

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 15 JUNE 2016

Present: Councillor N Smith (Chairman)

Councillors G A Allman, J Clarke, N Clarke, J Cotterill, T Eynon, F Fenning (Substitute for Councillor D Everitt), G Houlton, G Jones, P Purver, V Richichi, S Sheahan and M Specht

Officers: Mr S Eyre, Mrs A Lowe, Mr L Mansfield and Mrs R Wallace

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Ashman, D Everitt, J Houlton, A C Saffell and M B Wyatt.

10. DECLARATIONS OF INTEREST

There were no declarations of interests.

11. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 24 February 2016.

It was moved by Councillor M Specht, seconded by Councillor S Sheahan and

RESOLVED THAT:

The minutes of the meeting held on 24 February 2016 be approved and signed by the Chairman as a correct record.

12. DUAL TAXI DRIVER LICENCE (HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER)

The Environmental Health Team Manager presented the report to members.

Councillor T Eynon spoke in support of the dual taxi driver licence. She asked about the purpose of having to have at least two months remaining on an existing licence to be able to apply for a dual licence. The Environmental Health Team Manager explained that he wanted to give existing drivers a choice, which was the reason for allowing a licence to be transferred part way through an existing term. The two month cut off point was necessary so that officers could manage the process and initially it would be difficult to know the number of drivers that would want to transfer their licence. To cover costs, drivers would need to pay an administrative fee to transfer their existing licence but not if expired.

Councillor F Fenning expressed concerns regarding the possible increase in the use of taxi ranks due to the introduction of the dual taxi licence. The Licensing Team Leader did not envisage much of an impact on the taxi ranks as it was only hackney carriages that could use them.

In response to a question from Councillor P Purver, the Licensing Team Leader reported that dual taxi licences were used at other authorities and referred to Erewash Borough Council that had 100 percent dual taxi licences.

In response to a question from Councillor M Specht, the Environmental Health Team Manager explained that as some drivers stated that they would not be prepared to sit an enhanced knowledge test as part of the consultation, the decision was taken to retain the private hire driver's licence for those who did not want a dual taxi licence. The hackney carriage licence would no longer be and would automatically be renewed as a dual taxi

Chairman's initials

licence. He added that the fit and proper test for private hire drivers was the same as for hackney carriage drivers.

It was moved by Councillor M Specht, seconded by Councillor T Eynon and

RESOLVED THAT:

- a) The introduction of dual driver licences be approved.
- b) The implementation of the introduction of dual driver licences be delegated to the Environmental Health Team Manager.
- c) Amendments to the Hackney Carriage and Private Hire Fit and Proper Persons Policy to reflect the changes in legislation and Central Government Policy be delegated to the Environmental Health Team Manager.

13. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS

The Environmental Health Team Manager presented the report to Members and addressed each of the nine proposals to go out for consultation in turn which were grouped within the four licensing objectives.

Proposal 1 – *‘Should a vehicle fail a visual inspection a second inspection will be permitted. Should a vehicle fail the second visual inspection it will be deemed not to be of an exceptional condition and consequently will not be licensed.’*

The Environmental Health Manager explained that the aim of the proposal was to restrict the amount of times drivers could present their vehicles in a poor condition. The Chairman added the intention was to put the emphasis on the driver to ensure their vehicle was in the right condition and not to use the council to initially check for faults.

In response to questions from Councillor T Eynon, the Licensing Team Leader reported that he could not give the exact number of licensed vehicles that were over six years old but it was approximately 40 percent. He explained that it was not implying that older vehicles were poor but that they wanted the standards to be higher with vehicles passing the tests first time.

In response to questions from Councillor S Sheahan, the Licensing Team Leader reported that the amount of time given to drivers to rectify faults was dependant on the type of failures. Major failures were given three to four days and minor failures were usually the same day or following day. Dependent on the nature of the failure, drivers would still be able to carry passengers in the meantime. Councillor S Sheahan expressed his surprise that drivers would continue to present vehicles in a poor condition as he felt it would not be in their interest to do so. The Environmental Health Team Manager stated that approximately 65 percent of drivers passed the inspection tests first time and therefore did not believe the proposal would cause much of an issue.

