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

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Gofynnwch am / Ask for: Michael Pitman

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Wednesday, 7 August 2019

Dear Councillor,

**LICENSING COMMITTEE**

A meeting of the Licensing Committee will be held in the Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 13 August 2019 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 18/02/2019 and 21/05/2019
4. Hackney Carriage/Private Hire Drivers' Knowledge Test 11 - 16
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**

Head of Legal and Regulatory Services

Councillors:

PA Davies  
DRW Lewis  
JE Lewis  
DG Owen  
RM James

Councillors

RJ Collins  
B Jones  
G Thomas  
AA Pucella  
JE Williams

Councillors

MJ Kearn  
A Hussain  
TH Beedle  
JR McCarthy

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## LICENSING COMMITTEE - MONDAY, 18 FEBRUARY 2019

### MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON MONDAY, 18 FEBRUARY 2019 AT 09:30

#### Present

Councillor DRW Lewis – Chairperson

SE Baldwin  
A Hussain

AA Pucella  
TH Beedle

JE Williams

MJ Kearns

#### Apologies for Absence

Councillor D Owen  
Councillor J Lewis  
Councillor G Thomas

#### Officers:

Andrea Lee	Senior Lawyer
Yvonne Witchell	Team Manager Licensing
Michael Pitman	Business Administrative Apprentice

#### 24. DECLARATIONS OF INTEREST

None

#### 25. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Committee meeting of the 22/05/2018 as a true and accurate record.

#### 26. WELSH GOVERNMENT CONSULTATION ON IMPROVING PUBLIC TRANSPORT

The Licensing Policy Officer presented a report which outlined details of the Welsh Government Proposals for the licensing of taxis and asked the Committee to authorise the Head of Shared Regulatory Services to respond to the consultation regarding taxi licensing.

He advised Members that he would take them through a presentation which broke down the details of the current proposals that are listed in section 3 and 4 of the report.

He took members through the section 3 of the report which gave some background on the current situation. He explained that as a result of consultations undertaken by the Law Commission from 2011-2014, and a Welsh Government consultation in 2017, the Welsh Government are considering proposals to reform the taxi and private hire licensing regime in Wales.

He then explained what key issues the Welsh Government have attributed with the current licensing policy. He explained that inconsistent standards across each local authority meant that there were different standards for quality among vehicles as well as the cost that is charged depending on which local authority the taxi was from.

He also explained the issue of enforcement, which he noted to Members that there was currently no statutory mechanism for enforcement in place for vehicles licensed in a different authority.

He also described the issues of safeguarding, which he noted to Members that currently there is no information sharing among authorities with regards to the licensing of taxi drivers. This poses a threat to members of the public as a taxi drivers' licence could be revoked in one authority, however that doesn't stop that driver obtaining a licence from another authority.

A Member commented on the issues explaining that they are valid issues to be concerned with and agreed that they needed to be acted on in some way.

The Licensing Policy Officer went on to explain the current proposals and informed Members that while they are in the early stages, they are being put forward for Members to give their views.

Option 1 –

- To implement national standards including driver standards and vehicle standards, as well as a national database of information.
- To redirect existing licensing functions regarding Hackney Carriage and Private Hire vehicles from the 22 local authorities to 1 joint licensing authority.
- 

Option 2 –

- To implement national standards including driver standards and vehicle standards.
- To have a more rigorous enforcement system where a drivers licence can be revoked by any licensing authority if there is a need to, regardless of where the driver had been licensed originally.
- To have a centralised database drivers details of their licence being revoked can be accessed across all 22 local authorities in Wales.
- To retain Licensing functions within local authorities.

Members expressed their concerns with Option 1 stating that it was a drastic change from the current system.

A Member stated that while he believed Option 1 to be easier and possibly more efficient in the long term, the short and medium term may be a huge adjustment and cause disturbance for the Licensing services as well as taxi drivers. It may also be costly for the authority if there were to be uniform changes that BCBC would need to conform to.

Another Member expressed his disagreement with Option 1, stating that Option 2 was preferred. He explained that this allowed Members to make decisions on their own local authority in which they live in and know very well, something that he does not believe a joint licensing authority would be able to do at the same high level.

Another Member agreed with Option 2 for the reason of retaining licensing functions within local authorities but also emphasised the importance of a centralised licensing database.

