

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

3.00PM 4 MARCH 2021

VIRTUAL VIA MICROSOFT TEAMS

MINUTES

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

Apologies: Councillors Atkinson and Bagaeen

PART ONE

19 PROCEDURAL BUSINESS

Minutes Silence in Memory of Members of the Licensed Taxi Trade lost to Covid 19

Before proceeding to the formal business of the Committee

19(a) Declarations of Substitutes

19.1 There were none. Apologies were received from Councillor Bagaeen.

19(b) Declarations of Interest

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

19(c) Exclusion of Press and Public

19.3 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.

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

20 MINUTES OF THE PREVIOUS MEETING

20.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 26 November 2020 be agreed and signed as a correct record.

21 CHAIR'S COMMUNICATIONS

Covid 19 Update – Taxi Operators Across the City

- 21.1 The Chair, Councillor Deane, explained that Officers would be providing an update on the current Covid situation and she felt sure that everyone would be relieved to see there that there appeared to be light at the end of the tunnel, particularly with the roll out of the vaccine programme and gradual easing of restrictions. Even so, there was still a long way to go before people would be jumping into taxis with the same level of confidence as pre-pandemic.
- 21.2 Members we were acutely aware of the hardship that this situation had had on the city's taxi drivers. Although many of them would have been eligible for government support through their self-employed status, there were also a significant number who had not been able to access this, so she was pleased to be able to report that officers in the Licensing and Finance teams had been working on this, with the result that grants totalling an estimate of up to £520k were being made available to support our cabbies. The scheme had gone live on Monday of that weekend it was understood that to date nearly 900 applications had been received for the one-off payment of £400.
- 21.2 The Chair stated that she would also like to extend her thanks and those of the Committee to all the local taxi drivers who had been taking part in the Cabs for Jobs initiative which had been giving free journeys to and from vaccination centres for elderly and vulnerable residents. This act of generosity went beyond the call of duty and had been much appreciated across the city.
- 21.3 **RESOLVED** – That the content of the Chair's Communications be noted and received.

22 PUBLIC INVOLVEMENT

22(a) Written Questions

- 22.1 There were none.

22(b) Petitions

- 22.2 There were none.

22 (c) Deputations

- 22.3 There were none.

23 MEMBER INVOLVEMENT

23(a) Petitions

- 23.1 There were none.

23.(b) Member Questions

23.3 The Chair, Councillor Deane noted that two questions had been received, one from Councillor Appich and one from Councillor O'Quinn. The Chair explained that although the questions did not fall within the Committees remit she had agreed to permit those questions to be asked at this Committee and for both Councillors to ask them subsequently at the Environment Committee which was the correct forum. Both Councillors welcomed this stating that they would be happy to do so. Councillor O'Quinn stated that she wanted to raise this matter at this Committee as she considered that there was an anomaly, these highlighted that, responsibilities for this were unclear and in consequence issues arising could fail to be adequately addressed, Councillors O'Quinn and Appich wished to draw attention to that. Councillor Appich concurred in that view.

Question – Councillor O'Quinn – Complaints About Dog Attacks

23.4 Councillor O'Quinn put the following question:

“Over the last 5 years there were 450 complaints made to the council of dog-on-dog attacks and no action was taken – fines etc. What is the council doing about this situation?”

23.5 The Chair gave the following response:

“It is right to say that there have been no Community Protection Notices (CPNs) issued with regard to dog-on-dog attacks, but it is not correct to conclude from this that no actions have been taken. The Animal Warden Service has taken formal enforcement action in relation to dog-on-dog attacks.

A recent ombudsman enquiry into a complaint about the council's decision not to issue a CPN concluded in December 2020 that the council applied the wrong thresholds when considering whether to issue a CPN. The council did not bring in the policy to use CPN powers in relation to dog related enquiries until 2018 and these procedures have now been revised following the recommendations in the ombudsman's report. In more complex cases or where the incident is of a serious nature, CPNs will be considered along with other enforcement tools, such as the Dogs Act 1871 and the Dangerous Dogs Act 1991 as amended. The CPN procedure will be considered in cases of low level dog-on-dog attacks and when a dog owner habitually allows their dog to stray and is subsequently collected as a stray by the Animal Wardens.

