

AGENDA ITEM NO. 3.a

Minutes of a meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 13th April 2011 at 9.00am

P R E S E N T

Councillor Ron Bradney (Chairman)
Councillor Allen Alderson
Councillor Sue Austen
Councillor Tony Cornell
Councillor Lavinia Edwards
Councillor Tony Goodge
Councillor Bill Hunt
Councillor Tony Parramint
Councillor Jackie Petts
Councillor Robert Stevens
Councillor Hazel Williams, MBE
Councillor Andy Wright

I N A T T E N D A N C E

Amanda Apcar – Principal Solicitor
Lin Bagwell – Licensing Officer (Enforcement)
Elizabeth Bailey – Principal Environmental Health Officer
Liz Knox – Head of Environmental Services
Janis Murfet – Democratic Services Officer
(1 member of the public)

64. **APOLOGIES**

No apologies for absence were received.

65. **DECLARATIONS OF INTEREST**

Councillor Hunt made a general declaration of personal interest, being a non-executive director of a garage in London which supplies vehicles to the taxi trade. He reiterated that he did not have any customers in East Cambridgeshire.

66. **MINUTES**

Further to Minute No 59 (Head of Legal & Democratic Service's Response to a Member's Query), the Principal Solicitor said that the Head of Legal & Democratic Services had asked for it to be made clear (regarding advice on what information to include in Taxi Licensing Sub-Committee minutes) that she had looked into the matter where Councillor Wright said that *she* had provided advice. It transpired that

it had been another officer who had given the advice at the October 2010 meeting, and that advice was consistent with what the Committee had previously been told. Whereupon

It was resolved:

That the minutes of the meeting held on 9th March 2011 be confirmed as a correct record and signed by the Chairman.

67. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman said that this was the last meeting that he would chair, and he wished to place on record his thanks to all Members and Officers for their support.

Councillor Hunt reciprocated on behalf of the Committee, adding that he personally was grateful to the Chairman for his guidance and understanding.

(Councillor Williams joined the meeting at 9.04am).

68. **PROPOSAL TO INTRODUCE NATIONAL INSPECTION STANDARDS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

The Committee received a report from which Members were asked to consider the introduction of the publication "National Inspection Standards, A Best Practice Guide", produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group, for the inspection of licensed vehicles.

The Principal Environmental Health Officer introduced her report by reminding Members of the background to the issue. It was noted that a hackney carriage or private hire vehicle was inspected prior to the initial grant of the Licence and then once every 6 months where a vehicle was over 3 years old, or on an annual basis where the vehicle was less than 3 years of age.

The Best Practice Guide set out the procedures and standards for those carrying out inspections of hackney carriages and private hire vehicles as well as covering those points laid down in the "MOT Inspection Manual for Car and Light Commercial Vehicle Testing", issued by VOSA.

Whilst garages are issued with an inspection sheet to complete, Members noted that there was currently no documented inspection criteria issued by the Council that detailed exact standards for individual inspection points, particularly with regard to inspection points relating to matters other than MOT requirements.

The Principal Environmental Health Officer said that the Council currently had 6 approved vehicle examiners. She believed that the document would be a useful tool as it could be used as reference and a training manual for the approved inspectors; it could also be used by Licensing Officers and vehicle owners in the event of a vehicle not meeting criteria. It was recommended that a 12-week consultation exercise take place with the Council's approved garages and hackney carriage/private hire vehicle owners to seek their comments regarding the proposed introduction of the document.

Councillor Wright commented that the Council should not be criticising the garages when they had not been issued with details of the standards required, and he asked why they had not got them. The Principal Environmental Services Officer responded by saying that the garages had the Vehicle Licensing Conditions as contained within the Council's "Blue Book" and they were also given a carbon copy of the compliance sheet as an aide memoir and checklist. Most inspection matters are covered by the MOT standards, but the Best Practice Guide would make things crystal clear and ensure consistency. Councillor Wright said he understood this, but still thought the garages could be informed by letter what the Council required of them.

Referring to paragraph 3.6 of the report, Councillor Parramint expressed concern that, with regard to wear and tear, the mileage on older vehicles could be excessively high. He asked whether other licensing authorities followed the same inspection regime, of annual inspections and 6 month inspections depending on the age of the vehicle, or if East Cambridgeshire was "out on a limb" by itself. He was advised that national guidance and the Department of Transport recommended no maximum age limit as long as a vehicle met the inspection criteria, and most authorities followed this and also inspect at 6 month and annual inspection periods depending on the age of the vehicle.

Councillor Goodge cautioned that care should be taken regarding the wording of conditions for inspection; the Principal Environmental Health Officer reiterated that the Best Practice guide would go out to the trade and garages for consultation.

It was resolved:

- (1) That Members agree to a consultation exercise with the Council's approved garages and private hire and hackney carriage vehicle owners with regard to the proposed introduction of the best practice guide.
- (2) To report back to Committee the results of the consultation exercise with a proposal to adopt the "Hackney Carriage and Private Hire National Inspection Standards, best practice guide".

69. **UPDATE ON STRETCHED LIMOUSINE GUIDANCE AND CONSIDERATION OF THE COUNCIL'S CURRENT LICENCE CONDITIONS**

The Committee received a report which updated Members on the current status of national discussion relating to stretched limousines and also asked them to consider the position regarding the Council's existing licence conditions, with a proposal to consult on a revised set of vehicle licence conditions.

The Principal Environmental Health Officer introduced her report by reminding Members of the Council's current licensing conditions and the relevant legislation relating to stretched limousines. She also drew attention to Appendix 2 of the report which set out the proposed revised conditions for consultation.

