

Minutes of a meeting of the Licensing Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Monday 18th October 2010
at 9.00am

P R E S E N T

Councillor Ron Bradney – Chairman
Councillor Sue Austen
Councillor Tony Cornell
Councillor Lavinia Edwards
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

Lin Bagwell – Licensing Officer (Enforcement)
Elizabeth Bailey – Principal Environmental Health Officer
(Commercial)
Maggie Camp – Senior Legal Assistant
Stephen Carrington – Licensing Officer (Enforcement)
Liz Knox – Head of Environmental Services
Janis Murfet – Democratic Services Officer
Jeanette Thompson – Head of Legal &
Democratic Services

A P O L O G I E S

Councillor Allen Alderson
Councillor Michael Allan
Councillor Tony Goodge

29. **DECLARATIONS OF INTEREST**

Councillor Parramint declared a personal interest in Agenda Item No .5 (Deferred Decision – Single Colour 9 August 2010 and Recommendations on How to Proceed), having previously been involved in radio interviews.

Councillor Austen declared a personal interest in Agenda Item No. 5, having previously participated in a radio interview, and being a taxi user.

30. **MINUTES**

It was resolved:

That the minutes of the meeting held on 20th September 2010 be confirmed as a correct record and signed by the Chairman.

31. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that he had been handed a letter from A10 Taxis in which it was requested that changes be considered in respect of applications for Hackney Carriage licences. This matter was not included in the agenda, therefore the letter would be passed to the Licensing Team.

32. **DEFERRED DECISION – SINGLE COLOUR, 9 AUGUST 2010, AND HOW TO PROCEED**

The Committee received a report from which Members were asked to consider the advice provided by the Council's Legal Department in light of the letter received from the National Private Hire Association (NPHA) with regards to the introduction of a single colour and/or silver for Hackney Carriage vehicles within the District of East Cambridgeshire.

The Principal Environmental Health Officer (Commercial) introduced her report by reminding the Committee of the background to the issue. In December 2009, the Licensing Committee had resolved that there should be a single colour for Hackney Carriage vehicles, to be introduced when current vehicles were replaced, and that there would be consultation with the taxi trade only regarding this matter within 12 months. Vehicle proprietors were invited to attend a consultation Working Party in July 2010 to discuss the proposals and it was duly suggested and agreed by the trade that the colour silver should be introduced for Hackney Carriages.

The Council received a letter (dated 5th August 2010) from the National Private Hire Association (NPHA) challenging the introduction of a single colour of silver for Hackney Carriage Vehicles. As a result of this, the Licensing Committee of 9th August 2010 decided to defer making a decision on the introduction of the measure, to enable legal advice to be obtained in respect of the proposed Committee report, and the purported challenge to the imposition of a single colour by the NPHA. Members also asked for clarification on the definition of livery and advertisements.

The Principal Environmental Health Officer continued, saying that the advice received from the Council's Legal Department had recommended rescinding the previous decision on single colour. If Members were still minded to proceed with further consideration of a

single colour, it had to be on the basis of the DFE guidance on the role of licensing and accord with the requirements of Section 47, Local Government (Miscellaneous Provisions) Act 1976. She reiterated that consultation would have to be a wider and more extensive exercise and include all of the taxi trade and other organisations or groups likely to be the trade's customers. It was also recommended that consultation be for a minimum period of 12 weeks, and could be achieved through a paper-based exercise.

It was noted that with regard to livery, the definition *could* include colour and a condition defining the ECDC taxi livery could be provided in the Blue Book either including or excluding colour, depending on what Members decided. In relation to advertisements, the definition in Condition 4.1 on page 41 of the Blue Book indicated that it referred to third party advertising only.

Councillor Wright felt enough was enough because this issue had been going on for 2 years. He said that if the Committee was minded to agree recommendation 2.1(a), this would only come back to what the Working Party had recommended. He then proposed that the resolution of 9th December 2009, in relation to Vehicle Colour Standards be rescinded, with no further action at this time on single colour. The motion was seconded by Councillor Williams.

During the course of discussion the following comments were made. Councillor Stevens felt the Council would achieve nothing by imposing any colour and further action would be a waste of time. Councillor Hunt supported this view, adding that if the Council did not go down the route of imposing a colour, then it should have a corporate livery so that vehicles would be clearly recognisable. Councillor Parramint said he appreciated the current economic climate, but the Council had a duty of care to protect the travelling public and Members should never lose sight of this.

In seconding the motion, Councillor Williams said that there were already measures in place to make taxis identifiable. She made the point that Ely was the only place in the District to have a taxi rank and she had never heard of anyone having problems identifying a taxi.

Councillor Austen enquired about the cost of pursuing the second option and was informed that costs would be incurred in respect of postage and officer time. Should the second option approach be adopted, there would also be a press release and details displayed on the ECDC website.

Councillor Parramint reiterated his earlier comments saying that Members should consider the position of the Enforcement Officers; they needed enough jurisdiction to be able to perform their duties. Councillor Williams responded by saying that she did not understand Councillor Parramint's logic as there was already a whole raft of other

measures in place and she did not believe that imposing a single colour would make any difference. Only the resolution regarding colour should be rescinded, nothing else.

At the invitation of the Chairman, Mr Skipper, proprietor of A10 Taxis, addressed the Committee. Referring to Councillor Parramint's comments about public safety, he stressed that the taxi trade also had this responsibility, and would be answerable to the Council. Rather than just concentrating on reinforcing the position of the Enforcement Officers, he believed that Members should also discuss penalties for those who transgressed.

It was resolved:

That the resolution of the 9th December 2009, in relation to Vehicle Colour Standards, be rescinded with no further action at this time on single colour.

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

The Committee received the record of the meeting of the Taxi Licensing Sub-Committee held on 9th August 2010.

It was resolved:

That the record of the meeting of the Taxi Licensing Sub-Committee held on 9th August 2010 be received and noted.

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

it was resolved:

That the press and public be excluded during the consideration of the remaining Item No. 8 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).

35. **TAXI LICENSING SUB-COMMITTEE EXEMPT MINUTES**

The Committee received the exempt record of the meeting of the Taxi Licensing Sub-Committee held on 9th August 2010.

It was resolved:

That the exempt record of the meeting of the Taxi Licensing Sub-Committee held on 9th August 2010 be received and noted.

The Senior Legal Assistant provided Members with an update on this particular case.

The meeting closed at 9.31am.