

Minutes of a meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday 19 October 2011 at 9.30am

P R E S E N T

Councillor Michael Allan (Vice Chairman)
Councillor Sue Austen
Councillor Lavinia Edwards
Councillor Tony Goodge (Chairman)
Councillor Lindsey Harris
Councillor Bill Hunt
Councillor Tom Kerby
Councillor Charles Roberts
Councillor John Palmer
Councillor Sue Willows
Councillor Andy Wright

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

Elizabeth Bailey – Principal Environmental Health Officer
Liz Knox – Head of Environmental Services
Melanie Sage – Democratic Services Officer
Jeanette Thompson – Head of Legal and Democratic Services

2 members of the public attended the meeting.

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Alderson and Allen.

33. DECLARATIONS OF INTEREST

Cllr Hunt declared an interest, as previously minuted, on any taxi related discussion, as he was a non-executive director of a garage group that supplied vehicles to the taxi trade, although he noted that there were no customers within East Cambridgeshire.

Cllrs Wright and Austen declared personal interests as they both used taxis. Cllr Allan enquired whether such a declaration was required. The Head of Legal and Democratic Services advised Members that such a general declaration for the use of taxis was not required.

34. **MINUTES**

Cllr Wright referred to minute no. 24 – Specification for ‘Council Approved’ Hackney Carriage Roof Signs and the question that was presented to Council on 11 October 2011 by Cllr Allen on the size of the roof signage. Cllr Wright stated that the response received to the question at Council had provided more information than had been provided to the Licensing Committee. Therefore if the decision of the Licensing Committee had been based on the information provided in the response to the question at Council, for the sake of completeness, Cllr Wright requested that the response be attached to the minutes of the Licensing Committee.

The Head of Legal and Democratic Services explained that a Committee could not retrospectively amend or attach additional information to minutes that had already been agreed as an accurate record. Minutes are presented to a Committee for approval to ensure that the minutes accurately reflect the proceedings of the meeting and if Members are not satisfied with the accurately they should express this at the time the minutes are presented for approval. The Head of Legal and Democratic Services further explained that the Licensing Committee had been presented with detailed reports on roof signage at the Licensing Committee meetings in June and September 2011.

In response to a question from Cllr Wright, the Head of Legal and Democratic Services confirmed that the question and response that was presented to Council on 11 October 2011 would be included in the minutes of Council.

Cllr Wright requested that officers ensure that in the future all information is presented to the Licensing Committee prior to any decision.

It was resolved:

That the Minutes of the Licensing Committee meeting held on 14 September 2011 be confirmed as a correct record and signed by the Chairman.

35. **CHAIRMAN’S ANNOUNCEMENTS**

The Chairman made the following announcements:

Specification for Council Approved Standard Roof Sign for Hackney Carriage Vehicles in East Cambridgeshire District Council

A Hackney Carriage vehicle shall carry the Council approved roof sign in a central position on the front half of the Hackney Carriage roof and shall be illuminated when available for hire.

The roof sign will carry the single word 'TAXI' in black capital letters (font size 65mm high and font style Helvetica bold), which will be visible at the front and rear of the roof sign.

No other lettering, numbers or symbols are to be allowed on the roof sign, except for the Council Crest. The Council Crest is to be 'Pantone Process Blue' in colour with the wording 'East Cambridgeshire District Council' in black capital letters underneath. The Council Crest and wording is to be positioned on both ends of the Council approved roof sign.

The Council approved roof sign is to be white on the outside surfaces of the roof sign. The rear side of the roof sign is to become red when illuminated.

The Council approved sign dimensions are to be length 18 inches, width 6 inches and height 4.5 inches.

The shape and style of the Council approved roof sign is commonly referred to as the 'Standard'.

Light bulbs used in the Council approved roof signs are to be LED.

A list of suppliers of the Council approved roof sign is available from the Council.

Hackney Carriage vehicles with in built roof signs (for example, London style Cabs) are exempt from the need to display a Council approved roof sign.

This standard will apply to all licensed Hackney Carriage vehicles from 1 January 2012.

With the Chairman's permission, Cllr Hunt enquired of the number of suggested suppliers of the Council approved roof sign that the Council could currently provide to proprietors. The Principal Environmental Health Officer explained that there were currently two suggested suppliers. However, the list was an evolving document and if the trade suggested other suppliers that could meet the required specification, that they would also be added to the suggested suppliers list.

