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To:

Councillors: Glyn Banks, David Cox, Adele Davies-Cooke, Rob Davies, Chris Dolphin, Rosetta Dolphin, Brian Lloyd, Ted Palmer, Mike Reece, Tony Sharps, Ralph Small and Martin White

22 June 2018

Dear Councillor

You are invited to attend a meeting of the Licensing Committee which will be held at 10.00 am on Thursday, 28th June, 2018 in the Delyn Committee Room, County Hall, Mold CH7 6NA to consider the following items

A G E N D A

1 APPOINTMENT OF CHAIR

Purpose: At the Annual Meeting, Council resolved that the Independent Group should nominate the Chair of the Committee. The Committee is requested to formally appoint the duly nominated Chair for 2018/19.

2 APPOINTMENT OF VICE CHAIR

Purpose: To appoint a Vice Chair for 2018/19.

3 APOLOGIES

Purpose: To receive any apologies.

4 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

5 MINUTES (Pages 3 - 6)

Purpose: To confirm as a correct record the minutes of the meeting held on 12 October 2017.

6 **CHANGES TO THE MEDICAL REQUIREMENTS FOR A PRIVATE HIRE / HACKNEY CARRIAGE (JOINT) DRIVER** (Pages 7 - 18)

Purpose: For Members to consider changes to the medical requirements for a Private hire / Hackney Carriage Licence

7 **REVISED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003** (Pages 19 - 22)

Purpose: For information only

8 **MINIMUM UNIT PRICING** (Pages 23 - 26)

Purpose: For information only

9 **TAXI AND PRIVATE HIRE VEHICLE LICENSING IN WALES** (Pages 27 - 30)

Purpose: To inform Members of a proposed new law for Wales

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins', with a horizontal line extending to the right.

Robert Robins
Democratic Services Manager

LICENSING COMMITTEE **12 OCTOBER 2017**

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Thursday, 12 October 2017.

PRESENT: Councillor Tony Sharps (Chairman)

Councillors: Glyn Banks, David Cox, Rob Davies, Chris Dolphin, Rosetta Dolphin, Brian Lloyd, Mike Reece, Ralph Small and Martin White

APOLOGIES: Councillor: Ted Palmer

IN ATTENDANCE:

Community and Business Public Protection Manager, Solicitor, Community Protection Team Leader, and Democratic Services Officer

1. MINUTES

The minutes of the meeting held on 27 June 2017 had been circulated with the agenda.

Accuracy

Councillor Rosetta Dolphin said she had been present at the meeting and asked that the minutes be amended to reflect this.

RESOLVED:

That subject to the above, the minutes be approved as a correct record and signed by the Chair.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MANDATORY SAFEGUARDING AWARENESS TRAINING FOR ALL LICENSED PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVERS AND OPERATORS

The Community Protection Team Leader introduced a report on the introduction of mandatory safeguarding awareness training for licensed Private Hire/Hackney Carriage (Joint) Drivers and Operators.

The Team Leader provided background information and referred to the independent inquiry into child sexual exploitation in Rotherham (1997-2013) which highlighted significant concerns regarding safeguarding control for Private Hire and Taxi licensing in Rotherham. She advised that the Private Hire and Hackney Carriage trade in Flintshire was responsible for transporting people on a daily basis and some journeys would involve transporting children

and vulnerable persons which would occasionally be as part of a contract with the Authority.

The Team Leader advised that the Licensing Section wanted to strengthen safeguarding practice and raise awareness and standards by providing the Private Hire and Hackney Carriage trade with information and skills to understand its responsibilities and the action to take if there were concerns about the safety or welfare of individuals. She explained that mandatory safeguarding training would raise awareness of safeguarding of children and vulnerable people, minimise risk, and provide drivers and operators with the means to report suspect behaviour. Should the Committee support the scheme then it was proposed that consultation with Drivers and Operators be undertaken and feedback on the responses provided to the Committee for consideration and final determination.

In response to the questions raised the Team Leader advised that North Wales Police would provide the training but invitations and refreshments would be provided by the Authority. She explained that a standard Private Hire /Hackney Carriage (Joint) drivers licence was issued for three years, however, the Authority would encourage drivers to attend safeguarding training within the first 12 months. She reported that in the future it would be conditional that new licence holders would complete the safeguarding course.

