

To: Members of the Licensing  
Committee

Date: 28 November 2023

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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 2023** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G Williams  
Monitoring Officer

## **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 13 September 2023 (copy enclosed).

**5 PROPOSED CHANGES TO HACKNEY CARRIAGE VEHICLES TABLE OF FARES AND CHARGES (Pages 17 - 30)**

To consider a report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) updating members on the review of the current tariff charges for hackney carriage vehicles (taxis) and presenting a number of options for consideration.

**6 TO OUTLINE THE REQUIREMENTS OF THE MANDATORY LICENSING OF SPECIAL PROCEDURES (Pages 31 - 44)**

To consider a report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) outlining the implications of the forthcoming requirement of the Mandatory Licensing Scheme for Special Procedures.

**7 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2024 (Pages 45 - 48)**

To consider a report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) on the priorities of the Licensing Section together with a revised forward work programme.

**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 paragraph 12 of Part 4 of Schedule 12A of the Act would be disclosed.

**8 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 572108 (Pages 49 - 68)**

To consider a confidential report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) seeking members' determination of an application to drive hackney carriage and private hire vehicles from Applicant No. 572108.

**9 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 550166 (Pages 69 - 82)**

To consider a confidential report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) seeking members' review of a licence to drive hackney carriage and private hire vehicles in respect of Driver No. 550166.

## **MEMBERSHIP**

### **Councillors**

Bobby Feeley (Chair)

Hugh Irving (Vice-Chair)

Joan Butterfield

Delyth Jones

Ellie Chard

Paul Keddie

Gwyneth Ellis

Win Mullen-James

Alan James

Andrea Tomlin

Brian Jones

### **COPIES TO:**

All Councillors for information

Press and Libraries

Town and Community Councils

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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"> <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

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### 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, County Hall, Ruthin and by video conference on Wednesday, 13 September 2023 at 9.30 am.

### PRESENT

Councillors Joan Butterfield, Ellie Chard, Gwyneth Ellis, Bobby Feeley (Chair), Hugh Irving (Vice Chair), Alan James, Brian Jones, Paul Keddie, Win Mullen-James and Andrea Tomlin

### ALSO PRESENT

Solicitor (LB), Public Protection, Regeneration and Economic Development Manager (GR), Public Protection Business Manager (IM), Senior Licensing Officer (NJ), Licensing Officer (ES), Enforcement Officer – Licensing (KB), and Committee Administrators (KEJ & SLW [Webcaster])

### POINTS OF NOTICE

- regrettably, it had not been possible to provide simultaneous translation facilities for the meeting due to the scheduled simultaneous translator no longer being available and attempts to find a replacement to cover the meeting having been unsuccessful
- the Chair welcomed Councillor Ellie Chard (who had replaced Councillor Michelle Blakeley-Walker) to her first meeting of the Licensing Committee. Councillor Chard had not yet received the required licensing training and was therefore attending the meeting as an observer only on this occasion.

#### 1 APOLOGIES

Councillor Delyth Jones  
Councillor Win Mullen-James would be arriving late to the meeting.

#### 2 DECLARATION OF INTERESTS

Councillor Brian Jones declared a personal interest in agenda item 5 – Proposed changes to Hackney Carriage Vehicles Table of Fares and Charges, because as a former Cabinet Member he had been involved in discussions with a large proportion of the taxi trade with regard to the Electric Vehicle Charging Pilot.

#### 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 19 June 2023 were submitted.

**RESOLVED** that the minutes of the meeting held on 19 June 2023 be received and confirmed as a correct record.

## **5 PROPOSED CHANGES TO HACKNEY CARRIAGE VEHICLES TABLE OF FARES AND CHARGES**

[Councillor Win Mullen-James abstained from voting on this item because she had joined the meeting late and had not been present for the whole debate.]

The Public Protection Business Manager (PPBM) submitted a report (previously circulated) seeking the Committee's review of the current tariff charges for hackney carriage vehicles (taxis), including options for consideration and recommendations on the way forward. The current tariff charges had been set in July 2022.

Following a request from a licensed driver, officers had consulted on a proposed 10% increase to all tariffs and extras to ascertain the views of the licensed trade. The responses included general support for an increase and numerous alternative variations of the proposal. The Licensing Consultant's Report on the 2022 fare review had recommended a methodology for calculating future fares which was reliant on sufficient data being provided by the licensed trade; that engagement work had commenced with no definitive timescale for completion. In the absence of that data, the Consultant had recommended using the Retail Price Index (RPI) for Motoring (4.8% as of August 2023) as a tool to increase/decrease fares.

The PPBM guided members through the report in detail and options available to either retain the current table of fares, support the proposal for a 10% tariff increase, or support an increase in line with the RPI for Motoring. If members supported a fares increase a public consultation would be undertaken on the proposal with any objections brought back before the Committee for consideration. Any final tariff would be subject to a Lead Member Delegated Decision. Officers had recommended consultation on a tariff increase of 5% (rounded to the nearest full percent) in line with the RPI for Motoring as recommended by the Consultant.

Members considered the report and options available to them, and there were mixed views as to the best way forward. Questions were raised with the PPBM on various aspects of the report and initial consultation with the trade, with some concerns raised regarding assumptions that non-respondents were not supportive of a review, the general lack of response from the taxi trade to inform the process, and inflation rate fluctuations when used as a basis for tariff increases. Whilst general concerns were raised regarding the timing of a tariff increase during a cost of living crisis and impact on taxi users, regard was also given to the impact on the taxi trade who were dealing with increased costs affecting the industry. It was felt there should be a more structured approach to reviewing tariffs on a regular basis.

The PPBM responded to members' questions and comments as follows –

- there were no statutory timeframes for reviewing taxi fares and charges
- following the request for a tariff increase it was considered appropriate to gauge support for an increase from the taxi trade

- 280 licensed drivers had been consulted, 56 had responded with 47 in support of an increase, which was considered sufficient to proceed with a review
- there was no methodology behind the assumption that those who failed to respond were satisfied with the current tariff, and given the low response rate to consultations generally, that assumption could not be satisfactorily concluded
- officers were working to engage with the taxi trade as recommended by the Consultant with a view to calculating future fare increases and on completion of that work regular reviews would be carried out on a structured and timely basis
- whilst the consultees and respondents had been referred to as licensed drivers, they also included taxi business owners and proprietors
- if a fares increase was supported a wide-ranging consultation with the public and stakeholders would follow
- it was accepted that the recommended 5% increase in line with the RPI for Motoring as at August 2023 changed on a monthly basis, but for the purposes of a review an agreed figure was required to move forward
- noted that although inflation had fallen over recent times, it meant that costs had risen more steeply previously and were still increasing but at a slower rate
- tariffs set the maximum charge permitted, and a lesser fee could be charged
- the Consultant had completed his report and there were no further consultancy costs being incurred by the authority in relation to that work.

