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THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

6th February 2020

Dear Sir/Madam

PLANNING, REGULATORY & GENERAL LICENSING COMMITTEE
(GENERAL LICENSING MATTERS)

A meeting of the Planning, Regulatory & General Licensing Committee (General Licensing Matters) will be held in Council Chamber, Civic Centre, Ebbw Vale on Tuesday, 11th February, 2020 at 10.00 am.

Yours faithfully

Michelle Morris
Managing Director

AGENDA

Pages

1. SIMULTANEOUS TRANSLATION

You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

2. APOLOGIES

We welcome correspondence in the medium of Welsh or English. / Croesawn ohebiaith trwy gyfrwng y Gymraeg neu'r Saesneg.

To receive.

3. **DECLARATIONS OF INTEREST AND DISPENSATIONS**

To consider any declarations of interest and dispensations made.

4. **ACTIVITIES REPORT FOR QUARTER 3 OF 2019/20** 3 - 14

To consider the report of the Team Manager Licensing & Commercial.

5. **AREAS FOR MEMBER TRAINING/BRIEFINGS**

To consider.

To: Councillor B. Summers (Chair)
Councillor M. Moore (Vice-Chair)
Councillor D. Bevan
Councillor G. L. Davies
Councillor D. Hancock
Councillor W. Hodgins
Councillor J. P. Morgan
Councillor K. Pritchard
Councillor K. Rowson
Councillor T. Smith
Councillor B. Thomas
Councillor G. Thomas
Councillor D. Wilkshire
Councillor B. Willis
Councillor L. Winnett

All other Members (for information)
Manager Director
Chief Officers

Agenda Item 4

Executive Committee and Council only

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: General Licensing Committee

Date of meeting: 11th February 2020

Report Subject: Activities Report for Quarter 3 of 2019/20

Portfolio Holder: Planning, Regulatory and General Licensing Committee

Report Submitted by: Lisa Griffin, Team Manager Licensing & Commercial

Report Written by: Lisa Griffin, Team Manager Licensing & Commercial

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	General Licensing Committee
21/01/20								11/2/2020

1. Purpose of the Report

To update the Licensing Committee on the work of the Licensing Team for the third quarter of 2019/20, i.e. 1st October – 31st December 2019 in respect of general licensing matters.

2. Scope and Background

- 2.1 This report outlines the work of the Licensing team from 1st October – 31st December 2019, including work such as applications, inspections and reactive complaints in respect of general licensing matters, so that Members are aware of what licensing activities are taking place and why.

Operational Report

2.2 Hackney and Private Hire Vehicle Licensing

- 2.2.1 There were 35 applications received and processed for both vehicle and driver licences.
- 2.2.2 Six complaints were received during quarter 3 in relation to taxi drivers. A summary of the investigation into the complaints and any action taken is

provided below:

- a) An allegation was made that one driver failed to keep a pre-arranged booking and failed to collect passenger. The complaint was investigated and the driver interviewed. There was insufficient evidence to support the complainant's allegations and so no formal action was undertaken. A follow-up letter was sent to the driver outlining the allegation and reminding them of relevant requirements;
- b) A further complaint was made by an elderly, disabled customer who alleged that she had been overcharged for a journey she had undertaken with a local taxi company. Again, the complaint was fully investigated and a statement taken from the complainant. The driver admitted that he had charged the passenger more than what the meter fare would have been and that he also did not use his meter throughout the journey. The driver has appeared before the licensing committee who, from the evidence put to them from the licensing enforcement officer, took action to revoke the driver's hackney carriage/private hire driver's licence;
- c) Information was provided from an officer of the Council's home to school transport section that an unlicensed driver was used to convey a child on a home to school transport contract. The proprietor of the vehicle that was used and who is also a private hire vehicle driver and operator has been interviewed and admitted the offences of using and employing an unlicensed driver. He has since been offered and accepted a simple caution for the offences and will be appearing before the licensing committee in quarter 4;
- d) An allegation was made against one driver of behaving in an aggressive manner towards a member of the public. No evidence found to support the complainant's allegation so complaint was unfounded. The driver was made aware of the allegation that had been received;
- e) A further allegation was made against a driver of failing to stop at a zebra crossing. The CCTV supplied by the complainant was not clear enough to identify the vehicle or the driver; however the complainant confirmed that he had identified an individual he thought to be the driver from posts from others on social media. The alleged driver was interviewed and he admitted that it was him and gave his version of events. The incident is not a matter for which the Licensing Authority would be able to take any further action and would be considered a Police matter. The complainant was advised of this and encouraged to contact Gwent Police;
- f) The final complaint received during Quarter 3 alleged that a 'ghost' taxi was operating in the Tredegar area. Very little information was

