



TAXI AND GENERAL COMMITTEE

MINUTES OF THE MEETING HELD IN THE COUNCIL CHAMBER, PENALLTA HOUSE ON MONDAY, 23RD SEPTEMBER 2019 AT 11.00 AM

PRESENT

Councillor D.W.R. Preece - Chair
Councillor J. Simmonds - Vice-Chair

Councillors:

J. Bevan, P.J. Bevan, M. Davies, Ms J. Gale, D.C. Harse, Mrs D. Price, J. Ridgewell,
J.E. Roberts, R. Whiting

Together with:

J. Morgan (Trading Standards, Licensing and Registrars Manager), L. Morgan (Licensing
Manager), T. Rawson (Solicitor), R. Barrett (Committee Services Officer)

Also present:

Mr C. Bundy (Caerphilly County Borough Taxi Drivers Association)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D. Cushing, W. David, K. Etheridge
and W. Williams.

2 DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of
the meeting.

3 HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLE AND PRIVATE HIRE VEHICLE OPERATOR FEES - 2019/20

The Licensing Manager presented the report, which recommended changes in fees in respect
of Private Hire/ Hackney Carriage Vehicle and Operator fees following the statutory 28 day
consultation period in respect of proposed increases.

Members were reminded of the report on Taxi and General Licensing/Registration/Permit
Fees for 2019/20 considered by the Committee on 20th June 2019 and set out at Appendix 1,
which included a £10.00 increase for vehicle fees and a £22.00 increase for operator fees for
a five year licence. The proposed fee for a vehicle licence falls short of full cost recovery but
was felt to be a realistic increase in the current climate.

At that meeting, the Committee approved the statutory publication of the proposed new fees in respect of these licence types for a 28 day consultation period, with the new fees to come into effect immediately thereafter if no objections were received. During the 28 day consultation period, an objection to the proposed increases was received from the Caerphilly County Borough Taxi Drivers Association which was set out at Appendix 2 of the report. The CCBTDA asked to raise their objection directly with the Committee and no detail as to the nature of the objection was included with their submission.

The Committee were therefore asked to consider the proposed fees as detailed in section 5.4 of the latest report, subject to any comments from the CCBTDA, and determine the fees for 2019/20 and the date any variations should come into effect.

Mr Chris Bundy of the CCBTDA was invited to address the Committee and outline his objections regarding the proposals. Mr Bundy spoke of the financial hardship already being experienced by many taxi drivers as a result of increases across fuel prices, insurance premiums, and other taxi-associated costs, and of the uncertainty being faced by the trade in view of Brexit. With this in mind, he appealed to the Committee to consider delaying any fee increase until after 31st October 2019 (the date scheduled for Britain to leave the EU), in order to allow the trade to gauge and prepare for any impact following Brexit.

Questions were invited from the Committee and a Member queried if the fee increase could be delayed until after Brexit. Officers advised that any consideration of any postponement would be a matter for the Committee.

Following discussion amongst the Committee, an amendment to the report recommendation was moved and seconded, in that determination of the vehicle and operator fees for 2019/20 be delayed until after the scheduled Brexit date of 31st October 2019, and that the proposed fee increases be brought back to the Taxi and General Committee for reconsideration after that date. By a show of hands this was unanimously agreed.

RESOLVED that :-

- (i) determination of the vehicle and operator fees for 2019/20 as set out in the report be delayed until after the scheduled Brexit date of 31st October 2019;
- (ii) the proposals in respect of these fee increases be brought back to the Taxi and General Committee for reconsideration after the above date.

4 ADOPTION OF GUIDANCE ON DETERMINING SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES

Consideration was given to the report, which recommended the adoption of new guidance on determining the suitability of applicants and licensees in the hackney and private hire trades in the County borough.

Members were advised that the Institute of Licensing (IOL), in partnership with other organisations, have produced guidance on determining the suitability of applicants and licensees in the hackney and private hire trades. The document was subsequently endorsed by the Wales Licensing Expert Panel with the recommendation that all Welsh authorities replace their current guidelines/policy with this new guidance. A number of authorities in Wales and England have since adopted the guidance with a view to providing a consistent approach to the determination of applications for hackney carriage and private hire trades. A copy of the guidance was appended to the report, with Members asked to note that the new guidance is more stringent than the existing Caerphilly CBC criteria. Examples of offence types and the existing criteria versus the proposed new criteria were set out at Section 5.6 of the report.

In addition to the national consultation undertaken on the IOL Guidance, a 4 week consultation exercise with all 480 existing licensees took place in Caerphilly county borough during April 2019. 9 responses were received in total, which were set out at Appendix 2 of the report, and either opposed the adoption of the new guidance or advocated the provision of 'grandfather rights' for existing drivers. Several respondees also made reference to medical requirements, which is a separate requirement and not relevant to the adoption of this guidance.

