

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

3.00PM 13 OCTOBER 2022

**COUNCIL CHAMBER, HOVE TOWN HALL,
NORTON ROAD, HOVE, BN3 3BQ - HTH/CC**

MINUTES

Present: Councillors John (Chair), Davis (Deputy Chair), Henry (Opposition Spokes), Simson (Group Spokes), Ebel, Phillips, Rainey, O'Quinn, Moonan, Theobald, Knight, and Pissaridou.

Apologies: Councillors Fowler, Heley and Lewry

PART ONE

9 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 Apologies from Councillors Fowler, Heley, and Lewry.

(b) Declarations of Interest

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

(c) Exclusion of Press and Public

1.3 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.

1.4 **RESOLVED:** That the press and public not be excluded.

10 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 23 June 2022 be agreed and signed as a correct record.

11 CHAIR'S COMMUNICATIONS

The Chair gave the following communications:

We were deeply saddened to hear of the tragic incident on North Street in the early hours of Saturday morning involving one of our city's taxi drivers.

Our hearts go out first and foremost to the family and friends of the person who was fatally injured. It's also been a huge shock to our taxi community, and in particular the driver involved in the incident. We are offering support to all drivers who have been affected. With a police investigation ongoing we are unable to comment further. This committee has a strong focus on our taxi trade, starting with the unmet demand survey. I am sure that you all have thoughts and questions that you would like to share, however I would like to point out two very positive aspects to the report. The first is the level of engagement trade gave to the report. I wanted to extend a very warm thank you to them for taking the time to engage so thoroughly.

I also want to note the commendation given by the report on the number of licensed WAV vehicles we have running. 50% is an outstanding balance and is to be applauded. Congratulations.

Last week we had a constructive taxi forum on the 3rd where the trade reps attended as well as the police and a representative from eb charging to discuss a telematics project for drivers to partake that provides data around the cost and savings of using an electric vehicle.

The changes in the papers that come before us today have been discussed with trade and we have responded to their feedback. We hope this shows that we are listening and want to do what we can to support our local drivers in Brighton and Hove. As Councillors we are all very keen to understand the nitty gritty, so much so that Cllr Davis and I are arranging to attend a compliance test and the next multi-agency enforcement operation. We very much look forward to both.

Finally, I would also like to share with you an email sent to us on the first day of term from home to school transport:

Dear Mia & Team

I've Just had Southern's overall school restart numbers in for this morning. We have carried approx. 170 Sen Children this morning, this is 340 movements a day. It's been an extremely positive return the best HTST start since 2018! A credit to all involved.

This morning, we have had

- No parent calls at all.
- No driver issues.
- No breakdowns.
- Spare drivers & escorts were on standby ready to go but not needed!

I hope you're as happy as we are at Southern Taxis today, big thanks to Natalie, Helen, Luke & Peter for all their hard work through the school holidays.

12 CALL OVER

The following Items were called:

- Item 15** Hackney Carriage Unmet Demand Report
- Item 16** Licensing Fees 2023/24
- Item 17** Hackney Carriage Fare Review

Item 19 Hackney Carriage & Private Hire Driver Enforcement and Monitoring

The following items were therefore agreed:

Item 18 Blue Handbook for Hackney Carriage and Private Hire Drivers, Vehicles, and Operators Amendments**13 PUBLIC INVOLVEMENT**

There were none.

14 MEMBER INVOLVEMENT

There were none.

15 HACKNEY CARRIAGE UNMET DEMAND REPORT

15.1 Jim Whitelegg introduced the report on page 11 of the agenda and invited Ian Millership to give a presentation.

15.2 Ian Millership gave a presentation on the item.

15.3 Councillor Simson was informed that:

- The zero-tolerance policy referred specifically to non-hackney carriages parking in taxi ranks.
- The unmet demand paragraph should be clearer in that it refers to the fact that there is there is no evidence of a *significant unmet demand*.

15.4 Councillor O'Quinn was informed that:

- A lot of long term taxi drivers have brought their retirements forward.
- Driver numbers are down due to a number of factors including moving to more stable jobs, and the unsociable hours of driving taxis.
- Drivers of private hire companies rent their cars so are generally more flexible and don't have to make enough to upkeep their vehicles.
- Hackney Carriage drivers make more money in the day time, reducing the number of drivers at night.

15.5 Councillor Moonan was informed that:

- There are enough vehicles, just not enough drivers to meet demand.
- No restrictions on private hire or hackney carriage drivers, just the amount of vehicles.
- There is no legal way to enforce a license plate holder to use their vehicle.

15.6 Councillor Ebel was informed that it is expected of taxi drivers to take action and find an appropriate vehicle and driver to accommodate disabled passengers, if they can't meet the passengers needs.

- 15.7** Councillor Knight raised that the fact that people are afraid to whistle blow about inaccessible taxis indicates a wider issue of disability discrimination and suggested that it should be encouraged that people complain anonymously if they have faced discrimination. Martin Seymour confirmed he would look into ways to make it easier for people to complain.
- 15.8** Councillor Phillips raised that there should be easier ways to tip drivers when paying cashless.
- 15.9** Councillor Theobald was informed that the Preston Park station is a small use station, so taxi drivers would be unlikely to wait there for passengers. An option called Train Taxi can be used which gives numbers to phone to organise pickups at smaller stations.

