

To: Members of the Licensing
Committee

Date: 30 November 2017

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Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 6 DECEMBER 2017** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal, HR and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES OF THE LAST MEETING (Pages 9 - 26)

To receive the –

(a) minutes of the Licensing Committee held on 20 September 2017 (copy enclosed), and

(b) minutes of the Special Licensing Committee held on 18 October 2017 (copy enclosed).

PART 2 - CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information as defined in paragraphs 12 & 13 of Part 4 of Schedule 12A of the Act would be disclosed.

5 RENEWAL APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 523920
(Pages 27 - 38)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of a renewal application from Applicant No. 523920.

6 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 516098 (Pages 39 - 42)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application from Applicant No. 516098.

7 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 517116 (Pages 43 - 58)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking determination of an application from Applicant No. 517116.

8 RENEWAL APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. DR186 (Pages 59 - 88)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of a renewal application from Driver No. DR186.

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

9 PROPOSED AMENDMENTS TO THE EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATIONS (Pages 89 - 92)

To consider a report by the Head of Planning and Public Protection (copy enclosed) detailing proposed amendments to the existing hackney carriage and private hire vehicle specifications.

10 PROPOSED CHANGES TO TAXI LICENSING FEES AND CHARGES
(Pages 93 - 102)

To consider a report by the Head of Planning and Public Protection (copy enclosed) detailing proposed changes to the fees and charges for hackney carriage and private hire licensing.

11 PROPOSED CHANGES TO THE HACKNEY CARRIAGE VEHICLES TABLE OF FARES AND CHARGES (Pages 103 - 112)

To consider a report by the Head of Planning and Public Protection (copy enclosed) seeking members' review of the current charges for hackney carriage vehicles (taxis).

12 LICENSING COMMITTEE FORWARD WORK PROGRAMME (Pages 113 - 116)

To consider a report by the Head of Planning and Public Protection (copy enclosed) presenting the committee's forward work programme for approval.

MEMBERSHIP

Councillors

Hugh Irving (Chair)

Alan James (Vice-Chair)

Joan Butterfield

Peter Scott

Brian Jones

Rhys Thomas

Barry Mellor

Tony Thomas

Melvyn Mile

Huw Williams

Arwel Roberts

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LICENSING COMMITTEE PROCEDURE FOR THE DETERMINATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE APPLICATIONS AND REVIEWS OF EXISTING LICENSED DRIVERS

STEP	DESCRIPTION
1.	The Chair to welcome and introduce the applicant/licence holder to all parties present.
2.	Solicitor to ask the applicant/licence holder to confirm that he/she has received the report and the Committee procedures. If applicant confirms same, move onto step 4.
3.	If it should occur that the applicant/licence holder states that the report has not been received, then such matter will be addressed at this stage. Members may wish to consider adjourning the matter, for a short period, in order for the applicant/licence holder to read the report.
4.	Head of Planning and Public Protection (or representative) briefly introduces the application/review
5.	The applicant/licence holder is requested to present his/her case The applicant/licence holder can call any witnesses he/she chooses in support of the application, for which advance notice should have been given to the Licensing Officers.
6.	Committee Members can question the applicant/licence holder and or his witnesses
7.	Technical officers are invited to present any findings (Licensing/Community Enforcement, First Contact Team (Social Services), School Transport.)
8.	The Committee Members followed by the applicant/licence holder can ask questions of the technical officers
9.	The applicant/licence holder will be invited to make a final statement, if they so wish
10.	The following will be requested to leave the meeting whilst the application/review is discussed by Members – the applicant/licence holder, all third parties, Head of Planning and Public Protection, technical officers NB The only people remaining should be – Committee Members, translator, committee’s legal adviser and the minute taker

11.	The committee members will consider the application/review taking into account the evidence heard
12	Should Committee Members prove it necessary to recommence the asking of questions and recall any party to provide further information or clarification, all persons who have withdrawn from the meeting will be invited to return. After the question(s) have been determined all third parties will be asked to withdraw again for Members to consider all evidence.
13.	When the Members have reached their decision, all parties will be recalled and the applicant/licence holder will be informed of the Members decision by the Chairman.
14.	The Chair will inform the applicant/licence holder of the decision reached. This will include any specific conditions or penalties which may have been imposed. If necessary the Council's Solicitor to provide further clarification of the decision and its implications to the applicant/licence holder.
15.	If the decision is to refuse or there is a decision to suspend or revoke, the Council's Solicitor to inform the applicant/licence holder of the right of appeal to the Magistrates' Court (the decision letter will also include these details).
16.	For an existing licensed driver (issued by Denbighshire), and the decision involves a resolution by the Committee to suspend or revoke the existing licence, Members may do so under either: <ul style="list-style-type: none"> 1. Section 61 (2A) of the Local Government (Miscellaneous Provisions) Act 1976. 2. Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976. This decision will have IMMEDIATE EFFECT and can only be used when the grounds for suspension/revocation are a public safety matter. <p>The Solicitor will explain to the licence holder the implications of the decision.</p>
17.	The applicant/licence holder will be informed of the decision in writing as soon as practicable.
18.	The applicant/licence holder will be invited to discuss any matter they are unsure of with Licensing Officers after the Committee

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Russell House, Rhyl on Wednesday, 20 September 2017 at 9.30 am.

PRESENT

Councillors Hugh Irving (Chair), Alan James (Vice-Chair), Brian Jones, Barry Mellor, Peter Scott, Tony Thomas and Huw Williams

ALSO PRESENT

Solicitor (AL), Public Protection Business Manager (IM), Licensing Officers (NJ & JT), Enforcement Officers (HB & TB) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Melvyn Mile, Arwel Roberts and Rhys Thomas

2 DECLARATION OF INTERESTS

Councillor Huw Williams – Personal Interest – Agenda Item 6
Councillor Peter Scott – Personal Interest – Agenda Item 7

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 28 June 2017 were submitted.

Accuracy – Councillor Tony Thomas had attended the last meeting but had been omitted from the list of members present as recorded within the minutes.

RESOLVED that, subject to the above point of accuracy, the minutes of the meeting held on 28 June 2017 be received and confirmed as a correct record.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

5 APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) a request having been received from a hackney carriage proprietor to licence a vehicle for the purposes of hackney carriage licensing;
- (ii) officers having not been in a position to grant the application as the vehicle presented for licensing did not comply with the specification with regard to age limits as detailed in the Council's Private Hire and Hackney Carriage Vehicle Policy, Specification and Conditions, and
- (iii) the Applicant having been invited to attend the meeting in support of his application.

The Licensing Officer (NJ) presented the report and drew attention to the Council's policy which specified that vehicles subject of a new application must be no older than five years and explained there was no longer discretion in the policy to deviate from the age limit for older vehicles in exceptional condition. As the vehicle subject of the application was nine years old it did not comply with current specifications. Consequently members were asked to consider the Applicant's request to depart from the Council's policy in this case in order to grant the application as applied for.

The Applicant accepted that granting the application would be a deviation from the existing policy but urged members to do so in this case given the quality and condition of the vehicle; his commitment to its purchase, and the fact that he had been unaware of the policy change or he would have submitted the vehicle for licensing earlier. He also provided some background history to his business and his intention to license the vehicle in order to fulfil contract work effectively. The Applicant responded to members' questions regarding the timing of his application and the operation of his business, including acquisition of the vehicle for licensing.

With regard to the policy changes officers advised that a comprehensive consultation process had been undertaken following which information had twice been sent out to licence holders regarding implementation of the new policy and its implications with particular emphasis on the age limit for licensed vehicles. The Applicant was adamant that he had been unaware of the policy change and claimed that he had only been alerted to the fact by a fellow operator. In making his final statement he argued that rather than a deviation from policy, it was a technicality, as the request for licensing had been submitted one working day too late to be considered under the previous policy rules.

At this juncture the committee adjourned to consider the application and it was –

RESOLVED that the request for the vehicle to be licensed as a hackney carriage vehicle be refused.

The reasons for the Licensing Committee's decision were as follows –

Members had carefully considered the case put forward by the Applicant and whilst there was some sympathy for his situation, on balance the committee did not consider a case had been made which would persuade them to deviate from their policy in this instance. The Council's policy stated that vehicles licensed under a

new application must be up to a maximum of five years old from the date of first registration. As the vehicle subject of the application in this case was nine years old it did not comply with the policy. The committee also considered that sufficient consultation had taken place with regard to the policy changes and sufficient notice had been given to licence holders in that regard, consequently the Applicant ought to have known about the change in policy.

The Chair conveyed the committee's decision and reasons therefore to the Applicant and he was advised of his right of appeal against that decision to the Magistrates Court within twenty-one days.

6 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 519937

[Councillor Huw Williams declared a personal interest in this item because the operator of the taxi services he used was a relative of the Applicant]

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) an application having been received from Applicant No. 519937 for a licence to drive hackney carriage and private hire vehicles;
- (ii) officers having not been in a position to grant the application in light of two motoring convictions relating to speeding offences in 2015 revealed following a routine check on the Applicant's DVLA Driving Licence which had not been disclosed by the Applicant;
- (iii) referred to the Council's policy with regard to the relevance of convictions, and
- (iv) the Applicant having been invited to the meeting in support of his application and to answer members' questions thereon.

The Applicant was accompanied by a relative and confirmed he had received the report and committee procedures.

The Enforcement Officer (HB) introduced the report and facts of the case.