She said that having discussed the current conditions with a member of the Vehicle Certification Agency (VCA), it had been confirmed that when a "Quality Vehicle Modifier" or "Cadillac Mastercoach Builder" was issued for a vehicle, whilst it was a valid licensing check, there were higher levels of safety certification that needed to be requested by Licensing Authorities. The VCA suggested that local authorities should require a Voluntary Single Vehicle Approval (SVA) or a Voluntary Individual Approval (IVA). This Approval would look at the safety of the vehicle and the inspection would also ensure that the vehicle conformed with equivalent EU/UK Safety Standards.

Councillor Hunt said that whilst he totally agreed with higher safety levels, he felt it should be a matter of concern for all Members that a United States company should have any part in our legislative process; he believed that the Council should distance itself from standards laid down by a foreign company.

In response to a question from Councillor Alderson, the Principal Environmental Health Officer confirmed that there were no licensed stretch limousines in the District at present. Councillor Parramint asked whether people who plied for trade in East Cambridgeshire still had to comply with our conditions if they were registered elsewhere. The Principal Environmental Health Officer replied that they would have to comply with the conditions laid down by their own Licensing Authority.

Councillor Williams, having been advised of the consultees, thought that the process was wasting officer time because of duplication. She said it would be more sensible if a standard document was to be produced for all Licensing Authorities.

Councillor Stevens asked for clarification of paragraph 3.2 of the report and was informed that vehicles (including stretched limousines) with up to 8 passenger seats, used solely for weddings and/or funerals, were exempt from Private Hire Vehicle Licensing. If, however, they were used for example, for party work, they did need a licence.

It was resolved:

That Members note the content of the report, and

- (a) Agree to a consultation exercise being carried out on a revised set of vehicle licence conditions relating to stretched limousines. The consultation exercise to be carried out with the taxi/private hire trade, licensed drivers and operators, and relevant safety organisations, and
- (b) To recommend a further review of licence conditions, where necessary, as a result of the Traffic Commissioners report and the production of any National Guidance produced by Local Government Regulation (LGR) should there be implications for stretched limousine licence conditions.

70. **APPROVAL OF THE DRAFT ZOO LICENSING POLICY AND PROPOSED ZOO LICENSING FEES**

The Committee received a report from which Members were asked to consider two issues:

- A draft East Cambridgeshire District Council Zoo Licensing Policy and approve it for the purposes of consultation with relevant stakeholders and the general public;
- Consider and approve a proposal for application fees for licensing zoo premises within East Cambridgeshire.

The Licensing Officer introduced her report by reiterating that, under the Zoo Licensing Act 1981, there was no legal requirement for the Council to adopt a policy concerning the regulation of zoo premises in the District. However, it was considered best practice for the Council to do so to encourage consistency and transparency in the way that its licensing functions were carried out.

It was noted that if Members were minded to approve the draft policy, a thorough 12 week consultation exercise would be undertaken with relevant stakeholders and the general public. All consultation responses would need to be considered by the Council's Licensing Committee before the finalised policy was published.

With regard to the proposed fees, the Licensing Officer stated that the Council could charge such reasonable fees as they might determine in respect of applications for the grant and renewal of licences. Fees could not, however, be used as a means of discouraging applications. She drew Members' attention to Appendix 2 of the report which set out the Department for Environment, Food and Rural Affairs (Defra) zoo licensing summary flowchart, illustrating the application procedure for the grant of new and renewal licences. It was suggested that a fee of £500 plus veterinary fees for both new and renewal applications would ensure that the Council covered the cost of considering applications and granting licences, as well as the in-year inspections in line with the information contained in the Defra Zoo Licensing Summary.

It was noted that should a Zoo Licence Application be granted, fees would be reviewed to ensure that they remained at an adequate level for the amount of officer and administrative time involved in the process.

It was resolved:

- (1) That Members approve the draft Zoo Licensing Policy at Appendix 1 to the report for the purpose of consultation with relevant stakeholders and members of the general public.
- (2) That Members agree to public consultation taking place on the draft Zoo Licensing Policy for a minimum of twelve weeks in accordance with best practice recommended by the Government.
- (3) That Members approve that the chosen methods for consultation, in addition to the statutory consultees, should include the display of a copy of the draft Zoo Licensing Policy on the Council's website and public notice board in the Council reception, with copies made available for viewing in the public libraries within the district.

It was further resolved:

TO RECOMMEND TO COUNCIL:

- (4) That Members approve the proposed application fees for licensing of zoo premises within the East Cambridgeshire district to come into force on the adoption of the Zoo Licensing Act 1981 by Full Council on 24 May 2011.

71. **FORWARD AGENDA PLAN**

The Committee reviewed the Licensing Committee forward agenda plan.

It was resolved:

That the Licensing Committee forward agenda plan be noted.

72. **TAXI LICENSING SUB-COMMITTEE MINUTES**

The Committee received the records of the meetings of the Taxi Licensing Sub-Committee held on 16th February 2011.

It was resolved:

That the records of the meetings of the Taxi Licensing Sub-Committee held on 16th February 2011 be received and noted.

73. **EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved:

That the press and public be excluded during the consideration of the remaining Item No. 11 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1 & 7 Part 1 Schedule 12A to the Local Government Act 1972 (as Amended).

74. **TAXI LICENSING SUB-COMMITTEE – EXEMPT MINUTES**

The Committee received the exempt records of the meetings of the Taxi Licensing sub-Committee held on 16th February 2011.

It was resolved;

That the exempt records of the meetings of the Taxi Licensing Sub-Committee held on 16th February 2011 be received and noted.

The meeting closed at 9.55am.