supplied by the complainant for the licensing enforcement officer to progress with the complaint. She has since requested further information from the complainant and an update will be given in quarter 4;

- 2.2.3 One meeting with the local Taxi Association was held during quarter 3. The purpose of these meetings is to discuss issues affecting the local trade, including proposed and requested changes to local taxi ranks.

At the meeting, the following matters were discussed:-

1. Issues relating to Abertillery, Tredegar and Brynmawr taxi ranks were discussed and this will be discussed further in future meetings when more information is made available;
2. Minibus layout – The Vehicle Examiner attended the meeting to discuss comments made by the trade and information obtained by licensing enforcement officer in relation to some vehicles being able to be licensed to carry 8 passengers as opposed to 7. The vehicle examiner stated that he would consider increasing seating capacity but on a case by case basis. It was agreed, going forward that any vehicle proprietor with an appropriate vehicle interested in increasing the seating capacity would have to have the vehicle examined with the additional seats fitted. The licensing enforcement officer advised that there would be a charge for replacement paperwork and licenses.

The continuation of these meetings will be delivered during the remaining quarters 4

- 2.2.4 Work continues to implement the National Register of Taxi Licence Refusals and Revocations (called NR3). NR3 is a UK wide database which has been developed and will be hosted by the National Anti-Fraud Network (NAFN). The NR3 register provides a way for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle (PHV) licence revoked or an application for one refused.

The NR3 register will help prevent drivers who have had a hackney carriage or PHV licence revoked, or an application for one refused, going to another authority to dishonestly secure a licence.

The implementation of the NR3 database was discussed at the Licensing Expert Panel meeting in December 2019. It was agreed that all 22 Local Authorities would aim to commence uploading information into the database by the end of the financial year (March 2020).

- 2.2.5 The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 came into force in April 2019 and required all councils responsible for licensing taxis and Private Hire Vehicles (PHV's) in England and Wales to provide certain information about those vehicles that they have licensed to a central portal on a minimum weekly basis. There has been an introductory period for the requirement to upload to take effect and we are currently working through the steps required by DEFRA in order to commence data input by the end of this financial year.

The central database will form part of the infrastructure that government is developing to support the introduction of charging Clean Air Zones by some local authorities from 2020 as part of their local plans to ensure compliance with statutory nitrogen dioxide limits in the shortest possible time. In some cases, local authorities will implement Clean Air Zones that apply charges to taxis and PHVs but not to private cars. Local authorities may also wish to set a different level of charge for taxis and PHVs and private cars. In these circumstances, local authorities will need to be able to distinguish private cars from taxis and PHVs.

2.3 **Street Trading**

- 2.3.1 Two permanent street trading applications were received in relation to street trading this quarter and four temporary street trading consents were received. There have been no complaints made this quarter.

2.4 **Charity Collections**

- 2.4.1 19 applications were received in relation to charity collections in this quarter, some of which were received in advance for 2020 collections, and no complaints were received in quarter 3.

2.5 **Scrap Metal**

- 2.5.1 One application for a scrap metal site licence was received this quarter and no complaints were received in the quarter.

