

PUBLIC PROTECTION LICENSING COMMITTEE

Minutes of a meeting held on 2nd July, 2019.

Present: Councillor J.W. Thomas (Chairman); Councillor O. Griffiths (Vice-Chairman); Councillors Ms. J. Aviet, R. Crowley, Mrs. P. Drake, Dr. I.J. Johnson, M.J.G. Morgan, Mrs. J.M. Norman, Mrs. R. Nugent-Finn and L.O. Rowlands.

119 APOLOGIES FOR ABSENCE –

These were received from Councillors Mrs. J.E. Charles, K.F. McCaffer, Mrs. A. Moore, Mrs. M.R. Wilkinson and Ms. M. Wright.

120 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 4th June, 2019 be approved as a correct record.

121 DECLARATIONS OF INTEREST –

No declarations were received.

122 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE – AGE POLICY GUIDELINES REVIEW (EH) –

The Licensing Policy Officer presented the report, the purpose of which was to provide details of a review into the age of hackney carriage and private hire vehicles licensed in the Vale of Glamorgan.

At the Public Protection Licensing Committee meeting of 6th November, 2018, the Committee waived the Age Policy Guidelines in respect of a vehicle, described by the Applicant's representative as being in immaculate condition.

The Committee subsequently raised concerns with the Council's current Age Policy and moved that the current Age Policy Guidelines be reviewed.

The current Age Policy Guidelines in respect of hackney carriage and private hire vehicles have been in place, subject to a few minor revisions, for a number of years. The Policy included two classes of vehicle with respective ages at which they could first be licensed; Class One vehicles were all vehicles, except those of a minibus type with an automated wheelchair lift, and must be under 5 years old at the time of their first licence. Class Two vehicles were vehicles that were a minibus type with an automated wheelchair, and must be under 10 years old at first licence. The rationale for the disparity in the difference between Class One and Class Two being that Class Two vehicles tended to travel fewer miles and were considerably more expensive to purchase.

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The current Age Policy Guidelines applied to both hackney carriage and private hire vehicles and were contained in Appendix A to the report. This was last revised in November 2013 when Members were minded to relax the Policy in respect of Class Two vehicles, at the request of the trade.

Although there were differences to the way in which hackney carriage and private hire vehicles operated, it was generally understood that the travelling public did not distinguish between the two.

At present, officers granted licences for vehicles that fell within the Age Policy Guidelines under delegated authority. Vehicles that were older than permitted within the Guidelines were referred to the Public Protection Licensing Committee to allow Members to consider whether the Guidelines should be waived in order for the vehicle to be licensed.

If Members refused to grant a hackney carriage or private hire vehicle licence, the Applicant may appeal the decision to a Magistrates' Court.

On 8th February, 2019, officers from the Licensing Department met with the Vale of Glamorgan Taxi Association and the manager of the Alps Depot to discuss the current Age Policy Guidelines. The Taxi Association stated that they would like the current Age Policy Guidelines to be extended for Class 1 vehicles from 5 to 6 years old, but this should not be waived for the grant of a new licence. The manager of the Alps Garage agreed that he would be happy with an age limit of 6 years for Class 1 vehicles. There was a general consensus from the Taxi Association that the current Age Policy Guidelines were too easily overturned and should be enforced more rigorously.

A member of the Taxi Association stated that he was never in favour of a 4 month licence, as it should be down to the condition of the vehicle regardless of age. The manager of the Alps Depot stated that from a fleet point of view, a 4 month licence should be in place to allow the vehicle to be checked more frequently.

The Taxi Association were asked if mileage and service history of a vehicle could be a consideration when assessing the suitability of a vehicle. The Taxi Association stated that this should not be a consideration as these could be tampered with.

Prior to initiating this review, the Licensing Department had not previously received complaints or comments from the Trade or public that the current Policy in respect of Class One vehicles was too onerous. Whilst the consensus referred to in paragraph 2.8 of the report, in the meeting with the local trade was that the Policy should be relaxed to 6 years as a maximum age at first licence, Members may wish to consider this in the context of consistency with neighbouring Authorities. Within those served by the Shared Regulatory Service, proposals had either been consulted on, or were in the process of consultation, to align the maximum age at first licence to 5 years, as was current Vale Policy. Giving weight to the call from the wider Trade and Operators for greater consistency in Policy and enforcement between Local Authorities, Officers felt that the current Vale policy struck a balance between

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enabling the public to travel in comfortable modern vehicles whilst not being too onerous for the Trade.

The table below provides details of the age policies for hackney carriage and private hire vehicles in neighbouring Authorities.

