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Cyngor Sir
CEREDIGION
County Council

Neuadd Cyngor Ceredigion, Penmorfa,
Aberaeron, Ceredigion SA46 0PA
ceredigion.gov.uk

21/10/24

Dear Sir / Madam

I write to inform you that a Meeting of the Licensing Committee – Taxis and other matters (non-statutory) will be held HYBRID - NEUADD CYNGOR CEREDIGION, PENMORFA, ABERAERON / REMOTELY VIA VIDEO CONFERENCE on Monday, 28 October 2024 at 9.35 am for the transaction of the following business:

1. **Apologies**
2. **Declaration of Personal and Prejudicial Interest**
3. **Chair Announcements**
4. **To confirm the minutes of the meeting held on 10 September 2024 and to consider any matters arising from the minutes (Pages 3 - 6)**
5. **Public Health (Wales) Act 2017 - Special Procedure Licensing (Pages 7 - 10)**

Members are reminded to sign the Attendance Register

A Translation Services will be provided at this meeting and those present are welcome to speak in Welsh or English at the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read 'L Edwards'.

Miss Lowri Edwards
Corporate Lead Officer: Democratic Services

To: Chairman and Members of Licensing Committee – Taxis and other matters (non-statutory)

The remaining Members of the Council for information only.

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**Minutes of the Meeting of LICENSING COMMITTEE – TAXIS AND OTHER MATTERS
(NON-STATUTORY)
held Hybrid - Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron /
remotely via video conference on Tuesday, 10 September 2024**

PRESENT; Councillor Gwyn James (Chair), Councillors Shelly Childs, Amanda Edwards, Endaf Edwards, Eryl Evans, Keith Evans, Wyn Evans, John Roberts

Also in attendance: Councillor Raymond Evans

Officers in attendance: Mr Alun Williams – Corporate Lead Officer , Policy and Performance, Mrs Carwen Evans – Corporate Manager, Public Protection, Policy and Performance, Mr Gareth Rees – Senior Licensing Officer, Ms Nia Jones, Corporate Manger -Democratic Services, Mrs Dana Jones, Democratic and Standards Officer

(2:40pm- 3:15pm)

1 Apologies

Councillor Ann Bowen Morgan apologised for her inability to attend the meeting.

2 Declaration of personal interest/prejudicial interest

None.

3 To confirm the Minutes of the Meeting of the Licensing Committee held on 21 March 2024 and to consider any matters arising from those Minutes

It was RESOLVED to confirm as a true record the minutes of the meeting of the Committee held on the 21 March 2024.

Matters arsing

None.

4 General Update - Taxis and other matters (Non-Statutory)

Consideration was given to the General Update report which updated Members on the work of the Licensing Team in relation to its other functions that sit under the non-statutory licensing committee. A brief updated was provided on the National Licensing Week 2024 (10-14 June 2024) and Licensing Hearings.

It was AGREED to note the report for information.

5 Review of Hackney Carriage and Private Hire Licensing Policy - Insurance Write Offs (Salvaged Vehicle)

Consideration was given to the Review of Hackney Carriage and Private Hire Licensing Policy - Insurance Write Offs (Salvaged Vehicles). The report had been presented to inform Members of the Committee of the intention to review the current Hackney Carriage and Public Hire vehicle policy, with a view to including, a policy on dealing with requests to licence and re-licence insurance 'write-off' category vehicles.

Following questions from the floor, it was AGREED

- (i) to include a policy on licensing Insurance 'write off' vehicles in the Ceredigion County Council Hackney and Private Hire vehicle policy; and
- (ii) that the Licensing Team conducts an 8-week consultation and then reports back to this Committee

6 **Revision of Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators Policies**

Consideration was given to the report upon the Revision of Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators Policies. The report had been presented to approve a public consultation on the proposed changes to the Hackney Carriage (Taxi) & Private Hire Vehicles, Drivers & Operators Policy.

