

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

3.00PM 26 NOVEMBER 2020

VIRTUAL VIA MICROSOFT TEAMS

MINUTES

Present: Councillors Deane (Chair), Davis (Deputy Chair), O'Quinn (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Atkinson, Bagaeen, Ebel, Fowler, Henry, Knight and Wares

Apologies: Councillors Osborne

PART ONE

9 PROCEDURAL BUSINESS

9(a) Declarations of Substitutes

9.1 Councillor Hugh-Jones was present in substitution for Councillor Rainey and Councillor Nemeth was present in substitution for Councillor Lewry. It was noted that Councillor Osborne had given his apologies.

9(b) Declarations of Interest

9.2 There were no declarations of interests in matters listed on the agenda.

9(c) Exclusion of Press and Public

9.3 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.

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

10 MINUTES OF THE PREVIOUS MEETING

10.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 25 June 2020 be agreed and signed as a correct record.

11 CHAIR'S COMMUNICATIONS

11.1 The Chair explained that she had asked officers to write a report on the impact of Covid and the restrictions imposed on the taxi licensing team and trade. Upper Gardner Street

Market had remained closed during lockdown 2.0, as it was for lockdown 1.0, but it was hoped that along with other non-essential shops, it would re-open during December.

Electric Vehicle Taxi Rapid Charging Hubs

- 11.2 Work on the installation of 200 lamp post chargers had been completed. Signing and lining of the exclusive lamp post recharging bays would take place in November. The replacement and upgrading of existing fast chargers should complete by the end of the year with an additional 44 exclusive fast recharging bays. Installation of the 4 rapid taxi hubs with 24 charging bays was due to start in November 2020 and complete by January 2021. A bid for additional Office for Low Emissions funding for 12 fast chargers had been successful. These were planned to be operational by January 2021. A steady increase in usage was being seen month by month as more charging points came on-line. In October almost 8,000 kw/h had been delivered by the public charging network saving over 6.5 tonnes of CO₂.

Animal Licensing

- 11.3 The Chair stated that she thought that the Committee would be interested in a recent on-going investigation into the illegal sale of puppies. The Council's trading standards team had led an investigation into the illegal sale of a significant number of puppies in the city. On 13 November the team had raided four premises on the Horsdean travellers site in Brighton as well as two other properties.-During this operation they had been supported by Sussex Police, the RSPCA and the Animal Protection Service. The council was very grateful for their invaluable contributions. Four puppies and a bitch dog had been taken as well as a number of electronic devices and documentation in relation to alleged offences under consumer protection legislation and reaching of animal welfare rules regarding dog breeding (Lucy's Law). The investigation was continuing with a view to prosecuting anyone involved in this illegal and appalling trade. It was noted in response to further questions that there were there was no comparable legislation in respect of cats

- 11.4 **RESOLVED** – That the Chair's Communications be received and noted

12 CALLOVER

- 12.1 All items on the agenda were called for discussion.

13 PUBLIC INVOLVEMENT

13a Petitions

- 13.1 There were none.

13b Written Questions

- 13.2 It was noted that two questions had been received and Mr Prescott representing Nice and Naughty. He was invited to put his question set out below:

Licence Fees Available – Sex Shops

“The licence fee for Sex Shop Establishments under Brighton and Hove Council, is excessively high when compared to numerous other councils across the UK. During the first lockdown, my business, which has to be apply and pay for a Sex Shop Licence annually was required to complete the renewal and to pay the fee in full, even though there was no money coming into the business at all during that time. Taking into consideration that during the two lockdown periods, my business has had to close for a total of 110 days, I would firstly like to know how the Committee justify the licence fee being so high and secondly, how do you justify keeping the licence fees paid for days when no licensing works could be completed when all non-essential retail and hospitality venues that require licences to trade were forced to close by the Government.”

The Chair, Councillor Deane, responded in the following terms:

- 13.3 “Welcome Mr Prescott and thank you for attending this afternoon. I have taken the decision to accept your question at such short notice because it relates to the exceptional circumstances of Covid and because officers have already spent considerable time on it. I have read the responses you have already been sent in answer to your query and there is not a great deal that I can add to this. In response to your request for comparable figures in other authorities I note that you have already received this from officers so I will not repeat them again here but I am satisfied that the charges for Brighton and Hove compare fairly with others for a city of our size. However, for the benefit of other attendees to this meeting I will request that these figures are included in the minutes.

