

Licensing Committee (Non Licensing Act 2003 Functions)

- Date:** 12 March 2020
- Time:** 4.00pm9or at close of the preceding Licensing Act Committee meeting)
- Venue** Council Chamber, Hove Town Hall
- Members:** **Councillors:**O'Quinn (Chair), Henry (Deputy Chair), Deane (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Atkinson, Bagaeen, Davis, Ebel, Fowler, Hill, Lewry, Osborne, Rainey and Wares
- Contact:** **Penny Jennings**
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AGENDA

18 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

19 MINUTES OF THE PREVIOUS MEETING

7 - 14

To approve the Minutes of the last Meeting held on 28th November 2019 (copy attached).

20 CHAIR'S COMMUNICATIONS

21 CALLOVER

- (a) Items 24 - 28 will be read out at the meeting and Members invited

to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

22 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 6th March 2020;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 6th March 2020.

23 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

24 UPPER GARDNER STREET TRADING POLICY REVIEW 15 - 46

Report of the Acting Executive Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: *Jim Whitelegg*

Tel: 01273 292438

Ward Affected: *All Wards*

25 BLUE BOOK AMENDMENT – CASHLESS PAYMENT FACILITIES 47 - 68

Report of the Executive Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: *Martin Seymour*

Tel: 01273 296659

Ward Affected: *All Wards*

26 BLUE BOOK AMENDMENT - PRIVATE HIRE ROOF SIGNS 69 - 78

Report of the Executive Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: *Martin Seymour*

Tel: 01273 296659

Ward Affected: *All Wards*

27 HACKNEY CARRIAGE VEHICLE TRANSFER UPDATE 79 - 108

Report of the Executive Director, Housing, Neighbourhoods and Communities
(copy attached)

Contact Officer: Martin Seymour
Ward Affected: All Wards

Tel: 01273 296659

28 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING 109 - 120

Report of the Executive Director, Housing, Neighbourhoods and Communities
(copy attached)

Contact Officer: Martin Seymour
Ward Affected: All Wards

Tel: 01273 296659

29 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 26th March 2020 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting.

30 CHAIR'S COMMUNICATIONS

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

4.00PM 28 NOVEMBER 2019

COUNCIL CHAMBER - BRIGHTON TOWN HALL

DRAFT MINUTES

Present: Councillors O'Quinn (Chair), Deane (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Atkinson, Davis, Ebel, Fowler, Hill, Osborne, Rainey and Wares

Apologies: Councillors Henry, Bagaen and Lewry

PART ONE

9 PROCEDURAL BUSINESS

9a Declarations of Substitutes

9.1 Councillors Lewry, Bagaen and Henry sent their apologies. There were no substitutes.

9b Declarations of Interest

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

9c 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 were not excluded from the meeting since there were no part two items 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 27 June 2019 be agreed and signed as a correct record.

11 CHAIR'S COMMUNICATIONS

11.1 The Chair provided the following updates:

Non-LA Committee Nov 2019

Electric Vehicle Taxi Rapid Charging Hubs

11.2 The Trade have been consulted over possible sites for the 4 rapid charging hubs. The results of the survey were presented to the ETS Committee in Oct 2019 with installation scheduled for completed by April 2020. The chargers will be installed by Electric Blue a company which has previously installed chargers in Cambridge, Oxford and Coventry. Their successful bid will mean that drivers can charge for 28p per kilowatt hour at slow, fast or rapid chargers in the city. We are consulting with UK Power Networks to establish whether there is sufficient capacity in the grid to install them at the preferred locations. If one or more of the sites is found not be suitable the council will re-consult with the taxi trade in line with the ETS report amended recommendations

Meanwhile, the 200 street lamp post electric charging points are to be installed by the end of January 2020 in areas of the city with no off-street parking.

A newsletter is being produced for taxi drivers considering switching to electric taxis. This includes information about grants available for charge points and towards the cost of an electric vehicle. The Licensing Regulatory Manager added that there were 4 hubs with 6 rapid chargers per hub, thus making a total of 24 chargers currently. The rapid charges took half an hour to fully charge a vehicle.

Uber Licence revoked

- 11.3 Uber has had its licence revoked in London due to issues over customer safety. The Chair stated that they would be asking TFL for details on their decisions. She confirmed that unauthorised drivers had been uploading their photos and dismissed or suspended drivers had continued to drive. Some drivers had been getting others to sit their test for them.
- 11.4 Jim Whitelegg, Regulatory Manager stated that it was a shock to hear this about Uber in a TFL press statement on Monday and that he had written to both Uber and TFL to find out more details. He confirmed that the main issue was how this would impact on Brighton & Hove and confirmed that the main issue was concerning a technical vulnerability since 43 drivers had done 14000 unauthorised trips. Although this issue had been resolved, they would need clarification on how this would impact Brighton and Hove.
- 11.5 Councillor Wares had seen Jim Whitelegg's email and queried whether this was not covered by confidentiality. The Regulatory Manager said that he was still waiting on a reply from Uber, who would take a while to gather evidence on this.
- 11.6 Councillor Wares asked how the Licensing team could ensure that responses were not being couched on behalf of Brighton & Hove drivers, since there are so many drivers in the city and would need to be satisfied. It was also confirmed as a valid point for drivers from Worthing. In answer to Cllr Atkins's question on the definition of an unauthorised driver, the Regulatory Manager agreed that he asked for clarification on this point to

Uber. The Chair added that whilst the appeal was going through, there was concern that there would be an influx of drivers from outside the city.

Brighton Station update

11.7 The Chair then continued with the following update on Brighton station:

It was confirmed that the taxi rank at Brighton railway station had relocated to a larger rank on Stroudly Road at the northern entrance to the station from 11 November 2019.

GTR's own car park management contractor personnel are on site and they will be responsible for the issuance of manual penalty notices where applicable.

The Council's Taxi Licensing Team and civil enforcement officers have been monitoring the situation, particularly the roads around the station.

It is early days and a settling in period is needed. However, we are aware of some issues that have arisen since the introduction of the new rank and officers in Highways and Licensing are working together and liaising with GTR to try and resolve them.

The Chair then requested that GTR respond to investigate this and GTR to resolve problems of the taxi rank. She confirmed that there were also a number of further issues including a problem regarding family parking, disabled vehicles and that new signage may be required.

The Regulator Manager then added that GTR are in control of the rank as it's their land but the Council are working closely with GTR and across relevant council departments to resolve issues. The big issues involved were a shared space of rank plus private vehicles and conflicting. Martin Seymour Hackney Carriage Officer confirmed that there was a meeting in 2 weeks time organised to make an improvement.

11.8 There was a discussion on the issues which included the Chair's query on what was happening at the front of the station and Martin Seymour, Hackney Carriage officer confirmed that all drivers had been emailed and written to regarding the change to provide necessary time for drop off and pick up. Councillor Deane asked how long this would remain a Licensing Committee issue since the rank was not council but privately run. The Hackney Carriage officer said there would be little change in the procedures since it was still covered by the GTR. Councillor Wares said that the issue needed to be resolved from the perspective of the Constitution since the taxi trade had a relationship with the council who were pushing them to do this and it could potentially end in chaos if the taxi trade were not consulted.

Animal Licensing

11.9 The Chair then asked Nick Wilmot, Regulatory Services Manager Licensing to give a brief outline on the 2018 change in legislation. He confirmed that 22 licences had been issued that this number had decreased since before the Act due to the amount of officer time the process has taken and there were huge issues with regulation. The following breakdown was given:

- 10 - Home Boarding of Dogs
- 6 - Selling Animals as Pets
- 2 - Cat Boarding
- 1 - Dog and Cat boarding
- 1 – Dog Breeding

These are given a star rating which dictates the length of their licence, for example a business that poorly performs but complies with minimum standards might be given a 1 star which would be a 1 year licence requiring re-inspection and re-application after one year, whereas a business that complies to a high standard might be given 5 stars and be given a 3 year licence.

Licences were now issued to those who have made applications the service intends to start identifying and investigating those who are undertaking such activities without the benefit of a licence. A common approach and intelligence sharing initiative is being developed across all Sussex licensing authorities is being developed in relation to this.

- 11.10 There was a discussion on this issue with the Chair raising the issue of dogwalker companies earning considerable sums but the Regulatory Manager said the biggest issues lay with online companies and whether they would qualify as a company under the new regulations. He added that these companies also required insurance which was not necessarily clear.
- 11.11 Councillor Atkinson asked about the size limit and number of dogs allowed and the Regulatory Manager replied that companies required insurance to regulate this. Most insurance for dog walkers would cover 6 – 8 dogs and there were restrictions on how they could be restrained.

Members Training

- 11.12 The Chair confirmed that Licensing were hoping to arrange some members training early in the new year around Taxi licensing. Jim Button was introduced to come in February for a training session
- 11.13 **RESOLVED:** That the contents of the Chair's Communications be noted and received.

12 CALLOVER

- 12.1 The Democratic Services Officer called Items 15 – 16.

13 PUBLIC INVOLVEMENT

- 13.1 There were none.

14 MEMBER INVOLVEMENT

- 14.1 There was none.

15 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

- 15.1 Martin Seymour, Hackney Carriage Officer introduced the report on the actions taken since the previous meeting with the taxi drivers. He introduced Alex Evans, Licensing Officer and then both took questions from the Committee.
- 15.2 Cllr Ebel asked about section 3.3 and how the Licensing team dealt with someone under a criminal investigation. The Hackney Carriage Officer replied that often a decision had to be made so the driver was suspended and kept the suspension, if convicted.
- 15.3 Councillor Simson confirmed that it would be useful see a year on year comparison to give an idea on whether the service was getting better or worse.
- 15.4 Councillor Appich asked if the trafficking training was mandatory and Alex Evans replied that at the moment it was only voluntary, but that they were repeating the training in January and trying to get as many sessions as were needed.
- 15.5 Councillor Wares highlighted the number of Lewes licence vehicles whose owners lived in Brighton and he asked how this could be dealt with and whether they came from one particular place. The Chair answered that the Licensing team had already discussed writing to the Leader of Lewes council on this issue. Alex confirmed that this was frustrating and that the team kept a spreadsheet where they recorded which offenders had received the warning letter and whether operators were legitimately using the rank.
- 15.6 Councillor Wares queried whether the age of vehicles could also be recorded and whether owners were permitted to carry first aid kits. Alex Evans replied that first aid kits had not been required for 20 years in vehicles and that there was a European standard of normal engines up to 4 years and European standard of up to 6 years old.
- 15.7 Councillor Simson cited a particular case where the driver had kept his licence after a conviction with 14 points on their licence and she felt this should have been revoked. Martin Seymour replied that in our policy, if drivers have more than 7 points, then they have to redo their DVLA licence application.
- 15.8 Councillor Osborne wanted to check what the medical standards were and whether these had been failed. Martin Seymour answered that both the DVLA and a drivers' insurance company sets medical standards but that the Council took advice on this from an independent medical advisor. The Chair stated that drivers are prone to having a sedentary lifestyle and the Licensing Regulatory Manager replied that drivers could come to a forum similar to one for Bus drivers which offered amongst other things exercises to do in the cab.
- 15.9 The Chair then raised the issue of the Upper Gardner Street Traders. The Regulatory Manager confirmed that they had just completed the Upper Gardner St Market consultation and a report would be going to the March Committee. Members were reassured that they did not wish to remove the market but bring it in line with the street trading policy, since it is currently difficult to enforce due to current wording. He confirmed it had gone out to consultation and that they would receive results back on this in March 2020.

- 15.10 Councillor Deane stated that she did not want to influence the decision in March since the situation had arisen although it was difficult to enforce. She gave examples of possible issues such as a trader who may want to get out of a designated pitch. She confirmed it was important that the small minority spill over from their parameter. She also confirmed that there was a change petition and if proposals were brought in, it should help the market in the future.
- 15.11 Councillor Simson felt that the market was declining and less stalls meant more cars and the report in 2020 would there be a recommendation for marketing this market. The Regulatory Manager confirmed that he would take this on board. The Chair added that there were 58 pitches but not always the full number of traders operating and that this should hopefully be clarified in the future.
- 15.12 **RESOLVED** - That the Committee agreed to note the report.

16 LICENSING FEES 2020/2021 (NEW)

- 16.1 Jim Whitelegg, Regulatory Manager introduced the report, highlighting the fact that there were 3 basic models: fees set in statute, local authority discretion and fees set nationally with a maximum ceiling. It is proposed to raise all taxi fees by 2% and to raise animal licensing fees above inflation to reflect costs. Other discretionary fees remain the same.
- 16.2 Councillor Hill queried the big increases for animal fees and the Regulatory Manager confirmed that they had checked the DEFRA reports regarding the £480 charge.
- 16.3 Councillor Simson also queried the increases and asked if anything had been done to reduce the renewal costs since she felt it would discourage people from registering. The Regulatory Manager confirmed that there was a mistake in paragraph 3.22 which should read September 2019 not 2018.
- 16.4 Councillor Wares asked about the taxi forum's view on the changes and the Regulatory Manager replied that they did not receive any objections or negative feedback.
- 16.6 There was a discussion about the high costs of animal licences with the Chair stating that there was a potential for some people to make a good profit of dog boarding charging £25 – 30 per night for up to 4 dogs. Councillor Wares stated that the average cash increases of £44 did not sit comfortably with him and that this was a lot of money for a recently regulated area. Councillor Appich said that there should be a table of the trading account from other services and Councillor Simson agreed there should be a breakdown of costs with difference costs for commercial breeders. The Regulatory Manager stated that animal licence legislation was a new area and that there had been no previous legislation in place. Councillor Hill asked if procedurally there may be a way to approve all costs except the renewals, which she felt were disproportionate to new applicant fees. The Legal Advisor confirmed that the legislation was very prescriptive on this issue and the Regulatory Manager confirmed that this was essentially a cost recovery.
- 16.7 **RESOLVED:** That the Committee accepted the recommendations set out in paragraph 2.1 of the report.

17 ITEMS REFERRED FOR COUNCIL

17.1 There were none.

The meeting concluded at 17.23

Signed

Chairman

Dated this

day of

LICENSING COMMITTEE (NONLICENSING ACT 2003 FUNCTIONS)

Agenda Item 24

Brighton & Hove City Council

Subject:	<i>Upper Gardner Street Trading Policy Review</i>		
Date of Meeting:	<i>12 March 2020</i>		
Report of:	<i>Director of Housing, Neighbourhoods, and Communities</i>		
Contact Officer:	Name:	<i>Jim Whitelegg</i>	Tel: <i>01273 292438</i>
	Email:	<i>Jim.whitelegg@brighton-hove.gov.uk</i>	
Ward(s) affected:	<i>All</i>		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1. The Council's Street Trading Policy was set by Members at Licensing Committee after extensive consultation in November 2009 and has been reviewed a number of times since, most recently the policy was last considered at Licensing Committee on the 23rd November 2017, where the committee approved conditions prohibiting trading from double yellow lines and resident parking bays.
- 1.2. The Council's licensing team have recently consulted on 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 and notes attached. This would bring Upper Gardner Street in line with the rest of the Street Trading Policy and citywide market policy. The consultation letter and Street Trading Policy is contained in Appendix A.

2. RECOMMENDATIONS:

- 2.1. 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 (~~delete with the exception of Upper Gardner Street~~)
 - 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 (~~delete with the exception of Upper Gardner Street~~).
 - 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. ~~Delete In Upper Gardner Street in lieu of this condition being complied with the Council will offer a refuse collection service upon payment of an appropriate fee.~~

The conditions to take effect from the 1st April 2020.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

The licensing authority welcomes the benefit that the Upper Gardner Street Market brings to the city and acknowledges that it has been in existence for over 100 years.

The aim of these proposed changes is 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 Upper Gardner Street Market, officers have observed traders operating outside their specified marked site and refuse being left at the end of the trading day. This has led to obstruction and litter complaints from residents and other traders.

A spreadsheet of complaints received relating to obstruction and nuisance issues can be found in Appendix B.

The market operates from 7am-5pm on Saturdays. There are 92 numbered pitches on Upper Gardner Street, 18 of which are not allocated to allow for disabled access and not obstructing businesses and houses. Of the 74 pitches available, 54 pitches have been allocated as of January 2020 compared to 44 in 2019 and 38 in 2018. There has been a steady increase in the number of pitches allocated in the last 3 years.

The Licensing Authority does not actively promote the market but details of the market are included on the visitbrighton website and a markets information sheet that is sent out to visitors on request.

There is an elected market trader supervisor that deals with matters on the day and who can refer matters to the licensing team as needed. Historically, licensing officers carried out routine market inspections on a quarterly basis or as and when issues arose. However, more recently the Field Officers have been tasked with visiting the market on a more regular basis.

CONSULTATION

Consultation commenced on 30th October 2019 and lasted 4 weeks, closing on the 27th November 2019. Residents and traders on Upper Gardner Street were consulted. The consultation letter is contained in Appendix A.

A total of 12 responses were received; 4 from market traders and 8 from residents/business. The responses can be found in Appendix C. Two of the traders responses make reference to an on-line petition (ref. <https://www.change.org/p/jim-whitelegg-leave-the-rules-for-this-historic-market-unchanged>), a copy of which can be seen in Appendix C.

To summarise the written responses received, the market traders are opposed, whereas the residents are in favour of the proposed changes.

