

<b>LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)</b>	<b>Agenda Item 22</b>  Brighton & Hove City Council
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**BRIGHTON & HOVE CITY COUNCIL**

**LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)**

**3.30PM 22 NOVEMBER 2012**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Duncan (Chair), Deane (Deputy Chair), Cobb (Opposition Spokesperson), J Kitcat, Lepper (Opposition Spokesperson), Buckley, Gilbey, Hamilton, Hawtree, Hyde, Marsh, Pidgeon, Shanks, Simson and C Theobald

**PART ONE**

**10. PROCEDURAL BUSINESS**

**10a Declaration of Substitutes**

10.1 Councillor J Kitcat declared that he was substituting for Councillor Rufus and Councillor Shanks declared that she was substituting for Councillor Jones.

**10b Declarations of Interest**

10.2 There were none.

**10c Exclusion of the Press and Public**

10.3 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 1001 of the Act).

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

**11. MINUTES OF THE PREVIOUS MEETING**

- 11.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 28 June 2012 be agreed and signed as a correct record.

**12. CHAIR'S COMMUNICATIONS**

Hackney Carriage and Private Hire Vehicles

Suspensions and Revocations

- 12.1 The Chair explained that since the last meeting of the Licensing Committee (Non Licensing Act 2003 Functions), officers in the Hackney Carriage Office had:

Revoked one licence following a conviction for driving with excess alcohol and refused two applications due to previous convictions and giving false information on applications and had suspended one Licence on medical grounds.

In addition to this, four drivers had received a formal warning for convictions or cautions and three drivers for not declaring previous convictions on an application.

**13. PUBLIC INVOLVEMENT**

**13a. Petitions**

- 13.1 There were none.

**13b. Written Questions**

- 13.2 There were none.

**13c. Deputations**

- 13.3 There were none.

**14. ISSUES RAISED BY MEMBERS**

**14a. Petitions**

- 14.1 There were none.

**14b. Written Questions**

- 14.2 There were none.

**14c. Letters**

- 14.3 There were none.

**14d. Notices of Motion**

14.4 There were none.

## 15. LICENCE FEES 2013/14

15.1 The Committee considered a report of the Head of Planning and Public Protection setting out the proposed licence fees and charges for 2013/14 relating to Street Trading, Sex Establishments and Sex Entertainment Licences, Gambling premises, taxi licensing and other licensing functions.

15.2 The Head of Regulatory Services, explained that in order to ensure that council tax payers were not subsidising work concerning licensing administration, income was raised by licence fees which aimed to cover the cost of administration of each regime within constraints of regulation. Licence fees should not be used to raise revenue.

15.3 In the case of Hackney Carriage and Private Hire Licence fees the Council had to be able to show that its licensing fees were set in accordance with specific requirements of the Local Government (Miscellaneous Provisions) Act 1976. This required that such fees were reasonable and recovered the cost of issue and administration. In relation to sex establishments and street trading in consequence of the ruling following Rv. Manchester ex parte King it had been established that fees should be set at a level reasonably expected to cover costs with any surplus reinvested in the service.

15.4 Gambling fees had remained static since the implementation of the Gambling Act. However, detailed accounts had shown that this account was trading at a loss and that in order to address this, fees should be increased by £40 where they were not already set at the maximum allowed.

15.5 Councillor Hawtree referred to the level of fees paid by sex establishments which appeared to show significant fluctuations. Reference was made to the "Westminster" case and the Head of Regulatory Services explained that in order to meet legal requirements that it was incumbent on the Council to review its fees in a proper and transparent way and at level it could reasonably expect to recover.

15.6 Councillor C Theobald stated that the cost of CRB checks could very high, particularly if required annually. It was explained that CRB checks needed to be carried out every three years and that these were cost neutral for the authority. If a conviction or caution was received for an offence during the life of a licence it should be notified.

15.7 **RESOLVED** – That the Committee approves the following variations to licence fees:

- Hackney carriage driver fee +10%, hackney carriage vehicle fee – 7%, private hire driver fee +10%, private hire vehicle fee -7%;
- Sex entertainment venues and sex establishments are amalgamated and the fee for both is set at £6,500;
- Street trading fees – frozen;
- All Gambling Act 2005 fees are increased by £40 then a 10% increase is applied annually in 2014/15 and 2015/16 to remove the shortfall (except where already set at the maximum e.g. Adult Gaming Centres/Family Entertainment Centres).

