

Minutes of a meeting held in the Claud Castleton Room, Riverside, Lowestoft on **Wednesday, 13 December 2017 at 6.00pm**

Members Present:

K Grant (Chairman), M Cherry, Y Cherry, J Craig, A Green, J Murray, K Springall and S Webb.

Officers Present:

C Evans (Licensing Services Manager) and S Carter (Democratic Services Officer)

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**1 APOLOGIES / SUBSTITUTES**

Apologies for absence were received from Councillors P Ashdown, N Brooks, J Groom, T Mortimer and C Topping.

In the absence of the Chairman, the Vice-Chairman, Councillor K Grant, took the chair.

**2 DECLARATIONS OF INTEREST**

No declarations of interest were made.

**3 DECLARATIONS OF LOBBYING**

No declarations of lobbying were made.

**4 MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 4 October 2017 be approved as a correct record and signed by the Chairman.

**5 MISCELLANEOUS TAXI MATTERS**

The Committee considered a report which proposed amendments to some of the existing conditions relating to the Council's Private Hire and Hackney Carriage Licensing Policy and also introduced some new requirements.

The Licensing Services Manager explained that the Council's current licensing policies outlined application procedures, stated vehicle specifications and imposed numerous conditions on drivers and operators to ensure the safety of passengers. Some of the procedures, specification and conditions required updating and an additional condition was proposed to help with enforcement. The changes were required in order to keep the policy up to date as a result of advances in new technology and the changes would also address some issues raised by licensed drivers as well as aiding enforcement.

The proposals were:

#### Medical Examinations

Medical Examinations had to be undertaken to ensure fitness standards were equivalent to those for the Group 2 DVLA drivers, and that medicals should be undertaken by a qualified UK registered Medical Practitioner who had access to the applicant's full medical records. However, General Practitioners (GPs) no longer had capacity to carry out such private medical examinations and drivers were being forced to book at private clinics providing the service. It was therefore proposed to remove the words 'access to full medical records' and replace with 'been supplied with a printed summary of their notes including current medication and details of past significant medical conditions'. All GPs were obliged to provide a summary medical record. It was the applicant's responsibility to pay for the cost of the necessary medical examination.

#### Engine Size

The Licensing Services Manager explained that, given the advances in the motor industry the minimum engine capacity specified at 1300cc was somewhat outdated.

In response to Members' questions, the Licensing Services Manager explained that other vehicle specifications would ensure that a car was sufficiently large to carry four passengers and luggage. The specific tests undertaken by Waveney Norse would ensure a vehicle and its size was suitable to become licensed.

#### Daily Vehicle Check

Drivers were meant to undertake and record a daily vehicle check in their 'Daily Vehicle Inspection Log'. However, some records had gone astray and faults had been found via other checks. Having considered the costs and administration time of producing, issuing and monitoring the log books, officers believed the part of the licence condition which required the driver complete a log could be dropped; however the daily checks should still be done. Enforcement checks would reveal if the daily checks had not been undertaken.

Comment was made that there was no specification as to which fluid levels had to be checked and it should be borne in mind that drivers were not necessarily mechanics. A Member advised that a school minibus had to be checked before children were taken out and those checks had previously included a seat belt cutter.

#### E-Cigarettes

It was now illegal to smoke cigarettes within a licensed vehicle and the Environmental Protection Team could issue fines for smoking in vehicles. However, it was sometimes difficult to ascertain if someone was smoking or 'vaping' an e-cigarette. The Licensing Services Manager advised that Legal Services had proposed that the trade should be consulted, giving them the opportunity to comment on banning e-cigarettes.

Members were of the opinion that, taking into consideration train and other providers' bans on e-cigarettes, they should be banned and that prohibition should be extended to drivers and passengers.