Authority	Maximum Age at First Licence
Bridgend	New (a relaxation of the policy may be considered for wheelchair accessible vehicles and private hire vehicles)
Cardiff	25 months (10 years for vehicles classed as 'prestige')
Merthyr Tydfil	4 years
Rhondda Cynon Taff	3 years (5 years for wheelchair accessible vehicles)
Caerphilly	5 years (8 years for Wheelchair accessible vehicles)
Newport	No age limit but vehicles must meet Euro 5 emission Standard

The table below shows the average age of hackney carriage and private hire vehicles throughout the Shared Regulatory Service, broken down by Authority:

Vale of Glamorgan	Average Vehicle Age
Hackney Carriage	5.7 years
Private Hire Vehicle	5.2 years
Bridgend	Average Vehicle Age
Hackney Carriage	4.2 years
Private Hire Vehicle	4.1 years
Cardiff	Average Vehicle Age
Hackney Carriage	8.6 years
Private Hire Vehicle	5.9 years

As a vehicle aged, it becomes more common for parts and components to fail. Due to the nature of the journeys carried out by hackney carriage and private hire vehicles, they were subject to increased wear compared to private vehicle use. A vehicle that had been meticulously maintained would still be liable for component failure as it aged, particularly suspension components such as rubber bushes that could crack over time.

Vehicle standards were continuously improving, particularly regarding safety standards. Some Licensing Authorities determined the suitability of the vehicles they licenced based on the emissions they emitted, rather than vehicle age.

At the meeting of 6th November, a Member commented that if the age policy were decommissioned, the vehicle testing would have to be comprehensive. Licensed vehicles were currently tested at the Alps Depot to check their suitability. The test

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consisted of an MOT test and an additional compliance test, based on the National Inspection Standards, produced by the Freight Transport Association.

The Committee then welcomed Mr. Michael Moore from the Taxi Association who had been granted permission to speak on the Age Policy review. Mr. Moore stated that from the perspective of the taxi trade, it would be better if the Policy had a requirement for a vehicle to be a maximum of 6 years old at the first time of licence. He stated that for Bridgend County Borough Council, its policy required all taxis to be new vehicles which had meant that drivers would look to purchase a lower class and standard of vehicle which was more affordable. Mr. Moore added that a policy of 6 years would make it more affordable for drivers to purchase a higher class of vehicle which would be easier to maintain. Mr. Moore also stated that he preferred if the process remained, in that applications outside the policy were determined by the Committee. He therefore did not support a recommendation for officers to be delegated full authority.

Again, representing the taxi trade, the Committee welcomed Miss. Amanda Ewington who had also been granted permission to speak. Miss. Ewington thanked officers for the recent consultation meeting held in February, but she stated that it was a shame that this review had not been raised. She outlined that she had met with other taxi drivers and she agreed with the comments made by Mr. Moore that a policy encouraging new vehicles could lead to a lower standard of vehicles being purchased. She stated that she was aware of cases within Bridgend where the condition of cars quickly deteriorated, and so an option of 5 or 6 years would see a better class of vehicle. Miss. Ewington went on to state that for the three Local Authorities, one area that had not been compared was the testing regime. She stated that Bridgend and Cardiff had lower standards than the Vale and so cars in the Vale were tested more rigorously. She stated that this was preferred by the trade as it provided public reassurance and would lead to customers being driven around in better quality cars and in greater comfort and cleanliness. In terms of delegating authority to officers, she again agreed with the comments made by Mr. Moore and that in certain circumstances drivers should be referred to the Committee if their request fell outside the Policy. In such instances, the public would be able to see what representations were made and how a decision was reached. If drivers disagreed with the Committee's decision then there was still the right of appeal to the Magistrate's Court.

The Committee queried the Council's testing regime and requested if Miss. Amanda Ewington could comment further. In reply, she advised that at present applications to be considered by the Committee involved vehicles being tested after the Committee had either rejected or approved the application. She stated that it would be more appropriate if tests of vehicles were carried out before determination by the Committee. This would mean that Members would have extra information to determine whether the vehicle was fit for purpose.

The Committee considered comments regarding the age of vehicles, and agreed for the Age Policy Guidelines in respect of Class One Hackney Carriages and Private Hire Vehicles to be changed from 5 years to 6 years at time of first licence.

Subsequently, it was

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RESOLVED –

(1) T H A T the Age Policy Guidelines in respect of Class One Hackney Carriages and Private Hire Vehicles to be amended to show a requirement for the vehicle to be a maximum of 6 years old at time of first licence.

(2) T H A T for applications to waive the age policy guidelines for Class One Hackney Carriages and Private Hire Vehicles that are to be considered by the Licensing (Public Protection) Committee, for the suitability and condition of the vehicles to be assessed by the Alps Depot, and the outcome of the assessment to be reported to the Committee prior to determination.

Reasons for decisions

(1) In order to amend the current Age Policy Guidelines so that vehicles could be a maximum of 6 years old at the first time of licence.

(2) In order for the Committee to receive the result of the testing by the Alps Depot prior to the Committee's determination on whether to waive the Age Policy Guidelines.

123 EXEMPTION FROM THE REQUIREMENT TO DISPLAY DOOR STICKERS ON A PRIVATE HIRE VEHICLE LICENCE (DEH) –

The Licensing Policy Officer presented the report, the purpose of which was to allow the Committee to consider a Policy detailing how the Authority would deal with requests to be exempt from the requirement to display door stickers on a private hire vehicle licence.