Councillor Joan Butterfield was uncomfortable with a tariff increase at this time but recognised the cost increases faced by the taxi trade. She felt that consultation on a 5% increase would be appropriate to seek the views of the wider public to inform any subsequent decision. Consequently, Councillor Butterfield proposed, seconded by Councillor Alan James, the officer recommendations as set out in paragraphs 6.1, 6.3 and 6.4 of the report, to consult on a 5% increase, proceed with the statutory notice in that regard, and report back any objections to the Committee.

Councillor Brian Jones could not support a tariff increase at this time given the current cost of living crisis and he did not consider the number of responses to the consultation in support of an increase to be sufficient to proceed. Councillor Jones proposed an amendment, seconded by Councillor Andrea Tomlin, to retain the current table of fares. The Solicitor set out the process regarding amendments to motions and the Chair called for a vote on the amendment.

Councillor Gwyneth Ellis raised a point of order on the validity of the amendment, which she argued was not an amendment but a vote against the motion. The Solicitor reiterated the options available to the Committee as set out in the report. If the amendment failed, the Committee was effectively agreeing to an increase, but there was the option to increase by 5% or 10% which was yet undetermined.

Having counted the votes, clarification was sought from Councillor Butterfield on whether and how she had voted which had not been captured. Councillor Butterfield confirmed her vote which resulted in a tied vote. The Chair used her casting vote to vote against the amendment which was **LOST**. The Chair then called for a vote on the substantive motion by Councillor Joan Butterfield, seconded by Councillor Alan James which was restated for the benefit of members.

Upon being put to the vote it was subsequently –

**RESOLVED**, by majority vote, that –

- (a) officers be instructed to consult on the implementation of an increase to the tariff by 5% (rounded to the nearest full percent) in line with the Retail Price Index for Motoring;
- (b) officers be authorised to proceed with a statutory notice with an implementation date of at least 28 days following publication of the notice, and
- (c) officers be instructed to prepare a report for the next Licensing Committee if any objections were received to that statutory notice.

## **6 PROPOSED REVISED HACKNEY CARRIAGE BYELAWS**

The Senior Licensing Officer (SLO) submitted a report (previously circulated) presenting the revised Byelaws relating to Hackney Carriage regulation for the Committee's consideration and approval for formal consultation.

Members were reminded of the Council's legislative requirements for the licensing and regulation of hackney carriages and drivers. Since local government reorganisation in 1996 those responsibilities had been exercised through the Council's Hackney Carriage and Private Hire Licensing Conditions and Byelaws relating to Rhyl and Prestatyn only. It was recommended that the Council adopt Byelaws which covered the whole of the county to ensure they accurately reflected changes in legislation and ensure a fair, transparent, and consistent approach.

Officers recommended that the Model Byelaws produced by the Department of Transport (Appendix A to the report) be approved for formal consultation with any representations being brought back before Council for consideration. In the event the Model Byelaws were adopted by the Council, the Rhyl and Prestatyn Byelaws (Appendix B to the report) would be repealed.

Members agreed that a consistent approach across the county should be applied in respect of hackney carriage byelaws and noted that adoption of the model byelaws would not effect any major change but modernised the current provision which related only to Rhyl and Prestatyn at present. The relevance of provision 18(a) was questioned in so far as it related to any property left behind being physically handed in to a Police Station. The SLO confirmed items were meant to be deposited at a Police Station which was a licensing condition, with property being handed to someone in authority and the Police being best placed to deal with the matter.

Having considered all the information contained in the report the Committee –

**RESOLVED** that –

- (a) the proposed Department of Transport Model Byelaws (as detailed at Appendix A to the report) be supported, and

- (b) *officers be authorised to commence a formal consultation with all hackney carriage proprietors and licensed drivers.*

## **7 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER MEDICAL REQUIREMENTS**

The Senior Licensing Officer (SLO) submitted a report (previously circulated) on the review of current medical requirements for drivers and sought the Committee's approval for formal consultation on the proposals for implementation of Group 2 medical standards in place of the current Group 1 medical standards.

Details of the existing practice for Group 1 medical checks and proposals for Group 2 medical checks, including proposed conditions to meet the Group 2 medical standards of fitness to drive, medical forms for both groups, and cost implications had been set out in the report. Group 2 medical standards had been implemented in 19 of the 22 local authorities in Wales (including all neighbouring authorities). Any change to the current policy would require a consultation process with any objections being brought back before the Committee. If no representations were received the proposed standards would come into effect at an agreed date.

The Committee noted that the proposal to move to Group 2 medical standards would bring the authority in line with other Welsh local authorities, effect policy improvement, and meet the Welsh Government proposals on taxi licensing reform. In response to a question as to whether the proposal would deter new applicants, the SLO advised that it could prove an incentive to some drivers given that only one medical was required on first application for those under 45 and then every three years from age 45 – 65 and annually thereafter, as opposed to the existing policy which required a medical every three years for all drivers up to age 60 and annually thereafter. She also clarified that there was no shortage of licensed drivers.

**RESOLVED** that –

- (a) *officers be authorised to consult with current licensed drivers and licensed operators and proprietors on the implementation of Group 2 medical standards;*
- (b) *where no objections were received following the consultation period, officers be authorised to implement a requirement for Group 2 medical certificates for licensed drivers as set out in paragraph 4.5 of the report, with effect from 1 December 2023 for new applicants, and 1 June 2024 for renewal licence holders, and*
- (c) *where objections were raised during the consultation period, officers be instructed to prepare a report for a future Licensing Committee meeting where objections could be considered.*

## **8 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2023**

The Senior Licensing Officer submitted a report (previously circulated) on the priorities of the Licensing Section and a revised forward work programme for 2023.

The priorities of the Licensing Section reflected the duty placed on the authority in relation to its responsibilities for the licensing function and the effective regulation, control and enforcement of licensees, and the authority's commitment to safer communities and the development of the economy. Members were asked to consider the revised forward work programme and note that the scheduled review of the Hackney Carriage and Private Hire Statement of Policy had been further postponed pending the outcome of the consultation on the Welsh Government's White Paper: Taxi and Private Hire Vehicle (PHV) (Wales) Bill.

**RESOLVED** that –

- (a) *the contents of the report be noted, and*
- (b) *the revised forward work programme for 2023 as detailed in Appendix A to the report be approved.*

## **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 items of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12, 13 and 14 of Part 4 of Schedule 12A of the Act.

At this juncture (10.45 am) the meeting adjourned for a short break.

## **9 APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE**

A confidential report by the Head of Planning, Public Protection and Countryside Services (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 supporting evidence submitted by the Applicant, 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 Enforcement Officer (KB) summarised the report and facts of the case.

