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To: Cllr Tony Sharps (Chairman)

Councillors: David Cox, Rob Davies, Ron Davies, Adele Davies-Cooke,
Chris Dolphin, Rosetta Dolphin, Mike Lowe, Richard Lloyd, Ralph Small,
Martin White and Andy Williams

1 July 2021

Dear Sir/Madam

NOTICE OF REMOTE MEETING
LICENSING COMMITTEE
WEDNESDAY, 7TH JULY, 2021 at 10.00 AM

Yours faithfully

Robert Robins
Democratic Services Manager

Please note: This will be a remote meeting and 'attendance' will be restricted to Committee Members and those Members of Council who have asked the Head of Democratic Services for an invitation. Such attendees may only speak at the Chair's discretion.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

A G E N D A

1 APPOINTMENT OF VICE-CHAIR

Purpose: To appoint a Vice-Chair to the Committee.

2 APOLOGIES

Purpose: To receive any apologies.

3 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

4 MINUTES (Pages 5 - 8)

Purpose: To approve as a correct record the minutes of the meeting held on 10th October 2019.

5 CHANGES TO TAXI AND PRIVATE HIRE LICENSING (Pages 9 - 12)

Purpose: The Department for Transport (DfT) has recently published the document "Statutory Taxi and Private Hire Vehicle Standards" and Welsh Government has recently published the document "Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales". Both documents affect Hackney Carriage and Private Hire Licensing.

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

Procedural Note on the conduct of meetings

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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LICENSING COMMITTEE
10TH OCTOBER 2019

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Monday, 10th October 2019.

PRESENT: Councillor Tony Sharps (Chairman)

Councillors: Glyn Banks, David Cox, Rob Davies, Ron Davies, Chris Dolphin, Rosetta Dolphin, Mike Lowe, Ralph Small, Martin White and Andy Williams.

APOLOGY:

Councillor Adele Davies-Cooke.

IN ATTENDANCE:

Community and Business Protection Manager, Licensing Team Leader, Solicitor and Team Leader - Democratic Services.

1. APPOINTMENT OF VICE-CHAIR

Councillor Cox was moved and seconded as Vice-Chair of the Committee.

RESOLVED:

That Councillor Cox be appointed Vice-Chair of the Licensing Committee for 2019/20.

2. DECLARATIONS OF INTEREST

Councillor Andy Williams declared a personal and prejudicial interest in agenda item number 5 – Hackney Carriage Fare Increase as he was a Director of a private hire company.

3. MINUTES

The minutes of the meeting held on 13th February 2019 had been circulated with the agenda.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chair.

4. HACKNEY CARRIAGE FARE INCREASE

The Licensing Team Leader introduced the report which requested consideration of a request made by the Hackney Carriage trade to increase the maximum chargeable fares payable by the public for Hackney Carriage journeys.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provided that a district council could fix the maximum rates of fares within the Borough, and all other charges in connection with the hire of a Hackney Carriage vehicle. This was done by means of a table of fares. Private Hire vehicles were able to set their own fares and were therefore not the subject of the report.

The Licensing Section had received a request from the Manager at a Private Hire Operator firm which used a Hackney Carriage vehicle within its fleet. The request cited the cost of living, and rising fuel and insurance costs as the reason for the review. The current fares were last approved in 2008 and were appended to the report.

A monthly table was published by Private Hire and Taxi Monthly magazine and Flintshire was listed at 334 out of 362, with 362 being the lowest. Proposed fees for consideration were also appended to the report.

Licensed Hackney Carriages must be equipped with a taxi meter which must be calibrated to the maximum fares and charges approved by the Council. Drivers could charge less if they wished but it was an offence to exceed the approved scale of fares. The proposed fares would bring Flintshire in line with the agreed fares in Gwynedd. There were currently only four licensed Hackney Carriage vehicles within Flintshire.

Details of the variation to the table of fares would be published in at least one local newspaper, setting out the table of fares or the variation thereof, and specifying the period which would not be less than 14 days from the date of first publication of the notice within which objections to the table of fares or variation could be made. If no objections were made within the period specified in the notice, or if all objections made were withdrawn, the table of fares or variations would come into operation. If an objection was made, the Council would set a further date, not more than two months after the specified date on which the table of fares should come into force, with or without modifications, as decided by them after consideration of the objections.

Councillor Banks asked if operators were encouraged to use electric vehicles, and suggested that incentives could be given if they did. The Licensing Team Leader explained that Flintshire did not currently have many charging points for electric vehicles, and explained the difficulties a taxi driver could face as the charge did not last as long as fuel.

