

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 24 NOVEMBER 2016

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 4AH

MINUTES

Present: Councillors O'Quinn (Chair), Morris (Deputy Chair), Wares (Opposition Spokesperson), Deane (Group Spokesperson), Bell, Cattell, Cobb, Horan, Hyde, Gilbey, Lewry, Page, Phillips, Russell-Moyle and Simson

PART ONE

10 PROCEDURAL BUSINESS

10(a) Declarations of Substitutes

10.1 There were none.

10(b) Declarations of Interest

10.2 There were none.

10(c) Exclusion of Press and Public

10.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

10.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

11 MINUTES OF THE PREVIOUS MEETING

11.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 30 June be agreed and signed as a correct record.

12 CHAIR'S COMMUNICATIONS

Uber

12.1 The Chair, Councillor O'Quinn, stated that the issue of "Uber" had been the major issue recently for the Licensing authority as their licence came up for

renewal on the 4 November this year. They had only launched a few days before the license was due for renewal, not having launched beforehand due to other matters in the UK taking up their attention. A meeting was held on Friday 28 October and the Taxi Forum on the 26 October had been informed that this meeting would take place and that a decision would be made by officers, the Chair and the Lead councillors for the other 2 parties, on whether or not to renew the licence and that the decision would be made that day.

- 12.2 A decision was reached on that Friday to renew the Licence as there were no legal grounds to not do so. In the letter which was sent to “Uber” informing them of this decision it was underlined that they were expected to comply with their undertaking in the original licence of only using Brighton and Hove licensed taxis – this was to ensure that the rules and regulations in the Blue Book would be adhered to and that thus a level playing field would be established between Uber and Brighton and Hove licensed taxis. The licence would only run for one year and on the same terms as previously, to be reviewed at the end of the year.
- 12.3 Uber launched that Friday and issues soon became apparent as Uber had not been able to recruit any Brighton and Hove licensed drivers so Transport for London (TFL) drivers were brought into the city via the app. This was entirely legal but it caused some consternation amongst the B&H licensed taxi trade and it also meant that our taxi enforcement officers were unable to stop the Uber cars and check them as they don’t come under our jurisdiction.
- 12.4 To show their support for the enforcement officers a cross-party group of councillors, herself and Councillors Deane and Wares went out with them on Saturday 12 Nov. This had been a very enlightening experience as a number of taxi ranks were visited. It wasn’t long before word got out and the three members ended up talking to a lot of taxi drivers. There were some very interesting ideas about how to deal with the situation at Brighton station and these would be discussed further with officers. It was recommended that other councillors to go out with the enforcement team as not only was it interesting, it also boosted the morale of B & H taxi drivers to see councillors taking an interest in the taxi trade and sent out a message that the licensing authority was determined to maintain standards in our city. There had been many emails enquiries about Uber from the taxi trade and local residents, to both the Licensing Authority and councillors, the local media had also been very interested in the issue.

- 12.5 A private meeting had been held that Monday, 21 November, at the council and once again there had been cross-party representation. This had given those officers and councillors present an opportunity to ask exactly how the app worked and how Uber dealt with all the issues of safeguarding, WAVs etc. It was anticipated that these meetings would be held on a regular basis to discuss any issues arising. Members were also pleased that a representative from Uber would attend future taxi forum meetings.
- 12.6 Obviously, it was necessary to see how the situation progressed. It was hoped that over time there would be fewer TFL drivers and more B & H licensed Uber drivers who would have to abide by the Taxi Blue Book. If there were any breaches of their licence by Uber in the coming months, then we a review could be called.
- 12.7 Members of the Committee all expressed grave concern regarding the significantly lower standards of TfL drivers as opposed to the very high “Blue Book Standards” of Brighton and Hove taxi drivers of which the trade and the authority were justifiably proud. No one wished this to be compromised in any way.

LGA Conference Taxi Licensing

- 12.8 The Chair went on to state that she had attended the LGA conference in London on Tuesday on Taxi Licensing, there had been a lot of material which had been very helpful in respect of the present situation. There were widespread issues regarding TFL licensed drivers, who had lower standards of training etc., than authorities such as Brighton and Hove.
- 12.9 It had been emphasised that the main responsibility of a local authority regarding taxis was safety and she had to say that she felt very proud of our city and our taxi trade as it quickly became apparent that Brighton & Hove were light years ahead of many other authorities regarding safety as all taxis had CCTV, safeguarding training was excellent and we had an accredited WAV training course and a large number of WAV vehicles. There was a move towards getting the government to draw up new legislation creating a level playing field between the new digital technology companies and the more traditional taxi companies. There was a strong desire to protect standards and the safety of passengers as otherwise there was a fear that there could be a race to the bottom. It was considered that the best means of achieving this was to get local authorities to work with each other on the issue.
- 12.10 **RESOLVED** - That the content of the Chair’s Communications be noted.

13 CALLOVER**14 PUBLIC INVOLVEMENT**

14.1 There were no items of public involvement.

15 MEMBER INVOLVEMENT

15.1 There were none.

16 PRESENTATION : WHEELCHAIR ACCESSIBILITY VEHICLE DISABILITY TRAINING

16.1 Representatives of the Brighton and Hove Streamline were accompanied by Charlotte Rammage of the University of Sussex and their Principle Trainer, Mr Paul Wardle and gave a detailed presentation in relation to their disability handling and awareness training course.

