



## Exeter City Council

To the Chair and Members  
of the Licensing Committee

**Please ask for:** Howard Bassett  
**Direct Dial:** 01392 265107  
**Email:** howard.bassett@exeter.gov.uk  
**Our ref:**  
**Your ref:**

A meeting of the **LICENSING COMMITTEE** will be held in the Rennes Room, Civic Centre, Paris Street, Exeter on **TUESDAY 25 SEPTEMBER 2012 at 5.30 pm** to consider the following business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, on **Exeter 265107**.

Pages

### AGENDA

1

#### APOLOGIES

To receive apologies from Committee members.

2

#### DECLARATIONS OF INTEREST

Councillors are reminded of the need to declare personal and prejudicial interests, including the nature and extent of such interests, in relation to business on the agenda, before any discussion takes place on the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3

#### 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 item 6 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

Office of Corporate Manager (Democratic & Civic Support)

Civic Centre, Paris Street, Exeter, EX1 1JN

Tel: 01392 277888

Fax: 01392 265593

[www.exeter.gov.uk](http://www.exeter.gov.uk)

4 **LICENSED VEHICLE EMISSIONS POLICY** 1 - 6

To consider the report of the Assistant Director Environment.

(Report circulated)

5 **LIVE MUSIC ACT 2012** 7 - 8

To consider the report of the Assistant Director Environment.

(Report circulated)

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

**TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16**

6 **APPLICATION FOR THE ISSUE OF A HACKNEY CARRIAGE VEHICLE LICENCE (MR S.H.)** 9 - 10

To consider the report of the Assistant Director Environment.

(Report circulated to Members)

Membership will be drawn from the following members of the Licensing Committee -  
Councillors Macdonald (Chair), Owen (Deputy Chair), Choules, Clark, Dawson, D J Henson,  
Leadbetter, Payne, Pearson, Robson, Ruffle, Shiel, Tippins and Winterbottom

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**EXETER CITY COUNCIL  
LICENSING COMMITTEE  
25 SEPTEMBER 2012**

**LICENSED VEHICLE EMISSIONS POLICY**

**1. PURPOSE OF THE REPORT**

- 1.1 To inform the Licensing Committee of a proposed policy of regulating the vehicles licensed as Hackney Carriages in the City by way of the standard of engine used to propel the vehicle rather than the current method of limitation by way of age of the vehicle.
- 1.2 It is felt that this method of control could be introduced to the benefit of the community while easing slightly the burden on proprietors of Hackney Carriages when replacing vehicles that have been well maintained but have reached the end of their time limited life.
- 1.4 The proposal at this time relates exclusively to Hackney Carriages as the review of legislation being undertaken by the Law Commission is less likely to have impact on Hackney Carriage conditions than Private hire vehicles. If the law changes permit, the Private Hire fleet can be brought into scope at a later date.
- 1.5 Euro standards are regularly reviewed and new standards introduced accordingly. It is therefore recommended that a review of this policy should take place at 5 yearly intervals.

**2. BACKGROUND**

- 2.1 It has to date been the policy to limit hackney carriages that may be licensed to those not more than 4 years old when first presented [ 5 for London type cabs ] and the vehicles being required to be taken off the circuit after 8 years old [12 for London type cabs].
- 2.2 When the policy is adopted, the age of the vehicle will not be a criterion in selection of vehicles that are licensed by this Council but we are seeking to gradually raise the emissions standards as vehicles that meet higher standards will be safer both for local residents and the environment generally.
- 2.3 There is no intention to amend the policies for the licensing of Hackney Carriages in any other way. Proprietors of wheelchair accessibility and vehicles converted to carry disabled passengers [swivel seats etc] will be required to continue providing vehicles that meet the standard currently required of them.

**3. CONSULTATION**

- 3.1 The proposal was first put to the taxi trade representatives at the meeting of the taxi forum in March 2012 with a request for any comments or suggestions to be brought back to the July meeting.
- 3.2 No comments or suggestions were made to the taxi forum so it is deemed acceptable to continue to introduce the policy without further consultation.

#### **4.0 PROPOSED COMPLIANCE STANDARDS**

4.1 The policy will allow licensed Hackney Carriages to reduce emissions in a staged approach. The first phase of this strategy will be implemented with effect from the 07 January 2013, and the subsequent dates for compliance are provided below. All vehicles being presented for testing will be required to meet the following emission standards at the specified dates.

