



TAXI AND GENERAL COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN, YSTRAD MYNACH ON FRIDAY, 20TH APRIL, 2018 AT 10.00 AM

PRESENT

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

Councillors:

J. Bevan, P.J. Bevan, D. Cushing, W. David, K. Etheridge, D.C. Harse, R. Whiting,
L.G. Whittle and W. Williams

Together with:

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

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M. Davies, Ms J. Gale, Mrs D. Price
and J. Ridgewell.

2 DECLARATIONS OF INTEREST

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

3 REVISION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE STANDARD / CONDITIONS OF LICENCE

The Licensing Manager presented the report, which proposed that the specification and
conditions applicable to vehicle seating configuration, window tinting and the entry age for
wheel chair accessible vehicles in relation to hackney carriages and private hire vehicles be
reviewed following a stakeholder consultation exercise.

It was explained that the Authority's current requirements in respect of seating capacity and
vehicle window tints has resulted in large numbers of applications being rejected by Officers
as not complying with current requirements, and being referred to the Taxi and General Sub
Committee to determine vehicle suitability. The most common referrals are those where
Members are asked to make a determination on seating capacity (primarily whether vehicles
should be licensed for 4 or 6 passengers), or whether a vehicle may be licensed in cases
where rear window light transmission is less than 70% (as required by existing conditions).

The report therefore proposed a number of changes in respect of the specifications and conditions for licensable vehicles (at first plating). Officers summarised each proposal in turn, including the reasons for proposing these changes, the benefits of such changes, comparisons with the situation across other Welsh local authorities, and the responses received from the trade following a consultation exercise in September 2017.

Passenger Accessibility - Members were referred to the current specification in respect of passenger accessibility as outlined in the report, and were advised of the increase in vehicles with two additional seats which are accessed by moving or folding a seat. As the current vehicle specification only requires 'reasonable access', this results in many vehicles of this type being referred to the Taxi and General Sub Committee for determination. On first licensing, many proprietors will apply to carry 4 passengers but lodge an appeal to the Sub Committee to increase the capacity to 6 or more. In total, there were 45 referrals to the Sub Committee between October 2015 and February 2018, and following inspection, all vehicles had their seating capacity increased.

The report therefore proposed an alternative method for determining seating capacity, by way of the number of seats as set out on the DVSA V5C document (the vehicle log book). It was explained that this would provide clarity for applicants and Members, reduce the demands on Officer and Member time, reduce the costs and waiting times for proprietors, and should significantly reduce the number of vehicles referred to the Sub Committee.

Members were asked to note that the Authority has never received any complaints from fare paying passengers concerning access/egress for vehicles. The situation across other Welsh local authorities varies, but Powys and Denbighshire have both recently removed requirements relevant to seating, moving to either the number shown on the vehicle log book or type approved seating. Members were advised that of the 70 responses to the CCBC consultation, 62% were in agreement with the proposal and 37% wanted to retain the current arrangements.

Discussion took place regarding this proposal and in response to a Member's query concerning the impact of this proposal on the Equalities Act, Officers confirmed that the Act only places access requirements on those licensed vehicles that are registered as wheelchair accessible vehicles. Members voiced their support for the proposal and for the need to bring the seating capacity policy in line with other local authorities.

Window Tints - Members were reminded that in September 2015, the Licensing Committee resolved that light transmission through all rear vehicle windows should comply with the Construction and Use Regulations and be set at 70%, in order to ensure the protection of the driver and passengers in that any activity in the vehicle could be viewed externally.

Since this requirement was introduced, an increasing number of vehicles below the required tint level have been referred to the Sub Committee for assessment, and in 2017 alone, 13 out of the 16 referred applications were granted licences. The light transmission recordings ranged between 30%-45%, and having inspected the vehicles, Members formed the view that they could view passengers sat in the vehicles through the windows. Two Operators were refused licences in cases where the levels were noted to be 8% and 10% respectively. One of these Operators took the matter before the Magistrates Court who overturned the decision of the Sub-Committee. The other Operator subsequently changed the vehicle windows so that they met the required level of 70%.

The report therefore proposed to reduce the minimum light transmission levels within the policy to 30% and that vehicles with window tinting below this level continue to be assessed by the Sub Committee on their suitability to be licensed. Such applicants will also be required to satisfy the Sub Committee that there are 'exceptional circumstances' as to why they should depart from its vehicle policy. A list of the potential range of 'exceptional circumstances' was set out in the report.

Officers explained that reducing the level to 30% will provide the trade with a greater access to vehicles, whilst still having regard to safeguarding issues by virtue of being able to see into the vehicles, and should significantly reduce the number of vehicles referred to the Sub Committee for determination. Of the 70 responses received from the trade, 74.6% favoured no restriction on the level of vehicle window tint, 12.6% favoured maintaining the current 70% requirements, whilst 12.6% favoured a move to not less than 35% light transmission. Members noted the wide range of window tinting policies across other Welsh local authorities as set out in the report.