## 16. HACKNEY CARRIAGE UNMET DEMAND SURVEY

- 16.1 The Committee considered a report of the Head of Planning and Public Protection which presented the results of the Hackney Carriage Unmet Demand Survey and which set out the various options available to members to advise the executive.
- 16.2 A representative was in attendance from the Halcrow Group who had conducted the study on behalf of the Council and gave a presentation highlighting the purpose of the survey and its key findings. The purpose of this study had been to determine:
- Whether there was any evidence of significant unmet demand for hackney carriage services in Brighton and Hove;
  - If significant unmet demand was found to recommend how many licences would be required to address this; and to
  - Assess the provision and demand for wheelchair accessible vehicles.
- 16.3 In the case of disabled access there were currently 167 wheelchair accessible hackney carriages. This equated to 30.6% of the total fleet. There were also 36 wheelchair accessible private hire vehicles licensed which equated to 8.25% of the fleet. The benchmarking exercise carried out had indicated that provision in Brighton and Hove was in the middle of the comparable authorities having neither the best nor the worst provision. Of respondents 42 (9.4%) had considered themselves to have a mobility impairment and 18 (42.9%) of these respondents were wheelchair users. Of those mobility impaired respondents 34 (81.0%) had used a taxi mainly booking by phone. On average those with a mobility impairment were less satisfied than respondents as a whole, particularly with rank hirings, generally. Mobility impaired residents had a longer waiting time for their taxis and were not satisfied with that delay.
- 16.4 Councillor Hawtree enquired whether there were common findings relating to take up and provision across authorities, particularly neighbouring authorities and whether it had been possible to highlight issues which might have arisen in consequence of the current recession.
- 16.5 The Chair, Councillor Duncan, referred to the fact that a number of broad ranging responses had been received.
- 16.6 Councillors Lepper and Simson queried the fact that Rugby had been cited as a comparable authority in a number of instances. They considered that in most not instances it was appropriate to consider information which related to neighbouring authorities. The Hackney Carriage Officer explained that information available relating to Rugby had been included as this authority had been cited by the FED centre for Independent Living as an example of best practice in terms of provision for the disabled. Whilst this was noted, Councillors Gilbey and Hawtree considered that it was important also to take account of the size and population of Brighton and Hove which were significantly different.
- 16.7 Councillor Marsh referred to the data provided seeking clarification as to whether or not there was an unmet demand. Councillor Marsh also made reference to the arrangements in place at the Amex Stadium on match days. It was confirmed that any on-going work in respect of this matter fell within the remit of another Committee (Transport). Investigations carried out, however, had indicated that it would not be

possible to provide a permanent hackney carriage rank at the stadium on safety grounds.

- 16.8 Councillor C Theobald queried whether servicing arrangements for the Amex Stadium had been addressed at the planning stage and it was confirmed that arrangements in respect of the traffic/infrastructure had been agreed.
- 16.9 Councillor Cobb queried whether as the survey had not identified any significant level of unmet demand, there was any need to increase the number of vehicle licences permitted annually. Councillor Cobb also asked whether there were any plans to increase the existing ranks. The Head of Environmental Health and Licensing explained that from time to time applications for new ranks were received, which were sometimes successful and sometimes not. This issue was considered periodically but ultimately limited highway space was available for all of the demands placed upon it.
- 16.10 Councillor Lepper stated that it was her understanding that if a small increase were to be agreed year on year that would be to ensure that the number of available vehicles remained constant. Councillor Hyde concurred in that view and sought confirmation regarding the bodies and individual service users consulted when the Halcrow Group had prepared their report.
- 16.11 Councillor Deane welcomed the report and the findings that generally the provision within the city was comparable to that for similar authorities.
- 16.12 Councillor Pidgeon referred to the differing needs of individuals dependent on their disability. For instance those who were not wheelchair bound but had other mobility issues or sight impairment actually experienced significant difficulty in trying to access certain types of wheelchair accessible vehicles.
- 16.13 The Chair, Councillor Duncan stated that it was important to have a mixed fleet that catered to the differing needs of taxi users.
- 16.14 Councillor Simson enquired whether it would be possible to review the mix of vehicle types within the Brighton and Hove fleet in advance of the next scheduled review. Councillor Simson referred to paragraph 2.5 as set out in the officers report stating that she wished this to be amended to ensure that it fully reflected the appropriate section of the Council's policy. Councillor Lepper was in agreement with that view. The Head of environmental Health and Licensing explained however that as there was not clear definition of a Wheelchair Accessible Vehicle (WAV) and that any recommendations agreed would need to meet policy requirements that this would be superfluous. Committee Members including Councillors Lepper and Simson agreed.
- 16.15 Councillor Cobb suggested an amendment to paragraph 2.2 to ensure that it was clear that agreement to that recommendation would result in managed growth. Members also considered that this amendment would also be superfluous and therefore it was lost.
- 16.16- Following the discussions and voting referred to above the Committee agreed to paragraphs 2.2, 2.5 (with references to paragraphs 2.1, 2.3 and 2.4 removed) and paragraph 2.6. For clarity these are reproduced below.

