

To: Members of the Licensing
Committee

Date: 5 September 2024

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, 11 SEPTEMBER 2024** 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 - 14)

To receive the minutes of the Licensing Committee held on 5 June 2024 (copy enclosed).

5 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2024/25
(Pages 15 - 18)

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 item(s) 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.

6 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 507343 (Pages 19 - 48)

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. 507343.

9.45 am – 10.30 am

7 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 577925 (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. 577925.

10.30 am – 11.30 am

MEMBERSHIP

Councillors

Bobby Feeley (Chair)

Hugh Irving (Vice-Chair)

Joan Butterfield

Delyth Jones

Ellie Chard

Paul Keddie

Gwyneth Ellis

James May

Alan James

Andrea Tomlin

Brian Jones

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"> 1. Section 61 (2A) of the Local Government (Miscellaneous Provisions) Act 1976. 2. Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976. This decision will have IMMEDIATE EFFECT and can only be used when the grounds for suspension/revocation are a public safety matter. <p>The Solicitor will explain to the licence holder the implications of the decision.</p>
17.	The applicant/licence holder will be informed of the decision in writing as soon as practicable.
18.	The applicant/licence holder will be invited to discuss any matter they are unsure of with Licensing Officers after the Committee

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

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

Denbighshire County Council

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

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

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

This page is intentionally left blank

LICENSING COMMITTEE

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

PRESENT

Councillors Joan Butterfield, Gwyneth Ellis, Bobby Feeley, Hugh Irving, Alan James, Brian Jones, Delyth Jones, Paul Keddie and Andrea Tomlin

Observer – Councillor James May

ALSO PRESENT

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

1 APOLOGIES

Councillor Ellie Chard

2 DECLARATION OF INTERESTS

Councillor Joan Butterfield declared a personal interest in agenda item 7 – Hackney Carriage Vehicles Table of Fares and Charges in so far as she was a taxi user.

3 APPOINTMENT OF CHAIR

Nominations were sought for Chair of the Licensing Committee for 2024/25. Councillor Andrea Tomlin proposed, seconded by Councillor Hugh Irving, that Councillor Bobby Feeley be appointed Chair. There were no further nominations.

RESOLVED that Councillor Bobby Feeley be appointed Chair of the Licensing Committee for the ensuing year.

4 APPOINTMENT OF VICE CHAIR

The Chair invited nominations for Vice Chair of the Licensing Committee for 2024/25. Councillor Brian Jones proposed, seconded by Councillor Andrea Tomlin, that Councillor Hugh Irving be appointed Vice Chair. There were no further nominations.

RESOLVED that Councillor Hugh Irving be appointed Vice Chair of the Licensing Committee for the ensuing year.

5 URGENT MATTERS AS AGREED BY THE CHAIR

At this point, the Chair advised that it was the first meeting of the Licensing Committee since the sad loss of Councillor Win Mullen-James, and she paid tribute to Councillor Mullen-James for her years of service and dedication, highlighting her many positive attributes. She would be very much missed by all.

6 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 5 March 2024 were submitted.

Matters Arising – Page 6: Licensing Committee Forward Work Programme 2024 – Councillor Andrea Tomlin thanked officers for the training session on Special Procedures (skin piercing) held on 22 March 2024 which she had found extremely informative and useful in her role as a committee member.

***RESOLVED** that the minutes of the meeting held on 5 March 2024 be received and confirmed as a correct record.*

7 HACKNEY CARRIAGE VEHICLES TABLE OF FARES AND CHARGES

The Public Protection Business Manager submitted a report (previously circulated) updating members on the review of the current tariffs for hackney carriage vehicles (taxis) and proposed Table of Fares for public consultation.

The current tariff had been subject to an ongoing review since mid-2023. A public consultation on proposals to increase the tariff had provided a mixed response and in December 2023 the Licensing Committee had resolved to retain the current tariff pending the development of a fare calculator. Since then, there had been little response from the licensed trade to assist in the population of the fare calculator and where gaps in data had been identified, other data had been relied upon to produce the fare calculator and methodology, which had been set out in the report together with the tariff produced and a comparison table of North Wales authorities.

Members were asked to consider the report detail, including the impact on both the taxi trade and taxi users as a result of an increase in the fares, and to either (1) retain the current table of fares, or (2) increase the tariff in line with the fare calculator, subject to statutory consultation. If members supported a tariff increase and no objections were received following consultation the increase could be implemented but any objections received would need to be brought back before the Committee. Any final tariff would be subject to a Lead Member Delegated Decision.

During debate members thanked officers for the comprehensive report and noted the measured and robust methodology used in developing the fare calculator. Members carefully considered the report and options available to them and raised various questions with officers during their deliberations. Particular reference was made to the apparent lack of appetite from the taxi trade for an increase in the fares and the impact on taxi users in the current financial climate. There was some mention as to the timing and frequency of fare reviews and whether or not a regular incremental approach to fare increases would avoid a large hike in fees after a longer period. It was noted that the tariff set the maximum fare permitted and a lesser fee could be charged. The merits of undertaking a wide ranging consultation

on the proposed fare increase and considering those views before making a final decision was also discussed.

