

EAST STAFFORDSHIRE BOROUGH COUNCIL

LICENSING COMMITTEE

Minutes of the Meeting of the Licensing Committee held in the Coltman VC Room at the Town Hall, Burton upon Trent on Monday 19th November 2018.

Present:

Councillors B G Peters (Chairman), E Barker, R J Clarke, S. Gaskin, R. Johnston, Mrs J Jones, Ms A Legg, S McKiernan, L Milner and Mrs B Toon.

Apologies for absence were received from Councillors Mrs P L Ackroyd, D F Fletcher, D C Leese, C Smith and C Wileman.

Officers Present:

Mrs A Wakefield (Solicitor and Monitoring Officer), R Liddle (Environmental Health Manager), Mrs K Critchley, Mr A Price (Enforcement Officer), Mr J Thompson (Enforcement Officer) and the Senior Democratic Services Officer.

62/18 DECLARATIONS OF INTEREST

There were no declarations of interest at the commencement of the meeting.

63/18 URGENT BUSINESS

There was no urgent business brought forward to the meeting under Rule 12.

64/18 MINUTES

The Minutes of the Meeting held on 4th September 2018 were approved and signed as a correct record.

65/18 GAMBLING ACT POLICY

Members considered the Report of Mark Rizk, Head of Service, regarding the Gambling Act Policy 2005. The draft gambling licensing policy statement, following the conclusion of a public consultation and prior to referral to Full Council, was circulated prior to meeting

Members received a short presentation from Kathryn Critchley (Licensing Officer) outlining the Authority's duty to review the current gambling policy statement in relation to the Gambling Act 2005.

An opportunity for questions followed.

Resolved:

1. That the Council considered the draft revised Gambling Act policy.
2. That the Licensing Committee be consulted on the policies content
3. That a further report be brought back to Council for consideration and adoption by 31 January 2019.

Voting concerning the above decision was as follows:

Those voting for the motions	Those voting against	Those abstaining
Councillor E Barker		
Councillor R J Clarke		
Councillor S Gaskin		
Councillor R Johnston		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor L Milner		
Councillor B G Peters		
Councillor Mrs B Toon		

66/18 **HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**

Members considered the Report of Mark Rizk, Head of Service regarding the draft Hackney Carriage and Private Hire Policy which was circulated prior to the meeting.

Kathryn Critchley (Licensing Officer) informed Members that the Council were committed to periodically review the content of the Hackney Carriage and Private Hire Policy to ensure that it was fit for purpose. The last review took place in 2015 and it was due to be reviewed during 2018.

She highlighted the proposed amendments, the majority of which were in response to requests raised by the Trade and sought approval following the conclusion of a consultation that ended on the 18th October 2018.

The proposed changes are as follows:

1. To change the Policy to require the Certificate of Compliance to be conducted on an annual basis and not six monthly.
2. For all vehicle inspections, including those currently undertaken by Licensing Officers, to be done by the Appointed Testing Stations.
3. To increase the age limitations in respect of licensed vehicles to ten years for Private Hire and fifteen years for Hackney Carriage vehicles
4. To amend the Policy to enable applicants to visit any GP's practice and not just the applicant's own or another at that surgery.
5. That door panels and plates on licensed vehicles are optional and not a compulsory requirement with the exception of Plate Exemption cases.
6. In the event that a hire vehicle is used, the licensed plate is granted on a yearly basis and not individually each time a vehicle is hired.
7. To amend the Policy to include the exclusion of prohibiting the use of electronic cigarettes and 'vapes' inside a licensed vehicle.

8. To introduce a pro rate fee for vehicles with less than a year to run. It has been previously deemed that the work to produce the licence is the same as for a 12 month licence.
9. To adopt the principles of the Guidance issued by the Institute of Licensing on determining the suitability of applicants and licensees within the Hackney Carriage and Private Hire Trades.
10. To extend the 14 day validity of the test pass certificate.
11. To extend the existing knowledge test to include an oral test.
12. The Council had been advised that from the 1st October 2018, lost property reporting through Staffordshire Police had stopped. This was a national change affecting all police forces.

Staffordshire Police had issued advice stating that most found property did not need to be passed to the Police and that items could be handed to the premises owner or public transport operator where they were found.

There are certain items that members of the public are not allowed to retain and claim under any circumstances. These include: drugs, firearms, weapons, ammunition, non UK passports, high value items, laptops and cameras, mobile phones, unidentifiable substances or other items that may pose a danger or harm to others.

In the event that any items found are not listed above it is the responsibility of the finder to make reasonable efforts to trace the owner.

