

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOMS 1/2, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON MONDAY, 10 MARCH 2008 AT 2.30PM

Present:-

Councillor D Buttle - Chairperson

Councillors

W B Evans
R M Granville
C E Hughes

Councillors

R D Jenkins
M E J Nott

Councillors

K T Rowlands
M C Wilkins

Officers:

Mrs Y Witchell - Licensing and Registration Officer
Ms P Gavigan - Senior Solicitor
Mrs R Morris - Senior Licensing Assistant
Mr B Cox - Licensing Enforcement Officer
Mr A Rees - Senior Cabinet and Committee Officer

57 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:-

Councillor A E Davies - Other Council commitments
Councillor J J Hipkiss - Hospital treatment
Councillor D Sage - Work commitments

58 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor W B Evans - Agenda item 4 (i) - Proposals for setting of Discretionary Fees for Temporary Use Notices.
Agenda item 4 (ii) - Age policy in respect of Hackney Carriage and Private Hire Vehicles.
Agenda item 4 (iii) - Licensing of taxi drivers - Due to his nephew being a taxi driver.

Councillor R D Jenkins - Agenda item 4 (i) - Proposals for setting of Discretionary Fees for Temporary Use Notices.
Agenda item 4 (ii) - Age policy in respect of Hackney Carriage and Private Hire Vehicles.
Agenda item 4 (iii) - Licensing of taxi drivers - Due to his daughter and her partner being taxi drivers.

59 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Licensing Committee held on 16 November 2007, be approved as a true and accurate record.

60 GAMBLING ACT 2005
PROPOSALS FOR THE SETTING OF DISCRETIONARY FEES FOR
TEMPORARY USE NOTICES

The Director of Legal and Democratic Services submitted a report which proposed the fee scale for Discretionary Fees for Temporary Use Notices to allow the effective implementation and operation of the Gambling Act 2005. Under the provisions of the Act and regulations made thereunder, the Licensing Authority was responsible for setting fees in respect of applications made relating to premises licences. At its meeting on the 25 April 2007 Council delegated the power to set such fees to the Licensing Committee.

It was reported that premises which might be suitable for Temporary Use Notice would include hotels, conference centres and sporting venues. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence. When determining the fee payable, the Secretary of State had indicated that consideration must be given to both ensuring that licensing authorities were able to achieve full cost recovery and ensuring fairness and value for money for the gambling industry. In drawing up the proposals it was recognised that for this first fees setting exercise, costs calculations were based upon information available at the time and before the service was fully operational. The proposed fee for the Notice was based on cost recovery guidelines including administration and compliance. The proposed fee for a replacement copy was based on the current charges applied for copy licences under the Licensing Act 2003.

RESOLVED: That the following fees for Temporary Use Notices be approved:-

Temporary Use Notice	£180
Replacement of Endorsed Copy of a Temporary Use Notice	£10.50

61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TOWN POLICE CLAUSES ACT 1847
AGE POLICY IN RESPECT OF HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLES

The Director of Legal and Democratic Services presented a report which sought to clarify the age policy in respect of the licensing of hackney carriage and private hire vehicles. This Committee had introduced an age policy in respect of the first licensing of hackney carriage and private hire vehicles from the 1 January 2003. The intention of the Policy and subsequent amendments was that all vehicles submitted for first licensing should be new but that there should be scope for relaxation of the policy for certain classes of vehicles. Advice had subsequently been sought to clarify the decision of the Licensing Committee. The proposal amalgamated a number of resolutions made in respect of the age limits for taxi

licensing and sought to provide guidelines for the consideration of a relaxation of the policy but did not seek to significantly change the policy.

The term “executive vehicle” was included in the original resolution. The definition of what is suitable for the executive private hire vehicle market was highly subjective and it was difficult to provide guidelines without running the risk of excluding certain makes or models which would otherwise be suitable for licensing as private hire vehicles. Since the policy was introduced MPV and 4 x 4 style vehicles have been used for private hire licensing work. Having regard to the Department for Transport’s guidance that a Council should not seek to limit the specification of vehicle it licensed, it was proposed that the policy be amended to remove the term executive vehicle to allow applications for private hire vehicles which are not new vehicles to be considered in exceptional cases and on their merits.