Current street trading process

- 3.1. The city centre streets, with a few exceptions, are prohibited streets. There are five static pitches within the City Centre (Zone A), mainly off Western Rd Brighton (Castle Street, Clarence Square, Dean Street, Crown Street and Marlborough Street) where trading is permitted. Outside of the city centre (Zone B), traders with a consent can trade on the highway, providing they are not causing a nuisance, obstruction or danger to the public. The Council's street trading policy can be found from the following link <http://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling/street-trading> and in Appendix A, which sets out in a table the type of trading permitted in certain areas of the city.
- 3.2. The Seafront area including Grand Junction Road and Kings Road is designated a consent street but is outside the trading policy established by the Council and control of that area is the responsibility of the Seafront Office.
- 3.3. Officers in Licensing issue permits for street trading. Any appeals against officer's decisions are heard by the Licensing Committee (Non-Licensing Act 2003).
- 3.4. A street market is held each Saturday in Upper Gardener Street between the hours of 07.00 and 17.00. Occasional markets are held in Bartholomew Square and George Street Hove. New Road and Black Lion Street in Brighton need to be authorised for street markets.
- 3.5. Street artists and hot chestnut sellers are permitted to operate in East Street, Duke Street, Bartholomew Square and Market Street.
- 3.6. Ice cream and burger vans are issued permits by the Licensing Team giving them consent to trade as "Mobile Street Trading". This is allowed in Zone B (outside of the city centre), with the exception of Parks & Gardens and within 1 mile of the Falmer Community Stadium therefore it gives mobile trading a wide area to trade from. There are no stipulations of roads but only that trading takes place within Zone B in accordance with the Street Trading Policy. We have 18 Zone B permits currently issued.
- 3.7. There are areas throughout the city in which street trading is prohibited. These areas are generally main thoroughfares or areas in the city centre and run from the western boundary of Brighton & Hove in Vale Road, Portslade, along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road. Street trading is also prohibited within 1 mile of the Community Stadium, but excluding council owned public spaces, which would remain undesignated.

3.8. Legal position - consents could include conditions that trading cannot take place on yellow lines and/or contravene TROs that are in place. Advice is based on the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Schedule 4 of this Act deals with the issue of street trading licences and consents and includes the following powers:

a) Schedule 4, paragraph 7(4) provides that when granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.

Paragraph 7(5) states that without prejudice to the generality of (4) above, the conditions that may be attached to a street trading consent include conditions to prevent:-

(a) Obstruction of the street or danger to persons using it

(b) Nuisance or annoyance (whether to persons using the street or otherwise)

The Council may at any time vary the conditions of a street trading consent

4. FINANCIAL & OTHER IMPLICATIONS:

4.1 Financial Implications:

Street Trading fees are set at a level that officers reasonably believe will cover the costs of administering the service. Any costs associated with the proposed policy amendments will be met from within existing Licensing budgets. Fees are set as part of the annual Council budget setting process.

Finance Officer Consulted: Michael Bentley Date: 15/01/20

4.2 *Legal Implications: These are considered in the report. Members should also have regard to the consultation responses when making their recommendations.*

Lawyer Consulted: Rebecca Sidell Date: 16.01.2020

4.3 Equalities Implications:

We do not consider there are any equality implications as a result of this policy change.

4.4 Crime & Disorder Implications:

Transparent, proportional street trading controls minimise danger of obstruction and nuisance. Street trading can be a source of stolen or counterfeit goods.

- 4.6 *Risk and Opportunity Management Implications:*
Street trading is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.
- 4.7 *Corporate / Citywide Implications:*
Street trading represents some traditional, historic heritage

*SUPPORTING DOCUMENTATION**Appendices:**Appendix A – Consultation Letter and Revised Street Trading Policy**Appendix B – Complaints spreadsheet**Appendix C - Summary of responses received via consultation process**Documents In Members' Rooms:**None**Background Documents:**None*

Appendix A – Consultation Document and Policy

Upper Gardner Street Trader/Resident	Date:	28 th October 2019
	Our Ref:	JW/UGS/STP2019
	Phone:	01273 294429
	Email:	Ehl.safety@brighton-hove.gov.uk

Dear Sir/Madam

Street trading – Upper Gardner Street Market traders, important information enclosed

Following visits to Upper Gardner Street Market, officers have observed traders operating outside their specified marked site and refuse being left at the end of the trading day. This has led to obstruction and litter complaints from residents and other traders. The Council's licensing team are consulting on reviewing the Council's Street Trading Policy, in particular removing the exception wording applying to Upper Gardner Street in conditions D and E and notes attached. This would also bring Upper Gardner Street in line with the rest of the Street Trading Policy and citywide market policy.

The amendments are marked in the attached document, "Appendix 1 – Street Trading Policy" and detailed below:

- Traders will ensure suitable refuse storage and remove refuse at the end of trading (~~with the exception of Upper Gardner Street~~)
- 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~~).
- 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. ~~In Upper Gardner Street in lieu of this condition being complied with the Council will offer a refuse collection service upon payment of an appropriate fee.~~

The aim of these proposed changes is to make Brighton & Hove's Street Trading Policy more transparent, enforceable and consistent. Officers can see no rationale for making an exception for Upper Gardner Street Market

I would be grateful if you could make any representations to the Licensing Manager within 4 weeks from the 30th October 2019 (**i.e. 27th November 2019**). Responses may be sent by email to the address given above or by post to:

Ehl.safety@brighton-hove.gov.uk

Licensing Team
Regulatory Services
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

If you need any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "J. Whitelegg". The signature is written in a cursive style with a loop at the end of the last name.

Jim Whitelegg
Regulatory Services Manager (Licensing and Trading Standards)

STREET TRADING POLICY

Consent Street	Purpose
Zone A	
City Centre Static consent sites (Dean Street, Marlborough Street, Castle Street, Crown Street, Western Road, Clarence Square)	General trading
Upper Gardner Street	Saturday market
Dukes Street, Market Street	Hot chestnut and other traditional Christmas trading activity
East Street, Dukes Street, Market Street, George Street Hove	Street artists who produce portraits on the street
George Street Hove, Black Lion Street, New Road Jubilee Street	Occasional markets including ethnic, farmers and crafts etc.
Zone B	
Area outside city centre	Mobile and static traders, both as regular occupation and community events and markets

Streets south of Vale Road, Portslade, along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road and streets within 1 mile radius from the new Falmer Community Stadium shall be prohibited streets with the exception of Kingsway, Kings Road and Seafront, Castle Street, Clarence Square, Crown Street, Dean Street, Marlborough Street, Western Road, Upper Gardner Street, Bartholomew Square, George Street Hove, New Road, Black Lion Street, Jubilee Street, East Street, Duke Street, and Market Street which shall be designated consent streets, and the Council's Parks and Gardens which shall be undesignated.

Streets North of Vale Road Portslade and along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road shall be consent streets, except that the Council's Parks and Gardens will be undesignated.

Clarification

Times of trading:

Upper Gardner Street	7am – 5pm
City Centre	8am – 6pm
Zone B	8am – 6pm (there may be special dispensation to depart from these times upon application in individual cases).

- A waiting list will be administered where sites or types of street trading are oversubscribed.
- There will be no transfer of consents, no joint consents, preference will be given to local residents and consents will be issued not exceeding 12 months.
- Consent holders shall be fit and proper, the activity will cause no danger, obstruction, nuisance or annoyance to people in the vicinity and will leave 2m unobstructed footway.
- Preference will be given to existing traders at existing sites at renewal.
- Traders will ensure suitable refuse storage and remove refuse at the end of trading ~~(with the exception of Upper Gardner Street).~~
- Traders will wear identity badges issued by the Council.
- Traders will take reasonable fire safety measures.
- Consent will only be issued following receipt of appropriate fee. Fees shall be payable quarterly.
- If the site is temporarily unavailable, it will be relocated to a nearby site or suspended and a proportion of the fee remitted.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 :
STANDARD CONDITIONS FOR STREET TRADING

- A. The consent may not be transferred and the Trader shall not permit any person to exercise the consent in his/her absence unless that person is employed by the consent holder and is at least seventeen years of age. The consent holder shall not employ more than two persons at any one time to exercise the consent in the absence of the holder and any contravention of the standard conditions forming part of the consent by these persons shall be deemed to have been committed by the consent holder.
- B. The Trader shall not stand or use any stall, barrow, basket, vehicle or other receptacle in any street except those specified in the consent. Such trading receptacle, including vehicle shall be removed from the trading site at the end of each trading day.
- C. The Trader shall not sell, expose or offer for sale any articles on days or at times other than those specified in the consent.
- 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).~~
- 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. ~~In Upper Gardner Street in lieu of this condition being complied with the Council will offer a refuse collection service upon payment of an appropriate fee.~~
- F. The Trader shall operate in a manner which causes no nuisance, obstruction or danger to the Council or to the general public.
- G. The Trader shall at all times whilst trading wear in a prominent position an identity badge provided by the Council. In addition, for town centre street trading consents, the consent, or copy thereof, shall be displayed on the stall/mobile vehicle.
- H. The Trader shall be insured against any claim in respect of third party liability whilst trading under a consent. No consent will be issued until a current policy has been produced to the Director of Environment and the Trader shall produce evidence of such insurance to an authorised officer of the Council within seven days of the officer's request.
- I. Where there is a potential ignition source present including cooking facilities, a 2kg dry powder extinguisher which complies with the standards set out in BS 5423: 1987 must be provided.
- J. Where hot fat cooking facilities are provided a fire blanket should be provided and so positioned as to allow the blanket to be withdrawn easily and quickly.
- K. Streets within 1 mile from Falmer Community Stadium shall be prohibited streets.
- L. The Trader shall be prohibited from trading on double yellow lines.

- M. The Trader shall be prohibited from trading in residential and shared pay display parking bays.
- N. The Trader shall be permitted to trade from pay and display parking bays providing they abide by any specified maximum waiting times and display a valid ticket for that bay.

GUIDELINES ON THE RELEVANCE OF CONVICTIONS

General Principles:

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from registration but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted:

Offences involving violence

- It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or even more serious offences involving violence, at least five years should elapse before an application is considered.

Drug- related offences

- An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, need not necessarily debar a candidate from registration, provided the applicant has at least three years free of convictions or five years since detoxification if he/she was an addict.

Indecency offences

- Applicants with recent indecency offences would normally be debarred.

Dishonesty

- Convictions for isolated minor offences should not debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been

accompanied by violence, it is suggested that at least five years should elapse before registration.

Appendix B - UPPER GARDNER STREET COMPLAINT SPREEDSHEET

DATE	COMPLAINT	ACTION
14/01/2017	<p>The pic labelled the 25th was taken on Christmas day, this is def XXXX's rubbish from dip locks yard. It was cleared a day or so later.</p> <p>The second pic by the residential bins was taken just after 5pm today the 14th. Although I have no prove its pretty obvious where it's come from!</p> <p>There was no rubbish left in the street.</p> <p>Thanks</p>	Advice letters sent out



29

29/11/2017	<p>Thank you for your response. I have taken some pictures on Saturday 25th November from inside and outside of my property, please see attached.</p> <p>I don't find this acceptable. I don't want to make a song and dance of this as I feel this is exactly what he is trying to achieve although I shouldn't have to stare at the back of his tent when I open half of my store. I am simply asking he move to another pitch.</p> <p>Please could you send someone out to deal with this. I have been told by numerous people that he is trying to talk badly of me and it seems he is trying to ruin my reputation. Surely this is a form of harassment and not acceptable within the eyes of the council.</p> <p>I had heard a rumour prior to opening that he had planned on doing this, which I chose to ignore as I didn't believe someone would go to that extent simply for not getting a particular space I was offering within my business, I was shocked and concerned when seeing that he had</p>	29 November 2017 – Warning Letter sent
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gone out of his way to organise this not only directly out the front of my property but on the very same day I was opening to the public for the first time. I find this behaviour incredibly concerning as I have obviously become a target to XX XXXXXX and he chose that space and time to impact me the most.

I would like this issue dealt with in a friendly manner, and would like to stress, considering our disagreements it is in both of our interests to trade away from each other, there is enough room for us both to be on the street, just not right on top of each other.



30

08/05/2018

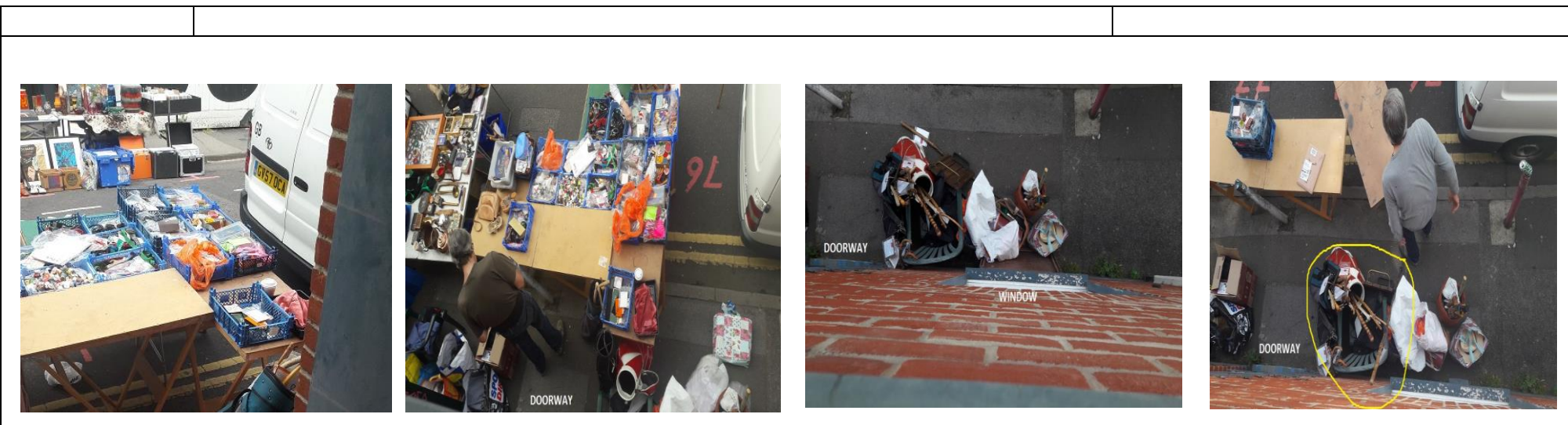
Complaint from XX XXXXXX (pitch XX) that owner of XXXXXX X Upper Gardner Street is using pitch XX (this is a do not allocate pitch)

29/05/2018

I bought a house in Upper Gardner St in 2015. I've recently begun redecorating the front of my house at great cost and labour.

Each Saturday the street vendor outside my property uses the entire front wall of my house to stack his equipment and stock, directly leaning them against the wall. These items include very long walking sticks. A few weeks ago some of this equipment slid off the wall and crashed onto my front door. I've asked the vendor twice to stop leaning items in this way, carefully and nicely, explaining the damage it could do to my property but he still continues to do this.

I would like for him to stop leaning his items on the front of my house, effectively using it as an extension of his business. Please could you kindly let me know what action I - or you - could take to implement this given that he is, I believe, in breach of your license guidelines for trading in Upper Gardner Street, in particular: "will cause no danger, obstruction, nuisance or annoyance to people in the vicinity and will leave 2m unobstructed footway". It's a distressing position for both myself and my partner to be living in either fear of damage to our property, or fear of possible confrontation/retaliation from the vendor.



06/06/2018

I spoke to a member of your team yesterday who said that my case would be responded to within 10 days. (Please see my original email dated 29/5/18, with additional information and photographs sent on 3/6/18.)

Referring to your own procedures on your website, it's clear that my initial enquiry is actually a complaint and I believe it fits within the following criteria for a 5-day response:

Accident: Obstruction to my property, blocking the pavement (health & safety issues), breaching 2m distance rule.

Condition of premises: Potential damage caused to my property by street market vendor.

Complaints regarding the service: Failure of Brighton and Hove Council to enforce their guidelines for licensed street market vendors.

As my first contact with your department occurred on 29/5/18, I would be grateful if you could answer my complaint within five days. I therefore look forward to hearing from you by the end of the week (i.e. before the next Saturday market) - especially given that this difficult situation has exacerbated my partner's mental health condition.

08/08/2018

Further to our telephone call yesterday I can confirm that, if it would help, we're okay with you passing on the photographic evidence to the market vendor.

Attached are some more photos taken on Saturday 28th July 2018 showing the vendor blocking my front door entrance again. Having checked the distance, his chair is just a foot from our doorstep. You can see this clearly in the photos by the light grey square of pavement directly outside our door.

Other than Saturday 28th July the vendor has not obstructed my property during Saturday

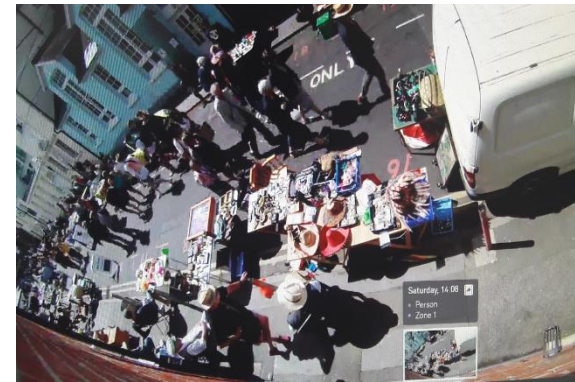
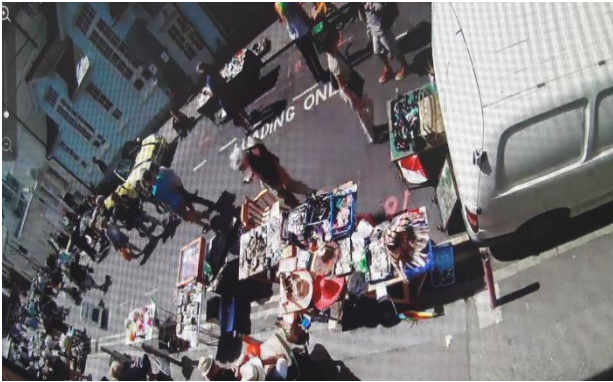
31

market trading hours.

I hope this helps resolve the case and that the vendor will now stick to your guidelines in a peaceful manner. Or, given my partner's serious anxiety condition, if further action were to be taken our preferred option would be to have him moved to an alternate pitch rather than to have his licence revoked for fear of possible retaliation. However, we do understand that this decision is not in our hands and is a matter for the council.