The Applicant elaborated upon his driving experience and employment history and professed to be an honest, trustworthy and careful driver. He had mistakenly believed that the two speeding convictions revealed by the DVLA check had been spent and referred to his error in completing the application form for which he was genuinely sorry, providing assurances that there had been no intention to deceive. He also advised that if members were minded to grant his application he had secured employment with a local taxi firm. In making his final statement the Applicant reiterated that non-disclosure of the motoring convictions had been a genuine mistake on his part for which he was truly sorry and he provided assurances that he was a competent driver.

The committee adjourned to consider the application and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 519937 be granted with a formal warning issued as to his future conduct.

The reasons for the Licensing Committee's decision were as follows –

Members had carefully considered the facts of the case and explanation provided by the Applicant with regard to the offences and reasoning behind his non-disclosure of relevant motoring convictions. The committee found the explanation provided by the Applicant to be credible and his remorse over the omission to be genuine. Consequently members found the Applicant to be trustworthy and of good character and considered him to be a fit and proper person to hold a licence. However, the non-disclosure of convictions was a serious matter and cause for concern and members impressed upon the Applicant the importance of full and correct disclosure and it was agreed that a formal warning be issued as to his future conduct and a record kept on file.

The committee's decision and reasons therefore were conveyed to the Applicant.

7 RENEWAL APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 520399

[Councillor Peter Scott declared a personal interest in this item because a relative of the Applicant and his taxi business was known to him].

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) a renewal application having been received from Applicant No. 520399 for a licence to drive hackney carriage and private hire vehicles;
- (ii) a routine check on the Applicant's DVLA Driving Licence having revealed a speeding conviction in January 2017 which had not been disclosed by the Applicant in accordance with licensing conditions or on his renewal form;
- (iii) the Council's policy with regard to the relevance of convictions, and
- (iv) the Applicant having been invited to attend the meeting in support of his renewal application and to answer members' questions thereon.

The Applicant was accompanied by a relative and confirmed he had received the report and committee procedures.

The Enforcement Officer (TB) introduced the report and facts of the case.

The Applicant explained that in rushing to complete the renewal application on time he had not realised that he should have declared the speeding offence as a conviction given that he had never been in trouble with the law or had any traffic

convictions before then. He explained the circumstances surround the speeding conviction during which time he had been distracted by the conduct of his passengers. The Applicant also provided some written character references from customers attesting as to his good character and his relative, who was his employer, also spoke of his trustworthiness and reliability.

During questioning it was accepted that it was clearly stated on the form that the convictions referred to motoring convictions. The Applicant advised that in his haste to complete the form he had overlooked that reference and claimed that it was a genuine mistake not to disclose the speeding conviction and not a case of dishonesty. He confirmed that it was his first renewal form and in completing his original application form he had no motoring convictions to disclose. In his final statement the Applicant apologised to the committee for his error.

The committee adjourned to consider the application and it was –

RESOLVED that the renewal application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 520399 be granted with a formal warning issued as to his future conduct.

The reasons for the Licensing Committee's decision were as follows –

Members had carefully considered the facts of the case and mitigation put forward by the Applicant in terms of his non-disclosure. The committee accepted the character references submitted attesting to the Applicant's good character and also accepted his explanation as to his non-disclosure of his speeding conviction. Consequently members considered the Applicant to be a fit and proper person to hold a licence and decided to grant the renewal application. However the non-disclosure of the speeding conviction was a cause for concern and members considered it appropriate to issue a formal warning as to future conduct.

The committee's decision and reasons therefore were conveyed to the Applicant.

At this juncture (10.50 a.m.) the meeting adjourned for a refreshment break.

OPEN SESSION

Upon completion of the above business the meeting resumed in open session.

At this point it was agreed to vary the order of the agenda in order to accommodate individuals attending for particular items.

8 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER REGIME

The Licensing Officer (NJ) submitted a report (previously circulated) regarding the development of a Hackney Carriage and Private Hire Vehicle Driver Policy to better regulate and support the hackney carriage and private hire regime in the county.

Whilst drivers were subject to various checks to assess their suitability there was currently no written policy and officers sought members' views on the regime and

specific areas for improvement as detailed within the report. Members' attention was also drawn to the Welsh Government consultation document (attached to the report) on the reform of taxi legislation which could impact on future regulation and would be taken into account when developing the policy.

Members considered the report and discussed the potential areas of improvement as follows –

Medicals – there was general support to move to the Group 2 Standards of Medical Fitness as applied by the DVLA to HGV and bus drivers. Officers confirmed that drivers were required to inform the licensing authority of changes in medical history and this element would be written into the new policy.

Qualification – there was currently no qualification for licensed drivers and members welcomed the introduction of a suitable qualification for new applicants which could also be used as an additional enforcement tool for any taxi licensing breaches in order to raise standards and improve behaviour. Officers advised of nationally recognised qualifications covering areas such as customer service and driving standards which were utilised by other local authorities. Members asked that officers undertake further research into potential course options and cost implications, including those courses utilised by other local authorities. It was confirmed that the cost of the course would be met by the individual and not the licensing authority.

Age and Driving Experience – members discussed the possibility of introducing a minimum age restriction to ensure applicants had appropriate experience and knowledge of driving but were also careful to consider age discrimination and the Equality Act. The committee agreed that driving experience was an important criteria which must be demonstrated by all applicants.

In addition to the above members discussed with officers whether more could be done to ensure drivers declared motoring convictions both to the licensing authority and insurance companies, particularly given the implications for non-disclosure. It was agreed that the application forms be reviewed to assess whether this aspect could be further highlighted and made clearer to applicants and officers also confirmed that an additional reference could be included on the form asking applicants to declare that they had notified their insurance company of relevant motoring convictions. Stronger warnings about the non-disclosure of convictions could also be included in the Driver Conviction Policy. Officers provided assurances that proactive steps were being taken to address the issue and discussions were ongoing with the Police with a view to sharing information about driver convictions.

RESOLVED that –

- (a) *the contents of the report be noted, and*
- (b) *officers be instructed to start work on a draft policy taking into account members' views as detailed above and any developments from the Welsh*

Government process, and authorise Denbighshire's consultation with interested parties, and report back to a future meeting of the committee.

9 PROPOSED CHANGES TO TAXI LICENSING FEES AND TARIFF CHARGES

The Public Protection Business Manager (PPBM) submitted a report (previously circulated) seeking members' approval of revised fees and charges for hackney carriage and private hire licensing proposed to be introduced alongside changes to make the licensing process more efficient.

The Council could charge fees for licences in respect of hackney carriage and private hire licensing to cover costs relating to administration, inspection, control and supervision. Enforcement costs could not be included and a profit could not be made. Consequently a fees and charges methodology had been devised to allow for a detailed review of fees and charges in line with relevant licensing processes. It was also proposed to realign the fees structure to accommodate changes made to the licensing process to better aid administration in a way which would not disadvantage licence holders. Any change to fees and charges would be subject to public notice with any objections being brought back before the committee. It was noted that, save for an increase to the Private Hire Driver fee in 2009, there had been no increase in fees and charges for taxi licensing since April 2008.

The PPBM clarified a number of issues in response to questions regarding the fee structure, particularly in relation to the proposed new private hire operators' fee dependent upon the number of vehicles operated, and confirmed that vehicle licence fees remained broadly the same, as did drivers save for a cost saving in light of the opportunity for drivers to apply for a new or renewal of licence for a period of three years rather than an annual basis in line with the new processes.

Reference was also made to the proposal to carry out a review of taxi meter tariff charges and implement a consultation on those changes with findings being reported to Cabinet for implementation. It was clarified that the taxi meter tariffs related to the maximum fees and charges set and operators could charge a lower amount. Given the setting of the taxi meter tariff charges was a Cabinet decision members supported the Chair's suggestion that the proposed charges be brought before the Licensing Committee for consideration and recommendation to the Cabinet for implementation.

RESOLVED that members –

- (a) *approve the fees and charges as detailed in Appendix A to the report;*
- (b) *authorise officers to publish the changes to the Taxi Licensing fees in a local newspaper for the necessary consultation, and if no objections are received, they will come into effect on 1 December 2017;*
- (c) *request that where any objections are received, the Licensing Committee will consider those objections at their next meeting with a view to implementing (with or without modification) not later than 1 January, 2018;*

- (d) *note the administrative changes to the licensing regime, and*
- (e) *authorise officers to conduct a review of taxi meter tariff charges and consult as necessary with a view to reporting findings to the Licensing Committee for consideration and recommendation to the Cabinet for implementation.*

10 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2017/18

A report by the Head of Planning and Public Protection was submitted (previously circulated) on the Licensing Committee's future work programme for 2017/18.

Members were reminded that the work programme was a live document and regularly updated as appropriate.

RESOLVED *that the Licensing Committee's forward work programme as detailed in Appendix 1 to the report be approved.*

11 REVIEW OF STREET TRADING POLICY

The Licensing Officer (JT) submitted a report (previously circulated) updating members on progress with the review of the current Street Trading Policy in Denbighshire.

In 2015 the Licensing Committee authorised officers to review the existing street trading policy in order to address difficulties with the regime and suggest improvements to better regulate and support street trading within the county. A draft policy was considered by the Licensing Committee in December 2016 and it was agreed that an initial consultation be undertaken with City, Town and Community Councils along with internal council departments. Comments received as a result of that initial consultation had been incorporated into the draft Street Trading Policy which had been subject public consultation. No comments had been received as a result of the public consultation exercise. However feedback from individuals and teams within the Council had raised further issues for consideration and officers proposed that further discussions take place with local "fixed" traders, street traders, communities and the wider Council teams prior to finalising a policy for presentation to the Licensing Committee.

