

# **BATH AND NORTH EAST SOMERSET**

## **LICENSING COMMITTEE**

Monday, 7th July, 2014

**Present:-** Councillors Manda Rigby (Chair), Anthony Clarke, Gerry Curran, Andrew Furse, Chris Watt and Brian Webber

**Also in attendance:** Cathryn Humphries (Team Manager- Health and Environment (Environmental Protection and Licensing)), John Dowding (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor)

### **1 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

### **2 ELECTION OF VICE-CHAIR (IF DESIRED)**

**RESOLVED** that a Vice-Chair was not required on this occasion.

### **3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillors Patrick Anketell-Jones, Cherry Beath, Bryan Chalker, Roger Symonds and Tim Warren.

### **4 DECLARATIONS OF INTEREST**

There were none.

### **5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

### **6 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

There were none.

### **7 ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS**

There were none.

### **8 MINUTES: 7 APRIL 2014**

These were approved as a correct record and signed by the Chair.

### **9 APPROVAL OF TAXI AND PRIVATE HIRE VEHICLE TESTING STATIONS**

The Team Manager for Environmental Protection and Licensing summarised the report. She said that at present six garages within B&NES were approved to carry out taxi inspections. A review of the current approval process for garages had been undertaken, which had identified three options:

1. To continue to regulate the number of garages approved to undertake licensed vehicle inspections, with garages tendering to achieve approved status.
2. To permit any VOSA approved MoT centre to carry out the licensed vehicle inspections.
3. To bring all licensed vehicle inspections “in-house”

Appendix A set out the arguments for and against each option. Option 1 was the preferred option. She explained that the decision about which option would be adopted would be taken by officers, but Members were, in the interests of openness, being given an opportunity to comment.

Councillor Furse said that he did not consider option 3 to be acceptable. He also wondered why a limit should be placed on the number of garages approved to do inspections. He suggested that any garage which reached the required standard should be approved; this would be in effect a modified version of option 1.

The Senior Public Protection Officer said that limiting the number of garages made it much easier for the Licensing Authority to communicate with them. For example, it had come to light that some vehicle had had diesel particulate filters removed because of the expense of maintaining them. A phone call from the Authority to six garages was all that was required to remind them to check that these filters were fitted and functioning. Councillor Watt suggested that that this was clear evidence that the current system had not been working: the garages had not been checking these filters, even though this was a requirement. The claim that a restriction on the number of garages carrying out this work ensured higher quality control was therefore unfounded.

The Team Manager for Environmental Protection and Licensing explained that this review presented an opportunity to review procedures to ensure that they were robust and transparent.

Councillor Clarke asked whether there had been pressure from garages not on the approved list to be allowed to do the work. The Health and Environmental Manager said that there had been approach from one garage not on the list; it would be beneficial to open up the tendering process and encourage other garages to submit tenders. In reply to a question from Councillor Webber she said that the tendering process would be carried out within existing resources.

Councillor Watt asked what value was added by the taxi inspection, since it seemed to cover the same ground as the MoT. The Principal Solicitor pointed out that a taxi inspection was done annually, whereas in the case of new vehicle the MoT was carried out every three years. The Chair added that the taxi inspection also covered that operation of the meter. Councillor Watt asked where the requirements for taxi

inspections were specified. The Senior Public Protection Officer said there was a check list in the taxi vehicle licence. Councillor Watt said that he agreed that there should be a higher standard for taxis than other vehicles, but felt the present system failed to achieve this. He suggested that vehicle licence holders should be obliged to report adverse findings from inspections, even if they were merely advisory, to the Licensing Authority. He believed that the obligation for this should be on the licence holder and not on the garage. He was not convinced that option 1 would deliver a safer system than the present one. He also believed that vehicle owners should have a choice where to go for the inspections. Councillor Furse suggested that both the licence holder and the garage should be under an obligation to report adverse findings. Councillor Curran suggested that the obligation should be on the garage, by analogy with medical examinations carried out on behalf of companies; the obligation to report the findings was placed on the doctor, not on the patient. The Senior Public Protection Officer felt it was asking rather a lot of licence holders to report advisory findings from inspections; they sometimes deferred dealing with them for financial reasons.

Councillor Clarke said that he felt uncomfortable about limiting approved garages to an arbitrary number; he felt that all who met the standard should be allowed to do the work. Councillor Watt suggested that limiting the fees garages could charge for the work limited the quality of the inspections. The Principal Solicitor pointed out that Regulations limited fees to what was necessary to recover costs and this also applied to third parties because they were acting on behalf of the Licensing Authority.

After the discussion it was proposed by Councillor Clarke and seconded by the Chair and **RESOLVED** to recommend that the Licensing Authority should follow option 1 (approval of garages after a tendering process), but without limiting the number of garages that could be approved.

The Team Manager for Environmental Protection and Licensing offered to come back to the Committee after the tendering process had been completed to provide an update.

The meeting ended at 3.16 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**