





**Brighton & Hove
City Council**

Licensing Committee

(Non-Licensing Act 2003 Functions)

Title:	Licensing Committee (Non Licensing Act 2003 Functions)
Date:	2 March 2017
Time:	3.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ
Members:	Councillors: O'Quinn (Chair), Morris (Deputy Chair), Wares (Opposition Spokesperson), Deane (Group Spokesperson), Bell, Cattell, Cobb, Gilbey, Horan, Hyde, Lewry, Page, Phillips, Russell-Moyle and Simson
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout Licensing Cttee

Head of Department Councillor O'Quinn (Chair) Lawyer Democratic Services Officer

Councillor Morris (Deputy Chair)

Councillor Wares (opposition Spokes)



Councillor Cattell

Councillor Bell



Councillor Horan

Councillor Lewry



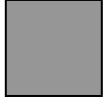
Councillor Russell-Moyle

Councillor Simson



Councillor O'Quinn

Councillor Hyde



Councillor Cobb



Member Speaking

Public Speaker

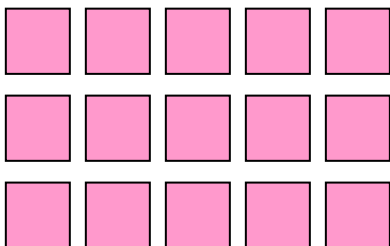
Councillor Deane (Spokes)

Councillor Page

Councillor West

Public Seating

Press



AGENDA

21 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:

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(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.

22 MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 24 November 2017 (copy attached)

Contact Officer: Penny Jennings

Tel: 01273 291065

Ward Affected: All Wards

23 CHAIR'S COMMUNICATIONS

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

24 CALLOVER

NOTE: Public Questions will be reserved automatically.

25 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 23rd February 2017;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 23rd February 2017.

26 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;

Notices of Motion: to consider any Notices of Motion referred from Council or submitted directly to the Committee.

27 AMENDMENTS TO THE BLUE HANDBOOK FOR HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS 7 - 18

Report of the Executive Director, Neighbourhoods, Communities and Housing (copy attached)

Contact Officer: *Martin Seymour* Tel: 01273 296659
Ward Affected: *All Wards*

28 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT & MONITORING 19 - 22

Report of the Executive Director for Neighbourhoods, Communities & Housing (copy attached)

Contact Officer: *Martin Seymour* Tel: 01273 296659
Ward Affected: *All Wards*

29 STREET TRADING – REVIEW OF MOBILE STREET TRADING NEAR SCHOOLS IN BRIGHTON & HOVE 23 - 26

Report of the Executive Director for Neighbourhoods, Communities & Housing (copy attached).

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Contact Officer: Jim Whitelegg
Ward Affected: All Wards

Tel: 01273 292438

30 ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the INSERT DATE 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, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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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

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LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

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Date of Publication - Wednesday, 22 February 2017

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 17.15pm

Signed

Chair

Dated this

day of

Subject:	Amendments to the Handbook for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators		
Date of Meeting:	02 March 2017		
Report of:	Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Martin Seymour	Tel: 01273 296659
	Email:	martin.seymour@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In order that the Handbook for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators "The Blue Book" is up to date and complies with current legislation it is reviewed on a regular basis to ensure that it is fit for purpose.

2. RECOMMENDATIONS:

- 2.1 That Committee approve the additions to the handbook contained in (Appendix 1).
- 2.2 That Committee refuse the alternative livery on Hackney Carriages Operated by Brighton & Hove Streamline as shown in (Appendix 2).
- 2.3 That Committee agree that Hackney Carriages may display the Operator Name and phone number in Aqua as approved by the Director, providing the name and number is in proportion and does not exceed the corporate logo.

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 4th edition was approved by committee on the 19th November 2015.

