

BRIGHTON & HOVE CITY COUNCIL
LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.30PM 6 MARCH 2014

COMMITTEE ROOM L, HOVE TOWN HALL

MINUTES

Present: Councillors Powell (Chair), Deane (Deputy Chair), Simson (Opposition Spokesperson), Lepper (Opposition Spokesperson), Bennett, Duncan, Hyde, Jones, Marsh, Rufus, Sykes and C Theobald

Apologies: Councillors Pidgeon and Robins

PART ONE

24. PROCEDURAL BUSINESS

24a Declaration of Substitutes

24.1 Councillor Sykes declared that he was substituting for Councillor Kennedy.

24b Declarations of Interest

24.2 There were none.

24c Exclusion of the Press and Public

24.3 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).

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

25. MINUTES OF THE PREVIOUS MEETING

25.1 **RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 21 November 2013 be agreed and signed by the Chair as a correct record.

26. CHAIR'S COMMUNICATIONS**Hackney Carriage & Private Hire Vehicles – Suspensions & Revocations**

26.1 The Chair advised that since the previous meeting of the Committee, 2 drivers have received formal warnings

Brighton and Hove Hackney Carriage and Private Hire Consultation Forum

26.2 The Chair advised that Trade members had requested that the initial "Trade Only" part of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum no longer took place as it had become unproductive with members not attending, arriving late or just attending the main meeting where agenda items were then re-discussed. Officers had agreed to this request for future meetings pending the next amendment to the constitution.

26.3 RESOLVED – That the content of the Chair's Communications be noted and received.

27. PUBLIC INVOLVEMENT**27a Petitions**

27.1 There were none.

27b Written Questions

27.2 There were none.

27c Deputations

27.3 There were none.

28. MEMBER INVOLVEMENT**28a Petitions**

28.1 Councillor Sykes presented a petition in the following terms signed by 14 local residents:

"Brunswick Place Taxi Rank – Winter 2013-14

"We the undersigned petition Members of the Environment and Sustainability Committee of Brighton and Hove Council to acknowledge ongoing disturbance associated with the taxi rank on Brunswick Place, Hove, near the junction with Western Road. These issues include noise disturbance, pollution from idling diesel engines and road safety as a result of over ranking. We request that all efforts be made by this Committee to address the matter, including consideration of taxi relocation to the central reservation of Brunswick Place, and/or locating the taxi rank somewhere other than one of the most populous residential streets in Europe. We request also that a written response be given to this petition."

28.2 The Chair responded in the following terms:

“Please may I thank the Brunswick Place residents for their petition concerning road safety, noise and pollution and over ranking at their local taxi rank.

I would like to reassure residents that the issue of rank appointment and location in relation to:

- the air quality management area,
- the distances to residences, and
- the predicted nitrogen dioxide levels,

This being considered by officers as part of taxi licensing policy informing traffic order requests. There is a report at item 30 on today’s agenda concerning appointing ranks amongst other air quality considerations. Unfortunately, this may not change existing rank locations.

The location of Brunswick Place rank was discussed at a recent Taxi Forum. Forum members can recall that the rank had, prior to 1997, when Hove Borough Council was the licensing authority, been located in the central area of the road. Taxi ranks are appointed by traffic regulation order, under authority delegated to Environment, Transport and Sustainability Committee. There may be issues regarding wheelchair passengers embarking where no curb is available for ramps.

I propose asking Licensing Officers to deal with the over-ranking allegations by investigation and correspondence with the petitioners. Officers investigated complaints regarding this rank in July 2013 and reported to the Ward Councillor. Officers explained the lack of legal powers to deal with traffic noise. Officers did advise licensed taxi drivers regularly using the rank to be good neighbours, at that time.”

28.3 At the invitation of the Chair the Head of Regulatory Services confirmed that officers would make follow up visits to the Brunswick Terrace Taxi Rank in order to monitor compliance, behaviour and over ranking etc., would take action as appropriate and would keep the Local Ward Councillors informed.

