





**Brighton & Hove
City Council**

Licensing Committee

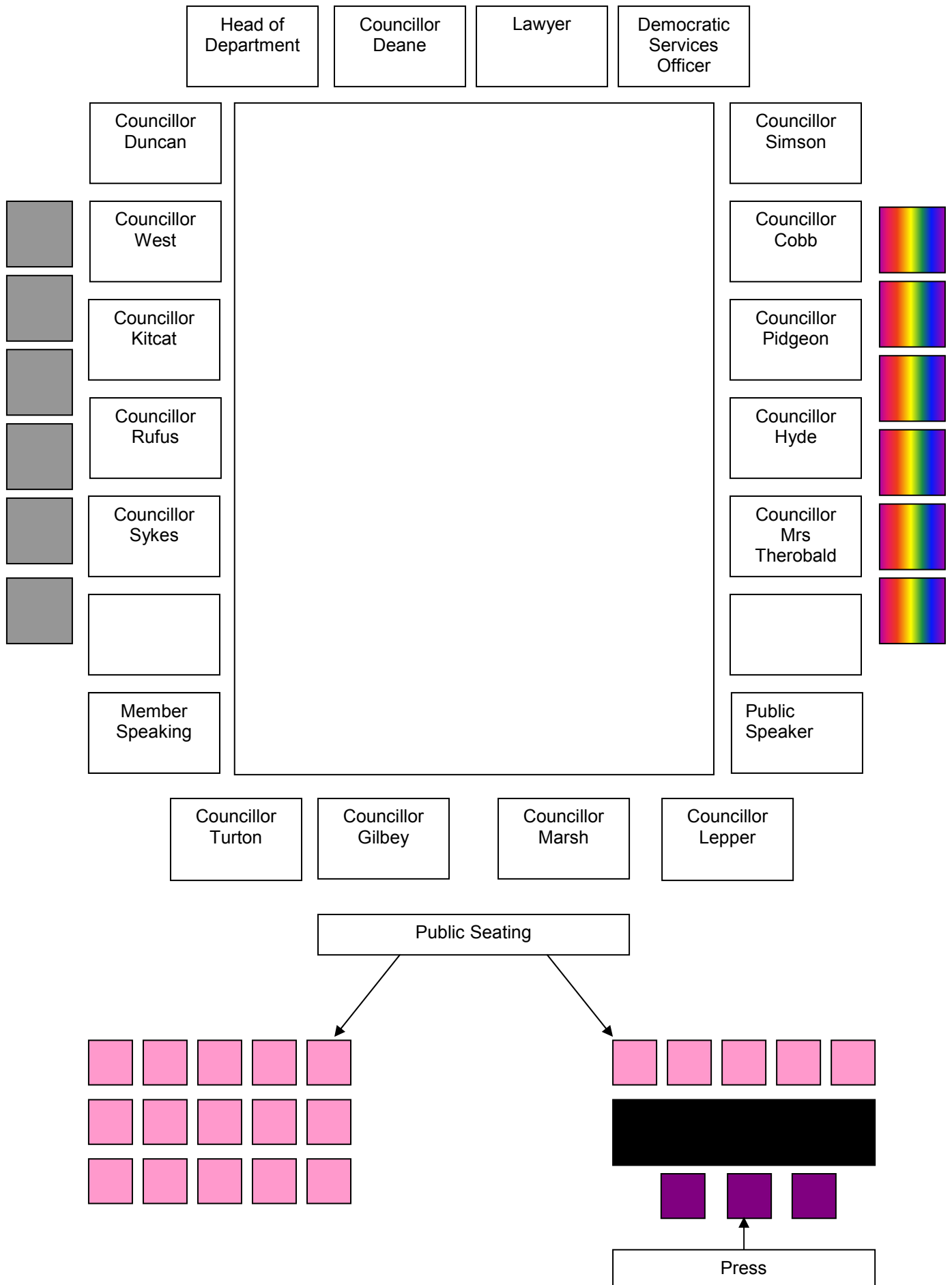
(Non-Licensing Act 2003 Functions)

Title:	Licensing Committee (Non Licensing Act 2003 Functions)
Date:	17 November 2011
Time:	3.30pm or at the conclusion of the preceding (Licensing Act 2003 Functions) meeting
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Deane (Chair), Sykes (Deputy Chair), Cobb, Duncan, Gilbey, Hyde, A Kitcat, Lepper, Marsh, Pidgeon, Rufus, Simson, C Theobald, Turton and West
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout

Member Speaking



AGENDA

Part One

Page

11. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

12. MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 23 June 2011 (copy attached)

13. CHAIR'S COMMUNICATIONS

14. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon 10 November 2011)

No public questions received at date of publication.

15. LICENCE FEES 2012/13

7 - 26

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Tim Nichols

Tel: 29-2163

Ward Affected: All Wards

16. ADDITIONS TO THE BLUE HANDBOOK FOR HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS

27 - 40

Report of the Head of Planning and Public Protection (copy attached)

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Contact Officer: Martin Seymour *Tel:* 296659
Ward Affected: All Wards

17. TERMS OF REFERENCE AND CONSTITUTION FOR THE BRIGHTON & HOVE HACKNEY CARRIAGE AND PRIVATE HIRE CONSULTATION FORUM **41 - 52**

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Martin Seymour *Tel:* 296659
Ward Affected: All Wards

18. HACKNEY CARRIAGE UNMET DEMAND SURVEY AND CONSULTATION ON WHEELCHAIR ACCESSIBLE VEHICLE PROVISION **53 - 62**

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Martin Seymour *Tel:* 296659
Ward Affected: All Wards

19. HACKNEY CARRIAGE/PRIVATE HIRE TRADE:ETHNICITY MONITORING **63 - 92**

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Martin Seymour *Tel:* 296659
Ward Affected: All Wards

20. EQUALITIES ACTION PLAN UPDATE **93 - 100**

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Jean Cranford *Tel:* 29-2550
Ward Affected: All Wards

21. ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES **101 - 110**

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Martin Seymour *Tel:* 296659
Ward Affected: All Wards

22. ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the 15 December 2011 Council meeting for information.

In accordance with Procedure Rule 24.3a the Committee may determine that any item is to be included in its report to Council. In addition each Minority Group may specify one further item to be included by notifying the Chief Executive by 10.00am on 5 December 2011.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065), email penny.jennings@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 9 November 2011

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)	Agenda Item 12 Brighton & Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.30PM 23 JUNE 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Cobb, Gilbey, Hyde, Kitcat, Lepper (Deputy Chair), Marsh, Pidgeon, Rufus, Simson, Sykes (Deputy Chair), C Theobald, Turton and West

Apologies: Councillors Duncan

Officers Present: Tim Nichols, Head of Environmental Health and Licensing; Jean Cranford, Licensing Manager; Martin Seymour, Hackney Carriage Officer; Rebecca Sidell, Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

1. PROCEDURAL BUSINESS

1a Declaration of Substitutes

1.1 There were none.

1b Declarations of Interest

1.2 There were none.

1c Exclusion of the Press and Public

1.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee 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 100I of the Act).

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

2. MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 10 February 2011 be agreed and signed as a correct record.

3. CHAIRMAN'S COMMUNICATIONS

Suspensions and Revocations

- 3.1 The Chairman explained that since the last meeting of the Committee officers in the Hackney Carriage Office had :

Revoked two licences, suspended two drivers on medical grounds and refused licences to two drivers.

In addition to this, three drivers had been given formal warnings which would remain on their files for three years and one driver had been successfully prosecuted for “flipping” (private hire vehicle behaving as a hackney carriage and allowing itself to be hailed on the street).

- 3.2 **RESOLVED** – That the position be noted.

4. CALLOVER

- 4.1 **RESOLVED** – That all items be reserved for discussion.

5. PUBLIC QUESTIONS

- 5.1 There were none.

6. REVIEW OF STREET TRADING

- 6.1 The Committee considered a report of the Head of Environmental Health and Licensing in relation to a review of the Council's Street Trading Policy.

- 6.2 The Head of Environmental Health and Licensing explained that the Council's Street Trading Policy had last been reviewed following consultation and had been agreed by the Licensing Committee on 26 November 2009. There were streets in the city in which street trading was prohibited and areas where it was granted (East Street), where street trading was permitted. There were five pitches for street trading in the city centre. The seafront area including Grand Junction Road and Kings Road were designated as consent streets but were outside the trading policy established by the Council and control of that area was the responsibility of the Seafront Office.

- 6.3 Since revision of the policy, officers had been asked to deal with street trading situations including parking obstructions in Controlled Parking Zones and obstructions

in the city centre; fly traders; difficulties in George Street in relation to the Farmers' Market and also, parking dilemmas which had arisen in Upper Gardener Street. A summary of complaints received had been compiled and was attached as an Appendix to the report. Due to the number and complexity of the complaints received in recent months no further street trading permits had been issued pending members review of the existing policy.

6.4 Councillor Simson enquired whether imposition of the policy in the terms proposed would remove discretion in dealing with future applications and it was confirmed that applications would continue to be judged on their individual merits. Councillor Lepper sought clarification in relation to the issue of peddlers licences.

6.5 **RESOLVED** - (1) The Committee notes the current position in relation to 18 Zone B traders (consents allowing trading outside the city centre) which have generated 70 complaints (45 directly relating to behaviour, 15 of the complaints related to nuisance and obstruction;

(2) That the Committee confirms the current policy;

(3) That the Committee adopts the suggested guidelines on the relevance of convictions set out in Appendix E to the report; and

(4) That the Committee approves the further issue of street trading consents for Zone B (outside the city centre)

7. BLUE BOOK REVIEW

7.1 The Committee considered a report of the Head of Planning and Public Protection which sought to review byelaws, conditions, advice and information for Hackney Carriage and Private Hire Drivers, Vehicles and Operators contained in the blue handbook (The Blue Book) The Committee were requested to approve the second edition of the handbook (circulated as an Appendix to the report). It was noted that the most up to date copy of the Blue Book had been circulated to Members immediately prior to the meeting, this later edition included amendments in relation to CCTV and horse drawn vehicles which had been made following consultation with representatives of the trade as represented by the Taxi Forum.

7.2 Councillor Rufus sought clarification in relation to the CCTV spec to be used and how this had been arrived at. Councillor C Theobald stated that that she considered that improvements had been effected to a number of vehicles which made them more easily accessible. Councillor Pidgeon stated that that was not his experience and that further improvements needed to be effected when dealing with those who were partially sighted or blind.

7.3 Councillor West stated that he was aware that the Federation of Disabled People still had concerns in relation to the level and quality of service provided to customers who had a range of disabilities. He was anxious that this group received reassurance that the Council continued to have dialogue with the trade in order to address these matters. The Head of Environmental Health and Licensing confirmed that this was so

and that these issues had informed the action plan contained at Item 9 on that days agenda.

- 7.4 Councillor Cobb stated that she found some aspects of the document very repetitive and therefore confusing but it was explained that it was necessary to set out information contained in the Blue Book in this way in as the document set both the council's policies in granting licences and the conditions which appeared in the licences themselves.
- 7.5 **RESOLVED** – That the Committee approves the second edition of the Blue Book handbook as circulated.

8. HORSE DRAWN CARRIAGE LICENCE CONDITIONS

- 8.1 The Committee considered a report of the Head of Planning and Public Protection recommending that the Committee agree to formalise the Council's policy of not issuing licences to horse drawn vehicles.
- 8.2 The Head of Environmental Health and Licensing explained that under Section 37 of the Town Police Clauses Act 1847, the Council had discretion to license to ply for hire such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as it considered fit as long as it had exercised that discretion reasonably and had taken account of relevant considerations. It was therefore open to the Council to determine not to issue any hackney carriage licences to horse drawn vehicles.
- 8.3 The Head of Environmental Health and Licensing went on to explain further that the Council had received a preliminary application enquiry during 2010 to run vehicles along Madeira Drive with the intent from the prospective applicant to formally make application in 2011, which is why members were being asked to formally confirm the policy that any application for a hackney carriage licence would not be issued to any horse drawn vehicle.
- 8.4 It was explained that the proposal would also be contrary to the Council's tourism strategy. Inclusion of a horse and cart operator in areas of the city such as on Madeira Drive would not in the view of VisitBrighton add to the seafront or tourism offer, nor would it help with the dispersal of the night time economy by way of taxis. There were also concerns that it would be in direct competition with the Volks Railway which was an important part of the City's tourism heritage. As the seafront area was one of the busiest areas of the City for pedestrians, bicycles and vehicular traffic it was considered that such use could add to existing congestion and could also have safety implications, including concerns by the public in relation to the horses welfare.
- 8.5 Councillor Lepper expressed surprise that this was a matter in which the Council had discretion and Councillor Rufus sought further clarification in relation to the activities which could be permitted along the seafront area and how they could be regulated. It was explained that the Council's discretion in this matter had first been highlighted in relation to the licensing of Tuc Tuc's (motorised rickshaws) several years earlier. In

answer to questions of Councillor Cobb it was explained that the use of horse drawn vehicles for weddings or funerals would be exempt from this policy.

- 8.6 **RESOLVED** - The Committee resolves that it will be licensing policy not to issue licences for any applications for horse drawn vehicles.

9. EQUALITIES ACT 2010 UPDATE

- 9.1 The Head of Environmental Health and Licensing updated the Committee in relation to circulated action plan which had been updated in order to take on board the recommendations made by the Committee at their meeting held in September 2010.

- 9.2 Those areas in which work had progressed were highlighted as were those where some work remained outstanding, two new action points had also been identified and added.

- 9.3 **RESOLVED** – That the position be noted.

10. ITEMS TO GO FORWARD TO COUNCIL

- 10.1 There were none.

The meeting concluded at 5.15pm

Signed

Chairman

Dated this

day of

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 15

Brighton & Hove City Council

Subject:	Licence fees 2012/2013		
Date of Meeting:	17 November 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Tim Nichols	Tel: 29-2163
	Email:	tim.nichols@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report sets out the proposed licence fees and charges for 2012/13 relating to Street Trading, Sex Establishments and Sex Entertainment Licences, Gambling premises, taxi licensing and other licensing functions.

2. RECOMMENDATIONS:

- 2.1 That the committee approves the following variation to licence fees:
- Taxi licence fees: Hackney Carriage Vehicles reduced by 1%, Hackney Carriage Drivers increased by 4%, Private Hire Vehicles reduced by 3%, Private Hire Drivers increased by 2%
 - Street trading: 1% increase
 - Sex shops and sex cinemas: 3% increase
 - Other discretionary licence fees: 4% increase
 - Gambling licensing: no increase
 - Sex Entertainment Venues: no increase

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In order to ensure that council tax payers are not subsidising work concerning licensing administration and enforcement, income is raised by licence fees which aim to cover the cost of administration and enforcement of each regime within constraints of regulation. Licence fees should not be used to raise revenue, however, income is required in order to process applications and minimise risk from unlicensed and unauthorised activities. Unlicensed taxis and taxi drivers present a risk to public safety; unlicensed sex establishments operate without scrutiny and activities present a risk to community and child safety. Unauthorised street trading can cause obstruction of streets, a nuisance to shoppers and cannot be traced for consumer protection purposes. Unlicensed gambling establishments would operate without regulation, giving rise to potential criminal incursion, risk to the vulnerable and lack of consumer protection.

Hackney Carriage & Private Hire

3.2 In 2010, the Audit Commission reported that the Council must be able to show that it calculates hackney carriage and private hire licensing fees in accordance with the specific requirements of the Local Government (Miscellaneous Provisions) Act 1976. This requires that such fees have to be reasonable to recover the cost of issue and administration. They cannot be used to raise revenue. The Act allows the following costs to be recovered in the fees:

- The reasonable cost of carrying out vehicle inspection to decide if a licence should be granted
- The reasonable costs of providing hackney carriage stands
- Any reasonable administrative or other costs in connection with vehicle inspection and providing hackney carriage stands and
- Any reasonable administrative or other costs in the control and supervision of hackney carriage and private hire vehicles.

The Audit Commission reported that the Council had not been transparent enough in recording or presenting its method for calculating licence fees. This report aims to do that.

3.3 A trading position has been established, taking into account all expenditure that the Council has incurred in administering the service, including both direct and indirect costs. (Indirect costs for example would include an element of management time to oversee the activity, a legitimate expense in administering the licensing function). The results are set out in the table below.

3.4

Financial Year	Balance on Taxi License Fees £000*
2009/10 Actual	(9)
2010/11 Actual	(39)
2011/12 Forecast	(3)
Total Deficit	(51)

- A positive figure represents a surplus

3.5 The initial cost projections for 2012/13 show that if none of the license fee levels are increased for 2012/13 a slight deficit will occur overall in Taxi Licensing. Forecasts show that the income due from driver licences for both Hackney Carriages and Private Hire Vehicles will not be sufficient to cover the costs of the service. However, a surplus is predicted from current Vehicle Licences for both Hackney Carriages and Private Hire Vehicles. It is therefore proposed to reduce the license fee for Hackney Carriage Vehicles by 1% and to reduce the fee for Private Hire Vehicles by 3%. In order to address the balance, it is proposed to increase the Hackney Carriage Driver Licence by 4% and to increase the Private Hire Driver Licence by 2%. The costs of administering the service will continue to be reviewed, as the council is committed to keeping the costs as low as possible, thereby allowing fees to be set at the minimum level. Detailed Trading Accounts are attached in Appendix 2.

Sex establishments and Street trading

3.6 R v. Manchester ex parte King - fees should be set at a level reasonably expected to cover costs. Surplus should be reinvested in service.

The Provision of Services Regulations 2009 is likely to have the effect that fees may need to accommodate "charges provided for by a competent authority which

applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.” This may be interpreted as just administration of the licence application.

- 3.7 A trading position has been established, taking into account all expenditure that the Council has incurred in administering the service, including both direct and indirect costs. (Indirect costs for example would include an element of management time to oversee the activity, a legitimate expense in administering the licensing function). The results are set out in the table below.

Financial Year	Balance on Sex Shops and Sex Cinemas Fees £000*
2009/10 Actual	(7)
2010/11 Actual	(6)
2011/12 Forecast	(5)
Total Deficit	(18)

- A positive figure represents a surplus

The initial cost projections for 2012/13 show that if license fee levels are not increased for 2012/13 a deficit of £5,000 will occur. In order to achieve a breakeven budgeted position on the account, the fees would need to be increased by around 9%. However, as the council is committed to keeping the cost of administering the service as low as possible, an increase of 3% is proposed for 2012-13, with a review of the expenditure to be undertaken over the coming months to find efficiencies, in order to reduce the remaining deficit. Detailed Trading Accounts are attached in Appendix 2.

- 3.8 Following the same principles as stated previously, a trading position has been established for Street Trading, taking into account all the council expenditure incurred in administering the service. This would also include an element of management time to oversee the activity. The results are set out in the table below.

Financial Year	Balance on Street Trading Fees £000*
2009/10 Actual	(20)
2010/11 Actual	(1)
2011/12 Forecast	0
Total Deficit	(21)

- A positive figure represents a surplus

Fees should be set each year to recover the expected cost of administering the service. The initial cost projections for 2012/13 show that if licence fee levels are increased by 1% there will be a breakeven budgeted position next year. Detailed Trading Accounts are attached in Appendix 2.

Sex Entertainment Venues

- 3.9 Following the principle of setting a fee to recover the expected costs of providing the service, cost projections for 2012/13 show that the licence fee should be maintained at £4,600. Detailed Trading Accounts are attached in Appendix 2.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 Council's finance officer and legal services.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 License fees are set annually at a level that it is reasonably believed will cover the costs of providing the service, including enforcement and administration. This is necessary in order to ensure that council tax payers are not subsidising work concerning licensing administration and enforcement.

Finance Officer Consulted: Karen Brookshaw

Date 17/10/11

Legal Implications:

5.2 Legal constraints on setting fees

Fees must be charged in accordance with the requirements of the legislation under which they are charged. Thus for instance the Licensing Act 2003 gives the Council no discretion as they are set centrally by the relevant government department. Other legislation such as the Local Government (Miscellaneous Provisions) Act 1982 which covers a whole raft of activities and includes street trading and sex establishments simply states that we may charge such fees as we consider reasonable. With regard to taxi licensing fees, Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 are very prescriptive about what fees may be used for and this is explained in the body of the report.

The term 'Reasonable' however does not imply wide discretion but incorporates important legal principles and constraints. These were highlighted in the case of *R v Manchester City Council ex parte King* concerning street trading. This case held that the fees charged must be related to the costs incurred in providing the street trading service. They must not be used to raise revenue generally. This principle is key and applies to other licensing regimes such as sex establishments. This means the fees must be set at a level reasonably expected to cover the cost of providing the service.