The Applicant presented his case and referred to supporting documentation which had been previously circulated with the report. He was an established and reputable operator of specialist vehicles and provided some background to the type of business operated which catering for a niche market. Reference was made to the merits of the proposed specialist vehicle for licensing together with maintenance and service schedules, supported by a local garage. The application was for a specialist vehicle with limited use for special events, maintained to a high standard and met all legal and safety requirements.

In response to questions, the Applicant clarified that his intention was to upgrade and replace his existing licensed vehicle rather than adding to the fleet. In terms of previous maintenance regimes, the Applicant had details of the vehicle's previous service history and MOTs and the vehicle had been inspected to his satisfaction; he also gave assurances as to future ongoing maintenance regimes. Finally, he confirmed that he was willing to comply with the additional licensing conditions for the vehicle in question as set out in the report.

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 3 to the report.

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

Members had carefully considered the application, officer's report and the case put forward by the Applicant both in writing in advance of the meeting and at the meeting itself.

In reaching their decision, the Committee noted the nature and type of business operated, the vehicle in question with low mileage and few specialist journeys and that the Applicant was a reputable, long established operator of such specialist services. On that basis, having considered specifically the above, and the strict bi-annual maintenance service by Fleet Services, 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, as set out in Appendix 3 to the report.

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

[As an aside, the Committee noted that it was likely that a separate policy in respect of specialist vehicle types would be produced in future, either as part of the Welsh Government's reform of taxi licensing or via the Council's own policy framework.]

The meeting concluded at 11.20 am.

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<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	6 <sup>th</sup> December 2023
<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>	Proposed Changes to Hackney Carriage Vehicles Table of Fares and Charges

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To update Members on the review the current tariff charges for hackney carriage vehicles (taxis).

## **2.0 EXECUTIVE SUMMARY**

- 2.1 The Licensing Service received a request on the 13<sup>th</sup> June 2023 from a Hackney Carriage proprietor for the review of the current Hackney Carriage Table of Fares, in accordance with Section 65 of the Act the Council is required to undertake a specified process when reviewing the Hackney Carriage Table of Fares.
- 2.2 At the last Licensing Committee meeting in September 2023, Members considered the request and authorised Officers to consult.
- 2.3 A formal consultation process is required as part of the specified process under the Act, this was undertaken between the 18<sup>th</sup> September and 15<sup>th</sup> October 203.

## **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 hackney vehicle.
- 4.2 At the last meeting in September, consideration of a request by a Hackney Carriage proprietor to increase the table of fares by 10% was made by

Members and after recommendations put forward by Officers to consider a 5% increase based on the Retail Price Index all Motoring, it was resolved:

- a) *officers be instructed to consult on the implementation of an increase to the tariff by 5% (rounded to the nearest full percent) in line with the Retail Price Index for Motoring;*
- b) *officers be authorised to proceed with a statutory notice with an implementation date of at least 28 days following publication of the notice, and*
- c) *officers be instructed to prepare a report for the next Licensing Committee if any objections were received to that statutory notice.*

4.3 The statutory consultation process was undertaken between the September and October 2023 as follows:

- 1. Public consultation through Denbighshire’s County Conversation portal
- 2. Email to all Hackney Carriage Proprietors and licensed drivers
- 3. Email to all County, Town and Community Councils
- 4. Email to Denbighshire Voluntary Services for further circulation between relevant organisations
- 5. Statutory Public Notice in local newspaper
- 6. Public Notice placed at the Council Offices and Libraries

4.4 If no objections are received within the statutory consultation period, the fares are implemented on the date stated, which in this case was 1<sup>st</sup> November 2023. If objections are made, the council must set a date, no later than two months after the proposed implementation date, for the fares to come into effect, with or without changes i.e. by the 1<sup>st</sup> January 2024.

4.5 There were no direct written responses and 64 respondents accessed the consultation via the County Conversations portal, however 4 of those did not indicate whether they were in support or against the proposal, and have therefore been excluded from the totals. It was noted that 11 of the responses choose to be anonymous but they have been included in the figures. Further details can be found at Appendix A but those indicating preference can be summarised as:

<b>Number in support of 5% increase</b>	<b>Number against 5% increase</b>	<b>Number in support of more than 5%</b>
14	37	9

4.6 19 of the respondents indicated they were a licensed driver/operator. There are approximately 280 licensed drivers and hackney carriage proprietors.

- 4.7 It is acknowledged that two respondents to the consultation are proprietors of large taxi firms, and have stated that they are responding on behalf of their drivers/employees, one being in support of a rise of more than 5% and one not supporting any rise.
- 4.8 Members are reminded of the initial consultation with licence holders which resulted in 56 responses of which 47 were in support of a fare increase of 10%.
- 4.9 It is important to note that the Table of Fares provides the maximum fare that can be charged for a journey. The proprietor can agree a lower fare with the passenger.
- 4.10 It should be further noted that the table of fares only relate to fares wholly within the County of Denbighshire. Where a journey starts or finishes outside of the County an agreed fare can be reached between driver and passenger. This can be more or less than the Councils table of fares. If there is no fare negotiated before the journey starts then the meter must be used and the table of fares would be relevant.
- 4.11 Officers have prepared a simple table for each tariff based on full miles i.e. distance only, which can be found at Appendix B.
- 4.12 Members are further reminded that this fare review is in addition to the review of fares aligned to a tariff calculator review. Members will recall at their 7<sup>th</sup> December 2022 meeting they resolved to instruct officers to carry out further research with assistance from local licensees on the use of a tariff calculator. In order for a tariff calculator to be used, input from drivers and proprietors is paramount and although a little later than anticipated, due to the additional work involved in this current fare review, an initial meeting with all licence holders who expressed an interest to contribute to providing data for the tariff calculator, has been arranged for the end of November 2023.

