

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 11 April 2017** at **5.00 pm** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Frank Warby

Sarah Broughton
Tony Brown
Wayne Hailstone
Beccy Hopfensperger

Margaret Marks
Sara Mildmay-White
Peter Thompson
Anthony Williams

Substitutes attending:

David Nettleton

Patricia Warby

By Invitation:

John Burns and Susan Glossop

59. **Apologies for Absence**

Apologies for absence were received from Councillors Bob Cockle, Jeremy Farthing and Clive Springett.

Councillor Richard Rout was also unable to attend.

60. **Substitutes**

The following substitutions were declared:

Councillor David Nettleton for Councillor Bob Cockle; and
Councillor Patricia Warby for Councillor Clive Springett.

61. **Minutes**

The minutes of the meeting held on 24 January 2017 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

62. **Public Participation**

[Councillor Peter Thompson arrived at 5.05pm during this item]

Mr Stephen Hearn from Star Cars, Haverhill addressed the Committee on Item 5 on the agenda; Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators.

He informed the Committee that "Star Cars are a large Taxi Private Hire Operator with a fleet of 100 vehicles and a workforce which includes 70 passenger assistants, 80 drivers, 15 office/admin staff, including vehicle technicians. Our main concern with the proposed new Taxi regulations relates to the possible implementation of a 6 year restriction on the age of vehicles at first registration. This would severely impact on our business for the following reasons:

- We have a large number of vehicles that are solely used for school contracts and social services work. These typically only work twice a day for only 39 weeks of the year which are fully equipped with tail lift equipment, which by law have to be serviced twice a year. This is already a huge cost in the running of our business. It simply would not be viable to have expensive new mini buses fitted with wheelchair lifts that only work for a couple of hours a day fulfilling our school contracts for transporting children with special needs. To replace the vehicle under your new proposed rules, for second hand 6 year only vehicle fully equipped to our current standard would cost us between £12,000 - £15,000 and a brand new vehicle is £33,000 minimum new.
- Secondly, we have major concerns for some of our owner/drivers whose replacement cars would fall foul of the proposal and cause real hardship for them and their families.
- Thirdly, recruitment is becoming a real problem for many operators and when you add proposals before the Committee on top of the already implemented BTEC courses we struggle to see how new owner/drivers can enter the trade.

Star Cars takes the safety of our vehicles very seriously and we have a fully fitted out workshop along with qualified vehicle technicians who service, repair and maintain our fleet.

We support the proposal to have the MOT and plate test at six month intervals. Committee, please reject the 6 year age limit proposal".

63. **Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators**

The Committee received Report No: LIC/SE/17/004, which sought approval to adopt revised conditions to the existing Taxi Handbook across both licensing authorities in West Suffolk (Appendix 3).

The Licensing Team Leader advised that the proposed handbook provided a "one-stop" document for all licensing requirements in terms of Taxi/Private Hire conditions, licensing drivers, vehicles, operators and the disciplinary codes. She reiterated that the Council was not introducing brand new driver conditions. These had not changed just the Level 2 Certificate, which had

previously been approved by the Committee. The proposed handbook was developed so that all the conditions were in one place.

A formal consultation on the draft revised handbook was undertaken between 6 February and 20 March 2017 and covered both licensing authorities in West Suffolk. Prior to commencing the consultation a working party was established with the purpose of engaging with stakeholders and providing insight to ensure that changes to the conditions was undertaken fairly and robustly.

All formal responses received during the consultation were recorded with informal responses considered by the licensing officers and checked that they were fairly represented in the recorded comments. Formal responses were summarised and attached at Appendix 2.

The Committee was advised that there had been considerable discussion amongst consultees regarding the introduction of a maximum age for licenced vehicles, when a vehicle would be first plated or when an existing plated vehicle needed replacing. Due to the concerns expressed by taxi driver consultees, a compromise had been proposed of a 6 year maximum age with no more than 100,000 miles. Alongside this was an option for drivers to apply to have this condition waived if they applied for an "exceptional quality exemption" meaning they could plate an older vehicle if it had less than 150,000 miles, where the vehicle was considered by the Licensing Authority to be in exceptional quality inside and out; met the required vehicle tests and had a full recorded service history.