Members spoke in support of the proposal and approved the introduction of mandatory safeguarding awareness training for all of Flintshire's licensed Private Hire/Hackney Carriage (Joint) Drivers and Private Hire Operators.

In response to a suggestion from Councillor Glyn Banks that training on safeguarding awareness should also be made available to Members, the Community and Business Protection Manager explained that discussions around safeguarding training had been held in the Corporate Safeguarding Board for Flintshire and she would make enquiries and provide feedback to the Committee on this.

RESOLVED:

- (a) That the introduction of mandatory safeguarding awareness training for all of Flintshire's licensed Private Hire/Hackney Carriage (Joint) Drivers and Private Hire Operators be supported;
- (b) That the amending of the Private Hire Driver and Operator conditions to include the following condition be supported:-

The Driver/Operator must complete a Safeguarding Awareness training course when required to attend by the Licensing Section.

- (c) That the Committee supported the proposal that Private Hire/Hackney Carriage (Joint) Drivers and Private Hire Operators who fail to attend

the mandatory safeguarding training will be reported to the Licensing Sub Committee; and

- (d) That consultation with Private Hire/Hackney Carriage (Joint) Drivers and Private Hire Operators be undertaken and responses provided to the Committee for final determination.

4. INTRODUCTION OF A WHEELCHAIR ACCESSIBLE VEHICLE LIST UNDER THE EQUALITY ACT 2010

The Community Protection Team Leader presented a report to inform of changes introduced by the Equality Act 2010 and to seek approval of a list of designated wheelchair accessible vehicles.

The Team Leader provided background information and advised that the Government had indicated that it expected Council's to introduce and maintain a list of designated vehicles which, in turn, would create offences for breaches of the duties imposed. The Department for Transport had issued formal statutory guidance asking local authorities to introduce those parts of the Equality Act that provided protection for wheelchair users.

The Team Leader reported on the main considerations as detailed in the report around the duties imposed under Section 165 of the Equality Act 2010, mobility assistance, and exemption for drivers with a relevant condition. She explained that vehicles placed on the list would not be required to carry all wheelchairs but must be capable of carrying some. The Licensing Section proposed to contact owners of vehicles which would be included on the list. The Team Leader advised that should the Committee approve the introduction of a published list of wheelchair accessible vehicles it was proposed that the publication of the designated list would take place within six months. Following this date it would become an offence for a driver to fail to give reasonable assistance to a wheelchair passenger.

During discussion the Team Leader responded to the comments made and explained that whilst the service provided by wheelchair accessible vehicles was well known within local communities, the list would make it easier for individuals to identify which operators provided that facility.

RESOLVED:

- (a) That the introduction of a published list of wheelchair accessible vehicles be approved; and
- (a) That the Licensing Team Leader in consultation with the Community and Business Protection Manager, set the implementation date for publication of the designated list of wheelchair accessible vehicles.

5. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public present.

(The meeting commenced at 10.00 a.m. and ended at 10.30 a.m.)

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Chairman



MEETING

Date of Meeting	Thursday, 28 June 2018
Report Subject	Changes to the medical requirements for a Private Hire / Hackney Carriage (Joint) Driver
Report Author	Gemma Potter

EXECUTIVE SUMMARY

For Members to consider making a small change to the medical requirements for a Hackney Carriage / Private Hire (Joint) Driver License in order to ensure the GP undertaking the medical has full access to the patient's medical record.