The report therefore advocated the adoption of the IOL guidance by Caerphilly Council, and that 'grandfather rights' be extended to existing licensed drivers in this regard. As a consequence, existing matters will not be reassessed, but any new convictions, cautions or other matters connected to an existing licensee's character will be considered against the proposed new guidance set out at Appendix 4 of the report. The approach of providing grandfather rights is consistent with the approach taken by other Welsh authorities, including Powys and Pembrokeshire. Any new applications across the hackney and private hire trades will be assessed against the new guidance. It was noted that if Members were minded to adopt the new guidance, it would come into effect after the next Taxi and General Sub Committee on 11th October 2019.

The report noted that future changes to legislation and guidance may have an impact on this policy and the driver conditions, and therefore proposed that Officers review the policy regularly and amend as required for minor administrative purposes or to comply with changes in legislation or statutory guidance. Any significant changes will be brought before the Taxi and General Committee for Members' consideration.

During the course of debate on this item, reference was made to "grandfather rights" in respect of the higher standard of medical fitness test for taxi drivers (Group 2 medicals) adopted by the Council in May 2015. Officers explained that this is a separate licensing matter and that the report under consideration focused on the suitability of applicants and licensees in respect of convictions, cautions and other matters. The Member asked if a report could be brought to Committee to revisit medical requirements and it was confirmed that the request would be addressed at the end of the meeting.

Having considered the report and taken into account the objections and comments received during the consultation process, it was moved and seconded that the recommendations as set out in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that :-

- (i) the IOL guidance (as appended to the report) on determining the suitability of applicants and licensees in the hackney and private hire trades be adopted from 11th October 2019;
- (ii) in view of the above, the current Caerphilly County Borough Council driver policy be updated (as per Appendix 4 of the report) to reflect the amendments relating to drivers, private hire operators and vehicle proprietors, for use at future Taxi & General Sub Committee Hearings.

5 GUIDANCE ON THE PROVISION OF CCTV IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Consideration was given to the report, which recommended amendments to the Authority's existing guidance in respect of the provision of CCTV in hackney carriage and private hire vehicles, following amendments to legislation and best practice guidance.

The Licensing Manager explained that there is no mandatory requirement for CCTV installation in the borough and there is no restriction on the installation of CCTV in hackney

carriages or private hire vehicles licensed by the Council, save for the need for the licensee to comply with ICO (Information Commissioner's Office) requirements and Construction and Use Regulations in relation to any equipment fitted

Members were advised that any licensed person installing an in-vehicle CCTV system should be aware of restrictions or controls regarding the installation and use of such systems. It was explained that the Council had been made aware of recent changes to existing Information Commissioner's guidance, exceptional circumstances where audio recording may be permitted, and the removal of the fee for subject access requests. In view of these changes, the report recommended a number of amendments to the Council's existing CCTV guidance sheet, which were set out in the report for the Committee's approval.

The Committee discussed the report and in response to a Member's query, Officers confirmed that the guidance related to the use of in-vehicle CCTV systems and not dashcams. A Member asked if a driver would have to surrender CCTV footage upon request, and the Licensing Manager explained that this would be dependent upon the nature of the investigation and would be led by ICO guidance or relevant police powers. It was emphasised that there is no mandatory CCTV requirement and that the purpose of the report is to advise Members of the minor amendments to guidance issued to vehicle proprietors and drivers who may wish to install CCTV in their vehicles.

It was moved and seconded that the recommendations as set out in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that the amended guidance in relation to the provision of CCTV in hackney carriages and private hire vehicles in the borough, as appended to the report, be approved.

6 REPORT REQUEST IN RELATION TO GROUP 2 MEDICAL REQUIREMENTS

Consideration was given to the earlier request by a Member to revisit the Group 2 medical requirements adopted by the Council in May 2015. The Member referred to other local authorities where "grandfather rights" had been adopted for the Group 2 medical fitness test, and requested if a report could be brought to the Committee to examine how those particular local authorities had dealt with this aspect of licensing.

Another Member expressed concerns about revisiting the standard of medical requirements for licensed drivers in view of the need to uphold public safety.

The Licensing Manager explained that the majority of local authorities had adopted the higher standard of medical fitness test following guidance from the Department of Transport which advocated Group 2 medicals, but confirmed that a report could be produced as per the Member's request if the Committee were in agreement.

It was moved and seconded that the report request be supported, and by a show of hands, and in noting there was 1 abstention, this was agreed by the majority present.

RESOLVED that a report on the management of medical requirements across local authorities in Wales, and details of how and why some local authorities gave "grandfather rights" to existing licensees in relation to Group 1 and Group 2 medical requirements, be presented to the next meeting of the Taxi and General Committee.

The meeting closed at 11.50 a.m.