

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE CHAIR AND MEMBERS OF THE COUNCIL

SUBJECT: SPECIAL PLANNING, REGULATORY & GENERAL LICENSING COMMITTEE – 9TH JULY 2019

REPORT OF: LEADERSHIP AND DEMOCRATIC SUPPORT OFFICER

PRESENT: COUNCILLOR B. SUMMERS (CHAIR)

Councillors G. L. Davies
D. Hancock
W. Hodgins
M. Moore
K. Pritchard
T. Smith
B. Thomas
B. Willis

**WITH: A. Hughes – Team Manager, Licensing
H. Jones – Senior Licensing Officer
M. Woodland – Solicitor**

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.	

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 2	<p><u>APOLOGIES</u></p> <p>Apologies for absence were received from:-</p> <p>Councillors D. Bevan, K. Rowson, G. Thomas, D. Wilkshire and L. Winnett</p>	
No. 3	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>There were no declarations of interest or dispensations reported.</p>	
No. 4	<p><u>REVIEW OF THE TAXI LICENSING POLICY</u></p> <p>Members considered the report of the Team Manager Licensing.</p> <p>The Team Manager Licensing reminded Members that the policy had previously been considered and the report noted the outcome of the consultation. The Team Manager further spoke to the report and provided a detailed overview of the information contained therein.</p> <p>The Chair thanked the Officer for the detailed overview of the report and invited questions/observations from Members. The following points were raised:-</p> <p><i>Does the GP carry out an eye test?</i> A GP would be asked to provide a standard eye test as part of the medical test. If there were concerns with the applicant's eye sight they would be referred to an optician to have a full eye test before their medical was signed off by the GP.</p>	

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	<p>An alternative to door signage needed to be investigated as these signs were in place for public safety. It was noted that taxis had an internal doubled sided sign and a plate on the rear of the vehicle. It was agreed that investigations be undertaken to enlarge the internal plate.</p> <p>Would there be an increase in the cost of a combined licence? No, the cost would remain the same for both licences.</p> <p>Were there any changes in the guidance and checks to for a Taxi Driver? There would be no changes in the checks to undertaken as part of the application, both DBSs checks and guidance remained unchanged.</p> <p>It was felt that the Policy should be amended to allow Taxi Drivers to drink whilst stationary at traffic lights, waiting on fares or in the Taxi Rank. It was reported that there would be exceptions to this requirement, however, by law no driver of any vehicle was allowed to eat, drink or smoke whilst driving.</p> <p>The Chair asked that any proposed changes to recommendations be raised at the appropriate juncture in order that a vote could be taken.</p> <p>Were there differences in the policies for Blaenau Gwent's and Torfaen's? The Team Manager Licensing advised that although authorities shared good practice the policies were different as polices were developed for the respective authorities.</p> <p>At this juncture the Chair outlined each recommendation and asked Members for any amendments accordingly.</p>	

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	<p>A Member suggested that all new hackney carriages be fitted with a yellow/orange light on the top of the vehicle. This would distinguish the hackney carriages from the private hire vehicles.</p> <p>It was confirmed that this request could be pursued, therefore the Solicitor noted an amended recommendation, as follows:-</p> <p>“Private Hire vehicles would continue to require door signs, unless an existing exemption applied, but this requirement would no longer apply to Hackney Carriage vehicles displaying top lights. New licences should incorporate the need for a yellow top light”.</p> <p>In respect of smoking, eating and drinking in licensed vehicles, a Member felt he could not support the recommendation which prevented drivers having a drink in their Taxi. He was of the opinion that it was right and proper to allow an individual to have a drink when the vehicle was stationary whether that was at traffic lights, waiting on a fare or on the taxi rank. The Member felt that particularly on hot days drivers should be allowed to drink bottled water. The Member stressed that the taxi was the driver’s place of work and therefore should be allowed to have a drink.</p> <p>The Team Manager Licensing advised that as drivers of any vehicles were not permitted to eat or drink whilst driving. There were exceptions to this requirement for taxi drivers on medical grounds, taking medication and dehydration in hot weather would be acceptable. If committed, these offences would be placed before Committee for Members to make a decision if a breach of licence had been made.</p>	