Following discussion, the Committee agreed that the proposals were straightforward, common sense. Members were of the opinion that it was not necessary to consult with the trade on the suggested changes to licensing conditions. As the proposals could be introduced immediately, it was

## RESOLVED

That, in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the following changes be approved with immediate effect:

1. The wording '*access to full medical records*' be removed from the Council's Statement of Medical Standards for Hackney Carriage and Private Hire Drivers and be replaced with '*been supplied with a printed summary of their notes including current medication and details of past significant medical conditions*'.
2. That the reference to an engine size be removed from the Council's current vehicle specification for licensed vehicles.
3. That the requirement to complete a daily log to evidence completion of the daily vehicle checks be removed.
4. That a condition be introduced to prohibit the use of e-cigarettes within licensed vehicles and that prohibition be extended to drivers and passengers.

## 6 HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES – AUTO-RICKSHAWS / CYCLE-RICKSHAWS / PEDICABS / TUK-TUKS

The Committee considered a report, the purpose of which was for the Committee to decide whether or not to introduce a licensing scheme for Auto-Rickshaws or Cycle-Rickshaws. Enquiries had been received regarding the use of such vehicles for the purpose of carrying fare paying passengers within the District in seaside towns during the summer months on pre-planned routes.

The Licensing Services Manager explained that horses and carriages were currently licensed and their drivers had a number of conditions to pass. A driver had to undergo all checks similar to a hackney carriage driver, other than the geographical test for the whole district. It had been shown that not many rickshaw policies were currently in place throughout the country.

Many factors had to be considered including an agreed route; the town council(s) had to be happy with any proposals which might, in fact, help with tourism and regeneration; it would not be appropriate for such vehicles to sit in taxi ranks; a number of basic checks would need to be undertaken; and there would need to be £5 million public liability insurance similar to a horse and carriage, pleasure boats and street trading stalls.

Members asked specific questions relating to:

- Adequacy of £5 million insurance.
- Lights on a cycle rickshaw.
- Rider being in the forward position on rickshaws.
- Competency and a full driving licence.
- Pedal cycle safety regulations requiring a helmet.
- Passenger helmets.
- First aid kit.
- Any minimum age.

The Licensing Services Manager confirmed that public liability insurance being proposed was the same as for horse and carriages. If a policy was introduced, it could be specified that vehicles must have two rear lights and that the design of the vehicle must have the driver in the forward position. The proposal in the report was subject to amendment. She had no objection to the inclusion of a basic first aid kit being carried at all times; that could be included within the vehicle specification. Any vehicle used would need to be street legal and have a relevant MOT if needed. The Waveney Norse depot would undertake a check list vehicle inspection similar to taxis. At the present time, there was no minimum age for hackney carriage drivers, just the necessity to have had a full driving licence for a minimum of one year. There would be no designated areas as “ranks”; each type of vehicle would need to be parked on private land.

Any proposed licensing scheme would need consultation with, for example, the local council, Waveney Norse depot, the Police, Highways Authority and the trade prior to it being considered for adoption.

The Committee agreed to consider the introduction of a licensing policy for auto-rickshaws and cycle-rickshaws and understood that it would be subject to review. There being no further discussion it was

#### **RESOLVED**

1. That, in accordance with the Local Government (Miscellaneous Provisions) Act 1976, a licensing regime for both Auto-Rickshaws and Cycle-Rickshaws be agreed in principle.
2. That, to assist in the decision making process for licensing Auto-Rickshaws and Cycle-Rickshaws, it was agreed that consultation take place for an eight week period between 8 January 2018 and 5 March 2018, with the existing private hire and hackney carriage trade, the Waveney Norse Depot, the Police, Town Councils within the Waveney district and Suffolk County Council Highways.
3. That the proposal contained in paragraph 4 of report REP1850 be amended as follows:
  - in (i) the first word ‘Vehicles’ be deleted and replaced with ‘Auto-Rickshaws’ and the final sentence be deleted.

- (j) to specify that cycle rickshaws are to be fitted with two rear lights.

and include:

- vehicles to be of such a design that the driver is in the forward position.
  - that a basic first aid kit be carried at all times.
4. That a further report outlining the consultation responses be presented to the Committee at its meeting scheduled for 4 April 2018.

The meeting was concluded at 6.40pm.

Chairman