- 3.3 Most amendments are minor and some of the changes have become necessary following the DVSA ceasing to undertake driver assessments including the Taxis Wheelchair Test. Officers have sourced various alternative suitable providers and an approved list of such providers will be held by the Director of Neighbourhoods, Communities and Housing.
- 3.4 Catstream drivers Disability Awareness Training has been added as an alternative to the BTEC Level 2 Certificate in Induction to the Role of the professional Taxis and Private Hire Driver (QCF) for new applicants.
- 3.5 Some changes to vehicle requirements have been made to update latest vehicle specifications, other nearby local authority vehicle requirements and allow a greater range of wheelchair accessible vehicles.
- 3.6 Minor changes to taximeters have been made in particular Private Hire meters which, if installed will required to be sealed by the meter programmer or installer (approved by the Director) with the Operators Tariff. There are no powers that enable a local authority to require a meter or set the fares charged in a Private Hire Vehicle. However, should a meter be fitted it must have been tested and approved by or on behalf of the district council.
- 3.7 The handbook for hackney carriage and private hire drivers, vehicles and operators requires Hackney Carriage Vehicles to display the following:
Council issued door signs on the front doors and plate number to the rear doors. A single telephone number or the name of the operator may be shown on the front doors below the Council logo and shall not exceed the logo in length in aquamarine. In addition advertising is permitted on the rear wing of the vehicles and any advertisement displayed conforms to the council's guidance for licensed vehicles. This would include any Operator advertisement.
- 3.8 Brighton and Hove Streamline has requested that they be able to apply their own company designed logo in black & yellow (as shown in Appendix 2) to the front doors of all Hackney Carriages operated by Brighton & Hove Streamline who state that they have been inundated from both members of the public and their owners to have the Streamline brand name on their vehicles. Streamline also state that they are constantly receiving requests from the Police for information as Officers assume that all Brighton & Hove Hackney Carriage Vehicles are operated by Streamline.
- 3.9 Officers believe that the proposal by Brighton & Hove Streamline detracts from the current livery that has been in place for many years and is recognised as being best practice nationwide. Officers also believe that it is unnecessary as Companies can already display their name in Aqua under the Council Logo or on the rear wing as an advertisement. If members agreed to Streamline's proposal the Director would have to consider allowing other companies to display their logo & colours further detracting from the current livery which may cause add confusion and detract the public from the plate numbers displayed on the vehicle which make it identifiable.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

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

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Any costs associated with revising the Blue Book will be met from within existing revenue budgets.

Finance Officer Consulted: Michael Bentley Date: 08.02.17

Legal Implications:

- 5.2 There are no direct legal implications other than those set out in the body of the report.

Lawyer Consulted: Name Rebecca Sidell Date: 8.2.17

Sustainability Implications:

- 5.4 None

SUPPORTING DOCUMENTATION

Appendices:

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

Proposed Blue Book Amendments March 17

Amend all references of: The Director of Public Health to **The Director of Neighbourhood, Communities & Housing**

Add:

The Council will now in undertaking its licensing function, have regard to the Immigration Act 2016

Section 10. Procedure for Licensing Hackney Carriage and Private Hire Drivers

10.12 A medical certificate in the form supplied by the Council, from the applicants own general medical practitioner on initial application, one at age 45, 50, 55, 60, 65 and annually thereafter, or at any time as required by the Council. All medicals are to be to the standard required for vocational licences Group 2 as described on the DVLA web site under the heading 'At a glance Guide to the current Medical Standards of Fitness to Drive' and each case will be considered on its own merits.

Amend to:

10.12 A medical certificate in the form supplied by the Council, from the applicants own general medical practitioner on initial application, one at age 45, 50, 55, 60, 65 and annually thereafter, or at any time as required by the Council. All medicals are to be to the standard required for vocational Licences Group 2 as described on the DVLA web site under the heading 'Assessing fitness to drive: a guide for medical professionals' and each case will be considered on its own merits.

10.13 All applicants must in addition to the above have passed the BTEC Level 2 Certificate in Introduction to the Role of the professional Taxis and Private Hire Driver (QCF) (or equivalent award as decided by the Director) and have undertaken and passed the Driver & Vehicle Standards Agency (DVSA) Taxi Drivers Test or Private Hire Drivers Test and produce the necessary pass certificate before undertaking a knowledge test.

Amend to:

10.13 All applicants must in addition to the above have passed the BTEC Level 2 Certificate in Introduction to the Role of the professional Taxis and Private Hire Driver (QCF) (or equivalent award as decided by the Director) or the Catstream Drivers Disability Awareness Training and have undertaken and passed a practical Taxi Drivers Test from an approved provider (as decided by the Director) and produce the necessary pass certificate before undertaking a knowledge test.

