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Bridgend County Borough Council



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*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
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*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 19 May 2022

Dear Councillor,

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held remotely - via Microsoft Teams on **Wednesday, 25 May 2022 at 10:00.**

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 - 8
To receive for approval the minutes of the 13/07/21
4. Appointment of Licensing Sub-Committee(S) and Delegations to Officers 9 - 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.

Note: Please note: In view of health and safety reasons this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for transmission via the Council's internet site. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

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Councillors:

M Lewis
R Williams
J E E Llewellyn-Hopkins
J E Pratt
I Williams

Councillors

R J Smith
RM James
RJ Collins
MJ Kearns
H T Bennett

Councillors

A R Berrow
S J Bletsoe
H Griffiths
P W Jenkins

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	KJ Watts

Apologies for Absence

Officers:

Kirsty Evans	Senior Licensing Officer
Julie Ellams	Democratic Services Officer - Committees
Yvonne Witchell	Team Manager Licensing
Katie Wintle	Lawyer

63. DECLARATIONS OF INTEREST

None

64. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Committee of the 25/05/2021 be approved as a true and accurate record.

65. GREEN FLEET PILOT SCHEME: A REQUEST FOR VEHICLES INVOLVED IN THE SCHEME TO BE EXEMPT FROM SPECIFIC HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

The Licensing Policy Officer presented a report seeking approval for full electric, wheelchair accessible hackney carriage vehicles involved in the Welsh Government's Green Fleet Pilot Scheme to be exempt from the specific hackney carriage vehicle licence conditions.

The Licensing Policy Officer explained that Welsh Government was introducing a Green Fleet Pilot Scheme in three areas across Wales. The scheme would operate a 'try before you buy' initiative, allowing taxi drivers to try a fully electric, wheelchair accessible vehicle for 30 days free of charge. The trial would include free electric charging, insurance, vehicle licensing and breakdown cover funded by Welsh Government. The hackney carriage in question was a wheelchair accessible Nissan Dynamo. She added that on completion of the trial, drivers would be asked to complete an evaluation survey and would be provided with information on schemes/assistance available for long term ownership/lease of zero-emission vehicles.

The Licensing Policy Officer reported that the pilot was intended to assist Welsh Government in achieving its target of de-carbonising the taxi fleet entirely by 2028 as it was hoped it would help taxi drivers to realise the financial and environmental benefits of zero-emission vehicles and in turn contribute to the transition from diesel/petrol vehicles to zero-emission vehicles. The scheme would run for 2-3 years. A full livery had been requested for the hackney carriages involved in this pilot scheme to ensure the initiative

was advertised across the area and to encourage others to be a part of the scheme. A copy of the requested advertisement was detailed in Appendix A to the report. In order to facilitate the licensing of vehicles under the Green Fleet Pilot Scheme, it would be necessary to amend the current Bridgend County Borough Council licence conditions for hackney carriages. It was proposed that the relaxation would only apply to those vehicles which formed part of the Pilot Scheme.

The Licensing Policy Officer explained in detail the current conditions in relation to livery, placement of the Licensing Authority's identification door stickers and roof signs and the proposed amendments to the conditions in order to enable licensing of the Green Fleet Pilot vehicles. A 7 day consultation was carried out with the taxi trade via the private hire operators, setting out the proposed changes and asking for any comments. One response was received to the consultation which stated: "Sounds good :) we would like to try one out please, get a few calls for wheel chair accessible buses"

A member asked if the taxi drivers taking part in the scheme were covered under their current licence and insurance or if any amendments had to be made. The Licensing Policy Officer replied that no changes were required to the license and insurance was included in the scheme.

A member asked why vehicles under the scheme were exempt from being white. The Licensing Policy Officer replied that there had been a request for a specific livery so that all the vehicles could be easily recognised in the three regions and to make drivers aware that the scheme was going ahead. The member asked why they could not be the same as the rest of the fleet. The Licensing Policy Officer replied that this would only be for the pilot scheme and to encourage other drivers to take up the initiative. This would not be a permanent change but just for the duration of the pilot scheme. She added that the amendments to the conditions would finish when the scheme came to an end. Any permanent changes would need to be submitted to Committee.

