



## TAXI AND GENERAL COMMITTEE

### MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 28TH SEPTEMBER 2022 AT 10:00 AM

#### PRESENT:

Councillor W. Williams – Chair  
Councillor M.A. Adams – Vice-Chair

#### Councillors:

Mrs P. Cook, D. Cushing, G. Ead, C.J. Gordon, D.C. Harse, T. Heron, Ms J.G. Jones, D.W.R. Preece, J.E. Roberts, J. Scriven, S. Williams

#### Together with:

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

### RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and recorded and would be made available following the meeting via the Council's website – [Click Here to View](#). Members were advised that voting on decisions would be taken via Microsoft Forms.

#### 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs E.M. Aldworth and Mrs D. Price.

#### 2 DECLARATIONS OF INTEREST

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

### REPORTS OF OFFICERS

Consideration was given to the following reports.

### 3 CONSULTATION RESULTS AND FUTURE PROVISION OF LICENSED VEHICLE TESTING

Lee Morgan (Licensing Manager) presented the report, which informed Members of the results of a consultation exercise with the licensing trade on future vehicle testing arrangements of Hackney Carriages and Private Hire Vehicles, and also asked the Taxi and General Committee to consider the options for future testing provision, consultation results and views of Licensing and other stakeholders in order to determine future testing requirements.

Members were reminded that in 2021, the Caerphilly County Borough Taxi Driver Association (CCBTDA) requested that requirements for vehicle testing for Hackney Carriages and Private Hire vehicles be changed in order to accept MOT test certificates from any approved MOT testing station rather than the current in-house facility based at the Tir-y-Berth Depot. The latter currently carries out an MOT check and compliance check on other requirements for licensed vehicles.

As the CCBTDA does not represent all licensees and licensed vehicle owners, a consultation exercise was carried out with the whole trade to ascertain their views on current service provision and potential future options. The report outlined the result of that consultation exercise, additional information on testing requirements, views of other stakeholders and implications of potential changes in order for Members to make an informed decision on future testing provision. It was noted that the consultation survey (attached at Appendix A) was placed on the Council's website and an email was also sent to over 400 licensed drivers, operators and vehicle licence holders encouraging them to take part in the survey, with the CCBTDA also asked to raise awareness of the survey with their members.

Overall, only 48 responses to the consultation were received, which were from a mix of driver licence and vehicle proprietor licence holders and one private hire vehicle operator, and which equated to a response rate of 12% of consultees. A summary of responses was set out at Section 5.7.3 of the report and a full list of comments was included at Appendix B. It was noted that 20 respondents (42%) were satisfied with the existing testing arrangements for hackney carriage and private hire vehicles, with the other 28 respondents (58%) not satisfied with the existing arrangements.

The results of the survey were shared with Fleet Services who provided comments in response which were set out at Section 5.8 of the report. The report also outlined the demands and pressures on the Fleet Services team, who have been experiencing difficulties in filling vacancies for mechanics and MOT testers across the service area for some time. It was highlighted in the report that with these ongoing pressures, the service must prioritise maintenance of the Council's own fleet of vehicles which are essential for service delivery. The report therefore emphasised the need to require an alternative option for providing the "taxi" MOT licensing function for the authority.

The Committee were provided with a comparison of the Taxi testing provision across all 22 authorities in Wales in 2019, with it noted that since this time, the numbers in respect of the in-house testing and private MOT garage testing have reversed, and the majority of local authorities now make provision for private MOT garages to be utilised. Members were also advised of the requirement under the Local Government (Miscellaneous Provisions) Act 1976 which allows a Council to require the testing of hackney carriages and private hire vehicles by or on behalf of the Council at such place as they reasonably give notice, for up to three occasions in a year. The Act also requires that such testing centres should be within the council's own administrative area.

In view of the above, Members were referred to Section 5.9 of the report and the report recommendations at Section 3 of the report which set out two options for their consideration:-

- (a) **MOT to be carried out by any independent VOSA approved MOT testing station -** Accepting an MOT certificate from any independent VOSA approved testing facility, within CCBC with licensing officers carrying out the vehicle Compliance check if suitable facilities can be identified at Ty Penallta. This would in essence be a two-stage checking process which will allow the checks and balances and general oversight by Officers of vehicles that seek or hold vehicle licenses and to address any issues should they arise, and there offer flexibility in terms of monitoring compliance. It was explained to the Committee in the view of Licensing Officers, this would be the preferred option recommended to Members.
- (b) **MOTs to be accepted from a limited number of approved MOT Testing stations -** Instruct the Licensing service to ascertain the level of interest of MOT testing stations within CCBC for consideration of approved testing status and determine the required number and locations across the county borough. This would also include completion of the Council compliance test. It was noted that this scheme if selected would take time to introduce in view of the tendering/ procurement process and is unlikely to be implemented quick enough to reduce the pressures on Fleet Services, and would also be more labour intensive and expensive for the Authority and the trade in the long term.