Pavement Permits

The Principal Environmental Health Officer, Liz Bailey, and the Chairman attended a meeting on Monday with the City of Ely Council and Cambridgeshire County Council Highways on the joint working arrangements for Pavement Permits in Ely.

A memorandum of understanding is currently being redrafted whereby it is proposed that Cambridgeshire County Council will be the responsible authority for the granting of Pavements Permits having consulted with City of Ely Council and East Cambridgeshire District Council.

It is proposed to map possible pavement areas and consult with relevant parties. The City of Ely Council have agreed to monitor traders with permits and report to Cambridgeshire County Council, who will decide on further action, legal or otherwise.

36. **ADOPTION OF NATIONAL INSPECTION STANDARDS FOR TESTING OF PRIVATE HIRE AND HACKNEY CARRIAGES**

The Principal Environmental Health Officer presented a report, (L155), previously circulated, to enable the Licensing Committee to formally adopt the National Inspection Standards for the vehicle testing of Hackney Carriage and Private Hire vehicles within the district.

At the Licensing Committee Meeting on 13 April 2011 Members agreed that a 12 week consultation exercise should be conducted regarding the proposal to introduce the National Inspection standards for Hackney Carriage and Private Hire vehicles, as attached as Appendix 1 of the officer's report.

The consultation exercise was carried out with the six Council approved garages, the taxi trade and also with the public via the Council's website, as well as advertised on the public notice board in the Council's reception. However, no consultation responses were received.

The purpose of the National Inspection document is for Local Authorities, and therefore inspecting garages, to adopt the document as best practice and to refer to it when vehicles are inspected for consistency and clarity of pass and fail points.

The national inspection standards set down inspection and testing criteria for approved garages, vehicle owners, and enforcement officers to refer to. By adopting the national inspection standards, it provides an open and transparent system for the inspection and testing of vehicles, whilst helping to ensure consistency between vehicle examiners within the six approved Council garages.

Cllr Wright enquired whether all six Council approved garages were located within the district. The Principal Environmental Health Officer explained that one of the garages was located outside the district but was required as it had a long ramp.

Prior to granting a vehicle licence, Hackney Carriage Vehicles and Private Hire vehicles must undergo a vehicle inspection test to ensure that the vehicle is safe to carry fare paying passengers and that

the vehicle also meets Council vehicle licence conditions. Cllr Wright enquired whether vehicle owners would have to pay a higher fee for vehicle testing if the National Inspection Standards for vehicle testing were adopted. The Principal Environmental Health Officer stated the inspection fees would not increase and further added that adoption of the document was considered to be best practice and would provide clarity when a vehicle was inspected, of pass and fail points.

It was resolved:

That the Licensing Committee agree to the adoption of the current, and any subsequent revision, of the National Inspection Standards for Hackney Carriage and Private Hire Vehicle testing as attached as Appendix 1 of the officer's report.

37. **ADOPTION OF STRETCHED LIMOUSINE LICENCE CONDITIONS**

The Principal Environmental Health Officer presented a report, (L156), previously circulated, for the Licensing Committee to adopt the proposed stretched limousine licence conditions for licensed Private Hire Stretched Limousines within the district.

The Council currently has vehicle licence conditions in place for stretched limousines. However, these are limited and require review. Therefore the Licensing Committee at its meeting on 13 April 2011 agreed for a consultation exercise to be carried out regarding revised stretched limousine licence conditions. A twelve week consultation exercise was carried out and two responses were received from the Association of Stretched Limousines and Cambridgeshire Police, as appended at Appendix 3 of the officer's report.

To ensure soundness of the proposed conditions, further clarification and advice was sought from Vehicle Operators Service Agency (VOSA), who suggested some additional wording to further clarify points within the proposed conditions, as detailed in Appendix 4 of the officer's report.

The Principal Environmental Health Officer explained that the majority of stretched limousines are imported into the United Kingdom and it is extremely important that the vehicle is safe for fare paying passengers.

It was noted that the proposed licence conditions for stretched limousines follow best practice laid down within the Hackney Carriage and Private Hire Vehicle National Inspection Standards document, in addition to suggested licence conditions deemed to be good practice by the Local Government Regulation (LGR) (formerly the Local Authorities Coordinators of Regulatory Services (LACORS)) on the LGR technical website.

