

BRIGHTON & HOVE CITY COUNCIL

LICENSING AND REGULATORY FUNCTIONS SUB-COMMITTEE

3.00PM – 30 JULY 2003

HOVE TOWN HALL

MINUTES

Present: Councillor Turner (Chair); Councillors Allen, Carden, Pidgeon, Mrs Simson, Smith, Taylor, G Theobald and Watkins.

PART ONE

ACTION

10. PROCEDURAL BUSINESS

10A Declarations of Substitutes

10.1 Substitute Councillor For Councillor

Carden	Bodfish
Smith	Hyde
Watkins	Elgood

10B Declarations of Interest

10.2 There were none.

10C Exclusion of Press and Public

10.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

10.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any of the items on the agenda.

11. MINUTES

11.1 **RESOLVED** - That the minutes of the meeting held on 26 June 2003 be approved and signed by the Chair.

12. HACKNEY CARRIAGE AND PRIVATE HIRE SERVICES

12.1 The Sub-Committee considered a report of the Director of Housing & City Support which presented the results of the Hackney Carriage Unmet Demand Study and sought Members' approval to issue additional Hackney Carriage Vehicle licences (for copy see minute book). A full copy of the study from independent transport consultants, the Halcrow Group Limited was made available to Members before the meeting. An executive summary of the Halcrow survey was attached as appendix C. The recommendations arising from the survey were set out in appendix B to the report. This appendix also set out recommendations from the Equalities and Social Justice Forum in relation to improving the availability of wheelchair accessible vehicles in response to telephone bookings.

12.2 Jon Bunney from Halcrow Group Limited attended the meeting to answer questions.

12.3 The Sub-Committee agreed to allow the following representatives of the Hackney Carriage and Private Hire Trade address the meeting and present their view on the survey recommendations:-

12.4 Mark Durrell – Brighton & Hove Private Hire Association. Pete Kavanagh – Transport and General Workers Union. Alex Hadlow - National Taxi Provincial Taxi Trade Union and Tony Breslin – Chairman, Hove Streamline Association.

12.5 Mark Durrell representing the Brighton & Hove Private Hire Association favoured the delimitation of the Hackney Carriage trade. He believed the existing policy was discriminatory and adversely affected women, older drivers, new entrants and colleagues who could not finance the cost of a new hackney carriage and plate. He quoted a figure of £45,000. He disagreed that the plate premium did not affect fares and believed that more cars would be available at night if there were delimitation.

12.6 Mr Durrell answered questions from Members and confirmed that he knew of colleagues who had waited 26 years, 22 years and 17 years, respectively, for a hackney carriage plate. In two of these cases, plates had not been accepted earlier due to the high cost

involved.

12.7 Pete Kavanagh, representing the Transport and General Workers Union, took issue with paragraph 4.3 of the report, which stated, "the Government has stated its intention to legislate to remove the power for local authorities to limit the number of hackney carriages." Mr Kavanagh said he had checked the situation and had found that the Government was only considering delimitation following a full consultation process.

12.8 The T & G Workers Union believed taxis should be part of an integrated system with proper consultation and planning. The survey showed that the average time for waiting for a taxi was less than two minutes. At night the average waiting time was 12 or 13 minutes. This compared well with bus or train travel. The number of hackney carriages per population was very high and the T & G Workers Union believed in managed growth. In the meanwhile, new legislation was needed to ensure fairness and sustainability. The Union argued strongly against delimitation.

12.9 Members raised the issue of people in outlying areas such as Mile Oak, having to wait considerably longer periods for taxis. As there were not enough taxis at night, Mr Kavanagh was asked if there were measures such as security screens that would encourage more drivers to work at night.

12.10 Mr Kavanagh replied that the findings in the survey were accurate. There was a problem at 2.00 to 3.00 a.m. but issuing 300 extra plates would not solve the problem. Even if there were delimitation people would still choose to work social hours.

12.11 Mr Kavanagh was asked what he considered would be a reasonable number of plates. He replied that he favoured a gradual approach in order to have proper monitoring.

12.12 Alex Hadlow, representing the National Taxi Provincial Taxi Trade Union, did not agree with the findings of the survey. He believed most of the unmet demand was at night and that a financial increase would not encourage more drivers to work at night and would alienate customers. Meanwhile, the running costs of a London style wheelchair accessible taxi would be around £350 a month. He stated that hackney carriage drivers covered all wheelchair work on the ranks.

12.13 Mr Hadlow was asked about the use of journeymen. He replied that journeymen were used to make the running of a hackney carriage viable. They were generally self employed. Some journeymen would not work at night for security reasons.

12.14 Tony Breslin, representing Hove Streamline Association took

issue with 5.1 of the report, which stated that only two private hire vehicles were wheelchair accessible. In fact 7 were wheelchair accessible. With regard to paragraph 6.1, Adur District Council charged more than 1 ½ times extra for wheelchairs.

12.15 Mr Breslin pointed out that Streamline worked with a mixed fleet. Paragraph 5.1 of the report stated that 0.05% of the population was confined to travelling in wheelchairs. Halcrow's survey recommended an increase up to 23%, not 100%. He asked the Sub-Committee to consider the 20% of people in Brighton & Hove who were unable to use wheelchair accessible vehicles. Hove Streamline Association recommended a 12% increase in wheelchair accessible vehicles. He stressed the need for a mixed fleet.

12.16 Mr Breslin reported that the TX2 London style wheelchair accessible taxi cost approximately £32,000.

12.17 John Bunney from Halcrow Group Limited reported that their survey found that there was a significant unmet demand for wheelchair accessible vehicles. The survey recommended 19 extra plates were issued immediately to meet demand. Halcrow carried out a rank survey, which covered all times of the day and a telephone survey, which did not include late night calls.

