

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, County Hall, Ruthin and by video conference on Tuesday, 5 March 2024 at 9.30 am.

PRESENT

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

ALSO PRESENT

Solicitor (LB), Public Protection Business Manager (IM), Senior Licensing Officer (NJ), Enforcement Officer – Licensing (NS) and Committee Administrators (KEJ & SLW [Webcaster])

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

Councillor Ellie Chard declared a personal interest in agenda item 6 – Application for a Licence to Drive Hackney Carriage and Private Hire Vehicles because she knew the Applicant's mother who was a long standing acquaintance.

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 6 December 2023 were submitted.

Matters Arising – Item 5 Proposed Changes to Hackney Carriage Vehicles Table of Fares and Charges – In response to a question from Councillor Delyth Jones, officers confirmed that an update on progress with the fare calculator review would be provided under agenda item 5 Licensing Committee Forward Work Programme.

RESOLVED that the minutes of the meeting held on 6 December 2023 be received and confirmed as a correct record.

5 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2024

The Senior Licensing Officer submitted a report (previously circulated) on the priorities of the Licensing Section and a revised forward work programme for 2024.

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. The forward work programme had been drafted taking into account relevant policies and review dates together with any potential legislative changes proposed. A number of items within the forward work programme had been rescheduled and a further item added, and a revised forward work programme had been presented for consideration.

An update was provided on those rescheduled/additional items which related to –

- Hackney Carriage Tariff – had been rescheduled from March to June to allow more time to obtain sufficient data from the taxi trade to formulate an accurate and effective calculator with further engagement planned
- Wheelchair Accessible Vehicle (WAV) Licensing Requirements Review – additional item for June to review the current licensing requirements for WAVs given the higher costs associated with those vehicles
- Private Hire Vehicle Plate Exemption Policy Review – had been rescheduled to December to coincide with the Review of the Hackney Carriage and Private Hire Policy and Conditions
- Special Procedures (skin piercing) – had been rescheduled from March to June as there had been no further update on the new legislation when the report was written. Since then, a training session on the licensing scheme to be delivered by Sarah Jones from the Welsh Government had been arranged for all members on 22 March 2024 following publication of the draft regulations.

Members noted the update and proposed revisions to the forward work programme.

There was some discussion on the fare calculator review and setting of hackney carriage tariffs which had been rescheduled to June due to insufficient data and the Committee had been disappointed with the lack of response from the taxi trade. Members were keen to understand the reasoning behind the lack of engagement, future steps within that process and options for the way forward. Concerns were expressed that not enough data would be provided by the trade to formulate the tariff calculator and that the Committee would not be in a position to make a fully informed decision on the matter. The potential to utilise internal data held by the Licensing Team and other externally published sources was suggested. Councillor Gwyneth Ellis also questioned the reasoning behind the Council setting the tariffs and merits or otherwise of the taxi trade setting their own fares and charges and requested a discussion with officers on the issue outside of the meeting.

Officers responded to members' comments and further questions as follows –

- elaborated on engagement with the taxi trade to date including a Working Group comprising 2/3 large operators and 1 owner/driver, and a simple data collection form emailed to all 300 licensed drivers with approximately 100 of those being owner/drivers which had resulted in 2/3 responses
- given the different costs associated with the large operators and owner/drivers it was important that sufficient data was secured from both sources to give a true indication of costs and robust methodology for the fare calculator
- further planned engagement included face to face visits at taxi ranks to encourage more licence holders to submit data to inform the review

- no minimum percentage response to the engagement had been set before an informed decision could be made but enough meaningful and representative data would be required in order to formulate an effective fare calculator
- no other authority in North Wales used the fare calculator to set their tariffs; it was a national calculator and other authorities may collect data via taxi associations/working groups or other trade representatives
- agreed that it may be useful to provide a mix of data sources including both information from the taxi trade and published data, but it was important to ensure that the data was meaningful and relevant to local circumstances to ensure a maximum tariff was set to balance a sustainable and viable taxi industry and the impact of any increase on the travelling public
- since its inception Denbighshire County Council had set the hackney carriage tariffs as did the former Rhuddlan Borough and Glyndwr District Councils before that and agreed to a further discussion on the issue outside of the meeting
- legislation permitted councils to set maximum hackney carriage fares, but it was not a requirement. There were over 300 local authorities in the UK and only 2 or 3 of those did not set a tariff. The tariff calculator required an understanding of the relevant costs and provided transparency in the fee setting process.

At the close of the debate the possibility of whether the Council should relinquish the setting of hackney carriage tariffs in favour of the taxi trade setting their own tariffs was further discussed ahead of deciding on any proposed changes to the fares and charges. Officers confirmed it was a matter for the Committee to determine and it was suggested that the option could be considered as part of the hackney carriage tariff report due in June taking into account any legal advice.

RESOLVED that –

- (a) *the contents of the report be noted, and*
- (b) *the updated forward work programme for 2024 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 Paragraph 12 of Part 4 of Schedule 12A of the Act.

6 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 573053

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

- (i) an application having been received from Applicant No. 573053 for a licence to drive hackney carriage and private hire vehicles;

- (ii) officers having referred the application to the Licensing Committee for determination given the particular circumstances of the case;
- (iii) the Applicant having obtained the following criminal convictions: January 1999 – assault occasioning actual bodily harm; August 2012 – wounding/inflicting grievous bodily harm; November 2014 and January 2015 – battery, all of which had been declared by the Applicant and detailed on the Disclosure and Barring Service Certificate;
- (iv) further information concerning the case including an interview with the Applicant and his explanation relating to the circumstances of the convictions and background information together with the Applicant's written submission (personal profile) and provision of a number of character references;
- (v) the Council's policy with regard to the relevance of convictions and suitability of applicants, and
- (vi) 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 – Licensing submitted the report and facts of the case.

The Applicant was keen to reassure members that he was ashamed of his past and was now a totally different person who had completely turned his life around. He referred to the circumstances surrounding his convictions and positive life changes since then. He described himself as a caring and trustworthy person, always willing to help others, and those attributes had been detailed in his character references and demonstrated in his previous work experiences.

In response to members' questions the Applicant elaborated on his previous employment, particularly in the health and social care sector, and explained his access to mental health services and improved mental health and positive outlook. The Enforcement Officer confirmed that the convictions had occurred during a specific set of circumstances and there had been no risk to the general public.

In making a final statement, the Applicant referred to the circumstances at the time of the convictions and expressed his remorse, reiterating that he had taken control of his life and was a changed person with a caring and helpful nature. He wished to move forward and had two offers of employment if he obtained his taxi licence. Finally, he thanked members for their time and consideration of his application.

The Committee adjourned to consider the application and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 573053 be granted.

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

Members had carefully considered the particular circumstances of the case as set out in the report together with the submissions, character references and response to questions. Members treated the openness and honesty with which the Applicant dealt with the Committee very seriously.

In reaching their decision, the Committee had taken into account the substantive offences detailed on the Applicant's Disclosure and Barring Service Certificate, the Council's Statement of Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades, the length of time since the offences and length of time until the convictions were spent for the purposes of that policy, and circumstances as explained by the Applicant in relation to the offences.

The Committee had been satisfied that the Applicant was a fit and proper person to hold a licence and concluded that there were exceptional circumstances and justifiable reasons to depart from the policy in this case and grant the application.

The Committee's decision and reasons therefore were conveyed to the Applicant. The Applicant was reminded that granting of the application was still subject to all other routine checks carried out in connection with the application being satisfied.

The meeting concluded at 10.55 am.