

To: Members of the Licensing  
Committee

Date: 27 February 2020

Direct Dial: 01824 712568

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 4 MARCH 2020** in the **COUNCIL CHAMBER, RUSSELL HOUSE, RHYL**.

Yours sincerely

G Williams  
Head of Legal 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 - 16)**

To receive the minutes of the Licensing Committee held on 4 December 2019 (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 items of business because it is likely that exempt information as defined in paragraphs 12 and 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. 541292**  
(Pages 17 - 26)

To consider a confidential report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) seeking members' determination of a renewal application from Applicant No. 541292.

**6 RENEWAL APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 543310**  
(Pages 27 - 30)

To consider a confidential report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) seeking members' determination of a renewal application from Applicant No. 543310.

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

**7 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS/POLICY** (Pages 31 - 36)

To consider a report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) proposing a number of amendments to the existing Hackney Carriage and Private Hire Vehicle Policy and Conditions for formal consultation prior to approval.

**8 UPDATE ON THE WORK OF THE LICENSING SECTION IN 2019** (Pages 37 - 42)

To consider a report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) updating members on the work of the Licensing Section in 2019.

**9 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2020/21**  
(Pages 43 - 46)

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

## **MEMBERSHIP**

### **Councillors**

Hugh Irving (Chair)

Brian Jones (Vice-Chair)

Joan Butterfield

Arwel Roberts

Alan James

Peter Scott

Barry Mellor

Rhys Thomas

Melvyn Mile

Huw Williams

Merfyn Parry

### **COPIES TO:**

All Councillors for information

Press and Libraries

Town and Community Councils

This page is intentionally left blank

## 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"> <li>1. Section 61 (2A) of the Local Government (Miscellaneous Provisions) Act 1976.</li> <li>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.</li> </ul> <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'.

This page is intentionally left blank

## LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 4 December 2019 at 9.30 am.

### PRESENT

Councillors Joan Butterfield, Hugh Irving (Chair), Alan James, Brian Jones (Vice-Chair), Barry Mellor, Melvyn Mile, Arwel Roberts, Peter Scott and Huw Williams

**Observer** – Councillor Meirick Davies

### ALSO PRESENT

Solicitor (AL), Public Protection Business Manager (IM), Licensing Officer (NJ), Fleet Performance Manager (CB) and Committee Administrator (KEJ)

### POINT OF NOTICE

The Chair reported that the Licensing Committee's Legal Adviser, Alison Lessels was attending her last meeting and he conveyed the Committee's appreciation for her valued advice and service during her time with the Council and wished her well for the future.

#### 1 APOLOGIES

Councillors Merfyn Parry and Rhys Thomas

#### 2 DECLARATION OF INTERESTS

No declarations of interest had been raised.

#### 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 12 June 2019 were submitted.

**RESOLVED** that the minutes of the meeting held on 12 June 2019 be received and confirmed as a correct record.

#### 5 PROPOSED CHANGES TO TAXI LICENSING FEES AND CHARGES

The Public Protection Business Manager submitted a report (previously circulated) seeking members' approval of the proposed fees and charges relating to the taxi licensing regime.

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. Any changes to fees and charges would be subject to public notice with any objections being brought back before the committee. If no objections were received the fees would come into effect 1 April 2020. It was noted that the last increase in the fees and charges was in April 2018 although vehicle fees had remained static for eleven years.

In response to members' questions it was explained that officers undertook an annual review of fees and charges and for clarity the proposed table of fees included fees within the licensing regime for which the Head of Planning and Public Protection was operationally responsible and those which required member approval. The Head of Service had confirmed he supported the fees and charges as proposed. In noting a reduction in some of the fees officers advised that the savings had been achieved due to efficiencies within the process.

**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 April 2020, and*
- (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) no later than 1 April 2020.*

## **6 REVIEW OF THE EXISTING APPROVED TESTING STATION PROCESS**

The Licensing Officer submitted a report (previously circulated) seeking members' review of the current process for nominating approved testing stations to carry out compliance testing for hackney carriage and private hire vehicles in the county.