Members noted progress with the review of the Street Trading Policy it was –

RESOLVED *that members authorise officers to continue work on a draft street trading policy and engage with relevant groups and individuals to develop such a draft policy for presentation at a future Licensing Committee.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED *that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.*

12 RENEWAL APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 520398

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) a renewal application having been received from Applicant No. 520398 for a licence to drive hackney carriage and private hire vehicles;
- (ii) officers having not been in a position to grant the renewal application following accrual of 9 penalty points on the Applicant's DVLA Driving Licence for minor traffic offences covering the period October 2013 to February 2017 (relating to breach of requirements as to control of the vehicle and failure to comply with traffic light signals) which had been confirmed following a routine check as part of the renewal application;
- (iii) the Council's policy with regard to the relevance of convictions, and
- (iv) the Applicant having been invited to attend the meeting in support of his renewal application and to answer members' questions thereon.

The Applicant was in attendance at the meeting and confirmed receipt of the report and committee procedures.

The Enforcement Officer (HB) introduced the report and facts of the case.

The Applicant explained the circumstances surrounding the three traffic offences, the first offence related to his use of a hands free phone which he understood had been spent, the second offence he had accepted, and the third offence had been due to the result of an altercation between passengers in his vehicle. He also provided information regarding to his personal circumstances in mitigation for his actions and frame of mind. The Applicant answered members' further questions relating to the three offences and confirmed that he had been a licensed driver for nearly twenty years. In his final statement the Applicant asked members to take into account his mitigation and previous good record when making their decision.

The committee adjourned to consider the application and it was –

RESOLVED that the renewal application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 520398 be granted with a formal warning issued as to his motoring convictions and future conduct.

The reasons for the Licensing Committee's decision were as follows –

Members carefully considered the facts of the case and mitigation put forward by the Applicant. Concern was expressed regarding the accumulation of penalty points but having considered the mitigation, including the Applicant's previous good record, and given that the first offence had occurred over three years ago, the committee was satisfied that the Applicant was a fit and proper person to hold a licence. There was some debate regarding the imposition of a sanction given the

accumulation of penalty points and consideration was given to suspending the licence for an appropriate period. On balance however it was decided that a formal warning be issued as to future conduct. It was noted with regard to his failure to comply with traffic light signals on two occasions that he knew the area to be a hotspot and should proceed with more caution and a third conviction for the same offence would not be looked upon favourably by the committee.

The committee's decision and reasons therefore were conveyed to the Applicant.

13 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 516098

Members were advised that this application had been withdrawn from the agenda.

OPEN SESSION

Upon completion of the above business the meeting resumed in open session.

14 REQUEST FOR ADVERTISING ON A HACKNEY CARRIAGE VEHICLE

A report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) a request from a Hackney Carriage Proprietor for approval to display emblems on his licensed vehicle (Appendix A to the report);
- (ii) referred to the Council's existing policy and vehicle specification setting out acceptable requirements relating to signage, advertising and livery of licensed vehicles (Appendix B to the report), and
- (iii) highlighted potential implications for public safety in granting requests to display sporting emblems and patriotic signage and queried whether the existing policy should be amended on that basis.

The Licensing Officer (JT) provided a summary of the report and reasoning behind the request being referred to committee given the potential implications when granting permission for emblems of this type which may attract unwelcome attention, with concerns for driver safety if someone took issue with particular signage.

The Applicant advised that he had supported Lancashire County Cricket Club for many years and had displayed the emblem on his licensed vehicles previously. He submitted that in a democratic society the signage was appropriate and inoffensive and he wished to demonstrate his loyalty to the Cricket Club by displaying the emblem on his vehicle. Officers also considered there may be a perception from the public that the vehicle had been endorsed by the Cricket Club if such emblems were displayed. In response the Applicant indicated that sponsored cars usually had graphics displayed heavily across the vehicle.

The committee adjourned to consider the application and it was –

RESOLVED that –

- (a) *the request to display emblems be granted as applied for, and*
- (b) *future requests to display emblems be considered individually on their own merits.*

The reasons for the Licensing Committee's decision were as follows –

Having considered the report and Applicant's submission members were satisfied that it was appropriate for the emblems to be displayed on the vehicle as applied for. It was acknowledged that particular emblems of this type may attract unwanted attention but members considered that a policy change was not required and that each request should be determined on its own merits.

The committee's decision and reasons therefore were conveyed to the Applicant.

15 REVIEW - GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

The Licensing Officer (JT) submitted a report (previously circulated) updating members on progress with the review of the Council's Statement of Principles for the Gambling Act 2005.

Members were reminded of the statutory requirement to review the Statement of Principles every three years. The draft document had been developed by the six licensing authorities in North Wales to ensure consistency in matters relating to Gambling issues and functions and due regard had been given to the licensing objectives of the Gambling Act 2005 and the Gambling Commission's 'Guidance of Licensing Authorities' as part of that review. Members had approved the draft policy for formal consultation at their last meeting and details of the consultation process had been provided within the report.

Members noted progress with the review of the Council's Statement of Principles for the Gambling Act 2005 and it was –

RESOLVED *that members note the contents of the report and authorise officers to continue work on the draft policy by compiling any responses received and present members with a final version for consideration at the next meeting in December 2017.*

The meeting concluded at 12.25 p.m.

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in Conference Room 1a, County Hall, Ruthin on Wednesday, 18 October 2017 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Hugh Irving (Chair), Alan James (Vice-Chair), Brian Jones, Barry Mellor, Melvyn Mile, Tony Thomas and Huw Williams

Observers – Councillors Mabon ap Gwynfor and Emrys Wynne

ALSO PRESENT

Solicitor (AL), Public Protection Business Manager (IM), Fleet Compliance Engineer (JH), Licensing Officer (NJ), Enforcement Officer (HB) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Arwel Roberts, Peter Scott and Rhys Thomas

2 DECLARATION OF INTERESTS

The following councillors declared a personal interest in Agenda Item 4 –

Councillor Joan Butterfield declared that she sometimes used the Applicant's taxi service (Leddon's Taxis)

Councillor Alan James declared that he used the taxi service (Town & Country Taxis) of the Applicant's supporter who was also known to him

Councillor Tony Thomas declared that the Applicant was resident in his ward.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE

A report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) a request having been received from a hackney carriage proprietor to licence a vehicle for the purposes of hackney carriage licensing;
- (ii) officers having not been in a position to grant the application as the vehicle presented for licensing did not comply with the specification with regard to available leg room for passengers as detailed in the Council's Private Hire and Hackney Carriage Vehicle Policy, Specification and Conditions;

- (iii) details having been provided regarding seating requirements of other local authorities with officers concluding that there was no national standard or guidance for leg room space allowances, and
- (iv) the Applicant having submitted written representations (confidential Appendix 1 to the report) in support of his request and had been invited to the meeting.

The Applicant, Mr. T. Leddon (Leddon's Taxis) was accompanied by his supporter Mr. G. Higginson (Town & Country Taxis).

[At this point the Applicant advised that he had not received the report and committee procedures and the meeting was adjourned to allow sufficient time for the Applicant to be furnished with all the relevant documentation and peruse them. Upon resuming proceedings the Applicant confirmed he was happy to continue.]

The Public Protection Business Manager presented the report and explained that the Applicant had approached the Council with a view to licensing a number of new vehicles to fleet – Dacia Logan estate cars – which had a measured leg room of 157mm. The vehicles had been rejected because they did not comply with the Council's current policy which specified a minimum 200mm leg room for passengers. The policy had become effective from 1 July 2017 and had been introduced to provide clarity to licensees and consistency of the standard of vehicles being licensed. It was noted that there were already a number of other vehicles licensed prior to adoption of the current policy which would also fall foul of the new specification at renewal time and compliance testing. Members would therefore need to balance the interests and opinion of the Applicant with possible implications on Denbighshire's taxi fleet and the potential for an increased number of similar requests from applicants in the future when considering the application.

The Applicant set out his case and questioned the validity of the specification relating to leg room which he believed was too restrictive given that it served no purpose in improving the standard of vehicles used or impact on public safety implications. He also argued that the condition resulted in the exclusion of the majority of medium and large saloon and estate cars being suitable for licensing and submitted that there were licensed vehicles in Denbighshire and other local authority areas which did not meet the current specification but provided ample leg room for passengers and it was unlikely that the vehicles would ever operate with the seats fully extended. He believed that if those matters had been brought to members' attention at the outset the restriction would not have been introduced. The Applicant also provided details of his specific business and its operation, with particular reference to his planned investment in order to upgrade the fleet and improve vehicle standards, arguing that the new vehicles were clean and modern with a lower carbon footprint and represented best value for his business and the customer. Mr. Higginson also spoke in support of the Applicant and he urged members to consider that neighbouring authorities licensed vehicles of that type and that the licensed trade should be given appropriate notice of any changes to vehicle specifications.

The Chair invited the Fleet Compliance Engineer to advise members on the measurements for leg room and he provided a prop for members to use as a visual aid to highlight the range difference between the minimum 200mm specification and 150mm. The minimum 200mm specification had been derived from a number of processes including what had been considered fair and reasonable measurements and related to when the front seat had been extended to its rearmost position. In response to a question from the Chair the Fleet Compliance Engineer advised that the current minimum seat spacing on fleet ranged from 60mm to 270mm with the differences being predominantly attributed to the runner used by different manufactures together with the seating type which gave a varied amount of leg room. It was acknowledged that the rear seats in the vast majority of vehicles fell below the minimum 200mm specification when the front seat was fully extended.