Members were advised that since the preparation of the report, the fitting of new equipment at Tir-y-Berth Depot has forced its temporary closure, which has meant that license holders and new applicants for taxi and private hire vehicles have been permitted to obtain MOTs at any MOT testing station within the Authority, and Licensing Officers as an interim measure have completed visual compliance checks on these vehicles. This approach has been undertaken successfully to date, although the visual checks are undertaken in the open air and there will need to be a provision for the checking process to be carried out undercover in case of inclement weather.

The Committee were also advised that in view of the above need to identify a suitable location for the vehicle compliance checks, Members' approval was sought to amend the wording in Option (a) to reflect additional wording to state "Ty Penallta **or an appropriate location**".

The Taxi and General Committee discussed the report and the options put forward by Licensing Officers regarding alternative provision. A Member sought clarification on the need to seek alternative testing arrangements and asked whether a lack of space at Tir-y-Berth Depot was one of the reasons behind the proposals. Mr Morgan explained that the consultation exercise had been brought as a result of the proposal from the trade in 2021. However, during that time, the Tir-y-Berth garage had to close at various points for Covid-related reasons, and therefore licence holders were permitted to take their vehicles to alternative testing stations during this period in order to maintain licensing requirements. It was explained that the Tir-y-Berth garage is now experiencing difficulty in securing sufficient staffing to provide the MOT checks for licensed vehicles, and they no longer have the capacity to continue providing the current level of service.

In response to further queries from the Member, Mr Morgan confirmed that the Council are not looking to build a new depot, but rather make use of existing facilities around the county borough, and also emphasised that since the request from the trade was received in 2021, Fleet Services have raised concerns around the sustainability of the service offered to licensed vehicles moving forward, and therefore alternative options had been put forward for the Committee's consideration.

A Member asked if spot checks would be carried out on approved testing stations if either of the alternatives were selected, and asked what the Council are doing to maintain confidence in the reliability of MOT testing. Mr Morgan explained that if the Committee were minded to appoint the use of approved testing stations, then in cases where a vehicle is not believed to be fit for purpose, then Licensing would submit this vehicle for additional testing, and there would also be an audit process in place across approved garages to ensure they are

conducting the proper vehicle testing checks.

Clarification was sought on the financial implications surrounding the proposals, mainly in relation to additional Officer time and whether the Council would experience a loss of income if MOTs were to be undertaken by private garages. Mr Morgan confirmed that effectively this would lead to a loss of income for Fleet Services and offered to provide further information on cost implications to Members following the meeting. Mr Morgan confirmed that any costs in respect of additional Officer time to deliver the compliance checks would be met by the Licensing Department, and he also highlighted that additional Licensing staff have now been appointed, together with an apprentice, who will have capacity to undertake the compliance elements if required.

The Member asked if there would be a charge to taxi companies as a result of alternative testing arrangements. Mr Morgan explained that vehicle owners would pay the MOT testing station for their services directly rather than making the payment to the Council garage, although charges may vary across individual private businesses.

A Member expressed reservations around the use of private businesses to deliver the MOT checks and was concerned that this could lead to less vigorous testing compared to in-house testing, which could have a subsequent impact on public safety. He also stated that he would prefer to see one testing station being used rather than a wide range of businesses. Mr Morgan explained that the ideal option would be to retain the service in-house, but from a service perspective this is no longer viable, and also that a single location may conflict with the views of the trade, particularly for their drivers based in the north of the county borough who may have to travel a significant distance to access testing facilities. It was emphasised that there were two options in the report for the Committee's consideration and that Members, if they were so minded, could select Option B which allowed for a limited number of testing stations, in order to provide reassurance around testing standards.

