

LICENSING COMMITTEE - TUESDAY, 27 SEPTEMBER 2022

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD REMOTELY - VIA MICROSOFT TEAMS ON TUESDAY, 27 SEPTEMBER 2022 AT 14:00

Present

Councillor M Lewis – Chairperson

R Williams	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	P W Jenkins

Apologies for Absence

J Llewellyn-Hopkins

Officers:

Kirsty Evans	Senior Licensing Officer
Julie Ellams	Democratic Services Officer - Committees
Mark Galvin	Senior Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer

5. DECLARATIONS OF INTEREST

None

6. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing Committee of 25 May 2022 be approved as a true and accurate record.

7. PROPOSED AMENDMENT TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS, PRIVATE HIRE VEHICLE CONDITIONS AND THE 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 seek approval to formally consult with the taxi trade.

The Senior Licensing Officer explained that although the Welsh Government was proposing to introduce national guidelines for taxis, it was believed that the proposed amendments they were looking to introduce would not have a detrimental impact on that process and in the interim, these amendments were necessary to strengthen current conditions. The first condition was in relation to the vehicle licenses. A condition was being proposed that in the case of Licensees/Proprietors who rent, lease, hire or loan out their Hackney or Private Hire Vehicle, the Licensee/Proprietor shall provide and keep a suitable register in which he/she shall enter the following particulars relating to the details of the driver to whom the vehicle has been rented, hired, leased or loaned.

- a) The name and address of the driver.
- b) The Badge number and expiry date of the Hackney Carriage/Private Hire Driver's Licence relating to the driver.
- c) The plate number and registration number of the vehicle rented, hired, leased or loaned.

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- d) The date(s) and time(s) the vehicle is rented, hired, leased or loaned by the driver.

She added that the records should be kept for a minimum of 12 months in chronological order and must be produced on request to an authorised officer of the Council or a Police Constable for inspection.

The Senior Licensing Officer explained that the second condition was also in relation to Drivers Licenses. The proposal was to add:

The licensee shall notify the Council in writing, within seven days if:

- a) he/she is convicted of any offence or receives a caution, warning, fixed penalty notice or any other kind of penalty notice.
- b) he/she is the subject of any pending criminal investigation
- c) If he/she is notified of the outcome of any pending criminal investigation

This would place an onus on licensees to inform the Licensing Authority of any convictions or pending convictions/investigations during the course of their licence.

The Senior Licensing Officer explained that applicants and licensees were also required to provide a medical certificate upon the grant and renewal of a licence. A medical certificate was required to ensure that drivers were in good enough health to maintain public safety on the roads. Hackney carriage and private hire drivers were subject to higher medical standards than ordinary drivers. They were 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 affected their legal ability to drive safely, but this proposal also placed an onus on them to report any changes to the Licensing Authority. There was a further proposal that the following condition also be added to the current Hackney Carriage/Private Hire Driver's Licence conditions:

The licensee shall notify the Council in writing within seven days of:

- a) any change or deterioration to his/her health which requires notification to the Driver and Vehicle Licensing Agency (DVLA).
- b) The Council reserves the right to require an existing licence holder to produce medical evidence of their continuing fitness to drive, from their own GP or consultant (as deemed appropriate), during the period of the licence. Such medical evidence shall be produced by the licensee to the Council within fourteen days of request.

The Senior Licensing Officer added that the Committee was requested to authorise a 14 day consultation with the taxi and private hire trade in relation to the addition of the aforementioned conditions.

The Senior Lawyer asked why a consultation period of only 14 days was proposed for such major changes to the licenses. The Senior Licensing Officer replied that they proposed a 14 day consultation period because they were in constant communication with the trade. This was not the full Welsh Government standardised conditions, only part of it, so they believed a 14 day consultation would suffice.

A member agreed with the legal advice given and added it did not give a lot of time for licensees to consider their options. With regard to the absence of records showing who vehicles were rented, leased, hired or loaned to, he asked what processes were in place in the past and what problems they had had prosecuting or investigating in these cases. With regard to the condition relating to a change or deterioration in health which required notification to the DVLA, what need was there for the local authority to have

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that information and why did the Council want to reserve the right to pursue medical evidence of continuing fitness to drive.