Dispute from him regarding his breach of your rules and his increased demands to acquire my photographic evidence, by proxy (i.e. through yourself and the council), is noted on 7th August 2018 as a continuation of the vendor's general nuisance and harassment. We are of course happy to liaise with you on this matter any time, and are grateful for all your help.

PHOTOS



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27/04/2019

At the time of the visit we checked all the pitches. We spoke to all the stall holders that were there, and reminded them that they had to have their permits and ID's with them.

Following the visit, I checked with Parking to confirm what the parking restrictions are during the Market. They confirmed that both residents and traders should not be parking while the market is trading.

Warning letters were sent all stall holders reminding them of no parking, keeping within their own pitches etc. I have received a few responses.

23 May 2019 – Warning Letter sent

15/09/2019

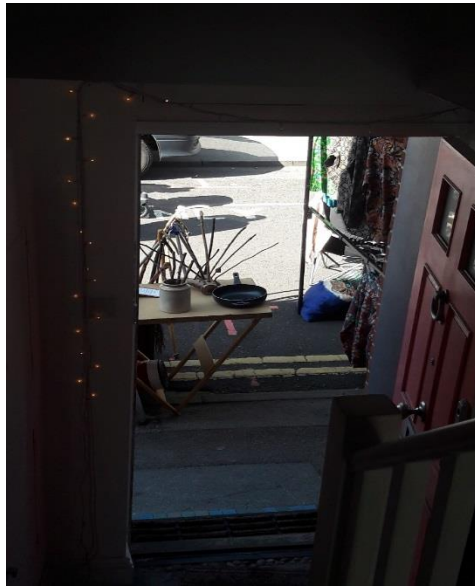
I hope you are well. After about a year of no issues with the market traders, I'm sad and frustrated to report that a new trader (pitches XX+XX) is now encroaching on our property. This began on 7th September.

4 September 2019 – Email sent and Field Officers to monitor

Unfortunately, they're leaning awning metal poles directly onto the house near my door. This is a similar issue to the one that started everything last time, when XXXXX's sticks crashed on our front door and caused damage. Access to our property is once again restricted, as you can clearly see in the photos - between the new vendor's stall/awning and xxxxx's long table, getting in and out is incredibly difficult. I have had to cancel therapy clients with disabilities as the only way through the gap is to turn sideways. Light through the front window is also reduced. (I have attached several photos and a video.)

I am keen to avoid any further possible damage to my property, so if the new vendors could be told to pitch up a safe distance from our house with nothing leaning on the walls, even while they are setting up/packing away, that would be great. I've not spoken to them yet, and don't intend to - as you can imagine it's better to avoid conflict after what happened the last time (especially considering my partner's chronic health issues, which include anxiety). I would also appreciate it being made clear to them that I don't want them to disturb us to try talking about the issues, e.g. knocking at the door during my working hours. I only wish to deal with the council, who are ultimately responsible for enforcing the Saturday Market regulations.

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21/09/2019



Appendix C – Responses Upper Gardener Street Market consultation

Upper Gardener Street Traders

Hi Dean,

Just for your information, I always clear my litter up. However, a few weeks ago, at the end of the day, I popped to the toilet and there were 2 empty coffee cups that I was going to take with me on my return. However, they were already cleared up by the lady at number XX. Just in case she complains.

Dear Jim

Thank you very much for your very nice reply to my email.

That's good all views will go towards the consultation document and you feel the market is positive. Also, excellent that a journalist is looking to do a feature on the market. There are some very interesting things on sale.

Best wishes

On 20 Nov 2019, at 11:51, Jim Whitelegg <Jim.Whitelegg@brighton-hove.gov.uk> wrote:

Dear XXXXXXX,

Apologies if the letter came across as too formal and officious. The purpose of the consultation document was purely to seek your views on removing some anomalies in the wording of the Street Trading Policy regarding Upper Gardner Street market.

Please be assured we do value the market and recognise and welcome that it has been in existence for well over 100 years. Only last week we were contacted by a journalist who had heard great things about the market and is looking at doing a good news feature on the market in spring next year.

Thank you your comments which are noted and will be included in the report going to committee.

Kind Regards, Jim

Jim Whitelegg | Regulatory Services Manager (Licensing & Trading Standards), Safer Communities | Brighton & Hove City Council

2nd Floor, Barts House, Barts Square, BN1 1JP

T 01273 292438 | brighton-hove.gov.uk

From:

Sent: 20 November 2019 11:07

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Your recent letter regarding Upper Gardner Street Market

Dear Dean

I was rather shocked by the tone of the Council's recent letter regarding Upper Gardner Street Market. It seemed very officious and generally negative - all the points seemed to be saying what we, as traders, were doing wrong and how we should change our behaviour. I could see nothing positive in the letter, which is rather demotivating, and sad.

Appendix C – Responses Upper Gardener Street Market consultation

Firstly, regarding the litter, it is, sadly, the case that pedestrians also leave their litter in the street - in fact people can leave disposable coffee cups etc on traders' stalls if not reminded (politely!) to please take them with them, so it may well be that the main provenance of the litter is not actually traceable to the stallholders.

Secondly, it seems very curious not to allow stallholders to use empty space if there is some adjacent to their pitches. Generally markets look better when they're fuller and therefore more interesting to visitors. I can see no good reason for asking traders not to make the market look better. If there is a good reason for this, it would be interesting to know what it is.

So, this leads into my next point. There appeared to be nothing positive in the Council's letter. Hopefully, as a very longstanding, traditional street market, this should be a point of interest to visitors and residents. It's a place where traders have an opportunity of selling somewhere at a reasonable pitch cost and so offering people on low incomes an alternative as there are many bargains there. Also it's a good way to recycle goods that would otherwise probably end up in landfill. It would have been nice if there had been some acknowledgement of this market being a positive contribution to Brighton and some modest thank you to the traders for continuing to stand and trade outside despite the cold and rain.

Also there was no mention of any publicity that the Council plans to do for this market. We have had several inspections of late and I wonder how much money has been spent on promoting the market versus wages for inspection? If you could let me know of any plans for publicising the market, I would be very interested to know.

Dear Mr Whitelegg

Thank you for yours of 28th Oct.

In it, you asked for representations to be made by today's date regarding proposed changes to the, longstanding, Street Trading Policy for Upper Gardner Street Market.

I stress that this is a Street Market and as such has not been subject to the Market Traders pitches having boundary restrictions such as are appropriate to sole traders working across the city. Unless all the pitches in this Street Market are let and occupied, which currently they are not.

This note is to respectfully request that you reconsider proposed changes to the Trading conditions in this Market. There is support from Traders and the public, the users of this Street Market for this request.

Petitions, both paper and on -line give evidence to this.

The first , a paper petition, entitled 'Upper Gardner Street Traders Response ' Nov 2019. is attached.

This is still gathering signatures as Traders come into the market.

As is the second petition, being signed by the public, shoppers in the market.

Appendix C – Responses Upper Gardener Street Market consultation

You will understand that as the last few Saturdays have been wet, the market has been sparsely populated.

It has even, at times, been rained off completely with no traders on site. This has limited the number of signatures to date. There have been fewer people in the market to sign.

However, here is also a growing online petition which contains many supportive comments and rationale for keeping the market as it is, without needless restrictions.

There seems to be no justification for condensing this market to a skeletal and barren form, particularly at this time of year when fewer traders have stalls and the weather keeps some away. Traders spreading keep this market alive through the winter months until the part time summer traders come.

If they are condensed to trading within the marked boundaries then this one time attractive feature of Brighton's character will be reduced to a shadow of what it was and what it could and should be.

I would ask therefore that you give due consideration to the points made and revoke any decision to try to adjust the regulations regarding Traders in Upper Gardner Street Market and the current exception to the rule D, regarding the spreading beyond boundaries.

The issue of rubbish removal is not one that I can address here as I always sweep the area around my pitch and remove any rubbish or litter, including that dropped or left by the public, before I leave the area.

There are no litter bins in the street but many local coffee shops serve take away refreshments and the cups and other waste get left in the street. This is evident across the city and is not the traders fault.

I hope that it is clear that my requests are in the best interests of this market, those who attempt to trade there and the public who historically have used the services we try to provide.

I hope too, that given these points you will look favorably upon these requests to allow this historic market to continue to function and serve the town/city as it has done since it's introduction by Harry Cowley in 1920.

Leave the rules for this historic market unchanged

543 have signed. Let's get to 1,000!

Poppy Rose signed this petition

Appendix C – Responses Upper Gardener Street Market consultation

[Steve Swain](#) started this petition to Jim Whitelegg and 6 others

Brighton and Hove City council want to impose a new rule to the historic and popular Upper Gardner Street Saturday Market in Brighton that has been in its present form with marked and numbered pitches since the 1920's.

The ruling has **always** been that Licensed Street Traders in Upper Gardner Street, **could** 'place, store or sell, expose or offer for sale any article **outside** the area marked at the specific site.'

If that space was clear.

Now the Council licensing team are '*consulting on reviewing their policy so that traders in Upper Gardner Street **can no longer** spread beyond marked pitch boundaries*'

Even if there are several empty pitches.

Those that have not been let or that are unattended on the day.

There are, consistently, many clear spaces.

If traders cannot spread this will leave the market looking nearly deserted, more than half empty and completely uninviting.

Consent holders trading at specific registered sites outside of this market and across the city **are** limited to boundaries. These tend to be **sole** traders. Fruit or seasonal sellers, Christmas papers, chestnuts and the like and these boundary rules seem appropriate to their work pattern and are not in dispute here.

Upper Gardner Street Saturday Market is and always has been a **number** of Stalls set up in **rows** along both sides of the street.

To enforce needless restrictions such as are suggested will be to destroy the ambience and character of the market. If the traders are constrained without any flexibility then the market will lose the appeal that it functions on.

The Council have stated that the aim of this change '*is to make their policy more transparent, enforceable and consistent. Officers can see no rationale for making an exception for Upper Gardner Street.*

I have attempted above to offer the 'rationale' for leaving the regulations for Upper Gardner Street as they stand and have stood in this feature of Brighton's character since 1920 and before.

Thank you for considering this information.

Appendix C – Responses Upper Gardener Street Market consultation

Please note that it is not always possible to use our pitch number due to obstacles such as parked cars, scaffolding, e-bikes as this is a street market. As stated in previous correspondence (21/12/14) the council has no powers to move these obstructions and therefore the stall holder has to use a different pitch at times.

Upper Gardner Street Market Traders Response Nov. 2019

We the undersigned, as licensed traders, would request the following. That the Council reconsider their plans to change the very long standing rules for traders in Upper Gardner Street pitches.

For as long as it has been operating it has been the case that in this market, if space is available, it may be used by licensed traders.

Otherwise there will have been gaps with unoccupied stalls.

Unless and until all the available pitches have been let and are regularly occupied we can see no justification for limiting current traders from keeping the market looking busy by spreading into the otherwise empty spaces.

We appreciate that this ruling might apply in other, general trading sites, across the city where expansion might impose upon or inconvenience the public or other traders. This is not the case in Upper Gardner Street

Imposing this rule will be the end of the longest established market in this city.

It is a *Street Market* and has been for longer than most of us have been alive. It is steeped in and is part of Brighton's history, as research back to its origins and later developments in the 1920's under the support of Harry Cowley, show.

Social media feedback gives evidence to the popularity and individual style of this market. It should be preserved to operate in its present state.

Please give consideration to these points when making your decision.

NAME	Pitch Number	Email	Other Contact
JIM FLUDE	PITCH NO 62		85 BROOK WAY LANCING WEST SUSSEX BN15 8PH

Appendix C – Responses Upper Gardener Street Market consultation

Upper Gardener Street Residents

From:

Sent: Saturday, April 6, 2019 11:55 am

Subject: ugs "market"

Hi,

Following your visit to my home and my complaint against the "Saturday market", (as I said it is not officially a market but a collection of street traders.)

The photo (06.04.2019) attached shows how this trader intimidates any resident who try to park in "his" residents bay. The new xxx car valued at least 23k is surrounded by the traders stock and he and his stall table leans on the car potentially leaving scratches. I have previously had problems with the same trader who deliberately scratched my car with his display and verbally abused me when i asked him to move his displays and suspect that he or others have broken my car window, wing mirror and punctured various tyres of other residents cars. I have photos of some of these incidents.He used the same tactic on the photo of the blue vw which I showed to the police but they said they couldn't prove that the dents on the bonnet were caused by the traders furniture and didn't follow it up. I have asked David Fisher to withdraw his trading licence or at least move him to further down the street away from my home but he refused. The traders sells haberdashery.As he is a infrequent trader I suspect that he doesn't even have a licence to trade. I have also asked David Fisher to remove the " Please do not park on traders pitches" sign which is the cause of the intimidation from traders but he has refused.

I have asked him to publish which traders have which pitch but he has refused.

I have seen warning notes on residents cars from traders to move the car "One warning only." Residents comply with these intimidating warnings to safeguard their property and their safety when the street is taken over by strangers but **who know where we live!**

This "market" is not managed responsibly by the council which should at least protect the interests of their council tax payers and use other pitches within the street which has 92 spaces for trading compared with a maximum of 40 traders in the busiest time of the year. I have also complained to the police in the past who have shown no interest in following up. There is a "culture of intimidation" from a lot of traders on Saturdays which can only be ended by proper management and the interests of both the traders and Y zone residents taken into account.

I have also contacted various officials of the North Laine residents Association in the past who have shown no interest in this situation. would you accept your home street being taken over by strangers under these conditions?

Please do something to rectify this problem.

From: Sent: 27 November 2019 14:52

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Street Trading Upper Gardner Street

Dear Sir/Madam,

Thank you for your letter dated 28th October 2019 re. Upper Gardner Street market.

We bought X Upper Gardner St in 2015. The Saturday market was factored into our decision to purchase.

Appendix C – Responses Upper Gardener Street Market consultation

However, we were unaware that traders outside my property (and indeed along the whole street) were able to get away with the following:

- Using our house to lean, display and attach their stall and items for sale
- Block doorways and restrict access
- Repeatability violate the terms set in their trading policy/contracts
- Create a conflictual, even hostile, atmosphere for residents by ignoring repeated polite requests to stop creating a nuisance

I have had to contact the council about the above problems with the market traders on several occasions. Each time a new trader is pitched outside my house I then have to communicate with them, all over again, to reset clear boundaries around not leaning, blocking or using the front of my house for their trading. Because of damage caused to our front door by one of the traders, we have since had to install a security camera to ensure we're covered for any future incidents. At one stage, I even had to call the community police who were very helpful - but this obviously increased bad feeling with the people trading outside.

I welcome the amendments outlined in your letter, but wish to state that I want traders to be clearly away from our property at all times - at least by say, 1 metre - this includes the entire wall of our house, the window and also the front door. I do not understand why traders can have their stalls, canopies and goods directly on top of residents' houses. If traders cannot abide by their terms, or indeed the street is too small for such a market, then perhaps it should not be there at all.

The whole situation around dealing with trader nuisance and abuse is stressful and unnecessary, and if it does not get resolved then we'll be happy to join together with other residents to demand action.

Thank you for your letter regarding street trading on Upper Gardner Street.

I have lived on the street for just over 6 years and I love the street market and the character that it adds to our street and the North Laine. It is this kind of thing that makes Brighton, Brighton.

I would therefore ask that you do not make too many changes that would discourage the life of the market. For example, I feel that changing the exemption wording on condition D is unnecessary. Going outside of the lines has never been a problem. Unless people are blocking doorways (which I've never seen), then I think D should stay as it is.

Regarding the rubbish, I've always felt that the street is in relatively good condition soon after the market closes. I don't see a necessary haste to change this either.

Anyway, I realise that you will get many emails with differing views but I ask that you do all you can to keep encouraging the life of the market.

Appreciate all you do. Thank you for taking the time to read this.

Appendix C – Responses Upper Gardener Street Market consultation

From:

Sent: 27 November 2019 00:11

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: re JW/UGS/STP2019

I am responding to your letter dated 28th October regarding the market on Upper Gardner Street.

Before commenting on the proposed changes I have the following observations

1. I have no objection per se to the market. It has operated long before I moved into the street and I want it to continue into the future. I do not wish to deny anyone making a living. However there are a number of quality of life issues for residents that the council must address.
2. The majority of traders act in a responsible manner and it is a small number that don't.
3. Unlike the other markets listed in the policy UGS is primarily a residential street (though with some commercial properties occupying the southern end of the street towards the North Road end of the street with residences above). The market rules should specifically recognise the residential nature of the street and the need for traders to acknowledge and respect this fact.
4. The market causes significant disruption to the residents by drawing to it non residents who wish to visit the market and who would otherwise not visit / use the street. This generates noise and disruption significantly over and above the level nearby residential streets experience on a weekend.
5. Residents and their visitors cannot park their cars on the street on Saturdays despite paying for annual and visitor permits. Because of this residents have to move their vehicles to other streets in the area which affects the ability of residents in neighbouring streets to park near to their homes. Whilst no one has a right to park outside their own home or even on their own street the loss of parking spaces on a Saturday does place pressure on the other streets in the area. If residents cannot park then traders should not be allowed to either.

I now refer to the page 2 of the street trading policy headed 'Clarification'

Trading Hours

The UGS market is listed as starting at 7 am.

This is an hour earlier than the 8.00 AM listed for other markets (on non residential streets!).

At the very minimum UGS should have the same 8.00AM start time as the other markets. In fact given the residential nature of the street there is an argument to be made that UGS should have a later start time of 9.00am with the same 5pm finish as current in order to reduce the disruption to the residents.