16.2 The course had been accredited by Brighton University and had been issued with a "REQ" mark which stood for "recognising educational quality". Details of the course programme which was of 3.5 hours duration were set out. In order to achieve a certificate, candidates had to pass the multiple theory tests at the end of each module and a practical assessment handling set out in Module 4.

16.3 Councillors, Wares, Bell And Simson stated that they very impressed by the standards that had been achieved and the level of commitment shown by drivers to support that on an on-going basis. It was very important to the quality of the service provided in Brighton and Hove and to support its drivers at this difficult time.

16.4 Councillor Deane stated that she could vouch for course having attended it recently herself and having found it very informative.

16.5 The Chair explained that all members were welcome to attend the course, indeed this was positively welcomed by the trade. All who had attended were welcomed for their informative presentation.

16.6 **RESOLVED** – That the contents of the presentation be noted.

17 LICENSING FEES 2017/2018

17.1 The Committee considered a report of the Director of Neighbourhoods, Communities and Housing setting out the proposed licence fees and charges for 2017/18 relating to Street Trading, Sex Establishments and Sex Entertainment Licences, Gambling premises, taxi licensing and other licensing functions.

17.2 Councillor Simson referred to Bingo Halls requesting confirmation regarding the way in which different levels of fees and charges were required in respect to different business models/services. Councillor Deane sought clarification of time spent by officers in processing the different types of licences.

- 17.3 Councillor Cobb referred to fees payable by market stall holders and by those operating Farmers Market stalls.
- 17.4 Councillor Wares stated referred to paragraph 3.11 stating that he was in favour of supporting the costs of carrying out enforcement activity in so far as it was practicable to do so. He was concerned that if effectively a reduction in operational capacity was to occur this would not be desirable and requested that the manner in which the legislative requirements were written and could possibly be interpreted for future reference. The Chair, Councillor O'Quinn, agreed that this would be appropriate
- 17.5 **RESOLVED** - That the committee approves the following licence fees:
- All Hackney Carriage and Private Hire, Driver, Vehicle and Operator fees remain the same.
 - Sex entertainment venues and sex establishments – decreased by -8.6%.
 - Street trading fees– remain unchanged.
 - All Gambling Act 2005 fees – remain unchanged.
- A list of agreed fees for 2016-17 and proposed fees for 2017-18 is included in Appendix 1-2.

18 STREET TRADING EXCLUSION ZONES FOR SCHOOLS - STREET TRADING POLICY REVIEW

- 18.1 The Committee considered a report of the Director of Neighbourhoods, Communities detailing the The Council's Street Trading Policy was set by Members at Licensing Committee after extensive consultation in November 2009 and had last been considered at Licensing Committee on the 21 November 2013.
- 18.2 At the June 2016 Licensing Committee (Non-Licensing Act 2003) the Committee considered a letter from Councillor Peltzer-Dunn regarding a review of the Council's Street Trading Policy to consider whether a street trading exclusion zone could be introduced around schools in the interest of road safety and healthy eating. A copy of Councillor Peltzer-Dunn's letter is attached in Appendix 1. The Committee requested that a further report be brought forward to a future meeting of the committee assessing the issue of mobile street traders near schools.
- 18.3 Councillor Wares stated that he was interested in ensuring that a targeted limited review was undertaken with that aim in view he suggested that paragraphs 2.1 and 2.2 be removed and replaced by:
- “That Officer's undertake a limited review of all street activity within 50m of schools and report back to a future meeting to inform the Committee such that a decision can be taken whether to consult on a school exclusion zone being considered for the street trading policy.”
- 18.4 It was understood that it was necessary to specify certain issues in order to ensure that the limited resources available were targeted to greatest effect:-
- a) how long officers should monitor for;
 - b) whether all or just food traders should be monitored;
 - c) the remit of the review: looking at activity in terms of causing obstruction or nuisance and not in terms of nutrition; and

d) how the review should be conducted, i.e., by contacting schools and asking them to inform the council whether they had street traders in their vicinity so that the review could be properly targeted.

- 18.5 Councillor Gilbey was of the view that it was very important to specify how the 50m area was defined.
- 18.6 Councillors, Bell and Simson supported the proposed amendment and the Chair considered that this would provide a useful remit without being too wide.
- 18.7 Councillor Page stated that in his view Councillor Peltzer Dunn's original question had been important and it was his understanding that that street trading legislation could not be used to address this problem. Councillor Deane stated that she wished the paragraphs to be reordered so that current paragraph 2.2 became 2.3.
- 18.8 A vote was taken and on a vote of 9 to 3 with 2 abstentions the Committee resolved the following:
- 18.9 **RESOLVED** - That Officer's undertake a limited review of all street activity within 50m of schools and report back to a future meeting to inform the Committee such that a decision can be taken whether to consult on a school exclusion zone being considered for the street trading policy.

19 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

- 19.1 The Committee considered a report of the Director of Neighbourhood's, Communities and Housing updating Members on enforcement action taken against Hackney Carriage and Private Hire Drivers and applications between July 2016 and October 2016.
- 19.2 **RESOLVED** – That the Committee note the contents of the report and agree that Officers should continue to take action as appropriate.

20 ITEMS REFERRED FOR COUNCIL

- 20.1 There were none.

The meeting concluded at Time Not Specified

Signed

Chairman

Dated this

day of