RESOLVED - That Committee:

2. Recommended to continue to increase the number of hackney carriage vehicle licences issued by the council by 5 annually, such licences to be issued in May each year commencing in May 2023.
4. Recommend any additional licences issued under 2.2, 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 or; vehicles which are fully electric or; plug-in hybrid (PHEV) vehicles the type and design of the vehicle to be agreed by the Executive Director of Neighbourhoods, Communities & Housing.

16 LICENSING FEES 2023/24

- 16.1** Jim Whitelegg introduced the report starting on page 11 of the agenda.
- 16.2** Councillor O'Quinn was informed that there have been significant issues with staffing in Animal Activity and as such haven't been able to look at the issues raised concerning doggy daycares.
- 16.3** Councillor Simson was informed that license fees are paid annually, and if not paid, the permit will be revoked and the premises suspended.
- 16.4** Councillor Pissaridou was informed that dog walkers have to register but don't need to hold a License.
- 16.5** A vote was carried out and passed with 9 votes and 2 abstentions.

RESOLVED:

That the Committee approves the following licence fees will increase by an average of 6%:

- Taxi Licence 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 2005 fees – as set out in Appendix 2.
 - All Animal Activity Licences fees - as set out in Appendix 5.
- A list of agreed fees for 2022-23 and proposed fees for 2023-24 is included in Appendices 1-2 & 5.

Note: If the above recommendations are not agreed, or if the committee wishes to amend the recommendations, then the item will normally need to be referred to the Policy & Resources Committee meeting on 9 February 2023 to be considered as part of the overall 2023/24 budget proposals. This is because the 2023/24 budget proposals are developed on the assumption that fees and charges are agreed as recommended and any failure to agree, or a proposal to agree different fees and charges, will have an impact on the overall budget proposals, which means it needs to be dealt with by Policy & Resources Committee as per the requirements of the constitution. This does not fetter the committee's ability to make recommendations to Policy & Resources Committee.

17 HACKNEY CARRIAGE FARE REVIEW

- 17.1** Martin Seymour introduced the report starting on page 129 of the Agenda.
- 17.2** Councillor Pissaridou was informed that taxi drivers are competing with other companies that use surge pricing at peak times.
- 17.3** Councillors Simson and O'Quinn expressed support for the recommendations and Councillor Simson mentioned that it would be a good idea to encourage more Hackney Carriages to operate at night.
- 17.4** Councillor Knight welcomed the measures to increase fees for late night taxis but not for daytime – given that residents in her constituency rely on them for appointments etc.

A vote was taken with 10 passed and 1 abstention.

RESOLVED: That Committee:

1. Approved the proposed fare increases and authorises the Head of Safer Communities to advertise the proposed variation in fares and invite any objections in accordance with the legal requirements.
2. Agreed that if no objections are made, or if any objections which are made are withdrawn, the varied table of fares will come into force in accordance with the statutory scheme.
3. Reconsider the matter at the next meeting of this Committee if valid objections are made but not withdrawn. As there are strict legal timescales relating to fare reviews a special meeting of this Committee may be required.

18 BLUE HANDBOOK FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, VEHICLES AND OPERATOR'S AMENDMENTS

- 18.1** Martin Seymour introduced the report starting on page 143 of the agenda.
- 18.2** Councillor Knight suggested making the laminated sheet of first aid and emergency procedures mandatory. Mia Bryden responded that it is difficult to enforce a mandatory sheet as there are no penalties for those who don't have them.

RESOLVED: That Members agree the following changes:

1. A new condition that all tyres on a vehicle must be under 10 years old
2. The Council will no longer licence vehicles that are Category S 'write off's'.
3. Members approve various amendments regarding the licensing objectives and guidelines on Convictions to the Blue Book as outlined in Appendix 1
4. Remove the condition that Private Hire Vehicles are required to have a Fire Extinguisher
5. Agree updated Guidance with regard to First Aid as described at 3.6
6. Agree the Temporary Age Limit for Wheelchair Accessible Vehicles as described at 3.12

19 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

- 19.1** Alex Evans introduced the report starting on page 153 of the agenda.
- 19.2** Councillor O'Quinn was informed that the Licensing Team will investigate any complaints about taxi drivers and take the appropriate action – for new applicants with criminal records they would be assessed via the Blue Book, but each case on its individual merits.
- 19.3** Councillor Ebel was informed that the applicant that was refused a license was because of not declaring a fraud conviction.
- 19.4** Councillor Rainey was informed that a new database is being used to track licenses and drivers across different Councils.
- 19.5** Councillor Simson was informed that the action taken depends on the nature of the offence, but if there are concerns that a driver is involved in the offence or not cooperating with the investigation, action may be taken against the proprietor where this is the case.
- 19.6** Councillor Pissaridou was informed that the enforcement table refers to the time between the last Committee in June 2022 and September 2022.

RESOLVED:

1. That Members note the contents of this report and that officers should continue to act as appropriate.

20 ITEMS REFERRED FOR COUNCIL

There were none.

Signed

Chairman

Dated this

day of