2.6 **Freedom of Information (FOI) requests**

- 2.6.1 Four FOI requests were received during this quarter relating to taxi licensing matters requesting information relating to taxi accident reporting mechanisms, livery on taxis and taxi drivers licensed by Blaenau Gwent Council living in Wolverhampton. Also, a list of licensed taxis and

operators was requested.

2.7 Inspection and Enforcement Activities

2.7.1 During this quarter, 9 licensed taxis were randomly selected to attend a vehicle spot check test, which is carried out by the Council's Approved Vehicle Examiner, based at Barleyfield Industrial Estate. These tests are carried out to MOT standards to ensure that vehicles continue to be road worthy. All vehicles passed the spot check test.

2.7.2 Two separate visits were made in this quarter to the taxi ranks in the borough and on four separate occasions at the Council's vehicle testing section where 38 vehicle/drivers were inspected. Two drivers were issued with penalty points for failing to have their driver badges and a vehicle proprietor was issued with a penalty point for not having a fire extinguisher in his vehicle. If any of the drivers or vehicle proprietor obtains additional penalty points within 12 months, further action may be taken, which may result in his licence being suspended or revoked. Three drivers were given advisory notifications for tyres and a light.

2.7.3 Four applicants for a new driver's licence attended a meeting of the Licensing Committee as a result of criminal convictions being identified in their application. The committee agreed that the applicants were fit and proper persons to hold a licence and all were granted a full three year licence, subject to a written warning regarding their future conduct. A further fifth applicant was invited to attend the meeting but failed to present; this application has been deferred to Quarter 4 for a further invitation to attend Committee.

One licensed driver attended Committee as a result of a complaint being received regarding allegation of overcharging. The evidence in respect of the outcome from the Licensing Enforcement Officer's investigation was heard and the decision taken to revoke the drivers licence (please refer to paragraph 2.2.2 for further information).

Management Report

2.8 Policies

2.8.1 No new requirements for policies have been identified. Members had previously agreed that Sex Establishment and Charity Collection policies should be developed and this work is still planned to commence in quarter 4 of 19/20.

2.9 Fees

2.9.1 All licence fees relevant to general licensing matters were reviewed during quarter 3 and the proposed changes put before Committee for

consideration prior to public consultation. The consultation exercise will continue into Quarter 4 with a view to presenting any representations received to Committee prior to final approval of any proposed changes being implemented from the 1st April 2020.

2.10 **Complaints**

2.10.1 There have been no formal complaints about the work of the team in this quarter.

3. **Options for Recommendation**

- 3.1
1. That the committee note and comment on the contents of this report, or;
 2. That the committee note the activity report for this quarter.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan/Statutory Responsibilities/Blaenau Gwent Well-being Plan**

4.1 This report relates to the statutory duties and responsibilities of the Authority.

Links to the Corporate Plan and the Well-being Plan are covered in any reports implementing or varying any area of work delivered by the Licensing Team. There are therefore no direct links to this report which provides a quarterly performance update.

5. **Implications Against Each Option**

5.1 This report reflects work carried out by the Licensing team within existing resources, and there are therefore no financial implications.

5.2 The main risk to the Authority is reputational should efficient and effective licensing enforcement not be delivered.

5.3 This report relates to the statutory powers and responsibilities of the authority, and there are therefore no significant legal impact is identified.

5.4 This report reflects work carried out by the Licensing team within existing resources, and there are therefore no staffing/workforce implications.

