



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 21st June 2017 at 9.30am

P R E S E N T

Councillor Elaine Griffin-Singh (Chairman)
Councillor Sue Austen
Councillor Michael Allan
Councillor Mike Bradley
Councillor Paul Cox
Councillor Neil Hitchin
Councillor Julia Huffer
Councillor Chris Morris
Councillor Alan Sharp
Councillor Stuart Smith

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Liz Knox – Environmental Services Manager
Janis Murfet – Democratic Services Officer

4. **APOLOGIES**

Apologies for absence were received from Councillor Carol Sennitt.

5. **DECLARATIONS OF INTEREST**

Councillor Austen queried whether she should declare an interest as she used disabled access vehicles.

The Legal Services Manager advised her that it was not necessary.

6. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meetings held on 17th May and 25th May 2017 be confirmed as a correct record and signed by the Chairman.

7. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman asked Members to note that Councillor Morris no longer served on the Licensing Sub-Committee.

Councillor Huffer had agreed to serve as Chairman of the Sub-Committee and Councillor Sharp would act as Chairman in her absence.

8. **EQUALITY ACT 2010 – WHEELCHAIR ACCESSIBILITY LIST**

The Committee considered a report which sought Member approval that the Council should maintain a list of designated licensed vehicles for the purpose of the Equality Act 2010.

The Senior Licensing Officer introduced his report by reminding Members that the Equality Act 2010 brought together a number of different pieces of legislation regarding discrimination. Some sections came into effect immediately, such as sections 168 and 170, which widened the scope of Section 37 of the Disability Discrimination Act 1995, to make it an offence to refuse to carry all types of assistance dogs at no extra expense. However, sections 165 and 167 only came into effect on 6th April 2017.

Section 167 of the Act allowed licensing authorities to maintain a list of designated licensed vehicles and the driver of a designated vehicle (unless exempted) had to undertake specified duties as required by Section 165, as set out in paragraph 3.2 of the report.

Section 166 allowed licensing authorities to exempt drivers from duties to assist passengers in wheelchairs if they were satisfied that it was appropriate to do so on medical grounds, or because the driver's physical conditions made it unreasonably difficult for him or her to comply. Nothing would take away their statutory rights.

Members noted that although it was not compulsory for local authorities to maintain a list in accordance with section 167, Statutory Guidance recommended it as best practice. Without a maintained list, the requirements of section 165 did not apply and therefore unless other controls were available such as local bylaws or policy conditions, wheelchair users could be disadvantaged.

If Members were minded to approve the recommendation contained within the report, the implementation of a maintained list of designated vehicles would have no impact on the existing trade, providing they were complying with the current policy requirements. However, it would provide greater powers in the event that a driver failed to comply, as the failure would be elevated from a breach of policy to a statutory offence punishable on summary conviction to a level 3 fine (currently £1,000).

The Senior Licensing Officer said he had spoken to the proprietors of the vehicles that would be placed on the list, and they had indicated that they had no issues with the recommendation. Paragraph 4.3 of his report set out the recommended wording to be inserted into the current policy to provide clear instruction to all licence holders and applicants.

It was noted that current taxi policy was due to go out to consultation, but if Members approved the recommendations of the report this would be reflected in the new policy and the finalised wording would appear on the Council's website.

Councillor Austen commended the Senior Licensing Officer for producing 'a really good piece of work', saying that she had a personal insight into the use of wheelchair vehicles.

Councillor Sharp made a comment regarding bigger vehicles taking wheelchairs and the Senior Licensing Officer reiterated that the policy and criminal aspect would only apply to drivers of wheelchair accessible vehicles.

Councillor Bradley believed that with an ageing population and less buses, the requirement for more wheelchair accessible vehicles would be essential. The Senior Licensing Officer agreed, saying that many drivers with County Council contracts were coming to the Licensing Section to talk about wheelchair vehicles and he hoped there would be a general movement towards them.

Councillor Bradley then asked if it would be possible to offer subsidised fees for such vehicles and was informed that this precedent had already been set at other local authorities. Any subsidy introduced for such vehicles would have to be covered by the general fund and would need to be agreed by Full Council.

The Chairman wondered if this legislation would be seen as a barrier and the Senior Licensing Officer said he did not believe so; operators were generally more concerned about losing their licences than any criminal proceedings, and if they continued to comply with the policy as it appears, they would have no impact from this change. The legislation had come into effect in 2011, he had joined the Authority in 2015, and there had been no complaints since he joined the Council.

Councillor Cox asked if there was a clear definition for wheelchair vehicles, as with so many makes and models, he thought it could be a minefield. He was advised that there was no official definition for minimum standards, but the minimum standard Officers will consider to be on the list is, 'can a person enter the vehicle whilst remaining in their wheelchair, and be safely and securely fixed in place for the duration of the journey.'

With regard to the issue of dogs, Councillor Morris asked if there was a list of those that drivers would not take. Members were reminded that most assistance dogs had different coloured handles or jackets to clearly identify them. Unless a driver had a medical exemption, he/she would be required to

carry them. In the case of domestic dogs, it might be considered reasonable to refuse a fare if, for instance, the dog was very wet or muddy.

There being no further comments or questions,

It was resolved unanimously:

- i. To introduce a list of designated licensed vehicles;
- ii. To approve Officers to insert the information contained in paragraph 4.3 of the report into the existing taxi policy to provide guidance on obtaining exemptions from the requirement to comply with sections 165 and/or 168 and/or 170 of the 2010 Act.

9. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan.

The Senior Licensing Officer advised Members that the consultation responses to the Wheelchair Accessibility List, and the review of fees would come to Committee in either November or December. More updates would be brought before Members in September.

The Chairman asked whether there was a timescale regarding the decision on the taxi rank and she was advised that it was unlikely to be by the end of the year.

Members asked to be kept informed of any extra places available on the licensing training scheduled for 14th September 2017.

The Senior Licensing Officer gave the Committee a brief presentation on the new suite of taxi forms which had been developed with the assistance of the IT section. It was hoped to launch the forms in July and would offer people more flexibility as they would be able to access them at any time of the day or night.

The meeting closed at 10.05am