28.4 **RESOLVED** – That the contents of the petition be noted and received.

28b Written Questions

28.5 There were none.

28c Letters

28.6 There were none.

28d Notices of Motion

28.7 There were none.

29. BLUE BOOK REVIEW

- 29.1 The Committee considered a report of the Head of Regulatory Services setting out proposed revisions to the conditions. Advice and information for Hackney Carriage and Private Hire Drivers, Vehicles and Operators contained in the blue handbook (The Blue Book).
- 29.2 The Hackney Carriage Officer explained that the handbook was designed to combine and set out in one place, the many bye laws, conditions, advice and information for hackney carriage drivers, vehicles and operators. Some conditions had been amended for this third edition in order to reflect current working practices and changes in legislation and changes of policy already agreed by the Committee. Other minor alterations had also been made to the wording and sequencing in order to make the book more user friendly.
- 29.3 Councillor Duncan stated that he welcomed this detailed report, he was concerned at the cost implications which could arise from any requirement to retain cctv footage for 28 days. He also enquired as to the costs incurred by drivers in having cctv equipment fitted. The Hackney Carriage Officer explained that the cost for each vehicle was £280 for 2 cameras to be fitted. Councillor Duncan stated that he considered the situation was confusing as there was currently no set period for retention of cctv footage. He was concerned that there could be financial implications arising from a 28 day period. As non experts in this matter he did not feel the Committee were qualified to make a judgement as to whether a 28 day retention period was suitable or not.
- 29.4 The Head of Regulatory Services explained that the costs of these works were spread across the fleet as a whole. The Committee had agreed in 2010 following detailed discussion to implement this requirement and this had been accepted by the trade. Various different systems were available and it had been left with the trade to decide on the equipment to be used provided that it was of a sufficient standard to clearly record all persons in the vehicle in order to prevent disorder or crime protect the safety of those in the vehicle and to confirm or rebut complaints made against the driver or as evidence in motor insurance matters. Guidance currently available required a minimum retention period of 28 days and with a view to the cost implications for the trade it had been proposed that this requirement came into force from 1 April 2015 at initial licensing or renewal. This had been discussed at Taxi Forum meetings and it had been accepted that if information was kept for a shorter period of time that might be insufficient in instances where it was alleged that serious offences had occurred.
- 29.5 Councillor Jones thanked the Head of Regulatory Services for this clarification which answered some of the questions he had, namely why a 28 day as opposed to 14 day retention period was proposed. The arrangements that had been put into place appeared to be working and discretion had been left with the trade as to how arrangements were implemented within the guidance given.
- 29.6 Councillor Marsh stated that she considered that approval of a new Blue Book was premature at the present given that Members had recently communication from the GMB expressing concern that they had not been consulted in respect of this matter and stating that the systems currently were likely to be overtaken by improved and cheaper technology in the near future. It would have been useful to have had a wider debate about these issues and to be re-assured that these concerns had been addressed.