## **5. CONSIDERATIONS**

- 5.1 The Council needs to support, as much as is reasonably practicable, the hackney carriage trade and given the rising cost of living, in particular, the cost of fuel (petrol, diesel and electricity), it is not unreasonable for the Council to allow the fares to be increased. A failure to do this reduces the ability of hackney carriage proprietors to effectively run their business in a competitive marketplace, which may then result in a reduction in the overall number of hackney carriages

- 5.2 Equal consideration should be made for the impact any increase in Hackney Carriage fares may have on the travelling public for the same reasons it has on the Hackney Carriage Proprietors themselves. To offset changes in the marketplace and for Hackney Carriage Proprietors to retain their existing customer base they have the ability to charge up to the maximum amount on the Hackney Carriage Table of Fares. This allows them to negotiate a reasonable price with their regular customers and retain their custom, whilst still enabling them to gain a margin of profit.
- 5.3 It is important to note that while there are no direct costs or financial implications relating to any increase in the Council's Table of Fares an increase could indirectly have an impact on the Council's School Transport budget
- 5.4 Consideration should be taken into account on the costs associated to calibrating meters on the industry should Members be minded to approve a fare increase— approximate charge for a meter in each vehicle would be £25.
- 5.5 Members should note that any amendments to the existing tariff will require a Lead Member Delegated decision to ensure the Council meets its constitutional obligations.
- 5.6 In summary Members are being asked to consider one of the following options:
- Retain the current table of fares;
  - Given the split in consultation responses, retain the current table of fares pending the outcome of the fare calculator review and refer back to a future Licensing Committee for consideration
  - Approve the proposal of 5% increase as consulted
  - Approve a different increase

## **6. RECOMMENDATION**

- 6.1 That Members consider the contents of this report and resolve to take one of the options outlined in 5.6 above.
- 6.2 Should Members resolve to increase the proposed table of fares, authorise Officers to prepare a report to Lead Member for approval with a revised implementation date which must be no later than 1<sup>st</sup> January 2024.

## Summary of Responses

Appendix A

IN SUPPORT 5% PROPOSAL	TRADE	PUBLIC
1	Now the new 20mph rule is in force we will be doing less jobs as it will take more time to travel to each job..also using more fuel as car is in a higher gear for longer spells	
2		Taxi drivers need to make a living.. otherwise we will lose them.. get a grip you councillor's you all don't have a clue...
3		Give the drivers a pay rise
4		I support it but I think wAiting charges are too low. Waiting increases inefficiency and reduced taxi availability. They ought to be charged to deter waiting. Am concerned that the new 20mph limit will impact taxi services in a negative way in tens of reducing their reasonable income because the chargeable journey will take longer. Luggage charges should be imposed after allowing one item per passenger not simply for having luggage
5	Reason I am voting yes is due to the fuel costs, I do not like the idea of a price increase as our customers are already struggling with finances.	
6	A pay rise should be considered every year, petrol and diesel goes up all the time so why shouldnt a taxi drivers wage reflect that. Also the opinions of people who dont actually hold either a private hire or hackney badge should not be considered when they dont even perform the actual duty	
Number in support but no comments made	3	5
<b>TOTAL IN SUPPORT</b>	<b>6</b>	<b>8</b>

AGAINST 5% PROPOSAL	TRADE	PUBLIC
1	<p>Lots of fares end up with a 5p at the end. These fares I round down to the nearest 10p. If you start using pennies as well then it just becomes a nuisance. As I've stated before, people are using taxis less since the last increase so my opinion is just leave it alone. It will only cause more damage to the trade. Some taxi firms are not providing the service and are losing money as a consequence so why should the public be expected to pay for this</p>	
2	<p>After watching the webcast of the Licensing committee meeting, I would like to make the following comments. I would also like them bring up at the next Committee meeting. I think as a Company we were poorly represented by [REDACTED] who I thought gave an extremely poor performance in front of the committee, he couldn't answer questions confidently and with any knowledge as he has none. [REDACTED] actually pointed out that Companies might respond but are counted as drivers as we hold a license. When I respond in future I expect I can actually tell the Licensing committee that I have responded and as my company I have more than 50 drivers. This is more than the respondents to your question by email. I also run the largest owned fleet in the County so my costs are higher than anyone. Realistically the increase will reduce the amount of customers we have. It will increase the cost of school transport and lots of contracts carried out for Denbighshire county Council as school Contracts are priced against taxi fares, other departments are done on metered prices this puts pressure on the public purse. I haven't asked for an increase in the</p>	

## Summary of Responses

## Appendix A

	rate as I run the business with all this in mind remembering I have the burden of Wages to pay, Pension contributions on top of all the usual normal running costs.	
3	If the fares go up anymore will will just lose customers, I've lost customer from the last increase. We have the option to work an extra hour in the day to make up our money. As the general public don't. I'm against the increase and i will not be putting my fare up.	
4		It's not helpful for the cost of living crisis.
5	The price at the moment is over the top, if you would like to leave your office for a house I'd be gladly take you on a few journeys in my taxi free of charge and then you be the judge of it. Believe me you'll have a shock.	
6		This is adding to inflation and people without cars usually can't afford a car. You are penalising those who can least afford it.
7		We are being screwed enough with prices going up and this will make it harder for the more vulnerable people to get out and about. If you want us to use more public transport then improve public transport!
8		As someone who uses a taxi on a daily basis, I am not in favour of yet another increase. The fares increased a while ago and it was not at the request of the companies or taxi drivers but the local authority. How many Denbighshire Council Members use a taxi on a regular basis?
9		Times are really hard for everyone at the moment, these increases are likely to make people think twice about ordering a taxi which could impact taxi drivers' living.
10		Taxis are already too expensive. How much does it cost to travel an hour in a taxi? Maybe lower the fees you charge taxi drivers to work

## Summary of Responses

## Appendix A

11		It would be of more use to the trade if the licensing fees were reduced.
12		Everything is expensive enough
13		The was increase fares not to long ago I agree with a fair wage for a fair days work, what is not being taken into consideration are the people like my mother who has to pay £6 to go into town a journey no longer than 5 minutes, 6 of these runs every hour & after fuel & wear & tear lets say they are on £25/30 an hour then along with their tips amount unknown but I tip a £1 a journey they are earning a good living. Have you tried to get a taxi before 9am or when schools finish you can't because all these drivers are on school runs which they bid for so how much is DCC paying each driver which has to be added onto their income. As I was told by more than one driver I need the fair increase because of the new 20 mph zones.
14		For majority of local people taxi costs is to high.No public transport or to expensive. No help for disabled. People here rely on food banks and Council increasing their prices on everything. With this stupid thing 20mph you do everything for people like myself to be excluded from society completely
15		A lot of taxis are now electric cars which as we know cost significantly less to run, this should be reflected in the price and not be the same as normal petrol taxis
16	People can't afford the extra charges i feel the current prices should remain the same. We have had already had a price rise not so long ago.	
17		Please view my comments on the September lisc meeting
Number against but made no comment	1	19
<b>TOTAL AGAINST</b>	<b>6</b>	<b>31</b>



