

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 Kearn

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

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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