- 29.7 The Chair, Councillor Powell stated that if re-visited at this stage consideration views would need to be sought from other groups such as the FED as well. The Head of Regulatory Services explained that the amendments and updates currently proposed had been the result of some three and a half years of work and had arisen as the result of widespread consultation to ensure that interested parties including bodies representing the trade had had their say. The resulting document gave equal weight to the need to support local business and to comply with the law; to delay publication could give rise to criticism.
- 29.8 Councillor Hyde considered that work in updating the Blue Book and in relation to provision of cctv had been the subject of discussion and had been on-going for some time. She did not consider it appropriate to delay the process at this late stage especially as these requirements were designed to protect the safety of the public and drivers alike, this requirement should be paramount.
- 29.9 Councillor Deane stated that in her view both the 28 day requirement and the proposed means of implementation were reasonable concurring with Councillor Hyde that the safety issue was very important. Drivers were also protected as a result of cctv equipment being placed in vehicles. Over successive years it was likely that costs would come down either as a result of economies of scale or due to improvements in technology. Councillor Deane asked whether the costs of such provision could be taken account of when fare tariffs were reviewed in future and the Head of Regulatory Services explained that they could.
- 29.10 Councillor Simson stated that much had been said already in respect of the and valuable contribution provided by cctv, she fully supported its use and the recommendations set out in the report, including a requirement that recordings should be retained for 28 days. Councillor Simson went on to refer to the advertisement space available for hire on and inside vehicles. This provided a source of revenue and could assist with costs of such as that associated with cctv. Councillor Simson asked whether the level of income received from adverting was known and whether any feedback had been received about it.
- 29.10 The Hackney Carriage Officer explained that it was hard to assess the level of income achieved from advertising and that no comments had been received in relation to advertising.
- 29.11 Councillor Jones stated that whilst he understood that cctv protected both the driver and the customer had clear indications been received that the technology was working and the current level of take up across the fleet. The Head of Regulatory Services responded that the current level of take up of cctv compliant with recommendations was approximately 60% increasing all the time and that feedback received was that those who had cctv equipment fitted were happy with it.
- 29.12 Councillor Duncan stated that in his view there remained a lack of clarity in respect of the whole cctv issue and for that reason he considered that consideration of this should be deferred at the present time.

- 29.13 Councillor Rufus referred to the views expressed by Councillors Duncan and Marsh enquiring as to the degree of discretion the Committee had in listening to or taking on board comments made by the GMB at this stage. The Head of Regulatory Services stated that comments had been received from the GMB very recently in respect of this matter against the backdrop of discussions which had been taking place since 2010.
- 29.14 Councillor Gilbey referred to the garages at which MOT and other which vehicle testing could take place stating that she had been advised that Westbourne Motors of Portslade had sought to be added to the list on a number of occasions over recent years but without success. It was noted that one of the garages previously on the list had now withdrawn enquiring whether it would now be appropriate for Westbourne garages to apply. The Hackney Carriage Officer explained that garages were added following requests from the trade itself and that they had not requested that any new garages be added. He also stated that it appeared that those garages currently on the list each serviced a small number of vehicles. This was a matter on which officers were guided by the trade.
- 29.15 Councillor Deane stated that notwithstanding that there had been a lot of discussion about CCTV a number of wide ranging amendments had been suggested to the existing Blue Book and these were welcomed.
- 29.16 A vote was taken and of the 13 Members present the recommendations contained in officer's report were approved on a vote of 10 with 3 abstentions.
- 29.17 **RESOLVED** – That the Committee agrees the Third Edition of the Blue Book Handbook as set in Appendix A to the report.
Note: Councillors Duncan, Gilbey and Marsh abstained from voting.

30. LOWERING EMISSIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

- 30.1 The Committee considered a report of the Head of Regulatory Services setting out proposals for lowering emissions for Hackney Carriage and Private Hire Vehicles as noted by the Environment, Transport and Sustainability Committee at its meeting on 14 January 2014 in a report proposing a Low Emission Zone for Central Brighton.
- 30.2 It was explained at its meeting on 14 January 2014, the Environment, Transport and Sustainability Committee had discussed proposals which had that included measures for lowering NOx, fine particulate and carbon dioxide emissions from Hackney Carriage and Private Hire Vehicles. The Committee had resolved to declare a Low Emission Zone taking in Castle Square, North Street and Western Road as far as the junction with Holland Road, with the aim of ensuring that all Public Service Vehicles to meet, as a minimum the Euro 5 emissions standard by 1 January 2015, with only licensed exemptions.
- 30.3 Officers were consulting with bus operators, DEFRA and the Department for Transport with a view to making an application to the Traffic Commissioner for a Traffic Regulation Condition to establish the regulatory framework for the Low Emission Zone. The proposals were split into a number of areas and fell within the responsibility of various Committees.

