

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Russell House, Rhyl on Tuesday, 5 March 2019 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Alan James (Vice Chair), Brian Jones, Richard Mainon, Barry Mellor, Arwel Roberts, Tony Thomas and Huw Williams

Observers – Councillors Bobby Feeley and Huw Hilditch-Roberts

ALSO PRESENT

Solicitor (AL), Built Environment and Public Protection Manager (GR), Public Protection Business Manager (IM), Licensing Officer (JT) and Committee Administrator (KEJ)

POINT OF NOTICE

In the absence of the Chair, Councillor Hugh Irving, the Vice Chair, Councillor Alan James took the Chair for the meeting.

1 APOLOGIES

Councillors Hugh Irving (Chair), Melvyn Mile and Rhys Thomas

2 DECLARATION OF INTERESTS

Councillor Tony Thomas declared a personal interest in agenda item 5 because the applicant was resident within his town and county ward area.

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 5 December 2018 were submitted.

Matters Arising – Page 9: Update on the introduction of a list of designated wheelchair accessible vehicles – In response to a question from Councillor Brian Jones, the Public Protection Business Manager confirmed that a list of designated wheelchair accessible vehicles had been published on the Council's website.

RESOLVED that the minutes of the meeting held on 5 December 2018 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 PRIVATE HIRE VEHICLE LICENCE

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

- (i) an application having been received for a Private Hire Vehicle Licence;
- (ii) officers having not been in a position to grant the application as the vehicle presented for licensing did not comply with the Council's policy with regard to the five year age limit for vehicles licensed under a new application;
- (iii) additional conditions being applicable to the licensing of specialist vehicle types such as the one presented in this case together with photographs of the vehicle subject of the application, and
- (iv) the Applicant having been invited to attend the meeting in support of the application and to answer members' questions thereon.

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

The Licensing Officer 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. As the vehicle subject of the application was thirteen years old it did not comply with current specifications. Members were asked to consider the Applicant's request to depart from the Council's policy and grant the application.

The Applicant advised of his intention to substitute a different vehicle for licensing but on reflection he confirmed his original vehicle licence application, details of which had been contained within the committee report. In presenting his case the Applicant advised that he was a well-known and established operator of limousines for specialist private hire purposes catering for special occasions such as weddings, christenings, etc. He acknowledged the reasoning behind the introduction of an age limit for general hackney carriage and private hire vehicle licensing but submitted that the restriction had a disproportionate effect on his business and its viability given the nature and type of business operated and also created a barrier to upgrading existing licensed vehicles which had occurred in this case. He elaborated upon the merits of the proposed vehicle for licensing and provided evidence of maintenance and service schedules together with assurances regarding high vehicle standards. Finally he called for the removal of the age limit for specialist vehicle types, such as stretch limousines, in the Council's policy.

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

RESOLVED that the application for a Private Hire Vehicle Licence be granted subject to the additional conditions as detailed in Appendix 2 to the report.

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

Members had carefully considered the case put forward by the Applicant and noted that he was a long standing responsible operator of specialist high quality private hire vehicles for specific purposes. Having taken into account the nature and type of business operated by the Applicant and specific services provided, and having considered the proposed vehicle for licensing to be in pristine condition, members agreed that a case had been made to deviate from their age limit policy in this instance and grant the application as applied for, subject to the additional conditions applicable to the specialist vehicle type. With regard to the call for a change in the age limit policy relating to specialist vehicles, members reaffirmed their existing policy with each application to be considered on its own merits.

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

OPEN SESSION

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

6 PROPOSED PRIVATE HIRE PLATE EXEMPTION POLICY

The Licensing Officer submitted a report (previously circulated) presenting the proposed Private Hire Plate Exemption Policy for consideration and approval for formal consultation.

Officers reported upon the legalities governing the issue and display of private hire plates including the Council's discretion to grant dispensation from displaying licence plates. The proposed policy would provide guidance to potential applicants on the minimum standards in terms of vehicle type that the Council would consider for exemption from the requirement to display licence plates and would also enable the Council to make transparent decisions on suitable exemptions.

Members supported the proposed policy as a means of providing a consistent approach when dealing with requests for plate exemption and to ensure no undue delay in the processing of such requests. Consequently it was –

RESOLVED that –

- (a) *the proposed Private Hire Plate Exemption Policy, as detailed in Appendix A to the report, be supported and approved for formal consultation, and*
- (b) *following consultation officers report back any objections to the Licensing Committee for consideration and approval of the proposed policy, or in the event of no responses received, approve the Private Hire Place Exemption Policy for adoption with effect from 1 June 2019.*

7 PROPOSED HACKNEY CARRIAGE INTENDED USE POLICY

The Licensing Officer submitted a report (previously circulated) presenting the Hackney Carriage Intended Use Policy for review as required every three years.

The Council had adopted the policy in 2015 as means of controlling the use and enforcement of Denbighshire licensed hackney carriage licences granted in the county. The policy had regard as to whether the intention was for the vehicle to be operated within the county or predominantly for the purpose of private hire work outside of the county. Having reviewed the policy officers considered it was still fit for purpose and had recommended no changes with a further review in three years.

