

LICENSING COMMITTEE - TUESDAY, 17 NOVEMBER 2020

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN REMOTELY VIA SKYPE FOR BUSINESS ON TUESDAY, 17 NOVEMBER 2020 AT 09:30

Present

Councillor DRW Lewis – Chairperson

PA Davies	JE Lewis	RM James	RJ Collins
B Jones	G Thomas	AA Pucella	JE Williams
MJ Kearn	A Hussain	TH Beedle	JR McCarthy
A Williams			

Officers:

Mark Galvin	Senior Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer
Yvonne Witchell	Team Manager Licensing
Will Lane	Operational Manager Shared Regulatory Services
Michael Pitman	Democratic Services Officer – Committees

51. DECLARATIONS OF INTEREST

None

52. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Committee and Licensing Act 2003 Committee of the 06/10/2020, be approved as a true and accurate record

53. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE POLICY

The Team Manager Licensing presented a report which:

- Reported back to the Committee on the results of the consultation carried out in respect of the maximum age at which hackney carriage and private hire vehicles may be licensed for the first time, and once licensed, the frequency at which they are tested;
- Considered an amendment to the Age Policy Guidelines (APG) in respect of the maximum age at which hackney carriage and private hire vehicles may be licensed for the first time;
- Considered a proposal to amend the testing frequency of hackney carriage and private hire vehicles
- Considered a proposal to amend the vehicle testing and compliance procedure for hackney carriage and private hire vehicles.
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The Team Manager Licensing explained that the impetus for reviewing the policy came from the local trade who indicated that the current policy requiring vehicles presented for their first licence to be new or nearly new, placed a significant economic burden on the trade, whilst providing a marginal benefit in terms of public safety.

LICENSING COMMITTEE - TUESDAY, 17 NOVEMBER 2020

She explained that the current policy regarding vehicle age was introduced and approved by the Licensing Committee on 10th March 2008.

She outlined that the current policy stated that applicants 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 so the majority of vehicles were new when they were first licensed. Details of the current age policy were detailed in Appendix A of the report.

The Team Manager Licensing explained that any changes to the age policy had an impact on the vehicle testing regime. With the majority of vehicles new at first application, the current policy requires 2 tests per year for vehicles up to 5 years old, and 3 tests per year for vehicles over 5 years old.

Hackney carriage and private hire vehicles were tested at the Ty Richard Thomas Joint Vehicle Maintenance Facility, jointly utilised by South Wales Police and the Council as the approved testing station for licensed vehicles in Bridgend.

The Team Manager Licensing explained that in response to trade views, a consultation was carried out by way of a questionnaire, seeking the views from the trade and public on proposed changes to the age and testing policies for hackney carriage and private hire vehicles. A copy of the questionnaire was included in Appendix B and the responses were detailed in Appendix C. She summarised the 19 responses to the Committee that were detailed in section 4.7 of the report.

The Team Manager Licensing outlined the variations between the vehicles ages licenced within Bridgend compared with those licenced in other local authorities in South Wales as outlined in section 4.9 of the report.

She added that the consensus that the reasons for an age policy, such as improved comfort and improved safety standards, should apply to all saloon vehicles, and minibuses (Class 1) but that those vehicles fitted with a permanent automated tail lift would be accepted for first licensing aged up to 10 years (Class 2).

The Team Manager Licensing explained that it was proposed that hackney carriage and private hire vehicles aged up to 10 years old would be tested twice a year. Vehicles that are 10 years or older would be tested three times a year. In order to implement this proposal, the following would be inserted into the hackney carriage and private hire vehicle conditions of licence:

“Testing of vehicles

- a) *Vehicles aged up to 10 years old from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested twice a year.*
- b) *Vehicles that are 10 years or older, from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested three times a year.”*

The Team Manager Licensing explained that in order to facilitate the proposed changes, the vehicle conditions will be renumbered. A copy of the updated hackney carriage conditions and private hire vehicles are contained in Appendix D in Appendix E respectively.

She added that Officers had met with officers of the Ty Richard Thomas Joint Vehicle Maintenance Facility to agree a way forward to provide MOT certificates, together with a protocol for testing additional features unique to licensed vehicles. This latter test will be

LICENSING COMMITTEE - TUESDAY, 17 NOVEMBER 2020

referred to as the Declaration of Fitness Form attached at Appendix F. It was also recommended that the authority adopt the Freight Transport Association – National Inspection Standards for Hackney Carriage and Private Hire Vehicles which were attached at Appendix G. This best practice guide provides additional testing requirements to those in the MOT Inspection Manual. It was proposed that the new regime of issuing an MOT Certificate and Declaration of fitness form comes into effect on 1 February 2021.

The Team Manager Licensing provided Committee with the financial implications relating to the changes which had been approved by delegated powers under reference CMM-TE-20-010. She stated that the test fee would increase from £46 to £48.50.