RECOMMENDATIONS

1	That Members approve the change in order to make the process more robust.
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REPORT DETAILS

1.00	EXPLAINING THE CHANGE
1.01	In order to hold a Private Hire / Hackney Carriage (Joint) Driver Licence, the Authority must be satisfied that the applicant is a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976.
1.02	One of the ways in which Flintshire Council satisfy this criteria, is by asking the applicant (or in the case of a renewal, the licence holder) to provide a medical examination which satisfies the DVLA Group II standard. Group I is

	how the DVLA class drivers of cars and motorcycles and Group II is how the DVLA class drivers of HGV's and buses.
1.03	<p>The Group II standard was adopted in line with the Department for Transport Best Practice Guidance, which states:</p> <p>'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:</p> <ul style="list-style-type: none"> • they carry members of the general public who have expectations of a safe journey; • they are on the road for longer hours than most car drivers; and • they may have to assist disabled passengers and handle luggage. <p>It is common for licensing authorities to apply the "Group 2" medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice'.</p>
1.04	The Licensing Section provide a medical form which a GP must complete before a licence can be granted. The medical must then be reviewed every five years until the age of 65, after which, a medical examination must be provided annually. The medical form is shown at Appendix A.
1.05	Currently, Flintshire Council allow the medical form to be completed by the applicant / licence holders' own GP, or another GP. We do not propose to change this, as some GP surgeries across the country no longer offer the services of completing a medical examination.
1.06	There is nothing on the form currently which allows the doctor to confirm that they have had access to the patient's medical record. This means that if an applicant or licence holder visits a GP who does not have access to the medical record, the GP may still complete the examination, but must take the word of the patient at face value.
1.07	The Licensing Section would like to make it compulsory for the GP completing the form to have access to the patient's medical record. This can be obtained by the patient from their own GP.
1.08	A declaration would be added at the end of the form for the GP to confirm that they have had access to the medical records. Any medical completed without sight of the patient's medical record would therefore be invalid.
1.09	The overriding concern of the Licensing Section is the protection of the public, and we feel that by adding this additional measure to the existing form, the assessment of medical fitness of drivers and applicants would be more accurate and robust.

2.00	RESOURCE IMPLICATIONS
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2.01	None. The applicant / licence holder is charged by their GP for the completion of their medical examination, and the responsibility of obtaining the correct records would fall on the applicant / licence holder and the GP.
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3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None

4.00	RISK MANAGEMENT
4.01	There is a requirement for holders of Private Hire / Hackney Carriage drivers to have more stringent medical standards, and if the completing GP has access to the patient's full medical records, they do not have to rely on the word of the patient.

5.00	APPENDICES
5.01	Appendix A – Group II Medical Form

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Department for Transport Best Practice Guidance for Taxi and Private Hire Vehicle Licensing: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf</p> <p>Contact Officer: Gemma Potter – Team Leader Telephone: 01352 703371 E-mail: gemma.potter@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Private Hire – a type of licensed vehicle which can only be booked through a licensed Operator's office.</p> <p>Hackney Carriage – Black Cab style taxi or purpose built vehicles which have distinguishable features and can be hailed from the street.</p> <p>Joint Driver – a dual licence to drive both Hackney Carriage and Private Hire vehicles</p> <p>Fit and Proper Person – a person who has been deemed an appropriate person to hold a Private Hire / Hackney Carriage (Joint) Driver licence with this Authority. Flintshire Council determine this on application by obtaining an enhanced criminal record check, character references, a medical, a check of the driving licence history and a knowledge test. Also by</p>

	assessment of complaints or information arising in relation to current licence holders.
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	DVLA – Driver and Vehicle Licensing Agency
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Licensing Section
FLINTSHIRE COUNTY COUNCIL
Planning, Environment and Economy
County Hall
Mold
Flintshire
CH7 6NR

Tel: 01352 703030

Fax: 01352 703394
e.mail Licensing@flintshire.gov.uk

**MEDICAL EXAMINATION ASSOCIATED WITH APPLICATION FOR A LICENCE TO
DRIVE A PRIVATE HIRE OR HACKNEY CARRIAGE VEHICLE**

Name of Driver.....

Address:

.....

Post Code: Date of Birth:

Doctor information

Please complete this form, using the 'DVLA' Group 2 medical standard for drivers. Please complete this form in accordance with DVLA's 'Guide for Medical Practitioners' (www.dvla.gov.uk).

Drivers who may be symptom free at the time of the examination should be advised that if, in future, they develop symptoms of a condition which could affect safe driving and they hold any type of driving licence they must inform the Drivers Medical Group, DVLA, Longview Road, Swansea SA99 1TU. **Licensed drivers also have a duty under private hire licence conditions to notify the Council within 14 days, of any illness or injury affecting their fitness to drive in any way.**

Please ensure that you have completed all the sections including consultant/specialist details where appropriate and your surgery/practice stamp.

