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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

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Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

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**Gwasanaethau Gweithredol a Phartneriaethol /  
Operational and Partnership Services**

Deialu uniongyrchol / Direct line /: 01656 643147 /  
643148

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Tuesday, 5 December 2017

Dear Councillor,

**LICENSING COMMITTEE**

A meeting of the Licensing Committee will be held in Committee Rooms 2/3, Civic Offices, Angel Street, Bridgend, CF31 4WB on **Monday, 11 December 2017 at 2.00 pm.**

**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 - 6  
To receive for approval the minutes of the Licensing Committee of 24 October 2017
4. Equality Act 2010 7 - 10
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

**P A Jolley**

Corporate Director Operational and Partnership Services

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Councillors:

PA Davies  
DRW Lewis  
JE Lewis  
DG Owen  
RM James

Councillors

SE Baldwin  
RJ Collins  
DK Edwards  
B Jones  
G Thomas

Councillors

AA Pucella  
JE Williams  
MJ Kearns  
A Hussain

## LICENSING COMMITTEE - TUESDAY, 24 OCTOBER 2017

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON TUESDAY, 24 OCTOBER 2017 AT 9.30 AM

### Present

Councillor DRW Lewis – Chairperson

PA Davies  
AA Pucella

JE Lewis  
JE Williams

RM James  
MJ Kearns

RJ Collins  
A Hussain

### Apologies for Absence

DG Owen, SE Baldwin, B Jones and G Thomas

### Officers:

Nick Dennison	Trainee Solicitor
Julie Ellams	Democratic Services Officer - Committees
Katie Brook	Senior Licensing Technical Officer
Daniel Cook	Licensing Policy Officer

### 5. DECLARATIONS OF INTEREST

None

### 6. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Licensing Committee of 23 May 2017 be approved as a true and accurate record.

### 7. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE TESTING POLICY

The Senior Licensing Officer (Technical) presented a report asking the committee to consider the risk to public safety presented by the current testing regime for hackney carriage and private hire vehicles and seeking to obtain members' approval to consult with the local taxi trade and the public to amend the vehicle testing policy.

The Senior Licensing Officer (Technical) explained that the Council was the licensing authority for hackney carriage and private hire vehicles and the authority set licence conditions that must be complied with for a licence to be granted. Conditions included the age at which a vehicle could be presented for first time licensing and, once licensed, the frequency at which it must be presented for testing. For routine testing this could be up to a maximum of 3 tests a year. It was an offence under the Road Traffic Act 1988 to use a vehicle without a Ministry of Transport (MOT) certificate on a public road. However, there was an allowance for hackney carriage or private hire vehicles to be exempt from the MOT testing regime. The rationale for this being that the Licensing Authority had direct control over the condition of its fleet and as such could impose its own testing regime and issue an MOT test exemption certificate.

She explained that the current policy was for hackney carriage and private hire vehicles to be tested at the Council's testing facility at the Fleet Services Division, Newlands Avenue, Bridgend. Vehicles were currently tested in accordance with the requirements of Bridgend County Borough Council and were issued with an Exemption Test

Certificate. This test was of no lesser standard than an MOT test and also included additional items that were specific to licensed vehicles, for example the function of a vehicle's door locks.

At present, the frequency of the test depended on the age of the vehicle. Vehicles under 5 years old (from date of first registration) were tested bi-annually, any vehicle older than this was tested tri-annually.

It was proposed that hackney carriage and private hire vehicles would be tested in accordance with the MOT regime administered by the DVSA.

The Senior Licensing Officer (Technical) explained that alongside the MOT test, hackney carriage and private hire vehicles would also be required to undertake an additional compliance test. This was an enhanced test in accordance with the Hackney Carriage and Private Hire Vehicles National Inspection Standards, produced by the Freight Transport Association, that were in use by many authorities throughout the UK. A draft copy of the proposed compliance test was detailed at Appendix B.

It was proposed that all vehicles up to 10 years old would be tested bi-annually. Vehicles 10 years or older would be tested tri-annually.

Should the policy be implemented, the current testing policy would be withdrawn and vehicles would no longer be issued with an MOT Exemption Test Certificate. Vehicle's would instead be issued with an MOT certificate and a copy of the completed compliance test results.

The Senior Licensing Officer (Technical) explained that it was envisaged that the proposed testing regime would provide the following benefits:

- A robust complaints procedure would be in place, administered by the DVSA, in the event of an unsatisfactory test;
- The DVSA would have the power to remove the testing station's ability to carry out MOT tests;
- As the results of each MOT test were published online, it provided an easily accessible digital record for the Licensing department
- Licensed vehicles were less likely to be stopped by the police for failing to have a valid MOT and having to produce their exemption certificate.

