

PUBLIC PROTECTION LICENSING COMMITTEE

Minutes of a meeting held on 4th June, 2019.

Present: Councillor J.W. Thomas (Chairman); Councillor O. Griffiths (Vice-Chairman); Councillors Ms. J. Aviet, Mrs. P. Drake, Dr. I.J. Johnson, K.F. McCaffer, Mrs. A. Moore, M.J.G. Morgan, L.O. Rowlands, Mrs. M.R. Wilkinson and Ms. M. Wright.

Also present: Councillor Mrs. R. Nugent-Finn.

25 APOLOGIES FOR ABSENCE -

These were received from Councillors Mrs. J.E. Charles, R. Crowley and Mrs. J.M. Norman.

26 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 30th April, 2019 be approved as a correct record.

27 DECLARATIONS OF INTEREST -

No declarations were received.

28 LICENSING DISCRETIONARY FEES 2019-20 (DEH) -

The Licensing Officer presented the report, the purpose of which was to seek approval to amend certain licensing fees and charges for 2019/20.

The proposed fees had been calculated using a toolkit developed by the Wales Licensing Expert Panel.

The fees under consideration related to taxi licensing, sex establishments, street trading and body procedures.

Case Law had established that when the Council made a surplus in respect of licence fees it should give account for that the next time that the fees were reviewed and set; and if it incurred a deficit this may also take that into account.

Driver and Operator licences fees were last increased in late 2015. Taxi vehicle fees were last increased in 2010. Street Trading and Body procedures fees were last amended for the year 2013/14.

There was a surplus on driver licences fees, leading to reductions on the cost of three year licences.

There was a deficit to recover on the operator licences.

There was a deficit to recover on vehicles but the effect on private hire vehicle licensing was minimal. The toolkit had been used to incorporate ancillary fees (transfers, changes of address etc) into the grant fee.

The fee for an annual licence had been reviewed and there was currently minimal take-up of this licence. It was proposed that no increase was applied but that feedback was sought from the trade for the next review of the licence fee as to whether this option should be continued. This licence only applied on the grant of a first licence for a new vehicle.

A Committee Member wanted to know how the fee setting process worked using the Wales Licensing Expert Panel toolkit. The Licensing Team Manager responded that there were no blanket increase in fees rather that the toolkit looks at the actual costs for each area for deficit recovery.

A Council Member questioned the process whereby the Licensing Committee would approve these fees only for these to go for consultation, thereby needing to come back to the Committee again for further review. The Chairman reiterated that this was the current process in place in order to get the matter resolved.

A representative of the Taxi Drivers, with permission to speak, asked why there had not been any prior consultation with himself and his colleagues on this matter and was concerned that some fees were rising by as much as 18%. He asked both the Licensing Policy Licensing Officer and the Licensing Team Manager why this had not been mentioned to him or his colleagues previously.

The Licensing Team Manager responded by saying that she had sent the proposals through to the Taxi Representative. The Taxi Representative replied that he had had an email from the Licensing Policy Officer on 24th May, 2019 but that he did not have a hard copy of these proposals until 27th May, 2019.

The Licensing Policy Officer stated that the next report would be part of a consultation with the Taxi Trade which the Chairman confirmed would be required prior to implementation.

Two Committee Members sought clarification on the process. The Chairman explained that the proposals would be sent out the Taxi Trade for consultation and any representations would be considered before final adoption of the fees by the Licensing Committee.

The Taxi Representative also raised the need for meetings between him or his colleagues and the relevant Council Officers to be more regular in order for such issues to be raised much earlier.

A Committee Member also raised the need for more regular meetings in this area. The Chairman stated that this would be looked at.

A Taxi Representative, with permission to speak, reiterated her and her colleague's role in making sure the Trade was treated fairly at these meetings. The Taxi Representative also wanted to see how the toolkit made its calculations and if this was a time and motion study.

