
GENERAL LICENSING COMMITTEE 14/09/15

Present:

COUNCILLORS: Annwen Hughes, Eryl Jones-Williams, W. Tudor Owen, Angela Russell, Ann Williams and Elfed Williams

OFFICERS: Gareth Jones (Senior Planning and Environment Manager), Sheryl Le Bon (Licensing Manager), Geraint B. Edwards (Solicitor) and Lowri Haf Evans (Member Support and Scrutiny Officer)

1. APOLOGIES

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones-Williams. Apologies were received from Councillors Craig ab Iago, Llywarch Bowen Jones, Louise Hughes, Dilwyn Lloyd and Peter Read.

Councillor Eddie Dogan was thanked for his service to the Licensing Committee over the years – it was noted that the Councillor was standing down due to his health.

Concern was raised regarding the number of Members present and the number of vacant seats on the Committee. It was agreed to draw the matter to the attention of the Monitoring Officer.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present

3. URGENT ITEMS

None to note.

4. MINUTES

The Chairman signed the minutes of the previous meeting of this committee, held on 22 June 2015 as a true record.

5. GENERAL LICENSING SUB-COMMITTEE MINUTES

Submitted - for information, the minutes of the General Licensing Sub-committee meeting held on 12.06.15.

6. PROPOSED TAXI LICENSING FEES 2015

Submitted - the report of the Head of the Regulatory Department, recommending that the Committee supported the intention to increase the Taxi Licensing Fees to the recommended levels, in order to achieve full cost recovery, prior to their approval by the Head of the Regulatory Department for implementation from 1 October 2015.

The Council was required to review its fees in respect of taxi licensing (i.e. hackney carriage licences, private hire vehicle licences, private hire operator licence and driver licences) on a regular basis. Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 provided that fees could be charged at a level sufficient to recover reasonable costs. On 24 June 2013, this Licensing Committee decided:

- To review the fees annually
- That taxi licensing fees must be increased in order to achieve full cost recovery.

This year, the Treasurer's Department had calculated that the amount which the Council was permitted to recover the cost of providing the taxi licensing function in 2015/16 is £141,626.

In 2014/15, the actual income from taxi licensing had been £127,848. There was therefore a **projected** income shortfall of £13,778 for 2015/16. It was therefore suggested, in order to achieve full cost recovery and to ensure that the Unit was self-sufficient, that this year's fees should be increased by 10.78%.

It was reported that the proposed fees had been consulted upon internally with the Head of Finance who supported increasing the fees to achieve full cost recovery. A public notice had been placed in the local press on 20 August 2015 and a copy made available for inspection in Siop Gwynedd Caernarfon, Pwllheli and Dolgellau in accordance with the statutory requirements. The consultation end date was 17 September 2015. In addition to the statutory requirements a copy of the public notice had been made available on the Council's website and the taxi trade had been informed of the consultation by letter on 14 August 2015. A total of 505 letters had been sent. The trade had been reminded in this letter that there would be an opportunity to submit formal representations during the consultation period. As at 14/09/15 the Licensing Unit had received **one** letter objecting to the new fees.

During the discussion, the following observations were made:

- Would the cost deficit be a recurring pattern?
- Were the numbers of drivers decreasing due to the increasing costs?
- What was the comparison with nearby counties
- Both operators and drivers needed to recover costs, therefore fairness must be ensured
- Historically, the Council had not regularly increased its fees, and therefore since 2013 the increase appeared to be high. However, the percentages had been increased at acceptable rates.
- 505 letters had been sent – one objector had responded to the review – which illustrated that the companies accepted the increase.

In response to the above observations, the Head of the Regulatory Department noted that the intention was for the fee to reach the costs of providing the service, in the hope that there would ultimately be no deficit. If income exceeded the costs, the profit would have to be considered against the following year's fees. The fees would be reviewed annually – it was difficult to anticipate the fees, but it was required to operate in accordance with the act.

The Licensing Manager noted that there had been no substantial change in the number of drivers / operators, but Members were reminded that the length of the licence period would change in October 2015 due to the requirements of the Deregulation Act 2015. The length of a licence would be 3 and 5 years, which would again have an impact on the income. It was also noted that information about the fees in neighbouring counties could be provided by the next meeting. Additionally, it was noted that every Council had to review its fees by 1.10.2015.