The Senior Licensing Officer (Technical) reported that a request for information was sent out to all Welsh local authority Licensing departments to ask whether they currently required an MOT test and if so, whether their authority carried out the MOT in-house at their own Council testing station. The responses provided data for 15 Welsh local authorities. 12 of the 15 authorities currently required an MOT certificate for Hackney Carriage and Private Hire Vehicles. The responses received were detailed in the report.

If approved, a public consultation would be carried out and a letter sent to all vehicle proprietors inviting their comments.

Members requested clarification regarding bi-annual and tri-annual testing. The Senior Licensing Officer (Technical) explained that vehicles over 10 years old would be tested three times a year and vehicles under 10 years would be tested twice a year. This would be a step toward harmonising policies with the Vale of Glamorgan.

A Member raised concerns that tri-annual testing could be excessive particularly if an older vehicle was only doing one or two trips a week. The Licensing Policy Officer

explained that the proposals were less than what was currently in place and the consultation responses should indicate if this was considered too onerous by the trade.

Members agreed that it was important to have robust testing after ten years and paramount for the safety of the public. Members commented that they were pleased to hear that the additional checks proposed included the smell of the vehicle following issues with taxi drivers smoking in their vehicles.

The Senior Licensing Officer (Technical) reported that from her experience, vehicles naturally left a fleet as they became older because the inspections were more stringent. Other vehicles were maintained to a very high level and used infrequently so it was important to get the balance right.

RESOLVED: Licensing Committee approved that a consultation exercise be conducted with the public and the local taxi trade on the proposals to amend the testing requirements in respect of hackney carriage and private hire vehicles

8. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE AGE POLICY GUIDELINES

The Licensing Policy Officer presented a report considering the fitness of the current age policy for hackney carriage and private hire vehicles and seeking to obtain members' approval to consult on a proposal to amend the vehicle age policy guidelines.

He explained that the current policies in relation to the age at which hackney carriage and private hire vehicles could first be licensed were approved by the Licensing Committee on 10 March 2008 and required hackney carriage and private hire vehicles to be new when presented for their first licence. However, there were provisions for older private hire vehicles to be considered by the Licensing Sub-Committee on their own merits and wheelchair accessible vehicles up to three years old may also be licensed as a hackney carriage or private hire vehicle, provided a full service history and safety certification could be provided.

It was proposed to amend the age policy guidelines to introduce two classes of vehicle; class one being either a standard saloon, multi-purpose vehicle (MPV) or wheelchair accessible vehicle not fitted with an automated wheelchair lift, and class two being a wheelchair accessible vehicle that had been fitted with an automated wheelchair lift.

Class one vehicles, when presented for their first licence, would be under 5 years old, class two vehicles, when presented for their first licence, would be under 10 years old. This was in recognition of the prohibitive cost of purchasing a class two vehicle and the nature of the work that they carried out, as it was less likely to cause as much wear on the vehicle.

The Licensing Policy Officer explained that the local trade had asked the Council to review what was seen as a burden that required them to purchase brand new vehicles to obtain their first licence. It had been commented that the proposed policy would allow proprietors to replace their vehicles more frequently, and when they did replace their vehicle, they would be able to purchase a higher quality vehicle for their budget which would improve the overall standard of vehicles licensed in the County Borough.

The Licensing Policy Officer explained that the Licensing department had received comments from disability groups that they had difficulty in accessing wheelchair accessible vehicles. The department did not currently have a clear picture of the needs

**LICENSING COMMITTEE - TUESDAY, 24 OCTOBER 2017**

of disabled passengers, it was therefore proposed that questions would be asked as part of the consultation for ways to improve provisions for travelling disabled passengers.

The proposed age policy guidelines would harmonise the policy between Bridgend and The Vale of Glamorgan, which formed part of the Shared Regulatory Service. If approved, a public consultation would be carried out and a letter sent to all vehicle proprietors inviting their comments.

A member commented that report was welcomed and would allow the Sub-Committee to grant licences to vehicles in exceptional condition that would be refused under the existing policy.

The Licensing Policy Officer explained that the consultation would be undertaken on the BCBC website and vehicle proprietors and disability groups would also be contacted.

