

LICENSING COMMITTEE

TUESDAY, 13TH JULY, 2021

PRESENT: Councillor E.G. Thomas [Chair]

Councillors:

J.M. Charles, S.A. Curry, W.T. Evans, J.K. Howell, H.I. Jones, A.S.J. McPherson, B.D.J. Phillips, J.S. Phillips, J.E. Williams and D.E. Williams

The following Officers were in attendance:

Mr R. Edgecombe – Legal Services Manager
Mr R. Edmunds – Consumer & Business Affairs Manager
Mr J. Power – Senior Licensing Officer
Mrs M. Evans Thomas – Principal Democratic Services Officer [Note Taker]
Ms E. Bryer – Democratic Services Officer [Assisting]
Mrs S. Rees – Simultaneous Translator

Also in attendance:

Mr D. Bizby - Dyfed Powys Police Authority Representative

Virtual Meeting : 10.00 a.m. - 11.05 a.m.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P. Edwards, A. Fox and T.J. Jones.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interest.

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 26TH MAY, 2021

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 26th May, 2021 be signed as a correct record.

4. DELEGATING AUTHORITY TO OFFICERS

The Committee considered a report proposing that where applications are made for a vehicle licence which is fully compliant with all conditions of licence other than the engine capacity being not less than 1200cc, officers be granted delegated authority to deal with these applications only if they are satisfied that the new engine technology is of a standard that makes the difference between the engine in question and a 1200cc engine relatively negligible.

The Committee was reminded that currently where an application is made to be granted an exemption from Condition 13(e) of the Council's Conditions of Licence for Private Hire Vehicles or 15(e) of the Council's Conditions of Licence for Hackney Carriage Vehicles, applicants must appear before the Licensing

Committee. These conditions state that the engine capacity of the vehicle shall not be less than 1200cc.

With the introduction of improved engine technologies, the taxi trade was looking to licence more efficient and environmentally friendly vehicles. These vehicles may have an engine capacity of less than 1200cc but the actual power output of the vehicle would be the equivalent to that of 1200cc or greater.

UNANIMOUSLY RESOLVED that officers be granted delegated authority to deal with applications on the terms detailed in the report.

5. REVIEW THE POLICIES RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS AND OPERATORS

The Committee considered a report providing an update in relation to two recently published documents which affect Hackney Carriage and Private Hire licensing.

Carmarthenshire's licensing policies and conditions relating to Hackney Carriage and Private Hire Vehicles, Drivers and Operators have been in place for a number of years. With new statutory standards published by the Department for Transport (DfT) along with new recommendations published by the Welsh Government, it was proposed that Carmarthenshire Council review its policies and conditions to incorporate these new standards and recommendations.

In July 2020 the DfT published Statutory Taxi & Private Hire Vehicle Standards with the focus on protecting children and vulnerable adults. The DfT stated that, following a detailed consultation it was clear that there was a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector.

The DfT standards have effect in Wales even though the responsibility for taxi and private hire vehicle policy has been devolved to the Welsh Government. However, should the Welsh Government introduce legislation to regulate on these matters, the DfT standards would cease to apply.

In March 2021, the Welsh Government published the Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales. This document follows the Welsh Government's white paper 'Improving Public Transport' published in 2018. The aim of the recommendations contained in the document was to provide 'quick fixes' to improve the consistency of licensing standards and increase public safety across Wales. The recommendations formed the basis for further development by Welsh Government into national standards.

Five reasons were outlined by Welsh Government to adopt the recommendations, public safety being the first. The public should be able to expect a licensed driver to be competent, honest, safe and trustworthy. There have been numerous reports in recent years in other parts of the country involving child exploitation which have made it clear that weak and ineffective arrangements for taxi licensing in England and Wales left the public at risk. These new recommendations hoped to rectify this by improving public safety across Wales. This also included the safety of vehicles, along with improving the standards set for private hire operators. Other reasons for adopting the recommendations included better consistency of

standards across Wales, harmonised enforcement, increased accessibility of vehicles in Wales and better standards of customer service.