It was proposed and seconded to support the intention.

RESOLVED to support the intention to increase the Taxi Licensing Fees to the suggested levels in order to achieve full cost recovery, prior to their approval by the Head of the Regulatory Department for implementation from 1 October 2015.

7. REVISION OF GWYNEDD COUNCIL'S POLICIES

- **Combined Hackney Carriage/Private Hire Vehicle Driver Licence Policy**
- **Hackney Carriage & Private Hire Vehicle Licensing Policy**
- **Private Hire Operator's Licensing Policy**

Submitted – a report by the Head of the Regulatory Department requesting the committee's support to review the licensing policies and to create a unified policy to replace the three separate policy documents. It was also noted that during its meeting on 22 June 2015 this Committee resolved that the policies and working practices relating to Taxi Licensing needed to be updated and reviewed following the increase in the number of applications being made to license a vehicle contrary to policy and following the Deregulation Act 2015 and the measures affecting the Local Government (Miscellaneous Provisions) Act 1976.

In relation to a unified policy, it was noted that the Local Government Association: (ref 'Taxi and PHV Licensing – Councillor's Handbook' dated March 2015) strongly encouraged licensing authorities to create an unified policy that brought together all their policies and procedures in one place. Creating a single, unified policy that would be reviewed on a regular basis would provide clarity for drivers and operators, as well as strengthening the council's position if there was a challenge against a decision in court.

The attention of Members was drawn to the proposed high-level changes that would need consideration in relation to drivers, vehicles and operators, and in particular 'grandfather rights', 'vehicle age specifications' and 'wheelchair accessibility'.

Under 'grandfather rights' it was proposed:

Proposal 1: That the 'Grandfather Rights' status for Arfon hackney carriage proprietors be removed from the policy and all proprietors be subject to the same conditions and vehicle requirements. It is also proposed that the vehicle specification of all vehicles in all zones be unified to create a more transparent and relevant policy for all proprietors across the county.

Under 'vehicle age specifications' it was proposed,

Proposal 2: In all zones, an application to license a vehicle for the first time as a Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 6 years old on the date when the completed application is received by the Licensing Authority.

Proposal 3: In all zones, an application to renew the licence of a Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 12 years old on the date when the current licence expires.

Proposal 4: Gwynedd Council will permit the renewal of a licence of a Hackney Carriage or Private Hire vehicle beyond the upper age limit of 12 years if it can be shown that the vehicle is in 'exceptional condition'.

Under 'wheelchair accessibility' it was proposed:

Proposal 5: All proprietors will be encouraged to license as many wheelchair accessible hackney carriages as they deem necessary. However, Gwynedd Council will impose a requirement that for every 7 licensed hackney carriages in a proprietor's fleet at least 1 hackney carriage of that 7 must be a wheelchair accessible vehicle. Therefore if the fleet size was 14 hackney carriages, the requirement would be that at least 2 of the 14 vehicles be wheelchair accessible.

It was anticipated that Proposals 1 – 5 could be considered contentious changes to the current policy and conditions regarding Hackney Carriages and Private Hire Vehicles by some proprietors or users in the Arfon area. However, it was outlined that these changes would be made in the spirit of 'Ffordd Gwynedd' and would ensure consistency for everyone across the zones. It was noted that the process of amending requirements was complex, and that the intention was to introduce policies that met the needs of Gwynedd's citizens and ensured an effective Licensing service for all owners and users.

Regarding a timescale, it was noted that the Cabinet Member was eager for the Committee to receive a draft copy of the unified policy prior to the start of the consultation. Officials would aim to present a draft document at the next meeting (7 December 2015)

RESOLVED to accept the report in accordance with the amended recommendations:

The Committee authorises the Head of the Regulatory Department to commence a review of the licensing policies in relation to hackney and private hire operators, vehicles and drivers.

The Committee supports the overall direction of Proposals 1 to 5 as a starting point for the review.

The meeting commenced at 10:00am and concluded at 10:55am

CHAIRMAN