The subject matters that need consulting upon and proposed revisions include the following:

- A 6 monthly DBS requirement for drivers (DBS to be specifically for the role of a taxi / private hire vehicle driver)
- Basic disclosure requirement for vehicle proprietors.
- Licensee self-reporting requirements,
- Holders of Private Hire Vehicle Operator licences to undertake basic disclosures of staff who have access to booking records or dispatch vehicles.
- Overseas Criminal Record Checks for applicants for Vehicle Licences & private hire vehicle operator's licence.
- Group 2 Medical undertaken by the applicant's own general practitioner (GP) or another GP at the applicant's registered practice that has full access to their medical records. (In exceptional circumstances, and only with prior agreement from the Licensing authority, a medical assessment may be carried out by another registered GP practice as long as the applicant's full medical history has been viewed and assessed by that GP.)
- Group 2 Medical to be required as follows: Upon application, every 5 years between the ages of 45 and 65. Every year when the driver is aged 65 years or over, or anytime as required by the licensing authority or the medical practitioner.
- The medical will be valid for 4 months from the date the examining doctor, optician or optometrist signs it.
- requirements placed on proprietors of Wheel Chair Accessible vehicles to ensure drivers can assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle,

- cross border enforcement, etc.

Following questions from the floor, it was AGREED

(i) to approve the comments in relation to the changes to the council's policy for Hackney carriage / Private hire drivers, Vehicle proprietors and Private Hire Vehicle Operator; and

(ii) that the draft revised Policy go out to public consultation. Any relevant comments or objections to the content would come back to this committee after the consultation period for consideration

Confirmed at the Meeting of the Licencing Committee held on

Chairman: _____

Date: _____

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CEREDIGION COUNTY COUNCIL

Report to:	Licensing Committee (Non-Statutory Committee)
Date of meeting:	28 October 2024
Title:	Public Health (Wales) Act 2017 – Special Procedure Licensing
Purpose of the report:	To seek approval from Members to set an appropriate fee structure and scheme of delegated authority for the Public Health (Wales) Act 2017 in respect of special procedure licensing.

Background

A new licensing scheme for 'Special Procedures' will be introduced by Welsh Government in November 2024 (expected to be 29th November 2024), under Part 4 of the Public Health (Wales) Act 2017.

'Special procedures' are defined in the Public Health (Wales) Act 2017 as acupuncture (including dry needling), body piercing, electrolysis and tattooing (including semi-permanent make-up). These are non-surgical aesthetic or therapeutic procedures involving perforation of an individual's tissue, skin or mucous membrane and insertion of needles, jewellery, objects or permanent/semi-permanent ink or pigments. These procedures are therefore capable of causing harm to human health.

Part 4 of the Act sets out the requirements for a mandatory licensing scheme for practitioners carrying out 'special procedures' in Wales. The intention of the new licensing scheme is to improve and sustain standards of infection prevention and control in the special procedures industry and assure the safety and health of clients and practitioners alike.

Section 76 of Part 4 of the Public Health (Wales) Act 2017 allows local authorities that have issued a Special Procedures Licence or an Approved Premises Certificate to charge a fee. The amount of fee to be charged by a local authority is to be determined having had regard to the costs incurred or expected to be incurred by the authority.

New Licensing Fees

Regulations made under the Act require that fees in relation to special procedures licences be set by the local authority having regard to the costs incurred by the local authority or expected to be incurred by the local authority in connection with dealing with applications under the Regulations.

To ensure a consistent fee structure could be adopted across the whole of Wales, a set of nationally-agreed fees for the special procedure licensing regime has been calculated by the Special Procedures Implementation Group ("SPIG"), a group of lead/specialist environmental health and licensing officers from each of the Welsh local

authorities, and endorsed by Directors of Public Protection Wales (DPPW), a group that represents the 22 local authority regulatory services in Wales.

The licensing fees are based on the principles of cost recovery and can be adjusted where a deficit or surplus is identified which is in accordance with case law.¹

As required by legislation, these fees will collectively be reviewed after one year from implementation and at the end of each subsequent three-year period.

Total fees for practitioners and premises are divided into application fee and compliance fee which is payable once the application has been granted. The application fee covers the cost of processing the application, inspection and issuing documentation. The compliance fee is a reasonable contribution to the running of the licensing scheme, advising licence holders, following up complaints, additional inspections, and ongoing support.

Each local authority is required to approve fees as per the following table.