Note: A Licensee is normally examined every five years up to the age of 65 years and every year subsequently.

MEDICAL EXAMINATION REPORT
To be completed by the Doctor

Please give patient's weight (kg/st) height (cms/ft)

Details of Specialist(s)/Consultants

Date last seen: _____

Current medication: _____

VISION

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Is the visual acuity at least 6/9 in the better eye and at least 6/12 in the other (corrective lenses may be worn)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is there a full binocular field of vision? | <input type="checkbox"/> | <input type="checkbox"/> |

If NO please give details: _____

3. If the applicant has any other ophthalmic condition please give details:

NERVOUS SYSTEM

Is there a history or evidence of any of the following conditions: **YES** **NO**

- 4. Any form of epileptic attack?
- 5. Blackout or impaired consciousness within the last 5 years?
- 6. Does the driver suffer from narcolepsy/cataplexy?
- 7. Stroke/TIA?
- 8. Sudden and disabling dizziness/vertigo within the last year?
- 9. Subarachnoid haemorrhage?
- 10. Serious head injury?
- 11. Brain tumour, either benign or malignant, primary or secondary?
- 12. Other brain surgery?
- 13. Chronic neurological disorders e.g. Parkinson's disease, Multiple Sclerosis?
- 14. Dementia or cognitive impairment?

If **YES** to any of the above please give further details relating to prognosis, period of stability and details of medication, dosage and any side effects:

DIABETES MELLITUS

- YES** **NO**
- 15. Does the driver have diabetes mellitus?

If **YES** to any of the above please give further details relating to prognosis, period of stability and details of medication, dosage and any side effects:

PSYCHIATRIC ILLNESS

	YES	NO
Is there a history or evidence of any of the following conditions:		
16. Significant psychiatric disorder within the past 6 months?	<input type="checkbox"/>	<input type="checkbox"/>
17. A psychotic illness within the past 3 years?	<input type="checkbox"/>	<input type="checkbox"/>
18. Alcohol dependency in the past 3 years?	<input type="checkbox"/>	<input type="checkbox"/>
19. Drug dependency in the past 3 years?	<input type="checkbox"/>	<input type="checkbox"/>

If **YES** to any of the above please give further details relating to prognosis, period of stability and details of medication, dosage and any side effects:

CARDIAC

	YES	NO
Is there a history or evidence of any of the following conditions:		
20. Myocardial infarction?	<input type="checkbox"/>	<input type="checkbox"/>
21. Coronary artery by-pass graft?	<input type="checkbox"/>	<input type="checkbox"/>
22. Coronary angioplasty (with or without stent)?	<input type="checkbox"/>	<input type="checkbox"/>
23. Angina?	<input type="checkbox"/>	<input type="checkbox"/>
24. Cardiac arrhythmia?	<input type="checkbox"/>	<input type="checkbox"/>
25. Peripheral arterial disease?	<input type="checkbox"/>	<input type="checkbox"/>
26. Aortic aneurysm?	<input type="checkbox"/>	<input type="checkbox"/>
27. Aortic dissection?	<input type="checkbox"/>	<input type="checkbox"/>
28. Valvular/congenital heart disease?	<input type="checkbox"/>	<input type="checkbox"/>
29. Cardiomyopathy?	<input type="checkbox"/>	<input type="checkbox"/>
30. Heart or heart/lung transplant?	<input type="checkbox"/>	<input type="checkbox"/>

- | | YES | NO |
|---|--------------------------|--------------------------|
| 31. Heart failure? | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. Is today's systolic pressure greater than 180? | <input type="checkbox"/> | <input type="checkbox"/> |
| 33. Is today's diastolic pressure greater than 100? | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. Is the driver on anti-hypertensive treatment? | <input type="checkbox"/> | <input type="checkbox"/> |

If **YES** to any of the above please give further details relating to prognosis, period of stability and details of medication, dosage and any side effects:

