

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

3.30PM 8 MARCH 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Sykes (Deputy Chair), Cobb, Duncan, Gilbey, Hyde, A Kitcat, Lepper, Marsh, Pidgeon, Rufus, Simson, C Theobald and West

Apologies: Councillor Turton

PART ONE

23. PROCEDURAL BUSINESS

23a Declaration of Substitutes

23.1 There were none.

23b Declarations of Interest

23.2 There were none.

23c Exclusion of the Press and Public

23.3 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 100I of the Act).

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

24. MINUTES OF THE PREVIOUS MEETING

24.1 **RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 17 November 2011 be agreed and signed by the Chair as a correct record.

25. CHAIRMAN'S COMMUNICATIONS

Hackney Carriage and Private Hire Vehicles

Suspensions and Revocations

- 25.1 The Chair reported that since the previous Committee meeting officers in the Hackney Carriage Office had suspended one driver and refused another on medical grounds. In addition, one driver had been suspended pending the outcome of a court case and another had been given a formal warning which would remain on their file for five years.

Other

- 25.2 The Brighton and Hove Taxi Forum had requested Officers write to the Home Office to request that ministers review the level of CRB check that was permitted by law to check on taxi drivers. The Home Office had however issued a Press Release confirming the Minister's intention to regulate to ensure that all taxi and private hire driver applicants and licensees would be subject to an enhanced level of CRB disclosure to enable Licensing Authorities to check that applicants were not barred from working with children or vulnerable adults. Officers had now resumed undertaking enhanced checks on drivers.
- 25.3 **RESOLVED** – That the position be noted.

26. CALLOVER

- 26.1 **RESOLVED** – That all items be reserved for discussion.

27. PUBLIC QUESTIONS

- 27.1 There were none.

28. PETITIONS

- 28.1 The Chair explained that a petition had been received following publication of the agenda but by the due deadline. Mr Funnell presented the following petition containing 12 signatures:

“We the undersigned wish you to consider an exemption for us with regard to the mandatory installation of CCTV into our private hire vehicles for the following reasons:

As sole operators all of our work is booked directly to us, as individuals, and not through third parties, agents or taxi companies.

Our work is pre booked and the clients are known to us because we have given them first class service over many years.

We already have exemption certificates from displaying licence plates, door and roof signs and have no meters, two way radio or data units fitted to our vehicles. As a result our cars cannot be mistaken as taxis or private hire vehicles connected to a circuit.

By putting CCTV in our cars with the accompanying signage the private chauffeur car image with the discreet comfort that our clients now enjoy will be spoilt with our cars seeming like taxis. Many of our clients are high ranking American Express personnel, local celebrities and top business executives and could well choose vehicles that do not have CCTV installed.

Chauffeur cars from surrounding districts will have a very unfair advantage and we fear a loss of business as a result.

To grant us exemption from installing CCTV into our chauffer cars would be merely an extension of the existing exemptions of displaying licence plates etc.

In closing we would also like to point out that in the House of Commons Safety Debate on 29 February the Parliamentary Secretary of State for Transport, Norman Baker MP, answered a question raised, on CCTV for taxi drivers as follows: In querying the Department of Transport's stance on the matter he suggested that the ultimate responsibility of unit fitting should rest with the individual drivers, with guidance from local authorities."

- 28.2 Mr Funnell also had the opportunity to amplify on his petition for up to 3 minutes and in doing so he referred to the recent decision of Oxford City Council wef 1 April 2012 which had given private hire drivers acting as chauffeurs exemption from the requirement to have CCTV apparatus fitted.
- 23.3 The Chair, Councillor Deane thanked Mr Funnell for his petition, the contents of which were noted. It was explained that the decision that CCTV equipment should be installed was agreed policy, the Committee were not in a position to grant either a blanket, or individual exemptions at that afternoon's meeting. The Chair stated that she was recommending therefore that a further report be brought back to the Committee in 6 months time (2 Committee cycles) detailing the impact of the installation of CCTV in the light of operating experience.
- 23.4 Councillor Simson expressed concern in respect of the timescale stated, in that any drivers whose licence required renewal after 1 April 2012 but prior to the Committee receiving the report referred to would be required to install CCTV in any event.
- 23.5 The Head of Regulatory Services explained that these proposals which were agreed Committee policy and had been widely consulted and properly upon prior to implementation, operators had received notification of these changes, no concerns or dissent had been voiced until now, CCTV equipment had already been fitted to a number of hackney carriages and private hire vehicles operating in the city. Following the original Committee decision, the Committee had decided to grant a further 12 month lead in period to expire on 31 March 2012.
- 23.6 In answer to further questions raised by Councillor Simson and concerns raised by Councillor Mrs Theobald, The Head of Regulatory Services explained that in view of the amount of work involved it would not realistically be possible to bring a report back to the June meeting of the Committee (date to be confirmed).

- 23.7 Councillors Cobb and Marsh sought clarification regarding how those operating as chauffeurs were classified for the purposes of legislation and it was confirmed that they were treated as private hire drivers and were not categorized separately.
- 23.8 **RESOLVED** – That that the contents of the petition be received and noted and that a further report be brought to Committee in 6 months (2 cycles) time setting out the position in the light operating experience in relation to the installation of CCTV in Hackney Carriages and private hire vehicles.
- 29. EXTRACT FROM ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE MEETING:TAXI LICENSING**
- 29.1 The Committee received an extract from the meeting of the Environment and Community Safety Overview and Scrutiny Committee meeting held on 23 January 2012.
- 29.2 The Head of Environmental Health and Licensing stated that the Scrutiny Committee had been informed that there had been significant developments since the original request for scrutiny had been considered in September 2011 and had considered these in concert with the concerns raised by Geraldine Des Moulins of the Fed Centre for Independent Living. After full discussion and a vote Members had not agreed to a scrutiny review.
- 29.3 **RESOLVED** – That the content of the minutes be received and noted.
- 30. EQUALITIES ACTION PLAN UPDATE**
- 30.1 The Committee considered a report of the Head of Planning and Public Protection providing an update on the progress of the Equalities Action Plan.
- 30.2 It was explained that following consideration of a report by the Committee in September 2010 on the Equalities Review which had taken place an Action Plan had been developed which had been updated on an on-going basis since that time. The current version was included as Appendix 1 to the report. Since approval of the original report by Committee the Government's Transport Committee had published its Seventh Special Report which had included recommendations to amend Hackney Carriage and Private Hire legislation (The Road to Reform). The Government's response to that report was included at Appendix 2. At the same time the Law Commission had announced that it was also looking at updating taxi and private hire legislation, a summary of those changes was included at Appendix 3 to the report.
- 30.3 **RESOLVED** – That the Committee endorses progress made including future actions proposed to concentrate on the Significant Unmet Demand Survey.
- 31. ITEMS TO GO FORWARD TO COUNCIL**
- 31.1 There were none.

The meeting concluded at 4.40pm

Signed

Chairman

Dated this

day of