10.14 From 1st April 2016 drivers of wheelchair accessible vehicles must have passed the Driver & Vehicle Standards Agency (DVSA) taxis wheelchair exercise test or the Catstream Drivers Disability Awareness Training before renewal of licence every 3 years.

Amend to:

10.14 From 1st April 2016 drivers of wheelchair accessible vehicles must have passed a practical Taxi Drivers Wheelchair Test from an approved provider (as decided by the Director) or the Catstream Drivers Disability Awareness Training before renewal of licence every 3 years.

Section 11. Annual re-licensing of drivers

11.9 Any new and existing Brighton & Hove hackney carriage or private hire driver who accrues more than seven penalty points on his or her UK driver's licence within a one year period will be required to undertake and obtain a pass certificate for the hackney carriage / private hire taxi assessment test from the Driver & Vehicle Standards Agency (DVSA) within a period of one year from the date of the last conviction or fixed penalty endorsement before their driver's licence will be renewed.

Amend to:

11.9 Any new and existing Brighton & Hove hackney carriage or private hire driver who accrues more than seven penalty points on his or her UK driver's licence within a one year period will be required to undertake a practical Taxi Drivers Test from an approved provider (as decided by the Director) and obtain a pass certificate within a period of one year from the date of the last conviction or fixed penalty endorsement before their driver's licence will be renewed.

Section 72. The Operator

72.10 All operators must ensure that all drivers of wheelchair accessible vehicles are trained and have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or the Catstream Drivers Disability Awareness Training

Amend to:

72.10 All operators must ensure that all drivers of wheelchair accessible vehicles are trained and have passed a practical Taxi Drivers Wheelchair Test from an approved provider (as decided by the Director) or the Catstream Drivers Disability Awareness Training

Section 79. Provisions regulating the conduct of the operators drivers.

79.3 The operator must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test.

Amend to:

79.3 The operator must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed a practical Taxi Drivers Wheelchair Test from an approved provider (as decided by the Director) or the Catstream Drivers Disability Awareness Training

Section 89. Suitability (Hackney Carriage Vehicles)

89.11 That in no circumstances will any vehicle be licensed which would require any passenger to move or tip any seat to enter or egress from any seat they may occupy or that would require them to climb over any seat or luggage in the vehicle. All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel).

Amend to:

89.11 That in no circumstances will any vehicle be licensed which would require any passenger to climb over any seat or luggage in the vehicle. All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel).

89.16 Any spare wheel must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres, passengers must not be carried when in use.

Amend to:

89.16 Vehicles are not required to have a spare wheel but if a spare wheel is carried in the vehicle it must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres, passengers must not be carried when in use. If an emergency tyre repair kit has been used to temporarily inflate a tyre it must be replaced before carrying passengers.

Section 91. Final Inspection prior to licensing (Hackney Carriage Vehicles)

91.5 A Council approved calendar controlled meter fitted in a position as to be readily seen by all passengers and sealed with the current tariff installed.

Amend to:

91.5 A Council approved calendar controlled meter that is EEC or Transport for London Office type approved and MID (Measuring Instruments (Taximeters) regulations 2006) compliant. The meter must be fitted in a position as to be readily seen by all passengers and sealed with the current tariff installed.

Section 116. Wheelchair Accessible Vehicles (Hackney Carriage Vehicles)

116.5 The proprietor must ensure that all drivers of wheelchair accessible vehicles have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or the Catstream Drivers Disability Awareness Training

Amend to:

116.5 The proprietor must ensure that all drivers of wheelchair accessible vehicles have passed a practical Taxi Drivers Wheelchair Test from an approved provider (as decided by the Director) or the Catstream Drivers Disability Awareness Training

125. Taximeters (Hackney Carriage Vehicles)

All taximeters fitted to Brighton & Hove licensed hackney carriages shall be EEC or Transport for London type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. If a taxi meter fitted to the vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyres fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause or permit the vehicle to be used for hire until the taximeter has been satisfactorily tested and sealed by an authorised officer of the Council.

Amend to:

125. Taximeters

All taximeters fitted to Brighton & Hove licensed hackney carriages shall be EEC or Transport for London type approved, capable of being calendar controlled and be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. If a taxi meter fitted to the vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyres fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause or permit the vehicle to be used for hire until the taximeter has been satisfactorily tested and

sealed by an authorised officer of the Council.

