

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

**3.00PM 25 JUNE 2015**

**MAIN HALL, FRIENDS MEETING HOUSE, SHIP STREET, BRIGHTON**

**MINUTES**

**Present:** Councillors Marsh (Chair), Horan (Deputy Chair), Cobb (Opposition Spokesperson), Deane (Group Spokesperson), Allen, Bell, Gilbey, Greenbaum, Lewry, Moonan, O'Quinn, Page, Simson, C Theobald and Wares.

**PART ONE**

**1 PROCEDURAL BUSINESS**

**1(a) Declaration of Substitutes**

1.1 Councillor Greenbaum declared that she was attending the meeting as a substitute for Councillor West.

**1(b) Declarations of Interest**

1.2 There were no declarations of interest in any of the matters appearing on the agenda.

**1(c) 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.

**2 MINUTES OF THE PREVIOUS MEETING**

2.1 **RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on the 5<sup>th</sup> March 2015 be agreed and signed as a correct record.

### **3 TERMS OF REFERENCE - URGENCY SUB COMMITTEE**

3.1 The Committee considered a report of the Head of Legal & Democratic Services, concerning the terms of reference of the committee and outlining the need to appoint an Urgency Sub-Committee.

3.2 **RESOLVED:** (1) That the committee's terms of reference, as set out in Appendix A to the report, be noted;

- (1) That the Committee establish the Licensing Panel as a sub-committee (the membership of such Licensing Panel shall consist of three Members from the trained Members on the Licensing Committee, who will be able to sit on a panel and substitute for any designated Member of the Panel) to deal with licensing applications in accordance with the Terms of Reference as set out at Appendix A to the report;
- (2) That the Committee agree to disapply the proportionality rules so far as a Licensing Panel is concerned in accordance with the Local Government (Committees and Political Groups) Regulations 1990; and
- (3) That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and Councillors Cobb and Deane, to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

### **4 CHAIR'S COMMUNICATIONS**

4.1 The Chair reported that since the last Committee meeting one driver had had their application to renew their licence refused following a conviction for drink driving, five drivers had had their licences suspended on medical grounds and two drivers had received formal warnings.

### **5 PUBLIC INVOLVEMENT**

5.1 The Chair reported that no public questions had been received for the meeting.

### **6 MEMBER INVOLVEMENT**

6.1 The Chair reported that no items had been submitted by Members for consideration at the current meeting.

### **7 APP BASED PRIVATE HIRE OPERATORS**

7.1 The Hackney Carriage Officer introduced the report which provided an update on the issues relating to App based Private Hire Operators. He noted that the matter was currently under review following an application by Transport for London to the High Court and that following deregulation in October, an operator would be able to pass work to another operator outside of the city.

- 7.2 Members of the Committee expressed concerns over how Licensing officers would be able to confirm the suitability of other operators and their drivers and how fees could be monitored. It was noted that currently the Private Hire trade operated a voluntary scheme but this was unlikely to be administered by other operators. Members also expressed concerns about provision for disabled users and training of drivers and the impact of such an operator could have on the current trade in the city.
- 7.3 The Head of Regulatory Services stated that officers shared similar concerns to those of the Committee; however until such an application for an operator's licence was made it was difficult to answer those concerns. He noted that one such provider had made enquiries and may choose to make an application in which case it would need to be heard appropriately.
- 7.4 The Chair noted the information and suggested that the report be noted and any application awaited, in which case the necessary arrangements to hear the application would be made.
- 7.5 **RESOLVED:**
- (1) That the contents of the report be noted; and
  - (2) That it be noted that there may be a need to have reasonable conditions attached to private hire operator licences to protect public safety.

## **8 REVIEW OF BLUE BOOK IN LIGHT OF CHILD SEXUAL EXPLOITATION**

- 8.1 The Licensing & Health Manager introduced the report which provided an update on the proposed revisions to the Blue Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators (the Blue Book). The revisions had been made in light of the recent Child Sexual Exploitation case reviews and inspection reports in Rochdale, Rotherham and Oxford; as well as issues relating to licensing web based taxi providers and other amendments to the Blue Book.
- 8.2 Members of the Committee welcomed the report and the proposed changes and hoped that these would be acceptable to the trade, which had an important role in society.
- 8.3 The Licensing & Health Manager informed that Committee that the proposals were due to be considered by the Taxi Forum on the 14<sup>th</sup> July and it was hoped to bring a report to the November meeting on the outcome of discussions and consultations.
- 8.4 **RESOLVED:**
- (1) That the contents of the report be noted and that the Committee resolve to amend the Blue Book advice regarding suspensions, current evidence threshold, justification, the need for enhanced DBS check, Child Sexual Exploitation and modern slavery/human trafficking, (Considered by licensing officers against codified list in blue book); and
  - (2) That the Blue Book clearly states the council's position relating to human trafficking and child sexual exploitation.

**9 ITEMS TO GO FORWARD TO COUNCIL**

- 9.1 No items were identified as being recommended for referral to the Council for information.

The meeting concluded at 3.50pm

Signed

Chair

Dated this

day of

2015