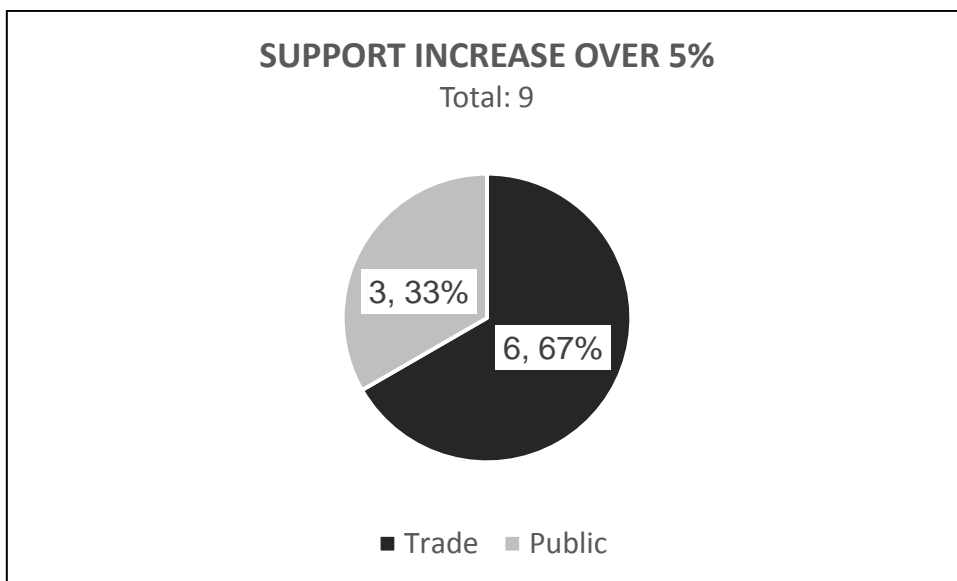
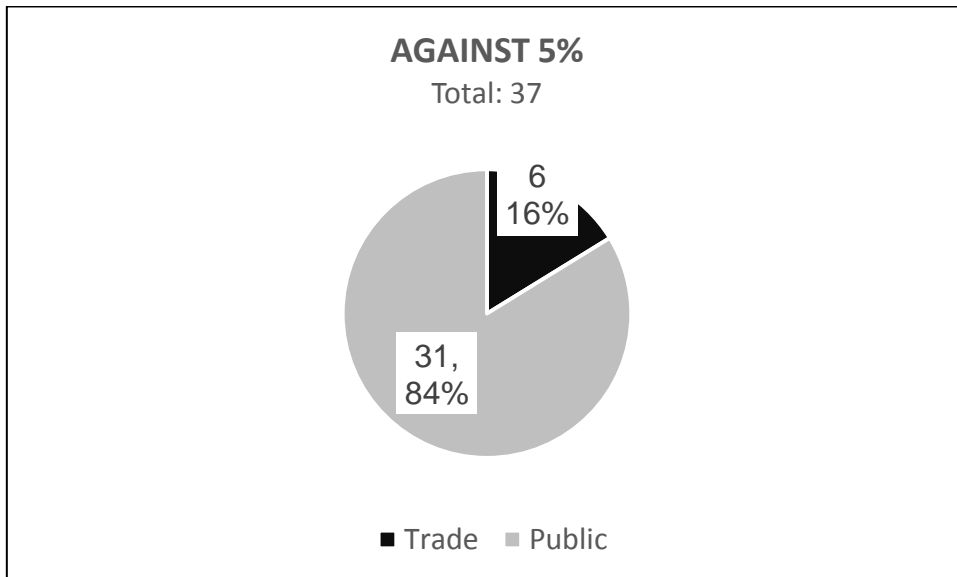
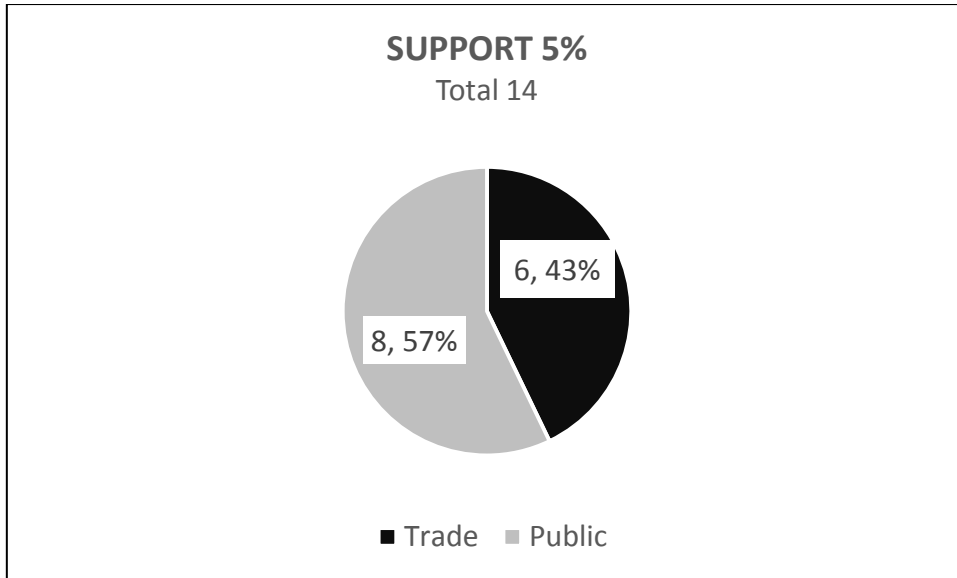
AGAINST 5% BUT SUPPORT 10% INCREASE OR OTHER	TRADE	PUBLIC
1	5% is insufficient as we have already endured a 10% inflation rate for costs and inflation is still running at circa 7%, just because it's not 10% now doesn't mean we should not have a high enough increase?? Also a member referred to pensioners not affording the increase when everyone knows they travel less than one mile and any increase will have a minimal impact on vulnerable adults. Also wages, benefits and pensions have increased by more than 5% year on year so a small increase is warranted.	
2		10% increase is more reasonable. Cutting rates in real terms will exacerbate the current lack of availability.
3		As a pensioner suffering with multiple cancers i have to travel to the hospital daily for both chemotherapy and radiotherapy. You as a council are making this difficult by not affording the drivers a decent wage, therefore there is a shortage around the county. By only offering a 5% increase, when inflation runs far higher than this, is effectively reducing their income. However as this is what s on offer i will support this and hope that more is asked for in future
4	Should be 10% as asked for and supported by drivers.	
5	This should be the original 10% not the reduced 5%. [REDACTED] wonders why he can't get a taxi on a Saturday night at 8pm and says it's because taxi drivers don't want to work. For every 9 [REDACTED] respectable customers we get we have 1 idiot that abuses you or soils the car. Without making the industry more appealing to work in (higher fares) there will continue to be a lack of drivers and therefore [REDACTED] will continue to struggle on a	