Members were also requested to consider the wording in Appendix F of the Conditions of Private Hire Drivers' Licence (Local Government (Miscellaneous Provisions) Act 1976) to state the following:

"3 Lost Property. At the end of every journey, the driver shall carefully search the vehicle for any property, which may have been accidentally left in the vehicle. If the driver finds it or is handed by any other person carried in the vehicle, property that is left in the vehicle, he/she shall report the particulars of the property to the operator. If the property is not claimed within 48 hours of being reported, the driver shall take the property to the nearest police station and obtain a receipt for it."

13. Members considered a request regarding the Amendment of Appendix AA of existing Policy: Definition of "Exceptional Vehicle" for Private Hire Vehicles to include Hackney Carriage Saloon Vehicles.

The term "exceptional vehicle" is used to describe vehicles which are over the age limit set by the Council, but that can continue to be licensed because of their condition. The status of exceptional vehicle only applies to vehicles that carry out executive and chauffeuring contract work. This only applies to Private Hire vehicles.

Any Council, which imposes an age limit on its vehicles, must be prepared to consider applications from vehicles that are in exceptional condition.

A vehicle of exceptional condition is one where the components i.e. mechanical, body, panels, paint and trim are in exceptional condition with

regards to the age of the vehicle. It is essential that the image of the exceptional older vehicle uphold the standards set by a much younger vehicle. These vehicles will be required to have a certificate of compliance every 6 months.

The current age limits are 7 years for a Private Hire vehicle, 7 for a Hackney Saloon vehicle and 10 for a Hackney Carriage vehicle.

Representatives from the Trade proposed that the Policy was amended to extend the definition of “Exceptional Vehicles” to include Hackney Carriage Saloons. The key items to be considered when determining whether or not a vehicle meets the standard expected of vehicles in exceptional vehicles would remain the same.

14. The Licensing Committee have proposed that AN of the existing Policy Specifications for Hackney Carriage Vehicles, is amended to include and approved list of makes and models regarding Purpose Built Hackney Carriages.

The recommended list is as follows:

- Citroen Sentinel
- Citroen Le Cab Noir
- Citroen Dispatch
- Citroen Eurocab
- Fiat Dakota
- Fiat Scudo
- Fiat Eurocab
- Fiat TW200 (Taxi range)
- Ford Tourneo Custom
- Mercedes Vito
- Nissan Voyager NX8
- Nissan Primaster
- Peugeot E7
- Peugeot European
- Peugeot Expert
- Peugeot Expert Combi
- Peugeot Voyager
- Renault Traffic
- VW Eurocab (Transporter)
- Vauxhall Vivaro (Combi)

The Licensing team recognise that other makes and models are currently licensed and request that they continue to remain licensed until the expiry, revocation or cancellation of the licence by either the Council or the vehicle proprietor, whichever occurs first.

Resolved:

Members approved the draft revised Policy presented to the Licensing Committee as follows:

1. That in respect of nos. 1, 2, 3, 4, 5, 6, 8, 10 and 13 above, no changes are made to the current policy.
2. That in respect of no. 7 above, to amend the policy to include the prohibition of the use of electronic cigarettes and ‘vapes’ inside a licensed vehicle.

3. That in respect of no. 9 above, Members agreed to accept the new guidance.
4. That in respect of no. 11 above, Members agreed extend the existing knowledge test to include an oral test.
5. That in respect of no. 12 above, Members agreed to amend the policy as detailed.
6. That in respect of no. 14 above, Members accepted the proposed changes to the policy, with an amendment to include hybrid vehicles.

Voting concerning the above decision was as follows:

Those voting for the motions	Those voting against	Those abstaining
Councillor E Barker		
Councillor R J Clarke		
Councillor s Gaskin		
Councillor R Johnston		
Councillor Mr J Jones		
Councillor Ms A Legg		
Councillor S McKiernan**		
Councillor L Milner		
Councillor B G Peters		
Councillor Mrs B Toon		

(**Councillor S McKiernan voted against item no. 7, and an abstained for item no. 8, above)

67/18 **ANIMAL WELFARE POLICY UPDATE**

Members considered the Report of Mark Rizk, Head of Service, regarding the Animal Licensing Enforcement Policy, circulated prior to the meeting.

The Environmental Health Manager outlined the updated policy and tiered fee structure for the licensing activities involving animals, following an amendment to legislation that came into force from 1st October 2018. She requested that Members approve and adopt the updated Animal Licensing Enforcement Policy 2018 and proposed fee structure.

Resolved:

Members agreed to approve and adopt the policy.

Voting concerning the above decision was as follows:

Those voting for the motions	Those voting against	Those abstaining
Councillor E Barker		
Councillor R J Clarke		
Councillor S Gaskin		
Councillor R Johnston		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor S Mckiernan		
Councillor L Milner		
Councillor B G Peters		
Councillor Mrs B Toon		

Chairman