



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Nutholt Lane, Ely on Wednesday, 19th November 2014 at 9.31am.

PRESENT

Councillor Michael Allan (Chairman)
Councillor Sue Austen
Councillor Tony Cornell
Councillor Colin Fordham
Councillor Lindsey Harris
Councillor Chris Morris
Councillor Tony Parramint
Councillor Sue Willows
Councillor Andy Wright

OFFICERS

Amanda Apcar – Principal Solicitor
Lin Bagwell – Licensing Officer (Enforcement)
Liz Knox – Environmental Services Manager
Janis Murfet – Democratic Services Officer

11. **APOLOGIES**

Apologies were received from Councillors Allen Alderson and Christine Ambrose Smith.

12. **DECLARATIONS OF INTEREST**

The following Members declared a personal interest: Councillors Allan, Morris, Cornell, Parramint and Willows, each being a member of the South East Cambridgeshire Conservative Association (SECCA), which had sub-let a part of Walsingham Chambers in Ely to A10 Taxi's.

Councillor Morris also declared that he was the Treasurer for SECCA.

13. **MINUTES**

Further to Minute No.10 (Forward Agenda Plan), Councillor Parramint asked whether the Chairman was able to update Members on the position regarding the future of the Licensing Service. The Chairman confirmed that he had spoken to the Chief Executive about this matter and said he would cover this under Chairman's Announcements. Whereupon,

It was resolved:

That the Minutes of the Licensing Committee meeting held on 13th June 2014 be confirmed as a correct record and signed by the Chairman.

(Councillors Sue Austen and Lindsey Harris joined the meeting at 9.33am)

14. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman wished Members to know that it had been very difficult to set a Forward Agenda for the Licensing Committee, as it was not yet known what was to happen to the Licensing Section. Discussions were being held with the Kings Lynn & West Norfolk and West Suffolk Councils regarding shared services. It was hoped that an outcome would be known by the end of the year.

Councillor Parramint wished it to be placed on record that he found it amazing that the Council was taking so long to make a decision. He felt sure that the Licensing Officers must be going through sheer hell during the wait.

15. **DETERMINATION OF PROPOSED AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND VEHICLE CONDITIONS**

The Committee considered a report, (P129) previously circulated, from which Members were asked to determine the proposed amendments to the Council's Taxi & Private Hire Guide regarding joint Hackney Carriage & Private Hire driver licence condition 19 (medical evidence), and Private Hire vehicle licence condition 2.6, and Hackney Carriage vehicle licence condition 3.1 (Council Approved Stickers) following the 12 week consultation approved at the Council's Licensing Committee on 13th November 2013.

In summarising the key points of her report, the Licensing Officer reminded Members of the background to the proposed amendments.

She drew attention to paragraph 4.4 on page 6 of her report saying that the wording "*This new condition applies to all ... and issued for the first time during 2013*" was now superfluous, and if Members were so minded, it could be deleted.

At the meeting of the Licensing Committee on 13th November 2013, Members had determined that the draft conditions should be circulated to the whole of the taxi trade, to local GPs and the local Clinical Commissioning Group and that a request be made to local GPs to reconsider their charging levels for DVLA Group 2 medical examinations.

With regard to the Joint Hackney Carriage & Private Hire driver condition 19 (medical evidence), on 8th January 2014 a consultation letter was sent to all licensed Hackney Carriage & Private Hire drivers, operators and proprietors requesting their comments in writing or by email regarding the proposed amendments to the Council licence conditions by 11th April 2014.

On 8th January 2014, all GP surgeries in the District and the local Clinical Commissioning Group were asked to comment on the following matters:

- If they considered it possible for an independent medical practitioner to carry out a DVLA Group 2 medical examination without the individual's full medical notes being made available; and
- If their medical practice would consider lowering fees for DVLA Group 2 medical examinations and making examination appointments more frequently available to address the needs of licensed drivers.

The responses from the taxi trade were set out in Appendices 4, 5 and 6 to the report, and those from the medical profession in Appendices 7, 8 and 9.

It was noted that Dr Green, Senior Partner at St George's Medical Centre, supported the proposal for DVLA medical examinations to be conducted by a driver/applicant's own GP who would be in possession of the individual's complete medical history. He raised concerns regarding the sharing of medical information and the administration costs involved. He also raised concerns about an independent medical practitioner carrying out a satisfactory medical assessment without an individual's full medical notes being made available.

