

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

4.00PM 12 MARCH 2020

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Apologies: Councillors Atkinson, Lewry and Osborne

PART ONE

18 PROCEDURAL BUSINESS

18(a) Declarations of Substitutes

18.1 Councillor Allcock was present in substitution for Councillor Hill. Apologies were received from Councillors Atkinson, Lewry and Osborne.

18(b) Declarations of Interest

18.2 There were no declarations of interests in matters listed on the agenda. Councillors Appich, Deane, Fowler and Simson stated that they had been lobbied in respect of Item 24 on the agenda "Upper Gardner Street Trading Policy Review." All confirmed that they had not expressed a view in respect of the matter, remained of a neutral mind and would remain present during consideration and determination of that item.

18(c) Exclusion of Press and Public

18.3 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.

18.4 **RESOLVED:** That the press and public not be excluded from the meeting during consideration of any items contained in the agenda.

19 MINUTES OF THE PREVIOUS MEETING

19.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 28 November 2019 be agreed and signed as a correct record.

20 CHAIR'S COMMUNICATIONS

20.1 The Chair, Councillor O'Quinn provided the following updates:

Electric Vehicle Taxi – Rapid Charging Hubs

20.2 The Chair explained that the latest monthly Electric Taxi Newsletter which had been circulated to the trade had included details about grants available and had highlighted the potential for 80% fuel bill savings as well as reduced maintenance costs.

20.3 Currently 200 lamp posts were being installed around the city, with this work to be completed by the end of March. The 4 proposed rapid charging hubs would be located at the race course, Preston Park Avenue, the Circus Street development and Victoria Road, Portslade, with each hub being capable of charging up to 6 vehicles. These rapid chargers would provide a full charge within 30 minutes and it was hoped that it would be possible to install them by the summer. Once the specific bays and works had been agreed nearby residents would be written to in order to advise them of those changes and to respond to any questions. The on-street rapid charger bays would be advertised as for electric vehicle recharging only. Some bays at each hub would be made available for public use until such time as they were needed for electric taxis. The taxi trade was being kept updated via the taxi forum meetings and by production of a monthly newsletter. The Chair was pleased to be able to report that the council had licensed its second electric taxi the previous week.

Uber/TFL

20.4 The licensing authority had carried out an investigation into TFL's decision not to renew Uber's operator's licence in London. Although additional information had not been received from TFL extensive questioning of Uber's procedures and practices regarding this matter had been carried out and the licensing authority was satisfied that the appropriate checks were being carried out to ensure that no licensed drivers had been or were currently operating in Brighton and Hove. Uber had lodged an appeal against TFL's decision and it was understood that the appeal would be heard in July 2020.

20.5 **RESOLVED** – That the content of the Chair's Communications be received and noted.

21 CALLOVER

21.1 All items set out on the agenda were called for discussion.

22 PUBLIC INVOLVEMENT**22a Petitions**

22.1 There were none.

22b Written Questions

22.2 There were none.

22c Deputation – Leave Rules for Historic Upper Gardner Street Market Unchanged

22.1 Mr Swain presented a deputation referring to a petition on behalf of Upper Gardner Street Traders and Residents (circulated as an addendum to the agenda)

22.2 The Chair, Councillor O’Quinn invited Mr Swain to speak to his Deputation. He explained that the street market had been in operation for over 100 years and had been subject to separate conditions in recognition of its unique character, whilst recognising that the report appearing elsewhere on the agenda sought to address issues which had been experienced measures taken needed to be proportionate. The activities of a few traders should not jeopardise the activities of the majority who behaved responsibly and it was important during difficult financial times to encourage small individual traders. Support was expressed in respect of the proposed amendment put forward by the Conservative Group which he considered would be acceptable to traders. Mr Swain went on to explain that it would be possible for traders to spread into adjacent (if unoccupied) pitches sideways without causing obstruction, that had always been integral to the operation of the market and that could be done without causing obstruction either in the street or to residents.

22.3 The Chair thanked Mr Swain for his contribution, noting the contents of the petition stating that Members would give this matter their full consideration when determining the report appearing on the agenda at Item 24 “Upper Gardener Street Trading Policy Review.

22.4 **RESOLVED** – That the contents of the petition be received and noted.