A sample of local authority 2019/20 sex shop fees are set out below:

	Sex shops (New/Renewal)
Birmingham	5221/2936
Rother & Wealden	6,300/5,250
LB Westminster	4,410/3,430
Brighton & Hove	3,700/3,380
Lewes	3250/1750
Mid Sussex	3589/2,890
Horsham	3,688/3,688
Leeds	3180/1545
Chichester	1,906/935
/	3600/2050
Adur/Worthing	3077/1603

Supplementary Question

- 13.4 Mr Prescott had given advance notification of a supplementary question which he was invited to put. His supplementary question and the Chair's response to it is set out below:

"During the two lockdown periods my business has been forced to close for a total of 110 days and during this time, I have had no income into my business. Taking this into consideration, will the licence fee for that period be refunded as no work as part of the licensing fee I pay could have been completed due to the closures and will the committee be reducing the astronomical fee they charge annually to bring it in line with other councils who are able to complete the same process for less that £500 a year?"

- 13.5 The Chair responded in the following terms:

In response to your second, supplementary, question relating to suspending part of your annual license fee in recompense for lost footfall into your Brighton branch due to Covid, I have to point out that the fees are chargeable by law and it is simply not within our gift to be able to not charge them.

We have some 1400 licensable premises in the city many of them being pubs clubs and bars that have also had to close due to the pandemic and it is not possible realistic for us to suspend the licenses on all of them any more than it is possible to single out any individual premises.

This is within the gift of central government that lays down the legislation that we abide by the government has made grants available to small businesses affected by Covid to mitigate against loss of earnings and I would urge you to look into this if you have not already done so I see that officers have already supplied you with a link.

- 13.6 **RESOLVED** – That the questions content and responses to the questions be noted and received.

Deputations

- 13.7 There were none.

14 MEMBER INVOLVEMENT

14(a) Petitions

- 14.1 There were none.

14(b) Written Questions

- 14.2 There were none.

14(c) Letters

- 14.3 There were none.

14(d) Notices of Motion

14.4 There were none.

15 COVID 19 UPDATE, TAXIS LICENSING AND HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

15.1 The Committee considered a report of the Interim Executive Director of Housing, Neighbourhoods and Communities the purpose of which was to update Members on enforcement action taken against Hackney Carriage and Private Hire Drivers and Applicants between June and November 2020.

15.2 It was explained that Officers were deeply conscious that the taxi trade had been impacted by the current pandemic and the subsequent restrictions which had been put into place. It was appreciated that this had been a very difficult time for licence holders. The Taxi Licensing Team had kept in contact with and checked in with the trade whenever possible, with a virtual taxi forum meeting having taken place in September.

15.3 It was noted that the following proposed amendment had been received on behalf of the Conservative Group proposed by Councillor Simson and seconded by Councillor Wares.

“To add recommendation 2.2 as shown below in ***bold italics***.”

2. RECOMMENDATIONS:

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

2.2. Committee agrees with the proposal as set out in paragraph 3.7 to defer an unmet demand survey and further agrees to suspend the issuing of any further Hackney Carriage plates until an unmet demand survey is completed and the results with recommendations are brought to a future Committee for consideration.”

15.4 Councillors Simson and Wares were invited to speak in support of their amendment. Councillor Simson stated that the current situation as set out in the report appeared to be confusing and required clarification. In consequence of the two successive lock-down periods the trade was struggling and needed support. Councillor Wares concurred in that view stating that the current waiting list for drivers and number of licences provided could place further pressure on the trade at this time and that the letting out of any further licences until such time as post – covid it was possible to carry out an unmet demand survey. Currently notwithstanding the provision of WAV’s within the fleet it was understood that customers still experienced difficulties in accessing vehicles which were appropriate to their needs. To delay matters in this manner would support the trade, also, it was important that any decision in relation to future provision should be made by Committee.

15.4 Councillor O’Quinn sought clarification regarding arrangements for filling the 5 places currently permitted and the arrangements for these to be provided and how places were allocated to those on the waiting list

- 15.5 Councillor Bagaeen sought clarification of the process by which the unmet demand survey had been stalled. He was firmly in agreement with the views of his colleagues, Councillors Simson and Wares that this should have been a Committee decision. Councillor Wares was also of the view that by highlighting this in the manner proposed it would show support for the trade, views of the trade and consultation with it also needed to take place.
- 15.6 The Chair, Councillor Deane, explained that it had been agreed to hold the unmet demand survey due to the pandemic and in recognition that the matter needed to be facilitated between Committee meetings. There was no intention that further future decisions would be made by the Committee and nothing would be implemented without consultation with trade representatives. It was noted that a virtual Taxi Forum meeting had taken place in September and that others were planned.
- 15.7 Whilst noting the rationale for the proposed amendment the consensus of the meeting was that further reports should come before the Committee once Covid had eased and that the status quo should remain in place pro-tem.
- 15.8 A vote was taken and the 13 Members present voted by 10 to 3 against the proposed amendment which was lost. The recommendation as set out in the report was then voted on and accepted.
- 15.9 **RESOLVED** – That Members note the contents of the report and that officers should continue to take action as appropriate.