Bullet point 3

States 'the activity will cause no danger, obstruction and will leave 2m of unobstructed footway'

However some, though not all, traders on UGS do significantly obstruct the pavement. This includes their tables and even goods being on the pavement and not on the pitch which is marked on the road. And as you are already aware some park their cars and vans across the pavement which is clearly an obstruction.

Appendix C – Responses Upper Gardener Street Market consultation

It should be a clear licence condition that traders cannot occupy **any** part of the pavement and nor should they use any part of a property to display their goods on.

Standard Conditions for Street Trading

D - I support the proposal. But I have concerns over some traders complying and the councils willingness and ability to enforce this.

E - I support the proposal. The vast majority of traders already remove their rubbish (and some even remove bottles etc dropped by visitors). But again I have concerns over the councils willingness and ability to enforce this against those that don't. Will council officers really attend at the end of the day on a Saturday to ensure traders actually comply?

G - Is a requirement that 'traders wear identity badges ...'. However I have yet to see any trader wear such a badge.

HOWEVER I see no mention in your proposed changes that Traders on UGS Market **should not park their vehicles on the street or pavement** during trading hours (with an exception for short periods to allow unloading at the start and loading at the end of the market day)

I believe this must be a clear, specific, condition for the UGS Market even if you believe it is covered by other conditions such as not causing an obstruction and I do not understand why you have chosen not to make it a clear condition.

From:

Sent: 22 November 2019 12:45

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Upper Gardener Street Market

Good afternoon,

Recently at my business we have received multiple letters from a neighbour called 'XXXX' in regards to the Saturday market on Upper Gardener Street.

This neighbour obviously has some issues with the market being on his doorstep which we understand cannot be easy. He has made accusations about being 'intimidated' and claims that damage has been made to his vehicle.

Whilst I cannot comment on whether his claims are true I can state with fact that the Saturday market has been here for well over 100 years and anyone that has moved onto Upper Gardener Street must of known about its occurrence every Saturday.

Some people that work on the market have been doing it for over 50 years themselves.

(Although for at least the last 6 weeks the market has not even been set up due to adverse weather conditions).

The market provides good income for many of the traders who pay their way towards the council rain or shine and provides the businesses on the street with a healthy footfall of potential customers. I cannot stress enough how important that footfall is to local business.

With issues of rubbish being left out after the market ends we personally have not seen this.

We're not saying there has never been anything left out but we have not seen evidence of this claim.

Appendix C – Responses Upper Gardener Street Market consultation

It appears to be a classic case of someone moving into a central city location and then complaining that a city centre isn't what they expected.

The reason for this message is simple, there are people on Upper Gardener Street who love the market and believe it to be an integral part of Brighton's history and future.

Thank you for your time.

From:

Sent: 23 November 2019 17:04

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>; Lizzie Deane <Lizzie.Deane@brighton-hove.gov.uk>

Subject: the Saturday "market"

23rd November 2019.

To Ehl.safety@brighton-hove.gov.uk

The last time that the Council surveyed our views was to increase the market trading times, from the 26 residential homes and 10 businesses in Upper Gardner Street regarding "the market," was in 2007. The application from the "market" traders was passed to extend the trading time to 5pm **no doubt** helped by allowing the "market" traders to vote for their own application and overwhelm the votes from the street residents. A classic Council stitch up.

Since then, 21 new homes were created from warehouses, the old school and vacant plots and we now have another chance to give our views providing the survey is restricted to Upper Gardner Street residents and council tax paying companies. (ie, don't allow the market trader's views to outweigh our views again.) Of the original 26 resident's homes, 18 have moved and have been replaced which means that a total of about 80% have not yet had their say on the future of their street.

The Council's ambiguous letter to us includes the information,
*"The aim of these changes is to make Brighton & Hove's street trading policy more transparent, enforceable and consistent. **Officers can see no rationale for making an exception for Upper Gardner Street**"*

But they only write about clearing up rubbish and trading within the trading space and nothing about the main problems of Intimidation of residents, parking and trading on double yellow lines and the pavement, and trading and parking in our residents parking bay, as set out in their own standard conditions, **L** and **M**, act 1982' which they haven't abided by for many many years.

Please confirm to me that these nightmare "market" conditions will end at last. I insist that the Council stick to their own "standard conditions for street trading" in the future, remove the red street trading pitch road signs, by double yellow lines and parking bay, replace the non legal parking and market signs (which street traders have used to intimidate residents) with standard 9-6pm resident parking signs and inform the residents of our street and Y zone of their legal rights.

From:

Appendix C – Responses Upper Gardener Street Market consultation

Sent: 24 November 2019 14:18

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: JW/UGS/STP2019 resident representation

Dear Jim

I am writing in regards to the letter received regarding Upper Gardner Street Market.

My main bugbear is in relation to Street Trading policy D. The trader shall not place, store or sell....

We have had problems with the man in his 40s outside on plot XX/XX (directly outside the front of our house) who sells books/vinyl discs. We have weekly trouble getting out of the front door/moving through his market stall. On two occasions my quite frail father has come to go out the front door and the trader has placed one of his boxes blocking the entrance to our house. My father politely told him to move it and that this is not acceptable - we need to be able to get out of the door without injuring ourselves and it still happened again a few weeks later. His items are strewn all over the show with total disrespect and inconsideration for us. He regularly props his items such as his chair and boxes against our front wall sometimes not so gently, which causes unnecessary wear and tear on our recently decorated property. Within less than a year the fresh paint has coffee spills and all sorts of random stains on which I am convinced is the marketeers doing.

One time we had the front of our house re-rendered and my father again caught Mr XXXXX leaning against our less than 24 hour applied cement. Just inconsideration at its finest. He went out to speak to him about it, again very politely to please get off it as it is drying and later on I overheard a conversation through my single glazed front window moaning about us and laughing that they were going to come back and cause criminal damage to our house during the night as revenge for my father politely telling him off. Said in jest or not, I take it seriously as we do not know the traders well.

XXXX another long term marketeer at a plot further up XX/XX? used to hang coats from our decorative porch which was very inconsiderate.

The lack of gap between pitches is the main problem. I have regularly had to climb over and/or step on books! depending on my mood! in order to escape my house on a Saturday. Trying to get through with a suitcase to go on holiday is near on impossible. They have to move their junk out of the way for me or I just roll the suitcase over it if they are not obliging.

A lot of the traders speak very loudly from 7am to each other and I rarely enjoy a lie in on a Saturday apart from when it is raining.

That is about it with my gripes on the market. Since xxx and his wife left the market a few years back - (they used to unofficially oversee it) it has gone from bad to worse. It is sad that it has got to the stage where we rejoice every time it is raining on a Saturday morning and the traders have been rained off, because we get to enjoy the simple pleasure of getting out the front door with ease.

For the examples I have cited and also the fear of and actual potential threat already made to damage our property I would like to remain anonymous if this is to be posted anywhere public as the traders in general hold the residents with very little respect and act as if they own the place.

Appendix C – Responses Upper Gardener Street Market consultation

From:

Sent: 04 November 2019 13:40

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Upper Gardner Street Market

Att. Jim Whitelegg

Dear Sir

I am a resident of Upper Gardner Street and welcome your recent letter about the Saturday market.

I know that some residents have had problems with their cars and parking with the market traders.

I do not have a car myself but I know how difficult it is for anyone visiting our street on a Saturday with a car or making a delivery.

Personally I find the traders can be very intrusive. Every Saturday I have to tolerate them standing right outside my window from morning till night.

When they load and unload they park on the pavement causing obstruction and blocking our light. They also set up their stalls so that very often there is no

space left to get in and out of our own houses. A number of them put up gazebos which also obstruct and block light.

Finally there is the litter problem. Every week I have to pick up empty take away coffee cups and strewn paper.

Hopefully now this has all been brought to light something will be done about it and the residents of Upper Gardner Street can have a few rights.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 25

Brighton & Hove City Council

Subject:	Blue Book Amendment – Cashless Payment Facilities		
Date of Meeting:	12 March 2020		
Report of:	Interim Executive Director of Housing, Neighbourhoods and Communities		
Contact Officer:	Name: <i>Martin Seymour</i>	Tel: 29-6659	
	E-mail: martin.seymour@brighton-hove.gov.uk		
Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Members are asked to consider whether there should be a condition that all Hackney Carriage and Private Hire Vehicles must have a functioning cashless payment facility available for passengers.

2. RECOMMENDATIONS:

- 2.1 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 **or**;
- 2.2 Members do not make cashless payments compulsory at this time but encourage all proprietors/drivers to make cashless payment facilities available.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Following a recent request by the Independent Drivers Brighton & Hove (IDBH) at a Taxi Forum meeting, the Hackney Carriage Office consulted the Trade on a proposal to make all Hackney Carriage and Private Hire Vehicles have a functioning cashless payment facility available for passengers. The current position is that cashless payment facilities are voluntary.
- 3.2 With the growth of cashless payments and the UK having the highest revenue in cashless payments in the European Union, and most of the population not carrying cash, it is reasonable to ensure that hackney carriage and private hire vehicles have facilities to offer cashless payments if required by the passenger. By carrying less cash drivers will at less risk from losing takings including theft and the public protected by there being a record of payment.

- 3.3 Transport for London (Tfl) has required taxis to have cashless payment facilities since October 2016 and Liverpool Council has recently made it mandatory for all vehicles to have cashless payment facilities available from 7th April 2020 following a 6-month lead in period.
- 3.4 There is much anecdotal evidence that passengers have to ask several drivers before they find a driver willing to take a card payment. Having cashless payments in all vehicles will make it easier for people to find a taxis in an increasingly cashless society, where it is clear that card payments are the preferred option for many people in shops, supermarkets, cafes and bars. With many visitors to the City each year who do not carry cash, it is important that we move with the times and give the customer what they want. This proposal also plays a big role in public safety because it means that late-night travellers will be able to get home safely without the worry of not having any cash on them.
- 3.5 It should be noted that cashless payment facilities are in addition to existing payments and not a replacement for existing payment methods. Operators that operate apps often have payment systems built into their systems which will continue to be the case but for others there is a small cost in purchasing a card reader and processing transactions. Any vehicles found not providing cashless payment facilities by officers may have their vehicle licence suspended, refused, or not renewed until compliance.
- 3.6 The taxi forum and drivers were consulted on the 17th October 2019 regarding this proposed change of policy with responses due by the 30th November 2019. A copy of the consultation can be found at Appendix A. 17 responses were received from the trade 12 of which were supportive of cashless payment facilities. See Appendix B. A joint response from the Sudanese Taxi Forum, United Taxi Driver Association, City Cabs, Radio Cabs, Streamline, IDB&H, Unite & GMB was submitted which included 161 objection letters from drivers. The Joint Submission can be found at appendix C. An unsigned copy of the objection letter can be found at Appendix D.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1. This matter was discussed at the Brighton & Hove Hackney Carriage & Private Hire Consultation Forum and a formal consultation was undertaken with the trade.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1. There are no direct financial implications arising from the recommendation made in this report.

Finance Officer Consulted: Michael Bentley Date: 17.01.2020

Legal Implications:

5.2. The power to impose conditions on Private Hire and Hackney Carriage Vehicle licences derives from Sections 48 (2) and Section 47 of the Local Government (Miscellaneous Provisions) Act 1976. Such conditions should be reasonably necessary.

Lawyer Consulted: Rebecca Sidell

Date: 16.01.2020

Equalities Implications:

5.3 Licensing authorities must ensure that a safe hackney carriage and private hire vehicle service is freely available to meet the demand across all sectors of the public, especially those vulnerable groups to whom a taxi or private hire vehicle is often the only means of completing a journey

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. Option 1

Keep existing Policy.

6.2. Option 2

Consider that all Hackney Carriage and Private Hire Vehicles have a functioning cashless payment facility available for passengers

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. To ensure all Hackney Carriage and Private Hire Vehicles have a functioning cashless payment facility available for passengers to pay any fare due.

SUPPORTING DOCUMENTATION

Appendices:

1. Consultation Document

2. Trade Responses

3. Objection Letter

Hackney Carriage & Private Hire Licence Condition Proposals.

Cashless Payment Facilities

Following a recent request by the Independent Drivers Brighton & Hove (IDBH) at the last Taxi Forum, the Taxi Licensing Team wish to consult the Trade on a proposal to make all Hackney Carriage and Private Hire Vehicles have a functioning cashless payment facility available for passengers.

With the growth of cashless payments and the UK having the highest revenue in cashless payments in the European Union, and most of the population not carrying cash, it is reasonable to ensure that hackney carriage and private hire vehicles have facilities to offer cashless payments if required by the passenger.

Proprietors may also have a receipt printing facility should they wish to do so.

If you have any comments on the proposal please reply to this email or send your comments to the Hackney Carriage Office, Hove Town Hall, Norton Road, Hove, BN3 3BQ by the 30th November 2019.

Cashless payment facilities Consultation

1.	I have already have a cashless payment facility in my car. It is easier for us and for customers. Every taxi must have this.
2.	So long as payment via an app (e.g. on a smartphone) is included in the definition of "cashless payment facilities" (as opposed to mandating that physical card machines must be in a vehicle), then we support this change to policy.
3.	100% agree
4.	It should be personal choice, the Council is prescriptive enough. Also some of us with machines have them go wrong; this would mean we could not work.
5.	I'm writing In reply to you trying to force taxi drivers to take cash less payments for customers on the grounds that a) I have to wait 3 days for the payment to clear in to my bank account and I get charged for the use of the machine and I'm self-employed taxi driver why should I pay for there transaction I'm a small business and over its a lot of money so I'm losing money on every job that pays by card plus if I don't cash in the vehicle how do we know that a the card is good and belongs to the bearer as there is no way to stop people using stolen cards and stopping payment after they leave the taxi and we lose the payment and you cannot force me to take cards as it is not law in this country to do so it my choice not yours
6.	I think it is a good strategy for ALL licensed vehicles to have cashless payment facilities. I have an IZETTLE and have used it for 2 years plus. There are more and more people asking for this and up to 35% of my weekly revenue is on a card. A lot of cabs in Brighton station do not offer this facility to the public and still much prefer cash. It is so short sighted, and frustrating to the public that they turn business away in favour of cash, much to relative displeasure of the public who have to go down the line trying to find a card carrying car. You may get a backlash implementing this. But it is for the taxi industries long term good. It has my full approval.
7.	In response to the proposal to make all taxis accept cashless payments I would like to offer my full support for this idea. I already take card payments in my cab and the izettle system works really well and isn't particularly costly to operate although it should be noted that you do need a good mobile data connection which can be a problem if you are out in the countryside. Most of the other drivers that I speak to would also support this move, it is already compulsory in London black cabs, shouldn't be controversial and can only benefit the trade and the travelling public, the sooner the better in my opinion. I believe that if the public were aware that ALL cabs take card payments we would get back a fair chunk of business lost to the internet cab firms. People really don't want to have to walk down a line of cabs asking each one if they take cards, it just isn't what people expect it these days and makes us look quite unprofessional at times. I fully support this proposal and believe I speak for a fair number of my colleagues too

8.	<p>As a strong advocate of the ability for all Taxis and Private Hire Brighton and Hove licensed vehicles to take cashless payments, I would strongly support this proposal.</p> <p>One of the problems [REDACTED] encountered was that although the vast majority of Streamline Taxis have the ability, not all drivers of every taxi was able to take cashless payments, if the driver's individual phone was not compatible with that technology.</p> <p>Perhaps the answer should be that a phone should be available in every taxi for every driver to be able to use, to then take cashless payments from customers?</p>
9.	<p>Hooray!! The Hackney Carriage Office has moved into the 21st century. As I have reported previously, on a daily basis I see customers in the rain, late for an appointment etc. walking up and down the rank looking for a taxi that will take a card. We are licenced to provide a service which cannot be fulfilled unless all drivers have card facility.</p>
10.	<p>I have provided cashless payment service for over 3 years. Many other taxi drivers in Brighton-hove are refusing this service. They argue it's all about personal choice. I feel this is their own selfish choice and contrary to most customers preference to have the choice of both payment methods available. This often results in the embarrassing spectacle of customers sometimes loaded with luggage or shopping going from car to car at a rank looking for a car that accepts card payment only to be refused many times. This I believe is detrimental to our business and in consequence unfair to the drivers that accept this form of payment and are striving to compete with the scourge of OOT cars invading our town and taking our business. I am confident and have been informed by customers that acceptance of cashless payment is a main factor in using app based company cars rather than local taxis. I have also witnessed some drivers demanding a minimum £8 fare journey which is contrary to HC rules. The only problem I have had is sometimes connection problems and have a sign in my car informing customers that it is still their responsibility to pay the fare if this happens. To avoid this problem I suggest a estimated payment in advance with adjustment at the destination. I believe cashless payment should be compulsory to all licenced taxi/private hire vehicles to enable a level playing field for everyone.</p>
11.	<p>I would only support compulsory card readers if proprietors are able to continue using the existing systems we have. I have used I Zettle for the past two years, which is specifically designed for sole traders and small businesses. The reader only costs £29 and the transaction fee I pay is 1.75 %, with no monthly fee. For instance, it's only 9p on a £5 fare and 79p on a £45 Gatwick fare. At these figures I can easily absorb them as I know it's increasing my business. There is a facility to email a receipt to the customer and I can print off monthly reports for my records. It is very efficient and all my customers like it.</p>