RESOLVED that the contents of the report be noted and officers be authorised to review the Hackney Carriage Intended Use Policy in a further three years' time.

8 DRAFT RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON IMPROVING PUBLIC TRANSPORT

The Public Protection Business Manager submitted a report (previous circulated) presenting the Council's draft response to the Welsh Government's consultation on improving public transport.

Members were advised of the Welsh Government's White Paper on proposals to legislate for reforming the planning and delivery of local bus services and licensing of taxis and private hire vehicles in Wales. The report considered the taxi and private hire aspect only and officers had drafted a response to the questions posed by the Welsh Government for members' consideration. The response was intended to inform a Cabinet Briefing to enable a collated response on all aspects of the consultation prior to submission of the formal response by the deadline of 27 March 2019. Four main areas of taxi and private hire licensing had been highlighted for consideration which included proposals to set national standards; allow a licensing authority to take enforcement action against any vehicle operating in its area; the creation of a mechanism for sharing relevant information for safeguarding purposes, and proposals to redirect taxi and private hire licensing functions into a national licensing authority – a Joint Transport Authority (JTA).

Members discussed the implications of the proposals with officers and it was confirmed that the Licensing Technical Panel (representing all Welsh local authorities) had agreed a collective response with each local authority having the option of including additional comments tailored to their specific localities as appropriate. Officers also reported upon the scope of the consultation to inform Cabinet Briefing and Councillor Brian Jones confirmed that the North Wales Transport Advisory Forum had also considered the proposals and would provide an input to enable Cabinet Briefing to consider Denbighshire's position. Members noted that there were some positive aspects arising from the proposals including standardising policies and procedures across Wales to ensure a consistent approach, greater enforcement powers for local authorities, the sharing of information for safeguarding purposes, and modernisation of processes. However members stressed the importance of local control, knowledge and accountability and firmly believed that local authorities should continue to have responsibility for

taxi and private hire licensing within their areas, believing them to be best placed to effectively deal with local issues and influence local outcomes, ensuring greater control over the taxi and private hire trade in the county. The hard work of both members and officers in raising standards and effecting improvements throughout Denbighshire's licensed taxi and private hire trade was also highlighted and the importance of continuing that work and maintaining standards was considered of paramount importance. Consequently there was no support for the proposal to redirect those functions away from local authorities to a national licensing authority. Whilst debate focused predominately on taxi and private hire licensing reference was also made to the importance of the delivery of local bus services as part of that process and transportation in rural communities which was a priority for the Council.

RESOLVED that members –

- (a) *note and support the contents of the report and the proposed response, and*
- (b) *subject to members' views, authorise the Head of Planning and Public Protection to present the final draft as the response to the Welsh Government consultation on Improving Public Transport, in so far as it relates to taxi and private hire licensing.*

9 UPDATE ON THE WORK OF THE LICENSING SECTION

The Public Protection Business Manager submitted a report (previously circulated) updating members on the work of the Licensing Section during 2018 which focused on both operational and management matters.

The report provided statistical data of the number of licences issued, complaints and service requests received covering the main functions – Alcohol and Entertainment; Hackney and Private Hire Licensing; Gambling, Gaming and Lotteries; Street Trading; Charity Collections and Scrap Metal together with other ancillary matters including data recording, performance and communications. Management matters included reference to policies, fees, complaints against the service together with future workload considerations. Officers elaborated on various aspects of the report and clarified particular issues in response to members' questions thereon.

During debate the Public Protection Business Manager agreed to review the protocol for engaging local ward members where issues were identified within their specific areas to ensure it remained relevant and appropriate for licensing purposes. In response to a question regarding food hygiene ratings officers confirmed that inspections were generally carried out every eighteen months but in the event of a poor rating the Council would re-inspect on request within three months for a fee. Officers also elaborated upon the joint working taking place across service areas during inspections of licensed premises.

Members paid tribute to the hard work of the Licensing Team in raising standards and ensuring good practice across the various licensing functions and had been pleased to note the steps taken to document that work and ensure future monitoring of processes which would enable greater transparency. The Committee asked that

their thanks be conveyed to the Licensing Team and their appreciation be recorded within the minutes. The Public Protection Business Manager thanked members for their support and agreed to convey their thanks back to the Licensing Team. It was agreed to receive an annual report on the work of the Licensing Section.

RESOLVED that, subject to members' comments, the contents of the report be noted.

10 LICENSING COMMITTEE FORWARD WORK PROGRAMME

A report by the Head of Planning and Public Protection was submitted (previously circulated) presenting the Licensing Committee's future work programme for 2019.

The work programme was flexible in order to react to emerging pressures or changes as they arose and members were encouraged to contact officers regarding any matters they wished to be added to the forward work programme.

Councillor Brian Jones referred to the practice of operators offering cut price fares and he highlighted associated problems in that regard which might escalate in the future. Officers advised that the hackney carriage tariffs set by the Council related to the maximum amount which could be charged and operators were free to charge less than the tariff set. Officers also confirmed they had not been made aware of any problems associated with the practice of undercutting fares during recent times.

RESOLVED that the proposed forward work programme as detailed in the appendix to the report be approved.

The meeting concluded at 11.00 a.m.