Officers responded to members' questions as follows –

- physical alterations to seat runners would weaken the structure and have serious safety implications, however it might be possible to place something in the runner to prevent the seat extending to its rearmost position
- the prospect of the authority being able to influence vehicle manufactures with respect to those measurements was unrealistic given that vehicles were type approved and subject to rigorous testing
- explained the comprehensive consultation process since starting the review of hackney carriage and private hire conditions in 2015 which involved two workshops and consultation with all interested parties including the licensed trade on two separate occasions with further updates provided in newsletters to licence holders with final approval by Licensing Committee in December 2016 and implementation of the policy on 1 July 2017
- officers were available to provide advice and guidance and were regularly approached in that regard – potential vehicles for licensing were also assessed free of charge to ensure specifications were met before individuals committed to financial outlay
- the leg room for the front seat passenger was not in question and in the normal operating position those vehicles would meet the leg room requirement
- there was no grace period for the leg room specification and vehicles currently licensed which did not meet the new specification upon renewal or compliance testing would no longer be able to be licensed. It was accepted that the new ruling would affect a large number of vehicles currently licensed including models such as Ford Mondeo, BMW 5 Series and Skoda Octavia.

The Applicant responded to questions and issues raised by members as follows –

- in terms of passenger comfort a computerised monitoring system was used when taking bookings with mobility and other issues being noted and an appropriate vehicle sent to fulfil the booking
- he had engaged with the consultation process on the policy review but given the wealth of information and major changes considered in terms of vehicle age and colour the new leg room requirement and its significance had gone unnoticed
- the Dacia Logan model had not been checked for seat compliance beforehand because he had been unaware of the new leg room condition and its

implications, particularly given that the same vehicle type was currently licensed by the Council

- the Dacia Logan had been chosen for licensing because it was a medium estate car with good luggage space which met the needs of customers and also provided value for money, and the intention was to replace and modernise the existing fleet with those vehicles – there were currently six two year old vehicles awaiting licensing with four more new vehicles currently on order
- the new ruling would affect the vast majority of vehicles currently licensed and have a devastating effect on the licensed trade.

The Applicant was given the opportunity to make a final statement and indicated that he had nothing further to add.

The committee agreed to deliberate on the application in private session and it was **RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Act.

Following deliberations it was –

RESOLVED that the Licensing Committee –

- (a) deviate from the Council's existing policy to approve the vehicle as suitable to be licensed as a hackney carriage vehicle, and
- (b) the current policy specification relating to the minimum requirement for available legroom to be reviewed as soon as practicable.

The reasons for the Licensing Committee's decision were as follows –

Members had carefully considered the case as set out by the Applicant and accepted that he had bought a number of vehicles which were economic, safe, modern, more environmentally friendly, and improved the existing fleet. The Applicant had admitted that he had failed to notice the significance of the leg room requirement in the policy because of the wealth of new information it contained and the concern amongst the trade had been focused around the age/colour requirements of vehicles. Members considered that in practical terms the leg room requirement meant that a large proportion of licensed vehicles would be removed from the road. Consequently members found that the policy had unintended consequences on the industry and appeared unduly restrictive and on that basis they would be calling for a review of the policy in order to assess the impact across the trade. On this occasion though and specifically in relation to the Applicant's vehicles, members agreed to deviate from the policy to approve them as suitable to be licensed.

The committee's decision and reasons therefore were conveyed to the Applicant.

At this juncture (10.45 a.m.) the meeting adjourned for a refreshment break.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A of the Act.

5 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 520509

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) an application having been received from Applicant No. 520509 for a licence to drive hackney carriage and private hire vehicles;
- (ii) the application having been referred to the Licensing Committee due to the Applicant's failure to disclose two criminal convictions which had been revealed following a routine Disclosure and Barring Service (DBS) check relating to theft (1990) and driving a vehicle with excess alcohol (2004);
- (iii) referred to the Council's policy with regard to the relevance of convictions (including non-disclosure) and relevant legislation with regard to making a false statement and omission of particular material, and
- (iv) the Applicant having been invited to the meeting in support of his application and to answer members' questions thereon.

The Applicant confirmed he had received the report and committee procedures.

The Public Protection Business Manager detailed the facts of the case.

The Applicant apologised for his error in completing the application form and explained that (1) he had not realised the first offence would be on record as it had been committed in his youth, and (2) he had mistakenly believed the second conviction related to motoring rather than a criminal offence, and proceeded to explain the circumstances surrounding those two convictions. Since then the Applicant had held a clean driving licence and described himself as capable and trustworthy. In response to members' questions the Applicant admitted that he had not read the relevant documentation properly which had led to the omission on this application form. He believed that being a taxi driver would allow him to work flexible hours which would suit his family circumstances. In making a final statement the Applicant again apologised for incorrectly completing the application form stating that it had been a genuine error on his part.

The committee adjourned to consider the application and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 520509 be granted.

The reasons for the Licensing Committee's decision were as follows –

Members had carefully considered the facts of the case and explanation provided by the Applicant with regard to the offences and reasoning behind his non-disclosure of convictions. The committee found the Applicant to be genuine and honest in his submission and answers to questions and accepted that he had made a genuine mistake on this occasion in completing the application form given that he had not read the accompanying guidance notes properly. The committee accepted the Applicant's version of events with regard to his historic convictions and noted that if the Applicant had declared those convictions at the appropriate time officers would have been in a position to grant the application in accordance with the Council's conviction policy. Consequently members considered the Applicant to be a fit and proper person and resolved to grant the application.

The committee's decision and reasons therefore were conveyed to the Applicant.

The meeting concluded at 11.15 a.m.

By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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REPORT TO:	Licensing Committee
DATE:	6 th December 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) licensing@denbighshire.gov.uk 01824 706433
SUBJECT:	Proposed amendments to the existing Hackney Carriage and Private Hire Vehicle Specifications

1. PURPOSE OF THE REPORT

- 1.1 For Members to consider amendments to the existing hackney carriage and private hire vehicle specifications as detailed in Appendix A.

2. EXECUTIVE SUMMARY

- 2.1 At a special Licensing Committee in September of this year, Members requested that Officers review the current specification policy, in particular the vehicle seating specification and report back as soon as practicable.

3. POWER TO MAKE THE DECISION

- 3.1 Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847.

4. BACKGROUND INFORMATION

- 4.1 As a reminder to Members, the existing hackney carriage and private hire vehicle policy, together with vehicle specification and conditions, was approved at the December 2016 committee meeting, following extensive consultation, and came into effect on the 1st of July this year.
- 4.2 Members will also recall that a special Licensing Committee was convened in September of this year, to consider a request to deviate from the existing hackney carriage and private hire vehicle policy and specification. A copy of the minutes are included in your agenda pack for your information.

- 4.3 The request was to consider the suitability of a vehicle to be licensed as a hackney carriage vehicle, in particular, to the available leg room for passengers.
- 4.4 The vehicle under consideration did not meet the current minimum leg room requirements, as set out in 3.10.1 and 6.4.1 of the existing vehicle specification, and it was brought to Members attention that a large proportion of the existing licensed fleet would be removed from the road due to not meeting this requirement. Consequently members found that the policy had unintended consequences on the industry and appeared unduly restrictive, and therefore approved the request for the vehicle to be licensed.
- 4.5 Members further requested a review of the seating specifications as soon as practicable.
- 4.6 Officers have therefore reviewed the existing specification where it relates to any sizing or dimensions. Officers also identified some areas of the specification which they felt required clarity
- 4.7 For Members information the proposed amendments can be viewed in the table found at Appendix A.

5. **CONSIDERATION**

- 5.1 Approving the changes would mean no restriction on the type of vehicle accepted on fleet, save for example, age or specialist vehicles.
- 5.2 Removing specific sizing requirements and replacing with subjective opinions could lead to inconsistencies in approvals.

6. **RECOMMENDATION**

- 6.1 For Members to consider all the information contained in this report and approve the amendments as detailed in Appendix A, to come into force with immediate effect.

Proposed amendments to the existing hackney carriage and private hire vehicle specification

Section	Policy/Vehicle Specification	Proposal	Justification for amendments
3.8.1/6.2.1	The vehicle shall have no exterior visible signs of previous significant accident damage	Replace with "The vehicle shall have no exterior visible signs of previous significant damage" ie deep scratches	To clarify that is it not only road traffic collisions, but the significance of the damage itself, however it was caused.
3.10.1/6.4.1	The minimum leg room available to any passenger shall be 200mm. The measurements will be taken from the base of the seat to the centre of the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.	Remove the specification	In practical terms the existing leg room requirement would mean that a large proportion of existing licensed vehicles would be removed from the road. All licensed vehicles must be "type approved" therefore each type approved vehicle has been deemed as fit for purpose to carry the number of passengers as detailed on the vehicle registration documents ("V5").
3.10.2/6.4.2	The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920 mm	Remove this specification	As above ,all licensed vehicles must be "type approved"
3.12.1/6.6.1	Vehicles shall have a passenger seat capacity of not less than 4 persons and not more than 8 persons	Replace with: Vehicles shall have a passenger seat capacity as specified within the V5 registration documents, but not less than 4 persons and not more than 8 persons.	For clarity purposes
3.12.4/6.6.4	Each seat shall not be less than 406 mm in width	Remove this specification	As above, all licensed vehicles must be "type approved".
3.12.5/6.6.5	Where bench seats are provided, then the seat shall provide a minimum	Remove this specification	As above, all licensed vehicles must be "type approved".