16.17 **RESOLVED** – (1) To continue to increase the number of hackney carriage licences issued by the council by 5 annually, such licences to be issued in May each year commencing in May 2013;

(2) That any additional licences issued under (1) above should be issued in accordance with the conditions attached to the Brighton & Hove City Council Hackney Carriage Vehicle Licence Waiting List and to vehicles which are constructed or adapted and configured to carry passengers seated in wheelchairs, the type and design to be agreed by the Head of Planning and Public Protection; and

(3) That policy will not support cycle drawn rickshaws.

**17. WHEELCHAIR ACCESSIBILITY POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS**

17.1 The Committee considered a report of the Head of Planning and Public Protection setting out progress on the development of a Wheelchair Accessibility Policy for Hackney Carriages and Private Hire, Drivers, Vehicles and Operators.

17.2 Councillor Duncan, the Chair was pleased to note the outcome of the work carried out to date and to note that although not currently a fully worked up policy that the work carried out to date had made significant progress towards that end.

17.3 Councillor Cobb suggested that in the light of discussions which had taken place in relation to the previous item on the agenda the reference to “wheelchair”, in the first line should be removed from the first recommendation in the officer’s report, Members concurred in that view. Members agreed wording is set out in (1) below.

17.4 Councillor Lepper stated that a number of the key issues in respect of this matter had been considered in relation to the previous agenda item and she was pleased to note the progress made to date. However, she considered that the second recommendation should be amended to refer to the need for a full equalities review to be undertaken in order to inform the accessibility policy. Notwithstanding that this would take place in any event following discussion Members agreed wording is set out in (2) below.

17.5 **RESOLVED** – (1) That the Committee notes progress being made in the development of a Wheelchair Accessibility Policy for Hackney carriage and Private Hire, Drivers, Vehicles and Operators and that officers report back to Committee when complete; and

(2) That Members endorse continued consultation and furthermore that Members require a full equalities review to take place in order to inform the development of an accessibility policy: current work was reflected in the draft set out in appendix 1 to the report.

**18. HACKNEY CARRIAGE / PRIVATE HIRE TRADE ETHNICITY MONITORING**

18.1 The Committee considered a report of the Head of Planning and Public Protection setting out the results of the Ethnicity Monitoring of the Hackney Carriage/Private Hire Trade for 2011/12.

- 18.2 It was explained that all applications received by the Hackney carriage Office for licensing of vehicles and drivers were monitored for ethnic background and that 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.
- 18.3 Councillor Lepper referred to the data set out and stated that she was surprised that this career was not more attractive to working mothers as during the day it could work around child care responsibilities, the school run etc.
- 18.4 Councillor Shanks referred to the fact the data did not give full ethnicity information enquiring whether the Council could address under representation. It was confirmed that the monitoring information received was based on the responses received to specific questions set out and that the format used was being looked at currently. It was possible this might be amended in future. The Council had no control over who applied for licences and it should be noted that whilst there was no waiting list for drivers there was for vehicle licence plates.
- 18.5 The Legal Adviser to the Committee confirmed that the Licensing Authority's policies were not discriminatory as they did not treat any individual or group unfavourably.
- 18.6 Councillor Gilbey stated that she thought that last report to Committee on this subject had contained more information than was currently available.
- 18.7 Councillor Hyde enquired regarding accuracy of the reference to the 2001 census data, it was confirmed that this was the most up to date published data available. Information contained by the 2011 status had yet to be published in its entirety.
- 18.8 **RESOLVED** – That the Committee notes the results of the Ethnicity Monitoring exercise for 2011/12.

**19. CCTV MONITORING IN LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - UPDATE**

- 19.1 The Committee considered a report of the Head of Planning and Public Protection updating the Committee on the implementation of CCTV monitoring in licensed Hackney Carriage and Private Hire Vehicles.
- 19.2 It was noted that a petition had been received and noted by the Committee at its meeting held on 8 March 2012 at which time Members had called for a further report to be brought to Committee in 6 months time (2 cycles) setting out the position in the light of operating experience in relation to the installation of CCTV in Hackney Carriages and Private Hire Vehicles.
- 19.2 Councillor Hyde stated that she was pleased to note the outcome of the monitoring exercise. Councillor Cobb stated that there had been a degree of apprehension in some sections of the trade, however, those concerns had proved to be unfounded, this had been well received and officers should be commended for their work with the trade to allay any fears they may have had.

19.4 **RESOLVED** – That the contents of the report be noted.

**20. ITEMS TO GO FORWARD TO COUNCIL**

20.1 There were none.

The meeting concluded at 5.40pm

Signed

Chairman

Dated this

day of