RESOLVED: That the following policy be adopted:

(1) Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. The applicant may be the second or a subsequent registered keeper but the applicant must demonstrate that there is no more than 14 days between the first registration and transfer to the applicant’s name. Applications will normally be dealt with under the Scheme of Delegation to Officers.

(2) Applications for the first licensing of vehicles falling outside the above policy guidelines will normally be refused but a relaxation of the policy may be considered in exceptional circumstances. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:

(a) A relaxation of the policy in respect of hackney carriages is likely to relate only to evidenced delay in the DVLA registration process or minor variations in delivery mileage. Applications will normally be dealt with under the Scheme of Delegation to Officers.

(b) In recognition of the exceptional nature of vehicles which are classed as “stretch limousines” or prestige limousine marques no age limit will apply on first licensing as a private hire vehicle provided that a full service history and appropriate safety certification is provided with the application and the vehicle is fit for purpose as a private hire vehicle. Applications of this type will normally be dealt with under the Scheme of Delegation to Officers.

(c) In order to ensure that customers can hire taxis with the minimum delay and inconvenience, the policy may be relaxed to allow the licensing of wheel chair accessible hackney carriage or private hire vehicles up to three years old on application, provided that a full service history and safety certification, including a satisfactory conversion certification is provided with the application and the vehicle

can satisfy the general licensing requirements. Applications of this type will normally be dealt with under the Scheme of Delegation to Officers.

(d) A relaxation of the policy will also be considered in exceptional circumstances for applications relating to the first licensing of private hire vehicles. The Council does not seek to limit or define a particular vehicle which is suitable but will adhere to the minimum standards for the size of seats and legroom etc which are available on request. Irrespective of the age of the vehicle it must be capable of satisfying the general licensing conditions and be fit for purpose as a private hire vehicle in terms of passenger safety and comfort. Each application will be reported to the Licensing Sub-Committee for determination on its merits having regard to the following criteria:

- That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.
- That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.
- That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.

(3) These provisions are not intended to affect the special policy adopted by the Licensing Committee on 16 November 2007 in respect of private hire vehicles affected by the repeal of Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 by the Road Safety Act 2006. (Contract exemption vehicles). This special policy only applies to a specific type of application and is not affected by the proposals contained within this report.

(4) All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.

(5) Applicants are reminded that if they fail to make application to renew an existing licence before the expiry date any subsequent application must be treated as one of grant. Any relaxation of current policies will only be granted in very exceptional circumstances. The responsibility for making an application rests

solely with the licence holder. All applications of this type will normally be reported to the Licensing Sub-Committee for determination.

62 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
LICENSING OF TAXI DRIVERS

The Director of Legal and Democratic Services reported that the Committee at its meeting on 16 November 2007 deferred a report relating to the adoption of a policy framework to provide for the licensing of applicants for taxi driver licences who are not resident in the UK at the time of application to allow Officers to carry out further investigation.

The Director of Legal and Democratic Services reported on a revised policy framework to provide for hackney carriage/private hire vehicle driver licences to accommodate applications from EU and EEA nationals. The report also set out information received from a company which had approached the Council regarding the licensing of EU and EEA nationals.

RESOLVED: That the following amendments to the current licensing requirements be adopted:

(i) Applications from persons who are not resident in the UK at the time of application must be accompanied by a Certificate of Good Conduct and an officially certified translation if this is available. Such applicants will be required to confirm whether they have at any time visited or resided in the United Kingdom, and if this is the case, a Criminal Records Bureau Disclosure will be commissioned by the Council at the applicant's expense as part of the standard application process.

(ii) A licence will not be issued until details of a permanent United Kingdom address and acceptable photographic proof of identity such as a passport or driving licence have been provided to the Council and the applicant has attended the Civic Offices in person to complete the identity check.

(iii) All applicants must satisfy the current requirements relating to driving in the United Kingdom under a EU/EEA licence.

(iv) All applicants will be required to undertake the Driver Awareness Course prior to the grant of a licence and complete a short test on the provision of receipts. An applicant will be allowed three attempts to pass the receipt test.

(v) On application, all applicants for hackney carriage and private hire driver licences will be required to satisfy the Council that they are entitled to reside and work in the United Kingdom.

The meeting closed at 3.07pm.