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	<p>The Solicitor advised that Members needed to be mindful of allowing Taxi Drivers to eat and drink whilst in a vehicle, in motion as if in the worst case scenario and if an accident occurred while the driver was eating or drinking whilst the vehicle was in motion the Council could be seen as condoning such behaviour although it was not permitted by Law.</p> <p>Following discussions, the recommendation was accepted as outlined in the report, however Councillor Tommy Smith wished it recorded that he had abstained from voting against the recommendation as he could not support the requirement which did not allow taxi drivers to drink in their taxi.</p> <p>In respect of the wearing of hats/headgear, Members raised concerns in relation to headwear worn for religious purposes. It was thereupon agreed that the recommendation be amended to read:-</p> <p><i>“Any headgear worn must allow the face of the driver to be seen, unless worn for religious purposes, so that passengers could check that the person driving was a licensed driver, against their Taxi Identity Card. Any headgear worn must be clean, neat and not bear any slogan other than the maker’s name”.</i></p>	

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	<p>Upon a vote being taken, the recommendations detailed in the report with the exception of the aforementioned amendments were agreed by the Committee. It was noted that Councillor Tommy Smith abstained from voting and it was thereupon</p> <p>RESOLVED, subject to the foregoing, that the report be accepted and</p> <ol style="list-style-type: none"> 1. In respect of the age at which vehicles could be licensed. <ol style="list-style-type: none"> a) The age at which a vehicle could first be licensed should increase from 4 years to 5 years. b) There should be no maximum age, providing the vehicle continued to meet the requirements of the licensing policy. c) Vehicles over the age of 10 would be subject to two MOT inspections per year, for which an additional fee would be charged to cover costs. 2. In respect of side door signage: <ol style="list-style-type: none"> (a) Private Hire vehicles would continue to require door signs, unless an existing exemption applies, but this requirement would no longer apply to Hackney Carriage vehicles displaying top lights. New licences should incorporate the need for a yellow top light 3. In respect of the licensing of vehicles carrying more than 4 persons, that the policy remained unchanged. 4. In respect of part payments, this option was not offered at this time, although the option to offer an improved on-line service that could facilitate this would remain under review. 	

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	<p>5. In respect of assessing the fitness of applicants and licence holders:</p> <ul style="list-style-type: none"> a) The Institute of Licensing (IoL) “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades” be adopted in place of any existing provisions determining the suitability of applicants; and b) Section 3 of the existing guidance referring to the suitability of applicants be removed, other than the section on penalty points and reference instead made to the IoL Guidance. <p>6. In respect of smoking and eating in licensed vehicles, the current policy be amended to read:</p> <ul style="list-style-type: none"> a) <i>The driver should not eat or drink in the vehicle, other than for medical reasons, whilst the vehicle was in motion. Smoking and the use of electronic or vaping products designed to be smoked, be prohibited in the vehicle at all times.</i> b) <i>Where a vehicle owner or driver chose to ban customers from eating and drinking in a vehicle (other than for medical reasons) this must be clearly signposted so that customers were aware immediately on entering the vehicle.</i> 	

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
	<p>7. In respect of the wearing of hats/headgear, the current policy be amended to read:</p> <p><i>“Any headgear worn must allow the fact of the driver to be seen, unless for religious purposes, so that passengers could check that the person driving was a licensed driver, against their Taxi ID Card. Any headgear worn must be clean, neat and not bear any slogan other than the maker’s name”.</i></p> <p>8. All drivers licences issued become combined licences permitting the driving of both Hackney Carriages and Private Hire Vehicles.</p>	
No. 5	<p><u>ACTIVITIES REPORT FOR QUARTER 4 – 2018/2019</u></p> <p>The report of the Team Manager Licensing was submitted for consideration.</p> <p>The Team Manager Licensing spoke in detail to the report which outlined work of the Licensing Team for the final quarter of 2018/2019 (January to March) and for the full year in relation to general licensing matters. The Team Manager noted the operational and management reports as detailed in the report and provided an overview of the licence applications processed.</p> <p>A Member reported a problem with an individual who was busking in Tredegar Town Centre and asked if the Authority had any control over buskers. The Team Manager, Licensing was not aware of any enforcement in place for buskers. She agreed to look into the request and feedback direct to the Member.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>	