Officers responded to members' questions and comments as follows –

- previous consultations with the taxi trade had provided a mixed response for and against fare increases and there had been no barrage of requests for a fare increase
- the level of new licensed drivers remained consistent with previous years and the number of licensed drivers remained relatively constant
- the fare calculator provided a means of calculating the average cost of operating a taxi business; the proposed increase was based on a detailed methodology
- elaborated on the tariff produced as detailed in the report which provided the maximum fare which could be charged and would result in an increase from the current fare of £6.00 to a proposed fare of £6.94 based on a 2 mile journey
- the proposed tariff would result in Denbighshire having the most expensive taxi fares of all North Wales local authorities and mid-table position in the national league table of taxi fares
- the methodology used by other North Wales local authorities to calculate tariffs was unknown and those authorities last reviewed their fares between 1 – 4 years previously with one authority not having increased their fares since 2010
- detailed the extensive consultation, in addition to statutory requirements, if that option was approved which would include significant engagement with the licensed trade, town/community councils and various organisations together with an online and social media presence linked to the county conversation portal
- there was no set statutory timeframe to review tariffs which had previously been brought forward at the request of the taxi trade or members, and there had been an agreement to revisit the fares within 12 months following the last review
- there had been a small number of requests for a fare increase relative to the number of taxi drivers, but it was difficult to ascertain the views of the wider taxi trade, similarly only a small number had engaged with the fare calculator review
- it was likely that taxi proprietors could reclaim VAT on fuel; the most recent AA published fuel rates had been used in the methodology for the fare calculations
- calculations submitted by Councillor Brian Jones which demonstrated that proposed fares for journeys beyond 10 miles would decrease in comparison to the current tariff were not disputed; the 2-mile fare tariff was used as a standard measure in taxi fare national league tables and calculations beyond that had not been carried out with figures solely reliant on the fare calculator
- confirmed that taxi operators charged their own fares with varying amounts for the same journey subject to the maximum tariff set by the authority.

Following a detailed debate most members did not consider there to be an appetite from the taxi trade for an increase in fares. It was suggested there would be merit in consulting on a fares increase in order to properly ascertain those views for further consideration before a final decision was made. However, officers highlighted that members would need to support the proposed increase in the table of fares for it to go out to consultation because those fees would come into force in the event that no representations to the consultation were received. It was confirmed that the consultation process would cost in the region of £1500 - £2000.

At this point a member of the public asked to speak. The Solicitor advised there was no automatic right for a member of the public to speak at Licensing Committee which was at the Chair's discretion. However, there had been a fair debate and in the interests of fairness there would be no counter-view if permission to speak was granted. The Chair declined the request.

Having considered the contents of the report and commented as necessary on the methodology documents as attached in the appendices, the Chair invited a proposition. Councillor Hugh Irving proposed, seconded by Councillor Joan Butterfield, that the current table of fares be retained, and officers be instructed to prepare a report to be brought back to the Licensing Committee in twelve months' time to review the position.

Upon being put to the vote it was –

RESOLVED, by majority vote, that the Licensing Committee –

- (a) retain the current table of fares, and
- (b) officers be instructed to prepare a report for the Licensing Committee to review the position in twelve months' time.

8 REVIEW OF LICENSING REQUIREMENTS FOR WHEELCHAIR ACCESSIBLE VEHICLES

The Senior Licensing Officer submitted a report (previously circulated) seeking members' review of the existing requirements for Wheelchair Accessible Vehicles (WAVs) licensed by the Council.

Licensing Committee had approved the existing Hackney Carriage and Private Hire Vehicle Policy in December 2016 which included an age restriction that all new to fleet vehicles must be a maximum of 5 years old and any vehicle reaching 12 years old must be removed. Following a number of extensions, the age restriction would finally come into effect on 1 July 2024. WAVs were required to meet the same standards as any other vehicle, but the costs associated with WAVs were much higher. Given the impact of the age limit on the availability of WAVs, Denbighshire School Transport supported a review of the requirements and a small number of the taxi trade had also requested a review to make it more affordable to licence WAVs.

Reference was made to the Department for Transport best practice guidance and relevance of the Welsh Government's white paper on taxi reform together with details on age and emissions of vehicles and licensed WAVs in Denbighshire. Given the need to address the shortage of WAVs, members were asked to consider whether it would be appropriate to remove the age restrictions for WAVs and introduce a minimum emissions requirement and whether additional vehicle testing be imposed as a result. Officers recommended a consultation exercise with on the following options with a report back to a future meeting on the consultation results –

- (a) make no amendments to the current licensing requirements for WAVs meaning that they were licensed on the same basis as a “regular” vehicle
- (b) consider removing the current age requirements for WAVs and replacing it with all WAVs must meet Euro 6 emission standards with an additional compliance test per year once the vehicle reached 12 years old and each year it was licensed thereafter, i.e., 3 tests a year at 4 monthly intervals
- (c) consider (b) above without any additional compliance testing
- (d) consider that all new applications for a Hackney Carriage Vehicle Licence be wheelchair accessible.