16 LICENCE FEES 2021/2022

- 16.1 The Committee considered a report of the Interim Executive Director of Housing, Neighbourhoods and Communities setting out the proposed licence fees and charges for 2021/22 relating to Street Trading, Sex Establishments and Sex Entertainment Licences, Gambling premises, Taxi Licensing and Animal Activity Licences.
- 16.2 It was explained that in order to ensure that council tax payers were not subsidising work concerning licensing administration, income was raised by licence fees with the aim of covering the cost of administration of each regime within the constraints of the regulations, they should not be used to raise surplus revenues. It was proposed to raise all fees by the corporate rate of inflation (2%) for 2021/22 and as a minimum each year thereafter. As the level of fees set had been benchmarked it could be demonstrated that they had been set fairly. It was felt that this approach helped to provide more certainty for the trade whilst ensuring that the council's costs were covered each year (taking account of inflationary uplifts). If there were any significant variations to the costs, these would be communicated to the trade and could be taken into account when setting the relevant fee(s).
- 16.3 Councillor Bagaeen sought clarification regarding how the proposed fees were arrived at. It was explained that these figures were arrived at following the consultation process and were set in order to seek to ensure that council tax payers were not subsidising work concerning licensing administration. Income was raised by licence fees with the aim of covering the cost of administration of each regime within the constraints of the legislation which applied to it. Licence fees could not be used to raise surplus revenues.

- 16.4 Councillors Davis and Ebel enquired regarding the arrangements in respect of a waiting list for private hire drivers licensing, how it operated and how individuals reached the top of the list. Councillors Simson and Wares also sought clarification in respect of this matter.
- 16.5 It was clarified in answer to further questions by Councillors Simson and Wares that the proposed fee structure had been reviewed and simplified to help to improve the application process and to allow payments to be made on-line. This had resulted in some fees being discontinued and/or incorporated with other fees, which had led to some of the proposed increases being higher than the corporate rate of inflation 2%. There was also a new Vehicle Transfer Fee.
- 16.6 Councillors Simson and Wares stated that they found it difficult to support the fee levels proposed in relation to hackney carriage and private hire vehicles in view of the difficult period which had been experienced by the trade, although it was recognised that there was a requirement for fees to be set.
- 16.7 **RESOLVED** – That the Committee approves the following licence fees:

Taxi fees – as set out in Appendix 1 to the report;
Sex Entertainment Venues and Sex Establishment fees - increase by an average of 2% as set out in Appendix 2 to the report;
Street Trading fees – increase by an average of 2% as set out in Appendix 2;
All Gambling Act 2005 fees – as set out in Appendix 2; and
Raise all Animal Activity Licences by an average of 2% as set out in Appendix 5 to the report.

A list of agreed fees for 2020-21 and proposed fees for 2021-22 was included in Appendices 1-2 and 5 to the report.

17 STATUTORY TAXI & PRIVATE HIRE VEHICLE STANDARDS

- 17.1 The Committee considered a report of the Interim Executive Director of Housing, Neighbourhoods and Communities requesting that officers be authorised to implement the Statutory Taxi and Private Hire Vehicle Standards as soon as practicable.
- 17.2 It was noted that in July the Government had published the Statutory Taxi and Private Hire Vehicle Standards (set out in Appendix A to the report). These standards had been published in response to evidence which supported the view that taxis and private hire vehicles were a high risk environment in terms of risks to passengers in terms of abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by those working within the trade. A number of sexual crimes reported had involved taxi and private hire vehicle drivers. The council already had many of the suggested standards incorporated into the current Blue Book for Hackney Carriage and Private Hire Drivers, Vehicles and Operators. The council planned to consult on any proposed changes to licensing policies and conditions and Officers were working on a new version (6th Edition) of the Blue Book. Many of the recommendations were already in place and simply required refinement and would require no further consultation.

However, significant proposed changes to policies or new policies would require consultation.

- 17.3 In answer to questions it was explained that whilst the focus of the Statutory and Private Hire Vehicle Standards was on protecting children and vulnerable adults, all passengers would benefit from the recommendations contained within it.
- 17.4 It was confirmed in answer to questions by Councillors Knight and Ebel that consultation had also taken place with the Police and other stator bodies as well as trade organisations and that the Blue Book underwent a full revision every three years but was updated and amended as necessary during that period.
- 17.5 In answer to questions of Councillors O'Quinn and Simson it was explained that safeguarding training was due to recommence following easing of the current lock-down. Seventy per cent of licensed drivers had received the training and discussions had taken place with the trade to seek to reach a level of 100%.
- 17.6 In answer to questions of Councillor Wares it was explained that this would form the basis of discussions at the Taxi Forum.
- 17.7 **RESOLVED** – That the Council adopts the Statutory and Private Hire Vehicle Standards and officers implement the Standards as soon as practicable.

18 ITEMS REFERRED FOR COUNCIL

- 19.1 There were none.

The meeting concluded at 4.45pm

Signed

Chairman

Dated this

day of