This principle has been reinforced by the introduction of the European Services Directive which took effect from the end of 2009. It aims to ensure that licence applications and procedures are transparent and burdens on business kept to a minimum. The processes must be non-discriminatory, justified, proportionate, clear, objective, made in advance, transparent and accessible. The domestic legislation will require "any charges provided for by a competent authority which the applicant may incur under an authorisation scheme must be reasonable and proportionate to the cost of the authorisation procedures and formalities under the scheme and must not exceed those procedures and formalities". Any fee charged for establishing a service can only be based on cost recovery and cannot be set at an artificial high level to deter service sectors from an area. Application costs can include administration, initial visits, third party costs (e.g. expert advice like a vet), management costs and local democracy costs. The

directive also requires that ongoing enforcement costs should be refundable in the event of an application refusal. Council should schedule regular fee reviews.

Therefore the trading accounts must be carefully looked at in accordance with these principles. There is a risk of challenge by way of Judicial Review in cases where fees are set at an unreasonable level which does not relate to the cost of providing the service.

Lawyer Consulted: Rebecca Sidell

Date: 04/11/11

Equalities Implications:

- 5.3 There are no direct equalities implications.

Sustainability Implications:

- 5.4 There are no direct sustainability implications.

Crime & Disorder Implications:

- 5.5 There are no direct crime and disorder implications.

Risk and Opportunity Management Implications:

- 5.6 None.

Public Health Implications:

- 5.7 None.

Corporate / Citywide Implications:

- 5.8 The city council's ability to raise income impacts on the level of Council Tax and service levels and therefore has citywide implications. A process for a clear, accountable, transparent process for setting fees is set out in appendix 3.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Cash freeze would create budget deficit.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Measure to recoup some costs.

SUPPORTING DOCUMENTATION

Appendices:

1. List of fees and charges.
2. Trading Account.
3. Flowchart.

Documents in Members' Rooms

None.

Background Documents

None.

Gambling Act 2005 2011/12 CHARGE PER UNIT as table below 2012/13 PROPOSED CHARGE PER UNIT no change % INCREASE no change
Table of Premises Licence Fees for Brighton & Hove Licensing Authority

Classes of Premises Licence	Reg. 4(2)(a) Conversion - fast track	Reg. 4(2)(b) Conversion - non fast track	Reg. 5(2)(a) Non Conversion - Statement Premises	Reg. 5(2)(b) Non Conversion - Other Premises	Reg. 6 and Reg. 8 First Annual and Annual Fees	Reg. 10 Change of Circumstance	Reg. 11 Variation	Reg. 12 Transfer	Reg. 13 Copy of Licence	Reg. 14 Reinstatement	Reg. 15 Provisional Statement
Regional Casino	n/a	n/a	n/a [8,000]	n/a [3,000]	n/a [15000]	n/a [50]	n/a [7,500]	n/a [6,500]	n/a [25]	n/a [6,500]	n/a [15,000]
Large Casino	n/a	n/a	n/a [5,000]	n/a [3,000]	N/a [10000]	N/a [50]	n/a [5,000]	n/a [2,150]	n/a [25]	n/a [2,150]	n/a [10,000]
Small Casino	n/a	n/a	n/a [3,000]	n/a [3,000]	N/a [5,000]	n/a [50]	n/a [4,000]	n/a [1,800]	n/a [25]	n/a [1,800]	n/a [8,000]
Existing Casino	£260 [300]	£1,155 [2,000]	n/a	n/a	£1,500 [3,000]	£11.55 [50]	£1,155 [2,000]	£1,155 [1,350]	£11.55 [25]	£1,155 [1,350]	n/a
Bingo Premises	£260 [300]	£1,155 [1,750]	£577.50 [1,200]	£1,155 [3,500]	£500 [1,000]	£11.55 [50]	£1,155 [1,750]	£1,155 [1,200]	£11.55 [25]	£1,155 [1,200]	£1,155 [3,500]
AGCs	£260 [300]	£1,000 [1,000]	£577.50 [1,200]	£1,155 [2,000]	£500 [1,000]	£11.55 [50]	£1,000 [1,000]	£1,155 [1,200]	£11.55 [25]	£1,155 [1,200]	£1,155 [2,000]
Betting – Tracks	£260 [300]	£1,155 [1,250]	£577.50 [950]	£1,155 [2,500]	£500 [1,000]	£11.55 [50]	£1,155 [1,250]	£950 [950]	£11.55 [25]	£950 [950]	£1,155 [2,500]
FECs	£260 [300]	£1,000 [1,000]	£577.50 [950]	£1,155 [2,000]	£375 [750]	£11.55 [50]	£1,000 [1,000]	£950 [950]	£11.55 [25]	£950 [950]	£1,155 [2,000]
Betting - Other	£260 [300]	£1,155 [1,500]	£577.50 [1,200]	£1,155 [3,000]	£300 [600]	£11.55 [50]	£1,155 [1,500]	£1,155 [1,200]	£11.55 [25]	£1,155 [1,200]	£1,155 [3,000]
Lotteries- New								£40.00	*	£40.00	0.00
- Renewal								£20.00	*	£40.00	0.00

Prices shown in pounds (£) are the relevant fees in Brighton & Hove only; prices in square brackets are legal maximum levels for information.

Proposed licence fees

	2011/12	2012/13	% increase
Cosmetic piercing (acupuncturists, tattooists, cosmetic piercers, per premises, per additional piercer)	118.30	123.00	4%
Street trading			
Upper Gardner Street	588.00	594.00	1%
Zone B	704.50	711.50	1%
Zone A	4,838.00	4,886.00	1%
Street artists	33.70	34.00	1%
Misc. short term	33.70	34.00	1%
Farmers market per stall	252.60	255.00	1%
Small street market per occasion	336.60	340.00	1%
Sex Entertainment Venue (lap dancing)	4,600.00	4,600.00	0%
Sex establishments			
Grant	12,073.70	12,435.90	3%
Renewal	10,262.70	10,570.50	3%
Occasional	4,124.90	4,248.60	3%
Taxi licences			
First Application	66.00	67.00	2%
CRB check (Now different type of check)	36.00	26.00	-28%
Hackney Carriage Drivers Licence	44.00	46.00	4%
Private Hire Drivers Licence	44.00	45.00	2%
Hackney Carriage Vehicle Licence	180.00	178.00	-1%
Private Hire Vehicle Licence	157.00	152.00	-3%
Hackney Carriage Vehicle plate deposit	38.00	38.00	0%
Private Hire Vehicle plate deposit	28.00	27.00	-3%
Private Hire operator licence (1 or 2 cars)	56.00	57.00	2%
Private Hire operator licence (3 or more cars)	197.00	201.00	2%
Hackney Carriage Substitute Vehicle Fee	29.00	29.00	-1%
Private Hire Vehicle Substitute Vehicle Fee	29.00	28.00	-3%

Brighton & Hove City Council

Environmental Health &
Licensing

Hackney Carriage and Private Hire Vehicle Licensing Trading Account 2010/11 OUTTURN

	EVH035	Hackney Carriages			Private Hire Vehicles		
		Vehicles	Drivers	Total	Vehicles	Drivers	Total
	£	£	£	£	£	£	£
Employees							
Salaries	138,231	51,860	33,988	85,848	35,673	16,710	52,383
National Insurance	9,855	3,530	2,591	6,121	2,462	1,272	3,734
Superannuation	13,500	4,131	4,257	8,388	3,026	2,086	5,112
Staff training	770	150	329	479	131	160	291
Staff advertising	600	117	256	373	102	125	227
	162,956	59,788	41,421	101,209	41,394	20,353	61,747
Premises							
Room Hire (Hove Centre for training courses and taxi forums)	699	136	298	434	119	146	265
	699	136	298	434	119	146	265
Transport							
Mileage Allowances	17	3	7	10	3	4	7
Staff Travel Allowances	154	30	66	96	26	32	58
City Car Club	382	75	163	238	65	80	145
Public Transport Buses	108	21	46	67	18	23	41
Train Travel	85	17	36	53	14	18	32
	746	146	318	464	126	157	283
Supplies & Services							
CRB Checks	21,780	0	14,634	14,634	0	7,146	7,146
Equipment Purchase	1,000	195	427	622	170	208	378
Licence							
Plates/Signs//Fixings/Badges	20,558	4,012	8,773	12,785	3,489	4,284	7,773
Course Fees	1,218	238	519	757	207	254	461
Office Consumable Costs	4,180	816	1,783	2,599	709	871	1,580
Miscellaneous fees	416	81	177	258	71	87	158
Telephone Costs	884	173	377	550	150	184	334
ICT Costs	352	69	150	219	60	73	133
BTEC Training Course Fees	10,750	2,098	4,587	6,685	1,825	2,240	4,065
Legal Fees	1,200	234	512	746	204	250	454
Staff Clothing / Uniforms	113	22	48	70	19	24	43
Hospitality	256	50	110	160	43	53	96
Public Notices / Communication	3,698	722	1,577	2,299	628	771	1,399
Subscriptions, card commission and miscellaneous office costs	1,013	198	432	630	172	211	383
Medical Advisor (To December '10)	11,077	0	7,442	7,442	0	3,635	3,635
DVLA Checks	11,001	2,147	4,694	6,841	1,867	2,293	4,160
	89,496	11,054	46,243	57,297	9,615	22,584	32,199
Direct Expenditure Total	253,897	71,125	88,279	159,403	51,253	43,240	94,493

	EVH035	Hackney Carriages			Private Hire Vehicles		
		Vehicles	Drivers	Total	Vehicles	Drivers	Total
		£	£	£	£	£	£
Support Services							
Employee Insurance Overheads	340	97	117	214	69	57	126
Transport Insurance Overheads	100	29	34	63	20	17	37
Management & Administration	4,906	1,400	1,682	3,082	1,000	824	1,824
Property Overheads	16,300	4,651	5,589	10,240	3,322	2,738	6,060
ICT Overheads	5,280	1,507	1,810	3,317	1,076	887	1,963
Finance Overheads	9,960	2,842	3,415	6,257	2,030	1,673	3,703
Human Resources Overheads	3,560	1,016	1,220	2,236	726	598	1,324
Strategy & Governance Overheads	2,070	590	710	1,300	422	348	770
Communications Overheads	640	183	219	402	130	108	238
Miscellaneous Overheads	70	20	24	44	14	12	26
	43,226	12,335	14,820	27,155	8,809	7,262	16,071
Income							
Licences	(257,591)	(86,073)	(62,139)	(148,213)	(76,737)	(32,641)	(109,378)
	(257,591)	(86,073)	(62,139)	(148,213)	(76,737)	(32,641)	(109,378)
(Surplus) / Deficit 2010-11	39,532	(2,838)	41,169	38,330	(16,760)	17,961	1,201

Cost Apportionment Basis

Actual Numbers	2,716	530	1,159	1,689	461	566	1,027
Percentage Split	100%	31%	69%	62%	45%	55%	38%

Brighton & Hove City Council

Environmental Health & Licensing

Hackney Carriage and Private Hire Vehicle Licensing Trading Account 2011/12 Forecast Outturn

	EVH035 £	Hackney Carriages			Private Hire Vehicles		
		Vehicles £	Drivers £	Total £	Vehicles £	Drivers £	Total £
Employees							
Salaries	138,376	52,805	32,891	85,697	35,923	16,756	52,680
National Insurance	9,754	3,258	2,781	6,039	2,302	1,414	3,715
Superannuation	20,654	7,418	5,371	12,789	5,131	2,733	7,865
Staff training	1,070	210	452	662	179	229	408
Staff advertising	400	79	169	247	67	86	153
	170,254	63,770	41,665	105,434	43,602	21,218	64,820
Premises							
Room Hire (Hove Centre for training courses and taxi forums)	870	171	367	538	146	186	332
	870	171	367	538	146	186	332
Transport							
Mileage Allowances	20	4	8	12	3	4	7
Staff Travel Allowances	20	4	8	12	3	4	7
Public Transport Buses	220	43	93	136	37	47	84
Car Clubs - Public Transport	1,200	236	506	742	201	257	458
	1,460	287	615	902	244	312	556
Supplies & Services							
CRB Checks	19,050	0	12,645	12,645	0	6,405	6,405
Equipment Purchase	600	118	253	371	101	128	229
Licence							
Plates/Signs//Fixings/Badges	16,000	3,146	6,753	9,899	2,680	3,420	6,100
Office Consumable Costs	3,000	590	1,266	1,856	503	641	1,144
Miscellaneous fees	50	10	21	31	8	11	19
Telephone Costs	1,000	197	422	619	168	214	382
ICT Costs	850	167	359	526	142	182	324
Consultants Fees	0	0	0	0	0	0	0
Legal Fees	2,200	433	929	1,362	369	470	839
Staff Clothing / Uniforms	600	118	253	371	101	128	229
Hospitality	540	106	228	334	90	115	205
Public Notices / Communication	8,700	1,711	3,672	5,383	1,457	1,860	3,317
Subscriptions, card commission and miscellaneous office costs	1,080	212	456	668	181	231	412
Medical Advisor (covers 15 months)	16,650	0	11,052	11,052	0	5,598	5,598
DVLA Checks	9,300	1,829	3,925	5,754	1,558	1,988	3,546
	79,620	8,637	42,235	50,872	7,358	21,390	28,748

Direct Expenditure Total	252,204	72,865	84,882	157,747	51,350	43,107	94,456
EVH035		Hackney Carriages			Private Hire Vehicles		
		Vehicles	Drivers	Total	Vehicles	Drivers	Total
£		£	£	£	£	£	£
Support Services							
Employee Insurance Overheads	350	101	118	219	71	60	131
Transport Insurance Overheads	100	29	34	63	20	17	37
Management & Administration	6,180	1,785	2,080	3,865	1,259	1,056	2,315
Property Overheads	15,980	4,617	5,378	9,995	3,254	2,731	5,985
ICT Overheads	5,630	1,627	1,895	3,522	1,146	962	2,108
Finance Overheads	9,380	2,710	3,157	5,867	1,910	1,603	3,513
Human Resources Overheads	3,540	1,023	1,191	2,214	721	605	1,326
Strategy & Governance Overheads	1,930	557	650	1,207	393	330	723
Communications Overheads	640	185	215	400	131	109	240
Miscellaneous Overheads	70	20	24	44	14	12	26
	43,800	12,654	14,742	27,396	8,919	7,485	16,404
Income							
Licences	(293,453)	(96,148)	(73,069)	(169,217)	(84,244)	(39,993)	(124,237)
	(293,453)	(96,148)	(73,069)	(169,217)	(84,244)	(39,993)	(124,237)
(Surplus) / Deficit 2011-12	2,550	(10,628)	26,555	15,926	(23,975)	10,599	(13,376)
Cost Apportionment Basis							
Actual Numbers*	2,746	540	1,159	1,699	460	587	1,047
Percentage Split	100%	32%	68%	62%	44%	56%	38%

Brighton & Hove City Council

Environmental Health & Licensing

Hackney Carriage and Private Hire Vehicle Licensing Draft Trading Account 2012/13 Budget

	EVH035 £	Hackney Carriages			Private Hire Vehicles		
		Vehicles £	Drivers £	Total £	Vehicles £	Drivers £	Total £
Employees							
Salaries	133,244	49,014	33,498	82,512	33,679	17,053	50,732
National Insurance	11,763	4,558	2,727	7,285	3,088	1,390	4,478
Superannuation	23,583	8,675	5,929	14,604	5,961	3,018	8,979
Staff training	1,070	210	452	662	179	229	408
Staff advertising	400	79	168	247	67	86	153
	170,060	62,536	42,774	105,310	42,974	21,776	64,750
Premises							
Room Hire (Hove Centre for training courses and taxi forums)	870	171	367	538	146	186	332
	870	171	367	538	146	186	332
Transport							
Mileage Allowances	20	5	8	13	3	4	7
Staff Travel Allowances	20	5	8	13	3	4	7
Public Transport Buses	220	43	93	136	37	47	84
Car Clubs - Public Transport	1,200	236	506	742	201	257	458
	1,460	289	615	904	244	312	556
Supplies & Services							
CRB Checks	19,200	0	12,745	12,745	0	6,455	6,455
Equipment Purchase	600	118	253	371	101	128	229
Licence							
Plates/Signs//Fixings/Badges	16,000	3,146	6,753	9,899	2,680	3,420	6,100
Office Consumable Costs	3,000	590	1,266	1,856	503	641	1,144
Miscellaneous fees	50	10	21	31	8	11	19
Telephone Costs	1,000	197	421	618	168	214	382
ICT Costs	850	167	359	526	142	182	324
Unmet demand survey 1/3 cost	7,000	4,331	0	4,331	2,669	0	2,669
Legal Fees	2,200	432	929	1,361	369	470	839
Staff Clothing / Uniforms	600	118	253	371	101	128	229
Hospitality	540	106	229	335	90	115	205
Public Notices / Communication	8,700	1,711	3,672	5,383	1,457	1,860	3,317
Subscriptions, card commission and miscellaneous office costs	1,080	212	456	668	181	231	412
Medical Advisor Expenses	13,325	0	8,845	8,845	0	4,480	4,480
DVLA Checks	9,300	1,829	3,925	5,754	1,558	1,988	3,546
	83,445	12,967	40,127	53,094	10,027	20,323	30,350

Direct Expenditure Total	255,835	75,963	83,883	159,846	53,391	42,597	95,988
	EVH035	Hackney Carriages			Private Hire Vehicles		
		Vehicles	Drivers	Total	Vehicles	Drivers	Total
	£	£	£	£	£	£	£
Support Services							
Employee Insurance Overheads	350	104	115	219	73	58	131
Transport Insurance Overheads	100	30	33	62	21	17	38
Property Overheads	15,980	4,745	5,240	9,984	3,335	2,661	5,996
ICT Services Overheads	5,630	1,672	1,846	3,518	1,175	937	2,112
Finance Overheads	9,380	2,785	3,076	5,861	1,958	1,562	3,519
Human Resources Overheads	3,540	1,051	1,161	2,212	739	589	1,328
Strategy & Governance Overheads	1,930	573	633	1,206	403	321	724
Communications Overheads	640	190	210	400	134	107	240
Miscellaneous Overheads	70	21	23	44	15	12	26
	37,620	11,170	12,335	23,505	7,851	6,264	14,115
Income							
Licence Fees at 2011-12 levels	(290,303)	(96,148)	(70,978)	(167,126)	(84,244)	(38,934)	(123,178)
	(290,303)	(96,148)	(70,978)	(167,126)	(84,244)	(38,934)	(123,178)
(Surplus) / Deficit	3,151	(9,015)	25,240	16,226	(23,002)	9,926	(13,076)
Uplift to licence fee for 2012-13		-1%	+4%		-3%	+2%	
Revised (Surplus) / Deficit	3,020	(8,054)	22,401	14,347	(20,475)	9,148	(11,327)
Cost Apportionment Basis							
Actual Numbers*	2,746	540	1,159	1,699	460	587	1,047
Percentage Split	100%	32%	68%	62%	44%	56%	38%

Brighton & Hove City Council

Environmental Health & Licensing

Licensing - Other: Trading Account - 2010/11

Actual

	Cost Centre Total	Street Trading	Sex Establishments	Outside the scope	Sex Entertainment Venues
	£	£	£	£	£
Employees					
Salaries	85,270	37,519	37,519	10,232	
National Insurance	6,649	2,926	2,926	798	
Superannuation	14,508	6,384	6,384	1,741	
Training	190	84	84	23	
	106,617	46,911	46,911	12,794	0
Transport					
Staff Travel Allowances	416	183	183	50	
	416	183	183	50	0
Supplies & Services					
Office Consumable Costs	2,047	901	901	246	
Legal Fees	0	0	0	0	
Reference Books	0	0	0	0	
Hospitality	22	10	10	3	
Postages	0	0	0	0	
Publicity & Marketing	901	396	396	108	
	2,970	1,307	1,307	356	0
Support Services					
Management & Administration	3,120	1,373	1,373	374	0
Property Overheads	5,910	2,600	2,600	709	0
ICT Overheads	880	387	387	106	0
Finance Overheads	4,510	1,984	1,984	541	0
Human Resources Overheads	760	334	334	91	0
Strategy & Governance Overheads	1,290	568	568	155	0
Communications Overheads	370	163	163	44	0
Miscellaneous Overheads	50	22	22	6	0
Transport Insurance Overheads	100	44	44	12	0
Employee Insurance Overheads	70	31	31	8	0
	17,060	7,506	7,506	2,047	0
Income					
Licence Fees	-112,816	-54,807	-50,307	-7,702	0
	14,247	1,101	5,601	7,546	0
(Surplus) / Deficit					
Income split		49%	45%	14%	

Ave. expenditure apportionment: 44% 44% 12%

Brighton & Hove City Council

Environmental Health & Licensing

Licensing - Other: Trading Account - 2011/12 Forecast

	Cost Centre Total £	Street Trading £	Sex Establishments £	Outside the scope £	Sex Entertainment Venues £
Employees					
Salaries	102,685	41,164	41,164	11,227	9,130
National Insurance	8,152	3,239	3,239	883	790
Superannuation	11,983	4,591	4,591	1,252	1,550
Training	300	0	0	0	300
	123,120	48,994	48,994	13,362	11,770
Transport					
Staff Travel Allowances	1,000	405	405	110	80
	1,000	405	405	110	80
Support Services					
Management & Administration	3,280	1,305	1,305	356	313
Property Overheads	5,790	2,304	2,304	628	553
ICT Overheads	860	342	342	93	82
Finance Overheads	4,250	1,691	1,691	461	406
Human Resources Overheads	760	302	302	82	73
Strategy & Governance Overheads	1,200	478	478	130	115
Communications Overheads	370	147	147	40	35
Miscellaneous Overheads	50	20	20	5	5
Transport Insurance Overheads	100	40	40	11	10
Employee Insurance Overheads	70	28	28	8	7
	16,730	6,658	6,658	1,816	1,597
Income					
Licence Fees	-128,872	-55,903	-51,313	-7,856	-13,800
(Surplus) / Deficit	11,978	154	4,745	7,432	-353
Income split		43.4%	39.8%	6.1%	10.7%
Average expenditure apportionment:		39.8%	39.8%	10.9%	9.5%