Members stressed the need to ensure that the current high standards for licensed vehicles were maintained and that no action should be taken which would compromise those standards. There was also some concern that not all vehicles would be subject to the same licensing criteria. However, the importance of addressing the current shortage of wheelchair accessible provision was acknowledged, and consideration was given to the options set out in the report as a means of encouraging more WAVs to the fleet to meet that demand, particularly for school transport where the needs of learners were not currently being met. In terms of maintaining safety standards officers explained that the proposed removal of the age limit and requirement to meet Euro 6 emission standards could be coupled with a more rigorous testing regime for those vehicles.

The Chair believed a case had been made to consider whether a different high standard should be applied to WAVs given the shortage of those types of vehicles and costs associated with them, and she considered it would be useful to go out to consultation on the options and to consider those responses before a final decision was made. Councillor Andrea Tomlin felt that, rather than making changes to the existing policy standards, more should be done to seek suggestions on other ways of addressing the current shortage of WAVs. Officers confirmed that a free text box would be included in any consultation and those suggestions could be encouraged as part of that process. All agreed there should be no drop in vehicle standards as a result of any proposed changes to be made.

RESOLVED that members note the contents of the report and authorise officers to instigate a consultation exercise with all interested parties on the following options and report back to a future meeting on the results of the consultation –

- (a) make no amendments to the current licensing requirements for WAVs meaning that they were licensed on the same basis as a “regular” vehicle;
- (b) consider removing the current age requirements for WAVs and replacing it with all WAVs must meet Euro 6 emission standards with an additional compliance test per year once the vehicle reached 12 years old and each year it was licensed thereafter, i.e., 3 tests a year at 4 monthly intervals;
- (c) consider (b) above without any additional compliance testing, and
- (d) consider that all new applications for a Hackney Carriage Vehicle Licence be wheelchair accessible.

9 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2024/25

The Senior Licensing Officer submitted a report (previously circulated) on the priorities of the Licensing Section and a revised work programme for 2024/25.

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 work programme had been drafted taking into account policies relevant to the Licensing Committee and policy review dates along with any potential legislative changes being proposed by Welsh and Central Government. Due to significant changes to the staffing structure in the Licensing Section, which would impact on existing staff workloads, the priorities of reviewing some of the planned policies had been rescheduled.

Councillor Andrea Tomlin sought further information on the impact of the staff changes and structure within Licensing Team. The Solicitor confirmed it would be appropriate to discuss the matter outside of the meeting given that any discussion would likely identify particular individuals within the team.

RESOLVED that –

- (a) *the contents of the report be noted, and*
- (b) *the forward work programme for 2024/25 as detailed in Appendix A to the report be approved.*

At this point the Chair advised that the Public Protection Business Manager (PPMB) was attending his last meeting of the Licensing Committee before his retirement, and on behalf of the Committee she thanked him for all his hard work over the years and wished him well for the future. The PPMB thanked members for their support and guidance and conveyed his best wishes for the future.

The meeting concluded at 10.50 am.

REPORT TO:	Licensing Committee
DATE:	11 th September 2024
LEAD OFFICER:	Head of Planning, Public Protection and Countryside Services
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706433
SUBJECT:	Forward Work Programme 2024/25

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 2024/25.

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 The following items were scheduled for consideration by Members at this meeting, but due to various matters they have now been removed or rescheduled:
- i. **Hackney Carriage Tariff** – a report was scheduled to update Members following the review of the methodology calculator,

however, at the last meeting in June 2024 it was resolved by Members that the existing hackney carriage tariff would remain the same and a further report be presented to Members in June 2025.

- ii. **Special Procedures** – an update report on the new legislation was also scheduled, however, there is nothing to report at this point since the last update.
- iii. **Wheelchair Accessible Vehicles** – a further report was due to be presented to Members to update following the results of the consultation with licence holders. However, the consultation has only recently opened therefore it is proposed that a report will be presented to Members early next year on the consultation findings.

3.3 A revised Forward Work Programme can be found at Appendix A to include the above matters.

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 updated Forward Work Programme detailed at Appendix A for 2024/25.

Licensing Committee

Forward Work Programme 2024/25

Committee Date	Report	Comment
4 December 2024	Member training	Training session on updates on legislation and refresher training
4 March 2025	Wheelchair Accessible vehicle licensing requirements	To update Members following review and consultation
3 June 2025	Hackney Carriage Tariff	To review the current fares using the methodology calculator
10 Sept 2025	Review of Hackney Carriage and Private Hire Policy and Conditions	To review the existing policy
	Review Private Hire vehicle plate exemption policy	To review the exiting policy
	Review of Hackney Carriage Intended Use Policy	To review the existing policy
NOTE - Committee work programme may change due to urgent matters during the year		

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank