

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.