Proposed amendments to the existing hackney carriage and private hire vehicle specification

	of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers		
3.13.2/6.7.2	Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side window adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque	Remove the specification	As above, all licensed vehicles must be "type approved".
3.13.3/6.7.3	No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle	Add " other than fitted by manufacturer or in compliance with the current regulations"	For clarity purposes

REPORT TO:	Licensing Committee
DATE:	6 th December 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Public Protection Business Manager licensing@denbighshire.gov.uk 01824 706066
SUBJECT:	Proposed Changes to Taxi Licensing Fees and Charges

1.0 PURPOSE OF THE REPORT

- 1.1 To further consider the Hackney Carriage/Private Hire fees and charges in light of consultation responses received to the original fee structure.

2.0 EXECUTIVE SUMMARY

- 2.1. Officers consulted on a proposed table of fees and charges for hackney carriage and private hire licensing, which was agreed by Members at the meeting in September of this year.
- 2.2 As part of the consultation, Members are requested to consider the previously agreed fees for the Hackney Carriage and Private Hire Licensing regime.

3.0 POWER TO MAKE THE DECISION

- 3.1 Local Government (Miscellaneous Provisions) Act 1976

4.0 BACKGROUND INFORMATION

- 4.1 Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") allow the Council to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The legislation specifies the elements that can be included in the cost of the licence fee.
- 4.2 The cost of issue and administration can be recovered in drivers' licence fees. In respect of vehicle and operator licences, the reasonable cost of inspecting vehicles, providing hackney carriage stands and any reasonable administrative or other costs in connection with the foregoing

and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.

- 4.3 The cost for the enforcement of unlicensed drivers, vehicles or operators cannot be included in the calculation. The Council cannot make a profit from licence fees and there must be a carry forward of any surplus. There can also be recovery of any deficit. The reconciliation of any surplus and deficit is over a three-year cycle.
- 4.4 Following a review of fees and charges associated with the licensing process a table of fees was presented to the Licensing Committee at their last meeting on the 20th September 2017. This table is at Appendix A.
- 4.5 Members resolved to approve the fees and charges and authorised officers to publish the changes as required in the Act. Publicising the fees provides a further opportunity for comment or objection. Members requested that where objections are received a further report is presented to the Licensing Committee to enable Members to consider those objections.
- 4.6 The proposed fees were published in the Rhyl Journal and the Denbighshire Free Press in their publications for the week beginning 16 October. A copy of the notice is at Appendix B.
- 4.7 The end date for representations was 17 November 2017. The Licensing Section received objections from one driver during this period and these are outlined in Appendix C along with further comments from officers.

5.0 **CONSIDERATIONS**

- 5.1 Members should consider all the objections and comments outlined in Appendix C to decide if the fees require modification.
- 5.2 The last increase in the fees and charges for taxi licensing was in April 2008, save for an increase to the Private Hire Driver fee to its current level in 2009.
- 5.3 Members are reminded that, as specified in the Act, where an objection is made and not withdrawn, the council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the council after consideration of the objections. There is no requirement to further consult.

6.0 RECOMMENDATION

6.1 That Members

- 1) Approve the fees and charges at Appendix A, or
- 2) Modify the fees and charges at Appendix A in line with the representations made

6.2 Authorise officers to implement the fees and charges as agreed under 6.1.1 or 6.1.2 above with effect from 1 April 2018.

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Appendix A

Licensing Fees & Charges

Licence / Activity	Current	Proposed
Private Hire Operators (up to 10 vehicles) - 5 years	Not Applicable	420.00
Private Hire Operators (for each 10 vehicles) - 5 years	Not Applicable	250.00
Private Hire Operators GRANT (for each and every 10 vehicles or part thereof) - 3 years	110.00	Not Applicable
Private Hire Operators GRANT (for each and every 10 vehicles or part thereof) - 3 years	110.00	Not Applicable
Hackney Carriage Vehicle NEW (Annual)	200.00	200.00
Hackney Carriage Vehicle RENEWAL (Annual)	200.00	200.00
Private Hire Vehicle NEW (Annual)	200.00	200.00
Private Hire Vehicle RENEWAL (Annual)	200.00	200.00
Driver (3yr) NEW / RENEWAL	Not Applicable	270.00
Driver (1yr) NEW	140*	250.00
Driver (1yr) RENEWAL	90	170.00
Driver (1yr) RENEWAL for 3rd year	140*	200.00
Knowledge Test RESIT	15.00	35.00
Transfer of Vehicle Holder	50.00	60.00
Vehicle Transfer (Hackney Carriage Vehicle)	75.00	100.00
Vehicle Transfer (Private Hire Vehicle)	75.00	100.00
Replacement Rear Plate	11.00	35.00
Replacement Front Plate	11.00	30.00
Replacement Sign	14.00	25.00
Replacement Badge	7.00	25.00
<i>*includes DBS check</i>		

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Public Notices

Public Notices

Public Notices

Public Notices

Public Notices



**CYNGOR SIR DDINBYCH
RHYBUDD O WAHARDDI PARHAOL – DEDDF
RHEOLEIDDO TRAFFIG FYRDD 1984
GORCHYMYN (MARSH ROAD A FYRDD CYFAGOS, Y RHYL)
(GWAHARDDIAD AROS) 2017.**

**DENBIGHSHIRE COUNTY COUNCIL
NOTICE OF PERMANENT PROHIBITION - ROAD TRAFFIC
REGULATION ACT 1984
(MARSH ROAD AND ADJOINING ROADS, RHYL)
(PROHIBITION OF WAITING) ORDER 2017.**

Ar 17 Hydref 2017 gwnaeth Cyngor Sir Ddinbych y Gorchymyn a enwir uchod o dan Adranau 1(1) a (2), 2(1) i (3) a 4(2) a (3) a Rhan III a Rhan IV yn Atodlen 9 Deddf Rheoleiddo Traffig Fyrrdd 1984, a phob pŵer galluogi arall, a fydd yn gwahardd cerbydau rhag aros ar y darnau o ffordd a nodir yn Atodlen 1 isod ac yn diddymu cyfyngiadau a osodwyd ar y darn o ffordd a nodwyd yn Atodlen 2.

On 17th October 2017 Denbighshire County Council made the above-named Order under Sections 1(1) and (2), 2(1) to (3) and 4(2) and (3) and Part III and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, and all other enabling powers the effect of which is to prohibit the waiting of vehicles in the lengths of road specified in Schedule 1 below and to remove restrictions on the length of road specified in Schedule 2.

Fe ddarperir eithriadau yn y Gorchymyn i ganiatáu aros ar y darnau o ffordd y cyfeirir atynt yn Atodlen 1 at ddbenion mynd i mewn ac allan o gerbyd, llwytho a dadlwytho, a gwaith cynnal a chadw, trwsio ac yn y blaen.

Exceptions are provided in the Order to permit waiting in the lengths of road referred to in Schedule 1 for the purposes of alighting, boarding, loading and unloading, and works of maintenance, repair and the like.

Bydd eithriadau hefyd yn y Gorchymyn i ganiatáu cerbydau sy'n arddangos Bathodyn Person Anafi a Disg Parcio Pobl Anabl aros ar y darnau o ffordd a nodir yn Atodlen 1 i'r Gorchymyn arfaethedig am gyfnod hyd at 3 awr (wedi'i wahangu gan gyfnod o 1 awr, o leiaf, ers cyfnod blaenorol o aros gan yr un cerbyd ar yr un diwrnod).

Exceptions are also provided in the Order to allow vehicles displaying both a Disabled Person's Badge and a Disabled Person's Parking Disc to wait in the lengths of road specified in Schedule 1 of the proposed Order for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle on the same day).

Bydd rhannau o Orchymyn Cadarnhau Cyngor Sir Ddinbych (Gwahardd a Chyfyngu ar Aros a Mannau Parcio ar y Stryd) 2004 sy'n cyfeirio at y darnau o ffordd y cyfeirir atynt yn yr Atodleni isod yn cael eu diddymu. Bydd y Gorchymyn yn parhau heb ei newid mewn perthynas â phob rhan arall.

The Denbighshire County Council (Prohibition and Restriction of Waiting and Street Parking Places) Consolidation Order 2004 is revoked in so far as it relates to the lengths of road as referred to in the Schedules below, in all other respects the consolidation Order remains unchanged.

Gellir gweld copi o'r Gorchymyn, a ddaw i rym 23 Hydref 2017, a map sy'n dangos y darnau o ffordd y mae'r Gorchymyn yn ymwneud â nhw yn Llyfrgell y Rhyll, Stryd yr Eglwys, y Rhyll, ac yn swyddfeydd y sawl sydd wedi llofnodi isod yn ystod oriau swyddfa arferol.

A copy of the Order, which will come into operation on 23rd October 2017, and a map showing the lengths of road to which the Order relates may be examined at Rhyll Library, Church Street, Rhyll, and at the offices of the undersigned during normal office hours.

Os ydych yn dymuno cwestiynu dilysrwydd y Gorchymyn neu unrhyw ddatpariaeth ynddo, ar y sail nad ydyw o fewn y pwerau a gyflwynwyd gan Ddeddf Rheoleiddo Traffig Fyrrdd 1984, neu ar y sail nad ydy unrhyw ofnydd o'r Ddeddf neu unrhyw offeryn a wnaed oddi tano, wedi cael cymdfurfiatheth o ran y Gorchymyn hwn, gallwch wneud cais i'r Uchel Lys at y diben hwn, o fewn chwe wythnos o 17 Hydref 2017.