A Member asked the Licensing Policy Officer who would have access to the database and under what circumstances would the information be made available to Members?

The Licensing Policy Officer explained that while the proposals are in the early stages of development, he was unable to say for certain how the process would occur. However, he explained that it would likely follow the same or similar process as a Disclosure and Baring Service (DBS) certificate. While this would not exclude the DBS check as a

statutory piece of information that is necessary for a grant or refusal of licence, it would provide additional information to the Licensing Officers that would not otherwise show as a criminal conviction.

Another Member asked the Licensing Policy Officer is there was a savings element involved for the local authority with Option 1? The Licensing Policy Officer explained that there are not enough details on the entire process to make a reasonable assumption whether local authorities would save money.

Another Member expressed their concerns with Option 1 stating that it would take a lot of work away from the local authority in regards to Councillors as well as Officers.

The Team Manager Licensing advised the Member that all licensing matters relating to taxi and private hire vehicles would be transferred, but other licensing matters would remain with the local authority, for example, premises and liquor licenses.

A Member said he was disappointed with the lack of detail surrounding option 1 and the logistics of proposals. He asked the Licensing Policy Officer how far would an applicant or existing driver need to travel for their vehicle to be inspected or to sit in front of a Committee?

The Licensing Policy Officer explained that unfortunately there have been no further details surrounding this but would be happy to take the concern forward.

The Licensing Policy Officer was asked which idea he thought of the proposals. He explained that there are positives and negatives for both proposals but would argue that Option A at this time does not have much details. However both options are broad in nature thus far and he is looking forward to further consultations to acquire more knowledge of the details.

The Legal Officer asked Members if there is anything they would like to see in the proposals that is not currently mentioned.

A Member said it would be beneficial for the customers who pay for a taxi or private hire if they always knew what the price would be before they began their journey. He said that there is too much variation in pricing for the same journey which could be influenced by a variety of factors like pickup location and time taken for the journey. The Member believed that this should not be the case as if you commuted via train or bus, the fair would be fixed regardless of the pickup location or time taken for the journey.

The Licensing Policy Officer asked Members if there were any further questions to which they replied no.

**RESOLVED:**

1. That members noted the contents of the report
2. That Members authorised the Head of Shared Regulatory Services to respond to the consultation as regards taxi licensing on behalf of the authority.

**27. URGENT ITEMS**

None

The meeting closed at 10:30

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LICENSING COMMITTEE - TUESDAY, 21 MAY 2019

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 21 MAY 2019 AT 09:30

Present

Councillor DRW Lewis – Chairperson

PA Davies  
AA Pucella  
TH Beedle

RM James  
JE Williams

B Jones  
MJ Kearns

G Thomas  
A Hussain

Apologies for Absence

JE Lewis and JR McCarthy

Officers:

Andrea Lee	Senior Lawyer
Yvonne Witchell	Team Manager Licensing
Daniel Cook	Licensing Policy Officer
Michael Pitman	Business & Administrative Apprentice

29. DECLARATIONS OF INTEREST

None

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

The Team Manager Licensing presented a report which proposed the membership of the Licensing Committee Sub Committees following the Annual Meeting of Council 2019.

She explained that the proposals were required to effectively discharge the functions of the authority in respect of general licensing applications, the majority of which related to taxi licensing. The range of functions could be found within the Councils Constitution in part 3.

She explained that at the Annual Meeting of Council on the 15<sup>th</sup> May, a report was received establishing the membership of the licensing Act 2003 Committee and the Licensing Committee.

The Team Manager Licensing therefore proposed that the Committee continued with the existing arrangements and approve the formation of the two panels sitting on a rota basis.

The Team Manager Licensing advised Members of a recent query by a Member on the political balance of the Sub Committees but explained that there was no requirement for such on Sub Committees as the main Committee already adhered to the required political balance.

RESOLVED: That the Committee:

- (1) Approved the formation of the Sub Committees as below;

Licensing Sub (A)

- Cllr D Lewis (Chairperson)
- Cllr T Beedle
- Cllr R Collins
- Cllr M Kearn
- Cllr D Owen
- Cllr A Pucella
- Cllr J Williams

Licensing Sub (B)

- Cllr PA Davies (Vice Chairperson)
- Cllr RM James
- Cllr B Jones
- Cllr JE Lewis
- Cllr J McCarthy
- Cllr G Thomas
- Cllr A Hussain

(2) Continued with the existing arrangements of two panels sitting on a rota basis.