Dr Green advised that the DVLA Group 2 medical fees charged were in line with other examinations and Dr McCormack, St Mary's Surgery, did not think that it would be possible to lower them.

In connection with the sharing of medical information, Ms Everitt, Burwell Surgery Practice, advised that Burwell Surgery could share medical information, but only if the alternative medical practitioner used the same computer programme. However, there was a risk that records on the medical system could not be considered complete without access to the paper record as well. In relying purely on the patient to provide their medical history, it was possible that vital information might not be disclosed.

Members noted that no representations were received during the consultation period in support of a DVLA Group 2 medical examination "being carried out by a registered medical practitioner from the Council approved list".

Turning next to the matter of "Council approved stickers", the Licensing Officer reminded Members that at the meeting of the Licensing Committee on 13th November 2013, Members had determined that the draft conditions 2.6 and 3.1 should be circulated to the whole of the taxi trade. On 8th January 2014 a consultation letter was sent out to all licensed Hackney Carriage & Private Hire Drivers, operators and proprietors asking for their comments in writing or by email regarding the proposed amendments to the Council's licence conditions by 11th April 2014.

The responses from the taxi trade were set out in Appendices 4, 5 and 6 to the report.

Mr and Mrs Goodson, JR Cars, advised that they did not agree with taxis using magnets to display Council stickers.

Mr Skipper, A10 Taxis, stated he was in agreement with the wording of the proposed amendments to Council licensing conditions 2.6 and 3.1.

Mr Clifford Smith, Joint Hackney Carriage & Private Hire Driver, responded to say that he accepted that a magnet was not a sticker and he therefore agreed with the proposed amendments to the conditions.

It was noted that no representations were received during the consultation period in support of the use of magnets to display the Council's approved stickers on licensed Hackney Carriage and Private Hire vehicles.

The Licensing Officer reminded Members they had a duty to ensure that a safe and secure taxi service was available to the travelling public. The overriding consideration for Members when making their decision regarding the proposed amendments was the safety, well being and protection of the travelling public.

The Environmental Services Manager interjected to ask Members to consider whether they wished to delete or retain the now superfluous wording in paragraph 4.4 of the report.

During the course of discussion, Councillor Wright said he did not disagree with the proposals, but he felt that a further recommendation approving the amended conditions should be added in the interests of clarity. This was supported by the Committee and Members also agreed to retain the "superfluous" wording in the last two sentences of paragraph 4.4.

It was resolved:

1. That Members agree a change to the wording of the original proposed amendments to Joint Hackney Carriage & Private Hire driver licence condition 19, "medical evidence" having regard to consultees' responses received during the 12 week consultation period;
2. That Members agree to the proposed amendments with no further changes required to Private Hire vehicle licence condition 2.6 and Hackney Carriage vehicle licence condition 3.1 "Council approved stickers" having regard to consultees' responses received during the 12 week consultation period;
3. That Members agree the wording for both conditions as set out in paragraphs 4.3 and 4.4 of this report.

16. **FORWARD AGENDA PLAN**

The Committee considered the Forward Agenda Plan, and noted that the meeting scheduled for 10th December had been cancelled due to lack of business.

It was resolved:

That the Forward Agenda Plan be noted.

17. **LICENSING SUB-COMMITTEE - MINUTES**

The Committee received the Minutes of the meetings of the Licensing Sub-Committee held on 13th June, 28th August and 10th September 2014.

It was resolved:

That the Minutes of the meetings of the Licensing Sub-Committee held on 13th June, 28th August and 10th September 2014 be received and noted.

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

The Committee received the Minutes of the meetings of the Taxi Licensing Sub-Committee held on 28th August and 23rd September 2014.

It was resolved:

That the Minutes of the meetings of the Taxi Licensing Sub-Committee held on 28th August and 23rd September 2014 be received and noted.

19. **EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS**

It was resolved:

That the press and public be excluded during the consideration of the remaining item no. 10 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, 2 and 7 Part I Schedule 12A to the Local Government Act 1972 (as Amended).

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

The Committee received the Exempt Minutes of the meetings of the Taxi Licensing Sub-Committee held on 28th August and 23rd September 2014.

It was resolved:

That the Exempt Minutes of the meetings of the Taxi Licensing Sub-Committee held on 28th August and 23rd September 2014 be received and noted.

The meeting closed at 9.53am

Chairman:

Date: 21st January 2015