12.18 Members asked questions about the effect of delimitation. The Environmental Health and Licensing Manager reported that the benefit of delimiting would be that there would be free access to the market and another survey would not be needed. However, there were risks with delimitation. The Council was proud of its fleet and needed to have regard to the welfare of the trade that it licences. The night time service was a serious problem. There had been an effort to add screens and CCTV, but a subsidy had not been obtained.

12.19 The council lawyer reported that it was lawful to require that if a hackney carriage vehicle licensed by the council is transferred from the existing owner to a new owner, vehicles subsequently substituted on the vehicle licence shall be vehicles constructed or adapted and always configured to carry passengers seated in wheelchairs.

12.20 The Environmental Health and Licensing Manager confirmed that no hackney carriage licences had been issued since Brighton & Hove became a unitary authority in 1997. This was due to the harmonisation process. The Council could be open to challenge if more licenses were not issued, following the independent study. He confirmed that if recommendation 6 were agreed, it would eventually lead to a 100% wheelchair accessible fleet. Therefore, the Council would be a need to review the situation when the

number of wheelchair accessible vehicles reached 23%. He agreed that the trade and disabled people favoured a mixed fleet.

12.21 A Member made the point that the recommendations in the report did not address the problem of security. Drivers needed to be protected. Meanwhile, a suggestion was made to issue 10 licences instead of 19. The Council Lawyer replied that this was not a legal option. The survey suggested 19. If the Sub-Committee decided on a lower number of licenses it could involve the council in pursuing a policy that was unlawful.

12.22 **RESOLVED** - That the following recommendations 1 to 8 be submitted to the Policy and Resources Committee: -

(1) That the number of Brighton & Hove City Council hackney carriage vehicle licences be increased by 19 to a total of 478 with immediate effect (if approved by Policy and Resources Committee).

(2) That it **not** be agreed to restrict by licence condition, the extra hackney carriage vehicle licences issued by virtue of 1 above always to vehicles which are constructed or adapted and always configured to carry passengers seated in wheelchairs, the type and design of the vehicle to be agreed by the Director of Housing and City Support. **Note:** Members did not vote either for or against this recommendation. It is therefore assumed that the recommendation set out in the report was not carried.

(3) That the number of hackney carriage vehicle licences issued by the council be further increased by 5 annually in May each year beginning in May 2004.

(4) That it **not** be agreed to restrict by licence condition any extra hackney carriage vehicle licences issued by virtue of 3 above always to vehicles which are constructed or adapted and always configured to carry passengers seated in wheelchairs, the type and design of the vehicle to be agreed by the Director of Housing and City Support. **Note:** Members did not vote either for or against this recommendation. It is therefore assumed that the recommendation set out in the report was not carried.

(5) That the additional licences at 1 and 3 above be issued in accordance with the conditions attached to the Brighton & Hove City Council Hackney Carriage Vehicle Licence Waiting List which is current in the year of issue.

(6) That it **not** be a requirement that if a hackney carriage vehicle licensed by this council is transferred from the existing owner to a new owner, vehicles subsequently substituted on the vehicle licence

shall be vehicles constructed or adapted and always configured to carry passengers seated in wheelchairs, the type and design of the vehicle to be agreed by the Director of Housing and City Support.

(7) That it **not** be agreed that at the next review of hackney carriage fares, a night time surcharge be set at a level which will help increase the number of vehicles available at night.

(8) That it **not** be agreed to commission a survey on the effects of delimiting, resulting in free access to the hackney carriage market.

12.23 **RESOLVED** – that following consideration of the recommendations of the Equalities & Social Justice Forum it was agreed:-

(9) That it **not** be a requirement that wheelchair accessibility be a condition of issuing new licences.

(10) That it **not** be a requirement that the transfer of licences are conditional on adapting the vehicle for wheelchair users when the vehicle is next changed.

(11) That it **not** be agreed to encourage the use of pagers for all wheelchair assessable hackney carriage vehicles not on a circuit so they could also be called upon to respond to wheelchair users. Officers had advised that this was highly unlikely to work as the calls would need to be passed by operators to vehicles not working for them.

(12) That it **not** be a requirement that any new or transferred licences should be issued for vehicles with wheelchair access.

(13) That it **not** be agreed to encourage taxi companies to follow the example of one company and employ 1-2 drivers specifically for wheelchair work. It is noted that officers had advised that this would be an unreasonable licence condition given the role of the operator albeit the idea is good. 1 or 2 drivers would not address the shortfall identified in the survey.

(14) That once training schemes have been identified, it be agreed to encourage the promotion of training in the handling of disabled users, including those using wheelchairs to be made available free of charge to taxi drivers. That all new drivers be encouraged to receive wheelchair loading and unloading training before a new driver's licence is issued; It is noted that the only available training is from operators. There is no independent training other than for powered lifts into vehicles by Community Transport.

(15) That it be agreed to consider whether the number of Community Link Vehicles should be increased and wider publicity

given to the service.

(16) That it be agreed to consider options available for supporting a subsidised transport service for wheelchair users. It is noted that this already exists through Community Transport. That it be further agreed to consider allowing the taxi trade to tender for some of the type of work undertaken by Community Transport.

(17) That it be noted that there is a council complaints procedure already in existence for customers to complain of dissatisfaction with wheelchair accessible taxi services.

The meeting concluded at 4.47 p.m

Signed

Chair

Dated this

day of

2003