	<p>The running costs of other systems are far higher and wouldn't really be viable for use by a sole trader.</p> <p>If we are to get more drivers to take cards then the system has to be cheap enough to run and easily used. I Zettle fulfils that. Also it is backed by Santander Bank.</p> <p>In addition to my I Zettle, [REDACTED] customers have the option to pre pay a journey using our App, or to pay by card direct to [REDACTED] when booking, so our customers are well catered for with the existing systems we have when paying by card.</p> <p>One further thing is that I find it ironic that the council want to bring in more regulations to Brighton and Hove, yet at the same time we are flooded with out of town cars that do not adhere to our regulations. I think a level playing field is called for before further regulation of the local trade.</p>
12.	Agree and support the proposal.
13.	<p>Condition of Licensing Proposal – Compulsory Credit Card Readers - Objection</p> <p>I wish to record my objection to the proposed condition of licensing for compulsory credit card readers on the following grounds:</p> <p>I run as a self-employed individual trader and as such it should be my choice as to whether I take credit cards to run my business or not just like any other business.</p> <p>I am concerned that there could be technical problems as a good phone signal is needed for the transaction to take place in a mobile environment and there are areas in the city where the signal can be weak. This also applies to other areas just outside of the city.</p> <p>For example during Brighton Pride I know it was difficult at times with mobile signals and this often happens on New Year's Eve.</p> <p>What provision will the council be making for compensation for loss of money on a failed transaction or where having completed a journey a credit card is denied because I am forced to undertake all journeys on the basis that the journey can be paid by credit card?</p> <p>I understand that street vendor licenses (Street Trading Consents) are issued by the council. But does the council impose a condition of such Licensing/Trading Consent that a credit card facility must be provided?</p> <p>I understand that alcohol licences are issued by the council. But does the council impose a condition of such Licensing that a credit card facility must be provided for payment?</p> <p>A taxi journey is very different from other businesses in that payment is demanded with the fare shown on the taxi meter after the journey is completed. Other businesses usually work on a payment first before goods or a service is provided such as bus journeys.</p> <p>I am aware of many licensed drivers who live on a day-to-day and hand-to-mouth basis and a condition imposing compulsory credit card readers could force these drivers to leave the trade and even put off new drivers from being licensed in Brighton & Hove at a time when the number new drivers being licensed here has dropped</p> <p>When Licensing Officers carry out enforcement checks for vehicle conditions will drivers be suspended if there is no credit card reader available?</p> <p>If there is a complaint from a customer for whatever reason a credit card transaction could not take place will there be a demand for CCTV and for the</p>

	<p>driver to be interviewed and possibly be suspended or lose his or her licence? Until such a time as and when the council employs me and pays my wages I strongly object to be compelled to take all journeys via a credit card.</p>
14.	<p>Thought it wrote in to express my support for having compulsory card readers in all B&H taxis and PH's. The points that I would like to put forward as to why I think it would be a very much positive move for the trade:-</p> <ol style="list-style-type: none"> 1. The UK is being pushed into being a cashless society and cashpoints are disappearing fast. Finding a cash point that's doesn't charge or not deviating from your normal route(to find one) is becoming increasing hard. It will no doubt become more and more difficult as more ATM's are closed in the future. 2. The service industry is based on efficiency and the tiniest saving in customers time or money will make the difference between a sale (fare) or not. Having card readers will give an option to potential customers not to use Uber. 3. As with the taxi trade all over; it is a bastion for someone to become a member who can get away with being terrible at their job and having no people skills. These rather mischievous types would rather not have more of their personal information given to their customers (victims) by way of receipts that the card provider sends to the card payer. Which could then be used to put in a complaint to the HCO for any poor service. 4. Not having a card reader is used by taxis on the rank as a way of cherry picking higher fares. The usual question from customers who have climbed into my cab; is that they asked where he/she was going, before coming out with the reply "I don't have a cab reader". 5. Continuing from point 4; just the levels of exasperation from customers on why they need to keep asking for permission to use a taxi! I see time and time again drivers flatly refuse a fare (by refusing to take cards) and then then going to cab after cab asking to give their hard earned money for a fare home. Many a times they just walk off. <p>There are a few points that have been brought up to oppose the compulsory implementation of readers:</p> <ol style="list-style-type: none"> 1. A lot of drivers are intimidated by the technology and are unawares how easy they are to use with a smartphone. 2. A lot of drivers get used to the day to day cash income and thus live a day to day existence when it comes to finances. 3. Drivers are not aware that they can transfer funds immediately into the chosen accounts. They are not also aware that you can claim the 3% card charges onto your expenses. 4. Probably the biggest worry is that the new regulations would require the instillation of permanent fixed card readers (such as the back cabs in London), these would then be linked to the council who would be able to take the cab off the road if their were a fault with the card reader network. If the new Bluetooth portable card readers were the required standard, rather than the permanent fixed readers. Then there would be overwhelming support from myself and the vast majority of the trade. I personally have a back up reader just in case the my main reader has

	malfunctioned.
15.	<p>Whilst I have a card payment facility I do not believe that drivers should be compelled to have them or be forced to use them for the following reasons:-</p> <p>Reception.</p> <p>1. Sometimes you cannot achieve reception and get the machine to work either in or out of town. This is an inconvenience to the driver who may not get paid (it has happened to me!) and the customer. Moving the vehicle position or walking outside sometimes works to achieve reception but this is not satisfactory and can be dangerous in traffic or town. Going to a cash point at this time costs the customer more money and time and is inconvenient to both.</p> <p>Bank Card Failure.</p> <p>2. Sometimes customers bank cards do not work due to damage or lack of funds or bank problems which a driver should not have to be concerned about from the outset! Cash always works.</p> <p>Cost of Transaction.</p> <p>3. As soon as you accept that a bank card is to be used we are not on the set fare rate as dictated by the HCO. Drivers have to pay the bank card facilitator for each transaction.</p> <p>Traffic Flow.</p> <p>4. Parking a vehicle to allow the passenger to disembark in the small hilly streets of Brighton and Hove is dangerous and holds up the traffic whilst the jobs details are put into a card machine and you wait for it to work. There's further anxiety if the card or machine does not work when you cannot achieve reception or the card is faulty. Include a receipt and it takes even longer. Cash is quick and always works.</p> <p>Fare, Monies, Payment.</p> <p>5. Drivers have to wait for the fare to be paid into their account by the facilitator and therefore they do not get monies immediately for the work carried out at the time. This puts a strain on the drivers immediate income and a loss of interest.</p> <p>Tips, Income.</p> <p>6. All drivers but especially those working for an owner see tipping as major part of their income as do the service industry. Most bank card transactions do not include tips especially if the bank card belongs to a company.</p> <p>Paperwork, Accounts.</p> <p>7. There is a lot more paperwork involved in a bank card transactions. I have to keep a separate file for bank card jobs so that you can check if all jobs are paid by the facilitator and all the sums are correct.</p> <p>Card Charge?</p> <p>8. I hear that some drivers are placing a minimum charge on the use of a card (not the fare) and figures quoted seem to be £6 to £8.00? Whether this is fact or fiction I do not know? Will we be able to do this?</p> <p>Conclusion:</p> <p>I believe self-employed drivers and owners should have the freedom to choose how they run their business and should not be forced to use a system that can be floored or is logistically awkward, perhaps dangerous and creates a financial hardship. It is not the case that other small businesses licenced or not by the Council have too or are forced to use bank card facilities.</p>

	<p>I personally use a card machine for the opportunity it gives me for leaving the rank quicker and the convenience for the passenger but I still encounter all of the above and would rather work with the reliability and speed of cash. Only three weeks ago I lost a £14.00 fare because a customers card would not work and he had no cash on him. If cards are compulsory there should be a statutory charge for using them to cover costs and the inconvenience to the driver. 'Perhaps a sign stating that the final fare has to be paid if the card payment fails?'</p> <p>Card machine requests are more frequent these days when working Brighton Station because customers don't want to use the cash machine there because it charges £2.00. I agree! Why should a small business like a taxi suffer card charges because banks have become greedy?</p> <p>I hope my experienced input helps in your office accessing said consultation.</p>
16.	<p>Condition of Licensing Proposal – Compulsory Credit Card Readers - Objection</p> <p>I wish to record my objection to the proposed condition of licensing for compulsory credit card readers on the following grounds:</p> <p>I run as a self-employed individual trader and as such it should be my choice as to whether I take credit cards to run my business or not just like any other business.</p> <p>I am concerned that there could be technical problems as a good phone signal is needed for the transaction to take place in a mobile environment and there are areas in the city where the signal can be weak. This also applies to other areas just outside of the city.</p> <p>For example during Brighton Pride I know it was difficult at times with mobile signals and this often happens on New Year's Eve.</p> <p>What provision will the council be making for compensation for loss of money on a failed transaction or where having completed a journey a credit card is denied because I am forced to undertake all journeys on the basis that the journey can be paid by credit card?</p> <p>I understand that street vendor licenses (Street Trading Consents) are issued by the council. But does the council impose a condition of such Licensing/Trading Consent that a credit card facility must be provided?</p> <p>I understand that alcohol licences are issued by the council. But does the council impose a condition of such Licensing that a credit card facility must be provided for payment?</p> <p>A taxi journey is very different from other businesses in that payment is demanded with the fare shown on the taxi meter after the journey is completed. Other businesses usually work on a payment first before goods or a service is provided such as bus journeys.</p> <p>I am aware of many licensed drivers who live on a day-to-day and hand-to-mouth basis and a condition imposing compulsory credit card readers could force these drivers to leave the trade and even put off new drivers from being licensed in Brighton & Hove at a time when the number new drivers being licensed here has dropped</p> <p>When Licensing Officers carry out enforcement checks for vehicle conditions will drivers be suspended if there is no credit card reader available?</p> <p>If there is a complaint from a customer for whatever reason a credit card transaction could not take place will there be a demand for CCTV and for the driver to be interviewed and possibly be suspended or lose his or her</p>

	<p>licence? Until such a time as and when the council employs me and pays my wages I strongly object to be compelled to take all journeys via a credit card.</p>
17.	<p>As a strong advocate of the ability for all Taxis and Private Hire Brighton and Hove licensed vehicles to take cashless payments, I would strongly support this proposal.</p> <p>One of the problems [REDACTED] encountered was that although the vast majority of [REDACTED] have the ability, not all drivers of every taxi was able to take cashless payments, if the driver's individual phone was not compatible with that technology.</p> <p>Perhaps the answer should be that a phone should be available in every taxi for every driver to be able to use, to then take cashless payments from customers?</p>

Dear HCO

In regards to the consultation for credit card machines I would like to make it known that I agree with this proposal for the following reasons:-

- I now on regular occasions find customers ask me if I take card after they have asked some 5 or 6 cabs in front of me, once on board they then disclose that drivers have asked their destination before answering if they take card.

This is cherry picking first and foremost and so creating an unfair playing field where honest drivers do all the short jobs.

- I feel that the trade cannot be left to slowly move into credit card payments as per

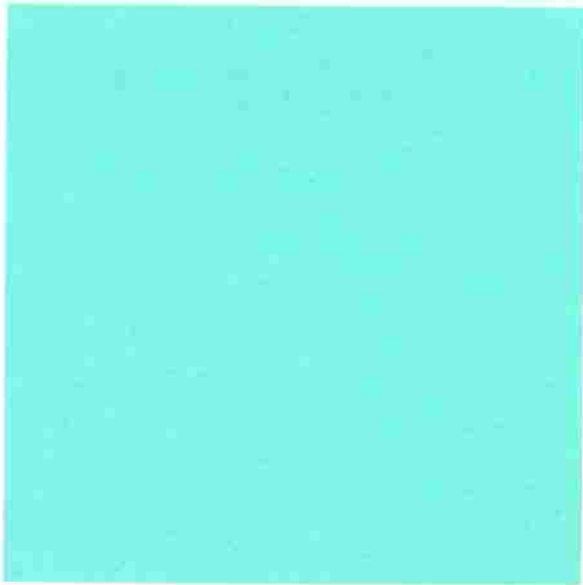
above, this will only force the more trade conscious drivers to leave as they will be unable to survive, and so the race to the bottom will continue.

- I understand that other licensed businesses do not have this regulation forced upon them but not like other competitive businesses where you need every angle to make money, cab drivers can cherry pick work using the lack of card machine to their advantage.
- with the increase of cash machines closing down drivers will be taking passengers in much more elongated routes to seek cash payment, this will add greater expense to the customer.

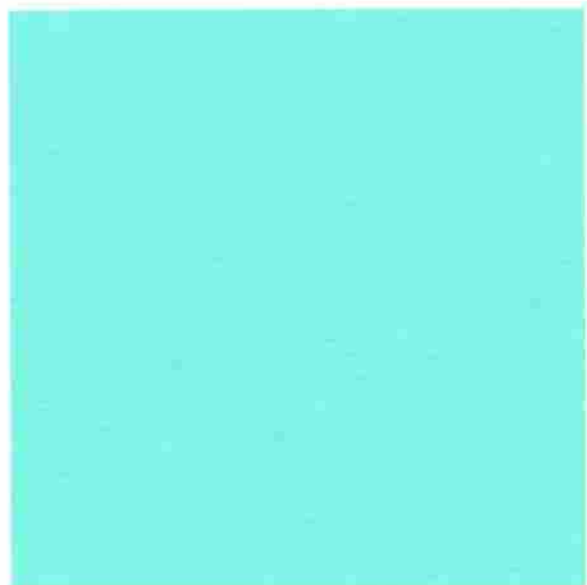
Please take these points on board during your consultation.

Yours faithfully

Name



Badge



Martin Seymour
Taxi Licensing Department
Hove Town Hall



Dear Martin

The taxi licensing department contacted the trade on October 17 2019 regarding the following matter:

“Hackney Carriage & Private Hire Licence Condition Proposals.

Cashless Payment Facilities

Following a recent request by the Independent Drivers Brighton & Hove (IDBH) at the last Taxi Forum, the Taxi Licensing Team wish to consult the Trade on a proposal to make all Hackney Carriage and Private Hire Vehicles have a functioning cashless payment facility available for passengers.

With the growth of cashless payments and the UK having the highest revenue in cashless payments in the European Union, and most of the population not carrying cash, it is reasonable to ensure that hackney carriage and private hire vehicles have facilities to offer cashless payments if required by the passenger.

Proprietors may also have a receipt printing facility should they wish to do so.

If you have any comments on the proposal please reply to this email or send your comments to the Hackney Carriage Office, Hove Town Hall, Norton Road, Hove, BN3 3BQ by the 30th November 2019.”

Under the ‘Brighton & Hove Taxi Trade Forum Association’ the trade reps met on Wednesday November 6 2019 to primarily discuss this matter.

The trade reps attending were: Sudanese Taxi Forum - United Taxi Driver Association - City Cabs - Radio Cabs – Streamline - iDB&H - Unite - GMB

Conclusion of meeting:

Card Readers

The trade reps debated the pros and cons of mandatory card readers.

170 letters of objection were provided at the meeting . These along with any other such letters provided will be supplied to the council by November 30 2019

The conclusion of the discussion was that whilst the trade should be encouraged to provide card readers it was unanimously supported that the trade will stand against any further regulations to our conditions of licensing under the current situation in the city where hundreds of vehicles not licensed by the council predominantly work here with impunity under Uber.

It is also considered that by adding further conditions to our highly regulated local taxi/private hire trade will add more reasons to not gain a local licence but instead seek a licence from other licensing authorities with lower conditions of licensing and work 'out of sight out of mind'.

This would then mean that the trade does not support card readers to be added as a condition of licensing.

Letters of Objection

Approximately 170 template letters of objection from licensed drivers have now been presented to the council.

With regards

Andrew Peters
Secretary
GMB Brighton & Hove Taxi Section

On behalf of the Brighton & Hove Taxi Trade Forum Association

**Brighton & Hove City Council
Taxi Licensing
Town Hall
Norton Road
Hove**

Condition of Licensing Proposal – Compulsory Credit Card Readers - Objection

I wish to record my objection to the proposed condition of licensing for compulsory credit card readers on the following grounds:

I run as a self-employed individual trader and as such it should be my choice as to whether I take credit cards to run my business or not just like any other business.

I am concerned that there could be technical problems as a good phone signal is needed for the transaction to take place in a mobile environment and there are areas in the city where the signal can be weak. This also applies to other areas just outside of the city.

For example during Brighton Pride I know it was difficult at times with mobile signals and this often happens on New Year's Eve.

What provision will the council be making for compensation for loss of money on a failed transaction or where having completed a journey a credit card is denied because I am forced to undertake all journeys on the basis that the journey can be paid by credit card?

I understand that street vendor licenses (Street Trading Consents) are issued by the council. But does the council impose a condition of such Licensing/Trading Consent that a credit card facility must be provided?

I understand that alcohol licences are issued by the council. But does the council impose a condition of such Licensing that a credit card facility must be provided for payment?

A taxi journey is very different from other businesses in that payment is demanded with the fare shown on the taxi meter after the journey is completed. Other businesses usually work on a payment first before goods or a service is provided such as bus journeys.

I am aware of many licensed drivers who live on a day-to-day and hand-to-mouth basis and a condition imposing compulsory credit card readers could force these drivers to leave the trade and even put off new drivers from being licensed in Brighton & Hove at a time when the number new drivers being licensed here has dropped

When Licensing Officers carry out enforcement checks for vehicle conditions will drivers be suspended if there is no credit card reader available?

If there is a complaint from a customer for whatever reason a credit card transaction could not take place will there be a demand for CCTV and for the driver to be interviewed and possibly be suspended or lose his or her licence?

Until such a time as and when the council employs me and pays my wages I strongly object to be compelled to take all journeys via a credit card.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 26

Brighton & Hove City Council

Subject:	Blue Book Amendment - Private Hire Roof Signs		
Date of Meeting:	12 March 2020		
Report of:	Interim Executive Director of Housing, Neighbourhoods and Communities		
Contact Officer:	Name: <i>Martin Seymour</i>	Tel: 29-6659	
	E-mail: martin.seymour@brighton-hove.gov.uk		
Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Members are asked to consider that Private Hire Vehicles are no longer required to have a roof sign.