Mrs Jacqui Morgan (Trading Standards, Licensing and Registrars Manager) offered further clarification around the queries posed by Members, and emphasised that Tir-y-Berth garage have informed Licensing they cannot continue with the current testing arrangements, particularly given the recruitment difficulties around mechanics and the need to prioritise workloads. Due to current circumstances, they are also unable to provide enough testing slots for the trade and provide the level of service that Licensing would like to see in place. Therefore the reality is that another provision needs to be secured. It was emphasised that if Option B were selected, there would be cost implications as any contract would need to include charging for compliance checks which could lead to financial detriment for the trade. It was also explained that Option B would have to include two or three garages (as a single location would not have sufficient capacity) and checking procedures would then need to be implemented which could lead to this becoming a time-consuming process.

Several Members expressed their support for the report and the options put forward and recognised the need for alternative provision to be sought in view of the lack of capacity at Tir-y-Berth garage. It was also highlighted that the MOT industry is extremely well-regulated. Members also asked about random spot-checks of vehicles and Mr Morgan explained that prior to the Covid-19 pandemic in 2020, a number of vehicles were called in to account where there were safety concerns and conversations were had with vehicle operators regarding these concerns. This level of oversight has become more difficult since Covid, but Licensing now respond to targeted reports and concerns from Officers or the industry in regards to vehicles that are seen as problematic.

One Member enquired about the costs required to establish the new testing sites and Mrs Morgan confirmed that these have been factored into the proposals, with potential for a one-off cost to be applied for through budget underspends, and then moving forward costs would be needed for minor maintenance and rental of the site. However, the situation is fluid and further options need to be explored in order to ascertain whether any existing sites can be utilised for the compliance checks by Licensing Officers (if that option were to be selected).

Another Member expressed reservations around the proposals given the uncertainty around suitable locations and the level of funding that would be required.

Having considered the contents of the report, it was moved and seconded that subject to the inclusion of an amendment to Recommendation 3.1(a) to reflect additional wording to state “Ty Penallta **or an appropriate location**”, Recommendation 3.1 (Option A) be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 12 for, 0 against and 1 abstention) this was agreed by the majority present.

It was therefore RESOLVED that the following recommendation be approved as the requirement for future licensed vehicle testing provision for Caerphilly County Borough Council:-

- (i) Accepting an MOT certificate from any independent VOSA approved testing facility within CCBC, with licensing officers carrying out the vehicle compliance check if suitable facilities can be identified at Ty Penallta or an appropriate location.

#### **4 REVIEW OF THE COUNCIL'S LICENSING REQUIREMENTS FOR HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE VEHICLES, DRIVERS AND OPERATORS.**

Lee Morgan (Licensing Manager) presented the report, which outlined proposed changes to the council's policy and Licensing Requirements for Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators following the publication of the Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards and Welsh Government's Harmonisation Guidance on Taxi and Private Hire Vehicle Licensing in Wales. The report also sought Members' approval of the proposed changes following a period of consultation in respect of Disclosure and Barring Service requirements affecting drivers, vehicle proprietors and Private Hire Vehicle Operators and changes to medical requirements for licensed drivers.

Members were referred to Sections 5.1 to 5.3 of the report which set out the history of the DfT Standards and Welsh Government's Harmonisation Guidance, with links to both documents included in the report as background papers. Section 5.4 of the report set out the rationale for adopting the practices advocated in both documents, which mainly relate to increased public safety, consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles and better standards of customer service. The Committee were reminded that Licensing have already adopted some of the procedures advocated by these documents, in particular the National Register for Revocations and Refusals (NR3), together with the Institute of Licensing approach to the suitability and fitness criteria of applicants and license holders. However, Members were asked to note that some of the proposed changes would require the Council's existing policies to be subject to consultation and amendment.

Members were advised that the DfT and Welsh Government Harmonised Standards had already been circulated to drivers, vehicle proprietors and operators and to the CCBTDA in March and April 2021 to provide an insight into proposals. A formal 4-week consultation exercise was subsequently undertaken with the trade in relation to matters concerned with changes to Disclosure and Barring Service requirements and changes to Medicals between 11th May 2022 and 11th June 2022. Details of the subjected matters consulted upon and proposed revisions were summarised at Section 5.7 of the report. A copy of the consultation document circulated to drivers, vehicle proprietors and Private Hire Operators was attached to the report as Appendix 1.