Section 135. Suitability (Private Hire Vehicles)

135.8 In no circumstances will any vehicle be licensed which would require any passenger to move or tip any seat to enter or egress from any seat they may occupy or that would require them to climb over any seats or luggage in the vehicle.

Amend to:

135.8 In no circumstances will any vehicle be licensed which would require any passenger enter or egress from any seat they may occupy that would require them to climb over any seats or luggage in the vehicle.

Remove:

135.12 The seating configuration should be that ingress and egress should not be restricted by other seats i.e. that it should not be necessary to move or tip a seat to get into and or out of the vehicle.

135.20 Any spare wheel must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres passengers must not be carried when in use.

Amend to:

135.20 Vehicles are not required to have a spare wheel but if a spare wheel is carried in the vehicle it must normally be of the same type as the road wheels. Space saver types are only acceptable if provided with the vehicle at time of manufacture. Due to limits on speed and distance imposed by the manufacturers on space saver tyres, passengers must not be carried when in use. If an emergency tyre repair kit has been used to temporarily inflate a tyre it must be replaced before carrying passengers.

Section 138. Final Inspection prior to licensing (Private Hire Vehicles)

138.4 If a meter is fitted it must be EEC or Transport for London type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. Any meter fitted must be in a position as to be seen by all passengers, sealed and with the correct tariff.

Amend to:

138.4 If a meter is fitted it must be EEC or Transport for London type approved and capable of being calendar controlled and must be MID (Measuring

Instruments (Taximeters) regulations 2006) compliant.

Section 161. Wheelchair Accessible Vehicles (Private Hire)

161.2 The proprietor must ensure that all drivers of wheelchair accessible vehicles have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or the Catstream Drivers Disability Awareness Training

Amend to:

161.2 The proprietor must ensure that all drivers of wheelchair accessible vehicles have passed a practical Taxi Drivers Wheelchair Test from an approved provider (as decided by the Director) or the Catstream Drivers Disability Awareness Training

178. Taximeters. (Private Hire Vehicles

If a taximeter is fitted in a licensed private hire vehicle it shall be EEC or Transport for London Office type approved and capable of being calendar controlled. From October 2016 all meters must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant. If the meter is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause the vehicle to be used for hire until the taximeter has been satisfactorily tested and seal by an authorised officer.

Amend to:

178. Taximeters.

If a taximeter is fitted in a licensed private hire vehicle it shall be EEC or Transport for London Office type approved and capable of being calendar controlled and must be MID (Measuring Instruments (Taximeters) regulations 2006) compliant, tested and sealed by the meter programmer / installer with the Operators Tariff. If any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicles transmission gearing ratio the proprietor shall not cause the vehicle to be used for hire until the taximeter has been satisfactorily recalibrated, tested and sealed by the meter programmer / installer (approved by the Director) with the Operators Tariff.



01273
STREAMLINE
202020

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	02 March 2017		
Report of:	Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 29-6659
	E-mail:	martin.seymour@brighton-hove.gcsx.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report is to update Members on enforcement action taken against Hackney Carriage & Private Hire Drivers and Applicants between November 2016 and February 2017.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report and that officers should continue to take action as appropriate.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Legislation in relation to the Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976 which applies to both hackney carriages and private hire vehicles is enforced by the local authority. Non criminal enforcement can also be effected by means of action taken against the licence held by the person who has transgressed.
- 3.2 The council can suspend, revoke or refuse a hackney carriage or private hire vehicles and/or driver licences. However, a driver licence cannot be suspended and then revoked at a later date such as at the conclusion of a prosecution. Other actions are available to officers such as verbal or written warnings which can be applied in line with the Councils [Licensing Enforcement Policy](#).
- 3.3 The Council is in the process of approving authorisations for Officers from other Local Authorities so that they may enforce their licensed vehicles and drivers operating in Brighton and Hove. Joint authorisations will also enable Brighton & Hove enforcement officers to take action against vehicles from other areas operating within Brighton & Hove. Officers are already authorised to enforce Brighton & Hove vehicles in the districts of Adur & Worthing.

3.4 Enforcement Action has been taken regarding licensed vehicles from other areas parking on ranks and further action may be taken by the relevant local authority with regard to where the vehicle is predominately working.