The Committee considered the report in detail and taking into account the concerns raised by Mr Stephen Hearn from Star Cars, asked a number of questions to which comprehensive responses were provided. In particular discussions were held on the admin fee charged for a change of address, which was a government recommended price; the mandatory and MOT tests; and the 6 year age limit and 100,000 miles.

In response to questions from Members, the Licensing Team Leader explained that:

- i) It was not unusual to have age limits on vehicles. A number of authorities had introduced age limits. The Council want the very best vehicles on the road.
- ii) There was no end life for taxi vehicles. The proposed 6 year age was suggested by a taxi driver during the consultation. This would mean that the taxi vehicle being registered with the Council for the first time must not be older than 6 years and over 100,000 miles. The reference to mileage could be removed, but there was the waiver option in place.

In response to a question raised by Members, Mr Stephen Hearn from Star Cabs informed the Committee that the average mileage done by taxi drivers per year was between 40,000 – 60,000 miles and 8,000 miles for specialist vehicles.

Councillor Tony Brown proposed that more of an impact assessment should to be carried out as he felt not enough had been done on the proposals. This was seconded by Councillor Anthony Williams, and with the vote being 3 for and 8 against, the proposal was lost.

Councillor Sarah Broughton suggested that low mileage could be an exception to the proposal for specialist vehicles used in the main for school journeys. The Licensing Team Leader felt that this would be a good compromise and further suggested that this could be added to the waiver policy so that specialist vehicles had their own set of conditions.

At the request of members of the Committee, the Committee meeting was adjourned at 5.40pm to enable the Licensing Team Leader, Business Partner (Litigation/Licensing) and the Acting Head for Regulatory Services, to draft additional wording which could be added to the waiver policy for specialist vehicles.

The Committee meeting recommenced at 5.48pm.

The Business Partner (Litigation/Licensing) read out the proposed amended wording to Page 27, Condition 1(e) of the Handbook for the Committee's consideration.

It was then proposed by Councillor Sarah Broughton, seconded by Councillor Sara Mildmay-White and with the vote being 10 for and 1 against, it was

RESOLVED:

That the Hackney Carriage and Private Hire Licensing Handbook as set out in Appendix 3 to Report No: LIC/SE/17/004, be adopted, so that it could be applied by the Licensing Authority, subject to the following amended wording being made to Page 27, Condition 1(e) to read as follows:

Be no more than **6 7** years old ~~with 100k miles or less~~, at the time the first application is made to the Council for a licence.

If the vehicle is older than **6 7** years ~~and no more than 10 years~~ presented on first registration or replacement, **or is a specialist vehicle** in exceptionally good condition both mechanically and cosmetically, this condition may be waived. The vehicle must meet the exceptional quality conditions and applied for using our exceptional quality waiver application.

64. Proposals to declare an Air Quality Management Area designation in Great Barton

The Committee received Report No: LIC/SE/17/005, which reported on the findings of the external consultation on proposals to declare an Air Quality Management Area (AQMA) in Great Barton.

Following discussions held with key stakeholders, a consultation was undertaken with both statutory and non-statutory consultees including the Parish Council, relevant District and County Councillors and all properties within an approximately 300m radius of the proposed AQMA. The consultation took place between 23 January 2017 to March 2017, with 43 responses received.

Attached at Appendix B to the report was a full analysis of responses received, which was broken down into "general" issues or "location specific" issues.

Based on the outcome of the consultation, it was recommended that the Committee approves the declaration of the Air Quality Management Area Designation in Great Barton, as set out in the Order, attached at Appendix A to the report.

The Committee, in particular Councillor Sarah Broughton was pleased to see that this issue was being taken forward.

In response to a question from Members, the Environment Officer confirmed that one of the key issues which would be looked at by the Steering Group would be the possibility of putting in a zebra crossing and removing the traffic lights in Great Barton.

It was proposed by Councillor Sara Mildmay-White, seconded by Councillor Sarah Broughton and with the vote being unanimous, it was

RESOLVED:

That based on the findings of the consultation, the declaration of the Air Quality Management Area designation in Great Barton, as set out in Appendix A to Report No: LIC/SE/17/005, be approved.

The Meeting concluded at 5.54 pm

Signed by:

Chairman