It was highlighted to Members that one of the significant changes proposed relate to a requirement for 6-monthly Disclosure and Barring (DBS) checks for drivers (which is currently undertaken on a 3-yearly cycle), primarily via the DBS Update Service which will require drivers to sign up to the Update Service at next renewal of their licence. Provision is also catered for drivers who are unable to join the Update service. In such instances, drivers will

have to provide an enhanced DBS check specifically required for the role of a taxi driver every 6 months. This will mean that the Licensing Department will be able to bring drivers who do obtain a conviction that does not meet the fitness criteria to Sub Committee far more quickly in order to determine suitability. However, it was emphasised that this would not be an immediate requirement for existing drivers, in that they would only be required to sign up to the service or supply a DBS check when they are due for their next renewal.

It was noted that drivers that fail to meet the new DBS requirement will have their licences suspended and will not be able to drive a licensed vehicle. The proposed amendment to the policy will mean that drivers will no longer be able to undertake their Enhanced DBS check via the Integrated Transport Unit.

A new proposal will also require applicants for hackney carriage and private hire vehicle licences to provide a basic Disclosure and Barring Service check as part of their application to assess their fitness and suitability. A new proposal will require holders of Private Hire Vehicle Operator licences to undertake basic disclosures of staff who have access to booking records or dispatch vehicles. New Applicants and existing licensed drivers will also be required to undertake Group 2 Medicals in line with the requirements detailed in Section 5.7 of the report. The existing discretion afforded to holders of PSV Licences not to provide a medical on grant of licence a hackney carriage / private hire vehicle drivers licence or during the period of licence will be removed.

It was noted that no responses had been received to the consultation exercise and no comments were received from any parties in relation to the proposals put forward.

The Committee were referred to Appendix 2 of the report which contained a revised Caerphilly County Borough Council Hackney Carriage and Private Hire Vehicle Drivers Policy and Conditions detailing the proposed amendments covered by the consultation. It was noted that any changes to the legislation, particularly in relation to the Taxi and PHV (Disabled Persons) Act, had also been included in the revised Policy.

Members were also advised that a further consultation exercise will be undertaken with licence holders in relation to additional matters detailed within the DfT statutory guidance and Welsh Government Harmonised Standards. This will include items such as licensee self-reporting requirements, cross-border enforcement and requirements placed on proprietors of Wheelchair Accessible Vehicles to ensure drivers can assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle.

The Taxi and General Committee discussed the report and a Member asked if there was a deadline for the intended further consultation exercise which will address remaining elements of the DfT and WG Harmonisation Standards. Mr Morgan explained that these particular areas are believed to be the more important matters moving forward but confirmed that the consultation exercise will take some time in order to invite comments and that there is no requirement for these remaining elements to be addressed within a particular timeframe.

A Member asked how the Authority intended to enforce the new requirements on both taxi drivers and vehicle proprietors/operators, and also asked if guidance would be provided to GPs regarding the new medical requirements. Mr Morgan explained that many of the changes will not necessarily require enforcement, and that it is hoped the trade and licence holders will be supportive of the new requirements and understand why these measures are being introduced. In terms of the query around medicals, Mr Morgan explained that most GPs in the area have been conducting Group 2 medicals for a number of years (since 2015) as a requirement of the Licensing Authority, and so this is not a new measure, but rather that the changes in the main relate to the applicant now obtaining a Group 2 medical from their own GP or another GP at their registered practice, rather than from a private health provider.

A Member queried the need for the consultation exercise given that the DfT and WG have already set out these new requirements in terms of hackney carriage and private hire

vehicles, drivers and operators. Mr Morgan explained that the DfT and WG Harmonisation Standards are viewed as recommended guidance and that it is good practice for the Licensing Authority to consult on any proposed changes that will impact on either the trade or taxi users across the county borough. In response to a query around the Council's Intended Use Policy, Mr Morgan provided some background around the history of this Policy and confirmed that this is no longer a pressing issue for Caerphilly Council due to the range of measures in place as part of the licensing process (including the Intended Use Policy itself and knowledge tests for new applicants).

Following consideration of the report, it was moved and seconded that the recommendations as set out in the report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 12 for, 0 against and 0 abstentions) this was unanimously agreed.

It was therefore RESOLVED that:-

- (i) the content of the report, and the need for the Council to review its existing requirements, policies and conditions of licence in order to comply with Statutory Standards and Welsh Government Guidance, be noted;
- (ii) the changes set out in the report to the Council's policy in relation to Disclosure and Barring Service requirements affecting drivers, vehicle proprietors and Private Hire Vehicle Operators and changes to medical requirements for licensed drivers, be approved, and the changes to become effective for applications received on or after the 29th September 2022.

The Chair thanked everyone in attendance and the meeting closed at 11.32 a.m.