The Local Government (Miscellaneous Provisions) Act 1976 stated that a district Council may attach to the grant of a private hire vehicle licence, such conditions as they may consider reasonably necessary. This included conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence related.

The Vale of Glamorgan Conditions for Private Hire Vehicles condition 9 states that “the proprietor and/or driver shall at all times ensure that there shall be clearly displayed on the centre or upper part of each front door of the vehicle, the adhesive private hire identification sticker supplied by the Licensing Authority. The stickers must be permanently fixed to each door with the identification sticker's adhesive backing.”

The rationale for Condition 9 was that members of the public could clearly identify licensed private hire vehicles from both the rear and the side of the vehicle. The door stickers also clearly advised that the private hire vehicle must be pre-booked and displayed the licence number, which aided both the public and the Licensing Authority with regard to enforcement and helped to ensure the public were less likely to unwittingly get into an unlicensed vehicle.

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Some private hire businesses' operating models were such that the requirement to immediately recognise that a vehicle was licensed by the Vale of Glamorgan was not as important. Examples of such businesses included "executive" or "chauffeur" hire, where the vehicle may be used as part of a contract with media companies to transport VIP clients, or tour operators that wished to use vehicles on sightseeing tours around Wales.

At the meeting of 4th September, 2018, the Public Protection Licensing Committee authorised the Licensing Department to consult with Members and the local taxi trade on a draft policy on how the Authority would deal with applications for the exemption from condition 9 of the Vale of Glamorgan Conditions for Private Hire Vehicles (hereafter referred to as an exemption to display door stickers).

With permission to speak, Mr. Michael Moore from the trade outlined that he had concerns if this Policy was adopted. He stated that in his experience these applications mainly related to very expensive executive vehicles which wanted to be differentiated from a normal taxi vehicle. He stated that for public safety all vehicles should be required to display door stickers as private hire vehicles were likely to be doing the same sort of work as those with door stickers.

In addition, Miss. Amanda Ewington, again with permission to speak, stated that she agreed with Mr. Moore and that the key consideration was public protection and public welfare. She stated that it was important for the public to identify whether a vehicle was a taxi and it was also important to recognise that the Council did not lawfully restrict the work that taxi drivers were carrying out. She stated that Mr. Moore had been a taxi driver for 20 years with a large fleet of vehicles and he had never had a booking for a vehicle not to display door stickers. If one came in then he would have to refuse. She queried the difference that the displaying of door stickers would make, and that there was still the problem of vehicles pretending to be taxis. This meant that proper identification was important. She queried whether the Council maintained a list of exempted vehicles and she stated that if the Policy was accepted, then all the vehicles and drivers should carry a certificate outlining the exemption. The other issue concerning Miss. Ewington was the type of checks being undertaken to see what work vehicles were carrying out. She stated that more enforcement was required.

In reply to the query regarding a list of exempted vehicles, the Licensing Policy Officer stated that the Council would maintain records and he confirmed that the exemption would run until the renewal date. In addition, he explained that the purpose of the Policy was to formalise the process but there was not a policy to cover vehicles carrying business logos. In terms of enforcement, he stated that most investigations would be as a result of a complaint or intelligence raised by other Taxi drivers, so there was a process for the service to react and check the type of work that a vehicle had been carrying out.

A Committee Member requested clarification of the type of work that exempted vehicles should be undertaking, and how consistent was the Policy across the 3 member Local Authorities of the Shared Regulatory Service. In reply, the Licensing Policy Officer stated that most of these would be travel / tourist companies who did not want to be recognised as an ordinary taxi, with most of the companies operating

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in Cardiff and the Vale. He explained that there was no policy in Cardiff which made it mandatory for vehicles to carry door stickers but there was a policy around car plates. The Trade in the Vale felt that this was unfair and that all vehicles should have door stickers.

In addition, the Committee considered the request to delegate full authority to officers and the Committee considered that the current approach for applications to be presented to the Committee should not be changed. Furthermore, the Committee felt it appropriate to defer a decision on whether to adopt the Policy detailed in Appendix A, so that the Licensing Team to undertake checks of the work that the exempted vehicles were carrying out.

The Committee also requested for discussions between Legal Services and the Licensing Team regarding interpretation should the Policy be breached.

Subsequently, it was

RESOLVED – T H A T the revised draft Policy attached at Appendix A – Exemption from the Requirement to Display Door Stickers on Private Hire Vehicles, be deferred to allow Legal consideration regarding interpretation of breach of the Policy, and so that the Licensing Team undertake checks of the vehicles exempted from displaying door stickers.

Reason for decision

In order for Legal interpretation regarding breach of the draft Policy, and to allow the Committee to consider the type and appropriateness of the work being undertaken by private hire vehicles that had been exempted from displaying door stickers.