2. RECOMMENDATIONS:

- 2.1 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 **or**;
- 2.2 That all Private Hire Vehicles are required to have roof signs unless a livery exemption has been granted.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 It is proposed that the current mandatory requirement for PHV to have roof signs is changed to one being at the proprietor's or their operator's discretion. Private Hire Roof Signs were introduced approximately 30 years ago to give Private Hire Vehicle's equality with Hackney Carriages Vehicles to advertise an operator's telephone number and allow customers to recognise their preferred operator's vehicle arriving to pick them up. With the arrival of app-based booking systems where customers receive details of the vehicle and driver this has become less relevant with many apps giving details of the driver, vehicle and its arrival time and operators using 'call back' systems.
- 3.2 Private Hire Vehicles will still be required to have front & rear door signage as well as displaying a plate on the rear of the vehicle. However, current policy needs clarifying

as the Blue Book, in paragraph 150.5 states that a private hire vehicle must have a roof sign unless exempt from displaying livery. The roof sign shown must have the same single telephone number or; company name/logo matching the door sign on the vehicle on the front and back of the roof sign. However, in paragraph 156. the Blue Book states that “an approved roof sign **may** be displayed.

- 3.3 Since the introduction of the Council’s livery exemption policy a significant number of proprietors consider such a roof sign to be an unnecessary burden on their business. There is also a belief that a roof sign may cause confusion to the public as the vehicle can give the appearance of a licensed hackney carriage for hire especially when the roof sign is illuminated. It has increasingly apparent that proprietors are disregarding this requirement following the growth of app-based operators that do not have a phone number for customers to call or by drivers who work on multiple operator circuits as it confuses passengers waiting for their preferred operator.
- 3.4 The Taxi Licensing Office regularly receives complaints from licensed drivers reporting incidents of vehicles without roof signs which involve a disproportionate amount of officer time in enforcing licensing conditions. In addition, before the current livery exemption policy the livery exemption was based on a roof sign exemption which is still reflected in the Blue Book which states “An approved roof sign **may** be displayed” which has added some confusion amongst proprietors as to the need to have a roof sign.
- 3.5 The practice of displaying a vehicle plate and door signs is to ensure clear identification of licensed vehicles by licensing officers, police officers and the hiring public. A strict policy in displaying plates can help prevent the highly illegal practice of unlicensed vehicles operating for hire and reward and can also prevent confusion with hackney carriage vehicles.
- 3.6 The taxi forum and drivers were consulted regarding this proposed change of policy. A copy of the consultation can be found at Appendix A
- 3.7 11 responses were received from the trade (see Appendix B) 5 of which supported the proposal and 1 joint response from the Sudanese Taxi Forum, United Taxi Driver Association, City Cabs, Radio Cabs, Streamline, IDB&H, Unite & GMB (see Appendix C) who do not support the proposal.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1. This matter was discussed at the Brighton & Hove Hackney Carriage & Private Hire Consultation Forum and a formal consultation was undertaken with the trade.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1. There are no direct financial implications arising from the recommendation made in this report.

Finance Officer Consulted: Michael Bentley Date: 17.01.2020

Legal Implications:

5.2. The power to attach conditions to Private Hire and Hackney Carriage Vehicles comes from Sections 47 and 48 of the Local Government Miscellaneous Provisions Act 1976. Such conditions should be 'reasonably necessary'. Regard should be had to the consultation responses.

Lawyer Consulted: Rebecca Sidell Date: 16.01.2020

Equalities Implications:

5.3 Licensing authorities must ensure that a safe hackney carriage and private hire vehicle service is freely available to meet the demand across all sectors of the public, especially those vulnerable groups to whom a taxi or private hire vehicle is often the only means of completing a journey

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. Option 1

 Keep existing Policy.

6.2. Option 2

 Make Private Hire Roof Signs Optional

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. To make Private Hire Roof Signs Optional.

SUPPORTING DOCUMENTATION

Appendices:

1. Consultation Document

2. Trade Responses

3. Joint Trade Response

Private Hire Licence Condition Proposals.

PHV Roof Signs

It is proposed that the current mandatory requirement for PHV to have roof signs is changed to a voluntary at the proprietor's or their operator's discretion.

Private Hire Roof Signs were introduced approximately 30 years ago to Private Hire Vehicle's equality with Hackney Carriages vehicles to advertise a telephone number and allow customers to recognise their operator's vehicle arriving to pick them up. With the arrival of app based booking systems where customers receive details of the vehicle and driver this has become less relevant.

Since the introduction of the Council's livery exemption a significant number of proprietors consider such a roof sign to be an unnecessary burden. There is also a belief that a roof sign may cause confusion to the public into thinking that the vehicle gives the appearance of a licensed hackney carriage taxi for hire especially where the roof sign is illuminated.

Proprietors that continue to have a roof sign on their vehicle must continue with the current specifications and numbering or lettering on the sign to match their.

The HCO regularly receives complaints from licensed drivers reporting incidents of vehicles without roof signs which involve a disproportionate amount of officer time in enforcing licensing conditions.

If you have any comments on the proposal please reply to this email or send your comments to the Hackney Carriage Office, Hove Town Hall, Norton Road, Hove, BN3 3BQ by the 30th November 2019.

Roof Sign Consultation

1.	<p>Uber will always comply with conditions mandated by a council with regards to vehicle livery/signage. It will not require drivers/vehicle proprietors to have any signage/livery etc that is not mandatory, so if roof signs become voluntary then we will not require vehicles to have the signage.</p> <p>In general, Uber is aware that private hire vehicle signage may abet plying for hire. Plying-for-hire is a challenge to the industry that negatively impacts drivers, passengers, operators and enforcement officers. Not only does it create friction between the hackney and private hire trades, it represents a safety risk to vulnerable passengers.</p> <p>Highly visible signs on private hire vehicles, which identify them as such may have the unintentional effect of increasing the incidence of plying-for-hire, in that passengers may assume that the trip is legal and legitimate due to the presence of the signage.</p> <p>If passengers have been provided with the afore mentioned driver/vehicle details, there should be no reason to require signage to assist with the identification of the vehicle.</p>
2.	<p>I recently stopped using my roof sign until several people commented "where is your roof sign it's so much easier identifying you by looking at the sign so I don't get in the wrong cab"</p>
3.	<p>Hi Think it's easy for the customer to spot their taxi if it have a roof sign even with new apps and getting reg number on their phones...</p>
4.	<p>I accept the proposal.</p>
5.	<p>Personal choice, that's what we like.</p>
6.	<p>A PHV's roof sign is about 10% of the size which a HCV uses so where is the issue? Unless of course Uber are attempting to flex their muscles once again.</p>
7.	<p>It is of our opinion that PH roof signs should be abolished. NPTTU</p>
	<p>I would like it known I strongly object to the removal of phv roof signs. When phv roof signs came into effect it was recognised this was for extra safety & security of the public & that still very much stands. A roof sign denotes a licensed vehicle & the phone number shows which circuit is the operator. A line of phv's outside the Brighton Centre after a concert is a prime example of the customer being able to identify their car almost instantly. Taxi operators still have many "non app" customers & rely on direct freephone's in many places so just because "some" taxi users call their cab via an app which gives the vehicle details this should not be the new "must have" rule. It also helps to differentiate a Brighton & Hove phv to the now many out of town cars working for █████ amongst others.</p> <p>Has any thought been given to the many visitors from all around the world that visit the city? These folk may not have access to app based organisations & may have asked a hotel or guest house to call them a cab. A phv roof sign as part of a full livery gives a reassurance that the passenger is travelling in a licensed vehicle. You mention the new ruling whereby a phv can apply for an exemption. From information supplied by the HCO this is solely for executive "collar & tie" work & NOT FOR CIRCUIT/APP cars so is completely irrelevant in this context. It cannot be recorded as a burden on any circuit phv to have a roof sign as part of the vehicles livery.</p>

	<p>██████████ had a great suggestion imho. Put the onus on the operator to ensure the phv's bearing their logo conform to the rules. This can be "policed" very easily, no roof sign (or other logo wrongdoing) & the phv knows it will be suspended until the defect is rectified. This will remove the "many" reports of noncompliance you complain of, the reports will then go directly to the operator with a copy to the HCO so you can log this on the phv's record to enable the persistent offenders to be identified.</p> <p>Are we going to be Btn & Hove taxis/phv's with clear markings to avoid any doubt or are we going to be "Ubers in disguise" operating in stealth mode? Brighton & Hove have extremely high standards in the industry & that is something to be very thankful for, to reduce these standards would be a backward step.</p> <p>One thing I would be in favour of is to remove the allowance of illumination. This will then allay the fears of the hackney trade that a phv roof sign is simply a tool to be used in illegally plying for hire.</p> <p>In closing I have to say that passenger safety has to be paramount in any decision the trade makes, taking away a crucial part of the phv livery is a very negative step & could lead to more unlicensed vehicles touting which fortunately Brighton & Hove have managed to mainly avoid due to the diligence of the drivers.</p>
8.	I accept the proposal.
9.	I disagree with an option, it confuses the public, they think it is a taxi so they should be removed, not an option.
10.	Agree and support the proposal..

Martin Seymour
Taxi Licensing Department
Hove Town Hall



Dear Martin

The taxi licensing department contacted the trade on October 17 2019 regarding the following matter:

“PHV Roof Signs

It is proposed that the current mandatory requirement for PHV to have roof signs is changed to a voluntary at the proprietor's or their operator's discretion.

Private Hire Roof Signs were introduced approximately 30 years ago to Private Hire Vehicle's equality with Hackney Carriages vehicles to advertise a telephone number and allow customers to recognise their operator's vehicle arriving to pick them up. With the arrival of app based booking systems where customers receive details of the vehicle and driver this has become less relevant.

Since the introduction of the Council's livery exemption a significant number of proprietors consider such a roof sign to be an unnecessary burden. There is also a belief that a roof sign may cause confusion to the public into thinking that the vehicle gives the appearance of a licensed hackney carriage taxi for hire especially where the roof sign is illuminated.

Proprietors that continue to have a roof sign on their vehicle must continue with the current specifications and numbering or lettering on the sign to match their. (sic)

The HCO regularly receives complaints from licensed drivers reporting incidents of vehicles without roof signs which involve a disproportionate amount of officer time in enforcing licensing conditions.

If you have any comments on the proposal please reply to this email or send your comments to the Hackney Carriage Office, Hove Town Hall, Norton Road, Hove, BN3 3BQ by the 30th November 2019.”

Under the 'Brighton & Hove Taxi Trade Forum Association' the trade reps met on Wednesday November 6 2019 to primarily discuss this matter.

The trade reps attending were: Sudanese Taxi Forum - United Taxi Driver Association - City Cabs - Radio Cabs – Streamline - iDB&H - Unite - GMB

Conclusion of meeting:

Private Hire Roof Signs

The trade reps concluded that the displaying of PHV roof signs made these vehicles stand out as being locally licensed as opposed to all of the hundreds of out of town cars that are not licensed by the council that predominantly work here under Uber who do not have conditions to display such roof signs.

It was also concluded that it is the council's responsibility to ensure that all licensed vehicles and drivers adhere to all conditions of licensing.

This means that the trade does not support any change in the existing conditions of licensing and expects all licensed private hire vehicles to display the required roof sign unless where a PHV is working under the 'Conditions of Licensing' Section 145 of the Conditions 'Exemption from Display of Plate'

Andrew Peters
Secretary
GMB Brighton & Hove Taxi Section

On behalf of the Brighton & Hove Taxi Trade Forum Association

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 27

Brighton & Hove City Council

Subject:	Hackney Carriage Vehicle Transfer Policy Review		
Date of Meeting:	12 March 2020		
Report of:	Interim Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name: <i>Martin Seymour</i>	Tel: 29-6659	
	E-mail: martin.seymour@brighton-hove.gov.uk		
Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Members are asked to review the policy change made by this committee that a Hackney Carriage Vehicle is no longer required to become wheelchair accessible following transfer to another person. The policy is to be reviewed taking in to account the impact of the change made and the responses to the consultation exercise as detailed below.

2. RECOMMENDATIONS:

- 2.1 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 **or**;
- 2.2 That Members reinstate the requirement that any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer. Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Executive Director of Housing, Neighbourhoods and Communities where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 14 March 2019 members agreed to remove the requirement that any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer. Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Executive Director of Housing, Neighbourhoods, Communities where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.
- 3.2 This policy was adopted following an Equalities Review into Hackney Carriage and Private Hire policies in 2010 and was one measure adopted to boost the number of wheelchair accessible vehicles in the hackney carriage fleet. The Full Equalities Review report can be found here. [https://present.brighton-hove.gov.uk/Published/C00000116/M00003060/\\$\\$ADocPackPublic.pdf](https://present.brighton-hove.gov.uk/Published/C00000116/M00003060/$$ADocPackPublic.pdf)
- 3.3 This policy has worked very well and has seen the % of wheelchair accessible vehicles in the Hackney Carriage rise from 25% to over 50%. The Council recognises the importance of having a mixed fleet as being the best way to provide transport for a range of differently abled passengers. The Hackney Carriage Unmet Demand Survey that reported to committee in November 2018 concluded that 'It appears that the 'best' level of WAV for this area might be 50%, a level the fleet was currently at.' The UDS report advised that the focus of fleet change could now switch to encouraging improved vehicle emissions whilst ensuring the level of achievement on the WAV side remained. The full Unmet Demand Survey Report can be found here. [https://present.brighton-hove.gov.uk/Published/C00000116/M00009219/\\$\\$ADocPackPublic.pdf](https://present.brighton-hove.gov.uk/Published/C00000116/M00009219/$$ADocPackPublic.pdf)
- 3.4 Where a current vehicle is classed as a 'compulsory wheelchair accessible vehicle' it must remain wheelchair accessible including at transfer. However, other vehicles may become wheelchair accessible or reinstated at the owners choosing.
- 3.5 Since the change of policy 48 hackney carriage vehicles have been transferred of which 27 were saloon vehicles. Although these may have become wheelchair accessible under the previous policy many would not have been transferred while the policy was in place. In comparison for the year 2018/19 46 hackney carriages were transferred of which only 14 were saloon vehicles. The % of wheelchair accessible vehicles remains at 50% of the fleet with 291 wheelchair accessible vehicles in the fleet of 580 vehicles.
- 3.6 Further to the policy change approved in March 2019 by members, Possibility People raised concerns over the policy change, in that it may have an adverse effect on residents. As a result we were happy to review the impact of the policy change to further understand the views of the community and see if other groups share the same concerns.
- 3.7 A consultation process was undertaken as part of the review from the 22nd November 2019 to 2nd January 2020. A copy of the consultation can be found at Appendix 1. The

Consultation included the Trade, Age UK, Alzheimers Society, Ambito, Blind Veterans, Guide Dogs, Impact Initiatives, Impetus, Martlets, Pavilions, Possibility People, Speak Out, YMCA and Wise. 16 Responses were received from the trade and 1 from Possability People. No other stakeholders responded to the consultation. The responses to the consultation can be found at Appendix 2. The consultation shows that the taxi trade was in favour of keeping the new policy and thought that 50% was a reasonable amount for wheelchair accessible vehicles. Possibility People responded with concerns that the 50% level was only for hackney carriages and was not 50% of the entire fleet and that this was not enough to meet the needs of disabled residents.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. This matter of vehicle transfers was discussed at taxi Forum on the 17th January 2019 before the policy came into place. There was consensus that “compulsory wheelchair accessible vehicles” should remain wheelchair accessible including at transfer. With regard to other vehicles, GMB and Unite members felt vehicle owners should have the choice, whereas the Private Hire representative felt drivers should have the option to change to either a electric, plug-in hybrid or WAV at renewal following a transfer.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no direct financial implications arising from the recommendation made in this report.

Finance Officer Consulted: Michael Bentley Date: 17.01.2020

Legal Implications:

5.2. The power to attach conditions to Hackney Carriage vehicle licences derives from S47 of the Local Government (Miscellaneous Provisions Act 1976. The policy should be reviewed having regard to the consultation responses.

Lawyer Consulted: Rebecca Sidell Date: 16.01.2020

Equalities Implications:

5.3. This document outlines two options that councillors can make following the review of the WAV policy change. This review happened in light of an equality concern raised by a community partner in reference to disabled residents potentially being impacted. We completed an equality impact assessment to support the review alongside the consultation to give qualitative evidence in understanding any potential impact. The EIA can be found in Appendix 3.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. None.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. To report on effects of Policy change

BY EMAIL	Date:	22 nd November 2019
	Our Ref:	TPR/WAV TRANSFER
	Phone:	01273 296655
	Email:	taxilicence@brighton-hove.gov.uk

Dear Driver

Taxi Policy Review - Hackney Carriage Vehicle Transfer and Wheelchair Accessible Vehicle (WAV) review

PURPOSE OF CONSULTATION

At licencing committee on 14 March 2019, elected Members agreed a policy change. This removed the requirement that a Hackney Carriage Vehicle must become wheelchair accessible following transfer to another person. The policy change only related to non-wheelchair accessible vehicles and it was confirmed that existing compulsory wheelchair accessible vehicles (WAVs) must remain wheelchair accessible.

Hackney Carriage vehicles are taxis that you can pick up or hail from a taxi rank or the street as opposed to Private Hire vehicles which must be pre-booked.

We are seeking your views on this policy change.

RELEVANT BACKGROUND INFORMATION:

The previous policy required that any Hackney Carriage vehicle transferred to another person will be required to become wheelchair accessible at renewal following transfer. The Policy was adopted following an Equalities Review in Hackney Carriage & Private Hire policies in 2010 and was one measure adopted to boost the number of WAVs in the Hackney Carriage fleet, which was deemed necessary at the time.

Since the requirement was introduced in 2010, we have seen an increase from 25% to 50% of WAVs in the Hackney Carriage fleet. The Council recognises the importance of having a mixed fleet as being the best way to provide transport for a range of passengers, including disabled and older passengers. A recent survey (Nov 2018) into the Hackney Carriage fleet concluded that the best level of WAVs for this area might be 50% and it was important to focus on improving vehicle emissions whilst ensuring the level of WAVs remains.