There are a number of issues that have frustrated the Council when investigating cases. In the majority of cases (approx. 60%) the identity of the owner of the offending dog is not known by the complainant. In addition, in many cases complainants have not given sufficient evidence to support action. Where dogs and owners are identified the service offers advice and guidance to owners to avoid further incidents this approach has proved successful, it is very rare that there are any repeat incidents. Such cases are of course followed up.

Over the last 5 years, in the most serious of cases we have laid 2 complaints on a lead and muzzled. And one offender had their dog put to sleep of their own volition.” Under the Dogs Act 1871 and obtained control orders on the dogs involved. We have made formal agreements with a further 3 offenders, with an additional case pending, to abide

by control measures as agreed with the Councils solicitors. We have had one offender accept our advice to keep her dog.

23.6 Councillor O'Quinn was invited to put a supplementary question if she had one.

Question – Councillor Appich – The Number of Stray Dogs Picked up Over the Last Eighteen Months

23.7 Councillor Appich put the following question:

“I am trying to find out how many strays have been picked up over the last 18 months, and whether there has been a change since the start of the pandemic. I'd also like to know how many have gone to kennels, how many rehomed and how many sent to rescue centres.”

23.8 The Chair gave the following response:

“Over the last 18months there have been:

Total strays dealt with 92

Placed in kennels 46

Sent to rescue for rehoming 22

In addition to the figures given, you or the Animal Welfare team had collected less and anecdotally, the word from many rescue centres was that dogs which would have been placed with them directly from the public or abandoned and found, were now being sold by the owners because prices for dogs had increased enormously and the demand now exceeded the supply. As there had been fewer strays during the pandemic, this could also be because more people were at home with their animals and so noticed them more.”

23.9 Councillor Appich was invited to ask a further question if she had one.

23.10 **RESOLVED** – That the questions and the responses given to them be noted and received. Councillors Appich and O'Quinn confirmed that they would put their questions at TECC Committee as well having highlighted these issues at this Committee.

23(c) Letters

23.11 There were none.

23(d) Notices of Motion

23.12 There were none.

24 HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS BLUE BOOK REVIEW - 6TH EDITION

24.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities provided in order to update the conditions, advice

and information contained in the blue book handbook (The Blue Book) following statutory standards issued by the Department for Transport (Dft)

24.2 Councillor Wares stated that whilst he was in agreement with the proposed changes he did not agree with those proposed in respect of the requirements being sought in respect of MOT's pending a full review of the compliance testing process. He sought confirmation regarding the rationale for doing so at the present time as he was aware that the taxi trade had experienced substantial financial difficulties during the past year as a result of the pandemic. He was averse to making any changes at the present time which could add additional pressures on top of those which the trade were already suffering. A full and detailed explanation was given and whilst Councillor Wares accepted that he stated that he could not accept any changes which could have an adverse impact on the trade at a time when the post covid recovery process was at an early stage and was very fragile.

24.2 Councillor Simson concurred in that view stating that she considered no changes should be made to the current arrangements pending the full review of the current testing process which had not been progressed in consequence of the pandemic. Councillor Simson stated that she was of the view that that the trade needed to be given as much support as possible until a proper review could take place and the trade could be fully involved and consulted in respect of that process. Committee Members were in agreement with those comments. Councillors O'Quinn considered that in the current circumstances that represented a reasonable and pragmatic approach. The Chair, Councillor Deane and the Deputy Chair, Councillor Davis were in agreement and the Chair sought an amendment which incorporated the discussion which had taken place.

24.3 Councillor Wares proposed that the following wording be agreed:

"That the Committee approve the 6th edition of the handbook save for the requirement for the MOT pending a full review of the compliance testing process."

The proposed amendment was seconded by Councillor O'Quinn. The amendment was put and Members voted unanimously to accept the proposed wording which then became the substantive recommendation. Members voted unanimously in support of the recommendation.

24.5 **RESOLVED** –That the Committee approve the 6th edition of the handbook save for the requirement for the MOT pending a full review of the compliance testing process.

25 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

25.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities which provided an update for Members on enforcement action taken against Hackney Carriage and Private Hire Drivers and Applicants between November 2020 and March 2021.

25.2 **RESOLVED** – That Members note the contents of this report and that officers should continue to act as appropriate.

26 ITEMS REFERRED FOR COUNCIL

The meeting concluded at 4.10pm

Signed

Chairman

Dated this

day of