Denbighshire had 8 nominated testing stations in the county, 5 in the North (including the Council's Fleet Management Centre in Bodelwyddan) and 3 in the South which Fleet Services approved on an annual basis. Officers explained the reasoning behind the review given concerns that the variation in the cost of fees charged by individual garages for compliance testing and competitive pricing could be linked to a reduction in the quality of testing together with concerns that the standardised process approved for licensed testing stations was not being fully adhered to resulting in a disparity in the standard of testing carried out. There was also some concern regarding the number and frequency of tests carried out by particular garages resulting in a lack of consistency throughout the current testing process. Consequently officers had considered a number of options to address those issues and the advantages and disadvantages of each had been detailed within the report.

The following options had been put forward for review –

- no change to the current authorised testing stations
- inviting expressions of interest from MOT garages to a specific Service Level Agreement
- reducing the number of authorised testing stations in the county
- move over to in-house compliance testing.

With regard to practice in neighbouring authorities officers advised that two other North Wales local authorities carried out solely in-house testing as did eleven of the twenty-two local authorities in Wales. Officers recommended in-house testing as a preferred option subject to further review and consultation. If members did not support in-house testing a review of the current process was recommended.

Members considered the merits of the options put forward with a view to providing a greater level of consistency and ensuring further improvement in the quality of testing and vehicle standards. Some concern was also expressed that the current regime allowed for a taxi company who owned a nominated testing station to undertake testing on their own vehicles which was considered a conflict of interest. The option of in-house testing would address that issue and ensure independent and consistent testing to a specific standard.

Questions were raised regarding the current process together with the practicalities of an in-house approach and capacity issues. In response the Fleet Performance Manager provided some background to the current situation advising that Denbighshire had adopted the process for nominating testing stations of former authorities following local government reorganisation in 1996. Given the need to improve standards and consistency and that the overriding consideration was for public safety it was considered that an in-house approach represented the best option. There was capacity within Fleet Services to take on the authorised testing of all licensed vehicles within the county at the Fleet Management Centre in Bodelwyddan which currently carried out approximately 30 – 40% of all compliance testing with approximately 80% of all licensed vehicles located in the North of the county. The Fleet Management Centre operated an appointment booking system and remained open until 9.00 p.m. There would be no financial benefit to Fleet Services as a result of a move to in-house testing given that the compliance test took some time and was not considered profitable. Councillor Joan Butterfield queried the potential impact on deprivation and whether any jobs would be lost from existing nominated testing stations as a result of a move to in-house testing. Assurances were provided that the loss to nominated testing stations related solely to compliance testing and the fee for that test which was carried out twice a year on licensed vehicles – maintenance regimes and repair work would not be affected and all other work opportunities would remain for those garages.

The Licensing Committee agreed that confidence could be gained from an in-house approach which would provide a consistently high level of vehicle standards for the benefit of the travelling public and ensuring public safety. Having reviewed the options appraisal members were supportive of an in-house approach subject to further review and consultation and it was subsequently –

**RESOLVED** to look at in-house testing as a preferred option subject to further review and consultation with all relevant parties.

## **7 REVIEW OF PENALTY POINTS POLICY AND PROCEDURE**

The Public Protection Business Manager submitted a report (previously circulated) seeking members' support to remove the Penalty Points Policy and Procedure process.

The Penalty Points Policy and Procedure had been approved by the Licensing Committee in September 2014 (further revised in 2015 and 2016) and detailed how the Council dealt with minor breaches of conditions or legislation in respect of taxi licensing via the allocation of a points value for breaches. An accumulation of 20 points in two years resulted in escalation to the Licensing Committee with a single penalty of 20 points resulting in further action to be determined by the Head of Service in consultation with the Chair or Vice Chair of the Licensing Committee. The scheme allowed for a 10 day appeal process irrespective of the level of points or incidents. Licensing Committee had also granted delegated powers to officers to suspend and revoke driver, vehicle and operator licences in certain circumstances.

Officers explained that the process had resulted in unintended consequences in so far as delaying appropriate action, including suspension/revocation, given the timeframes for appeals, and the issuing of points did not easily allow for discretion or deviation where warranted. Examples of minor breaches were provided and cases in point to illustrate those instances in which undue delay had been caused due to the level of bureaucracy within the process which also did not allow for the discretion of professional officers in those circumstances, particularly with persistent breaches of the same offence or where the maximum 20 points had been reached.

