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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*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, 18 May 2023

Dear Councillor,

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held remotely - via Microsoft Teams on **Wednesday, 24 May 2023 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 - 8
To receive for approval the minutes of the meetings on 22/11/22 and 01/02/23.
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: This will be a remote meeting via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. 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 Llewellyn-Hopkins
J E Pratt
R J Smith

Councillors

RM James
RJ Collins
MJ Kearns
H T Bennett
A R Berrow

Councillors

S J Bletsoe
H Griffiths
P W Jenkins
S Easterbrook

LICENSING COMMITTEE - TUESDAY, 22 NOVEMBER 2022

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON TUESDAY, 22 NOVEMBER 2022 AT 11:00

Present

Councillor M Lewis – Chairperson

R Williams	J Llewellyn-Hopkins	J E Pratt	I Williams
R J Smith	RM James	RJ Collins	MJ Kearns
H T Bennett	A R Berrow	S J Bletsoe	H Griffiths

Apologies for Absence

P W Jenkins

Officers:

Andrea Lee	Senior Lawyer
Yvonne Wittchell	Team Manager Licensing

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Jenkins

10. DECLARATIONS OF INTEREST

Councillor S Bletsoe – Personal declaration in Agenda item 4, as he has a close friend who owns a garage and who is an MOT provider. Though this has no direct relation to item it related to the report in general terms.

11. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the Licensing Committee dated 27 September 2022 be approved as a true and accurate record.

12. BRIDGEND COUNTY BOROUGH COUNCIL TAXI TESTING REGIME

The Team Manager – Licensing presented a report, the purpose of which, was to advise Members of a request from the taxi trade to review the current method of taxi testing and to consider whether they want Officers to undertake a feasibility study.

She advised that the Council was the licensing authority for the regulation of hackney carriage and private hire vehicles and its primary role to this end, was to ensure the safety of the public using taxis and private hire vehicles, prior to a licence being granted, and throughout the duration of the licence.

The Team Manager – Licensing confirmed that, Section 47 of the Road Traffic Act 1988 governs the testing of all motor vehicles and requires cars and minibuses to hold Ministry of Transport (MOT) Certificates. However, as passenger carrying vehicles, the current vehicle testing regime also involves elements which relate specifically to taxis and private hire vehicles and are based on the National Inspection Standards produced by the Freight Transport Association. These standards were attached at Appendix A to the report, while a copy of the taxi test element of the testing regime was attached at Appendix B.

The Council currently uses its powers under Section 50 of the Local government (Miscellaneous Provisions) Act 1976 to require all vehicles to be presented to the Council's in-house MOT testing station at Ty Thomas Joint Vehicle Maintenance Facility, Newlands Avenue, Brackla Industrial Estate, Bridgend. There is a contractual arrangement in place to facilitate this requirement which comes to an end in 2024.

She explained that, under Section 50, the Council may serve notice on a vehicle proprietor to present the vehicle for testing up to three separate occasions during any one period of twelve months within the area of the Council. The current age policy determines that vehicles up to 10 years old are tested twice a year, and vehicles over 10 years old are tested three times per year.

The final element of public safety is covered through licence conditions which places the onus on the proprietor to maintain the vehicle to an acceptable standard through the course of a licence together with enforcement exercises carried out by licensing enforcement officers.

The Team Manager – Licensing explained that the Council has received representations from the taxi trade, through local Members and a petition of approximately 170 signatories, to open up taxi testing to other MOT garages. Details regarding this were shown in paragraph 4.2 of the report.

She advised that an internet-based research exercise had been conducted to determine how other authorities in Wales conduct the taxi testing regime. The results were at Appendix C of the report, and these reflected a variety of models adopted by Welsh Councils.

The principal duty of the licensing authority in relation to licensed vehicles was to ensure that the fleet is both safe and in a suitable condition to transport members of the public, the Officer added.

From a licensing perspective, the Team Manager – Licensing explained that it was crucial that whatever testing regime is in place ensured that both the best practice National Taxi standards and the standard MOT tests were complied with.

If Members wished Officers to explore alternative models of delivering the vehicle testing regime, they would need to undertake a feasibility study with relevant stakeholders in order to report back to the Committee with options for them to consider. The feasibility study will also take into account the current contractual arrangements that expire in 2024.

Finally, advised the Team Manager – Licensing, the feasibility study will draw from approaches taken by other Licensing Authorities and will consider the four models listed in paragraphs 4.7 of the report.

Following some debate, there was a consensus from Members that a Feasibility Study as outlined in the report was a sensible proposal.

A Member whilst supporting this, asked that if external MOT providers were further looked into, would there be a further charge for such additional testing.

The Operational Manager, Shared Regulatory Services, confirmed that as part of these Services, Cardiff City Council was supported and there, a driver could have an MOT test together with an additional taxi test in a garage, though there was a variation in terms of fees here, but most did charge an additional fee for a further test as part of this process.

A Member asked that if Committee approved a Feasibility Study at this time, it would not be presented further to Members until 2023 and the Contract with Ty Thomas as detailed in the report would not expire until 2024. He therefore asked, if it would be a better option to look at undertaking the Feasibility Study after the Contract expired. Or alternatively, would we be looking to end the existing Contract prematurely as another option, should the suggestion of taxi drivers going out externally for MOT's, be approved.

The Legal Officer advised that a Feasibility Study would be required if Members decided to pursue this, in order to consider a number of possible options. Certain contractual issues would also be looked into, in conjunction with this. The Feasibility Study would then be subject to consultation for 12 weeks. So all in all this would take some time to fully progress in any event.