Brighton & Hove City Council

Environmental Health & Licensing

Licensing - Other: Trading Account - 2012/13 Budget

	Cost Centre Total	Street Trading	Sex Establishments	Outside the scope	Sex Entertainment Venues
	£	£	£	£	£
Employees					
Salaries	103,070	41,334	41,334	11,273	9,130
National Insurance	8,360	3,331	3,331	908	790
Superannuation	12,310	4,734	4,734	1,291	1,550
	<u>123,740</u>	<u>49,399</u>	<u>49,399</u>	<u>13,472</u>	<u>11,470</u>
Transport					
Staff Travel Allowances	1,020	413	413	113	82
	<u>1,020</u>	<u>413</u>	<u>413</u>	<u>113</u>	<u>82</u>
Support Services					
Management & Administration	3,280	1,310	1,310	357	304
Property Overheads	5,790	2,312	2,312	630	536
ICT Overheads	860	343	343	94	80
Finance Overheads	4,250	1,697	1,697	463	394
Human Resources Overheads	760	303	303	83	70
Strategy & Governance Overheads	1,200	479	479	131	111
Communications Overheads	370	148	148	40	34
Miscellaneous Overheads	50	20	20	5	5
Transport Insurance Overheads	100	40	40	11	9
Employee Insurance Overheads	70	28	28	8	6
	<u>16,730</u>	<u>6,680</u>	<u>6,680</u>	<u>1,822</u>	<u>1,549</u>
Income					
Licence Fees at 2011-12 levels	<u>-128,872</u>	<u>-55,903</u>	<u>-51,313</u>	<u>-7,856</u>	<u>-13,800</u>
(Surplus) / Deficit	<u>12,618</u>	<u>588</u>	<u>5,178</u>	<u>7,551</u>	<u>-699</u>
Uplift to licence fee for 2012-13		1%	3%	4%	0%
Revised (Surplus) / Deficit	<u>10,205</u>	<u>29</u>	<u>3,639</u>	<u>7,236</u>	<u>-699</u>

**Brighton & Hove City Council
Environmental Health & Licensing
Gambling Act 2005 - Rolling Account**

	EVH041 Actual 2009-10	EVH041 Actual 2010-11	EVH041 Forecast 2011-12	Rolling 3 year Position
Employees				
Salaries	53,095	49,114	49,610	
National Insurance	4,257	4,194	4,520	
Superannuation	8,798	8,349	8,430	
Training		120		
Overtime	199	61		
Agency Staff	(52)		100	
	<u>66,297</u>	<u>61,838</u>	<u>62,660</u>	
Premises				
Room Hire				
	<u>0</u>	<u>0</u>	<u>0</u>	
Transport				
Vehicles				
Staff Travel Allowances	251	254	54	
	<u>251</u>	<u>254</u>	<u>54</u>	
Supplies & Services				
Office Consumable Costs	946			
Telephone Costs				
ICT Costs		0	0	
Other Supplies & Services				
Postages				
	<u>946</u>	<u>0</u>	<u>0</u>	
Support Services				
Management & Administration Overheads	2,597	1,190	1,220	
	<u>2,597</u>	<u>1,190</u>	<u>1,220</u>	
Income				
Licences	(60,125)	(58,027)	(58,027)	
	<u>(60,125)</u>	<u>(58,027)</u>	<u>(58,027)</u>	
(Surplus)/Deficit	<u>9,966</u>	<u>5,255</u>	<u>5,907</u>	<u>21,128</u>

Process: Setting Licence fees - 06/xxxx/xx

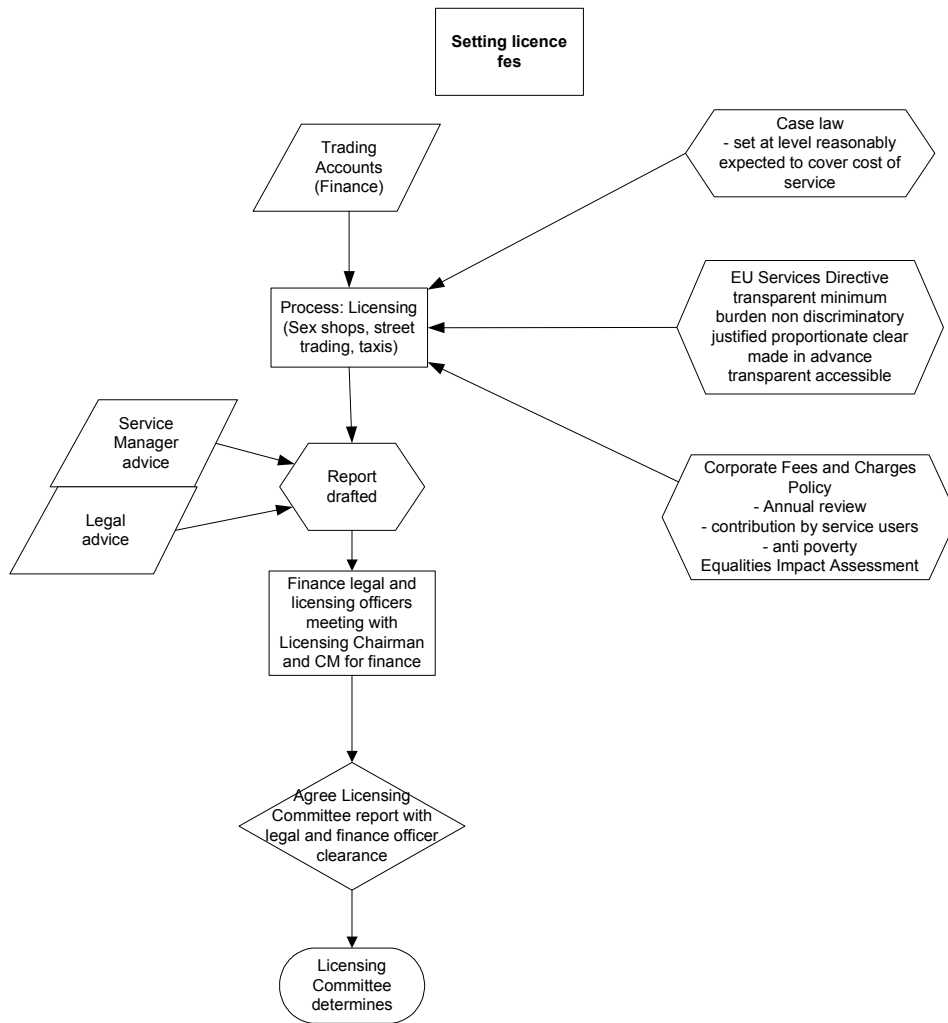
Service: Environmental Health & Licensing

Date: 26/03/10

Version No: 1

Service Manager: Tim Nichols

Author: Jean Cranford



LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 16

Brighton & Hove City Council

Subject:	Additions to the Blue Handbook for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators		
Date of Meeting:	17 November 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Martin Seymour	Tel: 29- 6659
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To approve additions to the Handbook for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators. "The Blue Book".

2. RECOMMENDATIONS:

- 2.1 That Committee approve the additions to the handbook contained in (Appendix 1) and that they should be added to the appropriate sections of the handbook before printing and distribution.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The handbook was designed to combine many bye laws, conditions, advice and information for hackney carriage and private hire drivers, vehicles and operators previously in various and separate forms and was first approved by committee in February 2007. It is a useful aid to officers in explaining the council's requirements to existing and potential drivers, proprietors, operators and guidance to garages carrying out fitness and compliance tests on behalf of the council.
- 3.2 The 2nd edition was approved by committee on the 23rd June 2011.
- 3.3 It was intended that the handbook would be produced in a booklet format and made available for all hackney carriage & private hire, drivers, proprietors & operators. However, this has been delayed so that the additions regarding accessibility issues contained in appendix 1 may be added in the appropriate sections before printing at the request of The Fed Centre for Independent Living.
- 3.4 The proposed changes cover four areas.
- Designated Vehicles

- Duties to assist passengers in wheelchairs
- Advice for drivers when carrying disabled passengers
- Ergonomic Requirements for wheelchair accessible vehicles

Their inclusion in the Blue Book would give further advice and clarity to drivers, vehicle proprietors and operators.

- 3.5 Committee previously resolved to have a designated list of wheelchair accessible vehicles in accordance with Sec 167 Equality Act 2010 in February 2011.
- 3.6 Duties to assist passengers in wheelchairs are contained in Sections 165, 166 and 167 of the Equality Act 2010 deal with the imposition of duties on the drivers of wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs.
- 3.7 The advice for drivers assisting disabled passengers covers a wide range of disabilities including wheelchair users to enable drivers to assist passengers more effectively.
- 3.8 Although government has not as yet come up with a definitive description with regard to what a wheelchair accessible vehicle looks like The Fed Centre for Independent Living that it will help proprietors when choosing vehicles to know the accessibility requirements that the licensing authority thinks fit. The ergonomics requirements contained in appendix 1 are taken from the Department for Transport guidance for accessible taxis.
- 3.9 Sections 160 to 172 of the Equality Act 2010 (commonly known as The Taxi Provisions) have not yet been fully implemented and further changes to the handbook may be necessary once implemented and further guidance published by the Government.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The amendments have been discussed at several meetings of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

Revenue: Any costs associated with additions to the Blue Book have been met from within existing Taxi Licensing revenue budgets.

Finance Officer Consulted: Name Karen Brookshaw Date: 26/09/11

5.2 Legal Implications:

The Council is not statutorily required to produce a Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators. However, it is a useful way of imparting information to the existing trade and potential drivers, proprietors and operators. The additional information proposed for inclusion in

the Blue Book will assist the trade in meeting its obligations under the Equality Act, 2010, once the relevant provisions are in force.

Lawyer Consulted:

Name Liz Woodley

Date: 05/10/11

5.3 Equalities Implications:

Many decisions made by the Licensing Committee have been in support of the council's Single Equality Scheme objective to improve disabled people's access to hackney carriage and private hire services, and these have now been incorporated in The Blue Book. As a result of the Equality Impact Assessment of Taxi/Private Hire Licensing, changes have been made that positively impact on equality and inclusion generally.

Sections 160/172 of the Equality Act 2010 (commonly known as The Taxi Provisions) have not yet been fully implemented and will be the subject of an amendment to the Blue Book at the appropriate time. However, the Committee decided in February 2011 to compile a list of Designated Wheelchair Accessible Vehicles in accordance with Sec 167.

5.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

5.5 Crime & Disorder Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime and increasing the safety of passengers and drivers.

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for residents and visitors.

5.7 Public Health Implications:

None.

5.8 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy

depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Consideration to providing / sourcing a separate booklet is being undertaken for accessibility advice.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ask members to approve additions to the Handbook for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators. "The Blue Book".

SUPPORTING DOCUMENTATION

Appendices:

1. Additions to the Handbook for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators.

Documents in Members' Rooms

1. None.

Background Documents

1. None.

Proposed changes to the Blue Book

1. Designated Vehicles

A list of wheelchair-accessible hackney carriages and private hire vehicles will be maintained in accordance with Sec 167 Equality Act 2010.

All vehicles will be included in this Designated List if they conform to the accessibility requirements in force at the time.

2. Duties to assist passengers in wheelchairs.

Sections 165, 166 and 167 of the Equality Act 2010 deal with the imposition of duties on the drivers of wheelchair accessible taxis and PHVs to assist passengers who use wheelchairs. The duties which had been contained in the Disability Discrimination Act 1995 had never been brought into force so when the duties are actually brought into force – at a later date - it will constitute a substantive change in the law.

The duties - Section 165 places duties on drivers of designated wheelchair accessible taxis and PHVs. Designated vehicles are those listed by the licensing authority under section 167 (see Designated Vehicles (above)).

The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

NB Mobility assistance is assistance -

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Exemptions from the duties - Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

3. Advice for Drivers when carrying disabled passengers

Taxis are an important, and sometimes the only means of transportation for many disabled people

It is important to remember that disabilities are not always visible. It may not be immediately obvious to you that the person has a disability or special requirements. Physical access for people who use wheelchairs is obviously important but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by disabled people is very important.

Vehicles, streets, the built environment and your operating practices, can all provide obstacles for disabled people. Never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.

The following is some basic advice to assist you in giving the best service to your passenger.

Wheelchair Users

If a passenger is a wheelchair user, you should:

- Ensure that they travel forwards or backwards and never travel sideways in the vehicle.
- Make sure that the brakes of the wheelchair are on during the journey.
- Secure the wheelchair with clamps or straps and suggest that the passenger uses the seat belt provided. You may also need to assist them with the seat belt.
- Avoid sudden braking or acceleration. Be careful when going over speed humps etc.
- Leave the passenger in a safe and convenient place which enables them to move away independently.

Consider asking the passenger to move to a safer or more accessible pick-up/drop-off point nearby

These are important safety rules that apply to all wheelchair users whether manual or powered wheelchairs and you will need to carry out your own risk assessment to decide if it is safe to load and unload the passenger safely and whether you can do it on your own or need assistance from another driver. If you do need assistance the passenger will need to pay for both vehicles.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the

wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates, may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Ambulant Disabled people

Whilst some disabled people may use crutches or sticks, many who have mobility difficulties, will not. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- If you have used a swivel seat, (as in purpose built London type hackney carriage vehicles) make sure it is locked back in position once inside the vehicle.

Blind or partially sighted Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.
- If you are knowingly collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping you just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.
- If possible, place a visually impaired person’s hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.
- Tell passenger(s) the fare and count out the change.

- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs and other assistance dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry an assistance dog without a medical exception is an offence under the Equality Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

Hearing Impaired Passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going.

People with learning disabilities

In Brighton & Hove there is a scheme called Thumbs Up which includes ten tips for good customer service to people with learning disabilities. Some of these include

- Listen to the person
- Give the person extra time
- Use plain English
- Use pictures as well as writing
- If the person has a carer, talk to the person rather than the carer
- If you notice someone needs extra help, offer it
- Do your best to assist the person in using your taxi

Extra support, for example with shopping bags and making sure the person is safely inside their destination will always be appreciated. People with learning disabilities may also require assistance understanding money.

Maintenance of Vehicles

- Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

4. Ergonomic Requirements for Wheelchair Accessible Vehicles

This guidance provided below is based on research by Loughborough University, and published by the Mobility and Inclusion Unit, at the Department of Transport.

Taxi Ramps

A steep ramp can make accessing a taxi difficult for wheelchair users; it may also represent a hazard for their assistants and taxi drivers. An ideal design would involve level entry from the kerb. If a gradient is required it should be less than 7°. Ramps should not provide an obstacle for pedestrians on the pavement and their length should be restricted to 1000mm. It is also important that ramps have a safety lip (50mm), are the same width as the door opening and comprise a single non-slip surface. Their edges should be highlighted to reduce the risk of trips.

Steps

Some people cannot manage even a single step and may need a ramp with a gentle gradient if level entry isn't possible. If steps are necessary they should be restricted to a single step that is no more than 100mm high. The steps should be the width of the door entry and be closed at the back without an overhang to reduce the risk of tripping.

Doors and Door apertures

Narrow doors and a low head clearance can cause significant difficulties for ambulant passengers and wheelchair users. A door width of at least 850mm will provide adequate clearance for wider wheelchairs and walking frames. A door height of 1595mm is required to prevent painful stooping and to minimise the risk of a head strike for passengers with visual impairments. While hinged doors can provide a valuable form of support for passengers entering or leaving a vehicle, opening and closing them from the inside can be difficult for seated passengers and larger doors become a potential hazard for pedestrians on the pavement. Sliding doors can provide a large opening but secure latching must be ensured. Powered closure is now available in some vehicles and, if under the driver's supervision, this may provide an effective solution. Sliding doors are often associated with more generous door apertures but care must be taken to ensure that opening and closing efforts are kept below 70N. Again, powered closure may provide an effective solution. There are advantages and disadvantages associated with wheelchair access from the side and rear of a vehicle. Side access does not require wheelchairs to negotiate a kerb or enter the carriageway and enables shallower ramp angles from the pavement. Rear access may be the most practicable means of access in non-urban environments. It may also enable simpler manoeuvres to a secure travelling position inside the vehicle but may not be possible from a taxi rank or kerbside. The requirements outlined above (ramps and door size) are applicable in both cases.

Passenger Compartment

As low seats can be difficult for passengers with stiff or painful joints to use seat heights need to be between 430mm - 460mm from the floor and the squab should not have a pronounced angle. In order to accommodate passengers with limited leg flexibility a space of at least 1176mm between the seat back and any forward obstruction is required. A swivel seat (preferably powered) can provide a valuable alternate means of entry for passengers who find even a low single step difficult to negotiate. It is important that such seats provide a sense of security for the passenger while they are in operation and that they are large enough to provide a secure and comfortable ride. An interior roof height of at least 1625mm (ideally 1825) is required. If internal space is limited then it is important that passengers can access seats as directly as possible from an entrance. If there is a more generous provision (as when wheelchairs can also be accommodated in front of the passenger seats) it is important that there is sufficient internal height to prevent the need to stoop. Adequate provision of grab handles is an important requirement in either case. Manoeuvring space should be least 1300mm by 1340mm. This assumes that the wheelchair will be carried facing backwards and there is a side entrance. If the wheelchair is to face forwards then a slightly larger manoeuvring space is required. The position of the side door affects the manoeuvring space required and for forward facing carriage the manoeuvring space is minimised if the door way is set back from the main bulkhead.

Handles and Grab Handles

Door handles that allow the passenger to use their whole hand to exert leverage and a range of opening strategies are preferable. Handle operation and latching efforts should be minimised to assist passengers who have limited upper body strength. Grab handles play an important role in supporting access and providing stability support whilst passengers are inside a vehicle. The precise location will be dependent on the design of the vehicle and, in particular, the means of entry (i.e. step, ramp, swivel seat etc). Handles should have a diameter of 40mm and surface clearance of 45mm. For standing passengers (travelling in other modes of public transport) a height of around 900mm is recommended. However, lower positioning is more appropriate for handles in taxis intended to assist passengers getting up from seats or children climbing into a vehicle. Horizontal handles are more helpful inside a vehicle but vertical handles are recommended for doorways.

Visibility and Lighting

For passengers with impaired vision feature and edge high-lighting can provide important assistance. The following features should be visually emphasised: exterior and interior door handles, step and ramp edges, door edges and door apertures, grab handles, seat edges and facilities provided to allow communication with the driver. Ambient lighting within the passenger compartment should be at least 150lux but higher levels of illumination may cause distraction for the driver and adaptation problems for some passengers alighting into a dark street. Brighter feature lighting (>200lux) is recommended

for steps, the meter display and the communication window. In all cases lighting sources should be positioned so as to prevent shadowing.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 17

Brighton & Hove City Council

Subject:	Terms of Reference and Constitution for the Brighton & Hove Hackney Carriage and Private Hire Consultation Forum		
Date of Meeting:	17 November 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Martin Seymour	Tel: 29-6659
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 That committee approve the updated terms of reference and constitution for the Brighton & Hove Hackney Carriage and Private Hire Consultation Forum.

2. RECOMMENDATIONS:

- 2.1 That Committee approve the amended Terms of Reference and Constitution for the Brighton & Hove Hackney Carriage and Private Hire Consultation Forum. (Appendix 1).

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Brighton & Hove Hackney Carriage and Private Hire Consultation Forum has been operating for over 14 years following local government reorganisation. Licensing Committee agreed the forum's previous terms of reference in April 2007. The current terms of reference are appended (appendix 2). The Forum meets regularly (approximately every 6 weeks) to discuss proposals to change policy and procedures or practice in the licensing of hackney carriage and private hire vehicles and drivers in Brighton and Hove or which could benefit passengers.
- 3.2 Members of the trade and stakeholders have met on several occasions and agreed the proposed Terms of Reference before bringing to the forum. The terms of reference need to accommodate changing local authority structures and changes to trade representation. The forum's constitution must be consistent with the Council's constitution. Licensing Committee has responsibility for all licensing functions not covered by the Licensing Act 2003 and Gambling Act 2005. Licensing Committee has delegated power to set taxi licensing policy.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The matter has been discussed at the council's Hackney Carriage and Private Hire Consultation Forum.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

Revenue: The costs of holding the Forum meetings and making amendments to the Terms of Reference and Constitution are met from within the Taxi Licensing revenue budget.