Having earlier declared a personal and prejudicial interest, Councillor Williams did not take part in the debate or vote.

RESOLVED:

- (a) That the increase to the Hackney Carriage fares, for implementation on 1st January 2020 and following consultation, be approved; and

- (b) That if any objections were received following the publication of a public notice, delegated authority be given to the Licensing Sub-Committee for it to consider any such objections.

5. SAFEGUARDING TRAINING FOR PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS

Members were advised on the Safeguarding Training for Private Hire Operators, and Private Hire/Hackney Carriage Drivers, following approval by the Licensing Committee in October 2017.

Six sessions, run by the NSPCC, had been arranged to take place throughout October 2019 and were detailed in the report.

To date, 373 drivers and operators had booked onto the training. For those drivers not taking advantage of the free sessions offered, attendance on a safeguarding training could be chargeable in the future. Any refusal would result in the licence holder being brought before a Licensing Sub-Committee to ascertain whether they remained fit and proper to remain a licensed driver or operator.

RESOLVED:

That the content of the report be noted.

6. 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 10.16am)

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Chairman

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MEETING

Date of Meeting	Wednesday 7 th July 2021
Report Subject	Changes to Taxi and Private Hire Licensing
Report Author	Chief Officer (Planning, Environment & Economy)

EXECUTIVE SUMMARY

The Department for Transport (DfT) has recently published the document "Statutory Taxi and Private Hire Vehicle Standards" and Welsh Government has recently published the document "Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales". Both documents affect Hackney Carriage and Private Hire Licensing.

RECOMMENDATIONS

1	For information.
2	That Members have regard to these two documents when considering any Taxi and Private Hire Licensing matters

REPORT DETAILS

1.00	EXPLAINING THE CHANGES
1.01	In July 2020 the Department for Transport (DfT) published Statutory Taxi & Private Hire Vehicle Standards with the focus on protecting children and vulnerable adults. The DfT state that following a detailed consultation it's clear there is a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector.
1.02	The DfT standards have effect in Wales even though responsibility for taxi and private hire vehicle policy has been devolved to Welsh Government. However, should Welsh Government introduce legislation to regulate on these matters, the DfT standards would cease to apply.
1.03	In March 2021, Welsh Government published the Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales. This document follows Welsh Government's white paper 'Improving Public Transport' published in 2018. The aim of the recommendations contained in the document is to provide 'quick fixes' to improve the consistency of licensing standards and increase public safety across Wales. The recommendations form the basis for further development by Welsh Government into national standards.
1.04	There are 5 reasons 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 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 hope to rectify this by improving public safety across Wales. This also includes the safety of vehicles, along with improving the standards set for private hire operators.
1.05	Other reasons for adopting the recommendations include better consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles in wales and better standards of customer service.
1.06	<p>The DfT statutory standards and the Welsh Government's Harmonisation of Taxi and Private Hire Vehicle Licensing recommendations introduce a number of changes that Local Authorities will need to adopt. In summary the main changes are list below, although some of these have already been implemented by this authority:</p> <p>Drivers</p> <ul style="list-style-type: none"> • Requirement for drivers to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months. • Use of the National Database for Refusal and Revocations of Hackney Carriage and Private Hire Drivers • Overseas criminal record check for drivers • Adopting the Welsh Government's Driver Code of Conduct

	<ul style="list-style-type: none"> Updating the Private Hire Driver Conditions in line with the Welsh Government's Recommendations <p>Vehicles</p> <ul style="list-style-type: none"> 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. <p>General</p> <ul style="list-style-type: none"> Standardised application forms across Wales To commit to reviewing any Taxi Licensing Policy every 5 years in accordance with the DfT's Statutory Standards.
1.07	It is proposed that an overarching Taxi and Private Hire Licensing Policy will be drafted, for consideration by the Committee, to incorporate all of the smaller policies and procedures currently in place into one document, and to incorporate the standards set out in the Welsh Government document.
1.08	In the interim, it is requested that members have regard to both of these documents when considering any Taxi or private Hire Licensing matters.

2.00	RESOURCE IMPLICATIONS
2.01	An overarching Taxi Licensing Policy will need to be drafted, which will have resource implications on the Licensing Team.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	As required.

4.00	RISK MANAGEMENT
4.01	No risk implications.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Department for Transport, Taxi and Private Hire Licensing Guide: Best Practice Guide:</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf</p> <p>Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales:</p> <p>https://gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html</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 Private Hire Operator’s office.</p> <p>Taxi / Hackney Carriage – Black Cab style taxi or purpose built vehicles which have distinguishable features and can be hailed from the street.</p>