

**CYNGOR SIR POWYS COUNTY COUNCIL**

**PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE**

**DATE: 26<sup>th</sup> October 2017**

**REPORT AUTHOR: Senior Licensing Officer**

**SUBJECT: Vehicle Licence Conditions**

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**REPORT FOR: Decision**

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**1 SUMMARY**

- 1.1 To review the proposed revised vehicle licence conditions that apply to licensed Hackney Carriage and Private Hire Vehicles following consultation with the taxi trade in Powys.

**2. BACKGROUND**

- 2.1 Following revisions made to the proposed revised vehicle licence conditions by members at a meeting of this committee on 24<sup>th</sup> August 2017, amended proposed vehicle licence conditions were consulted on with the taxi trade in Powys (Annex A, with agreed amendments highlighted). The consultation was either e-mailed or posted out to all licensed taxi drivers, in addition it was placed on the Council's website.
- 2.1 Two responses to the consultation were received and these are attached at Annex B. Both responses were in relation to the proposal that there would be no exemptions to display the licence plate on a licensed private hire vehicle.
- 2.2 One is from a member of the public who was expressing his support for the decision; the other is from Matthew Capner of Silver Service Executive Travel opposing the proposal due to the nature of the private hire work that his company undertakes.
- 2.3 A quick poll of licensing colleagues elsewhere in Wales was undertaken and 12 authorities responded
- 6 had no policy/specification on the type of vehicle that could be considered, any applications were considered on a case by case basis by a sub-committee
  - 5 have a policy on the type of vehicle that would be considered acceptable and 2 of these issue an executive plate rather than have no plate at all
  - 1 said they would not consider any requests

As a result of this poll it was pointed out that it might not be lawful to have a blanket policy of no exemptions so further legal advice has been sought and discussed with legal:

- 2.4 Advice has been sought from Jim Button (Independent Solicitor specialising in Licensing) who recently delivered the training to Committee Members. He advised against introducing a blanket ban on the exemption from displaying plates.
- 2.5 On the basis of his advice and in consultation with Colin Edwards, legal officer, a revised condition is therefore proposed:

Ensuring that private hire vehicles are clearly identifiable is an important public safety safeguard and in general no exemptions to display the plate will be issued except where the Council is reasonably satisfied that an applicant has a justifiable business case for not displaying a private hire plate. Any exemptions would be in exceptional cases only and not be issued to vehicles undertaking regular private hire work (including school contracts).

It was felt that decisions to issue an exemption would need be considered on a case by case basis by a sub-committee.

### **3.0 Options Considered/Available**

- 1 To approve the proposed licence conditions as agreed on 24<sup>th</sup> August 2017, unchanged
- 2 To approve the proposed licence conditions as agreed on 24<sup>th</sup> August 2017, with the above amendment.
- 3 To approve the proposed licence conditions as agreed on 24<sup>th</sup> August 2017 with an alternative amendment in respect of the plate exemption condition.

### **4.0 Preferred Choice and Reasons**

Since Option 1, a blanket ban, could be legally challenged then Option 2 is the preferred choice, whilst it sets out that in general, exemptions are not permitted (in line with members views), it does allow for exceptional cases to be considered on their merits

### **5.0 Impact Assessment**

- 5.1 Is an impact assessment required? No

### **6.0 Corporate Improvement Plan**

- 6.1 Licensing contributes to various aspects of the 'Vision 2025' document - 'Change for Powys – delivering an open, pro-active and engaging council for 2025'. This proposal supports the priority areas of developing a vibrant economy and supporting our residents and communities.

## **7.0 Local Member(s)**

7.1 This report has no particular significance on one or some electoral divisions.

## **8.0 Other Front Line Services**

8.1 This report has no impact on front line services.

## **9.0 Communications**

9.1 Once approved by committee the fees will be advertised in the local press as part of the consultation process.

## **10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

10.1 The Professional Lead-Legal agrees with the second option in this report for the reasons given.

10.2 The Finance Business Partner Place notes the contents of the report and can see no financial implication attached to the proposed recommendation.

## **11.0 Scrutiny**

11.1 This report has not been scrutinised.

## **12.0 Statutory Officers**

12.1 The Strategic Director Resources (S151 Officer) notes the comments made by finance.

12.2 The Solicitor to the Council (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report".

## **13.0 Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

| Recommendation:   | Reason for Recommendation:  |
|---|---|
| <p><b>1. That the vehicle licence conditions set out at Annex A which incorporate the amendment set out at 2.5 be approved</b></p> <p><b>2. That decisions in respect of a plate exemption request backed up by a business case are delegated to a sub-committee.</b></p> | <p><b>To ensure up to date vehicle licence conditions are applied to all licensed hackney carriage and private hire vehicles in Powys to promote public safety.</b></p> |

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| <b>Relevant Portfolio Member(s):</b> | <b>Jonathan Wilkinson</b> |
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| <b>Relevant Local Member(s):</b> | <b>N/A</b> |
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