A member raised concerns about the lack of positive responses to the consultation as he thought this was an ideal opportunity to take up the option. He asked what the options were at the end of the 30 day trial and also what type of vehicle it was and if it was a rear loading vehicle with lift access. The Licensing Policy Officer replied that the consultation was on the amendment to the conditions and not on the trial itself. When the scheme goes ahead there would be a lot of publicity and the operators and drivers would be given the opportunity to participate. A driver would be able to use the vehicle for 30 days and after that time it would go to the next person on the list. This was a scheme to allow drivers to see the benefits of fully electric vehicles. The Licensing Policy Officer was unable to confirm if the vehicle could accommodate electric wheelchairs and she agreed to find the information and forward to the committee members by email following the meeting. The Team Manager Licensing added that this was the model chosen for all the Councils participating in the scheme and that accessibility was part of the Welsh Government Agenda in terms of introducing a wheel chair accessible vehicle as part of the pilot.

A member referred to similar trials undertaken by the ambulance service and that when it came to wheelchair accessibility they had considerable experience. She added that an everyday electric car was very expensive and there were limitations with the price and restrictions when it came to the battery.

The Team Manger Licensing explained that this was a trial for drivers to use electric cars and not to replace their long term vehicle. The drivers would feed back to a management company and that would inform future policy and suitability of vehicles.

RESOLVED

That Committee:

- a) Determined that those vehicles involved in the Green Fleet Pilot Scheme be exempt from certain hackney carriage vehicle licence conditions.
- b) Gave delegated authority to Chief Officer of Legal, HR and Regulatory Services to determine matters of details in respect of livery, advertising and door stickers should they arise during the period of the Green Fleet Pilot Scheme.

The following hackney carriage vehicle licence conditions to be amended as follows:

Condition 1 All vehicles shall be white in colour except for those vehicles included in the Welsh Government's Green Fleet Pilot Scheme.

Condition 2 All Adhesive signs shall be affixed on the upper part of the driver and front passenger side doors indicating that the vehicle is licensed by the Council with the number of the vehicle in letters no smaller than 3" in height except for those vehicles involved in the Green Fleet Pilot Scheme.

Condition 32 The hackney carriage must be fitted with an illuminated roof sign, so constructed to bear the word "TAXI" in plain letters at least two inches in height, with a further fluorescent sign of similar dimensions bearing the words "FOR HIRE" such sign being affixed to the front windscreen of the vehicle and wired to the taximeter so as to enable it to be extinguished during the carrying of a fare, for which the meter is in operation. The design of these signs is to be approved by the Council. This condition will not relate to the 'London type Taxi' where the flag indicating "FOR HIRE", attached to the meter is plainly visible. This condition does not apply to those vehicles involved in the Green Fleet Pilot Scheme.

66. STATEMENT OF LICENSING POLICY RELATING TO HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE VEHICLES, DRIVERS AND OPERATORS

The Licensing Policy Officer presented a report asking the Committee to consider creating a Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators incorporating the statutory standards and recommendations recently published by the Department for Transport (DfT) and Welsh Government.

The Licensing Policy Officer explained that in July 2020 the Department for Transport (DfT) published Statutory Taxi and Private Hire Vehicle Standards with the focus on the protection of children and vulnerable adults. The DfT stated that following a detailed consultation it was clear there was a consensus that common core minimum standards were required to better regulate the taxi and private hire vehicle sector (appendix A of the report).

The Licensing Policy Officer explained that in March 2020, the Welsh Government published the Taxi and Private Hire Vehicle: Licensing Guidance for Wales. This document followed the Welsh Government's white paper 'Improving Public Transport' published in 2018. The aim of the recommendations contained in the document was to provide 'quick fixes' to improve the consistency of licensing standards and increase public safety across Wales. The recommendations formed the basis for further development by Welsh Government into national standards. The recommendations were contained in Appendix B. There were 5 reasons outlined by Welsh Government to adopt the recommendations, public safety being the first. The public should be able to expect a licensed driver to be competent, honest, safe and trustworthy. There had been

numerous reports in recent years involving child exploitation which had made it clear that weak and ineffective arrangements for taxi licensing in England and Wales left the public at risk; these new recommendations hoped to rectify this by improving public safety across Wales. This also included the safety of vehicles, along with improving the standards set for private hire operators. Other reasons for adopting the recommendations included better consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles in Wales and better standards of customer service.

