

CEREDIGION COUNTY COUNCIL

Report to: Licensing Committee (Non-Statutory Committee)
Date of meeting: 14th July 2022
Title: General Update - Taxis and other matters (Non-Statutory)
Purpose of the report: For information

Taxi Hearings – Fitness to retain Dual Driver Licence (Local Government (Miscellaneous Provisions) Act 1976)

The Hackney Carriage and Private Hire Licensing Overarching Policy aims to protect the safety of the public and to ensure the integrity of drivers. The Licensing Authority is responsible for ensuring that a person is a fit and proper person to hold a licence. In doing so it considers various factors including the following:

- that the person does not pose a threat to the public;
- that the public are safeguarded from dishonest persons;
- the safeguarding of children and young persons;
- the safeguarding of vulnerable persons;
- that the public have confidence in their use of licensed vehicles.

Where applicants/licence holders fail to disclose any previous convictions; cautions; warnings; penalty notices, orders or reprimands on their application form including any pending court proceedings or other matters they may be referred to the Licensing Sub-Committee for determination.

On 14th March 2022, three Licensing Sub-Committee Taxi Hearings were held and details of these cases are contained in **Appendix A**.

- Case #1: The decision of the Sub-Committee Panel was to revoke the licence with immediate effect.
- Case #2: The decision of the Sub-Committee Panel was to revoke the Dual Driver's Licence. However, the driver has appealed this decision and the matter is due to be heard before Aberystwyth Magistrates Court on the 8th August 2022.
- Case #3: Driver was allowed to keep his licence.

Ceredigion Taxi Trade Meeting 07/03/2022

The meeting was held virtually and chaired by Cllr Alun Lloyd-Jones.

Attendees at the meeting included Licensing Team members, Pc Taylor (Dyfed-Powys Police), Nicola Parry (Highways, Property and works) and ten members of the Taxi trade. Matters discussed included:

- Fixing of Hackney fares: Attendees requested that the Hackney fares be increased. Attendees were informed that a report would be prepared and submitted via the democratic process to review the current fares;

- Taxi rank issues including the lack of toilet facilities for drivers after dark, the lack of refuse bins in the area and the etiquette of drivers plying for hire on the taxi rank. Drivers were informed that they must not encourage people to use their vehicles while positioned on the rank.
- The concern relating to vehicles idling outside schools was also brought to attendee's notice, which is a pollution emissions problem, and which is an issue for all vehicles parking up outside the local Aberystwyth schools during picking up times, not just for taxis.
- Other general matters including the impending new taxi policy, taxi CCTV systems, disorder in Aberystwyth town etc.

The attendees were informed that steps are underway to move the taxi application process to a totally online application process. When fully implemented, applicants will be able to upload documents and applications online which will streamline the process and make it more efficient.

Review of Taxi Fares

In response to the request made at the Taxi Trade Meeting to increase the Hackney fares, and due to the current emergency regarding the sharp and sudden increase in the cost of fuel, a report is due to be presented to Cabinet on 5th July 2022 to recommend that the current Hackney fares be reviewed and then consulted on.

Setting taxi fares is an Executive function and there is a prescriptive process to follow that is set out by Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

If a new tariff is introduced, meters in hackney carriages will require re-calibrating should vehicle proprietors wish to operate at the new tariffs, the new tariffs are not mandatory, the licensees will have the ability to continue to offer a lower tariff should they choose. Any revised Tariff would be the maximum amount that could be charged for a journey in a hackney carriage vehicle.

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

This Act will commence on 28 June 2022 and will ensure that disabled persons can access transport services, free from the fear of discriminatory treatment or being faced with additional charges. It will provide specific rights and protections for 13.7 million people across Wales, Scotland, and England so that they can travel with the confidence that they will receive the assistance they require when accessing taxi and private hire vehicle services.

Recommendation(s):

Members receive this report for information.

Reason for recommendation

To advise Members of activity undertaken by the Licensing Section since the last Committee meeting and also advise on current work being undertaken.

Policy Framework:	The statutory functions delivered by the Licensing Team is a fundamental element of Public Protection policy framework.
Corporate Priorities	<ul style="list-style-type: none"> • Investing in People’s Future • Promoting Environmental and Community Resilience
Finance and procurement implications:	Within budget
Service Area	Policy, Performance and Public Protection
Statutory Powers:	Licensing Act 2003, Gambling Act 2005 and any Regulations made under the Acts.
Background Papers	Hackney Carriage and Private Hire Licensing Policy: Fitness Criteria for Drivers and Opertors
Corporate Lead Officer:	Policy, Performance and Public Protection
Reporting Officer:	Anne-Louise Davies (Trading Standards & Licensing Manager)
Date:	13 June 2022
Appendices:	Appendix A – Taxi Hearings held by the Licensing Sub-Committee

