

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

3.00PM 14 OCTOBER 2021

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors , Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Bagaeen, Ebel, Heley, Hills, Moonan, O'Quinn and Shanks

Apologies: Councillors Appich, Knight, Lewry and C Theobald

PART ONE

9 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

9.1 Councillor Shanks was present in substitution for Councillor Phillips and Councillor Hills was present in substitution for Councillor Rainey. Apologies were received from Councillors Appich, Knight and Theobald.

(b) Declarations of Interest

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

(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 not be excluded from the meeting during consideration of any item appearing on 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 24 June 2021 be agreed and signed as a correct record.

11 CHAIR'S COMMUNICATIONS

11.1 The Chair referred to the fact that during the Licensing Team had improved procedures whereby applications could be processed on-line. Additional and refresher training had also been provided in respect of safeguarding.

11.2 **RESOLVED** – That the position be noted.

12 CALLOVER

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

13 PUBLIC INVOLVEMENT

13.1 There were no public engagement items.

14 MEMBER INVOLVEMENT

14.1 There were no Member Engagement Items.

15 HACKNEY CARRIAGE UNMET DEMAND SURVEY - CONSULTATION ON WHEELCHAIR ACCESSIBLE VEHICLE PROVISION

15.1 The Committee considered a report of the Executive Director, Housing, Neighbourhoods and Communities providing an update in respect of the consultation on wheelchair accessible vehicle provision.

15.2 The purpose of the report was to make Members aware that a Hackney Carriage “unmet Demand Survey” would be during 2022 to determine any unmet demand for Hackney Carriages. The survey would look at current policies and provision of hackney carriage vehicles in the context of other similar authorities in England and in particular Wheelchair Accessible Vehicle Provision and the % of wheelchair Accessible Vehicles in the fleet.

15.3 It was noted that the following Conservative Group Amendment had been received proposed by Councillor Simson and seconded by Councillor Bagaeen (amendment to recommendation 2.2 shown in bold italics.

“2.1 Members approve the commission of an unmet demand survey to be undertake during 2022;

2.2 For the purposes of 2.1 above members ***“agree to suspend 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 Bagaeen were invited to speak to their to their amendment and both stated that in view of the pandemic and the financial strain which it had placed on many within the trade it was not appropriate to make any changes to the existing situation or to let out any more plates currently until the Unmet Demand Survey had been able to take place.

15.5 The Head of Regulatory Services stated that this could been considered to constitute a change in policy and as such could be subject to challenge. Councillors Moonan and Shanks stated that if that was the case and the proposed amendment was unlawful it

should not have been permitted. Councillor Moonan sought further clarification regarding what the potential risks/financial implications could be but the legal adviser to the Committee stated that it was not possible to confirm what that might be and that any changes made to the existing arrangements would have taken place in the absence of consultation with the trade.

- 15.6 Councillor O'Quinn stated that she broadly supported the views expressed by Councillors Bagaeen and Simson, she was in agreement that there was no need to issue further plates presently, albeit that they would be in replacement for existing plates which had been surrendered. Councillor O'Quinn considered that it would be preferable to await the outcome of the of the review.
- 15.7 Councillor Shanks considered that it was also important to ascertain the impact if any arising in consequence of increased use of electric powered vehicles.
- 15.8 Councillor Henry considered that it was very important to carry out consultation with the trade and to receive their feedback and that of other stakeholders and service users before any changes were made. In answer to further questions, the Head of Regulatory Services stated that this issue had been raised the previous year at which time the Hackney Carriage Trade had been in favour of suspending current policy pro-tem and private hire trade had not. The issues did not appear to be clear-cut.
- 15.9 A vote was taken in respect of the proposed above amendment the 11 Members present voted with 2 for, 7 against and 2 abstentions. The amendment was therefore lost.
- 15.10 A vote was therefore taken on the substantive report recommendations which were agreed on a vote of 7 for, 2 against and 2 abstentions.
- 15.11 **RESOLVED** – (1) That Members approve the commission of an unmet demand survey to be undertaken during 2022; and
- (2) For the purposes of 2.1 above, Members confirm their support for the current restricted numbers policy for hackney carriage vehicles with managed growth of five additional plates issues annually to wheelchair accessible vehicles or vehicles which are fully electric or plug in hybrid (PHEV). This policy will be reviewed following the outcome of the unmet demand survey.

16 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

- 16.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities in response to Members' request for an update on action taken against Hackney Carriage and Private Hire Drivers and Applicants between June 2021 and October 2021.
- 16.2 It was confirmed that in addition to day-to-day enforcement work, officers normally carried out weekly out of hours enforcement work, usually at weekends and on weekday evenings, details of the multi-agency exercise of licensed vehicles which had taken place in June were detailed in the report.

- 16.3 Councillor Hills enquired regarding the level of take up of the safeguarding training/update training which had taken place and it was confirmed that currently this stood at 86%.
- 16.4 Councillor Moonan expressed concern not only in respect of licenced drivers being involved in the transportation of passengers involved in the supply of Class A Drugs in the city. It was very important that robust arrangements were put into place to combat this serious problem.
- 16.5 Councillor Davis concurred stating that rigorous enforcement was a key element in combatting this. He was aware that council officers worked continuously with licensed drivers, the public, police and other enforcement agencies to address this issue.
- 16.6 Councillor Henry confirmed that he was aware that this issue had been discussed at length at Taxi Forum meetings where strategies to combat this problem had been discussed.
- 16.7 **RESOLVED** – That Members note the contents of the report and agree that officers should continue to act as appropriate.

17 LICENCE FEES 2022/23

- 17.1 The Committee considered a report of the Executive Director of Housing Neighbourhoods and Communities setting out the proposed licence fees and charges for 2022/23 relating to Street Trading, Sex Establishments and Sex Entertainment Licences, Gambling premises, Taxi Licensing and Animal Activity Licences.
- 17.2 Councillor Simson enquired regarding pitches in relation to Upper Gardner Street Market asking regarding the level of take up of pitches and whether arrangements remained in place to enable traders to spread into the neighbouring pitch if unoccupied. It was confirmed that those arrangements remained in place.
- 17.3 **RESOLVED** – That the Committee approves the following licence fees will increase by an average of 2%
- Taxi fees as set out in Appendix 1;
 - Sex Entertainment Venues and Sex Establishments fees – as set out in Appendix 2;
 - Street Trading fees – as set out in Appendix 2;
 - All Gambling Act fees – as set out in Appendix 2;
 - All Animal Activity Licence fees as set out in Appendix 5

A list of agreed fees for 2021 -22 and proposed fees for 2022 – 23 is included in Appendices 1 – 2 & 5.

18 ITEMS REFERRED FOR COUNCIL

18.1 There were none.

The meeting concluded at 4.00pm

Signed

Chairman

Dated this

day of