Finance Officer Consulted: Name Karen Brookshaw Date: 26/09/11

5.2 Legal Implications:

There is no legal requirement in the Council's constitution or otherwise to have such a Forum but once operating, its terms of reference and constitution should be consistent with those of the Council.

Lawyer Consulted: Rebecca Sidell Date: 04/11/11

5.3 Equalities Implications:

Members of the forum should include as many driver groups as possible so that all categories of driver are represented and able to give their view to the council via the forum.

5.4 Sustainability Implications:

None

5.5 Crime & Disorder Implications:

None

5.6 Risk and Opportunity Management Implications:

None

5.7 Public Health Implications:

None

5.8 Corporate / Citywide Implications:

Taxi drivers are often the first point of contact for visitors to Brighton & Hove and are in a position to make a positive contribution to visitor experience and providing information visitors need. Greater involvement from the trade and other stakeholders in policy decision making will improve visitor satisfaction.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The only other options are is to retain the existing Terms of Reference or not to have a consultative forum and allow members of the trade to speak at committee meetings.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The terms of reference have been updated and require support from members.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed Terms of Reference

Documents in Members' Rooms

1. None

Background Documents

1. None

Terms of Reference and Constitution for the Brighton & Hove Hackney Carriage and Private Hire Consultation Forum

1. Terms of reference and constitution for the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum ('the Forum').

- 1.1 The Forum exists to provide an opportunity for its members to discuss proposals to change policy, procedures or practices, in the licensing of hackney carriage and private hire vehicles and drivers in Brighton & Hove, or which could be to the benefit of the travelling public.
- 1.2 Any organisation based in Brighton & Hove wishing to join the Forum must have a membership of at least 10 and must complete an Application form and send it to the Hackney Carriage Office. (See Appendix)
- 1.3 All members of the Forum may place items of interest on the agenda for consideration and information. The Forum is a consultative rather than decision making body.
- 1.4 The Forum will take place on a regular basis with meetings scheduled annually in advance. Meetings set for 2011 will be held as scheduled. Then, meetings will be held roughly 6-weekly with a meeting approximately 3 weeks before each Licensing Committee meeting.
- 1.5 Additional meetings may be scheduled if requested by the members to discuss areas of particular concern or to respond to new legislation.
- 1.6 An integral part of the Forum will be a Trade Meeting which will last for up to one hour at the start of the Forum, for Trade members only.
- 1.7 The Forum will act as a representative body for the whole hackney carriage and private hire trade, ensuring consultation with all licence holders to enable the council to make fully informed decisions. Only Trade members shall have the right to vote at Forum meetings.
- 1.8 The Forum will assist with representing the views of the Trade as a whole and report back to them any progress. To this end, the Chair will ensure that sufficient time is allowed between meetings for trade representatives to consult their colleagues.

- 1.9 The Forum will disseminate information to the trade to ensure that all licence holders are fully informed of the latest policies and procedures.
- 1.10 The Forum will support the interests of all its members and work in an open and transparent way with good communication between members and the organisations they represent.
- 1.11 Licensing policy decisions are made by the Licensing Committee. Officers in consultation with the forum will consider reports to be made to committee and will ensure that the recommendations and views of the forum are incorporated into relevant reports to the Licensing Committee. .
- 1.12 The Forum Chair will ensure that accurate Forum Minutes are supplied to Members of the Licensing Committee once they have been agreed by the Forum.
- 1.13 The Forum will work within the principals of the Brighton & Hove Community Engagement Framework .
- 1.14 These Terms of Reference and constitution should be reviewed by the Forum annually (June/July meeting) and appropriate amendments made.

2. Membership

2.1 Trade Members

The Forum shall be limited to two representatives from each organisation as follows:

Brighton & Hove Radio Cabs

Representing company and drivers, incorporating Car Cabs
Contact: 38 Montpelier Crescent, Brighton BN1 3JL

Brighton & Hove Streamline

Representing company and drivers
Contact: 5 Clifton Hill, Brighton BN1 3HL

Brighton Sudanese Taxi Forum

Representing members
Contact: taxiforum@hotmail.co.uk

City Cabs

Representing company and drivers
Contact: 63 Queens Road, Brighton BN1 3XD

GMB

Representing members

Contact: 63 Queens Road, Brighton BN1 3XD

Private Hire Association

Representing taxi, private hire owners and drivers.

Contact: phassociation@hotmail.co.uk

UNITE the Union

Representing members

Contact: oramjohn@sky.com

United Taxi Association

Representing members

Contact: Mohammed3salim@yahoo.co.uk

Taxi Link –

Representing company and drivers.

Contact: sawickaparr@aol.com

NPTTU –

Representing members

Contact: onelunglarry@hotmail.co.uk

Independent Drivers –

Representing drivers.

Contact: womblelittle@gmail.com / psvthen@aol.com

And any new organisation which satisfies the requirement of 1.2 above.

Contact details may be updated by officers from time to time.

2.2 For a trade organisation to be effectively represented, it is important that they have a representative in attendance at meetings. Should a representative not be able to attend, the relevant organisation is entitled to send a deputy. Should an organisation not send a representative for 2 consecutive meetings, the organisation should inform the Chair with an explanation for their non-attendance. If the organisation does not inform the Chair or provide a reasonable explanation, their membership of the Forum may be revoked by the Chair in consultation with the Forum, until such time that they commit to improving their attendance record.

2.3 Non-Trade Members

Representatives from:

BHCC Licensing Team
BHCC Hackney Carriage Office
BHCC council officers (to provide admin support or contribute to Agenda items)
BHCC highway officers
Sussex Police
The Fed Centre for Independent Living
Age UK

Representatives from BHCC Highways Team and Brighton Railway Station to be invited, as appropriate.

The Chair and/or Vice Chair of the Licensing Committee.

One elected Member of each of the political groups represented on the Licensing Committee may be invited to observe the Forum in addition to the Chair and Deputy Chair.

The Forum may invite guests, observers, and speakers.

3. Meetings

THE TRADE MEETING

- 3.1 Each Forum will start with a one-hour Trade Meeting to be held in the same location as the main Forum, the purpose being to discuss items on the main Forum Agenda.
- 3.2 The Trade Meeting will have a 'revolving' Chair who must attend the Forum that day.
- 3.3 If 70% of those present agree, the decision will be presented by the Chair to the main Forum, as the view of the Trade. Ample opportunity must be given to those who disagree, to voice their concerns to the Chair of the main Forum.
- 3.4 Members attending the Trade Meeting have the option to decide whether they attend the main Forum or not. If trade members do not attend the Trade Meeting, they will not be entitled to attend the main Forum.
- 3.5 Non-voting members may attend by invitation only.

THE MAIN FORUM

- 3.6 Servicing of the meeting is the responsibility of the Hackney Carriage Office.
- 3.7 The main Forum will be Chaired by a senior licensing officer such as the head of service.
- 3.8 The agenda and any relevant papers will normally be sent to all members 14 days prior to the meeting. (The agenda should be sent to 2 members nominated by each organisation represented at the Trade Meeting). Agenda items from the membership should be sent to the HCO no later than 17 days prior to each Forum meeting.
- 3.9 Minutes of the Forum will be sent in draft to its members as soon as reasonably practical.
- 3.10 The Minutes will be agreed as accurate at the next meeting.
- 3.11 The Minutes will then be published on the council's website as well as provided to each member of the Licensing Committee.
- 3.12 Any action points from the previous meeting will be included on the agenda and progress reported back to the Forum.
- 3.13 The Forum may establish a sub-group of at least 3 members to progress particular areas of work agreed by the membership. Working sub-groups can appoint their own chairperson who will be responsible for reporting back their findings to the main Forum for consideration. Sub-groups may co-opt members who are particularly relevant to the sub-group's area of investigation.
- 3.14 Items raised at 'Any Other Business' must be non-contentious matters only.

4. Dissemination of information

- 4.1 When council officers have considered a proposal, a response will be sent to the Forum in the first instance for dissemination to the Trade.
- 4.2 Where there are amendments to policy or procedures, all stakeholders should be advised by e-mail.

- 4.3 To facilitate consultation and feedback to/from the Trade, and to dispel misinformation, the council's website will include Minutes, records, information and advice for the Trade.

**Brighton and Hove Hackney Carriage and Private Hire Consultation Forum
Application Form**

1. NAME OF ORGANISATION.	
2. CONTACT NAME & ADDRESS, inc. E-mail	
3. NUMBER OF MEMBERS (Minimum 10)	
4. PLEASE ATTACH A COPY OF YOUR ORGANAIATIONS RULE BOOK OR CONSTITUTION	
5. PLEASE STATE HOW YOU PASS ON INFORMATION TO YOUR MEMBERSHIP	
6. HOW MANY MEETINGS DOES YOUR ORGANISATION HOLD PER YEAR	
7. DOES YOUR ORGANISATION KEEP RECORDS OF MEETINGS HELD	
8. PLEASE STATE HOW YOUR REPRESENTATIVES ARE ELECTED TO ATTEND FORUM MEETINGS	
9. PLEASE STATE HOW YOUR ORGANISATION AGREES PROPOSALS FOR DISCUSSION AT FORUM MEETINGS	

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 18

Brighton & Hove City Council

Subject:	Hackney Carriage Unmet Demand Survey and Consultation on Wheelchair Accessible Vehicle Provision		
Date of Meeting:	17 November 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Martin Seymour	Tel: 29-6659
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 That the Committee be aware that a Hackney Carriage "Unmet Demand Survey" will be undertaken during 2012 to determine any unmet demand for Hackney Carriages.
- 1.2 That the survey will look at current policies and provision of hackney carriage vehicles in the context of other similar authorities in England.

2. RECOMMENDATIONS:

- 2.1 That members confirm their support for a restricted numbers policy for hackney carriage vehicles with managed growth of five additional WAV plates issued annually to wheelchair accessible vehicles. This policy to be reviewed following the consultants report.
- 2.2 That any report should compare current policies and provision with other similar authorities in England to provide evidence in relation to the perceived or actual problem of availability of wheelchair accessible vehicles and consultation with local stakeholders.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The council licences hackney carriage vehicles and private hire vehicles. Hackney Carriages (taxis) can ply for hire in the streets, at taxi ranks and accept prior bookings whereas Private Hire vehicles can only accept work where a prior booking has been made through a private hire operator. There is no limit on the number of private hire vehicle licences.
- 3.2 The Transport Act, 1985 s16 allows the council to limit the number providing it is satisfied that there is no significant demand for hackney carriages, which is unmet. The only acceptable method of determining demand is by an independent survey. (Estimated to be in the region of £20K dependant on scope of the survey and result of a tendering process).

- 3.3 A local licensing authority in the event of a challenge to a decision to refuse a licence would have to establish to the courts that it had, reasonably, been satisfied that there was no significant unmet demand. An interval of three years is commonly regarded as the maximum reasonable period between surveys.
- 3.4 Most local licensing authorities do not impose quantity restrictions and the Department for Transport regards that as best practice. Where restrictions are imposed, the Department for Transport urges that the matter should be regularly reconsidered and further urges that the issue to be addressed first is whether the restrictions should continue at all.
- 3.5 In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.
- 3.6 An unmet demand survey was carried out in 2009 following which committee agreed to continue with a policy of managed growth, currently 5 new licences a year issued in May. This policy was again confirmed by committee in September 2010 following the Equalities Review of Taxis licensing.
- 3.7 Currently in Brighton & Hove there are 540 Hackney Carriage vehicles licensed of which 143 wheelchair accessible and 457 Private Hire Vehicles of which only 33 are wheelchair accessible. There are 1157 Hackney Carriage Licensed Drivers and 586 Private Hire Licensed Drivers.
- 3.8 The report would compare Brighton and Hove provision and policy to other similar authorities to obtain the following information:
- Number of PH and HC in fleet
 - Number of wheelchair accessible PH and HC in fleet.
 - Entry control policy
 - Provision in terms of population per HC
 - Provision population per vehicle (HC and PH)
 - Census data on social make up: to include age profiles, proportion registered disabled etc.
 - This would help show if there are any notable differences in provision to either support current policy or provide a case for some change in particular with regard to wheelchair accessible vehicles.
- 3.9 The consultation would include mystery shopper assessment to determine differences in waiting times for wheelchair accessible vehicles and to establish if the situation has changed since the last survey and if the differentials in waiting times have reduced or increased as new vehicles have been introduced. It would also include face to face consultation with stakeholders.
- 3.10 The Department for Transport has published guidelines for best practice with regard to quantity restrictions and the conduct of surveys. The Current advice from The Department of Transport is given in Appendix 1.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 This matter has been discussed at the council's hackney carriage and private hire consultation forum where all members of that forum are free to express their opinions. Forum members are supportive of an unmet demand survey.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

[Revenue:

The fee rates for Hackney Carriages are set at a level that it is reasonably assumed will meet the costs of providing the service. Therefore, this will include the cost of the Unmet Demand Survey.

If the number of Hackney Carriages is allowed to increase this will not necessarily result in an increase in overall income, as it may be offset by a reduction in private hire vehicles.

If the decision is taken to continue with a limitation policy, then there is the possibility of a legal challenge to the decision in court. Any costs associated with this would need to be met from within existing budgets, funded by fee income.

Finance Officer Consulted: Name Karen Brookshaw Date: 30/09/11

5.1 Legal Implications:

Before a local authority can refuse an application for a hackney carriage vehicle licence in order to limit the number of licensed taxis, it must be satisfied that there is no significant demand for the services of taxis within its area which is unmet. If the local authority is so satisfied, a discretion to refuse the licence arises. Any applicant whose application for a licence is refused has a right of appeal to the Crown Court.

Section 70 (1) (c) of the Local Government (Miscellaneous) Provisions Act 1976 provides that a licensing authority may charge such fees for the grant of vehicle licences as may be sufficient in the aggregate to cover in whole or in part any reasonable administrative or other costs in connection with the control and supervision of hackney carriages. The costs of the survey may therefore properly be recovered through hackney carriage vehicle licence fees.

Lawyer Consulted: Name Liz Woodley Date: 27/09/11

5.2 Equalities Implications:

The survey will provide information from various categories of society in Brighton & Hove, which the council will use to ensure that taxis in the city are licensed to best serve the needs of all. The results will assist the Council in planning for the future ensuring that no group of persons will be disadvantaged through using taxis.

5.3 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

5.4 Crime & Disorder Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy.

5.5 Risk and Opportunity Management Implications:

None.

5.6 Public Health Implications:

None.

5.7 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the nighttime economy.

6. **EVALUATION OF ANY ALTERNATIVE OPTION(S):**

Not undertaking a hackney carriage unmet demand survey would preclude the council maintaining a restricted numbers policy for hackney carriages.

7. **REASONS FOR REPORT RECOMMENDATIONS**

To ask members to support a hackney carriage unmet demand survey to show if there is any significant unmet demand for hackney carriages and determine if there are any notable differences in provision with regard to wheelchair accessible vehicles.

SUPPORTING DOCUMENTATION

Appendices:

1. The Department for Transport has published guidelines for best practice with regard to quantity restrictions and the conduct of surveys.

Documents in Members' Rooms

None.

Background Documents

None.

Extract from The Department for Transport guidelines for best practice with regard to quantity restrictions and the conduct of surveys

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

1. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.
2. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.
3. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in deterioration in the amount or quality of taxi service provision?
4. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.
5. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.
6. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
 - **latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
 - **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
 - **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
 - **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
 - **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.
7. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 19

Brighton & Hove City
Council

Subject:	Hackney Carriage / Private Hire Trade Ethnicity Monitoring		
Date of Meeting:	17 November 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Martin Seymour	Tel: 29- 6659
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report the results of Ethnicity Monitoring of the Hackney Carriage / Private Hire Trade for 2010/11.

2. RECOMMENDATIONS:

- 2.1 That Committee note the results of Ethnic Monitoring.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 All applications received by the Hackney Carriage Office for the licensing of vehicles and drivers are monitored for ethnic background. The results of this monitoring are shown in appendix 1.
- 3.2 Ethnic monitoring is undertaken to ensure that the waiting list is maintained and operated in a fair and transparent way as recommended by the Equality and Human Rights Commission.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 This matter has been discussed at the council's hackney carriage and private hire consultation forum where all members of that forum are free to express their opinions. The forum members have delegated negotiations to selected representatives. Monitoring is carried out at the request of the forum who are satisfied with the results.

5. FINANCIAL & OTHER IMPLICATIONS:

- 5.1 Financial Implications:

The cost of providing the Ethnicity Monitoring Report is met from within the existing Taxi Licensing revenue budget.

Finance Officer Consulted: Name Karen Brookshaw Date: 26/09/11

5.2 Legal Implications:

Under section 149 of the Equality Act 2010, a public authority such as the council must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Ethnicity monitoring of the Hackney Carriage/Private Hire trade will assist in the discharge of that duty.

Lawyer Consulted: Name Liz Woodley Date: 05/10/11

5.3 Equalities Implications:

There are no direct implications in the report. However, in order to improve services to disabled groups all new drivers are required to pass the Btec Level 2 Certificate in Introduction to the role of the Professional Taxis and Private Hire Driver. Drivers are also required to reach a basic standard of literacy. Monitoring assists better regulation principles: proportionality, accountability, consistence, transparency.

5.4 Sustainability Implications:

None.

5.5 Crime & Disorder Implications:

None.

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for residents and visitors.

5.7 Public Health Implications:

None.

5.8 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 None – Monitoring of licence applications only.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 So Committee are aware of the results of the ethnic monitoring of licence applications.

SUPPORTING DOCUMENTATION

Appendices:

1. Ethnic Monitoring Report.

Documents in Members' Rooms

1. None.

Background Documents

1. None.

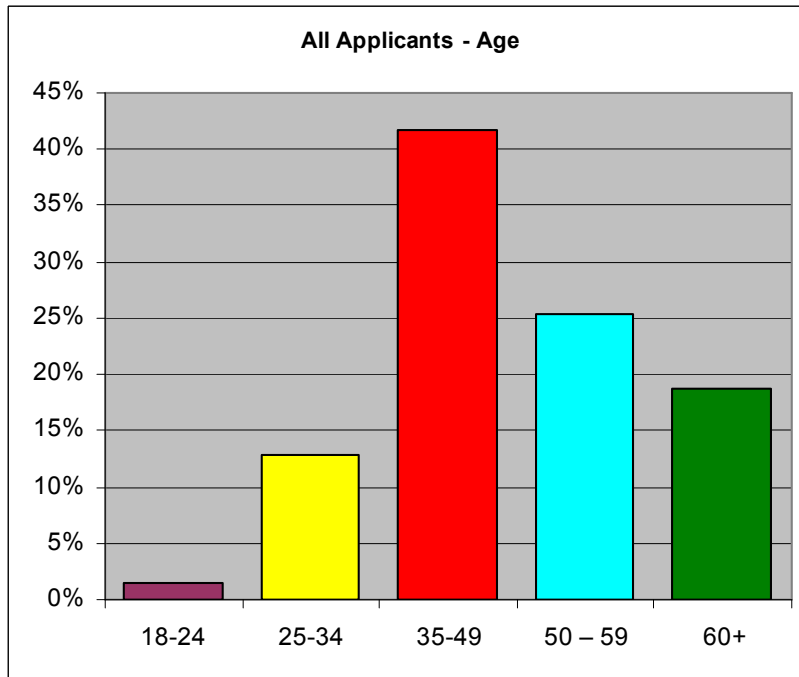
Overall total returns from Taxi ethnicity monitoring 2010 - 11

Total number of responses for this period is 2144.

