
GENERAL LICENSING COMMITTEE, 17.09.12

Present: Councillor W.Tudor Owen (Chairman)

Councillors: Eddie Dogan, Annwen Hughes, Chris Hughes, John Brynmor Hughes, Llywarch Bowen Jones, Eryl Jones-Williams, Christopher O'Neal, Peter Read, Angela Russell, Ann Williams, Elfed W. Williams, Gethin G. Williams, Gruffydd Williams

Also Present: Siôn Huws (Compliance and Language Manager), Gwenan M. Williams (Licensing Manager), Sheryl Le Bon Jones (Operational Systems Manager) and Gwyn Parry Williams (Members Support and Scrutiny Officer)

Apologies: Councillor Huw Edwards

1. DECLARATION OF PERSONAL INTEREST

Councillor Eryl Jones-Williams stated that his wife was disabled.

The member was of the opinion that it was not a prejudicial interest and he participated fully in the discussion on the item.

2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 25 June 2012 as a true record.

3. DELEGATE TO THE HEAD OF SERVICE THE POWER TO DETERMINE WHEN THERE IS EVIDENCE THAT JUSTIFIES A DEVIATION FROM THE LICENSING POLICY FOR HACKNEY AND PRIVATE HIRE VEHICLES

Submitted – the report of the Head of Regulatory Department on delegating the power for him to determine when there was evidence that justified a deviation from the Licensing Policy for Hackney and Private Hire Vehicles.

The Licensing Manager reported that there had been a number of recent occasions when the Licensing Policy for Hackney and Private Hire Vehicles had been challenged on the basis of evidence relating to some specific matters.

She noted that the standard conditions applicable to the licensing processes and procedures for hackney and private hire vehicles was a policy adopted by the Council in accordance with Sections 47 and 48 of the Local Government Act (Miscellaneous Provisions) 1976. It was essential that the conditions reflected changes in circumstances or legislation; and as a result it was sometimes necessary to review the conditions included in the policy. The last review of the Council's policy was undertaken by this committee on 22 October 2010. Occasionally, situations arose where an

evidence base was presented in order to challenge a particular aspect of the policy, and the Licensing Authority was required to review and change the conditions to reflect that. Recently, the policy was challenged on the specific issues listed below-

Hackney Vehicles

- That a vehicle had to be under three years old when an application for a licence was made in the Arfon zone for plates with numbers above 99.
- That a vehicle had to be under six years old when an application for a licence was made in the zones of Dwyfor and Meirionnydd.
- That vehicles licensed on plates with numbers above 99 in the Arfon Zone had to have side-loading wheelchair access, and had to be custom-built for this purpose.
- That a new vehicle in respect of an application to transfer a Hackney plate in the Arfon Zone for numbers over 99 had to be under three years old at the time of submitting the application, and had to have side-loading wheelchair access.
- That any new vehicle, in respect of an application to transfer a Hackney licence to another vehicle in the Zones of Meirionnydd and Dwyfor had to be under six years old.
- The retention of the 'Grandfather Rights' arrangement – where the 98 Hackney plate in the Arfon Zone was protected from the policy requirements in relation to the vehicle's age and the need for side-loading wheelchair access.

Private Hire Vehicles -

- That a vehicle had to be under six years old when an application for a private hire vehicle licence was made in the zones of Arfon, Dwyfor and Meirionnydd.
- That any new vehicle in respect of an application to transfer a private hire licence to another vehicle in the Zones of Arfon, Meirionnydd and Dwyfor had to be under six years old.

She noted that the current vehicle age restrictions in the policy derived from a historical attempt to encourage operators to incorporate new and more recent cars into their fleets. This intention had, to a great extent, been successful, and the operators and drivers themselves had seen the advantages of ensuring that the cars in their fleets were not too old. It was envisaged that the industry would continue to see the advantages of renewing their vehicles regularly even if the maximum vehicle age on a licence application was to be increased. She noted that the main consideration in terms of vehicle age was public safety and if an operator or driver could prove, by means of two mechanical checks each year (MOT and the Council's additional test) that the vehicle was roadworthy, there was therefore no real reason to refuse a licence on the basis of age. However, she was of the opinion that the maximum vehicle age contained in the current policy should be retained which ensured that any vehicle's licence, following its annual renewal, was revoked once the vehicle reached 12 years old.

The requirement for side-loading wheelchair accessible vehicle provision was introduced in the policy with the intention of encouraging the taxi industry in Gwynedd to provide Hackney vehicles that were likely to be eligible under any prospective regulations under the Disability Discrimination Act 1995. No regulations in respect of taxi vehicles had been made thus far under this legislation; and it was unlikely that any regulations would come into force in the future. Evidence had recently been submitted by people within the taxi vehicle industry in Gwynedd that challenged the need for side-loading wheelchair accessible vehicles. The majority of wheelchair users tended to phone to book a private hire vehicle beforehand rather than choose a hackney vehicle on the street.

She further noted that many private hire vehicle operators and drivers had recently identified a gap in the market in respect of wheelchair accessible vehicle provision. These were the vehicles used for schools and social services contracts as well as hospital transport services. The industry was eager to meet the demand; and the Council was keen to ensure that the current requirement for custom-built vehicles (i.e. not modified) with side-loading wheelchair access did not counteract this intention to provide more wheelchair accessible vehicles. The need for such a provision derived from guidance received some years ago following safety concerns in Hackney vehicle taxi ranks in central London. There was no evidence of similar concerns in Gwynedd.

She referred to the fact that there were now specific standards in relation to the quality and safety of vehicle modifications to enable them to carry wheelchairs. As far as the policy recognised the need for any vehicular modifications to be carried out in accordance with recognised standards and for modification work to be inspected by qualified companies, it was not considered that there was a continued need to require vehicles to be custom-built from the outset.

The policy in its entirety would need to be reviewed in the near future in accordance with current circumstances and potential changes to legislation. The members, the public and the industry would be consulted as part of this process.

In response to a question from a member regarding the age of a vehicle, the Licensing Manager noted that the age restriction was already operational when a vehicle was 12 years old. She noted that if the age restriction was abolished then perhaps there would be too many old vehicles in the fleet. Every vehicle received mechanical tests in order to ensure public safety.

A member drew attention to the difference between the three zones in terms of submitting an application for a hackney vehicle licence. In response, the Licensing Manager informed the committee that there were different zones in Gwynedd historically. This had existed since the days of the former Councils of Arfon, Dwyfor and Meirionnydd. She noted that a discussion had already been held in this committee regarding abolishing the zones but the industry strongly opposed the abolishment of the protection of

the plates under 99 in the Arfon zone. She further noted that a number of Councils had different zones, and if the industry continued to be keen to preserve those zones then fairness should be ensured between the three zones. Further consideration could be given to the matter when reviewing the policy.

RESOLVED to approve to delegate the power to the Head of the Regulatory Department, in consultation with the Chair and Vice-chair of this Committee, to approve taxi vehicle licensing decisions which are contrary to current policy in relation to the matters listed above.

The meeting commenced at 10.40am and concluded at 11.10am.