- 30.4 The Head of Regulatory Services explained that the purpose of the report was to set out the various interconnected strands in respect of this issue and to indicate the way in which officers were working across Committee and departmental responsibilities to address these issues. The Air Quality Specialist, Mr Rouse was in attendance from the Transport Team to talk about the measures being undertaken to reduce the level of emissions across the city as a whole but particularly in those areas where these were deemed to be high by proposing a Low Emission Zone for the centre of Brighton. He explained that a staged approach was intended which would use a raft of measures which would also the use of appropriate signage and an assessment of the current location and use of taxi ranks particularly where this was in close proximity to residential dwellings.
- 30.5 Councillors Marsh and Sykes welcomed the report which had identified the health benefits that could be achieved in consequence of such an approach and marked the commencement of a structured and staged process.
- 30.6 Councillors Hyde and Gilbey sought clarification of in the current position in relation to Rottingdean High Street and the junction approach to Wellington Road, Trafalgar Road and Southern Cross in Portslade which were located in their respective wards. Councillor Gilbey also requested an update in respect of the level crossing in Boundary Road, Portslade and its junction with Old Shoreham Road.
- 30.7 **RESOLVED** – (1) That Committee approves the proposals contained in the report;
- (2) That Committee notes the proposed implementation of a Low Emission Zone in central Brighton as approved by Environment Transport and Sustainability Committee on 14 January 2014 as part of a range of measures to reduce vehicle emissions in Brighton and Hove; and
- (3) That Committee notes ongoing work to be undertaken with Planning to implement some of the recommendations.

Note: Following consideration of this item Councillor Sykes left to attend another meeting and was therefore unable to be present during consideration of items 31 and 32 on the agenda.

31. HACKNEY CARRIAGE / PRIVATE HIRE TRADE ETHNICITY MONITORING

- 31.1 The Committee considered a report of the Head of Regulatory Services setting out the results of the Ethnicity Monitoring of the Hackney Carriage/Private Hire Trade for 2012/13.
- 31.2 It was explained that 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 were set out in appendix A to the report. Ethnic monitoring was undertaken to ensure that the waiting list was maintained and operated in a fair and transparent way as recommended by the Equality and Human Rights Commission.
- 31.3 Councillor Simson welcomed the report stating that it was encouraging to see that

drivers were declaring their ethnicity, noting that it was disappointing to see that female taxi drivers were relatively few in number. Councillor Bennett stated that in the past there had been a ladies only taxi company although unfortunately it appeared that this was no longer operating.

- 31.4 Councillor Deane concurred with the comments made by Councillor Simson stating that whilst there was a long and varied list indicating driver ethnicity, a number fell into the group designated as "other" and that it might be possible to simplify the existing categories. Councillor Simson agreed stating that some of the information appeared to be overly detailed. In answer to questions it was ascertained that it was possible for driver to appear in more than one category. The Head of Regulatory Services stated that the categories were self selecting in that drivers opted to place themselves into a particular category and a weakness of the system was that there could be some "double accounting."
- 31.5 Councillor Duncan referred to the number of groups represented by the data, some of whom would be eligible to vote in EU elections. He enquired regarding whether arrangements were in place to ensure that drivers were aware of their voting and other rights. The Head of Regulatory Service explained that talks were held for new drivers to ensure that they were briefed on a number of issues and that issues such as voting rights would be included within that.
- 31.6 Councillor Powell, the Chair, noted the points that had been raised stating that it would be appreciated if the changes highlighted could be made to the way information was presented in future reports if practicable.
- 31.7 **RESOLVED** – That the Committee notes the results of ethnicity monitoring of the Hackney Carriage/Private Hire Trade for 2012/13.