Appendix A – Taxi Hearings held by the Licensing Sub-Committee

Case #1	Date of Hearing: 14/03/2022
Members sitting on the Licensing Sub-Committee:	Cllr Alun Lloyd Jones (Chair), Cllr Dan Potter, Cllr Steve Davies
Case Summary: <p>A driver was stopped by police whilst driving a licensed private hire vehicle. The driver gave a reading of 100ug in breath when was stopped by the police, the legal limit being 35ug. The driver was arrested for an offence of driving with excess alcohol, the proportion of alcohol in breath being above the legal limit and was subsequently charged and convicted for the offence. The driver was sentenced and given a community Order, £85 Costs, Disqualification Order for 25 months (to be reduced if course completed), unpaid work requirement, rehabilitation activity requirement and a £95 Victim Surcharge.</p> <p>The driver had been issued with a year dual drivers licence granted by the authority on 6 May 2022, which was due to expire on 5 May 2024.</p> <p>The Licensing Authority was subsequently informed about the disqualification from driving for 25 months and had been ordered to serve a community penalty. The driver had not informed the Licensing Authority of the arrest and subsequent conviction. The driver did not attend the hearing but gave apologies for not attending.</p>	
Reason for Hearing: <p>Our conditions specify that drivers must hold a valid UK drivers licence in order to obtain a dual drivers licence. Section 12.10 of the Authority's Fitness Criteria specifies that an application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matters to be considered resulting in a period of disqualification of 12 months or more, unless a period of at least 24 months has elapsed from the end of the disqualification period.</p> <p>Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) allows the Licensing Authority to suspend, revoke or refuse to renew an drivers licence if the licence holder has been convicted of an offence under or non-compliance with the provisions of Part II of the Act; or grounds of any conduct on the part of the driver which appears to the Council to render them unfit, or due to any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.</p>	
Outcome of Hearing <p>The Panel decided that given the fact that the driver no longer held a driving license that they had to revoke the taxi driving licence with immediate effect.</p>	

The panel felt that taxi drivers have to show care for the people they are carrying, and although the licence holder was driving a private vehicle when the driver was stopped by the police, driving under the influence is a very serious offence which is shown by the fact that the driver has been disqualified from driving for 25 months. The panel cannot allow someone who does not hold a driving license to have a taxi driving licence.

Case #2	Date of Hearing: 14/03/2022
Members sitting on the Licensing Sub-Committee:	Cllr Alun Lloyd Jones (Chair), Cllr Dan Potter, Cllr Steve Davies
Case Summary: A newspaper link was received by the Licensing Authority which was an article about a licensed driver appearing in the Magistrates Court in Aberystwyth in order to determine whether his DVLA licence should be revoked following the accumulation of 14 points. The driver had been caught speeding on four separate occasions between February 2019 and July 2021, in one incident had been driving at 45mph on a 30mph road. The driver's licence was not revoked by the Magistrates Court having claimed an elderly mother and horses would suffer if the driver could not drive.	
Reason for Hearing: Ceredigion County Council's fitness criteria for drivers, proprietors and operators of licensed vehicles states that a driver who has gained more than six penalty points will be referred to the licensing sub-committee to determine whether they remain fit to hold a dual drivers licence with this Authority. A licensed driver must notify the LA within 14 days from the date of any conviction, caution, warning or reprimand, including driving endorsements. In the case of a custodial sentence, the LA must be notified as soon as is reasonably practicable. The Authority was not notified by (driver) of the 2 convictions dated 27/06/21 & 23/07/21. <ul style="list-style-type: none">• 24/02/2019 - Speeding on Public Road – 3 points• 09/03/2019 – Speeding on Motorway – 3 points• 27/06/2021 – Speeding on Public Road – 3 points• 23/07/2021 – Speeding on Public Road – Convicted at Court 12/11/2021 – 5 points	

Section 61 of the LGMPA allows the Licensing Authority to suspend, revoke or refuse to renew an drivers licence if the licence holder has been convicted of an offence under or non-compliance with the provisions of Part II of the Act; or grounds of any conduct on the part of the driver which appears to the Council to render them unfit, or due to any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.

The LA's fitness criteria states that it shall have due regard to all convictions, and where a Magistrate's court has decided not to disqualify a person from driving, the LA shall consider that the disqualification has taken effect.

Outcome of Hearing:

A unanimous decision was made by the panel members to revoke the Dual Driver's Licence.

Following receipt of the decision letter, (driver) contacted this department claiming being unaware of the hearing or that there was a requirement to inform the LA of any convictions. The driver conditions clearly specify the requirement to declare any convictions. (driver) has appealed to Magistrates Court against the LA's decision and it will be heard on the 8th August 2022.

Case #3	Date of Hearing: 14/03/2022
Members sitting on the Licensing Sub-Committee:	Cllr Alun Lloyd Jones (Chair), Cllr Dan Potter, Cllr Steve Davies
Case Summary: (Driver) applied to renew their dual driver's licence. Upon renewal, (driver) did declare having received 7 penalty points in August 2020 for a speeding incident. It is believed that (driver) was given three points for speeding and a further 4 points for failing to attend the magistrate's court for the hearing.	
Reason for Hearing: Ceredigion County Council's fitness criteria for drivers, proprietors and operators of licensed vehicles states that a driver who has gained more than six penalty points will be referred to the licensing sub-committee to determine whether they remain fit to hold a dual drivers licence with this Authority. Section 61 of the LGMPA allows the Licensing Authority to suspend, revoke or refuse to renew an drivers licence if the licence holder has been convicted of an offence under or non-compliance with the provisions of Part II of the Act; or grounds of any conduct	

on the part of the driver which appears to the Council to render them unfit, or due to any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.

Outcome of Hearing:

During the hearing the panel heard that the reason (driver) had received a further 4 points on their licence was because the Court had not registered that (driver) had paid the Penalty notice. The matter was discussed, and it was determined that had (driver) paid on time as stated, then the DVLA licence would not have been endorsed with 7 points and there would have been no reason to bring (driver) before the panel, because there would only be 3 points on the licence.

It was therefore decided that (driver) shall search their financial records to obtain evidence of having paid the penalty for the traffic offence and provide this information to the Court in order for the Court to determine whether the conviction still applies. If the conviction still applies, then the hearing would have been re-arranged.

(Driver) maintained contact with the Licensing Authority in order to update on any progress made.

The Authority later received a copy of the correspondence from (driver) confirming that the Court had withdrawn the offence dated 16/08/2020. The matter is therefore concluded and no further action needed.