

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

3.00PM 14 MARCH 2019

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors O'Quinn (Chair), Morris (Deputy Chair), Hyde (Opposition Spokesperson), Deane (Group Spokesperson), Bennett, Cattell, Cobb, Gilbey, Horan, Lewry, Marsh, Page, C Theobald and Wares

PART ONE

20 PROCEDURAL BUSINESS

20(a) Declarations of Substitutes

20.1 There were none.

20(b) Declarations of Interest

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

20(c) Exclusion of Press and Public

20.3 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.

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

21 MINUTES OF THE PREVIOUS MEETING

21.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 29 November 2018 be agreed and signed by the Chair as a correct record.

22 CHAIR'S COMMUNICATIONS

EV Taxi Hubs Project Meeting

22.1 The Chair, Councillor O'Quinn explained that on 5 February 2019, the government had awarded more than £6 million to support ultra-low emission taxis right across the

country, furthering its ambition for a zero-emission future. This had been announced at the Smart Transport conference by the Future of Mobility Minister, the funding would see almost 300 rapid charge points and 46 fast charge points installed for ultra-low emission taxis in 17 local authorities, including in Greater Manchester, Brighton and Hove, Leicester and the north east.

- 22.3 Brighton & Hove City Council had been awarded the full amount requested, £468,000. Which equated to 75% of the total cost of the project with an additional 25% being acquired through a concessionaire.
- 22.4 The Chair stated that she wanted to thank everyone involved in the taxi trade who had helped with surveys, meeting and gathering of telematics data which had helped to secure this funding. This grant would enable us to initially install 4 rapid charging hubs each with 3 rapid chargers for taxis at strategic locations across Brighton & Hove, a key part of the council's strategy to implement EV charging infrastructure across the city to encourage people to switch over to electric and to meet the varied needs of EV drivers. The Council would continue to engage with the trade as work progressed, initially re the identification of suitable locations for the rapid charging hubs. The following was proposed:

4 off street rapid charging hubs – 6 bays (installation Oct 2020) (plus 200 lamp post by Oct 2019);

To consider – existing grid capacity;

Areas – Racecourse, Amex, Black Rock, Valley Gardens, Lagoon (consultation with trade for other areas);

Enforcement – NSL (not public highway so similar to Preston Park);

Original scope – exclusive taxi but OLEV recommended some public initially while take up is limited;

Action – put options to trade in April for discussion at May Forum.

Uber

- 22.5 The decision to refuse to Uber's licence had been overturned on appeal on 27 November 2018 – The principle issue had been one of law – it had been ruled that exercising rights to cross border was not relevant to consideration of whether a provider was "fit & proper".
- 22.6 OLA had submitted an application for a private hire operator's licence in December 2018 and officers were in the process of carrying out a number of safety and security checks regarding the company and their directors. Their App catered for both private hire vehicles and hackney carriage vehicles.

Brighton Station Taxi Rank

- 22.7 This had been discussed at the Taxi Forum meeting held in January 2019 where GTR reps had attended and raised a number of points for consideration and a contact. It was noted that GTR were working on infrastructure at the back of the station.

CCTV – DPIA update

22.8 Current thinking was that an initial representation would be made to the ICO arguing for continuous visual and audio recording. The authority's principle arguments would be around the risk controls in place to limit disclosure. The cctv would be stored on a highly encrypted device and we will limit how and when it could be disclosed. For those purposes it would be explained that the authority would allow/seek disclosure.

Secret Shopper/Test Purchasing

22.9 The following had been observed and dealt with:

Flipping – Private hire vehicle taking passengers that had not been not pre-booked through an operator;
HC Refusing to take passengers based on the journey not being lucrative – i.e. short journeys / multi seater;
Wheelchair users

Animal Licensing

22.10 It was noted that the licensing authority was working through the list of those who either have had a licence in the past or had applied for a licence. Six licences mostly home dog boarding. A number of businesses had not been able to comply with the new conditions or requirements and had subsequently stopped offering their services since the regulations were introduced. In common with other local authorities once the list had been worked through officers would start tackling those who were trading without a licence. Officers Were aware of a number of 'on-line' companies who used third party hosts to board dogs. These national companies were discussing the need for licenses with DEFRA and the licensing authority was of the view that the majority if not all of the hosts would need to be licensed.

23 PUBLIC INVOLVEMENT

23.1 There were no items.

24 MEMBER INVOLVEMENT

24.1 There were no items.

25 HACKNEY CARRIAGE VEHICLE TRANSFER AND PRIVATE HIRE DOOR SIGN AMENDMENTS

25.1 The Committee considered a report of the Executive Director of Neighbourhoods Communities and Housing which requested Members to consider whether it was appropriate for a Hackney Carriage Vehicle to continue to be required to be wheelchair accessible following transfer to another person. Members were also asked to consider whether to approve a generic private hire door sign.

25.2 Councillors Wares and Hyde considered that the recommendation as set out in Recommendation 1 of the report represented a pragmatic and sensible way forward, and that Recommendation 3 would be superfluous. It would be appropriate however for each of the report recommendations to be voted on separately in their view.

- 25.3 Councillor Wares also considered that it would be appropriate for the situation to continue to be monitored and to form the basis of further discussions at a future Taxi Forum meeting as appropriate.
- 25.4 Councillors Marsh and Gilbey and Morris also concurred with the views expressed
- 25.5 **RESOLVED** – (1) That Members agree to remove the requirement that a Hackney Carriage Vehicle must become wheelchair accessible following transfer to another person but confirm that existing compulsory wheelchair accessible vehicles must remain wheelchair accessible; and
- (2) Non-wheelchair accessible vehicle proprietors would have a choice, on transfer, of whether to change the type of vehicle or not; and
- (3) That Members approve the generic Private Hire door sign as shown in appendix 1 to the report.

26 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

- 26.1 The Committee considered a report of the Executive Director of Neighbourhoods, Communities and Housing providing Members with an up-date on enforcement action taken against Hackney Carriage and Private Hire Drivers and Applicants between November 2018 and February 2019.
- 26.2 Councillor Marsh sought clarification of the stepped stage process used and the follow-up process used following issue of a formal warning letter.
- 26.3 Councillor O'Quinn referred to Items 9 and 12 set out in the report, the latter of which had involved a previous refusal which had been upheld by the Magistrates Court. Both were very serious cases and it was encouraging for Members to be provided with this information on a regular basis and for them to know that the processes in place were robust.
- 26.4 **RESOLVED** - That Members note the contents of the report and that officers should continue to take action as appropriate.

27 ITEMS REFERRED FOR COUNCIL

- 27.1 There were none.

The meeting concluded at 5.35pm

Signed

Chairman

Dated this

day of