If you wish to question the validity of the Order or of any provision contained in it on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984, or on the grounds that any requirement of that Act or of any instrument made under it, has not been complied with in relation to the Order, you may, within six weeks from 17th October 2017 apply to the High Court for this purpose.

Darnau o Ffordd yn y Rhyll yn Sir Ddinbych

Lengths of Road at Rhyll in the County of Denbigh

- Atodlen 1
Dim aros ar unrhyw adeg**
- Marsh Road:**
- (i) O bwynt 13 metr i'r gogledd-ddwyrain o'i chyffordd â Weston Road am bellter o 53 metr tua'r de-orllewin ar hyd llinell y cwrw ar yr ochr ogleddol.
 - (ii) O bwynt 10 metr i'r gogledd-ddwyrain o'i chyffordd â Chatsworth Road am bellter o 31 metr tua'r de-orllewin ar hyd llinell y cwrw ar yr ochr ddeheuol.
 - (iii) O'i chyffordd â Clwyd Avenue am bellter o 18 metr tua'r gogledd-ddwyrain ar hyd llinell y cwrw ar yr ochr ddeheuol.
 - (iv) O bwynt 7 metr i'r gogledd-ddwyrain o'i chyffordd â Ffordd Fynediad Ddeheuol y Bont-H am bellter o 26 metr tua'r de-orllewin ar hyd llinell y cwrw ar yr ochr ddeheuol.

- Schedule 1
No Waiting at Any Time**
- Marsh Road:**
- (i) From a point 13 metres north-east of its junction with Weston Road for a distance of 53 metres in a south westerly direction along the Northerly kerb line.
 - (ii) From a point 10 metres north-east of its junction with Chatsworth Road for a distance of 31 metres in a south westerly direction along the southerly kerb line.
 - (iii) From its junction with Clwyd Avenue for a distance of 18 metres in a north easterly direction along the southerly kerb line.
 - (iv) From a point 7 metres north-east of its junction with H-Bridge South Access for a distance of 26 metres in a south westerly direction along the southerly kerb line.

**Ffordd Fynediad Ddeheuol y Bont-H
y ddwy ochr:** o linell ganol Marsh Road am bellter o 44 metr tua'r gogledd-orllewin.

**H-Bridge South Access
both sides:** from the centre line of Marsh Road for a distance of 44 metres in a north-western direction.

**Chatsworth Road
y ddwy ochr:** o linell ganol Marsh Road am bellter o 15 metr tua'r de-ddwyrain.

**Chatsworth Road
both sides:** from the centre line of Marsh Road for a distance of 15 metres in a south-easterly direction.

Atodlen 2

**Schedule 2
Lengths of Existing Restriction Removed
No Waiting At Any Time**

**Marsh Road
Llinell y cwrw deheuol:-**
O'i chyffordd â Clwyd Avenue am bellter o 38 metr tua'r gogledd-ddwyrain

**Marsh Road
Southerly kerbline :-**
From its junction with Clwyd Avenue for a distance of 38 metres in a north easterly direction

Dyddiedig 18 Hydref 2017

Dated 18th October 2017

Gary Williams, Pennaeth Gwasanaethau Cyfreithiol, Adnoddau Dynol a Democrataidd, Cyngor Sir Ddinbych, Neuadd y Sir, Ffordd Wynnstay, Rhuthun, Sir Ddinbych. (SBH/DCC023525)

Gary Williams, Head of Legal HR and Democratic Services, Denbighshire County Council, County Hall, Wynnstay Road, Ruthin, Denbighshire. (SBH/DCC023525)

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RHOODRI RHYBUDD DRWY HYN FOD CYNGOR SIR DDINBYCH, WRTH ARFER EI RYMOEDD DAN ADRAIN 53 A 70 DEDDF LLYWODRAETH LEOL (DARPARIAETHAU AMRYWIOL) 1976, WEDI PENDERFYNU Y DYLAIR FFOEDD A GODIR AR GYFER TRWYDDEU GYRWYR, CERBYDAU A GWEITHREDWYR HURIO PREIFAT A CHERBYDAU HACNI AMRYWIO FEL Y NODIR ISOD:

Trwydded / Gweithgaredd	Arfaethedig
Gweithredwyr Hurio Preifat (hyd at 10 cerbyd) - 5 mlynedd	420.00
Gweithredwyr Hurio Preifat (am bob 10 cerbyd neu ran o hynny) 5 mlynedd	250.00
Cerbyd Hacni NEWYDD (Blynnyddol)	200.00
ADNEWYDDU Cerbyd Hacni (Blynnyddol)	200.00
Cerbyd Hurio Preifat NEWYDD (Blynnyddol)	200.00
ADNEWYDDU Cerbyd Hurio Preifat (Blynnyddol)	200.00
Gyrrwr (3 blynedd) NEWYDD/ADNEWYDDU	270.00
Gyrrwr (1 blwyddyn) NEWYDD	250.00
Gyrrwr (1 blwyddyn) ADNEWYDDU	170.00
Gyrrwr (1 blwyddyn) ADNEWYDDU am 3ydd blwyddyn	200.00
AIL-EISTEDD Prawf Gwybodaeth	35.00
Trosglwyddo Deilydd Cerbyd	60.00
Trosglwyddo Cerbyd (Cerbyd Hacni)	100.00
Trosglwyddo Cerbyd (Cerbyd Hurio Preifat)	100.00
Newid Plât Cefn	35.00
Newid Plât Blaen	30.00
Newid Arwydd	25.00
Newid Bathodyn	25.00

Rhaid anfon gwrthwynebiadau i'r cynnydd arfaethedig mewn Ffioedd Trwyddedu yn ysgrifenedig i Flwch Post 62, Rhuthun, Sir Ddinbych, LL15 9AZ (gan ddyfynnu cyfeirnod: Ymgynghoriad Ffioedd Trwyddedu 2017) ddim hwyrach nac 17 Tachwedd 2017. Gellir hefyd anfon gwrthwynebiadau drwy e-bost i trwyddedu@sirddinbych.gov.uk gan ddyfynnu'r cyfeirnod uchod.

Os na cheir unrhyw wrthwynebiadau, bydd y ffioedd arfaethedig yn dod i rym, gan ddechrau ar 1 Rhagfyr 2017.

Os derbynnir gwrthwynebiadau byddant yn derbyn ystyriaeth ddyledus ac os yw'r cyngor yn penderfynu gweithredu'r cynnydd arfaethedig ar ôl ystyried unrhyw wrthwynebiadau a gafwyd, bydd y ffioedd arfaethedig yn dod i rym heb neu wedi eu haddasu ddim hwyrach na 30 Ionawr 2018.

Mae copi o'r hysbysiad hwn ar gael yn Nerbynfa swyddfeydd y Cyngor yn: Caledfryn, Dinbych Neuadd y Sir, Rhuthun Ty Russell, y Rhyll

Rydym yn croesawu gohebiaeth yn Gymraeg. Ni fydd unrhyw oedi wrth ymateb i ohebiaeth a dderbyniwyd yn Gymraeg.

NOTICE IS HEREBY GIVEN THAT THE DENBIGHSHIRE COUNCIL, IN EXERCISE OF ITS POWERS UNDER SECTIONS 53 AND 70 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, HAS DETERMINED THAT THE FEES CHARGED FOR THE LICENSING OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS, VEHICLES AND OPERATORS SHOULD VARY AS SPECIFIED BELOW:

Licence / Activity	Proposed
Private Hire Operators (up to 10 vehicles) 5 years	420.00
Private Hire Operators (for each further 10 vehicles or part thereof) 5 years	250.00
Hackney Carriage Vehicle NEW (Annual)	200.00
Hackney Carriage Vehicle RENEWAL (Annual)	200.00
Private Hire Vehicle NEW (Annual)	200.00
Private Hire Vehicle RENEWAL (Annual)	200.00
Driver (3 year) NEW / RENEWAL	270.00
Driver (1 year) NEW	250.00
Driver (1 year) RENEWAL	170.00
Driver (1 year) RENEWAL for 3rd year	200.00
Knowledge Test RESIT	35.00
Transfer of Vehicle Holder	60.00
Vehicle Transfer (Hackney Carriage Vehicle)	100.00
Vehicle Transfer (Private Hire Vehicle)	100.00
Replacement Rear Plate	35.00
Replacement Front Plate	30.00
Replacement Sign	25.00
Replacement Badge	25.00

Objections to the proposed increase of Licence Fees must be sent in writing to PO Box 62, Ruthin, Denbighshire, LL15 9AZ (quoting reference: Licensing Fees Consultation 2017) no later than 17 November 2017. Objections may also be sent by email to licensing@denbighshire.gov.uk quote the same reference as above.

If no objections are received the proposed fees will come into force with effect from 1 December 2017.

Where objections are received they will be given due consideration and if the council decides to implement the proposed increases after consideration of any objections received, the proposed fees will come into force with or without modification no later than 30 January 2018.

A copy of this notice is available at the Reception of the Council offices at: Caledfryn, Dinbych County Hall, Ruthin Russell House, Rhyll

We welcome correspondence in Welsh. There will be no delay in responding to correspondence received in Welsh.