In response to a question from Councillor G Allman, the Licensing Team Leader confirmed that there was not a charge for the visual inspection, however there was a £45 charge for the mechanical check.

The proposal was put to the vote and was agreed.

Proposal 2 – *‘Should a vehicle of six years or older fail a mechanical inspection with defects in more than one critical area, it will be deemed not to be of exceptional condition and consequently will not be licensed.’*

Chairman’s initials

and

Proposal 3 – *‘Should a vehicle of less than six years old fail a mechanical inspection, one retest will be available. Should the vehicle fail the inspection at the second attempt with defects in more than one critical area the vehicle will not be licensed.’*

The Environmental Health Team Manager stressed that if a vehicle failed a retest it would be the end of the process for them and the aim was to keep vehicles as new as possible.

Councillor J Clarke felt that the proposal was sensible even if it did affect a lot of vehicles.

In response to a question from Councillor P Purver regarding the high mileage of an older vehicle, the Environmental Health Team Manager stated that the aim was to make sure the vehicle was safe and not specifically about the mileage of the vehicle.

Councillor M Specht expressed his concern regarding proposal two as he felt it was too severe. He felt that as a driver himself who took good care of his vehicle, it was not always possible to know every fault until it was checked. The Environmental Health Team Manager explained that the proposal had been discussed at great lengths and encouraged Members to share their views. He did not disagree with Councillor M Specht.

Councillor T Eynon commented that she supported what officers were trying to achieve with the proposal as it was important to remember that the vehicles were not for private use but for carrying passengers and a cut off point was necessary. She added that drivers could take their vehicles to any garage at any time to check its condition; they did not have to rely on the Council’s inspections. The Environmental Team Manager reported that drivers were provided with a manual of what was expected so they could carry out inspections themselves at any point.

Councillors V Richichi and J Clarke commented that drivers were responsible for the safety of their passengers and supported the proposal.

Councillor S Sheahan expressed concerns regarding the proposal that one major defect would pass an inspection but two minor defects would fail. The Environmental Health Team Manager explained that if the failure was not due to a critical defect then a retest would be permitted. He reported that legal advice had been sought before putting forward the proposals and he agreed it was strict. Councillor S Sheahan felt that it could be an issue for drivers who failed tests by a small margin as there was no right of appeal.

Councillor N Clarke felt that the proposals were strict but he believed they were right.

The proposals were put to the vote and agreed.

Proposal 4 – *‘To remove purpose built London style cabs from the list of exemptions.’*

and

Proposal 5 – *‘To add ultra low emission vehicles to the list of exemptions, permitting vehicles six years and over on the first application.’*

In response to a question from Councillor P Purver, the Licensing Team Leader reported that there was only one purpose built London style cab currently licensed.

Councillor M Specht raised concerns regarding the recent issues with Volkswagen emissions and how this would have an impact, as any licensed vehicles would be passing tests even though it should not be. The Environmental Health Team Manager explained

that the issue was not being addressed at the moment but the situation was being monitored by officers. Councillor M Specht felt very strongly about the issue and it was agreed by officers to be included as part of the further consultation. Councillor J Clarke felt that it was harsh to be punishing drivers of Volkswagen vehicles when it was a manufacturer fault. Councillor N Clarke reminded Members that the vehicles were still fit for purpose and were safe, other vehicles were on the road with the same level of emissions.

Councillor V Richichi commented that as it stood, if a vehicle passed the DVSA test then it was fit for purpose and he felt that they should not be telling drivers what vehicles were allowed to be licensed because of the emissions issue.

Councillor T Eynon brought Members attention back to the proposals as the emissions issue was not included; She believed that the proposals were reasonable.

The proposals were put to the vote and agreed.