## Summary of Responses

Appendix A

	Saturday evening. Even benefits rose by 10.1% yet even with the massively increased running costs of a taxi the fact this is even being consulted on is an insult to every hard working driver like myself.	
6	The increase should be 10% as asked for and supported by the drivers. 5% is effectively a cut.	
7		In essence i support the fares, but it appears like the trade hasnt been listened to and this effectively is a cut.
8	██████████ is the largest company in North Denbighshire, I speak on behalf of our driver's who believe the offered 5% isn't worth implementing. Most of the driver's watched the comitee meeting and were horrified how it was conducted with 1 driver commenting that it resembled a scene from The Muppet Show. I'm not sure how anyone managed to come up with 5%, we'd like to know the methodology behind the increase. A lot of driver's believe that the current start rate should be for the first 7 tenths of a mile and not the 1 mile customers currently get. ( It's over 10 year's ago we were charging Rhyl to Rhyl for £3, Ten years on everyone is getting this deal for £3.50, CRAZY ! I was asked to get involved by licensing to get involved with a taxi steering group, ██████████ told me he asked if he could play a part, neither of us have heard anything?	
9	Speed has been reduced by a third, 5% increase just doesn't come near covering the loss, the cost of having the meter changed would take 2 weeks to recoup, in addition to this interest rates have gone through the roof!	
<b>TOTAL IN SUPPORT OF MORE THAN 5%</b>	<b>6</b>	<b>3</b>

4 RESPONDED WITHOUT ANY INDICATION OF WHETHER THEY SUPPORTED OR OPPOSED THE PROPSAL



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**Comparison Table**

<b>Tariff 1</b>			
<b>Full Miles</b>	<b>Current</b>	<b>5% INCREASE</b>	<b>10% INCREASE</b>
1	£3.50	£3.67	£3.85
2	£6.00	£6.27	£6.55
3	£8.50	£8.87	£9.25
4	£11.00	£11.47	£11.95
5	£13.50	£14.07	£14.65
6	£16.00	£16.67	£17.35
7	£18.50	£19.27	£20.05
8	£21.00	£21.87	£22.75
9	£23.50	£24.47	£25.45
10	£26.00	£27.07	£28.15
15	£38.50	£40.07	£41.65
20	£51.00	£53.07	£55.15
30	£76.00	£79.07	£82.15
40	£101.00	£105.07	£109.15
50	£126.00	£131.07	£136.15
<b>Tariff 2</b>			
<b>Full Miles</b>	<b>Current</b>	<b>5% INCREASE</b>	<b>10% INCREASE</b>
1	£5.25	£5.51	£5.77
2	£8.95	£9.31	£9.77
3	£12.65	£13.11	£13.77
4	£16.35	£16.91	£17.77
5	£20.05	£20.71	£21.77
6	£23.75	£24.51	£25.77
7	£27.45	£28.31	£29.77
8	£31.15	£32.11	£33.77
9	£34.85	£35.91	£37.77
10	£38.55	£39.71	£41.77
15	£57.05	£58.71	£61.77
20	£75.55	£77.71	£81.77
30	£112.55	£115.71	£121.77
40	£149.55	£153.71	£161.77
50	£186.55	£191.71	£201.77

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<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	6 December 2023
<b>LEAD OFFICER:</b>	Head of Planning, Public Protection & Countryside Services
<b>CONTACT OFFICER:</b>	Glesni Owen, Public Protection Business Manager
<b>SUBJECT:</b>	To outline the requirements of the Mandatory Licensing of Special Procedures

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

- 1.1 To inform members of the impending introduction of the Mandatory Licensing scheme for Special Procedures due to be implemented, in June 2024 as part of the provision of the Public Health (Wales) Act 2017 This new licensing scheme will make it a legal requirement for anyone undertaking activities which pierce the skin such as tattooing, piercing and acupuncture to have a license to operate. The current activities which are covered within “special procedures” are outlined in Appendix 1.
- 1.2 Welsh Government have indicated that they expect this regime to sit under licensing committee structures and are in the process of formulating a consultation document for consideration which outlines their expectations in terms of governance.

## 2. **EXECUTIVE SUMMARY**

- 2.1 To outline the implications of the forthcoming requirement of the Mandatory Licensing Scheme for Special Procedures.

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

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 / Public Health (Wales) Act 2017

## 4. **BACKGROUND INFORMATION**

- 4.1 In 2016 following a number of serious bacterial infections emanating from a tattoo/piercing studio in mid Wales, a recommendation was made by the Aneurin Bevan University Health Board Trust to Welsh Government for a licensing scheme for activities that pierced the skin.

- 4.2 The Welsh Government's intention through the introduction of this scheme is to reduce the health risks associated with these procedures. Most notably infections can occur at the site of the procedure and also improper and unhygienic practices may result in the spread of infectious diseases, such as blood-borne viruses.
- 4.3 The new licensing scheme proposes to replace the current system of Registration under the Local Government Miscellaneous Provisions Act 1982 and compliance with the Denbighshire County Council By laws which were implemented on the 01/03/2012 (Appendix 2). This will bring Skin Piercing into a more structured and legally enforceable licensing regime, with associated guidance.
- 4.4 The main requirements of this regime will include:
- Practitioners must be licensed to carry out special procedures. It will be an offence to carry out special procedures without a licence;
  - Business premises or vehicles must be approved. It will be an offence for a practitioner to perform any procedures from premises or vehicles that are not approved;
  - A full licence will last for three years and a temporary licence will last for seven days (to allow for events and conferences);
  - The licence will have to be displayed in the premises where the special procedure takes place;
  - Licence conditions will cover a practitioner's competence, the premises, the equipment and practices used, advice given before and after the special procedure and the records kept.
- 4.5 **Current Position**
- 4.6 At present there is inconsistency in Wales with respect to the enforcement of these procedures. Although a number of local authorities have adopted byelaws which place a duty on skin piercing practitioners to adhere to minimum standards (which were adopted in Denbighshire and came into operation on the 01/03/2012), not all have followed this approach.
- 4.7 Currently there are approximately 50 premises registered for skin piercing and approximately 81 practitioners. All existing registered premises and practitioners will follow a transitional process into licensing and the local authority will be required to grant these licenses within 9-12 months of the application process opening in June 2024.
- 4.8 **Implications of Proposed Licensing Scheme for Special Procedures**
- 4.9 The new regime will mean that local authorities are to be responsible for



enforcing the licensing requirement of these practices and for keeping a register of special procedures licences issued by them.