The Principal Environmental Health Officer stated that currently there were no licensed stretched limousine vehicles within the district; therefore the introduction of such conditions was not prohibitive to any existing licensee, although the Principal Environmental Health Officer expected that it would not be long before the Council received an application to licence a stretched limousine.

Cllr Hunt stated that the proposed stretched limousine licence conditions were over prescriptive, ill thought out and did not consider any comments that Members had made on the matter at previous meetings. Referring to the proposed stretched limousine licence conditions: Cllr Hunt did not agree that the all vehicles should be less than 10 years old when registered in the United Kingdom or when first used in the Country of origin if the vehicle was safe. Cllr Hunt did not think that it was necessary for the proposed conditions to define tyre size. Referring to the proposed condition that stated that no intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply, Cllr Hunt highlighted that the majority of people that use a limousine do so for a celebration and consume alcohol whilst in the limousine. Referring to the proposed condition that referred to specific manufacturers: Cllr Hunt did not agree that it was appropriate for the manufacturers to dictate the conditions.

Cllr Hunt stated that it was unrealistic and unenforceable for operators to verify the age of passengers to ensure that passengers under 16 years of age did not travel on side facing seats. Cllr Hunt expressed that if a limousine did limited mileage that it would not be necessary for a stretched limousine vehicle to be subject to twice yearly mechanical examinations. Cllr Hunt agreed that it was likely that the Council would receive an application to licence a stretched limousine in the near future. However, he stated that the proposed stretched limousine licence conditions were unsatisfactory and officers needed to give further consideration to the matter.

Cllr Wright supported the comments made by Cllr Hunt and noted that if the same condition applied so that school buses or aircraft had to be less than 10 years old, a number of current school buses would be taken off the road and aircraft grounded. Cllr Wright stated that it was important to consider the condition of the vehicle, not the age of a vehicle, and provided an example of a reconditioned vehicle. Referring to the proposed condition that there shall be no passengers carried in the front compartment, Cllr Wright stated that some people preferred to travel in the front of a vehicle, particularly as the main section of a limousine can feel claustrophobic and there are not many forward facing seats in a limousine.

Cllr Wright assumed that the proposed stretched limousine licence condition that no intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply, referred to the sale of alcohol and that passengers

could bring their own alcohol into the limousine and therefore this condition required further clarity.

Cllr Wright stated that most 15/16 year olds were like adults and could not understand why a condition was necessary forbidding children under 16 years of age to be carried in side facing seats. Referring to the proposed condition that specified the type of tyre that should be used Cllr Wright was concerned that the specified tyres may not fit all stretched limousines. Cllr Wright also stated that the proposed stretched limousine licence conditions required more consideration and Member input as well as taking account of the comments made by Members at the meeting.

Cllr Allan agreed with the comments made by Cllrs Hunt and Wright and echoed the comments made regarding the proposed stretched limousine licence condition that all vehicles must be less than 10 years old when registered in the United Kingdom or when first used in the Country of origin. Referring to the stretched limousine licence condition that the interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the Council, Cllr Allan stated that this required further clarification as to what constituted 'clean and proper manner'. Cllr Allan also agreed with the points that had already been raised regarding children under 16 years of age. Cllr Allan stated that the proposed stretched limousine licence conditions required further consideration and must be succinct.

In response to the comments made by Members, the Principal Environmental Health Officer explained that a proposed condition relating to the age of stretched limousines was suggested as many stretched limousines were imported into the United Kingdom. As stretched limousines were long, heavy and modified vehicles it was extremely important that they were safe and could carry a number of passengers.

The Principal Environmental Health Officer confirmed that the proposed condition relating to intoxicating liquor was as a reminder that an operator could not sell alcohol to passengers unless the operator held an appropriate premises licence.

The Principal Environmental Health Officer explained that many of the proposed conditions were common licence conditions replicated by other authorities throughout the country and followed best practice laid down within the Hackney Carriage and Private Hire Vehicle National Inspection Standards document, in addition to suggested licence conditions deemed to be good practice by LGR. The age restriction for passengers in side facing seats is best practice as detailed in the National Vehicle Inspection Standards document. The Principal Environmental Health Officer also noted that VOSA had also been consulted and offered input with regard to the proposed licence conditions.

To conclude the Member debate the Chairman surmised that the Licensing Committee agreed with the intention of the document.

