



LICENSING COMMITTEE

4.45pm to 5.25pm

13 June 2013

Present: Councillors Gayton (Chair), Barker, Gayton, Gihawi, Harris, Haynes, Henderson, Maxwell, Price, Stammers, Stephenson Thomas, Wright.

Apologies: Councillors Button and Henderson

1. APPOINTMENT OF VICE CHAIR

Councillor Ash Haynes was elected as the vice chair.

2. PUBLIC QUESTIONS

Matthew Watson asked:

"I would like to ask why I can't upgrade my old taxi (which is beyond repair) to a newer one to comply with Euro 3 emissions limits. I want to re-plate a taxi which I less than ten years old and is Euro 3 emissions compliant so that I can continue with my job. I cannot justify spending £30,000 on a new taxi just to get a new plate. Can the committee please confirm how I go about this?"

The licensing manager replied:

"At the meeting of the licensing committee on 31 March 2011, members considered a report following a request from the hackney carriage trade that the council review the current policy in relation to the granting of hackney carriage vehicle licences. Members resolved that consultation be carried out with the hackney carriage trade and general members of the public on:

- restricting the number of hackney carriage vehicle licences issued
- applying specific age limits in respect of hackney carriage vehicle licences
- review standards relating to exhaust emissions
- amending the licensing criteria for hackney carriage vehicle drivers

- clarifying the hackney carriage vehicle mechanical fitness test.

At the meeting of the licensing committee on 14 June 2012 members considered the results of the consultation and made a number of resolutions, one of which was to:

(2) to defer consideration of the adoption of the proposed hackney carriage vehicle licence conditions detailed in paragraph 32 of the report and the potential impact on accident insurance to the next licensing committee;

Clarification was sought from the Norwich Hackney Trade Association over the “potential impact on accident insurance” which would result from the adoption of the proposed hackney carriage vehicle licence conditions.

One of the proposed conditions in respect of hackney carriage vehicle exhaust emissions read:

(3) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle’s date of manufacture.

The issues raised by the Norwich Hackney Trade Association over the “potential impact on accident insurance” were in relation to this proposed condition. Specifically, the Association’s concerns were in respect of the situation that could arise where an existing licensed hackney carriage vehicle which had been involved in an accident was ‘written off’ by the insurance company and the financial settlement provided by the insurance company would be insufficient to purchase a replacement hackney carriage vehicle which would comply with the proposed condition.

Members are asked to consider the revised condition below which should address the concerns raised by the Norwich Hackney Trade Association.

(3) (i) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle’s date of manufacture.

(ii) A vehicle is exempted from the requirements of condition (3)(i) above providing the following criteria are met:

the licence applied for is to replace a current hackney carriage vehicle licence issued by Norwich city council where the vehicle which is the subject of the current licence has been declared a ‘total loss’ by the motor insurance provider in respect of that vehicle.

Suitable documentary evidence shall be provided from the motor insurance provider to confirm that the vehicle to which the current hackney carriage vehicle licence relates has been declared a ‘total loss’.

The hackney carriage vehicle licence and licence plate in respect of the currently licensed vehicle which has been declared a ‘total loss’ should, where reasonably practicable, be returned to the licensing authority.

The vehicle for which the licence is applied for shall meet, as a minimum, the relevant Euro exhaust emission standard of the

vehicle which is the subject of the current hackney carriage vehicle licence which it seeks to replace, subject to compliance with condition (2) above.

At the licensing committee on 20 December 2012 members resolved to adopt revised hackney carriage vehicle licence conditions with effect from 1 April 2013. These were:

- (2)
 - (i) Licensed hackney carriage vehicles compliance tested after 1 April 2015 must meet Euro III exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.
 - (ii) Licensed hackney carriage vehicles compliance tested after 1 April 2017 must meet Euro IV exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.
 - (iii) Licensed hackney carriage vehicles compliance tested after 1 April 2019 must meet Euro V exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.
- (3)
 - (i) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.
 - (ii) A vehicle is exempted from the requirements of condition (3)(i) above providing the following criteria are met:
 - (a) the licence applied for is to replace a current hackney carriage vehicle licence issued by Norwich city council where the vehicle which is the subject of the current licence has been declared a 'total loss' by the motor insurance provider in respect of that vehicle.
 - (b) Suitable documentary evidence shall be provided from the motor insurance provider to confirm that the vehicle to which the current hackney carriage vehicle licence relates has been declared a 'total loss'.
 - (c) The hackney carriage vehicle licence and licence plate in respect of the currently licensed vehicle which has been declared a 'total loss' should, where reasonably practicable, be returned to the licensing authority.
 - (d) The vehicle for which the licence is applied for shall meet, as a minimum, the relevant Euro exhaust emission standard of the vehicle which is the subject of the current hackney carriage vehicle licence which it seeks to replace, subject to compliance with condition (2) above.
- (4) Vehicles aged 10 years or older will be subject to six monthly compliance testing.

In accordance with the recently adopted conditions, Mr. Watson's existing licensed hackney carriage can continue to be licensed, providing it passes the council's mechanical fitness inspection ('taxi mot'), and providing it meets the relevant euro exhaust emission standards at the relevant date contained in the conditions. If he wishes to licence a new vehicle then, in accordance with the conditions, it must be euro v compliant. The only provision within the

revised conditions for a licence to be 'transferred' to a previously unlicensed hackney carriage is when the original vehicle is the subject of a total loss by the motor insurance provider."

Mr Watson was advised that the only recourse was to ask for a judicial review.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 21 March 2013

5. NORWICH PROVISIONS MARKET AND RIVAL MARKET POLICIES

The licensing manager presented the report.

He explained that the licensing team was currently implementing new leases for traders and six months notice was being served on them to inform them of this.

In response to a question from a member, the licensing manager explained that specialist markets, such as the French market, were arranged by the events team rather than the licensing team. As part of the new policies, specialist markets would need to apply for a licence and would be monitored and regulated.

The licensing manager reported that there were approximately 30 stalls which were currently empty. He also said that stalls could be transferred to another person and this did happen. He also explained that there is always a balance of goods on the market and new stalls were assessed to continue to have a range of goods available. The most popular stalls were food stalls and the number of these are restricted.

In response to a question from a member, the licensing manager said that another commercial market could be set up within the limits of 6.6 miles of the current market but need permission. This authority had been delegated to the licensing manager.

RESOLVED to adopt the Norwich provisions market and rival markets policies detailed in appendices A and B of the report, subject to any applications for commercial markets being brought before the licensing committee.
Licence and Registration Fees

6. PREMISE LICENCE REVIEWS: FLY POSTING

RESOLVED to defer this item to a future meeting.

7. STANDING ITEM – REGULATORY SUBCOMMITTEE MINUTES

RESOLVED to receive the minutes of the regulatory subcommittee meeting held on 20 May 2013.

CHAIR