The aim of the change agreed in March 2019 is to maintain the level of WAVs within the Hackney Carriage fleet which was considered to be at an optimum level and reduce further significant increases/decreases.

An additional policy requirement which manages the introduction of new Hackney Carriage vehicles each year means we may see a small increase due to the requirement that new Hackney Carriage vehicles must be either WAV, electric or plug-in hybrid. Since May 2019, 4 out of the 5 new Hackney Carriage vehicles allowed were WAVs.

The table below shows the numbers of Hackney Carriage WAVs steadily increasing from 2010- 2019 within the total Hackney Carriage fleet.

Year (Oct)	Total Hackney Carriage Vehicles	Hackney Carriage WAVs
2019	580	291
2018	575	286
2017	570	273
2016	565	252
2015	560	230
2014	555	223
2013	550	201
2012	545	168
2011	540	143
2010	535	131

TAXI POLICY REVIEW

As part of the review of this policy change, we are seeking views from the local taxi trade and local disability and age focused community groups.

We would like your comments in relation to the following questions:

- What are your views about this policy change? – are you for or against the change?
- How do you think this policy change will impact service users?
- What percentage of the Hackney Carriage fleet do you think should be WAVs to meet the needs of all taxi service users?
- Do you have any other comments to inform this review, related to the service Hackney Carriage provides for taxi service users, including disabled passengers?

I would be grateful if you could respond to the Taxi Licensing Team by the **2nd January 2020**.

Responses may be sent by email to taxilicence@brighton-hove.gov.uk or by post to:

Taxi Licensing Team
Room G14
Hove Town Hall
Norton Road
Hove BN3 3BQ

Tel. 01273 296655

If you need any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "J. Whitelegg". The signature is written in a cursive style with a loop at the end of the last name.

Jim Whitelegg
Regulatory Services Manager (Licensing and Trading Standards)

Privacy Notice

The Council is the data controller for purposes of the Data Protection Act (2018) and EU General Data Protection Regulation as of May 2018 and is registered as a data controller with the Information Commissioner's Office (ICO)

Brighton & Hove City Council are committed to protecting your personal information. As a data controller we have a responsibility to make sure you know why and how your personal information is being collected in accordance with relevant data protection law.

Purposes and lawful basis of processing

We are collecting your data for the purpose of consulting the relevant parties to help develop policy change in relation to either Licensing, Gambling, Taxis, Street Trading and Sex Establishments.

If the consultation is regarding licensing or gambling policy change, then our lawful basis is legal obligation, specifically working within either the Licensing Act 2003 or Gambling Act 2005. All other consultations, our lawful basis for processing data is for the performance of a task carried out in the public interest.

Who we will share your data with

Your personal data will not be shared, however, answers provided in the consultation will be sent to the Licensing Committee and made available to the public. If answers have been made on behalf of an organisation, the details of the organisation will also be shared with the Licensing Committee and made available to the public.

How long we will hold your data (retention)

We will hold your data for one year from the end of the consultation.

Transferring data outside the European Economic Area

Your information is not processed outside of the European Economic Area.

Your information rights

Under GDPR you have certain rights concerning your information.

For further information on your rights visit <https://www.brighton-hove.gov.uk/privacy>

Further information

If you would like to discuss this further please contact our Information Governance Team on 01273 295959 or data.protection@brighton-hove.gov.uk

The council also has a Data Protection Officer, who can be contacted via <https://www.brighton-hove.gov.uk/dpo>

You can also contact the ICO for further information or to make a complaint:

Information Commissioner's Office

Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

<https://ico.org.uk/global/contact-us/email/>

<https://ico.org.uk/make-a-complaint/>

Wheelchair Accessible Vehicle Transfer Consultation

1.	Hi there i own and drive wheelchair car myself. I think its not fair to change the rule or you need to change for everybody so we can buy normal saloon car too. I need to drive now huge car with im not happy with. It cost me more i dont get any advantage comparing to other cars also i can not find in white colour. Also its difficult to find driver for disable accessable cars. So i would wish everybody should be equal either we all drive disable accessable or if person wish to drive .
2.	Dear Sir/Madam Whereas the issue of WAVS to 50% has been made with the best intentions, I think you have overlooked the fact that you are now discriminating against many disabled people who are not in a wheelchair and also the elderly who find the height of WAVS intimidating. On MANY occasions I have seen both disabled and elderly people waiting on the rank for a saloon car for lower access. I think 50% is too many. When this bill was first introduced and our representative had meetings with government ministers, the percentages talked about were around 30%.
3.	I totally agree that it is the right thing to do to remove the requirement ... as a driver I have so so many passengers with minor disabilities (or recovering from hip/knee operations etc) who are genuinely worried by the lack of normal saloon vehicles...many of these people find it extremely painful or in some cases, impossible , to get in and out of the higher disabled access vehicles such as the Peugeot Partner or E7/London style cabs. We have met the originally specified target % of disabled access vehicles in the fleet and it is now time to remember these other passengers who will be severely affected if the % of normal saloon style vehicles is reduced further.
4.	From my point of view as being a Taxi driver for sixteen years here in Brighton & Hove, i would say this a very good decision and a reasonable policy change not to have more Wheelchair Accessible Taxies as i see very often many costumer find it really hard to get into the car and very unhappy about it. Besides, i don't see many disabled people around require a Wheelchair Taxi, as a result i can't remember last time i did a Wheelchair job. So, i believe there are enough disabled Taxies already and should be even reduced to 30 percent if not less. I have been a journey man for the last 12 years and driving a Wheelchair car is not comfortable by any means neither for costumer nor for me.
5.	Dear Sir/Madam Thank you so much that's great. I'm for the change. It should not have any negative impact because the percentage is 50:50. I think 50:50 is far more than enough. Yes I have the city is flooded with taxis for locals and from outside I think you should do something about issuing plates every year plus all the cars coming from outside

6.	<p>I would like to comment on one issue ... which is the total amount of Hackney carriage vehicles 580 on 2019 as you sent us on the letter and the Hackney carriage WAVs is 291 which is roughly half of the taxis in Brighton-Hove.</p> <p>My issue is some of WAVs and it is a 7 or 8 seater is driven by drivers that have exemption from taking a wheelchair passenger ...</p> <p>The question here why are they still driving a WAVs ?</p> <p>Instead you could ask them to drive a saloon vehicle and I'm sure they won't like it as they will lose out on multi seater tariff.</p> <p>To recap</p> <p>The ratio is 50% which is very good but actually it is not</p>
7.	<p>Thankyou for your interest in my views on the subject of WAV taxi numbers. I have been a taxi driver since 2001 and have worked 10 years as a private hire saloon car driver and subsequently 8 years as a multi seat hackney carriage owner and driver having been issued a hackney plate in 2011, during which time I have operated WAV taxis. Over that time I have had a lot of experience and believe I have a very well informed view of the subject.</p> <p>I think that there are two main issues which the council should take into account regarding numbers and I also have a suggestion which would, in my opinion, be a bit fairer for everyone.</p> <p>1) Cost: It must be noted that there is a fairly hefty price difference between putting a new cab on the road with wheelchair accessibility and an ordinary vehicle. Cab Direct, who supply most of the WAVs charge in the region of an extra £8000 for the converted vehicles over the standard version of the Peugeot partner for example. In addition it is far easier for the owner of an unrestricted plate to replace their vehicle since they can choose from almost any regular saloon or estate car with the option of buying a second hand vehicle that won't have been used as a taxi, an option not available to WAV restricted plate owners. I would guess that averaged out over say 3 years a WAV is probably £30 - £40 a week dearer purely on that initial cost basis.</p> <p>2) Demand. From what I have noticed over the past few years the overwhelming majority of jobs that I have taken involving wheelchair users have been booked via Radio Cabs, the circuit that I work on. Indeed it is really quite rare for people to come to cab ranks in wheelchairs and extremely rare for them to hail down a taxi. More common, in fact, is the situation whereby a person, often elderly, will prefer a saloon car over my vehicle since it is quite hard for some of them to get in due to the high step up, a problem common to all multi seater WAVs.</p> <p>There are advantages to running a multi seat WAV however and on the whole I am quite happy to run one. There are people who use them for moving large items, people with pushchairs that like the ease of getting in and out. Also the tariff for 5+ people is decent and does make up for the extra costs involved. My main concern with the council policy is that in reality you have 250 cars each costing an extra £2000 a year to be on the road, that is £1/2 million a year collectively being spent not on the actual transportation of wheelchair users but merely the availability of it, a service which is seldom taken up. In the days before such widespread availability most wheelchair users were perfectly happy to get out of their chair and get in a car with the wheelchair folded in the boot, even now I often get wheelchair users who get out of their chair and get in the cab on their own. I really think that the number of people who actually need to be pushed into a cab without getting out of their chair must be a miniscule proportion of all wheelchair users.</p> <p>Taking all this into account, and given that the vast majority of wheelchair taxi rides are actually booked through cab firms I would actually suggest that 50% of the cabs being wheelchair accessible is a ludicrously high figure. It would make far more sense to ensure that the taxi companies themselves provide a good service, as I believe my company does. The current proposal for new and transferred plates is clearly creating an unfair system whereby owners like me will be forever required to put on a WAV, and everyone else can take advantage of the lower purchase and running costs of saloon cars and hybrids. Perhaps the council could consider a system whereby once you have had a WAV for a certain time, maybe 10 years you could be released from that requirement, or maybe have a waiting list for people to come off the WAV requirement. Either way I personally feel quite hard done by by the current proposal and do feel that I</p>

	<p>would like to have more choice about what vehicle I could consider using. It seems to me that in the current climate where we are facing quite considerable difficulties as a trade anything which could help us reduce our costs would be most welcome. We are, after all, small business owners and, like all businesses we need to keep costs down.</p> <p>I hope you find my views well considered and sensible. I would welcome the opportunity for further discussion if you have time.</p>
8.	<p>With reference to your 4 questions :-</p> <ol style="list-style-type: none"> 1. I'm in favour of this Wheelchair Accessible Vehicle policy change. 2. Having a mixed fleet of vehicles will cater for the needs of all service users. 3. I believe 30% of the B&H Taxis should always be wheel chair accessible. 4. Some customers in wheelchairs prefer a saloon car to a WAV vehicle. <p>My brother was disabled, he hated travelling in a WAV vehicle with his back to the oncoming traffic, it made him feel sick.</p> <p>When I took him to the Hospital he always sat in the front seat of my Taxi (Skoda Octavia), I folded the wheelchair and stored it in the boot.</p> <p>Maybe when B&H council license a vehicle as a Taxi they should make sure a folded wheelchair fits in the boot.</p>
9.	<p>(1) I am all for the policy change. (2) it caters for all of the public. (3) 50 per cent is more than enough. (4) A condition of license must make it compulsory that every driver must be able to offer CARD facilities to the passenger/s at all times.</p>

10. *RE: Taxi Policy Review - Hackney Carriage Vehicle Transfer and Wheelchair Accessible Vehicle (WAV) review*

What are your views about this policy change? – are you for or against the change?

I agree with the change it will encourage new owners to change their vehicles to greener hybrids and EV's, which will lead to increased air quality etc.

How do you think this policy change will impact service users?

I think it will make no difference, I have a WAV and work nights for many years. I have averaged about 1 wheelchair job a year. My day driver has a bad back and has an exemption. There is a massive oversupply of WAV's for very little wheelchair specific work as an independent at night.

What percentage of the Hackney Carriage fleet do you think should be WAVs to meet the needs of all taxi service users?

I think 50% fleet as WAV requirement might be relevant and prudent for taxi companies to meet the specific need of their customer fairly, but for cabs like me not on circuit the percentage should be much lower- the need is just not there.

I would suggest the number of WAV's needed for street (never had one in five years) pickups or rank pickups (about 1 per year), would be more like 20% maximum. It could be even less if you sanction drivers that refuse to do wheelchair jobs, which I have seen.

I and many others would love to change my vehicle from a polluting diesel WAV to a greener EV or hybrid car (Hybrid/EV WAV's do not exist yet).

Do you have any other comments to inform this review, related to the service Hackney Carriage provides for taxi service users, including disabled passengers?

Many disabled customers can get in a sedan more easily than a WAV. Providing an equal access service for wheelchair sub group of users is very important but many more other disabled people, particularly old people, find it hard or impossible to get in or out of a WAV. Anecdotally I have had many more people not taking my WAV for a sedan car than I have had wheelchair pickups.

11.	<p>Thank you for your letter regarding the above proposed Policy change.</p> <p>1/ I can confirm that I am in agreement to this change.</p> <p>2/ As long as a limit is in place, the continued number of WAV'S will be maintained (and if fact may well increase) as and when additional Hackney Plates are released.</p> <p>3/ A 50% balance of WAV'S and Saloon vehicles would appear to be a fair balance.</p> <p>4/ The "age old" problem is that the vast majority of disabled passengers call for a Wheelchair taxi, so the issue is a Private Hire one. If the Taxi Companies cannot keep those WAV'S Hackney Carriages on their "circuits", and they go Independent, it then becomes those Companies problems to solve, when customers call requesting a Wheelchair Taxi.</p> <p>A limit should be introduced national for the number of all new issue Saloon Private Hire vehicles,(but not WAV'S) by district !!</p> <p>An interesting point that needs taking up across the country!!!!!!</p>
12.	<p>This my personnel opinion regarding the new legislation.</p> <p>1. I am for the change.</p> <p>2.this policy will not impact on the service.</p> <p>3. I think 30 a 40 % WAVs fleet is enough.</p> <p>4.The service is excellent for all users.</p>
13.	<p>in response to the about consultation please see my thoughts below.</p> <p>1. I agree to this new Policy Change</p> <p>2. In my experience customers are happy too use Saloons as well as WAVs, so as long as we keep to this proportion of WAVs I don't think it will have much impact.</p> <p>3. I think there should be at least 50% WAVs</p>
14.	<p>With reference to your letter dated 22nd November, I feel that the ratio of WAV cars in the Hackney Carriage fleet is now about right, so I support the change.</p> <p>I think service users like a mixed fleet as they all have different needs, I drive a low saloon and many of the jobs I get offered by the operator are for such a vehicle. Several elderly users are unable to access WAVs as they are too high and were genuinely upset about the council's policy of replacing all vehicles with WAVs at owner change.</p> <p>I think 50/50 is about right.</p>

15. I am aware that BHCC required all presentations for this WAV consultation to be in no later than 2nd January which I did full fill, please see attached email, however, my presentation was incomplete as I was waiting on confirmation from certain sources, I was and still am unable to obtain the confirmation I was awaiting for, however without naming names I would still like to bring a further point that is more appropriate.

Considering a long history of poor judgement on behalf of BHCC licensing inevitably these judgments/regulations come at a financial cost to us in the trade, with our income already cut we are finding the issue of mental health becoming more apparent.

A driver who I have known for many years was recently admitted into Millview hospital after suffering a nervous break down, this was brought on by unforeseen financial pressure when the driver in mention had recently taken on HP for a replacement WAV only to find out that the station rank relocation was going ahead, the driver was aware that this decision would affect his earnings, and found he was unable to cope, resulting in his hospital admission.

With this and the evidence that the WAV fleet is more than adequate, I hope the council can come to a more favourable decision for the trade.

I do hope that you find my points valid and you can use them in your decision making.

With reference to the WAV consultation!

- What are your views about this policy change? –are you for or against the change?

Initially I was against the policy, but as since it has been finalised I did not have any issues with it.

- How do you think this policy change will impact service users?

I believe that having such a high percentage of WAV in a city with a high percentage of young and mobile and low percentage of mobility shops, the change will have no impact whatsoever on the end user.

- What percentage of the Hackney Carriage fleet do you think should be WAVs to meet the needs of all taxi service users?

I have many views on this, my initial issue is how the HCO when issuing a new plate will then inform the owner on how they can get a medical certificate of exemption, why issue plates for a specific purpose then make the vehicle inaccessible to those it was intended for.

With the afore mentioned issue put alongside the known fact that a large percentage of drivers simply refuse to do wheel chair jobs the actual number of available WAV's in the city is far less than the 55% that BHCC believe they have available, however, whatever the true figure is this is more than enough as I have been lead to believe by heads of Passabilities and MS society, please see below for further details.

- Do you have any other comments to inform this review, related to the service Hackney Carriage provides for taxi service users, including disabled passengers?

Having dealt with the Brighton Station rank relocation I was in contact with many charities I deemed would be effected one of these was Passabilities the disability charity I would like you to read the email I received from them as this will definitely help you to make further adjustments to the fleet.

The following email was sent to me from Amanda Brice from a Possabilities email address on the 9th October

16.

TAXI POLICY REVIEW

As part of the review of this policy change, we are seeking views from the local taxi trade and local disability and age focused community groups.

We would like your comments in relation to the following questions:

- What are your views about this policy change? – are you for or against the change?

I am for policy change which should have happened long before.

- How do you think this policy change will impact service users?

Most of the non-disabled service users prefer low saloon car. Not forcing saloon cars to become WAV following the transfer will allow more low saloon cars in taxi fleet. This will be in benefit of the great majority of taxi users.

- What percentage of the Hackney Carriage fleet do you think should be WAVs to meet the needs of all taxi service users?

Not more than 20%

- Do you have any other comments to inform this review, related to the service Hackney Carriage provides for taxi service users, including disabled passengers?

I understand that local disability focused community groups may wish higher percentage of hackney taxis to be wheelchair accessible. I absolutely agree that WAV are essential for disabled passengers and our fleet must have enough vehicles for that purpose.

I am WAV driver and proprietor. Personally I get wheelchair customer on board in average once in about three months. Said in another way in a whole year I get on board in average four wheelchair jobs. That's why I find recent ratio of 50% too high. 20% of taxi fleet will be enough to meet the demand.