It was therefore proposed that the taxi policies be included in one large document encompassing all the other supplementary policies and conditions that related to taxi and private hire licensing. This would hopefully simplify matters for applicants and licensees as all the necessary documents would be available in one place.

The DfT statutory standards and the Welsh Government's Harmonisation of Taxi and Private Hire Vehicle Licensing recommendations will bring about many changes to the Authority's current Policies.

In summary, the main changes were as follows:-

Drivers

- Requirement for drivers to join the Disclosure & Barring Service (DBS) and have a DBS check every 6 months;
- Adopting the Welsh Government's Driver Code of Conduct;
- Updating the Private Hire Driver Conditions in line with the Welsh Government's recommendations;
- Group 2 Medical Standard;
- Adopting the IOL Convictions Policy.

Vehicles

- Requirement for vehicle proprietors to have an annual DBS check.
- Overseas criminal record check;
- Adopting the Welsh Government's policy on CCTV and Video Point of Impact Systems (VIPS) / Dash Cams in taxis and private hire vehicles;
- Impose the Welsh Government's recommendations for accessibility conditions on vehicle proprietors of taxis and private hire vehicles.

General

- To commit to reviewing Statement of Taxi Policy every 5 years in accordance with the DfT's Statutory Standards;
- Standardised application forms across Wales.

It was noted that further report with an updated Taxi Policy would be presented to Committee in due course, prior to consultation with interested parties.

UNANIMOUSLY RESOLVED that the update report be noted.

6. EXCLUSION OF THE PUBLIC

RESOLVED, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following items as the reports contained exempt information as defined in paragraph 14 of Part 4 of Schedule 12A to the Act.

7. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE MISS SAMANTHA BERYL GRIFFITHS

The Committee was informed that Miss Samantha Beryl Griffiths of 3 Talyclun, Llangennech is a licensed Hackney Carriage/Private Hire Dual Driver with the Authority and that an issue had arisen with regard to her licence.

The Committee interviewed Miss Griffiths with regard to that issue.

The Senior Licensing Officer recommended that Miss Griffiths be issued with a warning as to her future conduct

The Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.

Following the adjournment the Committee reconvened to advise of its decision.

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Miss Samantha Beryl Griffiths be issued with a warning as to her future conduct.

8. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR JASON DANIEL BAKER

The Committee was informed that Mr Baker was not in attendance and he had not contacted officers to advise that he was unable to attend. This application was deferred by the Committee at the last meeting as Mr Baker was unable to attend.

UNANIMOUSLY RESOLVED that Mr Baker be requested to appear before the Committee at the next meeting in order that his application be considered and that he be advised that should he fail to attend then his application will be considered in his absence.

9. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR JOSHUA JAMES DAVIES

The Committee considered an application from Mr Joshua James Davies of 36 Banc-Y-Ddraenen, Ammanford for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Davies with regard to his application.

The Senior Licensing Officer recommended that Mr Davies' application be granted with a warning as to his future conduct.

The Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.

Following the adjournment the Committee reconvened to advise of its decision.

RESOLVED that the application submitted by Mr Joshua James Davies for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

Reasons

On the evidence presented, the Committee was satisfied that the applicant was a fit and proper person to hold a licence.

10. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR DAVID RHYDIAN THOMAS

The Committee considered an application from Mr David Rhydian Thomas of 76 Bro Einon, Llanybydder for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Thomas with regard to his application.

The Senior Licensing Officer recommended that Mr Thomas' application be granted with a warning as to his future conduct.

The Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.

Following the adjournment the Committee reconvened to advise of its decision.

UNANIMOUSLY RESOLVED that the application submitted by Mr David Rhydian Thomas for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

Reasons

On the evidence presented, the Committee was satisfied that the applicant was a fit and proper person to hold a licence.

11. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR ABDULLA ALYUFRUSI

Officers requested that consideration of this application be deferred to the next meeting.

UNANIMOUSLY RESOLVED that consideration of the application submitted by Mr Abdulla Alyufrusi be deferred to the next meeting of the Committee.

CHAIR

DATE