- Vehicles being presented for first licensing as Hackney Carriages on or after 07 January 2013 must meet Euro 5 emission standard or higher.
- Vehicles being presented for renewal of an existing Hackney Carriage licence on or after 07 January 2013 must meet Euro 4 emission standard or higher; “grandfather rights” will apply to the end of the normal 8 years of a vehicles licensing period unless a vehicle change or transfer of ownership occurs in the interim period. This provision will continue until January 2016 when all licensed Hackney Carriages will be required to meet Euro Standard 4 as a minimum.

4.2 If Proprietors seek to licence vehicles that do not meet the required Euro Standard 4 but do not wish to purchase newer vehicles they would need to;

- Have the vehicle adapted/modified to meet the required standard,
- Change the fuel of the vehicle to a cleaner alternative,
- Replace the vehicle with one that meets the emission standard that applies at that time. This option will largely apply to the oldest, most polluting vehicles and those where it is not economically viable for them to be modified.

4.3 Any vehicles not meeting the required emission standards **will not** be considered suitable for licensing purposes. There will still be discretion available for a Licensing Sub-Committee to allow for applications that fall outside of this policy.

Options for modification that will be acceptable as an alternative to changing a vehicle for new are as follows:

##### **a) Alternative Fuel Conversions**

Vehicles having been converted to use alternative low emission fuels (LPG, etc) will be required to produce the installation certificate at the time of testing to demonstrate that the vehicle conversion meets those standards in place at the time of licensing.

##### **b) Modifications to the Vehicle**

Any modifications made to the vehicle to enable it to achieve the required Euro Standard, must be accompanied by certification by a competent engineer / supplier of the modification stating that the vehicle emissions comply with the minimum standard required by the Council at the time of licensing.

### **c) Emission Reduction Systems**

A list of emission abatement technology companies that have been approved by the Public Carriage Office London (PCO) in conjunction with the Energy Saving Trust (EST) can be made available to the proprietor of the Hackney Carriage on request.

The Companies or their subsidiaries may not be available in Exeter, but vehicle proprietors should contact a relevant system provider to determine availability.

**N.B** Proprietors should be aware that some vehicles, due to the age and condition of their engines, might not pass the relevant emissions test even after an emissions reduction kit has been fitted. Proprietors are therefore strongly advised to discuss the merit of fitting an emissions reduction system with a suitably qualified person before making any decision; An emission reduction system can cost between £1000 and £3000 (est.)

## **5.0 SUMMARY OF POLICY**

- 5.1 In order to reduce the emissions standards of licensed Hackney Carriages Exeter City Council will not licence vehicles that fail to meet Euro Standard 5 for new vehicles, currently licensed vehicles will need to meet Euro Standard 4 as a minimum with the aim of all licensed Hackney Carriage vehicles being of Euro standard 5 or higher from January 2016.
- 5.2 A list of all licensed vehicles and the current standard they reach is attached It should be noted that the type of vehicle identified may be slightly different to the one actually licensed as e.g. the licensed vehicle may have a different gear box to the one identified. An accurate check will be made at the time of re-licensing to establish the eligibility for licensing.

## **6 RECOMMENDATION**

- 6.1 It is recommended that the Licensing Committee adopt the policy, so that ;
- a) with effect from the 7 January 2013 Exeter City Council removes the age limitation policy in favour of the emissions policy.
  - b) The newly adopted policy will require all newly licensed Hackney Carriage vehicles to attain Euro standard 5 as a minimum
  - c) With effect from January 2016 all vehicles currently licensed vehicles will achieve Euro Standard 5 as a minimum.
  - d) The policy will be reviewed at intervals of no longer than 5 years to ensure the highest achievable level of control of emissions is adopted.

### **Assistant Director Environment**

Community and Environment

Local Government (Access to Information) Act 1985 (as amended)  
Background papers used in compiling this report:  
None

How vehicles will be affected by change of policy relating to renewal of licenses in January 2016.