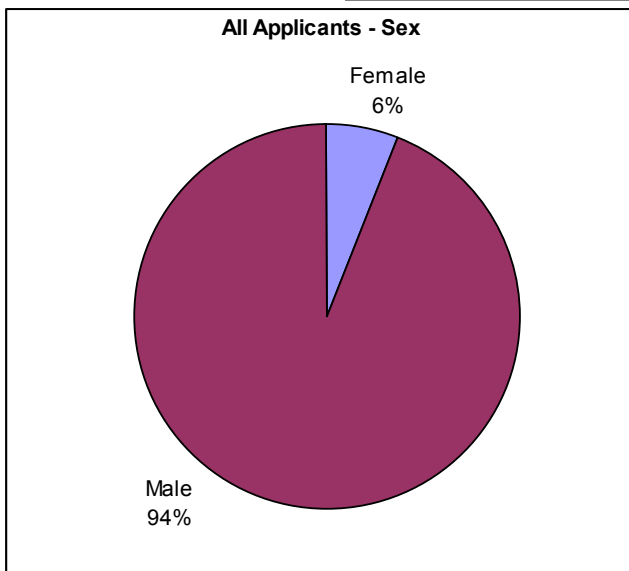
Type of application	Frequency (TIDY)	Percentage
Private hire vehicles	300	14.0%
Hackney carriage drivers	885	41.3%
Hackney carriage vehicles	339	15.8%
First applications	74	3.5%
Private hire drivers	398	18.6%
Waiting list	67	3.1%
Unknown	81	3.8%
Total	2144	100%

ETHNICITY	Frequency	Percentage	Census 2001 (age16-74) across B&H
White British	1330	65.1%	87.00%
White Irish	11	0.5%	1.80%
White Other*	124	6.1%	5.40%
Black or Black British - African	46	2.3%	0.60%
Black or Black British – Caribbean	0	0%	0.20%
Black or Black British – Other*	7	0.3%	0.10%
Asian or Asian British - Bangladeshi	115	5.6%	0.30%
Asian or Asian British - Indian	6	0.3%	1.00%
Asian or Asian British - Pakistani	18	0.9%	0.20%
Asian or Asian British – Other*	130	6.4%	0.40%
Mixed – White & Black African	22	1.1%	0.30%
Mixed – White & Black Caribbean	3	0.1%	0.30%
Mixed – White & Asian	11	0.5%	0.50%
Mixed – Other*	14	0.7%	0.60%
Chinese	13	0.6%	0.80%
Other*	83	4.1%	-
Sudanese	111	5.4%	100%
Total	2044	100%	100%
No response	100		

Others self classified as: Afghan (70), Iranian (57), English (37), Polish (27), Sudanese (22), Arab (15), Turkish (15), Iranian British (15), Egyptian (12), North African (10), Persian (9), Asian British (9), White African (8), Italian (8), British Afghan (8), Portuguese (8), Middle Eastern (6), Coptic Orthodox (6), Mediterranean (4), Mauritian (4), Coptic Sudanese (4), Jewish (4), Iraqi (4), Moroccan (4), European (4), Nepali (4), Coptic (3), Welsh (3), Slovakian (3), Israeli (2), Japanese (2), Anglo-Indian (2), Syrian (2), Yemeni (2), Albania (2), Ukrainian (2), British Libyan (2), Cypriot / Irish (2), Asian / Arab (2), Caucasian White (2), USA (1), Sudanese (Coptic Orthodox) (1), Spanish (1), Greek (1), South African (1), British Sri Lankan (2), Afro / Arab (1), Palestinian (1), Czech (1), Asian (1), Egyptian / Sudanese (1), American (1), White (1), Jordanian (1), Hungarian (1), Asian Syrian (1), White & Black American (1), Caribbean & Asian (1), British Subject (1), Italian / English (1), Turkish / British (1)

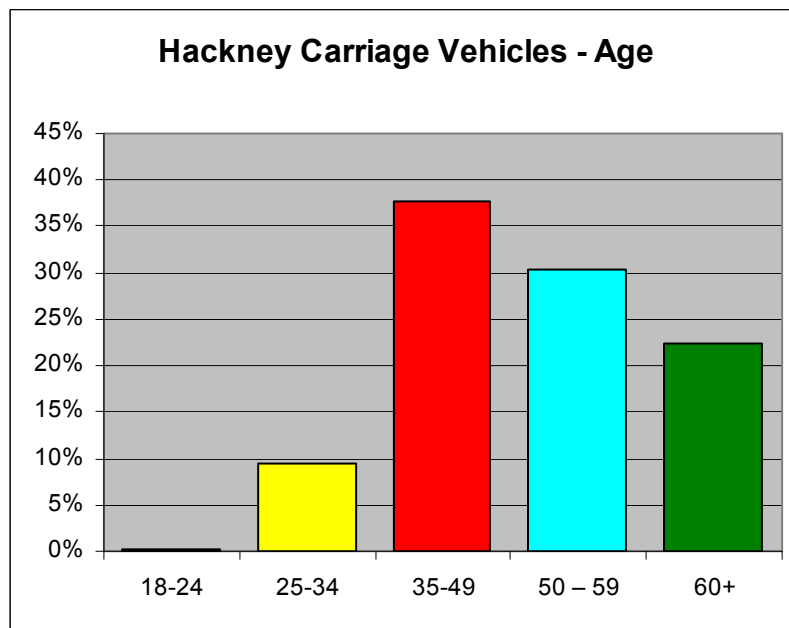


AGE	Frequency	Percentage
18 – 24	29	1.4%
25 – 34	268	12.8%
35 – 49	870	41.7%
50 – 59	527	25.3%
60+	392	18.8%
Total	2086	100%
No response	58	

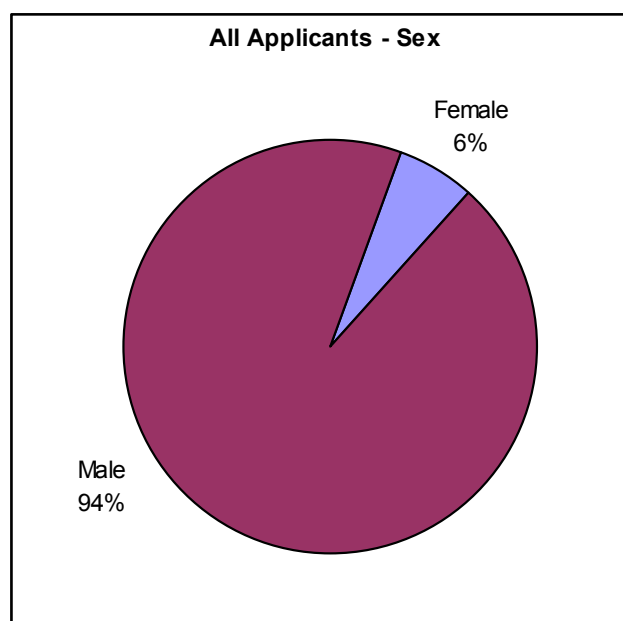


SEX	Frequenc y	Percentag e
Female	120	6.1%
Male	1859	93.9%
Total	1979	100%
No response	165	

Hackney Carriage Vehicles

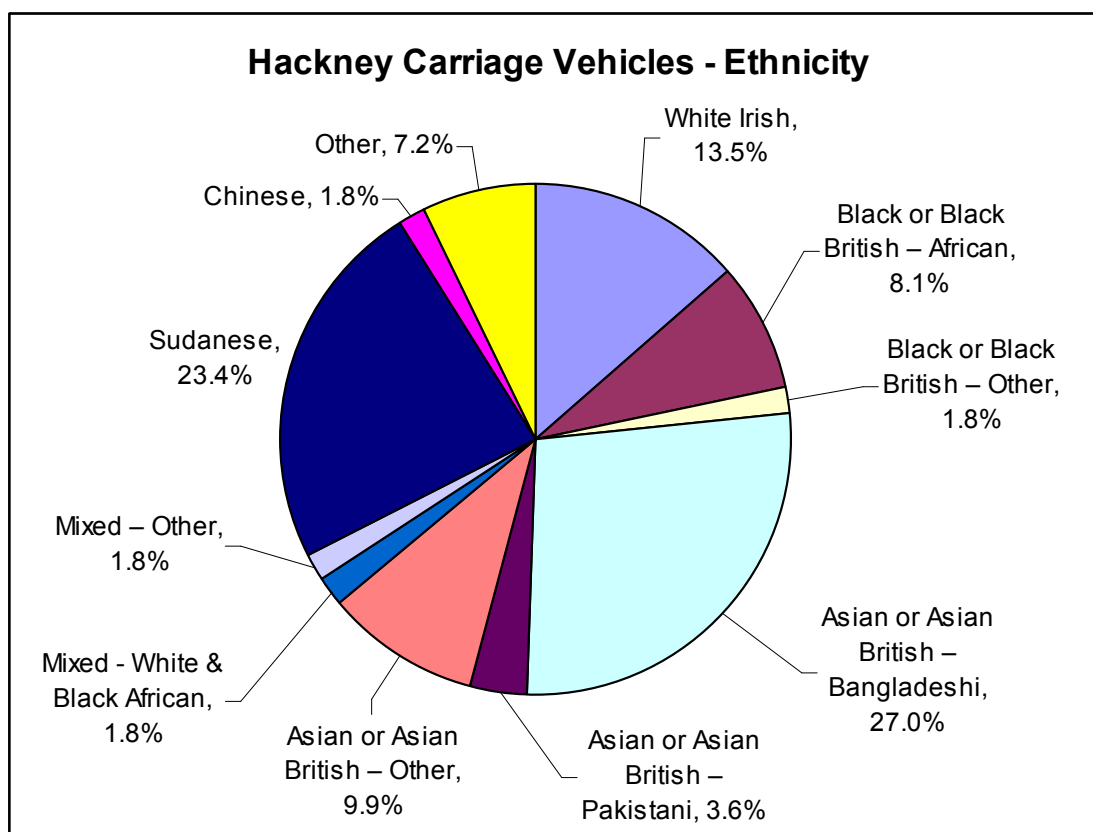


AGE OF APPLICANT	Frequency	Percentage
18-24	1	0.3%
25-34	31	9.5%
35-49	123	37.6%
50 – 59	99	30.3%
60+	73	22.3%
Total	327	100%
No response	12	



SEX OF APPLICANT	Frequency	Percentage
Female	19	6.2%
Male	289	93.8%
Total	308	100%

No Response	31	
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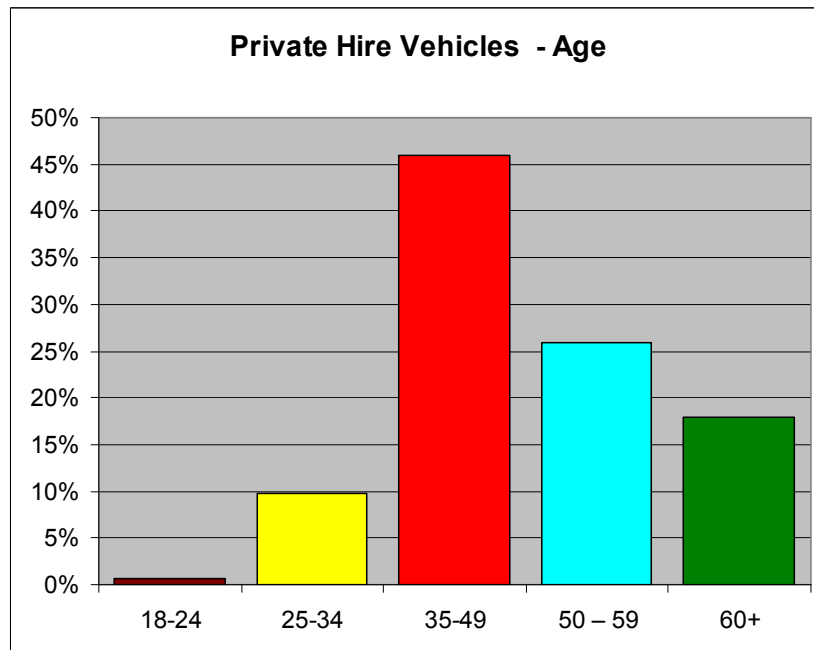


White British responses made up 60.7% of the responses for Hacknet Carriage Vehicles responses. These are excluded from the above graph.

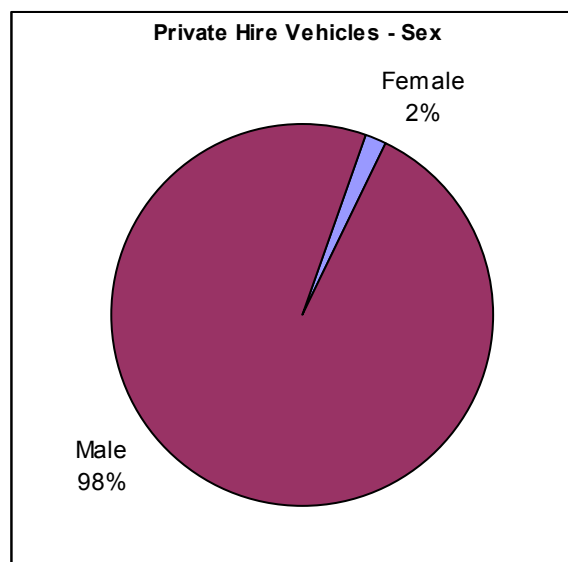
ETHNICITY OF APPLICANT – Hackney Carriage Vehicles	Frequency	Percentage
White British	193	60.7%
White Irish	1	0.3%
White Other	22	6.9%
Black or Black British - African	9	2.8%
Black or Black British - Caribbean	0	0%
Black or Black British - Other	0	0%
Asian or Asian British - Bangladeshi	10	3.1%
Asian or Asian British - Indian	2	0.6%
Asian or Asian British - Pakistani	2	0.6%
Asian or Asian British - Other	30	9.4%
Mixed – White & Black Caribbean	1	0.3%
Mixed – White & Black african	4	1.3%
Mixed – White & Asian	4	1.3%
Mixed – Other	6	0.9%
Sudanese	6	1.9%
Chinese	3	0.9%
Other	25	7.9%
Total	318	100%
No response	21	

Other – Iranian (15), Afghan (13), Sudanese (9), English (6), Iranian British (4), Arab (3), Polish (3), Middle Eastern (3), White African (3), Persian (3), Portuguese (3), Coptic Sudanese (3), Italian (2), Egyptian (2), Coptic (2), Iraqi (2), Asian British (2), Mediterranean (1), Sudanese (Coptic Orthodox) (1), Spanish (1), Turkish (1), North African (1), Israeli (1), Coptic Orthodox (1), British Afghan (1), British Sri Lankan (1), Afro / Arab (1), Jordanian (1)

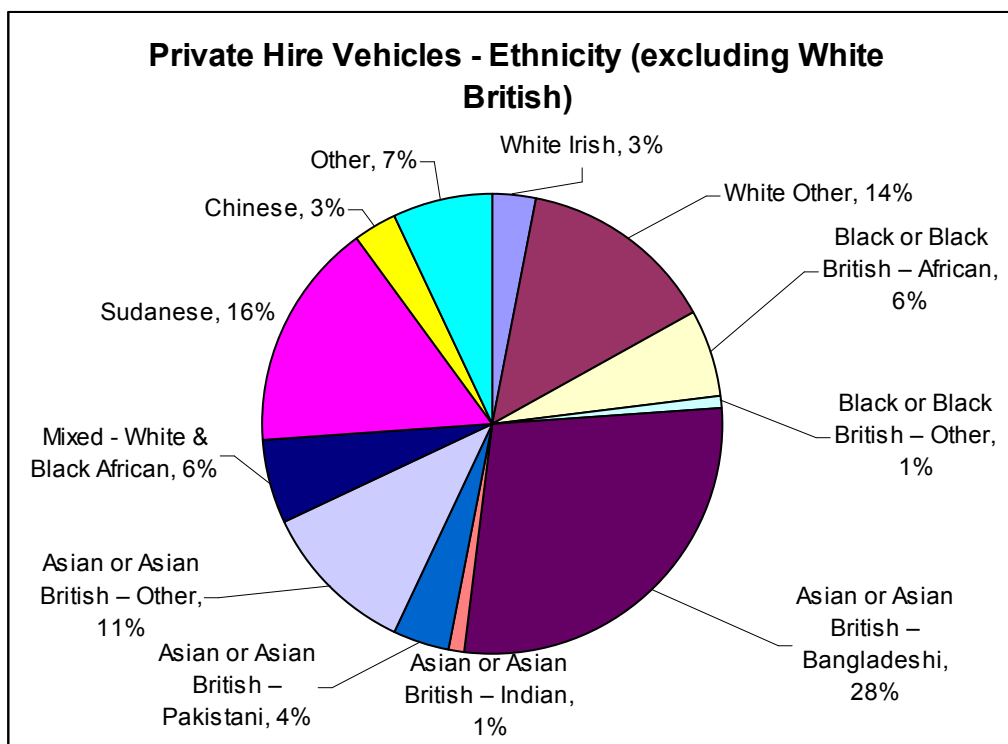
Private Hire Vehicles



AGE OF APPLICANT	Frequency	Percentage
18-24	2	0.7%
25-34	28	9.7%
35-49	133	45.9%
50 – 59	75	25.9%
60+	52	17.9%
Total	290	100%
No response	10	



SEX OF APPLICANT	Frequency	Percentage
Female	5	1.8%
Male	266	98.2%
Total	271	100%
No Response	29	



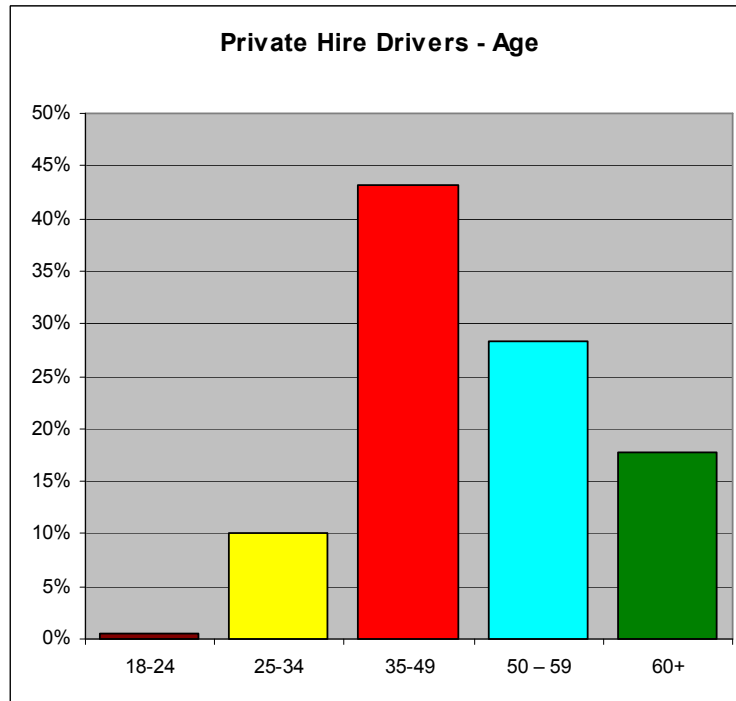
White British responses made up 65.6% of the responses for Private Hire Vehicles responses. These are excluded from the above graph.

ETHNICITY OF APPLICANT – Private Hire Vehicles	Frequency	Percentage
White British	191	65.6%
White Irish	3	1.0%
White Other	14	4.8%
Black or Black British – African	6	2.1%
Black or Black British – Caribbean	0	0%
Black or Black British – Other	1	0.3%
Asian or Asian British – Bangladeshi	28	9.6%
Asian or Asian British – Indian	1	0.3%
Asian or Asian British – Pakistani	4	1.4%
Asian or Asian British – Other	11	3.8%
Mixed – White & Black Carribean	0	0%
Mixed - White & Black African	6	2.1%
Mixed - White & Asian	0	0%
Mixed – Other	0	0%
Sudanese	16	5.5%
Chinese	3	1.0%

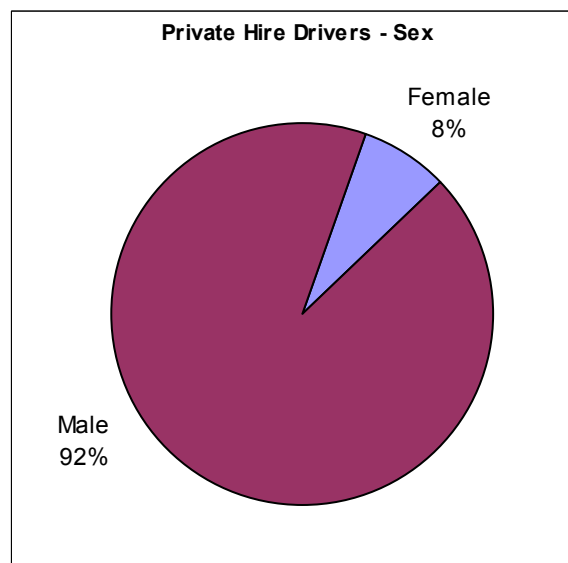
Other	7	2.4%
Total	291	100%
No response	9	

Other – English (7), Iranian (6), Afghan (3), Sudanese (3), Arab (2), North African (2), Nepali (2), Mediterranean (1), Polish (1), Middle Eastern (1), Persian (1), Mauritian (1), Italian (1), Japanese (1), Welsh (1), Moroccan (1), Ukrainian (1), American (1), Cypriot / Irish (1), British Subject (1), Italian / English (1)