Whilst there was general support from members to reducing bureaucracy and streamlining the process to better effect, there was some reservation regarding the appeals process and the reducing role of the Licensing Committee in that regard. However it was also acknowledged that bringing particular issues directly before the Licensing Committee itself caused undue delay in some cases and that removing the Penalty Points Policy and Procedure Process and instead relying on professionally trained officers would bring the process into line with the practices of other regulatory services within the authority and would allow more timely action to be taken. Members also noted there had not been a significant number of incidents reported for points and that databases allowed for the recording of warning and advice which could be used in consideration of appropriate action where necessary.

Consequently members agreed to support removal of the Penalty Points Policy and Procedures process but requested a future report back on the impact of its removal and comparative effectiveness between the two systems.

**RESOLVED** that members –

(a) support the removal of the Penalty Points Policy and Procedure process, and

- (b) *for officers to report back to the Licensing Committee in March 2021 by way of their Annual Report, to discuss the comparative effectiveness between the two systems.*

## **8 PROPOSED HOUSE TO HOUSE COLLECTION POLICY**

The Licensing Officer submitted a report (previously circulated) presenting the draft House to House Collection Policy for formal consultation prior to approval.

Officers explained that the Council did not have a clear and detailed policy to consider applications for house to house collections and sought members' approval of the draft policy to ensure all parties were informed of the requirements and process and would allow the Council to make consistent and transparent decisions. Some background was provided in terms of the legislative requirements and processes to be followed and it was noted that whilst licences were generally issued by the Council, there were 'National Exemption' Orders available to charities who wished to undertake a high number of simultaneous collections across the country issued by the Secretary of State. The current practice was to grant permits to organisations without Home Office Exemption Orders provided such collections did not overlap with other collections and that societies be limited to one collection within a twelve month period. This approach aimed to avoid saturating the area with collectors from different charities.

Given that the proposed policy would cover all aspects of the process and requirements and there was no significant change to the current practice officers recommended that consultation took place only with charitable organisations that had applied and collected within the county over the last twelve months, with any objections brought back before the committee. If no objections were received the policy would come into effect 1 April 2020. In response to questions officers –

- advised that Home Office Exemption Orders were issued by the UK Government to charitable organisations in England and Wales
- clarified the circumstances during which a permit would be required when collecting for a charitable purpose by means of visits from house to house
- confirmed permits would be granted by the Council in cases where a Home Office Exemption Certificate had not been issued and charitable organisations met the legislative provisions and requirements of the Council's policy document – there was no charge for a House to House Collection permits issued by the Council
- explained that the legislative requirements had not changed and there was no change proposed to the Council's existing practice, and
- if members were minded to support the policy officers would advise the Licensing Committee in the event that no objections were received in response to the formal consultation on the document which would then become effective from April 2020.

After due consideration it was –

**RESOLVED** *that –*

- (a) *the proposed House to House Collection Policy (Appendix A to the report) be supported and officers be authorised to commence formal consultation with charitable organisations that had applied and collected within the county over the last 12 months, and*
- (b) *following consultation officers report back any objections to the Licensing Committee for consideration and approval of the new policy, or in the event that no responses were received, the House to House Collection Policy be approved for adoption with effect from 1 April 2020.*

## **9 PROPOSED STREET COLLECTION POLICY**

The Licensing Officer submitted a report (previously circulated) presenting the proposed Street Collection Policy for formal consultation prior to approval.

Members were advised that the Council did not have a clear and detailed policy to consider applications for street collections and approval of the draft policy was sought to ensure all parties were informed of the requirements and process and which would ensure the Council made consistent and transparent decisions. The Council was empowered to licence collections made in any street or public place for charitable or other purposes and the Council had also made Regulations for the control of street collections in the county. The current practice was to permit only one street collection each week in respect of each town/community and societies may only carry out one collection in each town/community within a twelve month period. This approach aimed to avoid saturating the area with collectors from different charities.

Given the proposed policy would cover all aspects of the process and requirements and there was no significant change to the current practice officers recommended that consultation only took place with charitable organisations that had applied and collected within the county over the last twelve months, with any objections brought back before the committee. If no objections were received the policy would come into effect 1 April 2020. In response to a question from the Chair it was clarified that the foyer of a supermarket inside the building was considered to be under the control and management of the store and therefore a licence would not be required, however if a collection took place outside the store, such as in the car park area, a licence would be required given that the public had free access to that area. In the event that no objections were received in response to the formal consultation officers would advise the Licensing Committee accordingly.