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Private Hire and Hackney Carriage Fees - Representations Received

Representation / Objection	From	Officer comments
<ul style="list-style-type: none"> • Vehicle Transfer was set at £75.00 in 2016. The rise to £100 is a 33.3% increase, much higher than inflation for the period. • Replacement Badge was set at £10.00 in 2016. The rise to £25.00 is an increase of 150%. This is unduly excessive. • Replacement Rear Plate was set at £12.00 in 2016. The rise to £35.00 is an increase of 191.66%. This is unduly excessive. Front Plate increase also excessive 	Driver no. DR417	<p>Officers acknowledge that this increase is higher than an inflationary increase. The last recorded change to the current fees was in 2009/10.</p> <p>The Local Government Association introduced guidance on “locally set fees” in 2014 to help authorities understand what may be included in the fee structure. This guidance, and associated case law, led officers to conduct a thorough review of all current processes to ensure they are only charging for the appropriate administration of the regime (Hemming v Westminster) and they are administering its funds so as to protect the interests of council tax payers (R v Tower Hamlets LBC) i.e. not subsidising a process.</p> <p>The fees therefore are a reflection of the process rather than merely a roll over increase from the last change.</p>
<p>I also feel the jump to a 3 year driver licence, paid in advance, is an onerous cost to bear, particularly as the taxi trade has not had a fare increase for over 7 years. This might be more tolerable if there was significant discount applied to its implementation.</p>	Driver no. DR417	<p>The Deregulation Act 2015, introduced so as to remove or reduce burdens on business, established a standard duration of three years for taxi driver licences. Licensing authorities may grant a licence for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy.</p> <p>A detailed review of the licensing regime highlighted that the process for a 3 year licence is almost identical to that of an annual licence with the applications and background checks being repeated each year. Moving to a 3 year licence means drivers need not go through the same process for following years.</p> <p>It should be noted that as the process is the same for a 3 year licence as an annual licence then the cost each year will be the same (save for any costs linked to 3 yearly processes e.g. DBS, medical).</p> <p>The 3 yearly cycle will start when the DBS is due.</p> <p>Whilst it appears to make good business sense to have a 3 year licence some drivers may encounter difficulties in meeting this one off cost. Officers are proposing to offer payment by instalments for the first year of implementation (2018) where the DBS is due.</p>

		<p>Where applicants are outside their DBS anniversary officers will offer drivers pro-rata rates up to the DBS renewal. If they opt to have a new annual licence at that time they will be required to pay the full annual rates.</p> <p>Where there is a need for an annual licence due to policy e.g. annual medical, officers will be implement a process to manage those requirements within a 3 year licence.</p>
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REPORT TO:	Licensing Committee
DATE:	6 th December 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Public Protection Business Manager licensing@denbighshire.gov.uk 01824 706066
SUBJECT:	Proposed Changes to Hackney Carriage Vehicles Table of Fares and Charges

1.0 PURPOSE OF THE REPORT

1.1 To review the current tariff charges for hackney carriage vehicles (taxis).

2.0 EXECUTIVE SUMMARY

2.1 Following a request by a delegation of licensed drivers to review the current tariff charges representations officers have consulted with all drivers to ascertain an appropriate tariff charge.

2.2 Members are requested to comment further on a preferred option.

3.0 POWER TO MAKE THE DECISION

3.1 Local Government (Miscellaneous Provisions) Act 1976.

4.0 BACKGROUND INFORMATION

4.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") allows the Council to fix the rates or fares within the county in connection with the hire of a vehicle.

4.2 A delegation of around 150 licensed drivers submitted a request to the council for the current tariff charges to be increased. This request included two options for consideration. The documents supporting a review are attached at Appendix A.

4.3 At the last meeting of the Licensing Committee Officers were authorised to consult further with interested parties. This consultation was available via the Denbighshire website and highlighted in the October newsletter

sent to all drivers. The consultation document is at Appendix B. Members will note that the document puts forward five options:-

- 1) Inflation increase
- 2) Proposal from delegation of drivers
- 3) Further proposal from delegation of drivers
- 4) Option from Denbighshire
- 5) Further option from Denbighshire

4.4 A number of representations have been received commenting on the proposed options. These representations are attached at Appendix C.

5.0 CONSIDERATIONS

5.1 Members should consider all the objections and comments outlined in Appendix C to decide if the table of charges require modification.

5.2 The “table of fares” was last amended in 2010.

5.3 A recognised organisation - the Private Hire and Taxi Monthly – produce a “league table” of taxi fares throughout the UK. Based on current charges Denbighshire are listed at number 288 out of a total number of 368 UK wide Local Authorities (November 2017). Members may wish to note that a comparison in 2012 showed Denbighshire at position 219 in the league table and, to further assist Members, officers have indicated below where the authority would sit in the league table for each of the proposed options.

	Option 1	Option 2	Option 3	Option 4	Option 5
Wales	1	7	3	1	1
UK	111	221	181	117	82
<i>Rates are based on a two mile journey. Positon “1” is dearest</i>					

5.4 Should Members resolve to vary current fares and charges, it is suggested that licensees be given a reasonable period of time, 14 days, to alter their meters.

5.5 Should Members approve an alteration to the current scale of fares, then this will require a Lead Member Delegated Decision to ensure the Council meets its constitutional obligations. Thereafter the Authority must publish a public notice in one local newspaper circulated in the County which should detail the proposed new tariff and specify a period which shall be not less than 14 days from the date of publication, within which objections can be made in writing to the Authority.

- 5.6 If no objections are received the amended scale of fares and charges will come into effect after the expiration of the public notice i.e. the 15th day.
- 5.7 If an objection is received and not withdrawn, officers will report back to Members of the Licensing Committee within two months, when the objections will be considered.
- 5.8 Members may then set a date when the revised table of fares and charges shall have effect with or without modification.
- 5.9 Members should note that although the Council set the table of charges a hackney carriage proprietor can charge a customer a lesser fee; the set charge is the maximum permitted.

6.0 RECOMMENDATION

6.1 That Members:

- 1) Approve an amendment to the current table of charges as follows:
 - Introduce option 2 of the costs per mile.
 - Introduce stepped changes in multiples of £0.10 per 1/20th of a mile only.
 - Increase the soiling charge to £100.
 - Increase waiting time for Tariff 1 to £0.30 per minute.
 - Retain waiting time for Tariff 2 as £0.40 per minute
 - Include Easter Sunday into Tariff 2.
 - Include wheelchairs and pushchairs in the exclusions to the luggage charge.
 - Retain the extra charge of £0.20 for each item of luggage outside the passenger compartment (excluding shopping).
 - Introduce an extra charge of £0.20 for each domestic pet, excluding guide dogs.
- 2) Authorise officers to prepare a report for Lead member Delegated decision to adopt the amendments in sub-paragraph 1) above
- 3) Authorise officers to publish the changes in a local newspaper for the necessary consultation, and if no objections are received, they will come into effect on 1 February 2018.
- 4) Request that where any objections are received, the Licensing Committee will consider those objections at their next meeting with a view to implementing (with or without modification) not later than 1 April 2018.

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Inflation rate	4.60	5.20	3.20	3.00	2.40	1.00	1.80	
	2010	2011	2012	2013	2014	2015	2016	2017
Start	£2.10	£2.20	£2.31	£2.38	£2.46	£2.52	£2.54	£2.59
1st Mile	£3.60	£3.77	£3.96	£4.09	£4.21	£4.31	£4.36	£4.43
Per Mile thereafter	£1.60	£1.67	£1.76	£1.82	£1.87	£1.92	£1.94	£1.97

This section shows how inflation would have increased the tariffs per year.

Trips								
2. Mile	£5.20	£5.44	£5.72	£5.91	£6.08	£6.23	£6.29	£6.40
5. Mile	£10.00	£10.46	£11.00	£11.36	£11.70	£11.98	£12.10	£12.31
10. Mile	£18.00	£18.83	£19.81	£20.44	£21.05	£21.56	£21.78	£22.17
15. Mile	£26.00	£27.20	£28.61	£29.53	£30.41	£31.14	£31.45	£32.02
20. Mile	£34.00	£35.56	£37.41	£38.61	£39.77	£40.72	£41.13	£41.87
30. Mile	£50.00	£52.30	£55.02	£56.78	£58.48	£59.89	£60.49	£61.57

This section reflects how inflation would have increased each trip per year.

Start	£3.00	Includes the first 1232 yards
1st Mile	£3.60	Then 10p every 88 yards or 20p every 176 yards
Per Mile thereafter	£2.00	Tariff 2. to be Tariff 1. plus 50%
		Easter Sunday to be T2.

Trips	
2. Mile	£5.60
5. Mile	£11.60
10. Mile	£21.60
15. Mile	£31.60
20. Mile	£41.60
30. Mile	£61.60

Option 1.

In Summary, No increase in first mile, 40p increase per mile after first mile, But still 60p per mile cheaper than Conwy. (After first mile).

Start	£3.00	Includes the first 1280 yards
1st Mile	£3.60	Then 10p every 80 yards or 20p every 160 yards
Per Mile thereafter	£2.20	Tariff 2. to be Tariff 1. plus 50%
		Easter Sunday to be T2.

Trips	
2. Mile	£5.80
5. Mile	£12.40
10. Mile	£23.40
15. Mile	£34.40
20. Mile	£45.40
30. Mile	£67.40

Option 2.

In Summary, No increase in first mile, 60p increase per mile after first mile, But still 40p per mile cheaper than Conwy. (After first mile).