Members then agreed to take a vote on the recommendations of the report and following the conclusion of this, it was

RESOLVED:

- (1) That the Committee noted the contents of thereport and unanimously agreed to authorise Officers to undertake a feasibility study on alternative models of discharging our statutory duties in respect of the testing and licensing of hackney carriage and private hire vehicles.
- (2) That a further report is brought to Committee in 2023 for consideration of the options available to them, as a result of the above.

13. URGENT ITEMS

None.

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MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON WEDNESDAY, 1 FEBRUARY 2023 AT 10:00

Present

Councillor M Lewis – Chairperson

R Williams	J Llewellyn-Hopkins	J E Pratt	R J Smith
RM James	RJ Collins	MJ Kearns	H T Bennett
A R Berrow	H Griffiths	P W Jenkins	

Apologies for Absence

I Williams and S J Bletsoe

Officers:

Kirsty Evans	Senior Licensing Officer
Andrea Lee	Senior Lawyer
Michael Pitman	Technical Support Officer – Democratic Services
Stephen Griffiths	Democratic Services Officer - Committees

14. APOLOGIES FOR ABSENCE

I Williams and S J Bletsoe

15. DECLARATIONS OF INTEREST

None

16. PROPOSED AMENDMENT TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS AND THE DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

The Senior Licensing Officer presented a report seeking to amend the Hackney Carriage and Private Hire Vehicle licence conditions along with the dual Hackney Carriage/Private Hire Driver's Licence conditions to promote public safety, and to report back to members following a consultation with the taxi and private hire trade on the proposed amendments.

Under the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach any conditions to the grant of a Hackney Carriage Vehicle Licence, Private Hire Vehicle Licence, and dual Hackney Carriage/Private Hire Driver's Licence that they consider reasonably necessary. Conditions of licence are essential to promote public safety.

A proportion of vehicle licensees/proprietors rent, lease or loan out their vehicle to other licensed drivers. Whilst the current procedures require the licensee to declare who is involved in the letting or keeping of the vehicle at the commencement of the licence, the current conditions do not require the licensee to keep records of who driving the vehicle throughout its duration. This can prove difficult when investigating complaints.

The licensing authority is proposing to further safeguard the public by adding a new condition to the Hackney Carriage and Private Hire Vehicle Licence conditions as set out in section 4.3 of the report.

With this added condition the licensing authority will be able to ensure that those who drive licensed hackney carriage and private hire vehicles can be more easily traced when investigating complaints or assisting other agencies.

There are already multi agency data sharing protocols in place to notify the licensing authority of issues involving taxi drivers. However, it is proposed that a new condition, as outlined in section 4.6 of the report, is added to the dual Hackney Carriage/Private Hire Driver's Licence. It would therefore cover all types of relevant issues not just criminal convictions.

The addition of this condition places an onus on licensees to inform the licensing authority of any convictions or pending convictions/investigations during the course of their licence.

Applicants and licensees are also required to provide a medical certificate upon the grant and renewal of a licence. A medical certificate is required to ensure that drivers are in good enough health to maintain public safety on the roads. Hackney carriage and private hire drivers are subject to higher medical standards than ordinary drivers. They are legally obliged to report any changes in their medical condition to the Driver and Vehicle Licensing Agency (DVLA) for an assessment as to whether this affects their legal ability to drive safely, but this proposal also places an onus on them to report any changes to the Licensing Authority.

The Licensing Authority is proposing that a new condition, as outlined in section 4.9 of the report, also be added to the current Hackney Carriage/Private Hire Driver's Licence conditions.

The addition of this condition places an onus on licensees to notify the Council in writing within seven days of any change or deterioration to his/her health which requires notification to the DVLA.

During the last Licensing Committee meeting members resolved that a 12-week consultation should take place on the proposed amendments with the taxi and private hire trade within Bridgend County Borough Council. This consultation took place between 4 October 2022 and 27 December 2022 and no responses were received.

It is recommended that the Committee consider the contents of the report and resolve to:

1. Amend the Hackney Carriage and Private Hire Vehicle conditions to include the conditions as set out in sections 4.3, 4.6 and 4.9 of the report.

RESOLVED: That the Committee agreed to the proposed amendments as outlined and recommended in the report.

17. **URGENT ITEMS**

None

Meeting of:	LICENSING COMMITTEE
Date of Meeting:	24 MAY 2023
Report Title:	APPOINTMENT OF LICENSING SUB- COMMITTEE(S) AND DELEGATIONS TO OFFICERS
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	YVONNE WITCHELL TEAM MANAGER LICENSING
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	To propose the membership of the Licensing Committee and Sub-Committees following the Annual Meeting of Council 2023.

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 2023.

2. Background

- 2.1 At their meeting on 17 May 2023, Council received a report establishing the membership of the Licensing Act 2003 Committee and the Licensing Committee.

3. Current situation / proposal

- 3.1 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 the authority's Licensing Act 2003 and Gambling Act 2005 functions.
- 3.2 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.

3.3 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.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 An initial Equality Impact Assessment (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.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 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.

6. Climate Change Implications

6.1 There are no Climate Change Implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding and Corporate Parent Implications arising from this report.

8. Financial Implications

8.1 There are no Financial Implications arising from the report.

9. Recommendations

9.1 The Committee is recommended to:

- 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.

Background documents

None