

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, County Hall, Ruthin on Thursday, 8 March 2018 at 9.30 am.

PRESENT

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

ALSO PRESENT

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

1 APOLOGIES

Councillor Barry Mellor

2 DECLARATION OF INTERESTS

No declarations of interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters has been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 6 December 2017 were submitted.

***RESOLVED** that the minutes of the meeting held on 6 December 2017 be received and confirmed as a correct record.*

5 INTRODUCTION OF A LIST OF DESIGNATED WHEELCHAIR ACCESSIBLE VEHICLES

The Public Protection Business Manager submitted a report (previously circulated) regarding changes introduced by the Equality Act 2010 and seeking approval to introduce and maintain a list of wheelchair accessible vehicles.

The Equality Act 2010 permitted local authorities to retain a list of all vehicles licensed as a hackney carriage or private hire vehicle which met the requirements of a wheelchair accessible vehicle and placed further obligations on drivers and/or proprietors of those vehicles, creating offences for breaches and discrimination against wheelchair users. Details of the duties to be imposed on drivers of designated vehicles under the Act had been provided within the report together with details of exemptions and an approximate timescale for publication of the list. Formal statutory guidance from the Department of Transport had been issued

(attached as an appendix to the report) asking local authorities to introduce the relevant parts of the Equality Act in order to provide protection for wheelchair users.

Members considered the contents of the report and advice contained in the Equality Act 2010 and the Department of Transport's guidance and welcomed the new provisions in order to better protect the rights of wheelchair users and create improvements and safeguards against discrimination when using licensed vehicles. It was noted that previous complaints had been brought before the committee with regard to services provided by licensed wheelchair accessible vehicles which would be addressed under the new provisions with penalties imposed for breaches of responsibilities placed on drivers and owners in that regard.

RESOLVED that members –

- (a) *approve the introduction of a published list of wheelchair accessible vehicles;*
- (b) *delegate the setting of the implementation date to the Public Protection Business Manager in consultation with the Public Protection Manager and Chair of the Licensing Committee, and*
- (c) *instruct officers to report back to the Licensing Committee during 2018 with information on the prepared list.*

6 PROPOSED AMENDMENTS TO THE EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATIONS

The Licensing Officer submitted a report (previously circulated) detailing proposed amendments to the existing hackney carriage and private hire vehicle specifications for members' consideration.

Since implementation of the revised hackney carriage and private hire vehicle policy in July 2017 feedback from the licensed trade had highlighted the need for greater clarity with regard to the vehicle specification relating to doors, and the section relating to wheelchair accessibility had been considered too restrictive and may have unintended consequences on the taxi industry. Consequently officers had proposed an amendment to the relevant paragraphs in the vehicle specification (as detailed within the report) which would better reflect the authority's requirements for licensed vehicles relating to doors and allow greater flexibility in terms of wheelchair access availability to benefit the licensed trade and travelling public.

Members considered the proposed amendments and assurances were sought that the proposed changes would not leave the authority open to further challenge. Officers explained that the revisions provided greater clarity; increased the range and number of vehicles suitable for licensing purposes, and provided greater flexibility in terms of equipment available for facilitating wheelchair access. Consequently members were satisfied with the proposed modifications and it was –

RESOLVED that the amendments to the hackney carriage and private hire vehicle specifications as detailed in paragraphs 4.7 and 4.9 of the report, as reproduced below, be approved with immediate effect –

- *Sections 3.11.1 & 6.5.1 – “All saloons, estates or purpose built taxi vehicles shall have at least four side-opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least three doors not including any tailgate rear doors”*
- *Sections 3.14.1 & 6.8.1 – “A ramp or ramps, or appropriate lifting equipment, for the loading of a wheelchair and passenger shall be available at all times for use at the nearside or rear passenger door”*

7 GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES

The Licensing Officer submitted a report (previously circulated) presenting the final draft of the Council’s Statement of Principles for the Gambling Act 2005 for adoption and implementation with effect from 1 April 2018.

There was a statutory requirement to review the Statement of Principles every three years and the draft document had been developed by the six licensing authorities in North Wales to ensure consistency in matters relating to gambling issues and functions. The draft document had been approved for public consultation by the Licensing Committee in September 2017 and no responses had been received.

Officers responded to members’ questions regarding the administration and enforcement relating to gambling activities and clarified the role of the licensing authority and Gambling Commission in that regard. There were no particular issues of concern relating to the regulation of gambling within the county and action was generally taken in response to intelligence received with no standard inspection regime for gambling activities, and operators generally conformed to legislative requirements. In response to further questions officers also clarified the licensing requirements with regard to large pay-out gaming machines and small society lotteries and raffles. It was noted that there was no casino within the county and the council had previously resolved not to permit applications for casinos. Members noted that no representations had been received following the consultation process and the content of the draft document remained unchanged. Consequently it was –

RESOLVED *that the Statement of Principles as presented and attached as appendix to the report be adopted and implemented with effect from 1 April 2018.*

8 UPDATE ON CONVICTION POLICY AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS

The Public Protection Business Manager submitted a report (previously circulated) updating members on progress with the review of policies associated with Hackney Carriage and Private Hire Drivers’ Conviction Policy and Private Hire Operators.