3.5 The following actions were taken against drivers / applicants between 01 November 2016 and 06 February 2017

Licence Type	Date	Action	Reason
Hackney Carriage and Private Hire Dual Licence	03.11.2016	Warning	Wilful Obstruction of an Authorised Officer
Private Hire Licence	11.11.2016	Warning	Taking Bookings without holding a Private Hire Operator Licence
Hackney Carriage and Private Hire Dual Licence	15.11.2016	Refusal to renew licence	Currently does not meet the DVLA Group 2 medical criteria.
Hackney Carriage and Private Hire Dual Licence	18.11.2016	Suspension of Current Licence & Refusal to renew	Currently does not meet the DVLA Group 2 medical criteria.
Hackney Carriage and Private Hire Dual Licence	24.11.2016	Refusal to renew licence	Currently does not meet the DVLA Group 2 medical criteria.
Hackney Carriage and Private Hire Dual Licence	24.11.2016	Refusal to renew licence	Currently does not meet the DVLA Group 2 medical criteria.
Hackney Carriage and Private Hire Dual Licence	30.11.2016	6 Week Suspension	Caution for Assault by Beating.
Hackney Carriage and Private Hire Dual Licence	07.12.2016	4 Week Suspension	Charging more than the permitted fare
Hackney Carriage and Private Hire Dual Licence	04.01.2017	Refusal to renew	Following information disclosed on DBS certificate
Hackney Carriage and Private Hire Dual Licence	01.02.2017	Suspension of Licence	Currently does not meet the DVLA Group 2 medical criteria.
Hackney Carriage and Private Hire Dual Licence	01.02.2017	Suspension of Licence	Currently does not meet the DVLA Group 2 medical criteria.

New Driver Applicant	06.02.2017	Warning Regarding previous convictions	Convictions for Battery
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4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. None.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1. This report is for information purposes only, so there are no financial implications.

Finance Officer Consulted: Michael Bentley Date: 12/01/17

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell Date: 8/02/17

Equalities Implications:

5.3 None.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. For information only.

LICENSING COMMITTEE	Agenda Item 29
(Non-Licensing Act 2003 Functions)	Brighton & Hove City Council

Subject:	Street Trading – Review of mobile street trading near schools in Brighton & Hove		
Date of Meeting:	2 March 2017		
Report of:	Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	Email:	jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT:

- 1.1. The Council's Street Trading Policy was set by Members at Licensing Committee after extensive consultation and was last considered at Licensing Committee on the 21st November 2013.
- 1.2. At the November 2016 Licensing Committee (Non-Licensing Act 2003) the Committee requested 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.

2. RECOMMENDATIONS:

- 2.1. That the committee notes the contents of this report.
- 2.2. That officers should continue to monitor trends of applications/complaints and illegal activity to inform future policy.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1. The regulation of street trading by consents covers infrequent, itinerant trading. There is no right of appeal against refusal and so it is vital that licensing authorities behave in a fair and reasonable manner. An established street trader would have a reasonable expectation that his/her consent would continue. Street trading consent regulations' primary purpose is to prevent obstruction of the street or danger to persons using it, or nuisance or annoyance to people using the street or otherwise. This department promotes diet, health and local food issues including engagement with school children by its healthy awards scheme and the recently launched Sugar Smart City initiative. Using street trading regulations to promote healthy food, although appealing, is not likely to be proper use of the Regulatory controls.
- 3.2. On 8th December 2016 we wrote to all schools in Brighton & Hove as a result of Members asking officers to carry out a review of street trading within the

vicinity of schools. The consultation was also posted on the Council schools bulletin board asking for responses by the 31st January 2017. Please see the questions and responses below.

- Q.1 Are you aware of any mobile street traders, such as burger or ice cream vans, operating within 50 metres of the schools boundary (please provide the vehicle registration details if possible and frequency of trading)?
- Q.2. How do mobile street traders impact on the school?
- Q.3. Have you complained to the Council about street traders operating near your school?
- Q.4. Have the school received any complaints relating to street traders operating near your school? If so, please indicate the number and nature of the complaints.