**RESOLVED:** Licensing Committee approved that a consultation exercise be conducted with the public and the local taxi trade on the proposals to amend the age policy in of respect of hackney carriage and private hire vehicles

9. **URGENT ITEMS**

None

The meeting closed at 10.20 am

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING COMMITTEE

11 DECEMBER 2017

#### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

#### EQUALITY ACT 2010

##### 1. Purpose of Report.

1.1 The purpose of the report is to:

- To provide information to Members in relation to Section 165 and 167 of the Equality Act 2010.
- To determine whether to maintain a list of designated vehicles in accordance with the Equality Act 2010.

##### 2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The proposals are necessary to enable the Council to discharge its functions as a taxi licensing authority.

##### 3. Background.

3.1 This report is to provide information to Members in respect of Sections 165 and 167 of the Equality Act 2010 which were recently commenced.

3.2 Section 165 of the Act places a legal requirement on drivers of all licensed hackney carriage and private vehicles, which are wheelchair accessible, to carry passengers in wheelchairs, provide assistance to those passengers, and prohibits them from charging extra for the fare.

3.3 Section 167 of the Act provides Local Authorities with powers to publish a list of "designated vehicles" i.e. hackney carriage and private hire vehicles that are wheelchair accessible.

3.4 Members are being asked to determine whether the Council should publish and maintain a list of designated vehicles in accordance with the requirements of the Equality Act 2010.

##### 4. Current situation / proposal.

4.1 On the 6th April 2017, Section 165 and 167 of the Equality Act 2010 were commenced.

- 4.2 Section 165 of the Equality Act 2010 places specific 'duties' on the driver of a "designated vehicle" i.e. hackney carriage and private hire vehicles that are wheelchair accessible. These duties are:
- To carry the passenger while in the wheelchair;
  - Not to make any additional charge for doing so;
  - If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
  - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
  - To give the passenger such mobility assistance as is reasonably required: to enable the passenger to get into or out of the vehicle; if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair; to load the passenger's luggage into or out of the vehicle; if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.3 Section 167 of the Act provides the Council with the powers to make lists of wheelchair accessible vehicles (i.e. "designated vehicles"). Whilst Local Authorities are under no specific legal obligation to maintain a list under the Act, the Government recommends strongly that they do so. Without such a list, the requirements of Section 165 of the Act would not apply. The Council currently has in place conditions and byelaws which require drivers to assist passengers with reasonable amounts of luggage, to give reasonable assistance and to take a disabled person with a guide, hearing or other assistance dog unless they have a medical exemption.
- 4.4 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows the Council to grant exemptions from the duties to individual drivers.
- 4.5 Drivers who have been granted an exemption will be issued with a notice, which must be displayed in the vehicle.
- 4.6 A draft list of "designated vehicles" has been produced and it is proposed that any hackney carriage or private hire vehicle that is capable of carrying a wheelchair (with the user in situ), be included on the list. There are currently 34 hackney carriages and 16 private hire vehicles that have this ability (numbers correct at time of writing report).
- 4.7 The designated vehicles list will need to be maintained and it is proposed that an updated list be published on the Council's website on a monthly basis.
- 4.8 Should Members agree that the Council publish and maintain a list of designated vehicles, then information in respect of the driver responsibilities, medical exemptions and appeals will be circulated to all licensed drivers and where appropriate drivers can then apply for an exemption.
- 4.9 It is proposed that the first list of designated vehicles be published on the 1<sup>st</sup> March 2018. This will allow sufficient time for drivers who need to apply for an exemption to arrange for a medical assessment to be undertaken with their own G.P and for any applications to be determined by the General Licensing Committee.



4.10 The published list will detail the vehicle licence number, registration, make and model, and whether the vehicle is a hackney carriage or for private hire use only.

4.11 Once the list is published, it will be an offence for the driver (unless exempt) of a hackney carriage or private hire vehicle which is on the designated list to fail to comply with the duties listed above.

## **5. Effect upon Policy Framework & Procedure Rules.**

5.1 There is a right of appeal against a decision to include a vehicle on the designated list to the Magistrates' Court.

5.2 There is a right of appeal against a decision to refuse to grant an exemption certificate to the Magistrates' Court.

## **6. Equality Impact Assessment**

6.1 A Screening Assessment has been undertaken to assist the Council in implementing an administrative process for taxi/private hire operators/drivers in line with the Equality Act 2010 and it is not anticipated that this will have any effect on their service users

## **7. Financial Implications.**

7.1 There is no direct financial impact on the Council. All costs are contained within existing budgets.

## **8. Recommendation.**

8.1 It is recommended that members:

- Approve the proposal to publish and maintain a list of designated vehicles in accordance with the Equality Act 2010.

**P A Jolley**

**Corporate Director Operational and Partnership Services**

**Date – report send out**

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Licensing Policy Officer

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CF31 4WB

**Background documents**

None