- 4.10 If a local authority is satisfied that a licence holder has failed to comply with a mandatory licensing condition or has been convicted of a relevant offence, it may revoke a special procedure licence, either in full or in so far as it relates to the performance of a particular special procedure. Where the local authority has taken action, such as issuing a stop notice, revoking a licence or refusing an application, an individual has the right to make representations to the local authority and appeal to a magistrates' court against the decision.
- 4.11 Practitioners in this field will be required to demonstrate their competence to undertake these procedures through undertaking training and being subject to inspection by Environmental Health Officers. In addition, they will have to provide a Basic DBS as part of their licence application.
- 4.12 **Implications for Licensing Committee**
- 4.13 Under the Act, specific functions of the local authority have been delegated to its licensing committee. This provides for the licensing committee to hear representations and make decisions in relation to the following:
- The intention to refuse an application for a licence, i.e., if the local authority is not satisfied that all licensing criteria have been met
  - The intention to refuse an application for a licence, i.e., where relevant offences have been considered and the local authority is not satisfied that it would be appropriate to issue that licence
  - The intention to refuse a renewal of a licence
  - The intention to refuse variation of a licence
  - The intention to revoke a licence
  - The intention to designate an individual requiring them to have a licence.
- 4.14 Officers will make recommendations on these functions, however the licensing committee (or one of its sub-committees) will provide a level of oversight in these decisions. Committee members have experience in taking licensing decisions which may affect people's livelihood, and there is an established process in place to hear cases and process decisions.
- 4.15 In addition, to enable the licensing committee to take decisions in relation to

specific areas, these functions also enable the licensing committee to refer specified decisions back to the Officers and to sub-delegate decision making.

- 4.16 The Welsh Ministers may make regulations about the procedures applicable to licensing committees and their subcommittees in order that they can exercise their delegated functions, including public access and the availability of records. Welsh Government propose to consult on the detail of this in the next consultation, which is expected at the end of this year, which will be specific to the detail of the regulations.
- 4.17 The decisions that appear to be the most likely to be brought to the Licensing Committee's attention are where the applicant has a relevant previous conviction. The Officers on behalf of the local authority has a discretion whether to grant them a licence. The relevant test is whether the circumstances are such that the applicant's fitness to perform a special procedure has been called into question to such an extent that the licence should not be granted. Guidance and training will be provided to assist in making that decision.
- 4.18 Training will be provided to members to enable them to determine applications as they could be subject to legal challenge.
- 4.19 It is likely that a new sub-committee will be required to determine licence applications. We await further direction from Welsh Government on this matter.

## 5.0 **CONSULTATION**

- 5.1 None at present, although when the consultation document regarding governance arrangements is published it will be shared with Members of this committee. It is anticipated that the document will be published during December 2023.

## 6.0 **RECOMMENDATION**

- 6.1 To note the contents of the report and await further information from Welsh Government.
- 6.2 For members to participate in online training provided by Welsh Government on the role of Licensing Committee within the new legislation.

## **APPENDIX 1 - GLOSSARY OF TERMS**

### **Electrolysis**

A technique used to remove unwanted hair, skin tags and blemishes from the face or body. This procedure works by sending an electric current through the skin, targeting the cells that are responsible for the growth and development of these blemishes.

### **Tattooing**

A tattoo is a marking made by inserting ink into the layers of skin to change the pigment for decorative or other reasons. It is done with a tattoo machine.

### **Semi-permanent skin colouring**

Semi-permanent colouring or cosmetic tattooing is a method of implanting pigmentation into the upper layer of the skin to create a cosmetic enhancement.

### **Cosmetic piercing**

Piercing or cutting part of the human body to create an opening in which jewellery may be worn.

### **Acupuncture**

Fine needles are inserted at certain points of the body for therapeutic or preventative purposes, most commonly for pain control.

### **Dry Needling**

Dry needling is a technique that acupuncturists, physical therapists and other trained healthcare providers use to treat mainly musculoskeletal pain and movement issues. The needles used for dry needling are thicker than those used for acupuncture.

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## BYELAWS

### Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, made by **Denbighshire County Council** in pursuance of sections 14(7) or 15(7) or both of the Act.

#### 1) Interpretation

- (i) In these byelaws, unless the context otherwise requires—

“the Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“animal” means any reptile, mammal, and all other living creatures belonging to the animal kingdom;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe,

(b) the upper flat cartilage of the ear, and/or

(c) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

- (ii) The Interpretation Act 1978 applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

### *Cleanliness of premises and fittings*

- 2) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor must ensure that—
- (i) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
  - (ii) any waste material, or other litter arising from treatment must be placed immediately after use in an appropriate waste receptacle with a pedal operated lid and be handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
  - (iii) any needle, razor or other sharp item used in treatment is disposed of in a sharps container that is kept out of reach of clients and the general public in accordance with relevant legislation and guidance as advised by the local authority;
  - (iv) any furniture or fitting in the premises is kept clean and in such good repair as to enable it to be cleaned effectively;
  - (v) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is cleaned and disinfected—
    - (a) immediately after use; and
    - (b) at the end of each working day.
  - (vi) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for every client;
  - (vii) no eating or drinking is permitted in the treatment area and a notice or notices reading “No Eating or Drinking” is prominently displayed there;
  - (viii) animals are prohibited from the premises except for animals used by the sight and/or hearing impaired.
- 3) (i) Subject to Byelaw 3(ii), where premises are registered under sections 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act, a proprietor must ensure that treatment is given in a treatment area used solely for giving treatment;
- (ii) Byelaw 3(i) does not apply if the only treatment to be given in such premises is the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument.
- 4) (i) Subject to Byelaw 4(ii), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act, a proprietor must ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (ii) Byelaw 4(i) does not apply if the only treatment to be given in such premises is (a) the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument; and/or (b) electrolysis.

*Cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment*

- 5) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment an operator must ensure that—
- (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
    - (a) is clean and in good repair and, so far as is appropriate, is sterile;
    - (b) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
  - (ii) any needle, razor or other sharp item used in treatment is single-use and disposable;
  - (iii) any single-use needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
  - (iv) only disposable single-use safety razors are used;
  - (v) if petroleum jelly or lubricating gel is to be placed on a clients skin, enough for one client only should be removed from the stock container with a clean spatula, and placed in a container that is either disposed of at the end of each treatment or is cleaned and sterilized before re-use;
  - (vi) elastic bands or plastic bags used on tattoo machines are disposed of after every client;
  - (vii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
  - (viii) for the purposes of tattooing or semi-permanent skin-colouring, only sterile inert pigment dispensed into single use pots or pre-packed in single use vials is used;
  - (ix) any container used to hold dye for tattooing or semi-permanent skin-colouring is used for only one client and disposed of together with any unused pigment at the end of each treatment.
- 6) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment a proprietor must provide—
- (i) adequate facilities and equipment for—
    - (a) cleansing and disinfection, including a general purpose sink with an adequate and constant supply of hot and cold running water on the premises separate from the wash hand basin required under Byelaw 8(i). This general purpose sink should be located out of the treatment area wherever possible; and

- (b) sterilisation, unless only pre-sterilised items are used. All sterilisation equipment must be serviced and maintained at appropriate intervals and periodically tested by the operator to ensure its efficient operation. Records of maintenance, servicing, testing and operating cycles must be retained at the premises until the date falling six months after the equipment is destroyed or disposed of.
- (ii) sufficient and safe gas points and electrical socket outlets;
- (iii) clean and suitable storage which avoids contamination of the articles, needles, instruments and equipment mentioned in Byelaw 5(i), (ii), (iii), (iv), (v), (vi), (vii) (viii) and (ix).