The Licensing Team Manager responded that the calculations were based on a review of processes. The Taxi Representative asked if she could have the details of these reviews, inspections and the toolkit. The Licensing Team Manager agreed to provide this information.

Subsequently, the Committee

RESOLVED -

(1) T H A T the proposed licence fees set out in Appendix A of this report with an implementation date of 24 June 2019 for all fees save those requiring public notice and consultation where a further report to Committee may be required to consider any consultation responses be approved.

(2) T H A T the Head of Shared Regulatory Services be authorised to carry out the necessary public notice procedure.

(3) T H A T if objections were received within 28 days of the publication of the notice of the proposed changes to the fees, the matter to come back before the next appropriate Committee meeting so that any such objections could be considered, modifications be considered, and a new date for the introduction of the variations can be set.

Reasons for decisions

(1) The Committee had regard to the facts presented by the Officer.

(2) To ensure a reasonable proportion of the Council's costs are recovered in relation to Hackney Carriage, Private Hire and other non statutory licensing fees and that the costs of such licensing does not present a burden on local taxpayers.

29 REVISED GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES (DEH) -

The Licensing Policy Officer outlined the recommendation to authorise the Licensing Department to consult with the local taxi trade on the draft policy attached at Appendix A.

The draft policy has been widely consulted on nationally and helped ensure consistency throughout Wales. It had been produced in conjunction with the standards as prepared by the Institute of Licensing in collaboration with the Local Government Association (LGA), National Association of Licensing and Enforcement

Officers (NALEO), Lawyers in Local Government (LLG) and the Wales Licensing Expert Panel.

The authority had adopted a policy to provide guidance on the treatment of convictions, cautions and criminal charges in respect of new applicants and existing hackney carriage/private hire drivers and operators. The current policy had been in place since 2013.

At a recent meeting of the Wales Licensing Expert Panel this document was considered and endorsed with the recommendation that all Welsh authorities approved and implement the Institute of Licensing Guidance, replacing their current guidelines/policy. Many authorities in England and Wales had already adopted the new policy and others were in the process of doing so.

It was noted that whilst Members would refer to the guidance/policy each case should be determined on its own merits having taking into account all of the facts and oral representations from the applicant, leaving the committee free to depart from the policy where circumstances warranted it.

A Committee Member agreed the need to standardise the guidance but wanted the Licensing Policy Officer to provide a table cross referencing the changes between the old and new guidance when sending the documentation out for consultation.

A Councillor asked how many changes there were in the new guidance compared with the old. The Licensing Policy Officer could not quantify the number of changes but did say that the new guidelines were more stringent.

A Committee Member raised the query about a difference between the criteria for violence and the possession of weapons in the new guidance. The Legal Officer stated that the possession of a weapon could include something as simple as a skipping rope so therefore would not necessarily be as serious as assault or violence.

The Taxi Representative asked whether the guidance that was proposed would be adopted in its entirety or had it been adapted. The Licensing Policy Officer stated there were no alterations to the guidance.

The Taxi Representative stated that the guidelines would make a positive impact on passenger safety and should be passed as drivers could still make representations to Committee should they feel the need.

A Councillor suggested that it would be helpful for applicants to provide character references to Committee; the Chairman stated that references could be provided by applicants but they were not a requirement of the application process.

The Chairman asked that prior to the report going out for consultation that it has several minor typos amended and thanked officers on their reports.

RESOLVED - T H A T consultation between the Licensing Department and the local Taxi Trade on the draft Policy be authorised.

Reason for decision

The Committee had regard to the facts presented by the Officer and that the draft policy had been widely consulted on nationally which helped ensure consistency throughout Wales. It had been produced in conjunction with the standards as prepared by the Institute of Licensing in collaboration with the Local Government Association (LGA), National Association of Licensing and Enforcement Officers (NALEO), Lawyers in Local Government (LLG) and the Wales Licensing Expert Panel.