Cllr Hunt stated that to adopt conditions on the basis that other authorities used those conditions was not satisfactory. Cllr Hunt referred to Appendix 3 of the officer's report that detailed the consultation responses received and stated that officers did not appear to have taken account of these. Cllr Hunt agreed that the outline of proposed conditions was reasonable, but that he was unhappy with the finer details. Cllr Hunt agreed that safety was the main concern when devising the conditions.

Cllr Hunt therefore proposed that the Licensing Committee rejects the proposed Stretched Limousine licence conditions. However, agrees that the document forms a good basis and instructs officers to present revised Stretched Limousine licence conditions to a future meeting of the Licensing Committee for reconsideration following Member consultation.

Referring to Appendix 3, page 7, of the officer's report that detailed the consultation responses received, Cllr Allan enquired if 'weather' was a typographical error or whether there were separate licences for summer and winter. The Principal Environmental Health Officer confirmed that it was a typographical error, which had not been amended, as it was an actual consultee response.

Cllr Wright stated that the conditions required clarification so that it was clear that passengers were able to take their own alcohol in a limousine and that weddings and funerals were exempt from private hire vehicle condition requirements.

It was resolved:

That the Licensing Committee rejects the proposed Stretched Limousine licence conditions. However, agrees that the document forms a good basis and instructs officers to present revised Stretched Limousine licence conditions to a future meeting of the Licensing Committee for reconsideration following Member consultation.

38. **FORWARD AGENDA PLAN**

The Committee received and considered the Licensing Committee forward agenda plan.

In response to a question by Cllr Austen, the Principal Environmental Health Officer explained that Revised Home Boarding of

Dogs Licence Conditions was on the forward agenda plan for the Committee to agree the revised conditions for the home boarding of dogs, following consultation.

It was resolved:

That the Licensing Committee forward agenda plan be noted.

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

The Licensing Committee received the minutes of the Taxi Licensing Sub-Committee meetings held on 14 September 2011.

Referring to the fictitious names listed on the agenda front sheet, Cllr Allan stated that in the past the name of the applicant/licence holder had always been listed. The Head of Legal and Democratic Services stated that to her knowledge fictitious names had always been used.

Cllr Allan stated that at the Taxi Licensing Sub-Committee meetings held on 14 September 2011, the Committee had issued a licence and had revoked a licence and therefore the names of these drivers should be published. The Head of Legal and Democratic Services explained that it had always been standard practice for the Taxi Licensing Sub-Committee meetings to be conducted in exempt session and that if Members now wished to conduct these meetings in open session a report would be required to a future Licensing Committee meeting for its consideration.

Cllr Wright noted that if a driver appealed a decision of the Taxi Licensing Sub-Committee to the Magistrates Court the drivers name was no longer confidential. The Head of Legal and Democratic Services agreed. However, noted that it was the decision of the applicant/licence holder that their name no longer remained confidential, as this was part of the Magistrates Court appeal process, not as a result of a Council decision. The Head of Legal and Democratic Services explained that adequate notice to taxi drivers/operators would need to be issued if the procedure for conducting Taxi Licensing Sub-Committee meetings was amended.

Cllr Roberts suggested that Cllr Allan was not questioning whether or not the Taxi Licensing Sub-Committee meetings should be conducted in exempt or open session, but the system used for naming the applicant/licence as featured on the agenda front sheet. Cllr Roberts stated that using the format of 'Mr Charlie', 'Mr Delta' seemed ridiculous.

The Chairman enquired of the format that Members would prefer and in response 'Driver 1' 'Driver 2' was suggested. The Head of Legal and Democratic Services explained that officers would give this further consideration.

It was resolved:

That the minutes of the Taxi Licensing Sub-Committee meetings held on 14 September 2011 be received and noted.

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

It was resolved:

That the press and public be excluded during the consideration of the remaining item because it was 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 this item there would be disclosure to them of exempt information of Category 1, 2 and 7, Part 1 Schedule 12A to the Local Government Act 1972 (as amended).

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

Cllr Wright informed the Committee that when the two members of the public were leaving the Council Chamber for the meeting to resume in exempt session they had suggested that using the format of 'Driver 1' 'Driver 2' to list the applicant/licence holder would not be appropriate as Hackney Carriage and Private Hire Licences were numerical.

The Licensing Committee received the exempt minutes of the Taxi Licensing Sub-Committee meetings held on 14 September 2011.

It was resolved:

That the exempt minutes of the Taxi Licensing Sub-Committee meetings held on 14 September 2011 be received and noted.

The meeting concluded at 10.16am.