6. **Supporting Evidence**

6.1 Details of activities completed in this quarter are attached as Appendix 1.

7. **Monitoring Arrangements**

7.1 The Licensing team will continue to monitor workloads and report to future committees.

Background Documents /Electronic Links

- None

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APPENDIX 1 - LICENSING TEAM ACTIVITY REPORT 2019/20

Licence Applications Processed									
Licensing Act 2003 Applications									
Type	Q 1		Q 2		Q 3		Q 4		Annual total
Financial Year	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	
Hackney carriage	39	38	36	37	28	33			108
Private hire vehicle	2	1	0	0	1	0			1
Hackney carriage driver	2	38	14	31	30	*2			71
Private hire vehicle driver	0	1	0	0	1	*0			1
Private hire vehicle operator	0	0	0	0	0	0			0
Totals	43	78	50	68	60	35			181
Gambling Act 2005 Applications									
Type	Q 1		Q 2		Q 3		Q 4		Annual total
Financial Year	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	
Scrap metal collectors	1	0	0	0	0	0			0
Scrap metal sites	0	0	0	1	0	1			2
Street trading – permanent	1	0	4	2	2	2			4
Street trading - temporary	3	1	3	0	4	4			5
Street collections	1	1	4	3	6	5			9
House to house collections	5	6	7	2	7	14			22
Totals	11	8	18	8	19	26			42

**hackney carriage and private hire vehicle driver's licences are now issued as a combined licence so separate figures will no longer be provided*

Complaints									
Type	Q 1		Q 2		Q 3		Q 4		Annual total
Financial Year	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	
Taxis	0	2	4	1	4	6			9
Scrap metal	0	0	0	0	0	0			0
Street trading	2	0	0	2	1	0			2
Charitable collections	0	0	0	0	0	0			0
Totals	2	2	4	3	5	6			11
Inspection Activities									
Visits, Inspections and Interventions*									
Type	Q 1		Q 2		Q 3		Q 4		Annual total
Financial Year	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	
Taxi and driver inspections	34	0	0	51	21	38			89
Scrap metal collectors	0	0	0	0	0	0			0
Scrap metal sites	0	0	0	0	3	2			2
Street trading	0	0	0	3	4	2			5
Totals	34	0	0	54	28	42			96
Other compliance checks, visits and inspections									
Type	Q 1		Q 2		Q 3		Q 4		Annual total
Financial Year	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	
HC and PHV spot checks	9	11	9	10	10	9			30
Private hire vehicle operators	0	0	0	0	2	0			0
Multi agency operations - taxis	2	0	0	0	1	0			0
Totals	11	11	9	10	13	9			30

Enforcement Activities									
Penalty Points - Taxis									
Type	Q 1		Q 2		Q 3		Q 4		Annual total
Financial Year	<i>2018/19</i>	2019/20	<i>2018/19</i>	2019/20	<i>2018/19</i>	2019/20	<i>2018/19</i>	2019/20	
Driver – 1st warning letter	<i>0</i>	1	<i>1</i>	1	<i>3</i>	2			4
Driver – 2nd warning letter	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Vehicles – 1st warning letter	<i>2</i>	0	<i>0</i>	0	<i>0</i>	1			1
Vehicles – 2nd warning letter	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Totals	<i>2</i>	1	<i>1</i>	1	<i>3</i>	3			5
Suspensions, revocations, prosecutions, cautions and appeals									
Type	Q 1		Q 2		Q 3		Q 4		Annual total
Financial Year	<i>2018/19</i>	2019/20	<i>2018/19</i>	2019/20	<i>2018/19</i>	2019/20	<i>2018/19</i>	2019/20	
Driver licence suspended	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Vehicle licence suspended	<i>0</i>	0	<i>1</i>	0	<i>0</i>	0			0
Driver licence revoked	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Vehicle licence revoked	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Scrap metal	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Street trading	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Prosecutions	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Cautions and Fixed Penalties	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Appeals	<i>0</i>	0	<i>0</i>	0	<i>0</i>	0			0
Totals	<i>0</i>	0	<i>1</i>	0	<i>0</i>	0			0

Licensing Committee Hearings

Type	Q 1		Q 2		Q 3		Q 4		Annual total
	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20	
Financial Year									
Taxis and drivers	0	1	0	1	0	6			8
Other	0	0	0	0	0	0			0
Totals	0	1	0	1	0	6			8