SCHOOL	Q1	Q2	Q3	Q4
St Mary Magdalen's Primary School	No	No	No	No
St Joseph's Catholic Primary School	No	No	No	No
Downs Infant School	No	No	No	No
Saltdean Primary School	Yes - summer ice cream van	No	No	No
West Hove Infant School	No	No	No	No
Hillside School	No	No	No	No
Carden Primary School	Yes - Christmas tree seller using school fence to prop up trees	No	No	No
Patcham Junior School	No	No	No	No
Mile Oak Primary School	No	No	No	No
Patcham High School				
Downs Park School	No	No	No	No
St Nicolas CE Primary School	No	No	No	No
Moulsecoomb Primary School	No	No	No	No
Bilingual Primary School	No	No	No	No
St Joseph's Catholic Primary School	No	No	No	No
Patcham House	No	No	No	No
Peter Gladwin Primary School	No	No	No	No
St. Paul's CE Primary and Nursery School	No	No	No	No
St. Pauls Primary School	Yes - summer ice cream van - outside school hours	No	No	No
Queen's Park Primary & Nursery School	Burger van Freshfield Way	traffic issues	No	No

Dorothy Stringer	No - but had previously been a burger van	selling unhealthy food	Yes	No
Aldrington CE Primary School	No	No	No	No
West Hove Infant School Portland Road, Hove	Ice cream van - daily in the Summer from approx 14.50-15.50	Parents complain about pressure to buy and messy exhaust fumes	Not recently, if ever.	At least 5-10 parental complaints each year
City Academy Whitehawk	Yes - summer ice cream van - outside school hours	No	No	No

3.3 One school (West Hove Infant), of the 24 schools that responded, has highlighted parental complaints relating to an ice cream van operating during the summer. This will be investigated further by officers, but looking at the responses overall and lack of complaints, street trading in the vicinity of schools does not appear to be an issue. Officers will continue to monitor complaints but do not believe a review of the street trading policy is necessary regarding this matter.

4. ANALYSIS & CONSIDERATION OF ALTERNATIVE OPTIONS

4.1 If the Committee decide that street trading should be reviewed, a full and measured consultation should involve residents (via the council's website), residents associations and Community Associations including the North Laine Community Association, businesses (including individual street traders) in Brighton & Hove, Police and Highway Authority, Economic Development and Regeneration regarding the corporate markets policy, Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, City Clean, Legal, Finance, Ward Councillors, City Centre and Hove Business Fora, Trader Associations including North Laine Traders Association, Upper Gardener Street Traders Association, Brighton & Hove Albion Football Club, and the Education Authority (Children's Trust).

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Brighton & Hove Schools, finance and legal services.

6. CONCLUSION

6.1 Officers will continue to monitor complaints but do not believe a review of the street trading policy is necessary regarding this matter.

7. FINANCIAL & OTHER IMPLICATIONS

Financial Implications:

7.1 Street Trading fees are set at a level that officers reasonably believe will cover the costs of administering the service. Any costs associated with the Street Trading

Policy will be met from within existing Licensing budgets. Fees are set as part of the annual Council budget setting process.

Finance Officer Consulted: Monica Brookes Date: 17/01/17

Legal Implications:

- 7.2 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 enables a district council in England and Wales to adopt a code for the regulation and control of street trading within its area and the Council has adopted Schedule 4 of the Act which governs street trading. Schedule 4 permits the Council to designate by resolution streets as prohibited, licence or consent streets. There is no obvious mechanism for creating exclusion zones, but part of a street could be re-designated a prohibited street. There is a statutory procedure for this involving publication of a notice in a newspaper and inviting representations which must then be considered. There should be good justification for changing the designation of streets. Challenge might reasonably be expected from those adversely affected by changes to street designation both on administrative law and human rights grounds.

Lawyer Consulted: Rebecca Sidell Date: 17.01.17

Crime & Disorder Implications:

- 7.3 Diversity is valued and strong, safe communities are vital to future prosperity.

Sustainability Implications:

- 7.4 H Some street trading supports recycling of goods. Farmers markets may reduce "food miles".

Crime & Disorder Implications:

- 7.5 Transparent, proportional street trading controls minimise danger of obstruction and nuisance. Street trading can be a source of stolen or counterfeit goods.

Risk and Opportunity Management Implications:

- 7.6 Street trading is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

Corporate / Citywide Implications:

- 7.7 Street trading represents some traditional, historic heritage