**RESOLVED** that –

- (a) *the proposed Street Collection Policy (Appendix A to the report) be supported and officers be authorised to commence formal consultation with charitable organisations that had applied and collected within the county over the last 12 months, and*
- (b) *following consultation officers report back any objections to the Licensing Committee for consideration and approval of the new policy, or in the event*

*that no responses were received, the Street Collection Policy be approved for adoption with effect from 1 April 2020.*

## **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 work forward programme.

The Licensing Officer explained that items had been rescheduled following cancellation of the September meeting and officers were working on producing a full twelve month forward work programme to present to the next meeting in March.

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

The meeting concluded at 10.30 a.m.

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	4 <sup>th</sup> March 2020
<b>LEAD OFFICER:</b>	Head of Planning, Public Protection and Countryside Services
<b>CONTACT OFFICER:</b>	Senior Technical Officer (Licensing) <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706451
<b>SUBJECT:</b>	Hackney Carriage and Private Hire Vehicle Conditions/Policy

## 1. PURPOSE OF THE REPORT

- 1.1 To request that Members consider amendments to the existing Hackney Carriage and Private hire Vehicle Policy and Conditions.

## 2. EXECUTIVE SUMMARY

- 2.1 The existing Hackney Carriage and Private Hire Vehicle Policy and Conditions was approved by Members at their meeting on December 16th 2016 to be reviewed on a three yearly basis.
- 2.2 This report identifies some amendments for consideration

## 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, a full review of the Hackney Carriage and Private Hire Policy and Conditions took place in 2015 and, following extensive consultation, came into effect in July 2017.
- 4.2 Officers have reviewed the policy in accordance with the requirement to do so every three years and have proposed some amendments together with reasoning which Members may examine at Appendix A.
- 4.3 Officers have suggested these amendments, both to reflect the changes in operating procedures, i.e. removal of the penalty point system, and to

clarify existing conditions.

## **5.0 RECOMMENDATION**

- 5.1 For Members to consider the information contained in this report and authorise officers to consult on the proposed amendments, and if no objections are received, they will come into effect on 1<sup>st</sup> June 2020.
- 5.2 Should any objections be received, Officers will report back to Members at their next Meeting in June to consider the objections with a view to implementation on 1<sup>st</sup> July.

**Proposed Amendments to Hackney Carriage Private Hire Vehicle Policy**

<b>Section</b>	<b>Policy/Vehicle Specification</b>	<b>Proposal/Amendment</b>	<b>Justification for Amendment</b>
2.6.3 Signage /Advertising/Livery (Private Hire)	Private Hire Vehicles shall display door signs, issued by the Council and fitted as set out in the Conditions of Licence.	Add "Magnetic door signs are not to be used for this purpose".	There have been incidents of magnetic door signs being stolen or falling off Private Hire Vehicles, resulting in the vehicle possibly having to operate without the correct signage until replacements can be obtained. The ability to easily remove and replace magnetic signs introduces the risk for stolen signs to be used illegally on unlicensed vehicles.
2.17.4 Plate Exemption	Each application for exemption will be treated on its own merits for consideration at Licensing Committee.	Remove and replace with "Each application for exemption will be considered by Officers in line with the Private Hire Plate Exemption Policy.	To allow officers to consider each request for exemption on its own merits in line with the introduction of the Private Hire Exemption Policy, approved by Members on 5 <sup>th</sup> March 2019 and effective from 1 <sup>st</sup> June 2019.
2.19.5 & 2.19.7 /5.11.5 & 5.11.7 Disciplinary Action	Minor offences which do not put the public at risk or do not call into question the fitness of the licence holder will be dealt with informally under the Council's penalty point warning scheme. The frequency or nature of minor offences may be such that the penalty point warning scheme is not considered appropriate and another sanction is necessary, such as suspension or revocation.	Remove and amend paragraphs 2.19.6 & 5.11.6 to read "Appropriate action will be taken in respect of all licences (vehicle, driver or operator), including where relevant, suspension or revocation, by officers guided by the requirements of the Local Government (Miscellaneous Provision) Act 1976 (including sections 60 & 68), Town Police Clauses Act 1847 (including section 50), Planning and Public Protection Enforcement Policy, and this Policy. If deemed appropriate Officers may	Members resolved to remove the Penalty Points Scheme and implement the Procedure for the Revocation or Suspension of a Private Hire or Hackney Carriage Licence at a Meeting of the Licensing Committee held on 4 <sup>th</sup> December 2019. Officers will report back to Licensing Committee in March 2021 to discuss the comparative effectiveness of the two systems