32. HACKNEY CARRIAGE ACCESSIBILITY POLICY REVIEW

- 32.1 The Committee considered a report of the Head of Regulatory Services reviewing and seeking to amend the existing Hackney Carriage Accessibility Policy.
- 32.2 It was explained that the Committee had endorsed the current Hackney Carriage Accessibility Policy at its meeting on 27 June 2013. As a result of further consultation with the Taxi Forum, The Fed Centre for Independent Living, Manufactures and Suppliers of vehicles it had become necessary to make some changes to the existing policy and to be consistent with the Blue Book. Officers had also organised a WAV day where disabled members of the FED could look at the existing fleet of wheelchair accessible vehicles and potential new vehicles.
- 32.3 Some vehicles were only supplied with or only have parallel ramps rather than single ramp, this had become a contentious issue. The FED centre for independent living were strongly of the view that single ramps were safer as they were less likely to tip. Some drivers had explained however that parallel ramps reduced the risk of accidents in particular situations. Some vehicles were supplied with parallel ramps or parallel and single ramps. Incorrect manual handling was one of the most common causes of injury at work and should be avoided or reduced, so far as is reasonably practicable. Drivers needed to use equipment provided for their safety properly. To resolve the issue the policy has been amended to:

“The vehicle should normally have a single ramp which can accommodate all four wheels of a wheelchair to load and unload persons wishing to travel in the vehicle whilst remaining seated in their wheelchair. The vehicle may have in addition, parallel ramps where the proprietor requires them for safety reasons or to meet specific needs of their passengers”

Whilst promoting single ramps as the desired option this would accommodate existing vehicles and new vehicles where the manufacturer / supplier would only supply vehicles with parallel ramps.

- 32.4 Another conflict between the current blue book and hackney carriage accessibility policy related to defining the minimum capacity of a wheelchair accessible vehicle. The policy needed to allow modern, versatile, specially adapted vehicles that were popular with drivers and passengers. Some rear loading, small car-derived vans, like Peugeot Premier Partners or VW CaddyMax, were specially adapted to offer quick and easy wheelchair accessibility with passenger and luggage carrying capacity. In practical situations, a single carer was often sufficient support for a passenger. It is proposed therefore that the minimum licensing standard should be set at a vehicle capacity of a passenger in a wheelchair, a second passenger and luggage. The WAV day had demonstrated that having space for at least 2 carers would exclude the small rear loading vehicles so this had been changed to 1. There were situations where specialist, configured vehicles were required, in response to market need, for instance school transport and it was proposed therefore to amend the delegation in the policy to make reference to the Executive Director, Environment, Development and Housing to be consistent with the Blue Book. The Chair had written to a number of manufacturers, converters and suppliers of wheelchair accessible vehicles asking various questions relating to their design and the level of consultation which took place between them at the design stage. Disappointingly only three responses had been received and were set out in Appendix 3 to the report. The WAV demonstration day had provided an opportunity with those who had different disabilities including the ambulant disabled to access the different types of vehicle available. The demonstration day had shown that no vehicle was suitable for all types of wheelchair, some users preferred the rear loaders and some the side loaders.
- 32.4 The Committee was invited to consider the recommendations with a view to providing consistency between the hackney carriage accessibility policy and the Blue Book.
- 32.5 Councillor Simson welcomed the report thanking the Chair for her input in requesting that this update be provided to the Committee. Councillor Marsh stated that she was also pleased to endorse the recommendations set out in the report
- 32.6 Councillor Gilbey sought clarification regarding arrangements to assist wheelchair and other disabled individuals when exiting a vehicle.
- 32.7 The Chair, Councillor Powell commended the report which would help to ensure that there was a mixed fleet across the city.

32.8 **RESOLVED** - That Committee approve amendments to the Hackney Carriage Accessibility Policy (Appendix 1); specifically to require additional single ramps to be provided for all wheelchair accessible vehicles and allow a minimum capacity for a WAV of wheel chair, passenger, passenger and luggage.

33. ITEMS TO GO FORWARD TO COUNCIL

33.1 There were none.

The meeting concluded at 5.35pm

Signed

Chairman

Dated this

day of