

Agenda Item 2

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (Non Licensing Act 2003 Functions)

3.00PM – 20 APRIL 2006

COMMITTEE ROOM 3
BRIGHTON TOWN HALL

MINUTES

Present: Councillor Lepper (Chair); Councillors Bennett, Mrs Cobb, Hyde (Deputy Chair), Meegan, Older, Pennington (Deputy Chair), Pidgeon, Randall, Mrs Simson, G Theobald, Tonks, Turner, Watkins.

Apologies: Councillor Fitch.

PART ONE

ACTION

21. PROCEDURAL BUSINESS

21A Declarations of Substitutes

21.1 Councillor Randall substituted for Councillor Williams.

21B Declarations of Interest

21.2 There were none.

21C Exclusion of Press and Public

21.3 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.

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

22. MINUTES

- 22.1 **RESOLVED** - That the minutes of the meeting held on 2 March 2006 be approved and signed by the Chair.

23. PUBLIC QUESTIONS

- 23.1 There were none.

23a. APPLICATIONS FOR HIGHWAY PERMISSIONS (TABLES AND CHAIRS) AL FORNO, THE HOUSE, ENGLISH'S, AND THE SUSSEX PUBLIC HOUSE

The special circumstances for non-compliance with Council Procedure Rule 19, Access to Information Rule 5 and Section 100B(4) of the 1972 Local Government Act as amended (items not to be considered unless the agenda is open to inspection at least five days in advance of the meeting) are; that the full extent of an objection (received w/e 30/3/06) to the Highway Permissions concerned was not fully confirmed until w/c 17/4/06.

- 23a.1 The Committee considered a report of the Assistant Director of Sustainable Transport which requested that there should be a determination of Highway Permissions on behalf of Al Forno, The House, The Sussex Public House and English's Coffee Shop in the light of the objection received (for copy see minutes book).
- 23a.2 The frontager of 35 East Street had objected to the granting of Highway Permissions within the whole of the square. The objection was based on the perceived effect of items within the square on access and sight-lines to said premises. This had claimed to be affecting the freeholder's agents' ability to let the property.
- 23a.3 The applicants from the Sussex Public House, English's, Al Forno and The House attended the Committee. A representative of the objector's solicitors was in attendance as an observer.
- 23a.4 The Highway Enforcement Officer informed the Committee that he had been advised that the consent of frontagers had to be obtained before granting permission for a licence. The coloured map Plan A showed the situation before the application was submitted. Plan B showed the area last year with the area of interest superimposed in blue. The frontager of 35 East Street did have a right of veto over the light blue area shown on this map. This was confirmed by the Committee solicitor.

23a.5 Mr Taverna of Al Forno, spoke on behalf of the applicants, stressing the economic importance of the tables and chairs to the businesses concerned.

23a.6 Members were informed that tables and chairs had been placed in the square for approximately fifteen years. There had never been a formal complaint in the past.

23a.7 **RESOLVED** - (1) That the applications for Highway Permissions (tables and chairs) on behalf of Al Forno, The House, The Sussex Public House and English's Coffee Shop be granted subject to the following exceptions and delegations. The permissions are not granted for the area of the frontager of number 35 East Street, the extent of such area to be delegated to officers to determine. The exact permission areas to be determined by officers in consultation with the licence holders.

Ian Denyer

(2) A further report on the outcome of the above delegations/negotiations be submitted to the next meeting of the Committee.

Reasons for granting licences: The Committee considered that there had been an established use over a period of time, and that the tables and chairs added to the vibrant ambience of the area and supported several businesses.

Note: Councillors Meegan, Pidgeon and Theobald arrived late and did not take part in the discussion or decision.

24. HACKNEY CARRIAGE FARE REVIEW

24.1 The Committee considered a report of the Assistant Director of Public Safety, which sought authority to advertise proposed changes in fares following a request made by the hackney carriage trade (for copy see minute book).

24.2 The Head of Environmental Health and Licensing informed Members that the effect of the changes would be a reduction in the New Year and Christmas charges and a proposed addition of 20p on all fares. The main argument put forward by the trade was that there had been no tariff increase for two years. Running costs were rising and fuel costs increasing. London style taxis were particularly under pressure.

24.3 Members asked how the charges compared to other areas. The Head of Environmental Health and Licensing replied that the Council would probably be equal 12th in the league table compiled by Private Hire and Taxi Monthly, following the increases. The Council was currently 30th in the league table. It

was agreed that all Committee Members should be sent a copy of the league table.

- 24.4 **RESOLVED** - (1) That the relevant Director be authorised to advertise the proposed variation in fares, and invite any objections in accordance with the legal requirements.

**Martin
Seymour**

David Collins

(2) That it be agreed that if no objections are made, or if any objections which are made are withdrawn, the varied table of fares comes into force at a date decided by Committee.

(3) That the matter be reconsidered at the next meeting of the Licensing Committee if valid objections are made but not withdrawn.

25. MULTI AGENCY HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE AND DRIVER CHECKS "OPERATION CABBIE"

- 25.1 The Committee considered a report of the Assistant Director of Public Safety concerning "Operation Cabbie" a multi agency exercise to carrying out spot checks of hackney carriage/private hire vehicles and drivers on the 9th March 2006 (for copy see minute book).

- 25.4 **RESOLVED** – That further multi agency operations of a similar nature be supported.

26. HACKNEY CARRIAGE/PRIVATE HIRE TRADE ETHNICITY MONITORING AND PILOT DRIVER TRAINING SCHEME

- 26.1 The Committee considered a report of the Director of Public Safety concerning the results of Ethnicity Monitoring of the Hackney Carriage/Private Hire Trade for 2004/05 and reported progress of the pilot training scheme currently being offered to drivers (for copy see minute book).

- 26.2 Members agreed that drivers should have a reasonable standard of English. The Head of Environmental Health and Licensing reported that some Members of the Taxi Forum felt that language should form part of the knowledge test.

- 26.3 **RESOLVED** – (1) That the results of Ethnic Monitoring be noted.

(2) That the continuation of the current pilot training scheme be supported.

The meeting concluded at 4.45. p.m.

Signed

Chair

Dated this

day of

2006