		refer any matter to the next scheduled Licensing Committee for consideration of appropriate action. Equally, the Licensing committee may request any matter be placed before that Committee for consideration”.	
2.20/ 5.12 Penalty Points Scheme	Penalty Points Scheme	Remove section. Move paragraphs 2.20.1 & 2.20.2 / 5.12.1 & 5.12.2 to form first paragraphs of Section 2.19 and 5.11 as appropriate and rename Sections “Regulatory and Disciplinary Action”	This section refers to the Penalty Points Scheme and it is the view of officers that that 2.20.1/5.12.1 and 2.20.2/5.12.2 should be retained to assist with enforcement.
3.14.1b/6.8.1b Facilities for Wheelchair Users	A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use	Remove “at the nearside rear passenger door”.	Many new Wheelchair Accessible Vehicles allow for various points of access. Insisting on nearside rear passenger doors being used only restricts the type of vehicles that can be used and may discourage new vehicles being brought on to the fleet.
4.14.2/7.16.2 Collisions	In the event of a licence being suspended due to the nature of the damage, the proprietor shall have the vehicle tested at a nominated testing station and submit the compliance certificate for examination prior to the licence being reinstated.	Remove and replace with “In the event of a licence being suspended due to the nature of the damage, the proprietor shall, at their own cost, have the vehicle tested at DCC Fleet Management and Vehicle Maintenance Centre. Following which, they should submit the Compliance Certificate for examination prior to the licence being reinstated”.	This amendment will ensure that there is a procedure in place for suspended vehicles to be examined and subsequently reinstated by officers.

<p>5.6.3 Signage/Advertising/Livery (Hackney Carriage)</p>	<p>A Hackney Carriage licensed by the Council must carry an illuminated roof mounted sign. The roof sign must state "Taxi/Tacsi" and must be illuminated when plying for hire.</p>	<p>Insert new paragraph "New to Fleet Hackney Carriage Vehicles may (must?) be presented to DCC Fleet Management and Vehicle Maintenance Centre for initial inspection without a roof sign or meter. However, both must be installed and inspected by Licensing Officers prior to a Licence being issued.</p>	<p>Prospective licensees may submit a vehicle for testing without first fitting roof signs and meters. This will mean that, in the event of the vehicle failing the test or being unsuitable, they have not incurred any expense installing the equipment unnecessarily.</p>
--	--	---	--

This page is intentionally left blank

<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	4 <sup>th</sup> March 2020
<b>LEAD OFFICER:</b>	Head of Planning, Public Protection and Countryside Services
<b>CONTACT OFFICER:</b>	Public Protection Business Manager <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706066
<b>SUBJECT:</b>	Update on the Work of the Licensing Section in 2019

## **1. PURPOSE OF THE REPORT**

- 1.1 To update Members of the work of Licensing Officers.

## **2. EXECUTIVE SUMMARY**

- 2.1 This report provides information on the work in respect of the functions of the Licensing Section and includes licences issued, complaints and service requests received and other activities completed during 2019.

## **3. POWER TO MAKE THE DECISION**

- 3.1 No decision required.

## **4. BACKGROUND INFORMATION**

- 4.1 The report is broken down into two main sections, namely operational and management matters.

## **5. ISSUES AND FINDINGS - OPERATIONAL MATTERS**

### **5.1 Alcohol and Entertainment**

- 5.1.1 Currently there are 435 licensed premises – 102 on sales; 120 off sales; 213 both on/off sales – and 184 Late Night Refreshment establishments.

- 5.1.2 There were 32 complaints from the public in relation to licensed premises and the vast majority of those were linked to issues in relation to noise nuisance. These have been dealt with in collaboration with Environmental Health Officers and appropriate action or advice given where necessary or are ongoing.

- 5.1.3 Other complaints concern general anti-social behaviour unlicensed activities and sales to minors. Appropriate action was taken or is ongoing.