22b Written Questions

22.5 There were none.

22c Deputations

22.6 There were none.

23 MEMBER INVOLVEMENT**23(a) Petitions**

23.1 There were none.

23(b) Written Questions

23.2 There were none.

23(c) Letters

23.3 There were none.

23(d) Notices of Motion

23.4 There were none.

24 UPPER GARDNER STREET TRADING POLICY REVIEW

24.1 The Committee considered a report of the Executive Director of Housing, detailing recent consultation which had been undertaken recently by the licensing team reviewing the Council's Street Trading Policy, with regard to removing the exception wording applying to the Upper Gardner Street market in conditions D and E which would bring Upper Gardner Street into line with the rest of the Street Trading Policy and citywide market policy. A copy of the consultation letter and the Street Trading policy were contained in Appendix A to the report.

24.2 The Licensing Authority welcomed the benefit that the Upper Gardner Street Market brought to the city and acknowledged that it had been in existence for over 100 years. The aim of the proposed changes was to make Brighton & Hove's Street Trading Policy more transparent, enforceable and consistent and to bring the market in line with the rest of the Council's Street Trading Policy. Following visits to the market officers had observed traders operating outside their specified marked site and refuse being left at the end of the trading day. This had led to obstruction and litter complaints from residents and other traders. A consultation exercise had been undertaken between 30 October 2019 and 27 November 2019 and the responses received were summarised, broadly speaking residents were in favour of the proposed changes and traders were not. The report recommendations to vary the existing conditions sought to address this situation equitably.

24.3 An amendment had been received from the Conservative Group proposed by Councillor Simson and seconded by Councillor Wares as set out below:

"To amend recommendation 2.1 so that the second bullet point is amended with the inclusion of the wording as shown in ***bold italics***:

D. The Trader shall not place, store or sell, expose or offer for sale any article outside the trading area marked out at the specified site ***with the exception of Upper Gardner Street where traders can extend to an adjacent trading area when it is unoccupied.***"

24.4 Councillor Simson stated that her proposed amendment sought to address the needs of residents and traders in a fashion that would be acceptable to both and would address residents' concerns whilst recognising the markets unique historical character. Provided traders did not cause an obstruction she considered that use of adjacent unoccupied areas was acceptable provided that all rubbish was cleared appropriately when trading ceased for the day. Councillor Wares concurred in that view.

24.5 Councillor Deane agreed that if, as proposed traders would be able to extend sideways into the adjacent area that would be acceptable as it would enable available space to be taken up without causing obstruction to other users of Upper Gardner Street.

24.6 Councillor Simson stated that the amendment was intended to provide traders with the opportunity to maximise the space available without impacting on residents or other users.

- 24.7 Councillor Ebel stated that she supported the proposal as it made it clear what was permitted and whilst supporting traders also supported the needs of residents and the access needs of others, including those for instance who might be wheelchair bound by seeking to prevent obstructions.
- 24.8 Councillor O'Quinn, the Chair, stated that she was in agreement that the proposed amendment represented an appropriate way forward, and that as suggested it was important that traders were responsible for ensuring that their own rubbish was removed appropriately when market ceased trading for the day. As that appeared to be a bone of contention with residents that would in her view address one of their major concerns. Other Members concurred in that view.
- 24.9 Members then voted on the proposed amendment which was agreed. Members then voted on it as the substantive report recommendation, It was agreed unanimously.
- 24.-- **RESOLVED** - (1) That members agree to approve the suggested varied conditions as listed below and shown in the amended Street Trading Policy in Appendix A.
- Traders will ensure suitable refuse storage and remove refuse at the end of trading;
 - D. The Trader shall not place, store or sell, expose or offer for sale any article outside the trading area marked out at the specified site with the exception of Upper Gardner Street where traders can extend to an adjacent marked trading area when it is unoccupied;
 - E The Trader shall at all times whilst trading provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of each days trading. Such rubbish and litter is not to be placed in municipal litter bins.

These conditions to take effect from 1 April 2020.

25 BLUE BOOK AMENDMENT – CASHLESS PAYMENT FACILITIES

- 25.1 The Committee considered a report of the Interim Executive Director, Housing Neighbourhoods and Communities requesting that Members consider whether should be a condition that all Hackney Carriage and Private Hire Vehicles must have a functioning cashless payment available for passengers.
- 25.2 It was explained that a request had been made by the Independent Drivers in Brighton and Hove a recent Taxi Forum Meeting that the trade be consulted on a proposal to make all Hackney Carriage and Private Hire Vehicles have a functioning cashless payment facility available for passengers. The current position was that cashless payment facilities were voluntary. The UK had the highest revenue in cashless payments and it could therefore be considered reasonable to ensure that hackney carriage and private hire vehicles had facilities to offer cashless payments if required by the passenger. By carrying less cash drivers would be at less risk from losing takings including from theft and the public would be have a record of the transaction.

