

LICENSING COMMITTEE

Date: Tuesday 28 March 2017
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email mark.devin@exeter.gov.uk

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

Membership -

Councillors Spackman (Chair), Sheldon (Deputy Chair), Branston, Brimble, Foale, Hannan, D Henson, Holland, Keen, Mitchell, Newby, Owen, Pearson and Sills

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies from Committee members.

2 Minutes

To sign the minutes of the meeting held on 7 February 2017.

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

To pass the following resolution:

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for items 6 and 7 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

5 Update to the policy amendments to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

To consider the report of the Environmental Health & Licensing Manager, concerned with the deferred element relating to digital screens deferred from previous meeting.

(Pages 3 -
12)

Part II: Items suggested for discussion with the press and public excluded

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

6 Application for the grant of a 12 month consent on Manaton Close, Marsh Barton, Exeter

To consider the report of Environmental Health & Licensing Manager.

(Pages 13
- 20)

7 Application for the grant of a roving consent (excluding the Quay and Castle Street) for a period of 6 months

To consider the report of Environmental Health & Licensing Manager.

(Pages 21
- 28)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

REPORT TO: LICENSING COMMITTEE

Date of Hearing: 28 March 2017

Report of: Assistant Director Environment

Type of Application: To seek the introduction of amendments to the policy relating to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

Legislation: Local Government (Miscellaneous Provisions) Act 1976

Is this a Key Decision?

No

Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

1. What is the report about?

1.1 The report seeks to introduce amendments to the current policy relating Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

2. Recommendations:

2.1 It is recommended that the Committee accepts the updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

3. Reasons for the recommendation:

3.1 The Licensing Team have been contacted by DigiCAB Media to request permission for them to install passenger facing digital information screens within Licenced vehicles. In-vehicle advertising had not been included in the previous version of the policy, and as such an additional Appendix (Appendix R), has been added to introduce relevant conditions for in-vehicle digital media. DigiCAB have confirmed that they would be happy to include public safety information from ECC/ Community Safety Partnership as part of the advertising feed should this amendment be agreeable to the Committee.

3.2 At the Licensing Committee Meeting of 7th February 2017, Members resolved to defer the decision pending a request for additional safety information from DigiCAB, and a request that a representative from the company to attend the next Committee meeting.

4. What are the resource implications including non financial resources.

4.1 The resources required to fund the amendments to the policy detailed above will be provided from the Taxi Licensing budget which is paid for via licence fees. This budget is ring fenced and must be used to fund the costs of taxi licensing/ enforcement.

5. Section 151 Officer comments:

As stated in the report the taxi licence budget is ring-fenced and managed via an earmarked reserve. There are therefore no financial implications for the General Fund from adopting this proposal.

6. What are the legal aspects?

- 6.1 The Licensing Authority has a statutory duty to ensure that public safety is not compromised when considering the issue of licences and to ensure that any vehicle licensed is suitable, safe and fit for the purpose. It is felt that the proposals contained in this report will enhance public safety without significantly increasing the burdens on existing or prospective licenced drivers/ proprietors.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details

- 8.1 The Licensing Committee on 22 September 2015 adopted an Updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.
- 8.2 It is necessary to seek approval for further revisions of this document in order to enhance standards and safety with respect to this aspect of licensing.
- 8.3 The amendments include a proposed new Appendix (Appendix R) to allow suitable passenger facing digital information screens within Licenced vehicles together with the revision of wording in section 3.4 and paragraphs A15 and M16 to confirm the Licensing Authority retains control over permitting internal as well as external advertising for both Hackney Carriage and Private Hire Vehicles.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 Approving these amendments will contribute to a healthy and safe city and assist the primary aim of taxi licensing which is to protect public safety.

10. What risks are there and how can they be reduced?

- 10.1 Formulating a hackney carriage vehicle policy that protects public safety should lead to a positive impact on creating a vibrant city to live, work and visit. The higher quality standards were coupled with the decision not to maintain the policy of restriction, in order to prevent any negative impact (if any); the amendment to policy in this report will assist in this prevention.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

- 11.1 The proposed amendments should lead to a positive impacts on safeguarding through the agreement to include public safety information from ECC/ the Community Safety Partnership as part of the advertising feed.

12. Are there any other options?

12.1 Members could maintain the current policy, but this would risk the policy becoming out of date and thereby less effective.