- 5.1.4 During the year there have been applications for:-

- 28 new premises
- 36 transfers of licence
- 30 variation of conditions or licence details
- 78 variations of Designated Premises Supervisor.
- 374 temporary event notices.
- 61 new personal licences and 25 changes to personal licence details

5.1.5 There have been eight joint visits to licensed premises with partners – North Wales Police, Immigration Enforcement Officers and other Denbighshire teams, such as Health & Safety, Food Safety and Trading Standards.

5.1.6 Licensing Officers continue to meet regularly – at least every other week – with North Wales Police colleagues to identify and deal with emerging issues following the principles laid out in the Statement of Licensing Policy e.g. Level 1 engagement / Level 2 Action Plans.

## 5.2 Hackney and Private Hire Licensing.

5.2.1 Currently there are

- 280 Hackney Carriage Vehicles
- 60 Private Hire Vehicles
- 15 Private Hire Operators
- 30 Private Hire Drivers
- 305 Dual Drivers

5.2.2 There have been 44 taxi related complaints during the year on matters including an unlicensed vehicle, illegal parking/plying for hire, overcharging, abuse and careless driving. Appropriate action was taken or is ongoing at officer level.

5.2.3 Operational process for determining driver applications moved over to online applications for DBS certificates and online checks for DVLA driving licences. Although continuing to have some issues this process is working well and enables applicants to monitor the progress and be in control of their own data.

5.2.4 During the year there have been 33 new applicants for a licence to drive private hire / hackney carriage vehicles. Two applications were withdrawn at the applicants request and four applications were refused with two of those resulting in an appeal to Magistrates' Court; one successful and one pending. In relation to renewal applications one driver was refused on application. During the year one driver had their licence revoked and is subject to an ongoing appeal.

5.2.5 Outside the usual compliance testing of vehicles ad hoc checks were conducted on 102 vehicles at a variety of locations – schools, taxi ranks and roadside. Of those 16 (15%) were issued with suspension notices until issues, primarily relating bodywork condition or cleanliness, were rectified.

5.2.6 Officers had reason to issue three drivers with points under the Penalty Point scheme; two relating to parking / stopping at a rank and one for vehicle condition.

### 5.3 Gambling, Gaming and Lotteries

5.3.1 There has been some significant work on ensuring accuracy of databases for gambling related premises. Currently there are:

- 5 Adult Gaming Centres
- 3 Family Entertainment Centres
- 13 Betting shops
- 1 Club Gaming Permit
- 9 Club Machine Permit
- 9 Unlicensed Family Entertainment Centre Gaming Permits
- 7 Licensed Premises Permit
- 120 Registered Lotteries

5.3.2 There were three complaints in respect of licensed gambling premises, none of which required any further action.

5.3.3 The Statement of Gambling policy was reviewed and published on 31<sup>st</sup> January 2019.

5.3.4 Representatives of the Gambling Commission provided some bespoke on the ground training for officers which enabled joint visits to some licensed gambling premises. Additionally, Licensing Officers carried out a small number of inspections testing the compliance for refusing minors access to gaming machines

### 5.4 Street Trading

5.4.1 There were three applications for street trading and there have been no complaints.

5.4.2 Members are advised that current practice for any new applications will remain until such time as a policy has been determined and approved through this committee. It therefore remains that this will be drafted and presented by officers in due course.

### 5.5 Charity Collections

5.5.1 There have been:

- 23 permits for house to house collections
- 25 permits for street collections.

5.5.2 There were no complaints in respect of regulated charity street collections.

### 5.6 Scrap Metal

- 5.6.1 Applications were received for:
- 2 licensed Scrap Metal Sites
  - 4 licensed Scrap Metal Collectors

5.6.2 There have been no complaints in respect of scrap metal issues.

## 5.7 Service Requests / Freedom of Information

- 5.7.1 During the year there were:
- 67 service requests recorded across the range of functions carried out by the Licensing Team where information or advice etc. have been requested and given, and
  - 30 Freedom of Information requests, relating to a range of matters, were received and had an appropriate response.

## 5.8 Overall workload results

- 5.8.1 During the year there were:
- 180 inspections, primarily around vehicles and licensed premises, and
  - 2264 actions. Officers highlight that actions are not necessarily linked to inspections but include other interactions with businesses and public, e.g. telephone calls, letters, notices and so on.