The Licensing Policy Officer explained that the DfT statutory standards and the Welsh Government's Taxi and Private Hire Vehicle Licensing guide would bring about many changes to existing policies and conditions. The main changes were that drivers would be required to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months instead of every three years at present. There would be overseas criminal record check for drivers and all new applicants would be required to undergo safeguarding training. They would adopt the Welsh Government's Driver Code of Conduct and update the Private Hire Driver Conditions in line with the Welsh Government's Recommendations.

The Licensing Policy Officer explained that with regard to the vehicle, vehicle proprietors would be required to have an annual DBS check. There would be an Overseas criminal record check and they would adopt the Welsh Government's policy on CCTV and Video Point of Impact Systems (VIPS)/Dashcams in taxis and private hire vehicles and they would impose the Welsh Government's recommendations for accessibility conditions on vehicle proprietors of taxis and private hire vehicles. Finally they would commit to reviewing Statement of Licensing Policy every 5 years in accordance with the DfT's Statutory Standards. It was proposed that a Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators should be created. This new document would not only incorporate all the recently published statutory standards and recommendations by the DfT and Welsh Government, but it would also encompass all the other supplementary policies and conditions that related to taxi and private hire licensing. This would hopefully simplify matters for applicants and licensees as all the necessary documentation would be available in once place. It was envisaged that the Statement of Licensing Policy would detail all the taxi and private hire related policies as appendices making any required future changes easy to accommodate. This would mean that the Committee would be able to review an appendix rather than the whole document every time a change was required.

A member referred to the requirement for a DBS check every 6 months instead of every 3 years and he added that that could be onerous for the applicant. The Licensing Policy Officer replied that this was one of the recommendations from Welsh Government and that it currently cost around £40 to get a check. If the applicant used the DBS Update Service then they would pay £14 per year. This cost was minimal in relation to public safety and in their best interests and easier for the authority to administer.

A member welcomed the report and the proposed changes and added that they could not be tight enough when it came to safeguarding children. This was a bold step forward and he fully supported it.

A member raised concerns about the statement "fit and proper person" which he believed should be changed to something more appropriate.

RESOLVED

That Committee:

LICENSING COMMITTEE - TUESDAY, 13 JULY 2021

- a) Considered the statutory standards published by the Department for Transport (DfT) as well as the recommendations published by Welsh Government in relation to Taxi and Private Hire Vehicle Licensing.
- b) Approved the need to create an all-encompassing Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicle, Drivers and Operators incorporating the aforementioned standards and recommendations.

67. **URGENT ITEMS**

None

The meeting closed at 10.38am

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

25 MAY 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

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

1. Purpose of report

- 1.1 The purpose of this report is to propose the membership of the Licensing Committee Sub-Committees following the Annual Meeting of Council 2022.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 There is no connection to the corporate well-being objectives. The proposals are required to effectively discharge the functions of the authority in respect of general licensing applications, the majority of which relate to taxi licensing. The range of functions is set out within the Council's Constitution in Part 3 Responsibility for Functions relating to the Licensing Committee and Sub-Committees. These functions include taxi licensing, street trading, and other general licensing regimes as required. A separate report is being submitted in respect of Licensing Act 2003 and Gambling Act 2005 functions.

3. Background

- 3.1 At their meeting on 18 May 2022 Council received a report establishing the membership of the Licensing Act 2003 Committee and the Licensing Committee.

4. Current situation/proposal

- 4.1 It is proposed that the Licensing Committee continues with the existing arrangements and approves the formation of two panels sitting on a rota basis, each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible.
- 4.2 In the event that the Chair or Vice Chair are not able to attend their respective sub-committee meeting, a chair will be elected from those in attendance.

5. Effect upon policy framework and procedure rules

- 5.1 The report content has no direct effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 An initial EIA screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

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 There are no financial implications arising from the report.

9. Recommendation(s)

- 9.1 The Committee is recommended to:
- 9.2 Approve the formation of two panels sitting on a rota basis each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible. In the event that the Chair or Vice Chair are not able to attend their respective sub-committee meeting, a chair will be elected from those in attendance. These Licensing Sub-Committees will undertake licensing functions, including taxi licensing and street trading as set out in the Council's Constitution.

Kelly Watson

CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

19 May 2022

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Background documents: None