Table 1. All-Wales Special Procedures Fees (from November 2024 – March 2026)

Licence Type	New	Renewal
Special Procedures Licence - (3yr licence)	£203 (£159 Application / £44 Compliance)	£189 (£148 Application / £41 Compliance)
Approved Premises Certificate - (3yr licence)	£385 (£244 Application / £141 Compliance)	£345 (£204 Application / £141 Compliance)
Other Fees		
1. Special Procedure Licence – Variation (Add Procedure)		£131
2. Special Procedure Licence - Variation (Change of Detail)		£26
3. Special Procedure Licence – Replacement Licence		£13
4. Temporary Special Procedure Licence		£92
5. Approved premises / Vehicle – Variation (Add Procedure)		£189
6. Approved Premises / Vehicle – Variation (Structural Change)		£189
7. Approved Premises / Vehicle – Change of Detail		£26
8. Approved Premises / Vehicle – Replacement Certificate		£13
9. Approved Premises / Vehicle Temporary Approval (Ancillary Event)		£385

¹ R(on the application of Hemmings(t/a Simply Pleasures Ltd) and others) v Westminster City Council [2015].

10. Approved Premises / Vehicle – Approval (Convention / Main Purpose)	£680
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Delegate Authority

In order to deal efficiently with applications and enforcement, it is proposed that the powers listed below be delegated to the Corporate Lead Officer for Policy, Performance and Public Protection and that this officer be deemed authorised for the purposes of Sections 98 to 107 and shall have the power to nominate any supplementary officers as appropriate:

- Section 61(1) - Power to designate an individual performing a special procedure to be licensed.
- Section 65(2) – Power to issue a refusal notice for a special procedure licence
- Section 65(3) - Power to issue a Special Procedures Licence where all the applicable licensing criteria is met.
- Section 66(3&6) – Power to issue a refusal notice for a special procedure licence (in case of a relevant offence)
- Section 67 - Power to renew a Special Procedures Licence where all the applicable licensing criteria is met.
- Section 68 – Power to issue a revocation notice for a special procedure
- Section 70(1) - Power to issue an approval certificate for a premises or vehicle.
- Section 70(1) - Power to renew an approval certificate for a premises or vehicle.
- Section 70(1) - Power to refuse an approval certificate for a premises or vehicle.
- Section 72(4) - Power to take reasonable steps for bringing a voluntary termination notice to the attention of appropriate persons.
- Section 77(2) - Power to issue a stop notice.
- Section 78(1) - Power to issue a remedial action notice in respect of a Special Procedures Licence.
- Section 79(1) - Power to issue a remedial action notice in respect of an Approved Premises Certificate.
- Section 80(2) - Power to issue a completion certificate in respect of a Special Procedure Licence or an Approved Premises Certificate.
- Section 97 - Power to carry out enforcement action and consultation in respect of intimate piercing.
- Schedule 3 Paragraph 15(3) - Power to issue a warning notice

Recommendation(s):

1. That Members consider the content and implications of the report and recommend to Cabinet that the Corporate Lead Officer be authorised under The Public Health (Wales) Act 2017 so that officers within Public Protection can utilise delegated powers to carry out their duties.
2. That Members consider the content of the report and recommend to Cabinet that the proposed fee structure as set out in the table above be approved.

Reason for recommendation:	<ul style="list-style-type: none"> • The Public Health (Wales) Act 2017 will place a statutory duty on local authorities in Wales to administer and enforce the special procedures licensing scheme. • To ensure that the Local Authority can fulfil this statutory obligation efficiently, an appropriate fee structure and scheme of delegated powers is required to be adopted.
Policy Framework:	The statutory functions delivered by Environmental Health and Licensing are a fundamental element of Public Protection policy framework.
Corporate Priorities	<p>Boosting the economy, supporting businesses and enabling employment</p> <p>Also Creating caring and healthier communities</p>
Finance and procurement implications:	Within budget as the fees have been calculated to cover additional costs.
Service Area	Policy, Performance and Public Protection
Statutory Powers:	Public Health (Wales) Act 2017
Background Papers:	None
Corporate Lead Officer:	Alun Williams (Policy, Performance and Public Protection)
Reporting Officer:	Anne-Louise Davies (Trading Standards & Licensing Manager) and Edward Dumbrill (Senior Environmental Health Officer)
Date:	4/9/2024
Appendices	None