In the event that the Chair or Vice Chair were not able to attend their respective Sub Committee meeting, a Chairperson would be elected by those in attendance.

31. **REVISED GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES**

The Licensing Policy Officer presented a report which provided details of the revised guidance issued by the institute of licensing on determining the suitability of applicants and licensees in the hackney and private hire trades and sought approval to implement the guidance.

He stated that in April 2018, the Institute of Licensing (IOL) published a document titled 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' ("The Guidance") which was attached at Appendix A of the report.

He explained that the content of the guidance was subject to widespread national consultation with stakeholders including Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

The Licensing Policy Officer explained that this policy will be adopted along the Shared Regulatory Services and that Bridgend would be the first Local Authority to do so.

The Licensing Policy Officer referred Members to the recommendation at 9.1 of the report and welcomed any questions.

A Member asked if there were any changes which related to how convictions were obtained by the Licensing Officers.

The Legal Officer explained that there would be no change and that the Disclosure and Barring Service (DBS) and Licence check through the DVLA would be the standard methods used.

**RESOLVED:** That the Licensing Committee withdrew the current policy which related to the relevance of convictions and licensing of ex-offenders, and to adopt the new guidance ON determining the suitability of applicants and



**LICENSING COMMITTEE - TUESDAY, 21 MAY 2019**

licensees in the hackney and private hire trades attached at Appendix B for licence applications received after this meeting (not after 3 June 2019 as detailed in the report)

32. **URGENT ITEMS**

None

The meeting closed at 09:50

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING COMMITTEE

13 AUGUST 2019

#### REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

#### HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' KNOWLEDGE TEST

##### **1. Purpose of Report.**

- 1.1 To provide details of the current application procedure for the grant of a Hackney Carriage/Private Hire Driver's Licence, and to seek Members' approval to introduce a staged implementation of a Knowledge Test for all new applicants.

##### **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 Under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 licensing authorities are required to ensure that persons issued licences to drive hackney carriages and private hire vehicles are "fit and proper" with suitable skills and abilities to provide a hire and reward passenger service to the community as a whole in Bridgend County Borough Council (BCBC).
- 3.2 The role and responsibilities of a hackney carriage/private hire driver demands high standards in driving and customer service. Such competencies can impact on both public safety, comfort and passenger experience; particularly for the vulnerable, those with disabilities and other medical conditions. Therefore, professional drivers require relevant knowledge, skills and experience to safely and effectively discharge their role and responsibilities.
- 3.3 A number of authorities in Wales require new applicants to pass a knowledge test, including: Swansea, Neath and Port Talbot, Cardiff, Vale of Glamorgan, Monmouthshire, Rhondda Cynon Taff, Powys, Merthyr Tydfil, Caerphilly, Blaenau Gwent.
- 3.4 Driver competency should encompass the following criteria:
  - (a) Taxi fares are usually related to the time and distance travelled and it is therefore appropriate to ensure that licensed drivers know the shortest and/or most expedient route(s) to avoid unnecessarily high fares being charged to the customer;
  - (b) Licensed drivers do not generally have the opportunity to check the details of a route before it commences; and road works, diversions, traffic jams,

traffic accidents etc. mean that it is not always appropriate to rely on satellite navigation equipment or similar;

- (c) It is essential for public safety that all licensed drivers can communicate in English at an appropriate level. Drivers must be able to communicate with passengers to discuss a route, or fare, as well as reading and understanding important regulatory, safety and travel information;
- (d) As driver duties may also involve the handling and exchange of money and the giving of change, it is essential that they possess a reasonable ability in numeracy;
- (e) Awareness of duties under the Equality Act 2010 should be tested, so that the needs of disabled passengers can be met at all times;
- (f) Following the findings of the Jay and Casey reports, which related to Child Sexual Exploitation in Rotherham, Councils are being encouraged to provide some training to taxi drivers on children and vulnerable adult safeguarding, to include child sexual exploitation.