Private Hire Drivers

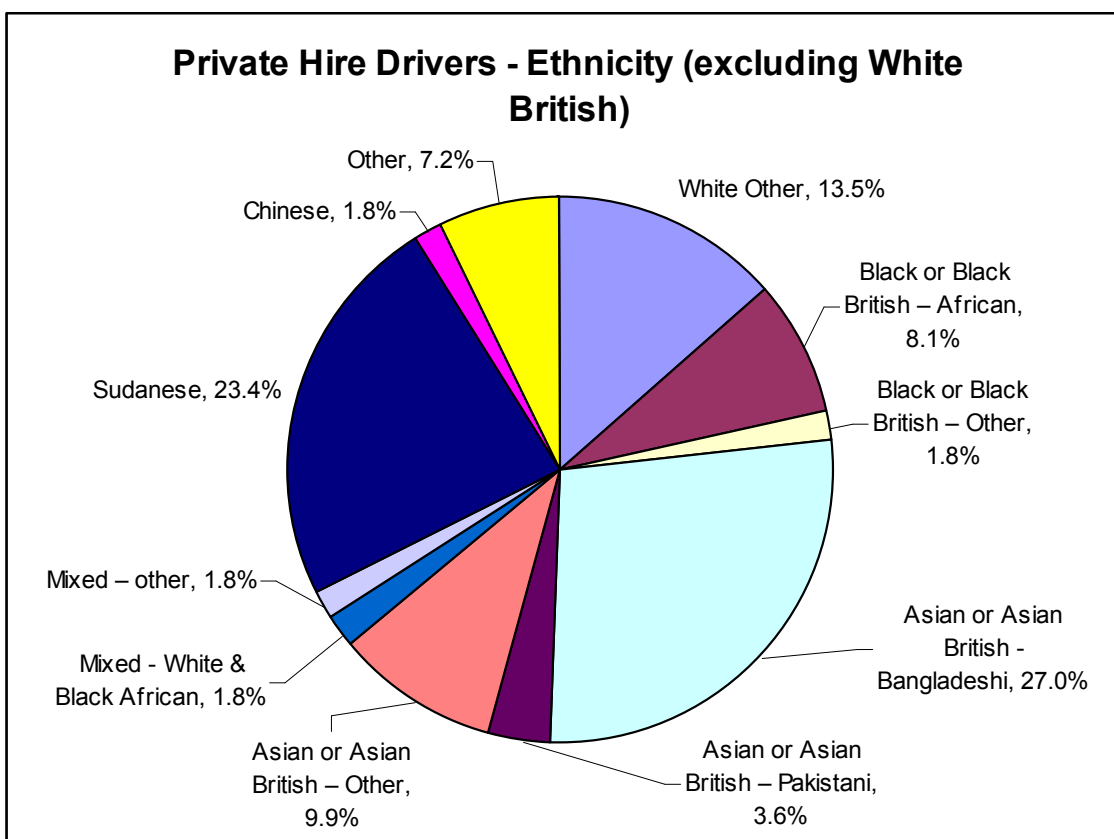


AGE OF APPLICANT	Frequency	Percentage
18-24	2	0.5%
25-34	39	10.1%
35-49	167	43.2%
50 – 59	110	28.4%
60+	69	17.8%
Total	387	100%
No response	10	



SEX OF APPLICANT	Frequency	Percentage
Female	28	7.5%
Male	347	92.5%
Total	375	100%

No Response	23	-
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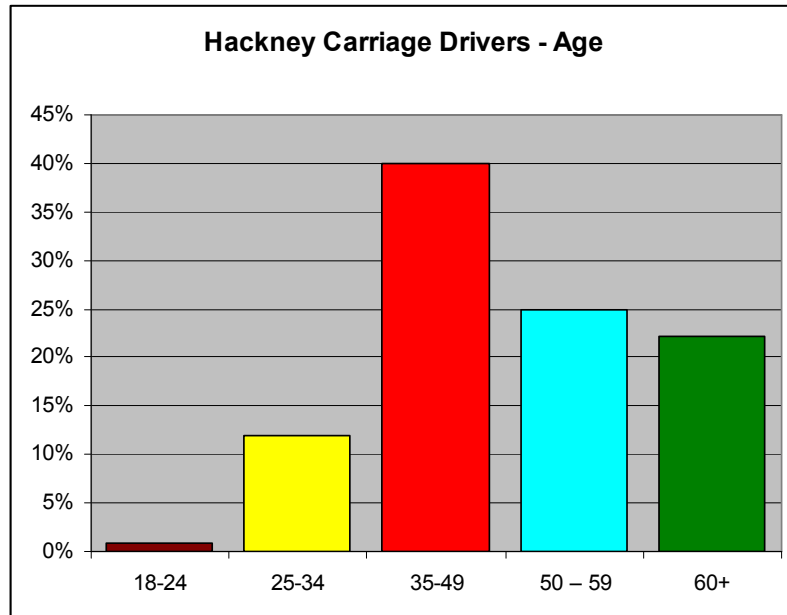


White British responses made up 71.2% of the responses for Private Hire Drivers responses. These are excluded from the above graph.

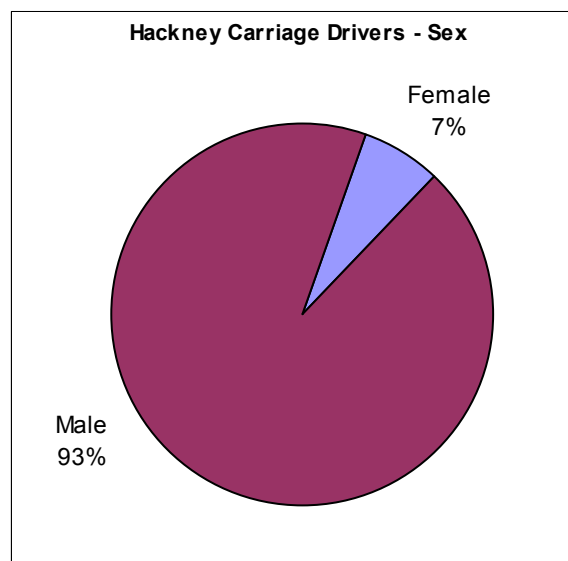
ETHNICITY OF APPLICANT - Private Hire Drivers	Frequency	Percentage
White British	274	71.2%
White Irish	0	0%
White Other	15	3.9%
Black or Black British – African	9	2.3%
Black or Black British – Caribbean	0	0%
Black or Black British – Other	2	0.5%
Asian or Asian British - Bangladeshi	30	7.8%
Asian or Asian British – Indian	0	0%
Asian or Asian British – Pakistani	4	1.0%
Asian or Asian British – Other	11	2.9%
Mixed - White & Black Carribean	0	0%
Mixed - White & Black African	2	0.5%
Mixed - White & Asian	0	0%
Mixed – other	2	0.5%
Sudanese	26	6.8%
Chinese	2	0.5%
Other	8	2.1%
Total	385	100%
No response	12	

Other – English (10), Iranian (7), Afghan (6), Polish (2), White African (2), North African (2), Asian British (2), Welsh (2), Moroccan (2), Arab (1), USA (1), Middle Eastern (1), Persian (1), Italian (1), Egyptian (1), Turkish (1), Jewish (1), Ukrainian (1), European (1), Neplai (1), British Libyan (1), Cypriot / Irish (1), White & Black American (1)

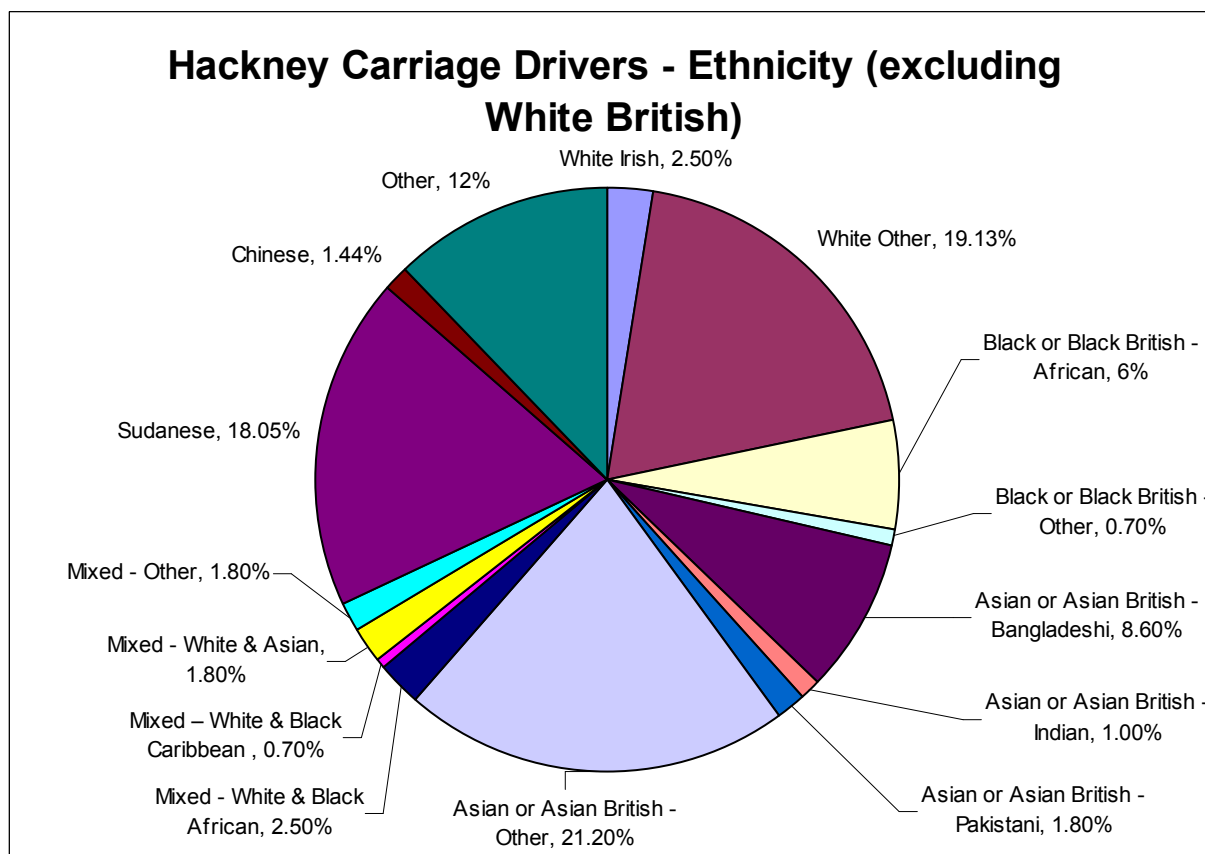
Hackney Carriage Drivers



AGE OF APPLICANT	Frequency	Percentage
18-24	8	0.9%
25-34	104	12%
35-49	348	40%
50 – 59	217	25%
60+	192	22.1%
Total	869	100%
No response	16	



SEX OF APPLICANT	Frequency	Percentage
Female	56	6.8%
Male	771	93.2%
Total	827	100%
No Response	58	



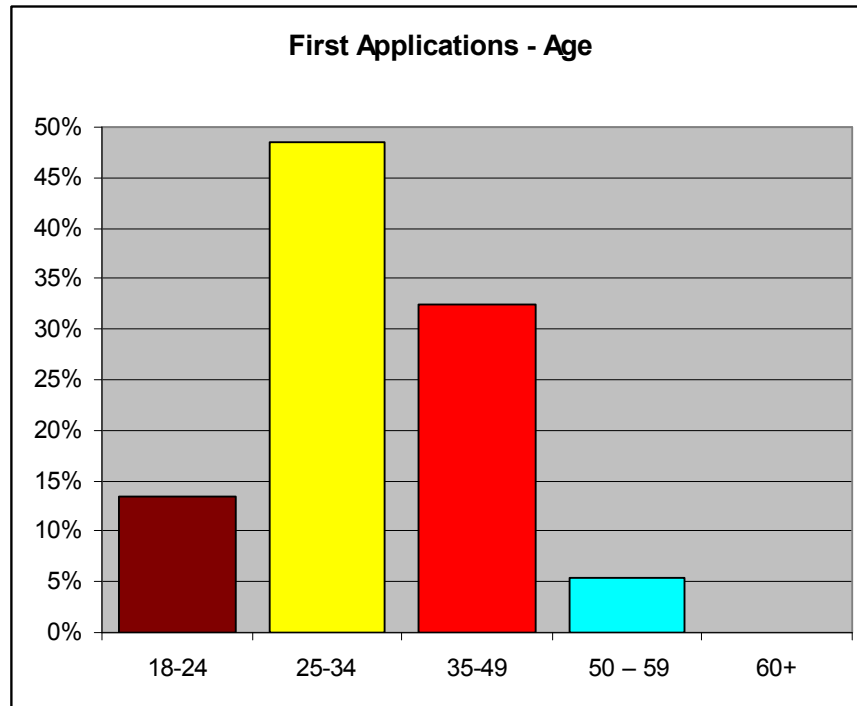
White British responses made up 67.6% of the responses for Hackney Carriage Drivers responses. These are excluded from the above graph.

ETHNICITY OF APPLICANT – Hackney Carriage Drivers	Frequency	Percentage
White British	578	67.6%
White Irish	7	0.8%
White Other	53	6.2%
Black or Black British - African	17	2%
Black or Black British - Caribbean	0	0%
Black or Black British - Other	2	0.2%
Asian or Asian British - Bangladeshi	24	2.8%
Asian or Asian British - Indian	3	0.4%
Asian or Asian British - Pakistani	5	0.6%
Asian or Asian British - Other	59	6.9%
Mixed - White & Black African	7	0.8%
Mixed - White & Black Caribbean	2	0.2%
Mixed - White & Asian	5	0.6%

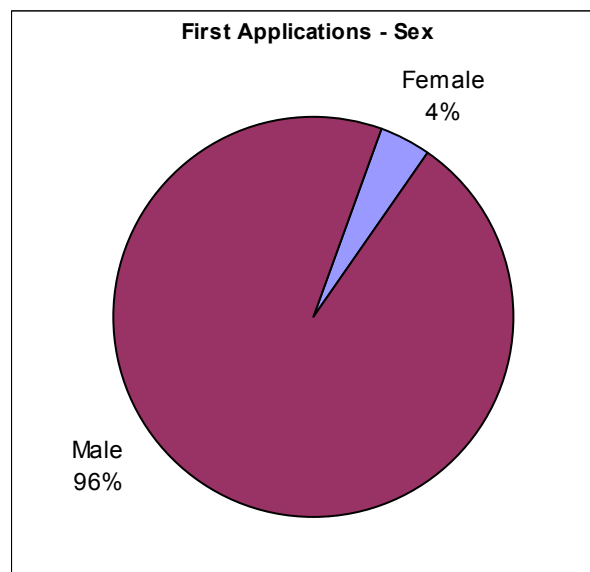
Mixed - Other	5	0.6%
Sudanese	50	5.8%
Chinese	4	0.5%
Other	34	4%
Total	855	100%
No response	30	

Other – Afghan (34), Iranian (22), English (14), Polish (12), Sudanese (10), Iranian British (9), Egyptian (7), Arab (6), Turkish (6), Coptic Orthodox (5), British Afghan (5), Persian (4), Portuguese (4), Italian (4), Mauritian (3), Jewish (3), Mediterranean (2), White African (2), Anglo-Indian (2), Asian British (2), Syrian (2), Slovakian (2), Middle Eastern (1), Israeli (1), Greek (1), Coptic (1), South African (1), Coptic Sudanese (1), Japanese (1), Iraqi (1), Palestinian (1), Moroccan (1), Czech (1), European (1), Egyptian/Sudanese (1), British Libyan (1), White (1), Asian/Arab (1), Caucasian White (1), Sri Lankan British (1), Caribbean & Asian (1)

First Applications

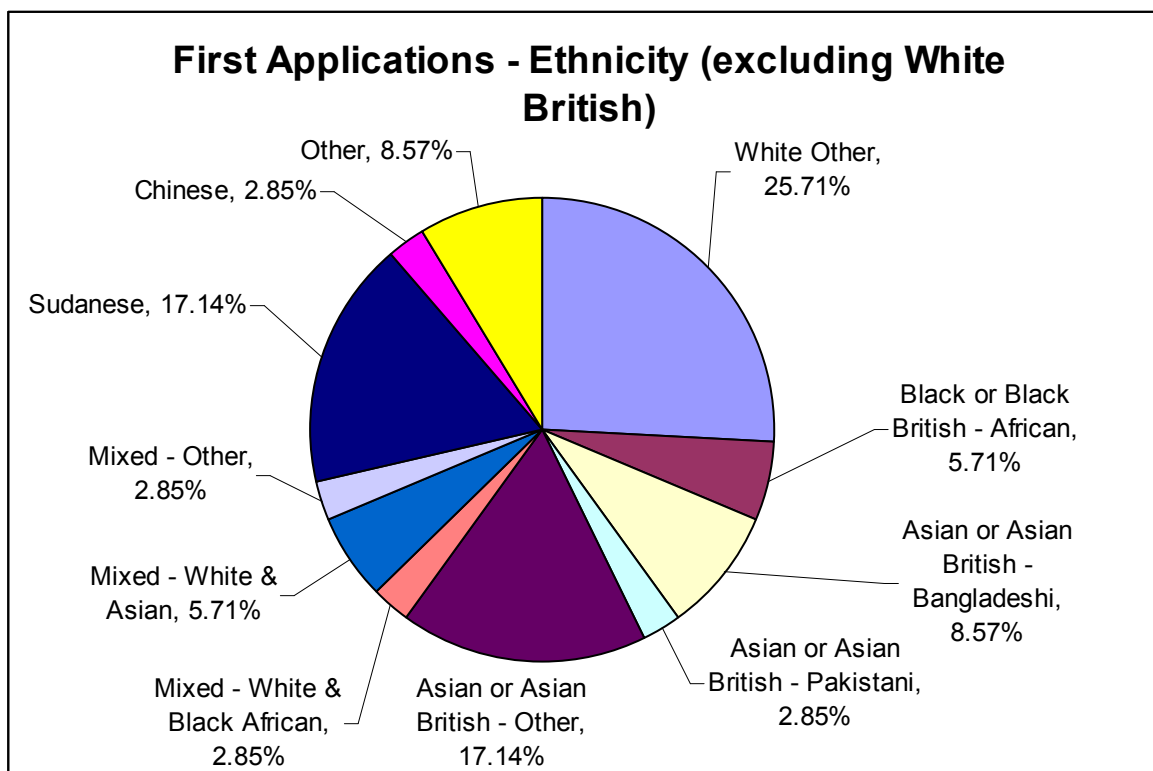


AGE OF APPLICANT	Frequency	Percentage
18-24	10	13.5%
25-34	36	48.6%
35-49	24	32.4%
50 – 59	4	5.4%
60+	0	0%
Total	74	100%
No response	0	



SEX OF APPLICANT	Frequency	Percentage
Female	3	4.2%
Male	69	95.8%

Total	72	100%
No Response	2	

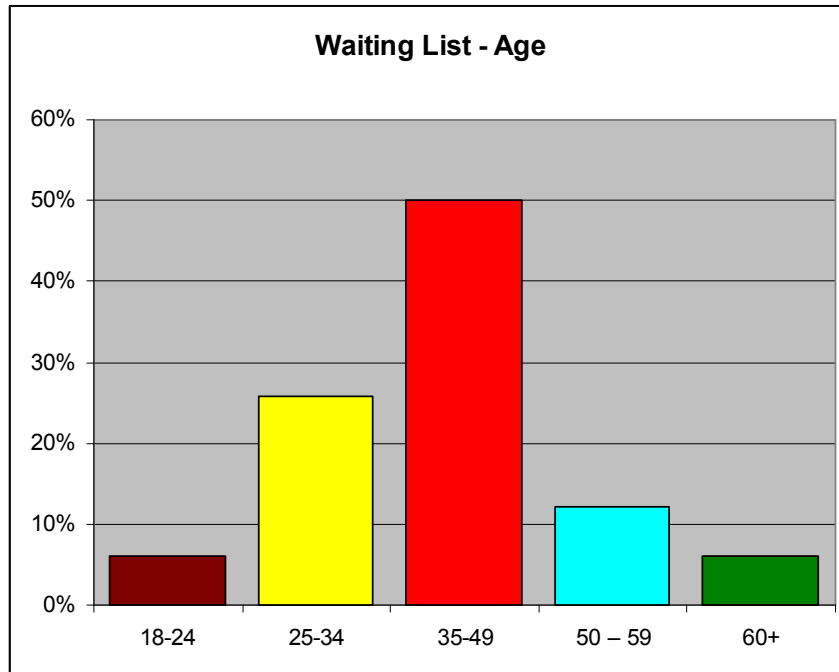


White British responses made up 42.6% of the responses for First Applications responses. These are excluded from the above graph.