Proposal 6 – Option 1:

‘To require vehicles to be fitted with a Euro 6 compliant engine, from January 2021.’

Or

Option 2:

‘To require vehicles to be fitted with a Euro 4 compliant engine (registered since January 2005), from 1 January 2017;

To require vehicles to be fitted with a Euro 5 compliant engine (registered since September 2009), from 1 January 2021;

To require vehicles to be fitted with a Euro 6 compliant engine (registered since September 2014), from 1 January 2025.’

The Environmental Health Team Manager presented two options to Members due to a comment received from a taxi business who would lose half of its fleet if option one was put forward.

Councillor T Eynon felt that option one would be hard on the industry and option two was a better approach. Members agreed.

Option two was put to the vote and agreed.

Proposal 7 – *‘To introduce a livery colour for hackney carriages, making the vehicles more recognisable to the public. From 1 January 2018 all vehicles relating to new applications for a hackney carriage licence must be the livery colour agreed by the Council.’*

Councillor S Sheahan was strongly against the proposal and believed the Council were in danger of over regulating.

Councillor N Clarke believed it was a good proposal and would make the vehicles easily recognisable.

The Environmental Health Team Manager stressed that the proposal would be for new applications only.

Councillor M Specht supported the proposal.

Councillor T Eynon commented that as it would not affect the current fleet it would be interesting to see the results of the consultations. She felt that the trade should be given the opportunity to suggest a colour.

Councillor F Fenning felt that having the correct signage in place would be a simpler proposal. The Environmental Health Team Manager explained that private hire vehicles already had signage as part of their conditions and hackney carriages had roof signs. The proposal was suggested to make recognition easier for the public.

Councillor G Hoult commented that the current signage could not be seen in the dark and believed the proposal would help.

Councillor S Sheahan moved that the proposal not be part of the consultation and it was seconded by Councillor F Fenning. It was put to the vote and lost.

Councillor M Specht moved to keep the proposal in the consultation as it was currently worded and it was seconded by Councillor V Richichi. It was put to the vote and carried.

Members agreed the proposal.

Proposal 8 – ‘In the event that a short term insurance cover is in place at the time of grant, the licence holder must present a further insurance certificate to the licensing team before expiry of the cover note. Failure to present the an insurance certificate before the expiry of the cover note will result in the licensing team contacting the licence holder requiring evidence of the insurance to be produced. This service will be chargeable.’

Councillor P Purver agreed with the proposal as she felt there was no reason why an insurance document could not be produced.

Councillor N Clarke felt that the proposal was unnecessary. The Environmental Health Team Manager commented that they could not ignore the fact that drivers needed to present their certificates and if they were being chased to do so they should be paying for the service.

In response to a question from Councillor M Specht, the Licensing Team Leader reported that officers had a constant rolling weekly check regarding insurance documents. Councillor M Specht expressed concerns that if drivers who pay for the insurance through direct debit stopped paying then they would not be insured and the Council would not be aware. The Licensing Team Leader explained that an agreement was in place with a number of insurers where a notification is sent through to officers if that occurred. Councillor M Specht continued to raise concerns about checks undertaken. The Licensing Team Leader felt that there were good measures in place to ensure vehicles were insured and the regular checks were undertaken. He also confirmed that officers conducted road side vehicle checks quarterly and enforcement officers were out within the district regularly.

Councillor V Richichi suggested the use of an insurance database that was available where any uninsured vehicles were removed immediately.

The proposal was put to the vote and agreed.

Proposal 9 – ‘To introduce a requirement to display a notice within the vehicle explaining to a passenger how they can provide feedback to the Council.’

Councillors T Eynon and S Sheahan felt that it was a good proposal and believed it would improve the service.

The proposal was put to the vote and agreed.

The Environmental Health Team Manager referred Members to the next steps of the consultation detailed at paragraph 5.0 of the report.

RESOLVED THAT:

Comments made by the Committee be taken into consideration prior to the wider consultation.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.57 pm