The report then gave an explanation, for members' benefit, on the impact of both Mr Burke's and Mr Griffiths' representations and proposals should they be implemented.

The report, prior to detailing legal implications of the proposals gave Best Practice and Guidance information laid down by the Department of Transport and the views of the Licensing & Registration Officer on the recommendations so proposed by the two aforementioned persons.

Having considered the representations so made, together with Officers' advice and the remaining provisions of the report, it was:

- RESOLVED:
- (1) That the Table of Fares as considered by the Licensing Committee at its meeting on 30th August 2007, (Appendix 'A; of the report refers) together with the increase in waiting time to £15.00, takes effect from 1st December 2007.
 - (2) That the Authority sets up a Forum so as to develop a mechanism within the Trade, for the review of taxi fares, and that the recommendation made to the effect that the higher tariff 2 comes into effect at 10.00pm instead of 8.00pm, as at present, be the subject of further consideration.

The meeting closed at 10.29am.