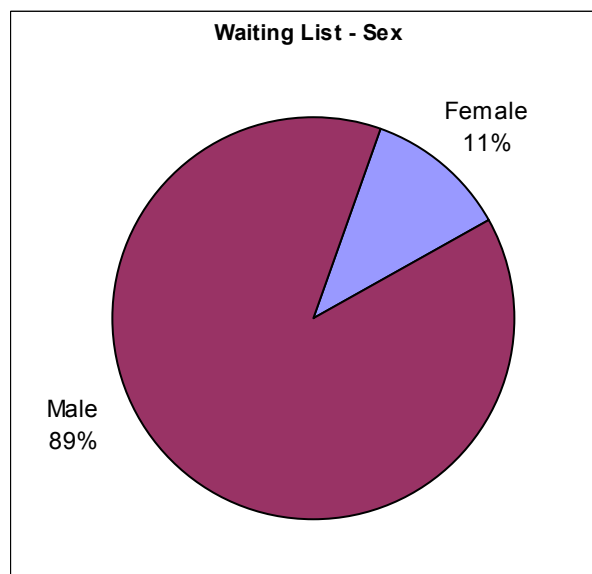
ETHNICITY OF APPLICANT – First Applicants	Frequency	Percentage
White British	26	42.6%
White Irish	0	0%
White Other	9	14.8%
Black or Black British - African	2	3.3%
Black or Black British - Caribbean	0	0%
Black or Black British - Other	0	0%
Asian or Asian British - Bangladeshi	3	4.9%
Asian or Asian British - Indian	0	0%
Asian or Asian British - Pakistani	1	1.6%
Asian or Asian British - Other	6	9.8%
Mixed - White & Black African	1	1.6%
Mixed - White & Asian	2	3.3%
Mixed - Other	1	1.6%
Sudanese	6	9.8%
Chinese	1	1.6%
Other	3	4.9%
Total	61	100%
No response	13	

Other – Turkish (7), Afghan (6), Iranian (4), Polish (2), Albanian (2), North African (1), Iraqi (1), Asian British (1), Asian (1), European (1), Hungarian (1), Asian Syrian (1), Caucasian White (1)

Waiting List

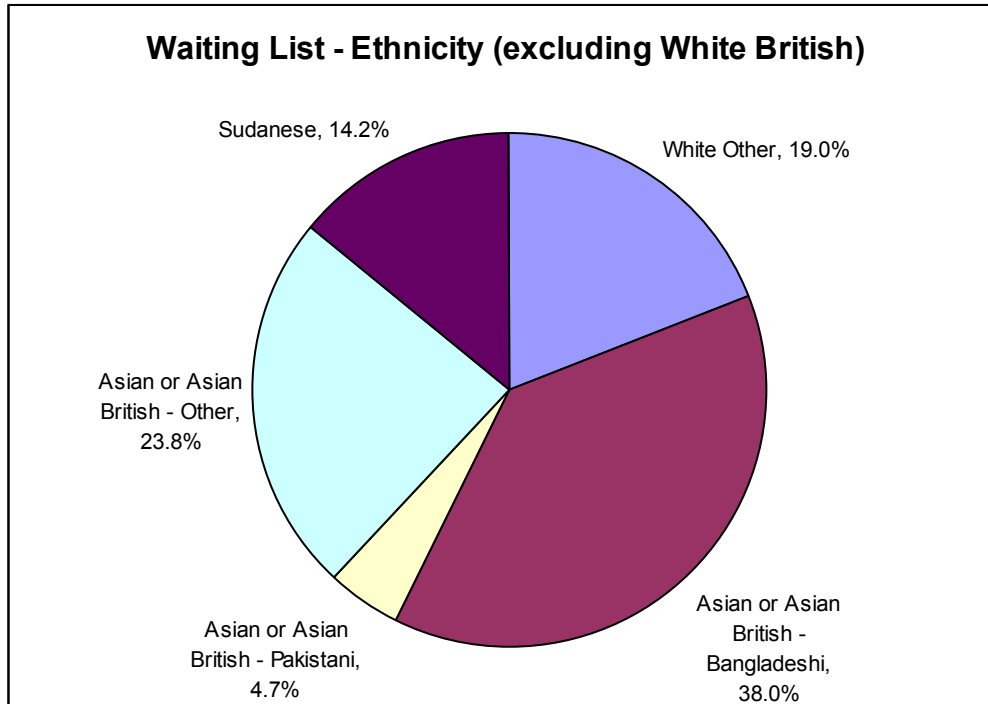


AGE OF APPLICANT	Frequency	Percentage
18-24	4	6.1%
25-34	17	25.8%
35-49	33	50%
50 - 59	8	12.1%
60+	4	6.1%
Total	66	100%
No response	1	



SEX OF APPLICANT	Frequency	Percentage
Female	7	11.3%
Male	55	88.7%
Total	62	100%

No Response	5	
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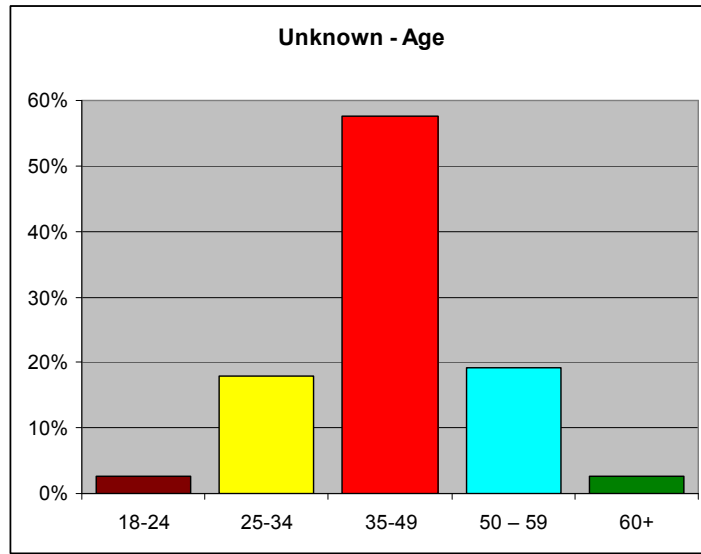
White British responses made up 64.4% of the responses for Waiting List responses. These are excluded from the above graph.

ETHNICITY OF APPLICANT – Waiting List	Frequency	Percentage
White British	38	64.4%
White Irish	-	-
White Other	4	6.8%
Black or Black British - African	-	-
Black or Black British - Caribbean	-	-
Black or Black British - Other	-	-
Asian or Asian British - Bangladeshi	8	13.6%
Asian or Asian British - Indian	-	-
Asian or Asian British - Pakistani	1	1.7%
Asian or Asian British - Other	5	8.5%
Mixed - White & Black african	-	-
Mixed - White & Asian	-	-
Mixed - Other	-	-
Sudanese	3	5.1%
Chinese	-	-
Other	-	-
Total	59	100%
No response	8	

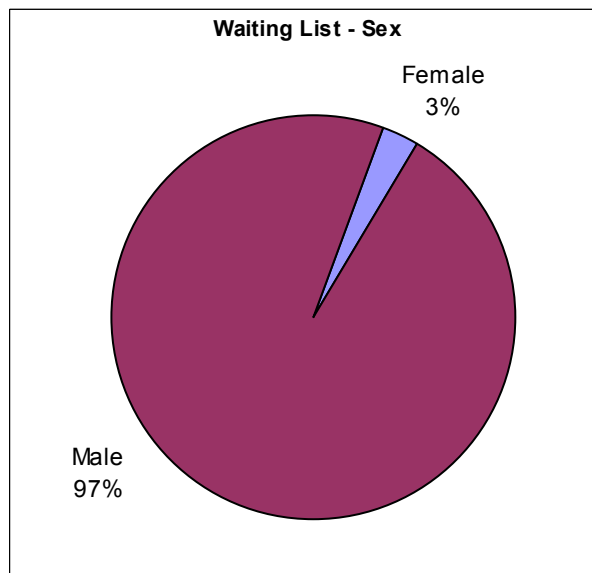
Other – Afghan (5), Arab (2), Polish (2), Iranian (1), White African (1), Yemeni (1), European (1), Asian/Arab (1)

The following contains a break down of the 81 responses of form that were not marked with the application type.

Unknown

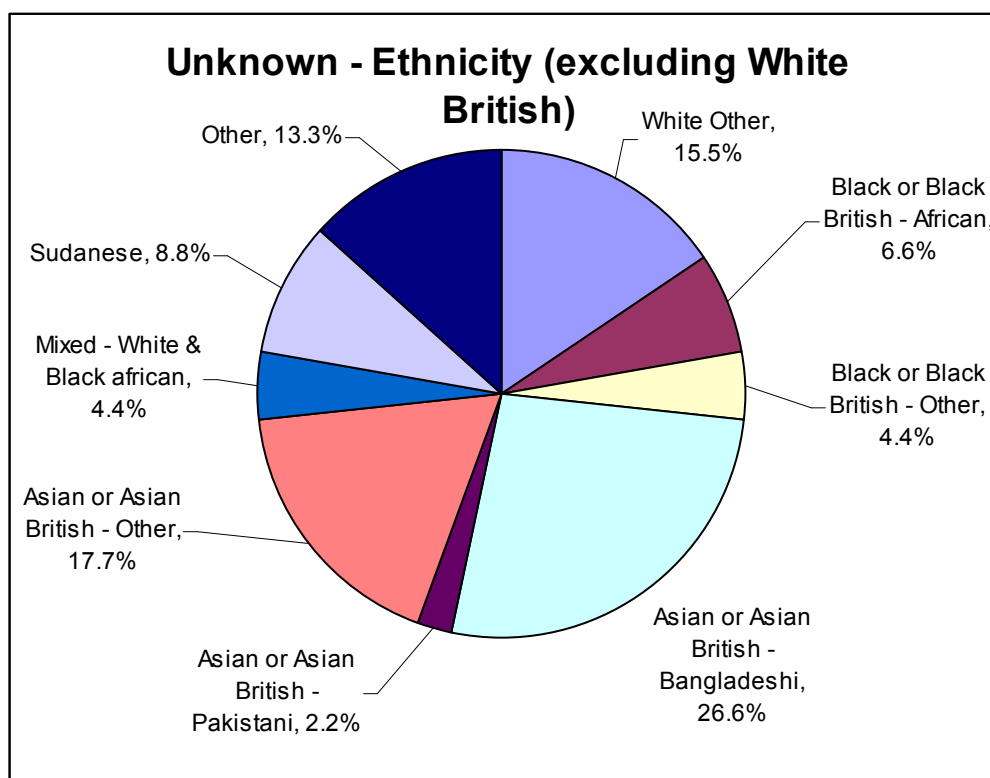


AGE OF APPLICANT	Frequency	Percentage
18-24	2	2.7%
25-34	13	17.8%
35-49	42	57.5%
50 – 59	14	19.2%
60+	2	2.7%
Total	73	100%
No response	8	



SEX OF APPLICANT	Frequency	Percentage
Female	2	3.1%
Male	62	96.9%

Total	64	100%
No Response	17	



ETHNICITY OF APPLICANT – Waiting List	Frequency	Percentage
White British	30	40%
White Irish	-	-
White Other	7	9.3%
Black or Black British - African	3	4%
Black or Black British - Caribbean	-	-
Black or Black British - Other	2	2.7%
Asian or Asian British - Bangladeshi	12	16%
Asian or Asian British - Indian	-	-
Asian or Asian British - Pakistani	1	1.3%
Asian or Asian British - Other	8	10.7%
Mixed - White & Black african	2	2.7%
Mixed - White & Asian	-	-
Mixed - Other	-	-
Sudanese	4	5.3%
Chinese	-	-
Other	6	8%
Total	75	100%
No response		

Other – Polish (5), Afghan (3), Iranian (2), Egyptian (2), British Afghan (2), Asian British (2), Arab (1), Iranian British (1), North African (1), Portuguese (1), Yemeni (1), Slovakian (1), Nepali (1), Turkish – British (1)

Comparisons across application groups

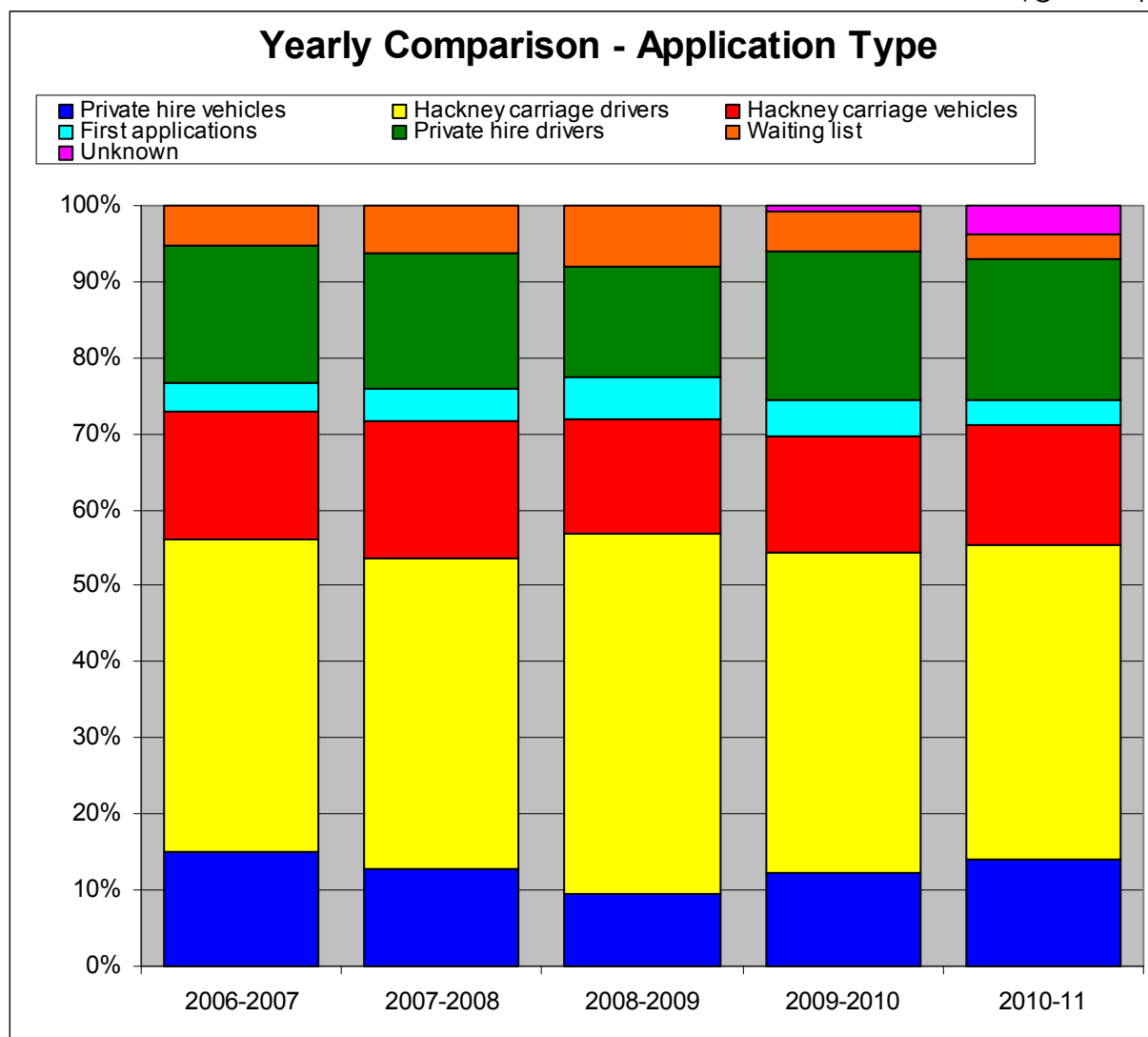
Respondents by Application 2004 – 2011 (percentage)

Gender comparison across all application groups 2010 – 2011 (percentage)

Gender	PHV	HCD	HCV	FA's	PHD	Wait	Unknow n	TOTAL
Female	1.8%	6.8%	6.2%	4.2%	7.5%	11.3%	3.1%	6.1%
Male	98.2%	93.2%	93.8%	95.8%	92.5%	88.7%	96.9%	93.9%
Total	100%	100%	100%	100%	100%	100%	100%	100%

Percentage of ethnicity responses across all application groups

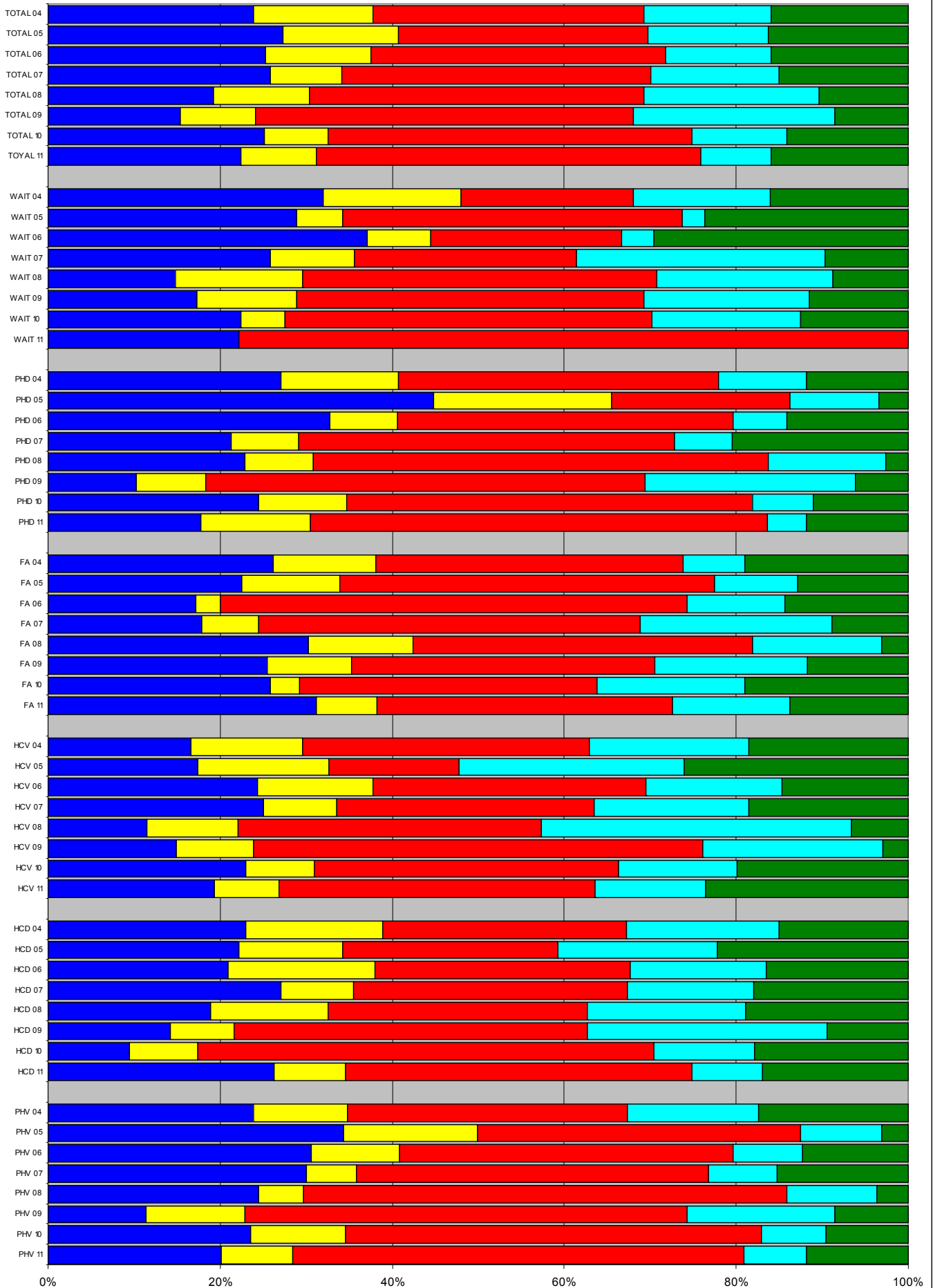
Ethnicity	PHV	HCD	HCV	FA's	PHD	Wait	Unknow n	TOTAL
White British	65.6%	67.6%	60.7%	42.6%	71.2%	64.4%	40%	65.1%
White Irish	1%	0.8%	0.3%	-	-	-	-	0.5%
White Other	4.8%	6.2%	6.9%	14.8%	3.9%	6.8%	9.3%	6.1%
Black or Black British - African	2.1%	2.0%	2.8%	3.3%	2.3%	-	4%	2.3%
Black or Black British - Other	0.3%	0.2%	-	-	0.5%	-	2.7%	0.3%
Asian or Asian British - Bangladeshi	9.6%	2.8%	-	4.9%	7.8%	13.6%	16%	5.6%
Asian or Asian British - Indian	0.3%	0.4%	0.6%	-	-	-	-	0.3%
Asian or Asian British - Pakistani	1.4%	0.6%	0.6%	1.6%	1%	1.7%	1.3%	0.9%
Asian or Asian British - Other	3.8%	6.9%	9.4%	9.8%	2.9%	8.5%	10.7%	6.4%
Mixed - White & Black Caribbean	-	0.2%	0.3%	-	-	-	-	0.1%
Mixed - White & Black African	2.1%	0.8%	1.3%	1.6%	0.5%	-	2.7%	1.1%
Mixed - White & Asian	-	0.6%	1.3%	3.3%	-	-	-	0.5%
Mixed - Other	-	0.6%	1.9%	1.6%	0.5%	-	-	0.7%
Chinese	1%	0.5%	0.9%	1.6%	0.5%	-	-	0.6%
Sudanese	5.5%	5.8%	1.9%	9.8%	6.8%	5.1%	5.3%	5.4%
Other	2.4%	4%	7.9%	4.9%	2.1%	-	8%	4.1%
Total	100%	100%	100%	100%	100%	100%	100%	100%
Base	291	855	318	61	385	59	75	2044