GENERAL

- | | YES | NO |
|---|--------------------------|--------------------------|
| Is there a history or evidence of any of the following conditions: | | |
| 35. Disability of the spine or limbs, likely to impair control of the vehicle? | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. Renal or hepatic failure? | <input type="checkbox"/> | <input type="checkbox"/> |
| 37. Sleep apnoea? | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. Symptomatic respiratory disease? | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. Deafness? | <input type="checkbox"/> | <input type="checkbox"/> |
| 40. Cancer? | <input type="checkbox"/> | <input type="checkbox"/> |
| 41. Medication that may cause the driver side effects which impair his/her driving? | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. In your opinion is there any medical reason why this individual should not drive? | <input type="checkbox"/> | <input type="checkbox"/> |

If **YES** to any of the above please give further details relating to prognosis, period of stability and details of medication, dosage and any side effects:

To: Licensing Section,
Planning, Environment and Economy
Flintshire County Council,
County Hall,
Mold,
Flintshire
CH7 6NR

Private Hire and Taxi Licensing

Your data will be processed by Flintshire County Council for the specific purpose of assessing your application for a licence. The processing of your personal data is necessary for the purposes of one of the following pieces of legislation:

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847,

and for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. Where sensitive personal data is held processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

Flintshire County Council will retain your data for 12 months following the expiry, cancellation or surrender of the licence. Your data may be shared with both internal and external organisations such as North Wales Police and Immigration Authorities, and will be shared as part of the National Fraud Initiative.

If you feel that Flintshire County Council has mishandled your personal data at any time you can make a complaint to the Information Commissioner's Office by visiting their website or by calling their helpline on 0303 123 1113.

For further information about how Flintshire County Council processes personal data and your rights please see our privacy notice on our website:

<http://www.flintshire.gov.uk/en/Resident/Contact-Us/Privacy-Notice.aspx>

**MEDICAL EXAMINATION ASSOCIATED WITH APPLICATION FOR A LICENCE TO
DRIVE A PRIVATE HIRE OR HACKNEY CARRIAGE VEHICLE**

I certify that I have this day examined:

The answers to the foregoing questions are correct to the best of my knowledge and belief and I consider the above named person:
(Please tick the appropriate box)

FIT to act as a Private Hire/Hackney Carriage ***Driver*** licensed in the County of Flintshire.

UNFIT to act as a Private Hire/Hackney Carriage ***Driver*** licensed in the County of Flintshire.

I confirm:

I AM the usual Doctor of the above named person.

I AM NOT the usual Doctor of the above named person.

Name (please print):.....

Signature:.....

Date:.....

Stamp:

*** A WELSH VERSION OF THIS FORM IS AVAILABLE ON REQUEST***

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MEETING

Date of Meeting	Thursday, 28 June 2018
Report Subject	Revised Guidance Issued Under Section 182 of the Licensing Act 2003
Report Author	Gemma Potter

EXECUTIVE SUMMARY

For Members to have regard to the Home Office revised guidance issued under Section 182 of the Licensing Act 2003

RECOMMENDATIONS

1	For information only
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REPORT DETAILS

1.00	EXPLAINING THE CHANGES
1.01	Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue, and from time to time may revise guidance to licensing authorities on the discharge of their functions on the 2003 Act. The revised guidance takes effect as soon as it is published. The guidance does not apply retrospectively, however, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.
1.02	The Home Office published revised guidance in April 2018. A link to the document is shown in section 6 of this report.
1.03	There are many changes for Members to familiarise themselves with, and due regard should be given to the document.