Members were advised of the work being undertaken by a national working group to develop a national model on the suitability of applicants and licensees in relation to hackney carriage and private hire vehicle licensing which had recently been subject to a national consultation which ended on 10 March 2018. It was expected that the draft would be further developed and released later in the year. In addition

Welsh Government had recently completed a consultation on taxi and private hire vehicle licensing in Wales and further work would follow on from that process. Both work streams would have an impact on the licensing process nationally and locally and reference was made to the council's engagement within that process.

The Committee agreed it would be preferable to engage in the consultations with a view to developing the national models prior to considering the relevance to the council's own taxi licensing policies. However questions were raised regarding the potential for conflicting outcomes from the two work streams given that one was being undertaken by the UK Government and the other by Welsh Government. Whilst there was potential for differences generally between the two administrations officers provided assurances that the work streams in this particular case focused on different areas of licensing legislation with the national working group focusing on a universal conviction policy and the Welsh Government focusing on the taxi and private hire vehicle industry in Wales.

The Chair highlighted the need for a national revocations database to stop drivers obtaining a licence elsewhere if they had been banned or refused in a particular area. Officers advised of informal arrangements with neighbouring authorities to share information in that regard but confirmed that work was underway to introduce a national register of licence refusals and revocations which could be used by local authorities as part of the application process in assessing driver suitability. Members were pleased to note that the introduction of a national revocations database was imminent and asked to be kept informed of progress in that regard.

RESOLVED that members –

- (a) *acknowledge the contents of the report, and*
- (b) *instruct officers to report back to the Licensing Committee on the work of the national working group and the Welsh Government as further progress was made to allow members to consider the relevance to the council's taxi licensing policies.*

9 REVIEW OF STREET TRADING POLICY

The Licensing Officer submitted a report (previously circulated) informing members on progress with the review of the current street trading policy in Denbighshire.

In 2015 the Licensing Committee authorised officers to review the existing street trading policy in order to address difficulties with the regime and suggest improvements to better regulate and support street trading within the county. A draft policy was considered by the Licensing Committee in December 2016 and it was agreed that an initial consultation be undertaken with City, Town and Community Councils along with internal council departments. Comments received as a result of that initial consultation had been incorporated into the draft Street Trading Policy which had been subject to public consultation. No comments had been received as a result of that public consultation exercise. However feedback from individuals and teams within the council had raised further issues for consideration and in September 2017 the Licensing Committee asked that further

discussions take place with local “fixed” traders, street traders, communities and the wider council teams prior to finalising a policy for consideration. Work was currently ongoing to devise a strategy using social media and face to face questionnaires, along with the council’s website, to contact and invite feedback from key members of the community in order for a policy to be drafted which had been subject to a through engagement and consultation process.

Members noted progress with the review of the Street Trading Policy and efforts being made in order to engage with specific individuals and groups who may be directly affected by the policy. The importance of developing a robust, fit for purpose policy for the towns and communities in the county was highlighted and for transparency officers agreed to report back on the list of consultees and their contributions in formulating the final policy document for members’ consideration.

RESOLVED that officers be authorised to continue work with the relevant groups and individuals and present a draft policy for presentation at a future meeting of the Licensing Committee.

10 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2018

A report by the Head of Planning and Public Protection was submitted (previously circulated) on the Licensing Committee’s future work programme for 2018.

The following matters were raised –

- the Chair and Councillor Tony Thomas (Lead Member for Licensing) had recently accompanied Licensing Officers and North Wales Police on a joint regulatory operation in the north of the county which had involved visits to a number of licensed premises in the early hours of the morning. The operation had been worthwhile with a good rapport between licensees and officers and support and co-operation between all parties. Some concern was raised regarding evidence of drug use at licensed premises and within the wider community and officers reported upon measures being undertaken through a multi-agency approach to address that issue. Reference was made to the remit of the Licensing Committee in this regard and their responsibilities under the Licensing Act. Whilst drug use was predominantly a police matter members asked to be kept informed of any developments officers became aware of in addressing that issue
- the Chair and Councillor Alan James (Vice Chair) had met with officers to undertake the review of application forms as requested by the committee and reference to the disclosure of convictions had now been made clearer for applicants – the new forms would be introduced shortly
- reference was made to the half day training session on taxi licensing scheduled for 9.00 a.m. on 19 April 2018 in County Hall, Ruthin and members were encouraged to advise officers if they had any specific additional training needs.

Members were satisfied with the content of the work programme and it was –

RESOLVED that the Licensing Committee’s forward work programme as detailed in Appendix 1 to the report be approved.

The meeting concluded at 10.30 a.m.