During discussion on this item, Members welcomed the clarity that the proposal would bring to the matter of tints, but expressed their disappointment with the overturning of a Sub Committee decision on appeal, given the pressing need to ensure public safety, and asked that this sentiment be conveyed to the Magistrates Court. Officers explained that the proposed changes would put the Sub Committee in a better position and give more weight to their decision on appeal, and that the amendment would allow the opportunity for Members to challenge the 'exceptional circumstances' of applications.

Wheelchair Access Vehicles – Members were advised that those vehicles licensed for carrying wheelchair bound passengers must be either purpose built or have the required safety certificates for any mechanical equipment or conversion, which includes a DVSA M1/M2 approval. Recent consultation with the trade has highlighted the cost of purchasing new or replacing wheelchair access vehicles and it is accepted that there is increasing demand for such vehicles within the borough. The trade have confirmed that they would be unable to support a requirement that all new vehicles must be wheelchair accessible or indeed to specify the number of such vehicles that operators should provide as part of their fleet.

Following a suggestion from the trade, the report therefore proposed that the entry age for Wheelchair Accessible Vehicles only be increased from 5 years up to 8 years of age. This would allow licensees greater flexibility and choice in sourcing wheelchair accessible vehicles and encourage an increase in the number of the wheel chair accessible vehicles in the borough. There are currently 27 wheelchair accessible vehicles in the fleet, of which 13 are hackney carriages and 14 are private hire vehicles.

71.6% of consultation responses indicated that they were against a requirement that all new vehicles should be wheel chair accessible. 16% of responses were in favour of a specified percentage of the proprietors fleet be wheelchair accessible. 8.6% of drivers agreed that all new hackney carriage vehicles after a future date should be wheelchair accessible.

Members were advised that a wheelchair accessible vehicle will be defined as a vehicle which allows the wheelchair user to access and remain in their wheelchair when the vehicle is moving. In order to be licensed, such vehicles must be less than 8 years of age from the date of their first registration. In response to a Member's query it was confirmed that the trade have been advised that this age increase will only apply to wheelchair accessible vehicles (and not general licensed vehicles).

Having considered the report fully, it was moved and seconded that the following recommendations be approved. By a show of hands this was unanimously agreed.

RESOLVED that:-

- (i) the permitted seating capacity of licensed vehicles at first plating be determined by the number of seats shown on the V5 logbook (less the driver);
- (ii) the required level of light transmission through rear windows at first plating be reduced to 30% light transmission;

- (iii) the entry level relating to wheelchair accessible vehicles at first plating be increased from less than 5 years to less than 8 years;
- (iv) the conditions of Application, Vehicle Standard and Hackney Carriage/Private Hire Vehicle conditions be amended to reflect the above decisions.

4 APPROVAL OF SECULAR VENUES FOR THE SOLEMNISATION OF MARRIAGE AND REGISTRATION OF CIVIL PARTNERSHIPS

Consideration was given to the report, which asked Members to review the approval process for new applications for premises to be licensed for the solemnisation of Marriage and Registration of Civil Partnerships, and to note that the associated fees will be the subject of a future report should the approval process be standardised.

Members were reminded that for existing secular premises, Officers from Licensing and Registrars carry out joint inspections and Licensing officers process renewal applications under delegated powers. Where objections are received from statutory consultees applications are referred to the Taxi and General Sub Committee with a right of appeal to the Full Committee (minus the Members who sat on the Sub Committee hearing). New premises are however subject to inspection/approval by the full Taxi and General Licensing Committee. Premises must meet both standard and local conditions for approved secular premises (appended to the report).

Several Members of the Committee have recently requested a review of the approval process for new applications. The report therefore proposed that the same inspection and approval process is implemented for both new and renewal applications. This would result in a more streamlined and responsive process for new venues and bring the authority into line with other local authorities in Wales.

Members were reminded that fees are charged on a cost recovery basis (with the application fee for a new premises currently £1089 and a renewal application currently £769). It was explained that if the two application processes are standardised then the fees will also need to be standardised, and that this can be addressed in the annual fee review report to be considered by the Taxi and General Committee (and thereafter Council).

Members welcomed the proposal to standardise the inspection and approval process for both new and renewal applications, and having considered the report fully, it was moved and seconded that the following recommendations be approved. By a show of hands this was unanimously agreed.

RESOLVED that:-

- (i) Officers from Licensing and Registrars carry out joint inspections and Licensing Officers process the applications under delegated powers. Where objections are received from a statutory consultee, then applications be referred to the Taxi and General Sub Committee, with a right of appeal to the full Taxi and General Committee (minus the Members who sat on the Sub Committee Hearing)
- (ii) it be noted that the proposed fees for new and renewal applications will be included in the annual fee review report to be presented at a future meeting of the Taxi and General Committee, prior to consideration by Council.

The meeting closed at 10.34 am