## 5.9 Communications

- 5.9.1 Licensing Officers continue to publish periodic newsletters to the taxi industry locally.
- 5.9.2 Media involvement in messages on the promotion of White Ribbon initiative, safe taxi and generic messages through national licensing week.
- 5.9.3 Social media accounts have seen a number of proactive messages being posted throughout the year.

# 6. **MANAGEMENT MATTERS**

## 6.1 Policies

- 6.1.1 A number of policies have been amended during 2019 and this work is ongoing. Officers have drafted a revised forward work plan and will continue to update Members on that at each committee hearing.

## 6.2 Fees

- 6.2.1 At the time of writing the fees and charges for administering the taxi licensing regime are in consultation phase with a view to new fees from 1<sup>st</sup> April 2020.

## 6.3 Complaints against service

- 6.3.1 There have been no formal complaints against service in 2019.

## 6.4 Future Additional Workload considerations

- 6.4.1 The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 introduces a minimum price for alcohol and may impact on the availability of cheap alcohol from supermarkets and off-licences. Legislation is effective from 2<sup>nd</sup> March 2020 and inspections will take place during the ensuing months to ensure compliance.
- 6.4.2 In partnership with North Wales Police, Denbighshire are leading on introducing the “Best Bar None” initiative in the area. Focus during 2020 will be to raise awareness and support for the scheme and roll out across Denbighshire after launch in March 2021.
- 6.4.2 Following the Welsh Government’s consultation on “Improving Public Transport” further work is taking place to consider the comments and future licensing regime for taxis in Wales. Officers will be updating Members accordingly as information becomes available.
- 6.4.3 Members will be aware of the Welsh Government’s aim of a zero emission bus and taxi/private hire vehicle fleet by 2028. It is anticipated that Licensing could play a part in that vision through its processes for taxi licensing. Members and officers may wish to begin to identify what incentives could encourage licensees locally to enable the aim to be met.
- 6.4.4 Officers are exploring further opportunities to enable a more efficient process for applicants for the variety of licences issued. This includes further development of database to allow online applications and public registers and the potential to introduce an electronic “Knowledge Test” for new taxi driver applicants.
- 6.4.5 Officers are arranging a training event for Licensing Committee Members towards the end of the year. Additionally, to support continuing Member development, Officers can accommodate any requests from any Committee Member interested in shadowing Officers on their duties.

## 7. **RECOMMENDATIONS**

- 7.1 That the committee:
  - a. note the activity report for this year, and
  - b. note and comment on the contents of this report.

This page is intentionally left blank

<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	4 <sup>th</sup> March 2020
<b>LEAD OFFICER:</b>	Head of Planning, Public Protection and Countryside Services
<b>CONTACT OFFICER:</b>	Senior Technical Officer (Licensing) <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706433
<b>SUBJECT:</b>	Forward Work Programme 2020/21

## 1. PURPOSE OF THE REPORT

- 1.2 To provide Members with a proposed Forward Work Programme for 2020/21.

## 2. EXECUTIVE SUMMARY

- 2.1 A proposed Forward Work Programme is attached, at Appendix 1, for Members to consider and approve.

## 3. BACKGROUND INFORMATION

- 3.1 Members will be aware that at a previous Licensing Committee in December 2019, Officers reported that they would be drafting a 12 month Forward Work Programme to present to Members at this meeting.
- 3.2 In drafting this Forward Work Programme, Officers have considered 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.

## 4. RECOMMENDATION

- 4.1 For Members to approve the proposed Forward Work Programme, as detailed in the Appendix 1.

This page is intentionally left blank

**Licensing Committee**

**Forward Work Programme 2020/21**

<b>Committee Date</b>	<b>Report</b>	<b>Comment</b>
<b>June 2020</b>	Review of approved Testing Stations	Update on review
	House to House and Street Collection Policies	Only required if objections are received following consultation with interested parties
<b>September 2020</b>	Member Training	Mandatory training
<b>December 2020</b>	Review of Hackney Carriage and Private Hire Driver policy and procedure	Review
	Hackney Carriage Byelaws	To support the model byelaws for consultation with interested parties
	Review of Fees and Charges 2021/22	To review existing table of fees
<b>March 2021</b>	Proposed Film Classification Policy	Approval
	Hackney Carriage and Private Hire Driver Conditions/Policy	Approval following review
	Update on the work of the Licensing Team	Update
	Fees and Charges 2021/22	Only required if objections are received following public consultation

This page is intentionally left blank