**N.B.** Any new licenses granted is to be Euro standard 5 as a minimum

Vehicle Plate Number	Vehicle Plate Number (cont)
1 Over 8 years old	34 Over 8 years old
2 Euro standard 4	35 Over 8
3 Over 8	36 Euro standard 4
4 Over 8	37 Over 8
5 Euro standard 4	38 Euro standard 4
6 Euro standard 4	39 Euro standard 4
7 Euro standard 4	40 Over 8
8 Euro standard 4	41 Euro standard 4
9 Euro standard 4	42 Over 8
10 Over 8	43 Euro standard 4
11 Over 8	44 Euro standard 4
12 Over 8	45 Euro standard 4
13 Over 8	46 Euro standard 4
14 Euro standard 4	47 Euro standard 4
15 Euro standard 4	48 Over 8
16 Euro standard 4	49 Euro standard 4
17 Euro standard 4	50 Over 8
18 Euro standard 4	51 Euro standard 4
19 Euro standard 4	52 Over 8
20 Euro standard 4	53 Euro standard 4
21 Euro standard 4	54 Euro standard 4
22 Euro standard 4	55 Euro standard 4
23 Euro standard 4	56 Euro standard 4
24 Euro standard 4	57 Euro standard 4
25 Euro standard 4	58 Over 8
26 Over 8	59 Euro standard 4
27 Euro standard 4	60 Over 8
28 Euro standard 4	61 Hybrid vehicle not identified on website
39 Euro standard 4	62 Euro standard 4
30 <b>Only 6 years old</b>	63 Euro standard 4
31 Euro standard 4	64 Euro standard 4
32 Euro standard 4	65 Euro standard 4
33 Euro standard 5	

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**EXETER CITY COUNCIL  
LICENSING COMMITTEE  
25 SEPTEMBER 2012**

**LIVE MUSIC ACT 2012**

**1. PURPOSE OF THE REPORT**

- 1.1 To inform the Licensing Committee of changes to the Licensing Act 2003 [The Act] and to advise on the potential impact this new legislation will have when in place.
- 1.2 The provisions will be come into force on 1 October 2012

**2. BACKGROUND**

- 2.1 Licensing Authorities are responsible for the Licensing of premises which among other things provide regulated entertainment; regulated entertainment is defined in the legislation and includes a performance of live music and any playing of recorded music when the entertainment takes place in the presence of an audience and is provided for the purpose or purposes which include the purpose, of entertaining that audience.
- 2.2 Section 177 of the Act provided for exemptions for small premises when first enacted but was so badly drafted that no Licensing Authority received an application to apply this exemption. The new legislation, while still wordy and complex is easier to understand, puts the provisions in place without a need to vary licences.
- 2.3 The provisions of the Live Music Act allow for premises that fall within a prescribed definition, to provide live and music with or without amplification without the need for any licence from the Licensing Authority. Exempted premises are premises which provide:
- 1) Amplified live music between 08:00 and 23:00 on any day before audiences of no more than 200 people on premises authorised to sell or supply alcohol for consumption on the premises;
  - 2) Amplified live music between 08:00 and 23:00 before audiences of not more than 200 people in workplaces not otherwise licensed under the Act (or licensed only for the provision of late night refreshment); and
  - 3) Unamplified live music between 08:00 and 23:00 in any venue.
- 2.4 Any premises that already has a premises licence that permits the provision of live music at the premises are **not** subject to any conditions that are in part 2 of their licence (conditions offered at the time of application)
- 2.5 Any condition on the licence relating to live music is suspended when these provisions come into effect except for conditions imposed on a licence following a hearing as those conditions will always have effect.

### **3. IMPLICATIONS**

- 3.1 Although it is not possible to quantify precisely the impact, it is anticipated more hearings will arise as premises providing music are likely to be reviewed in order to bring nuisance premises into line.
- 3.2 The introduction of the legislation is also expected to give rise to a reduction in applications and the resultant drop in projected income as premises seek to avoid having to bear the cost of a licence and of course facing objections from residents and Responsible Authorities.
- 3.3 One other unintended consequence is likely to be a drop in the number of TEN's received as premises which currently require a licence for short term activities become exempt. If this comes about this will mean another drop in anticipated income.

### **4. RECOMMENDATION**

- 4.1 It is recommended that the Licensing Committee note the report.

#### **Assistant Director Environment**

Community and Environment

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

None

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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