Assistant Director Environment

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

Appendix R – Internal Advertising

ADVERTISING INTERNALLY WITHIN THE VEHICLE VIA TV SCREENS

(DIGITAL MEDIA TECHNOLOGY)

Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material. To use this form of technology for advertising purposes and/or live feed material it must comply with the following conditions:

1. Digital media systems must be approved by the licensing authority before they are installed.
2. All broadcast material must comply with the OFCOM Broadcasting Code.
3. All films/video material must be classified by the BBFC as U or exempt from classification.
4. The only live feed material that can be shown is national/local news and weather.
5. All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
6. All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
7. The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
8. The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
9. Any screen shall be no larger than 15".
10. All equipment must be installed in the driver's compartment and should not be visible from the driver position. The screen may be installed in the driver and front passenger seat headrests, or other suitable location agreed by the licensing authority.
11. The installation must not be such as to weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
12. The design must be discreet and complement the interior furnishing of the vehicle.
13. Passengers must be able to control the volume level, including turning the sound off. The driver must have overall control of the volume to make sure it does not distract them while driving. The sound should be automatically muted when the intercom is operated.
14. Passengers must be able to turn the screen off.
15. A notice should be displayed within prominent view and physical reach of all passenger seats giving instructions to passengers as to adjusting the volume and turning the screen off. The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions.

16. The mute/volume control must be accessible from the nearside and offside passenger seats.
17. Once activated the mute should continue without further activation by the passenger until the passenger leaves the vehicle.
18. All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the seating and luggage carrying capacity of the vehicle.

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Expertise

**Expert Opinion of the Notified Body on the Conformity Assessment
according to Article 10.5 of R&TTE Directive 1999/5/EC**

PHOENIX TESTLAB
EU Identification Number **0700**

Recognised by  Bundesnetzagentur

BNetzA-bs-02/51-55

Expertise No.	14-110027
Certificate Holder	Lte Top Limited
Address	5/F, Bldg4, Youshen Industrial Area, Sanwei Village , Xixiang, Baoan District, Shenzhen, China.
Product Description	Taxi Lcd Advertising Player; with WIFI
Brand Name / Model Name	LteTOP/Taxi009,Taxi007

Opinion on the Essential Requirements

Article 3.1a): Health and Safety	No remarks
Article 3.1b): Electromagnetic Compatibility	No remarks
Article 3.2: Effective Use of the Radio Spectrum	No remarks

CE-marking

Marking Example (Class 1) **CE 0700**

This certificate is issued in accordance with the Directive 1999/5/EC of the European Parliament and the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity dated 9th March 1999 and is only valid in conjunction with the following annex (2 pages).

Blomberg, 17 January 2014

Place, Date of Issue




Signed by Alan Lane
Notified Body

Technical description

Frequency Range WiFi(20 MHz): 2412 - 2472 MHz
 WiFi(40 MHz): 2422 - 2462 MHz

Transmitted Power WiFi: 11.79 dBm EIRP

Technical Construction File (TCF):

Technical documentation according to Annex II sub clause 4:

- User Manual
- Operational Description
- Block Diagram
- Circuit Diagram
- Parts Placement
- PCB-Layout
- Parts List

Hardware Version: V1.5

Software Version: V0.1

Applied Standards and Test Reports

Specification	Laboratory	Test Report Number
EN 60950-1:2006 +A11:2009+A1:2010+A12:2011	Shenzhen NTEK Testing Technology Co., Ltd.	NTEK-2013DC1219041S
EN 301 489-1 V1.9.2 EN 301 489-17 V2.2.1	Shenzhen NTEK Testing Technology Co., Ltd.	NTEK-2013DC1219040E
EN 62479:2010	Shenzhen NTEK Testing Technology Co., Ltd.	NTEK-2013DC1219040H
EN 300 328 V1.7.1	Shenzhen NTEK Testing Technology Co., Ltd.	NTEK-2013DC1219040R

Further Documents

EU Declaration of Conformity, 1 page, 2014-01-05.

Power of Attorney, 1 page, 2013-12-30.

Model Difference Letter, 1 page, 2014-01-03.



Opinion on the Essential Requirements:

The basis of this Expertise is the Technical Construction File (TCF). If the TCF includes test reports issued by laboratories accredited to the standard ISO/IEC 17025, the test results of these reports are considered as a basis for the conformity assessment of the Notified Body.

Article 3.1a): Health and Safety:

- Conform

Article 3.1b): Electromagnetic Compatibility:

- Conform

Article 3.2: Effective Use of the Radio Spectrum:

- Conform

General Remarks:

- This conformity assessment is limited to the essential requirements of the R&TTE Directive. Only products fulfilling all essential requirements of all applicable new approach directives may be placed on the market and put into service. Products in compliance with all provisions of the applicable directives providing for the CE marking must bear this marking.



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of the Local Government Act 1972.

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