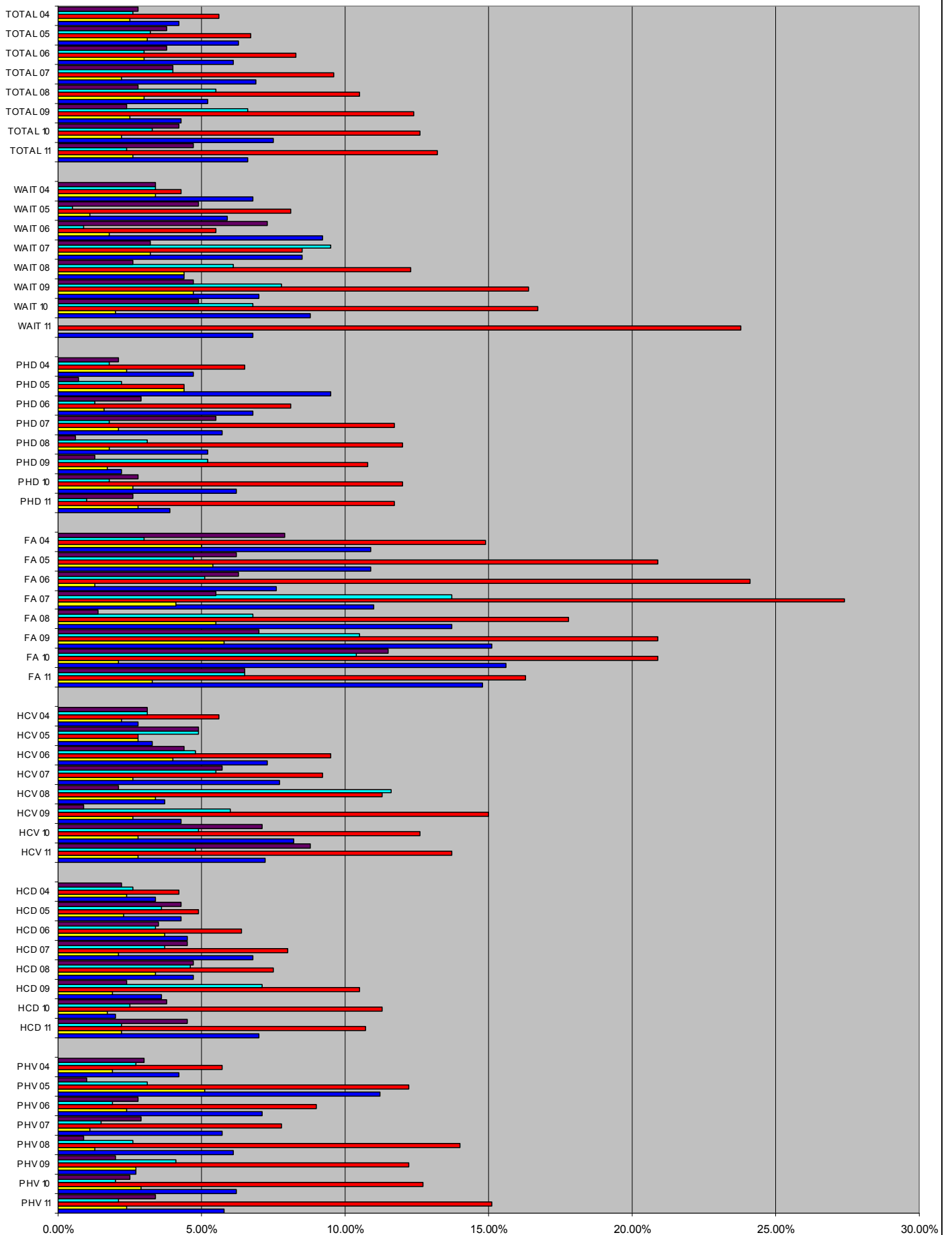
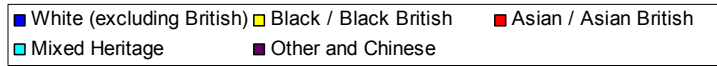
Type of Application	2011	2010	2009	2008	2007	2006	2005	2004
Private hire vehicles	14.0%	12.20%	9.40%	12.70%	15.20%	12.30%	6.60%	13.80%
Hackney carriage drivers	41.3%	42.30%	47.40%	40.80%	41.00%	43.00%	37.00%	40.00%
Hackney carriage vehicles	15.8%	15.10%	15.10%	18.20%	16.70%	15.90%	17.00%	16.80%
First applications	3.5%	4.90%	5.50%	4.20%	3.90%	4.50%	8.60%	5.30%
Private hire drivers	18.6%	19.50%	14.60%	17.80%	17.90%	17.90%	18.40%	17.90%
Waiting list	3.1%	5.20%	8.10%	6.30%	5.30%	6.40%	12.40%	6.20%
Unknown Applications	3.8%	0.80%	-	-	-	-	-	-
Total	100%	100%	100%	100%	100%	100%	100%	100%
Base	2144	2018	1594	1842	1894	1746	1521	1919

Ethnicity (excluding White British) by Application
2004-2011

■ White (excluding British) ■ Black / Black British ■ Asian / Asian British ■ Mixed Heritage ■ Other and Chinese

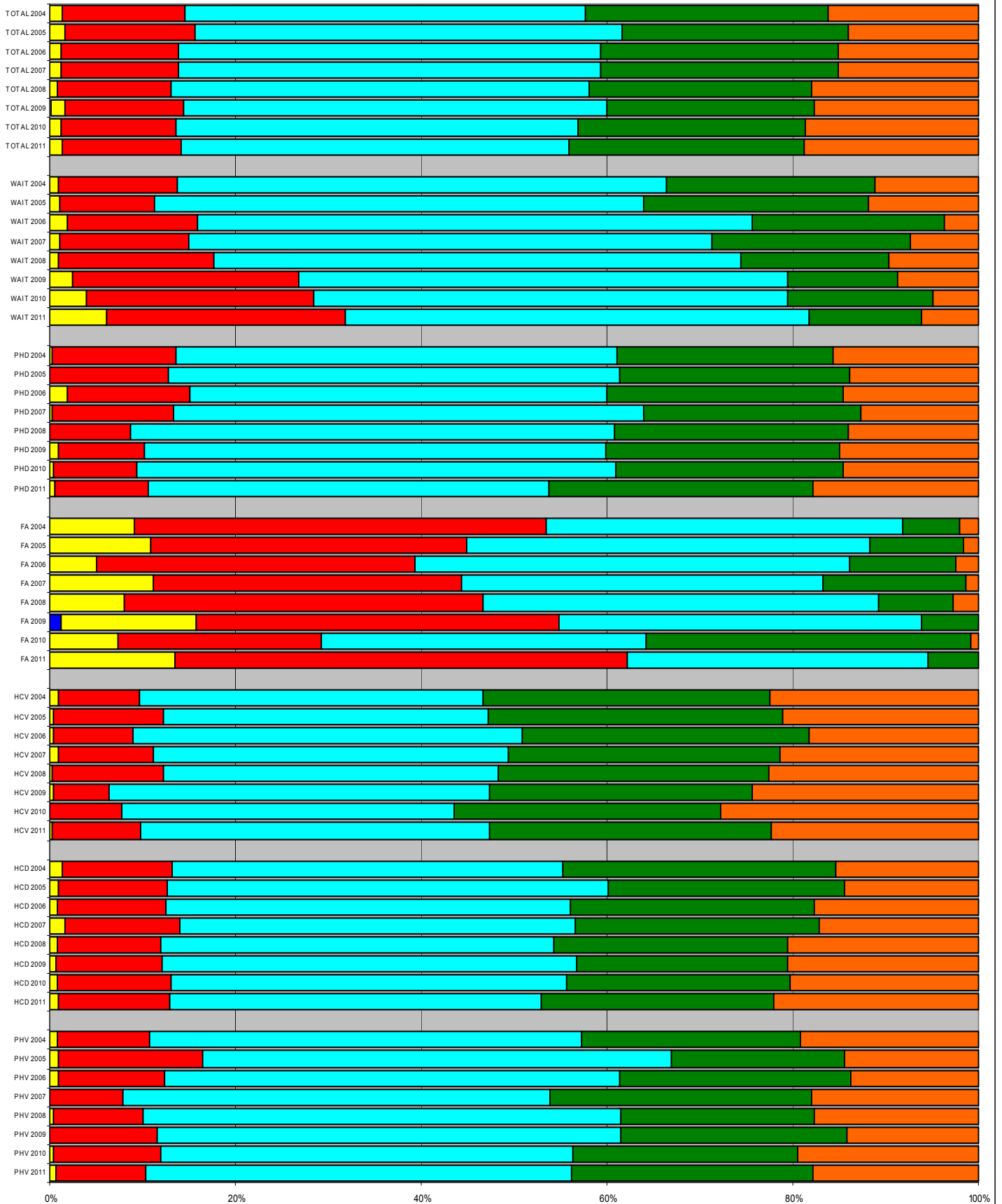


Ethnicity (excluding White British)



Age - 2004 - 2011

■ 16-17 ■ 18-24 ■ 25-34 ■ 35-49 ■ 50-59 ■ 60+



LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 20

Brighton & Hove City Council

Subject:	Equalities Action Plan Update Report		
Date of Meeting:	17 November 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Jean Cranford	Tel: 29-2550
	Email:	jean.cranford@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To report on the progress of the Equalities Action Plan.

2. RECOMMENDATIONS:

2.1 That Committee note the report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 On 10 September 2010, a report on the Equalities Review was taken to Licensing Committee. An action plan was developed from that report.

3.2 The action plan has been developed and updated and the current version can be found at appendix 1.

3.3 On 13 October 2011, a document was published "Transport Committee - Eighth Special Report. Here is a link:
<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmtran/1507/150702.htm>

The Law Commission confirmed at a meeting on 12 October 2011 that they will publish a consultation paper in April 2012 with a 3 month public consultation May - July. The Draft Bill and report will be published in November 2013.

The Transport Minister confirmed that the Government were not going to implement section 160 of the Equality Act (taxi accessibility regulations). They are still looking at an implementation strategy for S165-167. The cost benefit of the power to limit hackney carriage numbers is still under consideration. This may impact on imposing prescribed percentages of accessible vehicles.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 This matter has been discussed at the Taxi Forum.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications for the council associated with the recommendations made in this report. Taxi licensing fees are set at a level that it is reasonably expected will cover the costs of providing the service.

Finance Officer Consulted: Karen Brookshaw Date: 26/10/11

Legal Implications:

- 5.2 The Equalities Action Plan will assist in discharging the Council's duty under S149 of the Equality Act 2010.

Lawyer Consulted: Rebecca Sidell Date: 04/11/11

Equalities Implications:

- 5.3 Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a priority action in the council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

Sustainability Implications:

- 5.4 The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. Improving accessibility is one of the government's four shared transport priorities. Increasing the age limits of taxis will adversely affect air quality.

Crime & Disorder Implications:

- 5.5 Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime.

Risk and Opportunity Management Implications:

- 5.6 The transport industry should be safe, profitable and be a positive experience for all residents and visitors

Public Health Implications:

- 5.7 Providing a range of transport options for all passengers improves physical, mental and social wellbeing.

Corporate / Citywide Implications:

5.8 Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 N/A

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To update Licensing Committee.

SUPPORTING DOCUMENTATION

Appendices:

1. Equality Act Action Plan Update.
- 2.

Documents in Members' Rooms

1. None.

Background Documents

1. None.

Updated action plan from Committee report recommendations September 10 (updated 14 October 2011)

Date & Number	Recommendation	Agreed action
10/09/10 1	That the committee notes the position regarding the Equality Act 2010 and its possible implications.	Complete.
2	That the committee notes the current BTEC qualification will not be available to new applicants after 30 th September 2010 and approves the replacement entry-level qualification for new drivers.	Complete.
3	That the HCO, working in partnership with The Fed Centre for Independent Living and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of March 2011.	Please see 2 above. There is a need to establish the baseline of equalities training and consider how to ensure continuing professional development. Once established, a licence condition would be imposed once the Hackney carriage office has legal clearance. There has been difficulty identifying an accredited provider. The three taxi operators agreed to develop their own scheme at taxi forum on 17 June 2011. Hackney Carriage Officer has identified a provider for a disability awareness course. This can be offered to licensed drivers but compulsion may present legal implications.
4	That the HCO implement changes and improvements to the current complaints process to ensure that it is accessible and that all complainants are provided with clear, detailed responses.	Complete

5	That the Committee approve the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year, and that the Existing Conditions are amended accordingly with the rider 'all vehicles over ten years old shall be required to pass two vehicle inspections each year' be added.	Complete
5A	That the Committee approve the removal of the maximum age limit for newly licensed vehicles, subject to the maximum age limit appropriate to that vehicle.	Complete.
6	Withdrawn	N/A
7	That the views and evidence provided by all contributing parties to this report be brought to the attention of officers dealing with the school transport contracts.	Complete.
8	That the Committee approve all new hackney carriage vehicle licences and licences which are renewed following a transfer should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (ie purpose built London type hackney carriage vehicles) or be for wheelchair accessible vehicles with M1 ECWVTA.	Officers are aware of 13 transfers that have resulted in new WAVs in the fleet. Taxi licensing is migrating to a corporate software system which should allow transparent reporting of data. Absolute numbers of WAVs stand currently at 143 and increasing.
8A	That the Committee approves the licensing of rear loading M1 ECWVTA WAVs.	Complete
8B	That the Committee approves the immediate release of five new hackney carriage vehicle licenses.	Complete
9	That the Committee approves that CCTV approved by the Director is installed in all vehicles (a) upon application for a new vehicle licence on or after 1 April 2012, or	Amended to read by 1 April 2013. Complete.

	(b) on annual renewal of a vehicle licence falling between 1 April 2012 and 31 March 2013	
10	That the Committee approve a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.	Complete
11	That the Committee note the promotion of accessible taxi/PHV services to taxi voucher recipients in January 2011.	Complete.
12	That the Committee note the proposal to support National Customer Service week by promoting WAVs and demonstrating access features of vehicles.	Complete
13	That the Committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.	Preliminary work has been undertaken by discussion in taxi forum. This action may not be possible due to trade reservations. There are concerns over transparency and objectivity (criteria for awards).
14	That the Committee ask The Fed Centre for Independent Living to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.	The Fed Centre for Independent Living to investigate.
15	That the Committee require 'Right to Work' checks carried out on application for drivers' licences.	Complete.
16	That the Committee approve in principle, interior seat advertising in licensed WAVs.	Complete.
13/05/11 New 17	Equalities Act 2010 preparation for a list of designated vehicles. New offences are created concerning failure to pick up, failure to carry safety and overcharging.	Complete.

New 18	Taxi forum terms of reference.	Reported elsewhere on agenda: in progress.
05/07/11 New 19	Blue Book to include DfT advice on EA2010.	Reported elsewhere on agenda: in progress.
New 20	Blue Book to include list of designated vehicles.	Included as part of Blue Book report. These actions (18, 19 and 20) should be completed with this Committee's work in this meeting.
New 21	Use TfL guidance to use as consultation base set for WAV specification locally.	TfL guidance is used as consultation basis. Complete.
New 22	Record Certificate of Competence on driver records.	BTec includes training which would update competency. Awaiting ICT delivery with migration to new software.
New 23	Trawl for funding for training.	None available to local authorities.
New 24	Circulate Bracknell's and Streamline's advice to Forum for comments. This advice is aimed at safe transport of passengers including disabled passengers.	Complete.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 21

Brighton & Hove City Council

Subject:	Advertising on Hackney Carriage and Private Hire Vehicles		
Date of Meeting:	17 November 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Martin Seymour	Tel: 29-6659
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 That the Committee agree to advertising on the rear wings of Hackney Carriage and Private Hire vehicles.

2. RECOMMENDATIONS:

- 2.1 That advertising may be displayed on the rear wings (as decided by the Head of Planning & Public Protection) of Hackney Carriage and Private Hire Vehicles provided that the vehicle is not exempt from displaying the Council's livery and any advertisement displayed conforms to the council's guidance for licensed vehicles.
- 2.2 That delegated authority be granted to the Head of Planning and Public Protection to vary the standard Hackney Carriage Licence conditions to allow advertising in accordance with 2.1 above.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Trade members of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum have requested that committee considers allowing advertising on the rear wings of licensed Hackney Carriage and Private Hire vehicles.
- 3.2 The trade give the following reasons for this request:
- Drivers income has been severely affected by the economic downturn and overall takings are significantly reduced.
 - Increases to fuel prices, insurance, vehicle maintenance, office dues and the cost of living and this will be a way of increasing income without it having to come from the passengers pocket.
 - London taxis already have substantial advertising on them and the practice is quite widespread in other countries.

- It is envisaged that it will be mainly local businesses and attractions that will participate rather than large national brands.
- 3.3 It should be noted that the fare formula that the Council uses to set hackney fares includes fuel prices, insurance costs, vehicle maintenance and average income figures for the south east.
- 3.4 It should also be noted that it will be the proprietor that will receive any income not the individual driver although many proprietors do drive their own vehicles.
- 3.5 There is no guarantee that it will be local businesses that will take up this opportunity and it is unclear if the main operators will insist that proprietors display their advertising rather than that of other local business.
- 3.6 Members have already approved guidance for advertising in wheelchair accessible vehicles (see appendix 1) and the same guidance will apply to any other advertising on vehicles agreed by members.
- 3.7 Members are asked to restrict advertising to only licensed vehicles displaying the full council livery for hackney carriage or private hire vehicles so that the public can be confident that they are using a legitimate vehicle. The trade have provided examples of how the advertising may look (see appendix 2).

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The use of advertising has been discussed at several meetings of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

Revenue: There are no direct financial implications for the council by agreeing to allow advertising on the rear wings of Hackney Carriage and Private Hire Vehicles, as any income will be received by the proprietors.

Finance Officer Consulted: Name Karen Brookshaw Date: 26/09/11

5.2 Legal Implications:

Under section 47 of the Local Government (Miscellaneous Provisions) Act 1976, the council may impose such conditions on the grant of a hackney carriage vehicle licence as it may consider reasonably necessary. Pursuant to this power, the council has imposed a number of standard conditions on hackney carriage vehicle licences, including the following:-

No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or any devices whatsoever other than those mentioned in paragraph 21.2 below shall be displayed on, in or from the vehicle.

There are a number of exceptions to that condition, but none allow advertising of the type proposed in the report. The standard hackney carriage licence conditions will need to be varied to allow for advertising on the rear wings of a vehicle.

Under section 48 of the 1976 Act, the council may impose such conditions as it may consider reasonably necessary on the grant of a private hire vehicle licence. A standard condition has been imposed prohibiting the display of advertisements on vehicles. There are exceptions, but again none specifically allowing adverts of the type proposed in the report.

Lawyer Consulted:

Name Liz Woodley Date: 5/10/11

5.2 Equalities Implications:

There are no direct implications but additional income may make the economics of running of a licensed vehicle easier especially for new entrants to the trade.

5.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

5.5 Crime & Disorder Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy.

5.6 Risk and Opportunity Management Implications:

None.

5.7 Public Health Implications:

None.

5.8 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy and promoting the City. Modest advertising on exterior of taxis should not significantly diminish the livery of the city's hackney carriages.

6. **EVALUATION OF ANY ALTERNATIVE OPTION(S):**

Taking no action would not support the taxi business's request.

7. REASONS FOR REPORT RECOMMENDATIONS

See 3.1 and 3.2.

SUPPORTING DOCUMENTATION

Appendices:

1. Guidance for Advertising in Hackney Carriage and Private Hire Vehicles.
2. Example of how vehicles may look with advertising on rear wings.

Documents in Members' Rooms

None.

Background Documents

None.

ADVERTISING IN BRIGHTON & HOVE HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

No advertisement is permitted on or in a taxi unless it meets the following requirements.

1. The taxi is a wheelchair accessible vehicle.
2. Advertising on the interior of the taxi is permitted within the passenger compartment on the base of occasional (tip-up) seats only.
3. Occasional seat advertisements must be encapsulated in clear non-flammable plastic and should be of a quality not easily defaced, soiled or detached.
4. The advertising agency name should be carried on the advertisement.
5. The advertisement(s) in each vehicle should not advertise more than one company, product, service, or location although a sponsor's details are permissible.
6. Advertisements will not be approved if, in the Director's reasonable opinion, the advertisement falls within any of the following categories:

The advertisement ...

- does not comply with the law or incites someone to break the law.
- does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.
- is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement or by way of inference.
- depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.
- depicts or refers to indecency or obscenity or uses obscene or distasteful language.
- relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours.
- depicts direct or immediate violence to anyone shown in the advertisement.
- condones or provokes anti-social behaviour.

- relates to films which have not been granted permission for public exhibition or which do not show the British Board of Film Classification certificate.
- contains images or messages which relate to matters of public controversy and sensitivity.
- relates to a political party or parties or a political cause.

Proprietors and drivers do not need to seek prior approval to display advertisements that comply with the above.

In cases of doubt, they should consult the Authorised Officer in the first instance, *prior to displaying the relevant advertisement*.

However, if the Authorised Officer or Head of Delivery Unit considers an advertisement may not comply with these guidelines they may request a copy of the advertisement in either hard copy or electronic form, along with other reasonable information including details of the relevant advertising agency that prepared the advertisement.

If the Head of Delivery Unit considers that the advertisement does not comply with these guidelines, s/he may propose or invite reasonable variations to the advertisement or require the advertisement to be removed. In the latter case the Head of delivery Unit will provide written reasons for the decision.



