

# LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 10

Brighton & Hove City Council

### BRIGHTON & HOVE CITY COUNCIL

#### LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 25 JUNE 2009

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Mrs Cobb (Chairman), Fallon-Khan, Fryer, Hawkes, Hyde, Kitcat, Marsh, Pidgeon, Simson, C Theobald, Watkins, West and Young

**Apologies:** Councillors Lepper, Harmer-Strange, Older and Wrighton

#### PART ONE

#### 1. PROCEDURAL BUSINESS

##### 1a Declarations of Substitute Members

- 1.1 Councillor Fryer declared that she was substituting for Councillor Wrighton.
- 1.2 Councillor Fallon-Khan declared that he was substituting for Councillor Older.

##### 1b Declarations of Interests

- 1.3 There were none.

##### 1c Exclusion of the Press and Public

- 1.4 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Committee (Non Licensing Act 2003 Functions) considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(1) of the Act).
- 1.5 **RESOLVED** – That the press and public be not excluded.

**2. MINUTES OF THE PREVIOUS MEETING**

- 2.1 **RESOLVED** – That the minutes of the previous meeting held on 24 April 2009 be signed as a correct record by the Chairman.

**3. CHAIRMAN'S COMMUNICATIONS**

- 3.1 The Chairman updated Members on the situation at Brighton Station with regard to taxi ranks, and noted that recently all transport operators associated with the station had experienced difficulties. A feasibility study was being undertaken by Officers and any proposed rank would need to take this into account. She noted that the appointment of a rank was a function reserved for the Cabinet Member for Environment, with delegated authority to Officers if no objections were received. If a rank were appointed on the highway, a Traffic Regulation Order would be needed.
- 3.2 Councillor West asked if there had been any proposals for a rank at Brighton Station currently drawn up and the Chairman replied that there had not.
- 3.3 Councillor Watkins asked if the station proprietors were under any obligation to have a rank and the Head of Environmental Health and Licensing replied that they were not, but one was requested because a by-law stated that taxis needed to proceed to the nearest available rank when not in use. He added that the situation had been alleviated recently by Southern Rail, as they had agreed to stop issuing any more permits and reduce the number of permits currently in use at the station by natural wastage.
- 3.4 The Chairman went on to update Members on the recent suspensions and revocations of taxi licences. Since the last meeting, one driver had been given a final warning and one garage had been removed from the list of approved garages.

**4. CALLOVER**

- 4.1 **RESOLVED** – That all items are called over.

**5. PUBLIC QUESTIONS**

- 5.1 There were none.

**6. LICENSING ENFORCEMENT POLICY**

- 6.1 The Committee considered a report from the Director of Environment on the Licensing Enforcement Policy (for copy see minute book).
- 6.2 The Head of Environmental Health and Licensing began by stating that this report followed a consultation period on the policy and was needed to ensure transparency, consistency and efficiency when dealing with licensing enforcement. The policy had been updated after DCMS guidance was issued last year, and the Licensing Panels were already using this guidance in their determinations of licence applications, variations and reviews.

Responses to the consultation were listed in the report, and it was felt that the policy addressed and incorporated the recommendations put forward, and so the recommendation from Officers was for adoption of the policy.

- 6.3 Councillor West was concerned that the changes would have a significant impact on Officers' time, and asked if the department had the capacity to implement this policy. The Head of Environmental Health and Licensing stated that budgets were always tight, but a restructure of the department had taken place last year and staff members were being reduced in some areas via natural wastage to enable an increase in other areas, such as the Noise Patrol Team. There was a risk based Licensing Enforcement Programme, which enabled the department to manage its programmed and non-programmed cases on a yearly basis and the Head of Environmental Health and Licensing was confident that the department were responding well to current demands.
- 6.4 Councillor Fryer noted that non-alcohol related problems were not addressed in the policy and stated that there was a particular instance in her ward of a premises trading late night refreshments beyond their permitted hours, but there seemed to be no enforcement action taking place. The Head of Environmental Health and Licensing noted the difference between non-compliant premises that were causing suffering to the community and non-compliant premises that were not causing suffering. The aim of the policy was to target resources at those premises causing suffering and where demonstrable harm was being created.
- 6.5 Councillor Watkins welcomed the risk based approach that was being taken to the workload for the department, and asked how compatible this programme was with other organisations that the department worked with. The Head of Environmental Health and Licensing stated that the department worked very well with other responsible authorities and many different aspects of licensing issues were discussed and dealt with regularly by all parties.
- 6.6 Councillor Marsh referred to the lead agency tables contained within the policy and noted that proxy sales of alcohol to children listed Sussex Police as the lead agency. She had been told in the past that this was monitored by Trading Standards and asked for guidance on this area. The Head of Environmental Health and Licensing stated that generally sales of alcohol to minors in off-licensed premises were dealt with by Trading Standards and in on-licensed premises by Sussex Police. He noted that whilst the tables were useful in identifying the agency primarily responsible for the issue, any responsible authority could take action where they felt it was appropriate. He added that Trading Standards generally conducted business support training and guidance after the review process to ensure compliance with the licensing objectives.
- 6.7 **RESOLVED** – That the committee adopts the Licensing Enforcement Policy (for copy see minute book).

## 7. DRIVER TRAINING

- 7.1 The Committee considered a report from the Director of Environment regarding Driver Training (for copy see minute book).

- 7.2 The Licensing Manager introduced the report and stated that all new Hackney Carriage/Private Hire drivers were required to undertake training regarding disability issues and customer care. The award was a Level 2 BTEC, which was funded by central Government.
- 7.3 Councillor Hawkes asked where drivers could take this training and the Licensing Manager replied that there were various different ways to access the training material, via classrooms, computers or coursework and the course was tailored to suit the individual in this regard.
- 7.4 Councillor Simson asked if the requirement extended to jockey drivers as well as those who owned their own vehicles and the Licensing Manager confirmed that it did.
- 7.5 Councillor Mrs Theobald stated that she had experienced problems recently with Taxi Drivers taking indirect or inappropriate routes through the city, and asked for this to be raised at the next Taxi Drivers Forum. Councillor Cobb agreed and noted that there were instances of bus lanes being used incorrectly by taxi drivers. The Head of Environmental Health and Licensing agreed and noted that some routes in the city were currently posing particular problems. Road signage had been checked by Highways Officers and was deemed to be correct, and so the next step was to raise the issue at the Taxi Drivers' Forum and consider enforcement action in conjunction with the Police.
- 7.6 **RESOLVED** – That:
1. All prospective Hackney Carriage/Private Hire driver applicants shall be required to hold the Level 2 BTEC Award in Transporting Passengers by Taxi and Private Hire before licensing, from a date agreed by the Director of Environment, and;
  2. That the power to approve the training provider is delegated to the Director of Environment.

## 8. ITEMS TO GO FORWARD TO COUNCIL

- 8.1 There were none.

The meeting concluded at 3.30pm

Signed

Chairman

Dated this

day of