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

- 4.1 Currently, applicants for a licence to drive a Hackney Carriage (HC) or Private Hire (PH) Vehicle within BCBC are required to undertake a short numeracy and literacy test followed by a half day Driver Awareness Course (DAC) which outlines the responsibilities of a taxi driver. The course includes equalities duties.
- 4.2 There is currently no verification of whether an applicant has understood the DAC and the proposed Knowledge Test will enable a more robust assessment to be completed. It is therefore proposed that the existing numeracy/literacy test and the Council's Driver Awareness Course (DAC) are replaced by the introduction of a Knowledge Test. The test will apply to new applicants only and not to renewal and therefore no approval to consult the trade is proposed.
- 4.3 It is proposed that the taxi driver's Knowledge Test covers a variety of relevant topics:
  - Numeracy/literacy questions
  - Hackney Carriage & Private Hire Legislation
  - Location of Buildings and Places of Interest / Location of Streets in the County Borough
  - Disability and Equality Awareness
  - Safeguarding
  - Routes within the County Borough and to major places of interest outside the County Borough e.g. airports, cultural and sporting venues.

The licensing authority will set the number of questions for each topic, pass rates and time limits. The training material will be provided as part of the application process.

- 4.4 To allow applicants to reflect upon the test questions and / or prepare more thoroughly, the licensing authority will allow, where eligible, applicants that fail any part of the Knowledge Test to re-sit a different test after a suitable period.
- 4.5 The licensing authority will allow applicants to take up to a maximum of three separate tests in a six month period. Unless there are exceptional circumstances, the licensing authority will refuse to grant a hackney carriage and/or private hire driver's licence to any individual who does not pass the test within these limits.
- 4.6 If an applicant has previously held a drivers' licence it is proposed the following criteria should be met:
- a) If it is six months or less since their previous drivers' licence expired – new applicants will not be required to take the Knowledge Test.
  - b) If it is more than six months since their previous drivers' licence expired – new applicants will be required to take the Knowledge Test.
- 4.7 By way of ensuring that these tests do not comprise an unnecessarily high obstacle or barrier of entry into the trade, the licensing authority will seek to keep the tests under review and ensure that the stringency of each test reflects the complexity or otherwise of local geography and highway infrastructure.
- 4.8 Most authorities that have a Knowledge Test charge an additional fee to drivers to cover the administrative costs of the test. It is proposed that the cost of the first and subsequent two attempts is £25 and that the fee structure is amended accordingly. (The current DAC course fee is £35)
- 4.9 It is also proposed that failure to attend an appointment for a test without giving at least 48 hours' notice will require the applicant to pay a £10.00 booking fee if they wish to arrange a further test.
- 4.10 It is proposed that the Knowledge Test is introduced with effect from 1 November 2019.

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

- 5.1 None.

## **6. Equality Impact Assessment**

- 6.1 An Equality Impact Screening has been undertaken to establish if this proposal will impact on one or more of the protected characteristics. The screening has identified that the introduction of a written test may impact on applicants with literacy or numeracy issues. However measures have been put in place to mitigate the risk through multiple test opportunities and appropriate signposting to courses and support for candidates. Application failure rates will be monitored to inform a full EIA once the test has been implemented.

## **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 A fee has been set to recover the cost of administering the test and retests.

## **9. Recommendation.**

The Committee is recommended to:

9.1 Approve the proposal to introduce a Knowledge Test as part of new hackney carriage/private hire driver's licence application process;

9.2 Approve the introduction of a £25 fee as cost for the first and subsequent two test attempts;

9.3 Approve the introduction of a £10 fee as cost for the failure to attend a booked test without giving 48 hours' notice;

9.4 Approve that the final details and content of the Knowledge Test is delegated to the Head of Legal and Regulatory Services and resolve that the Knowledge Test is introduced from 1<sup>st</sup> November 2019.

**Kelly Watson**  
**HEAD OF LEGAL AND REGULATORY SERVICES**

**7 August 2019**

**Contact Officer:** Ilaria Agostini-Green  
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### **Background documents:**

Independent Inquiry into Child Sexual Exploitation in Rotherham:  
[https://www.rotherham.gov.uk/downloads/file/1407/independent\\_inquiry\\_cse\\_in\\_rotherham](https://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham)

Report of Inspection of Rotherham Metropolitan Borough Council:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/401125/46966\\_Report\\_of\\_Inspection\\_of\\_Rotherham\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/401125/46966_Report_of_Inspection_of_Rotherham_WEB.pdf)

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