1.04	Members attention is drawn particularly to the following paragraphs.
1.05	On page 73 (paragraph 9.31), the guidance provides that the authority can determine, even when all parties say otherwise, that it is necessary to hold a hearing
1.06	<p>Page 74 addresses hearing regulations.</p> <p>Paragraph 9.32 states that time limits provided by the regulations can be extended when it is in the public interest. (The period following the end of consultation and not the consultation period itself).</p> <p>Paragraph 9.33 confirms that it is the Hearings Regulations that oblige a hearing to proceed if representations are withdrawn within the last 24 hours.</p> <p>Paragraph 9.34 adds local residents to the list of persons to whom applicants are encouraged to have contact before formulating an application / submission.</p> <p>Paragraph 9.37 makes clear that strict time limits / strict adherence to time limits is not to be encouraged. Attendees should be allowed sufficient time to do so within reasonable and practicable limits.</p>
1.07	<p>Page 100 addresses review.</p> <p>The licensing authority must consider what steps are appropriate for the promotion of the licensing objectives.</p> <p>Paragraph 12.29 indicates that at review, following a summary hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives. This must take into account any change in circumstances since the interim steps were imposed, considering any relevant representations and reviewing the interim steps taken already (if any).</p>
1.08	<p>Page 104 addresses appeals.</p> <p>Paragraphs 13.10/13.11 are centred around giving reasons for decisions and suggest the following:</p> <ul style="list-style-type: none"> • It is important that the licensing authority gives comprehensive reasons for its decision in anticipation of any appeals. • It is important that the licensing authority should also provide all parties with a part of the original hearing with clear reasons for any subsequent decisions where appeals are settled out of Court. • Local residents in particular who have attended a hearing where the decision was subject to an appeal are likely to expect the final determination to be made by a Court.
1.09	This summary of changes is not exhaustive, and once again, Members are urged to consider the document in its entirety.

2.00	RESOURCE IMPLICATIONS
2.01	None

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None. The guidance came in to force when it was published in April 2018.

4.00	RISK MANAGEMENT
4.01	Members will need to be aware of the content of the guidance for appearances in Sub Committee.

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf</p> <p>Contact Officer: Gemma Potter – Team Leader Telephone: 01352 703371 E-mail: gemma.potter@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Licensing Act 2003 – referred to as the Act.</p> <p>Premises Licence – means a licence granted under the Act, in respect of any premises, which authorises the premises to be used for one or more licensable activities.</p> <p>Licensing Objectives - the Act sets out four licensing objectives. These are the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.</p>

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MEETING

Date of Meeting	Thursday, 28 June 2018
Report Subject	Minimum Unit Pricing
Report Author	Gemma Potter

EXECUTIVE SUMMARY

To make Members aware of the Public Health (Minimum Price for Alcohol) (Wales) Bill.

RECOMMENDATIONS

1	For information only
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REPORT DETAILS

1.00	EXPLAINING THE BILL
1.01	A new law which will introduce a minimum price for alcohol in Wales has been approved by the national Assembly for Wales.
1.02	The Public Health (Minimum Price for Alcohol) (Wales) Bill is part of the Welsh Government's wider effects to reduce excessive drinking, recognising the impacts this can have on people's health and well-being.
1.03	The new law will address longstanding and specific health concerns around the effects of excess alcohol consumption, which is estimated to lead to nearly 55,000 alcohol related hospital admissions a year, costing the Welsh NHS over £150m annually.

1.04	It's reported that in 2016, there were 504 alcohol related deaths in Wales.
1.05	The legislation supports the Welsh Government's strategy to tackle hazardous and harmful drinking by tackling the availability and affordability of cheap, strong alcohol, which is part of wider efforts to improve and protect the health of the population in Wales.
1.06	Following approval by Assembly Members, the bill will become law once it has received Royal Assent
1.07	Once enacted, the new law will allow Welsh ministers to introduce a minimum unit price for alcohol supplied in Wales. It will make it an offence for alcohol to be supplied below a minimum price made up of that minimum unit price, the strength of the alcohol and its volume, specifically targeting cheap, strong alcohol.
1.08	The legislation will target and aim to reduce the amount of alcohol being consumed by hazardous and harmful drinkers, whilst minimising impact on moderate drinkers.
1.09	The level of the minimum unit price for this purpose will be specified in regulations made by the Welsh Ministers following consultation this year.
1.10	The new minimum pricing regime is expected to come into force during the summer of 2019.
1.11	The Welsh Government will issue guidance and work with retailers, local authorities and trading standards to prepare for implementation.
1.12	There will be full, ongoing evaluation of the act once implemented, and this information will be used by Welsh Government to assess the effectiveness of the policy.