The Senior Licensing Officer replied that in relation to the first condition, when they were investigating complaints, although proprietors should advise when they take out their license, who was insured to drive their vehicle, they did not currently have to keep records of the name and address of who was driving. This slowed the process down when it came to investigating complaints. If they were required to keep a record of the name, the badge number and the license number, the process would be much easier for the Enforcement Team to be able to investigate. She was unable to confirm if there were any failed prosecutions but the Enforcement Team would be able to provide that information. This had been an issue in neighbouring authorities such as the Vale of Glamorgan.

The Senior Licensing Officer explained that drivers did have to declare any deterioration or change to the DVLA however taxi and private hire drivers were subject to higher medical standards than the normal driver. They were required to get a group two medical which was a higher standard. They were driving considerably more hours than the standard person and they were responsible for carrying passengers in the car. The authority had to take these matters seriously and seek further advice from a GP if necessary.

Members raised concerns about the 14 day consultation. The Senior Licensing Officer explained that this was a small amendment compared to the drastic changes proposed in future. They had regular meetings with recognised trade groups and would bring this to attention during the meetings. The Senior Lawyer advised that under no circumstances would she advise the Committee to accept the 14 day consultation period as it was against Case Law and Central Government guidance. She advised a longer consultation period in their decision.

A Member referred to the nationwide shortage of taxis and drivers and asked how this requirement for extra paperwork would impact drivers and businesses at the moment. He also asked who would be responsible for making sure the paperwork was correctly recorded. The Senior Licensing Officer replied that the proprietor would be responsible for making sure the paperwork was correct.

A member asked if there was a legal requirement to keep details of who was driving a vehicle at all times. The Senior Lawyer informed the Committee that there was a legal requirement for this information to be available to the Police who can prosecute if someone fails to identify a driver however this was for taxi purposes within the authority so this was different to the Police powers.

A member referred to general driver dissatisfaction and asked if there was anything that could be done to make it easier for licence holders such as removing the limit on the number of garages that could be used for MOTS. The Senior Lawyer replied that that issue was not part of the report before them and not for consideration at that time. The Chairperson added that a meeting had been arranged with SRS to discuss that issue

The Senior Lawyer explained that if the Committee agreed to approve the report she would recommend a consultation period of 12 weeks.

RESOLVED: Committee considered the contents of the report and authorised officers to carry out a 12 week consultation with the taxi and private hire trade on:

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1) Amending the Hackney Carriage and Private Hire Vehicle conditions to include the condition:

In the case of Licensees/Proprietors who rent, lease, hire or loan out their [Hackney Carriage] [Private Hire Vehicle], the Licensee/Proprietor shall provide and keep a suitable register in which he/she shall enter the following particulars relating to the details of the driver to whom the vehicle has been rented, hired, leased or loaned.

- a) The name and address of the driver.
- b) The Badge number and expiry date of the Hackney Carriage/Private Hire Driver's Licence relating to the driver.
- c) The plate number and registration number of the vehicle rented, hired, leased or loaned.
- d) The date(s) and time(s) the vehicle is rented, hired, leased or loaned by the driver.

The records shall be kept for a minimum of 12 months, be in chronological order and must be produced on request to an authorised officer of the Council or a police constable for inspection.

2) Amending the dual Hackney Carriage/Private Hire Driver's Licence conditions to include the conditions:

The licensee shall notify the Council in writing, within seven days if:

- a) he/she is convicted of any offence or receives a caution, warning, fixed penalty notice or any other kind of penalty notice.
- b) he/she is the subject of any pending criminal investigation
- c) If he/she is notified of the outcome of any pending criminal investigation

The licensee shall notify the Council in writing within seven days of:

- c) any change or deterioration to his/her health which requires notification to the Driver and Vehicle Licensing Agency (DVLA).
- d) The Council reserves the right to require an existing licence holder to produce medical evidence of their continuing fitness to drive, from their own GP or consultant (as deemed appropriate), during the period of the licence. Such medical evidence shall be produced by the licensee to the Council within fourteen days of request.

8. **URGENT ITEMS**

None

The meeting closed at 14:45