

## LICENSING COMMITTEE

7 February 2017

### Present:

Councillor Roger D Spackman (Chair)

Councillors Branston, Brimble, Hannan, D Henson, Keen, Mitchell, Owen, Pearson and Sills

### Apologies:

Councillors Sheldon, Foale, Holland and Newby

### Also present:

Environmental Health and Licensing Manager, Acting Principal Licensing Officer, Solicitor and Democratic Services Officer (Committees) (MD)

#### 1 **Minutes**

The minutes of the meeting held on 1 November 2016 were taken as read and signed by the Chair as a correct record.

#### 2 **Declarations of Interest**

No declarations of interest were made by Members.

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

#### 3 **Licensing Fees and Charges**

The Environmental Health and Licensing Manager presented the report for the proposed licensing fees and charges for 2017/18. The report was prepared on an annual basis in accordance with the Local Government (Miscellaneous) Provisions Act 1976.

He explained that if approved the changes would be advertised in the local paper for a specific period and any comments and objections would then be brought back to committee. The Licensing Act fees remained unchanged since 2003.

The Environmental Health and Licensing Manager commented that the taxi marshal service on Sidwell Street had been working well with taxi drivers noting an increase in business.

**RESOLVED** that the proposed Fees and Charges for 2017/18 be approved as set out in the report and, where appropriate, advertised.

#### 4 **Amendments to the Policy relating to Practices and Procedures for the Control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators**

The Environmental Health and Licensing Manager and Acting Principal Licensing Officer presented the report which sought to introduce amendments to the current policy for Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drives and Operators (“the Policy”). The Acting Principal Licensing Officer stated that the Policy was very much a living document which may be updated when issues arise.

The Environmental Health and Licensing Manager added that if the senior management restructure currently in progress at the Council was implemented, it would result in his post taking responsibility for the functions in the Policy carried out by the Assistant Director Environment. The Environmental Health and Licensing Manager informed the Committee that once formal approval is obtained for the senior management restructure, the Policy would be amended to replace references to the Assistant Director Environment with the Environmental Health and Licensing Manager.

The Acting Principal Licensing Officer informed Members that the Licensing Team had been contacted by DigiCAB Media to install passenger facing digital information screens within Licenced vehicles. He commented that if in-vehicle advertising was to be permitted it would be subject to conditions. These would be set out in the Policy

DigiCAB had confirmed that they would include public safety information from Exeter City Council and the Community Safety Partnership as part of the advertising. The Acting Principal Licensing Officer commented that Hackney Carriage and Private Hire Vehicles would also generate income from local advertising. He explained that passengers would have full control of the screens to control volume and turn on/off as required.

In response to Members’ questions, the Environmental Health and Licensing Manager and Acting Principal Licensing Officer responded:-

- Council would not be generating income from digital information screens within Licenced vehicles. However, they could be used to generate key messages and safety information working with Community Safety Partnerships;
- The contracts would be between the licence holder and DigiCAB with regard to contract length and how much money could be earned from digital information screens;
- A Policy condition to show messages for Exeter City Council would mean the council would not be charged for advertising;
- The display screens would show video and still image advertising for local businesses. Some may have audio. However, the customer would have control of the screen and volume;
- All videos displayed would have to comply with Ofcom standards and have a Universal (U) rating from the British Board Film Classification (BBFC), to ensure appropriate content; and
- Display screen head rests should have a specific design to satisfy health and safety requirements.

Members agreed the Environmental Health and Licensing Manager and Acting Principal Licensing Officer would provide additional health and safety information concerning the screens on the headrests and request a representative from DigiCAB to attend the next Licensing Committee meeting.

The Acting Principal Licensing Officer discussed the amendment to Appendix E of the Policy (Guidelines relating to the relevance of Convictions), to clarify that cautions, warnings and reprimands were included in the definition of convictions for the purposes of applying the Policy.

The Council must ensure that all drivers are fit and proper to hold a driver's licence

Members discussed issues concerning disclosure of convictions and that the inclusion of cautions was necessary. A Member stated that he was concerned that the use of the words "warnings" and "reprimands" were not sufficiently clear and may confuse applicants and also lead to the declaration of unnecessary information

In response to Members' questions, the Environmental Health and Licensing Manager, Acting Principal Licensing Officer and Solicitor responded:-

- The purpose of the Policy was to provide guidelines for "fit and proper" determinations made by the Licensing Sub Committee. The Licensing Sub Committee still maintained its discretion in its decision making;
- The Policy already included cautions, warnings and reprimands and, as such, the proposal was only an amendment to clarify this;
- The Council's main concern was the safety of the travelling public and the inclusion of cautions, warnings and reprimands to trigger the Policy ensured the Council could carry out this function with as much information as possible;
- Wording on the application and renewal forms had been amended to set out more clearly the information needed by the Licensing Authority; and
- Wording in the Policy would be amended by the licensing team to reflect gender neutrality.

**RESOLVED** that:-

- (1) the proposed amendments to Appendix E (Guidelines relating to the relevance of convictions) of the Practices and Procedures for the Control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators be approved, together with the inclusion of an annex defining warnings and reprimands; and
- (2) the proposed digital screens within Licenced vehicles be deferred until receipt of additional information under the Practices and Procedures for the Hackney Carriage and Private Hire Vehicles, Drives and Operators.

The meeting commenced at 5.30 pm and closed at 6.15 pm

Chair