- 25.3 Councillor Simson stated that whilst in favour of providing the option for a cashless payment facility to be used, she did not consider it would be reasonable to compel drivers to provide this facility at the present time. In her view, whilst drivers should be encouraged to provide a cashless option, the existing voluntary arrangements should remain in place for the present.
- 25.4 Councillor Appich concurred but asked how this would be publicised and the means via which drivers would be encouraged to roll-out/provide this service. The Chair stated that the taxi trade were aware of the issue and incrementally the number of operators providing a cashless facility was increasing. Councillor Henry considered that this continue to evolve over time and that drivers should not be pushed into providing this facility.
- 25.5 Councillor Bagaeen agreed that an incremental approach was the right one and that as more drivers provided this facility as continued to be the case that of itself would encourage more drivers to do so.
- 25.6 Councillor Deane considered that a measured approach which would enable enforcement action to be taken in concert with this facility.
- 25.7 Councillor Simson agreed with all that had been said but considered that it was important for those who did provide that show clearly that they did so. It was explained that operators who did so had a window sticker clearly displayed.
- 25.8 **RESOLVED** – That Members agree that all Hackney Carriage and Private Hire Vehicles have a functioning cashless payment facility available for passengers to pay any fare due from 1st September 2020. Proprietors may also have a receipt printing facility should they wish to do so.

26 BLUE BOOK AMENDMENT - PRIVATE HIRE ROOF SIGNS

- 26.1 The Committee considered a report of the Interim Director, Housing, Neighbourhoods and Communities asking Members to consider whether Private Hire Vehicles(PHV) should no longer be required to have a roof sign.
- 26.2 It was explained that it was proposed to change the current mandatory requirement for PHV to have roof signs to one whereby it was at the proprietor's discretion. The current requirement had been in place for 30 years and with the arrival of app-based booking systems this had become less relevant. PHV's would still be required to have front and rear door signage as well as displaying a plate on the rear of the vehicle.
- 26.3 Councillor Ebel sought confirmation that this would not impact adversely on customers requiring a WAV as she had concerns that it could.
- 26.4 Councillor Wares stated that it appeared that the requirement for roof signage had been by-passed by modern technology and on that basis he did not consider that it should continue to be mandatory.

- 26.5 **RESOLVED** - That Members agree to remove the requirement for compulsory roof signs on Private Hire Vehicles. Proprietors that continue to have a roof sign on their vehicle must continue with the current specifications regarding livery.

27 HACKNEY CARRIAGE VEHICLE TRANSFER UPDATE

- 27.1 The Committee considered a report of the Interim Executive Director, Housing, Neighbourhoods and Communities asking Members to review the policy change it had made that a Hackney Carriage Vehicle be no longer required to become wheelchair accessible following transfer to another person. The policy was to be reviewed taking into account the taking into account the impact of the change made and the responses to the consultation exercise detailed in the report.
- 27.2 Councillor Simson supported the rationale for the Committees' earlier decision as did Councillor Wares although he requested that this be kept under annual review.
- 27.3 **RESOLVED** - That members keep the policy change as agreed on the 14 March 2019; 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. This decision to be subject to annual review.

28 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

- 28.1 The Committee considered a report of the Interim Executive Director, Housing, Neighbourhoods and Communities providing an update on enforcement action taken between June and November 2019.
- 28.2 Councillor Simson referred to item 12 stating that she considered that the reference made to the female passenger was completely inappropriate, she had suffered a very serious criminal assault whilst in a vulnerable condition. The inference which could be drawn from the manner this incident had been reported was very unfortunate. Other Members concurred in that view and it was confirmed that the manner in which any such incident was recorded.
- 28.3 Councillor O'Quinn, the Chair, referred to the number of complaints that had been received regarding over- ranking at Brighton Station and it was confirmed that additional enforcement had been taking place at weekends to address this problem. It was also anticipated that arrangements for use of the rear of the station by taxis would result in further improvements.
- 28.4 Councillor Allcock referred to the awareness raising sessions which had taken place in partnership with YMCA (Downslink). All involved should be commended for this piece of work and it was pleasing to note that 63% of Brighton and Hove Licensed Drivers had now taken advantage of these free training sessions, which it was hoped would continue to be rolled out across the city.
- 28.5 **RESOLVED** – That Members note the contents of this report and that officers should continue to take action as appropriate.

29 ITEMS REFERRED FOR COUNCIL

29.1 There were none.

30 CHAIR'S COMMUNICATIONS

The meeting concluded at 5.55pm

Signed

Chairman

Dated this

day of