#### *Cleanliness of operators*

- 7) For the purpose of securing the cleanliness of operators, a proprietor must ensure that an operator—
  - (i) is instructed in appropriate hygienic hand decontamination techniques and washes their hands immediately before carrying out a treatment on each client;
  - (ii) keeps his/her hands and nails clean and his/her nails short and free from nail varnish, nail decoration or any form of nail covering;
  - (iii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
  - (iv) wears disposable, well fitting, surgical gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in Byelaw 10;
  - (v) wears a gown, wrap or protective clothing that is clean and washable and, so far as is appropriate, is sterile, or alternatively a disposable covering that has not previously been used in connection with another client;
  - (vi) does not smoke or consume food or drink in the treatment area.
- 8) Subject to Byelaw 9, for the purpose of securing the cleanliness of operators a proprietor must provide—
  - (i) suitable and sufficient wash hand basins with non hand operated taps appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, liquid soap and paper towels stored in a wall mounted dispenser next to the wash hand basin. Hand washing instructions should be clearly displayed at such basins;
  - (ii) suitable and sufficient sanitary accommodation for operators.
- 9) Where the only treatment an operator carries out is the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the wash hand basins the proprietor provides need not be for the sole use of the operator.



- 10) A proprietor must ensure the activity of acupuncture is only carried out by an operator who has washed their hands immediately before carrying out the activity of acupuncture on each client. Where an operator gives acupuncture a proprietor must ensure that the operator wears disposable, well fitting, surgical gloves that have not previously been used with another client where—
- (i) the client is bleeding or has an open lesion on an exposed part of his/her body; or
  - (ii) the client is known to be infected with a blood-borne virus; or
  - (iii) the operator has an open lesion on his/her hand; or
  - (iv) the operator is handling items that may be contaminated with blood or other body fluids.
- 11) A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in Byelaws 5(i) and 7(i).
- 12) The byelaws relating to Acupuncture, Tattooing, Ear-Piercing and Electrolysis that were made by Rhuddlan Borough Council on the Third day of April 1984 and were confirmed by *The Secretary of State* on 25<sup>th</sup> May 1984 are revoked.

The Common Seal of Denbighshire County Council

was affixed hereto this 18<sup>th</sup> day of November 2011

in the presence of

Chairman

*M. L. Lewis*

Authorised signatory

*[Signature]*



Seal no : 4308

The foregoing byelaws are confirmed by the Welsh Ministers under section 236 of the Local Government Act 1972

on 1st February 2012 and comes into operation on the 1st March 2012

*[Signature]*

under authority of the Minister for Health and Social Services, one of the Welsh Ministers.

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## NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors must take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person must cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) will be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws will be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It is a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in Byelaw 1(i) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

The references in Byelaw 1(i) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.**

The requirement in Byelaw 3 that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument.**

The requirement in Byelaw 4 that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture, piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument or electrolysis.**

The requirement relating to elastic bands and plastic bags in Byelaw 5(vi) **applies to tattooing.**

The requirement relating jewellery in Byelaw 5(vii) **applies to cosmetic piercing.**

The requirements relating to dye or a container used to hold dye used for treatment in Byelaw 5(viii) and (ix) **apply to tattooing and semi-permanent skin-colouring.**

The requirement in Byelaw 7(iv) that an operator wears disposable well fitting, surgical gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in Byelaw 10.**

The provisions of Byelaw 9 in relation to washing facilities **apply to the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument.**

The byelaws do not apply to (i) tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis treatment carried out by or under the supervision of a **medical practitioner (section 15(8) of the Act)** or (ii) acupuncture carried out by or under the supervision of a **medical practitioner or a dentist (section 14(8) of the Act).**

Local authorities may find it helpful to have regard to the Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) Local Authority Circulars:

76/2: *Enforcement of skin piercing Activities* (April 2005) – <http://www.hse.gov.uk/lau/lacs/76-2app.htm>

14/1: *Micro-pigmentation, semi-permanent tattooing and semi-permanent make-up* (August 2006) <http://www.hse.gov.uk/lau/lacs/14-1.htm>

These contain comprehensive guidance on issues such as infection control, waste disposal and aftercare advice - [http://www.hse.gov.uk/lau/lacs/14-1.htm#Cleaning and disinfection](http://www.hse.gov.uk/lau/lacs/14-1.htm#Cleaning_and_disinfection)

<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	6 <sup>th</sup> December, 2023
<b>LEAD OFFICER:</b>	Head of Planning, Public Protection and Countryside Services
<b>CONTACT OFFICER:</b>	Senior Licensing Officer <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706433
<b>SUBJECT:</b>	Forward Work Programme 2024

## 1. PURPOSE OF THE REPORT

- 1.2 To advise Members of the priorities of the Licensing Section, together with an update on the agreed work programme for the Licensing Committee for 2024.

## 2. EXECUTIVE SUMMARY

- 2.1 The priorities of the Licensing Section reflect the duty placed on the Authority in relation to its responsibilities in relation to its licensing function, and the effective regulation, control and enforcement of Licensees, and the Authority's commitment to safer communities and the development of the economy.
- 2.2 A proposed Forward Work Programme is attached, at Appendix 1, for Members to consider and approve.

## 3. BACKGROUND INFORMATION

- 3.1 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 Welsh and Central Government.
- 3.2 As Welsh Government are still working on the White Paper; Taxi and Private Hire Vehicle (PHV)(Wales) Bill and it is not known when this piece of work will be completed, there is no reference to this on the attached Forward Work Programme, however, once the outcome of this piece of work is known, a report will be presented to Members.

3.3 A revised Forward Work Programme can be found at Appendix A.

4. **RECOMMENDATION**

4.1 It is recommended that Members note the contents of the report, and

4.2 It is further recommended that Members consider and approve the Forward Work Programme detailed at Appendix A for 2024.

**Licensing Committee**  
**Forward Work Programme 2024**

<b>Committee Date</b>	<b>Report</b>	<b>Comment</b>
<b>5 March 2024</b>	Review Private Hire vehicle plate exemption policy	To review the existing policy
	Special Procedures	Update report on new legislation
<b>5 June 2024</b>	Review of Hackney Carriage Intended Use Policy	To review the existing policy
<b>11 September 2024</b>	Review of Street Collection Policy	To review the existing policy
	Review of House to House Collection Policy	To review the existing policy
	Member training	Training session on updates on legislation and refresher training
<b>4 December 2024</b>	Review of Hackney Carriage and Private Hire Policy and Conditions	To review the existing policy
NOTE - Committee work programme may change due to urgent matters during the year		

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