"We" The undersigned respectfully ask that the Denbighshire Hackney Taxi Tariffs (Fares) be reviewed and increased to fetch us somewhere near in line with the rate of inflation over the last seven years since the last increase. To try and explain our application we also show two options of an increase to be considered.

Our preferred option is option 2. as this still leaves us below inflation and 40 pence each and every mile after the first mile cheaper than Conwy on Tariff 1. We feel this increase is absolutely necessary for us to comply with Denbighshires new conditions (Vehicles must be less than 5 Yrs old) plus all the other increases over the last seven years.

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Denbighshire Hackney Carriage Vehicle Tariff

Consultation Document 2017

The tables below outline the current maximum charges approved by Denbighshire County Council for hackney carriage services and also a number of options for change.

Feedback on these proposals can be sent to the Licensing Section by email at licensing@denbighshire.gov.uk or post to PO Box 62, Ruthin, Denbighshire, LL15 9AZ

	Tariff 1	Tariff 2
Current Approved Charges		
Start (includes 110 yards)	2.10	2.30
Per 110 yards thereafter	0.10	
Per 73.3 yards thereafter		0.10
First mile comparison	3.60	4.60
Two mile comparison	5.20	7.00
Five mile comparison	10.00	14.20
Option 1: Inflation Increase (based on inflation since last increase)		
Start (includes 110 yards)	2.47	2.71
Per 110 yards thereafter	0.12	
Per 73.3 yards thereafter		0.12
First mile comparison	4.27	5.47
Two mile comparison	6.19	8.35
Five mile comparison	11.95	16.99
Option 2: As proposed by Licensed Driver		<i>Tariff 2 Is Tariff 1 plus 50%</i>
Start (includes the first 1232 yards)	3.00	4.50
per 88 yards (1/20 th mile)	0.10	0.15
First mile comparison	3.60	5.40
Two mile comparison	5.60	8.40
Five mile comparison	11.60	17.40
Option 3: As proposed by Licensed Driver		<i>Tariff 2 Is Tariff 1 plus 50%</i>
Start (includes the first 1280 yards)	3.00	4.50
per 80 yards (1/22 nd mile)	0.10	0.15
First mile comparison	3.60	5.40
Two mile comparison	5.80	8.70
Five mile comparison	12.40	18.60
Option 4: As proposed by Licensing Authority		<i>Tariff 2 Is Tariff 1 plus 50%</i>
Start (includes the first 1232 yards)	3.50	5.25
per 88 yards (1/20 th mile)	0.10	0.15
First mile comparison	4.10	6.15
Two mile comparison	6.10	9.15
Five mile comparison	12.10	18.15
Option 5: As proposed by Licensing Authority		<i>Tariff 2 Is Tariff 1 plus 50%</i>
Start (includes the first 1280 yards)	3.50	5.25
per 80 yards (1/22 nd mile)	0.10	0.15
First mile comparison	4.10	6.15
Two mile comparison	6.30	9.45
Five mile comparison	12.90	19.35

Additional Charges

	Current	Inflation Rate increase	Proposed
Waiting Time (each minute) - Tariff 1	0.25	0.29	0.30
Waiting Time (each minute) - Tariff 2	0.40	0.47	0.45
Luggage per item outside the passenger compartment (excluding shopping) *	0.20	0.24	0.25
Soiling Charge	40.00	47.09	50.00
* It is proposed to include wheelchairs and pushchairs in the exclusions to the luggage charge			

The current scale of charges does not include any allowance for the carriage of domestic pets. The Council are considering introducing an extra charge of £0.30 for each domestic pet, excluding guide dogs.

Tariff 2

Tariff 2 is currently defined as:-

- between midnight and 6 am each day;
- all day on Public and Bank Holidays, Christmas Day, Boxing Day and New Year's Day, and
- from 6pm on Christmas Eve and New Year's Eve.

It is proposed to include Easter Sunday into Tariff 2.

Redacted Representations / Comments from Consultation on Taxi Tariff Charges

Driver no. DR207

I do not feel there is a need for a fare rise when so many of the taxi operators in Rhyl are charging low fixed and discounted fares. This causes conflict and mistrust by the customer on the driver when charging meter fare.

With regard to inflation yes it has had an effect on the public but not where costs specific to the taxi trade are concerned.

Since the last increase fuel has reduced in price.

Excise duty is less due to the more efficient vehicles being used.

Insurance cost is about the same.

Compliance and service costs again about the same.

The only increase looks likely to be in licence fees.

Member of Public

I refer to the proposed increase in taxi fares in particular the starting fare.

The current starting fare is £2.10, the councils proposed starting fare is £3.20. This is a major increase.

Many people use a taxi for short journeys, say from Russell House to the train station. These passenger will be hit the hardest with an increase of £1.10 on the start fare.

The Council may notice Denbighshire people are not flush with money and any increase to public transport will have a knock-on affect to these people traveling to work, hospital and doctors appointments and shopping.

I object to the proposed increase to the start fare of £3.10.

Also, taxi meters have always been calibrated to 10p drops and having odd figures not rounded up or down e.g. £2.47 may present taxi meter recalibration some difficulties as well as driver needing to fiddle about with low denomination coinage.

I am in favour of an increase based on inflation, but rounded up or down to the nearest 10p.

Driver no. DR 689 & DR 640

1) Medical requirements as they stand seem to me working very well and cannot see any reason to change

2) Driving around for 12 months in your mums polo doesn't make you a professional driver

3) The council have enough enforcement tools to hand as it is, any more would not help

Regarding the introduction of an extra charge per pet, a figure of 0.25p would be easier to implement on the metre bring it in line with luggage changes being proposed.

We would recommend Option 5 to increase the current charges to bring them in line with inflation and a small increase to cover future costs.

Driver no. 16/1033/TXJDR

I think that out of all the options provided option 3 is the best as I feel that option 4 and 5 would discourage some of Roberts Taxis regular customers who use us on a regular basis thank you for taking the time to read this email

Driver no. DR377

I would say option 2 had no idea I had to reply to this, as did many others.

Driver no. DR417

Dear Licensing

I would like to make a representation regarding the Soiling Charge within DCC fee structure.

I would like the Soiling Charge to be a minimum of £100.00.

The reasons for this are:

1. It has been set at £40.00 for a considerable period of time.
2. The soiling Charge is £100.00 in Conwy County and has also been at this rate for a considerable period of time.
3. Denbighshire's Environmental Enforcement Officers fine £75.00 for the slightest littering infraction. Passengers over the years have defecated, urinated and vomited in my vehicle. This has to be valeted and left to dry. This also causes loss of income as the vehicle and driver are unable to work.

I would like DCC Licensing to make the public more aware of the Soiling Charge and why it exists.

I would also appreciate advise of the correct and legal method for obtaining the charge from the perpetrator of the soiling.

Yours sincerely

Driver no. DR417

Dear Licensing

I would like to comment on the Carriage Vehicle Tariff fee options.

1. Option 1. Even though this represents an inflation increase over the period, the trade will not have had the small increments that would have accumulated over each year of the previous 7 years. Also, we don't know the exact period used in the calculation of inflation, but CPI was 3% in both September 2017 and October 2017 and RPI even higher.
2. Option 2. Below inflation increase over the 1, 2 and 5 mile comparisons.
3. Option 3. Below inflation increase over the 1 and 2 mile comparisons.
4. Option 4. Below inflation increase over the 1 and 2 mile comparisons.
5. Option 5. Below inflation increase for 1 mile comparison.

I feel at least an inflation increase as the absolute minimum to be acceptable. Even if the new rates are approved for 1st December, this would represent a period of 7 years 3 months without an increase.

I would like the scheduling of annual tariff reviews from October 2017.

No tariff to be used that would involve 5 pence increments (10 pence as smallest unit shown on the meter).

REPORT TO:	Licensing Committee
DATE:	6 th December 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) licensing@denbighshire.gov.uk 01824 706433
SUBJECT:	Forward Work Programme 2017/18

1.0 PURPOSE OF THE REPORT

- 1.2 To provide Members with a proposed Forward Work Programme for 2017/18

2.0 EXECUTIVE SUMMARY

- 2.1 A proposed Forward Work Programme is attached, at Appendix A, for Members to consider and approve.

3.0 BACKGROUND INFORMATION

- 3.1 Members will be aware that at a previous Licensing Committee, Members approved a rolling 12 month process for their Forward Work Programme.
- 3.2 This Forward Work Programme, has been drafted in consideration of the policies relevant to the Licensing committee and the review dates of those policies along with any potential legislative changes being proposed by central government.
- 3.3 Members resolved that the Forward Work Programme be updated at each Licensing committee so that Officers will be able react to emerging pressures or impending changes as they arise and without the need to make significant changes to the programme.

4.0 RECOMMENDATION

- 4.1 For Members to approve the proposed Forward Work Programme, as detailed in the Appendix.

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Licensing Committee**Work Programme**

Committee Date	Report	Comment
March 2018	Hackney Carriage and Private Hire Driver Conviction Policy	Update
	Hackney Carriage and Private Hire Driver / Operator Conditions/policy	Update
	Street Trading policy	Update
June 2018	Hackney Carriage and Private Hire Driver Conviction Policy	Approval
	Hackney Carriage and Private Hire Driver / Operator Conditions/policy	Approval
	Intended Use policy	Review
	Private Hire Exemption policy	Review
September 2018	Street Trading policy	Approval
	Street Collection policy	Review
	House to House Collections policy	Review
December 2018	Penalty Points Procedure	Update

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