2.00	RESOURCE IMPLICATIONS
2.01	It is anticipated that the Licensing Section will have some involvement with the implementation of the minimum unit pricing regime, although the level of involvement is not yet known.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None

4.00	RISK MANAGEMENT
4.01	None

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	http://senedd.assembly.wales/mglIssueHistoryHome.aspx?IId=20029 Contact Officer: Gemma Potter – Team Leader Telephone: 01352 703371 E-mail: gemma.potter@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Minimum Unit Price – a set amount to be charged per unit of alcohol

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MEETING

Date of Meeting	Thursday, 28 June 2018
Report Subject	Taxi and Private Hire Vehicle Licensing in Wales
Report Author	Gemma Potter

EXECUTIVE SUMMARY

To inform members of a proposed change in legislation for Wales, in relation to taxi and Private Hire Vehicle licensing in Wales.

RECOMMENDATIONS

1	For information only
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REPORT DETAILS

1.00	EXPLAINING THE PROPOSED CHANGES
1.01	In May 2014, the Law Commission for England and Wales published its proposals for the reform of the legislative framework governing the licensing of taxis and private hire vehicles in England and Wales. Following commencement of relevant provisions of the Wales Act 2017, licensing of taxis and private hire vehicles will be a matter within the legislative competence of the National Assembly for Wales.
1.02	It is under this new devolved settlement that the Welsh Government has again considered the proposals for the framework for licensing taxis and private hire vehicles put forward by the Law Commission, for the purpose of bringing new arrangements into effect in relation to Wales.

1.03	<p>The proposed arrangements would:</p> <ul style="list-style-type: none"> • See the introduction of national standards for all taxis and private hire vehicles, set by the Welsh Ministers, with the power for local licensing authorities to set additional standards where it is appropriate to do so; • Local licensing authorities would, however, remain responsible for issuing licences and enforcement for both taxis and private hire vehicles; • Make it easier for providers of taxis and private hire services to work across local authority boundaries and will give licensing officers new enforcement powers to deal with vehicles and drivers licensed in different areas. Tougher penalties on touting are also proposed (actively soliciting customers), including impounding vehicles; • Bring pedi-cabs and novelty vehicles, including stretch limousines within the scope of taxi and private hire regulation but the exemption applied to wedding and funeral cars as part of primary legislation being retained, and • Retain the ability of local licensing authorities to limit the number of taxis working in their licensing area.
1.04	<p>The Welsh Government considers that the majority of the recommendations put forward by the Law Commission would, if introduced, clarify and simplify the legislation governing the licensing of taxis and private hire vehicles.</p>
1.05	<p>A public consultation was launched on 12th June 2017. Following the results of this consultation, the Welsh Government intend to publish a White Paper in Summer 2018.</p>
1.06	<p>The White Paper would propose the following:</p> <ul style="list-style-type: none"> • Removal of the distinction which currently exists between Private Hire and Hackney Carriage vehicles in favour of a single definition. • To set out how out of area working would be limited, by requiring Operators, their employees, owner drivers and vehicles to be licensed by the licensing authority in their area of operation. • Establish national standards for taxis and other private hire vehicles published by the Welsh Ministers and implemented by local licensing authorities. • Propose extending licensing requirements on private hire vehicles other than those providing taxi services, such as wedding and funeral cars, courtesy cars used by garages and hotels, pedi-cabs, other non-motorised vehicles modes of transport used by the public, and executive car services. • Propose to regulate maximum fares and other charges to passengers for journeys undertaken within the distance of not more than seven miles outside the licensing area. • Establish a national database of licensees • Improve enforcement powers and training.
1.07	<p>Members will be updated on the progress of the White Paper</p>

2.00	RESOURCE IMPLICATIONS
2.01	Any changes to the legislation will need to be implemented by the Licensing Team.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None

4.00	RISK MANAGEMENT
4.01	None

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Gemma Potter – Team Leader Telephone: 01352 703371 E-mail: gemma.potter@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Private Hire – a type of licensed vehicle which can only be booked through a licensed Operator’s office.</p> <p>Hackney Carriage – Black Cab style taxi or purpose built vehicles which have distinguishable features and can be hailed from the street.</p>

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