A Member asked if there was capacity in terms of staffing, ie in the form of fitters, to accommodate the increase- in testing servicing that would be required due to the change proposed. The Team Manager Licensing confirmed that there was such capacity.

A Member raised concerns relating to the potential age of some vehicles and whether they would be a fire risk and roadworthy in terms of other areas, both in terms of the interior and the exterior condition of such vehicles.

The Team Manager Licensing explained that the Department for Transport did not recommend setting an upper limit on age, due to the fact that vehicle standards were much higher nowadays and therefore, at less risk of having any major mechanical issues going wrong with them due to age, as may have been the case in years gone by. This meant that many vehicles older than 10 years, including the majority of these, were still safe to be on the road for some time after a 10 years of age period. She added that such revision in the policy, would allow taxi and private hire operators to replace their vehicle more often, as opposed to being required to buy a new vehicle.

A member asked whether fire extinguishers or first aid kits were present in hackney or private hire vehicles and whether it was a legal requirement for drivers to fit them in their vehicles.

The Team Manager Licensing explained that this was in fact a legal requirement and the above were subject to spot checks by the licensing enforcement officers.

A number of Members raised their some common concerns relating to age of vehicles and the potential wear and tear on the seating, the bodywork, and the mechanics. .

The Legal Officer stated that the policy was there to guide Members into making a decision, but every decision on the condition of a vehicle being suitable for hackney carriage or private hire, had to be made on its own merits, with members giving discretion where they felt appropriate to do so in terms of granting or refusing a vehicle. She added that this applied to a Sub-Committee when using its discretion when inspecting vehicles for licence .

The Operational Manager Shared Regulatory Services added that it was common amongst local authorities to not have an upper age limit on vehicles. He added that allowing older vehicles to be licenced proved beneficial for the industry as drivers, rather than purchasing a new vehicle, tended to renew their current vehicles more often, which meant there was less of an economic burden upon them. The Team Manager Licensing added that it was the recommendation of the Department for Transport's 'best practice' guidelines that stated that it was not recommended for vehicles to have an upper age limit, including in terms of local authorities considering applications for the grant of licences for hackney carriage or private hire vehicles.

A Member raised the issue of insurance for the vehicles stating that he believed that all taxi and private hire vehicles should have fully comprehensive insurance.

The Operational Manager Shared Regulatory Services explained that it was not a legal requirement to have fully comprehensive insurance. Third Party protection was the minimum legal requirement for all drivers, in this regard.

A Member asked that the guidance included the condition of seats in addition to seat belts.

A Member reiterated the point about inspecting seats and other parts of the vehicles subject to wear and tear and stated that members could refuse an application if they deemed the quality to be unsatisfactory. She added that vehicles had been refused in the past for these reasons, therefore a change in the policy would not affect this.

A Member asked that when social distancing restrictions due to Covid were relaxed, could the Committee visit the Fleet Workshop where vehicles were inspected and serviced.

The Team Manager Licensing replied that this would be arranged when it was safe to do so.

RESOLVED: That the Committee:

- Approved the proposal to amend the age policy guidelines so that from 1 February 2021, vehicles submitted for licensing for the first time must be less than 5 years old from the date of first registration; or first use/date of manufacture if the vehicle is imported, with the exception of minibus type vehicles fitted with permanent automated tail lifts which may be aged up to 10 years on first licensing.
- Approved the proposal to amend the testing frequency so that from 1 February 2021, vehicles aged up to 10 years old will be tested twice a year and vehicles that are 10 years or older will be tested three times a year.
- Approved the revised conditions which take effect from 1 February 2021 for hackney carriage and private hire vehicles, as set out in Appendices D and E.
- Approved the Declaration of Fitness Form set out in Appendix F, for use from 1 February 2021.
- Adopted the Freight Transport Association – National Inspection Standards for Hackney Carriage and Private Hire Vehicle as set out in Appendix G, from 1 February 2021.
- Authorised the Chief Officer – Legal, HR and Regulatory Services to prepare (and subsequently amend if necessary) the detailed administrative processes in conjunction with the Fleet Workshop Manager at Ty Richard Thomas.
- Approved the proposal that applications which fall under the policy guideline set out at (i) above are dealt with by the Chief Officer Legal, HR and Regulatory Services under the Scheme of Delegation to officers. In addition, to approve the proposal that in a case where an applicant fails to submit an application for the renewal of a licence prior to the expiry date, and the application falls outside the

LICENSING COMMITTEE - TUESDAY, 17 NOVEMBER 2020

policy guidelines, the requirement for the application to be dealt with by a Sub-Committee is waived, provided that the application is received within five working days of the expiry date. All other cases falling outside the policy guidelines will be dealt with by a Sub-Committee.

54. URGENT ITEMS

None