Also great majority of my customers do not like high saloon and van taxis. Very often at taxi ranks passengers skip this kind of compulsory WAV and go to first available low saloon car. Especially older people can not get in our high vehicles. Also WAV taxis are not as comfortable as low saloon cars.

In conclusion I would like to say that current ratio of 50% is in benefit of wheelchair users but not in benefit of the rest of the service users. Lowering this ratio to 20% will ensure that there are enough WAV and also will meet the demand for low saloon cars.

17. From: Jim Whitelegg

Subject: RE: Wheelchair Accessible Vehicle Consultation

Hi Geraldine,

As discussed at our meeting (29/10/19) and confirmed in the subsequent email attached, which is also included below (19/11/19), because of the tight timelines for the March committee we would consult and submit a specific report regarding the policy change and then look at doing a wider review.

I take your point about offering the document in other formats. We would as a matter of course provide these on request but we can look at how we make this more accessible in the future.

Kind Regards, Jim

Dear Geraldine,

It was really good to meet you properly on the 29th October. I just wanted to follow up on a couple of actions to come out of the meeting. You mentioned that you Chair a group called the "Disability Collective" which is made of various smaller organisations that meet every couple of months. It would be really useful to include the group in consultation going forward. For our records and reference for future reports are you able to give a brief summary of the group, who attends/membership and its purpose? Happy to go through you or contact organisations directly for consultation purposes.

As discussed Streamline have had a change in Directorship with John Streeter and Dave Smith Leaving. Paul Wardle is one of the directors and organises the disability awareness training for drivers. I've included his email if you wanted to get in touch
[REDACTED]

With reference to the 50% target level for hackney carriage WAVs, this was discussed when the report was considered at licensing committee in September 2010 link to committee report and also referred to in subsequent unmet demand surveys carried out.

As discussed our intention is to submit a committee report reviewing the specific WAV policy change for March committee and then moving forward look at a wider review of WAV provision in the City. As part of the March review we will consult with disability groups and the Trade, most likely towards the end of November till the beginning of January.

Thanks, Jim

Jim Whitelegg| Regulatory Services Manager (Licensing & Trading Standards), Safer Communities | Brighton & Hove City Council

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: Geraldine Desmoulins [REDACTED]

Sent: 27 November 2019 17:44

Subject: RE: Wheelchair Accessible Vehicle Consultation

Hi Jim

Thank you for this. I wonder if you could let us know how you plan to engage disabled people in this review as they are the group most impacted by your decision. I understood the review was going to be more far reaching not just about policy change, unfortunately this approach just looks like a tick box exercise to mitigate the lack of consultation and engagement prior to changing the policy. I must admit I am confused because from our conversation when we met I was sure that was not your intention.

The further concerns I have about this is I am not sure why anyone would respond because it reads that you have already made a policy change, sighting the reasons why so the deed is done. It is difficult to get views from disabled people at the best of times because they have so many challenges in their lives including the lack of equality they experience especially not being able to get a suitable taxi on demand like non-disabled people. The document is factual but also misleading, because reading it you would think the fleet is 50-50 which is far from the case if you factor in private hire, so this need some explanation. People do not understand taxi licencing so they require more background information.

Unfortunately I also have to point out, that the document and the approach is inaccessible so that speaks to the target audience? Again perhaps not the intention. Nowhere do you offer any support for people who may need a reasonable adjustment to respond, it is also good practice to, at the very least, offer documents in other formats. If this is the only approach you intend to take it will exclude disabled people so the review will not be credible.

Clarification would be really helpful as what you are trying to achieve with this consultation as it is far from clear.

Kind regards

Geraldine Des Moulins
Chief Officer



Taxi Licensing
Brighton & Hove City Council

January 2 2020

On behalf of the GMB - Brighton & Hove Taxi Section and Unite The Union – South East Section, this document addresses the Taxi Policy Review - Hackney Carriage Vehicle Transfer and Wheelchair Accessible Vehicle (WAV) survey.

Background

This survey is with reference to the March 2019 Licensing Committee where an amendment was made to the conditions of licensing that when the ownership of a hackney carriage vehicle is transferred to another party that whereupon the renewal of the licence of that vehicle is then compelled to become and remain a wheelchair accessible vehicle WAV.

The trade has been asked to respond to specific questions which have been provided as below.

- **What are your views about this policy change? – are you for or against the change?**

The council's policy over many years was to ensure that all disabilities are catered for. Effectively 'Access for All'. This has now been achieved with 50% of the Brighton & Hove hackney carriage fleet being wheelchair accessible and the council, and indeed the trade, should be proud to have achieved this policy that has giving mobility access to not only wheelchair users but also to those with other disabilities.

- **How do you think this policy change will impact service users?**

The policy change will ensure that that all disabilities are catered for. This is based on the one simple fact that that if the policy had not changed then there would be an imbalance of hackney carriage mobility access which would then not cater for all disabilities.

- **What percentage of the Hackney Carriage fleet do you think should be WAVs to meet the needs of all taxi service users?**

To ensure that all taxi users are serviced the percentage of WAV's should be 50% allowing for the councils policy to service all people with various disabilities allowing 'Access for All' which has been achieved.

- **Do you have any other comments to inform this review, related to the service Hackney Carriage provides for taxi service users, including disabled passengers?**

Hackney Carriage Vehicle – Definition, Purpose & Status

It must be fully understood that that this survey only relates to hackney carriage vehicles and that the primary status of a hackney carriage vehicle is to serve the street and ranks in the city. Consequently the purpose of the survey is to review any 'impact' for taxi users following the amended conditions of licensing having reached the councils own policy of ensuring hackney carriage vehicle access for all disabilities when accessing a hackney carriage vehicle on a taxi rank or via hailing an hackney carriage vehicle in the streets.

Hackney Carriage WAV Survey Should Exclude Private Hire Operators

Consequently for all intentions and purposes this survey and the policy has nothing to do with obtaining a wheelchair accessible taxi via any private arrangement such as by means of any private hire operator.

Any confusion or misunderstanding of the status of a hackney carriage vehicle and a private hire service must be avoided to ensure the validity of the survey and any potential outcome.

Having established the criteria of the intentions of the survey we can now address where the trade is today having achieved the councils own policy of a hackney carriage fleet of 50% for mobility access for all disabilities.

Having a fleet of 50% WAV's means that one in two hackney carriage vehicles in the city is equipped to take a wheelchair.

This then means that all the ranks in the city will have a WAV available if needed and indeed anyone wishing to seek evidence of this will only have to take tour of the ranks to support the fact there are clearly an abundance of readily obtainable hackney carriage WAV's.

Some taxi users avoid WAV's

It is a fact that not everyone with a disability can manage to get into a WAV without difficulty, especially where there are a considerable amount of WAV models that have much higher seats. Consequently it is not unusual for those with impaired mobility are sometimes left waiting on a rank which consists only of WAV's for a low saloon hackney carriage to arrive. This is especially with reference to older people and those of various ages who have medical issues with their backs or hips making longer journeys very uncomfortable.

Hackney Carriage Numbers – Managed Growth

Every three years the council undertakes a detailed Hackney Carriage Survey which ensures that there are a sufficient number of hackney carriages available to serve the city.

The findings of these surveys provide information to the council to make decisions as to whether to either:

- **Completely delimited hackney carriage numbers**
- **Stop issuing any further hackney carriage vehicle licenses.**
- **To adopt an alternative policy such as 'Managed Growth'.**

Following clear evidence in the several three yearly surveys over the years it has shown that the city is well served with the number of hackney carriages available.

However the council has continued with the policy of 'Managed Growth' by issuing five additional hackney carriage licenses per year with the condition that these are compelled to be WAV's. Last year a small change was made that there was also the option of the vehicle being a plug-in electric/hybrid vehicle.

There may indeed be an argument that the city has enough hackney carriages where the drivers also now have the additional competition of vehicles not licensed by the council predominantly working in the city without any of the conditions of the 'Blue Book' being applied and that the council should adopt a policy of limitation.

The council has also continued with its policy of the condition of licence that any hackney carriage which has been compelled to be a WAV under pre-existing conditions of licensing must remain as a WAV.

In addition there is also a condition of licensing under of the 'Blue Book of Conditions of Licensing' which states:

89 - Suitability: All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.

This means that any hackney carriage proprietor that wishes to have a vehicle that carries more than four passengers must provide a vehicle that is also wheelchair accessible and many such proprietors do this voluntarily without any other conditions of WAV compellability of licensing.

This condition also applies to a private hire vehicle should the proprietor wish to carry more than four passengers.

Conclusion

It is paramount that all us that endure various disabilities have access to suitable mobility transport when a seeking hackney carriage on a rank or in the streets via hailing.

With the council and the trade working together this has now achieved the aim of the policy for access for all disabilities with 50% of the hackney carriage fleet being WAV compliant.

Consequently any change to the amended conditions of licensing which was made by the Licensing Committee in March 2019 will cause an imbalance to the council's policy of mobility taxi access for all disabilities.

The next review of the policy can be made when the 2021 Hackney Carriage Survey is undertaken.

Andrew Peters
GMB Brighton & Hove Taxi Section

Sean Ridley
Secretary Unite the Union – South-East Region (Cab Section).

Short Equality Impact and Outcome Assessment (EIA) Template - 2018

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: ID No.⁹) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Hackney Carriage (HC) WAV policy review	ID No.⁶	NCH37
Team/Department⁷	Taxi Licensing Team		
Focus of EIA⁸	<p>This EIA is to assess a policy review which took place 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 (WAVs) must remain wheelchair accessible.</p> <p>The previous policy required that any vehicle transferred to another person will be required to become wheelchair accessible at renewal following transfer. The Policy was adopted following an Equalities Review in HC & Private Hire (PH) policies in 2010 and was one measure adopted to boost the number of WAVs in the hackney fleet, which was deemed necessary at the time.</p> <p>We've now seen an increase from 25% to 50%. The Council was pleased to have met our target of</p>		

50% through this policy, but also recognises the importance of having a mixed fleet as being the best way to provide transport for a range of disabled passengers and older people. The HC Un Met Demand survey (Nov 2018) concluded that “it appears the best level of WAV for this area might be 50% - focus on improving vehicle emissions whilst ensuring the level of WAV remains.”

According to the latest DfT figures, Brighton and Hove actually comes out with 33% of its overall licensed vehicle fleet WAV. This puts us 29th out of 292 English licensing authorities (as at end of March 2019) in terms of its place in overall WAV levels.

The policy change in March 2019 proposed that on the transfer of a licence there was no longer the requirement for it to automatically become a WAV if it had been a saloon taxi before. However, any taxi that was registered as a WAV previously had to remain as such. This was as a result of the Unmet Demand survey, which was a major survey carried out to see what demand there was for all types of taxis in the city. This survey stated that we were at over 50% on WAVs – one of the highest proportions in the country – and that it was counter-indicative to keep increasing the number of WAVs at the then current rate.

The change was made at the Licensing Committee in March where various alternatives were put before the committee and an informed discussion took place. It was the committee which decided to move from the policy whereby all licence transfers had to be to a WAV, because it was felt the policy would lead to a disproportionate number of WAVs, which would not benefit the broad range of people who use taxis. A number of disabled people who are not wheelchairs users had written and complained to the Council about how inaccessible WAVS are for them (e.g. that the steps are too high). The Alzheimer’s Association had also fed back that there were numerous complaints about what they saw as the lack of saloon taxis which they felt were easier to access for their beneficiaries. This feedback was also taken on board and highlighted that saloon cars are favoured by some disabled residents, and so reducing the level of saloon cars might have a negative impact on them.

We went through an engagement process whereby key stakeholders, including Possability People were fully consulted on the Unmet Demand Survey that informed the policy change. Comments from Possability People were noted, including in relation to latent demand. The Unmet demand survey authors felt that there was as much discussion regarding those with disabilities as was reasonable. There was no further response from Possability people even though they had the on-street questionnaire to complete and also options for others to contact the report’s authors.

The change that was made at the March committee was felt to be one which was relatively minor, but which responded to changes pointed out in the Unmet Demand survey in a proportionate and responsible manner, whilst supporting the council to retain the current high proportion of WAVs.

	<p>We regularly review our policies according to any new evidence we find, and will continue to do so with this policy. If there are any equality implications impacted by the minor adjustment that was made to the policy we will seek to understand and mitigate them where possible. We are also planning to carry out a “Secret Shopper” exercise for taxis and this will include WAVs, which will inform our ongoing review of the quality of service provision and understanding of whether it meets the needs of service-users.</p> <p>Plans for the future/ future EIA:</p> <p>In due course, the Council is aiming to move the taxi fleet towards electric cars, but currently there is not the infrastructure to support this. However, rapid charging hubs for taxis should be installed by end of 2020. We will be reviewing the transfers of licences at a future date when the situation regarding electric vehicles is more conducive to change (or when legislation has an impact on this, which may happen). This will involve a major consultation with all parties involved in the taxi service and those who use those services, in particular an Equality Impact Assessment will be undertaken as there may well be a major impact on WAVs.</p>
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Assessment of overall impacts and any further recommendations⁹

For clarity all disproportionate impacts on specific groups are highlighted in the single section below.

Overall impacts and notes:

- Wheelchair users – need to use WAVs.
- Other disabled residents / long term health conditions/ older people – feedback on preferring saloons (unable to access or difficult to access WAVs).
- Information to inform minor policy change included – results from Unmet Demand Survey 2018, feedback from stakeholder groups including Possability People, Alzheimer’s Association, Age UK, Blind veterans, Guide Dogs UK, Impetus, Martlets, Pavilions, Scope, YMCA, WiSE, complaints of feedback from residents, recognition that the aims of the policy 2010 to increase the proportion of WAVs to 50% had been met .

Potential issues	Mitigating actions
-------------------------	---------------------------

<ul style="list-style-type: none"> • Perception that there are/will be fewer WAVs. • That the provision as it stands based on 50/50 WAV to Saloon provision does not meet service users' needs in reality. 	<ul style="list-style-type: none"> • Existing WAVs must remain WAVs and this will be communicated to service users. • Undertake an ongoing review to ensure this policy change has no adverse impact on equality or the quality of service. This will include the following steps outlined in Actions planned below–
<p>Actions planned¹⁰ Review policy and consult trade and relevant stakeholders.</p>	
<ul style="list-style-type: none"> • Step 1- Complete this Short EIA form and consider any additional information that might need to inform the ongoing review. • Step 2 – Discussion at the taxi forum (s) in conjunction with the relevant stakeholders, • Step 3 - offering to meet with Possability People again. • Step 4 – carry out a “Secret Shopper” exercise for taxis and this will include WAVs, which will inform our ongoing review of the quality of service provision and understanding of whether it meets the needs of service-users. • We have undertaken to review the policy change between now and the period leading up to the March 2020 committee. 	

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Person completing the EIA: **Jim Whitelegg**

Date: 20 August 2019

CCG or BHCC Equality lead: **Anna Spragg**

Date: 28 August 2019

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by equality groups
 - Take steps to meet the needs of equality groups
 - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

-
- The size of the service or scope of the policy/strategy
 - The resources involved
 - The numbers of people affected
 - The size of the likely impact
 - The vulnerability of the people affected

The greater the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ ID no: The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

-
- What are the main aims or purpose of the policy, practice, service or function?
 - Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
 - How does it fit with other services?
 - Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
 - What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
 - What do existing or previous inspections of the policy, practice, service or function tell you?
 - What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy,
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

¹⁰ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 28

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	12 March 20		
Report of:	Interim Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 296659
	E-mail:	martin.seymour@brighton-hove.gov.uk	
Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report is to update Members on enforcement action taken against Hackney Carriage & Private Hire Drivers and Applicants between June and November 2019.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report and that officers should continue to take action as appropriate.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Legislation in relation to the Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976 which applies to both hackney carriages and private hire vehicles is enforced by the local authority. Non-criminal enforcement can also be affected by means of action taken against the licence held by the person who has transgressed such as warnings, suspensions or revocations.
- 3.2 Any driver must be a fit and proper person. It is not possible to give a precise definition of what this is, but at its heart is keeping passengers safe and free from risk. It is the responsibility of the applicant to satisfy the council that they are fit and proper and that they are safe and suitable to hold a licence.
- 3.3 The council can suspend, revoke or refuse a hackney carriage or private hire vehicles and/or driver licences. However, a driver licence cannot be suspended and then revoked at a later date such as at the conclusion of a prosecution. Other actions are available to officers such as verbal or written warnings which can be applied in line with the Councils [Licensing Enforcement Policy](#).
- 3.4 All cases are looked at on their own individual merit and if necessary such as in CSE cases multi agency meetings may be held to review available evidence. Legal

advice is sought where appropriate and all enforcement decisions are approved by the licensing manager/head of regulatory services. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion. If a matter was really serious and required immediate suspension, then officers would come to members as soon as possible after they had taken action.

- 3.5 In addition to day-to-day enforcement work, officers carry out weekly out-of-hours enforcement work, normally at weekends and weekday evenings. This includes monitoring of hot spot areas for over and illegal ranking and illegally plying for hire, vehicle inspections and occasional test purchase operations. General enforcement is essentially checking the vehicle is safe to be on the road and that the driver's details are correct. The officers are trained in vehicle inspection and checks could include a number of things illustrated on the check list in Appendix A. Primarily, it involves checking the tyres, lights, steering, suspension, as well as the general condition of the vehicle, livery and that the meter is working correctly. Joint working with neighbouring authorities is ongoing and joint operations are planned over the coming months.
- 3.6 Taxi Licensing, Adur and Worthing Council and Sussex Police conducted a multi-agency operation on Saturday 25 January 2020. 4 Hackney Carriage Drivers were issued 3 points (FPN) for stopping in a bus stop on Zig Zags – They were not dropping off or picking up and admitted to be standing for hire for customers at the train station. 1 out of town driver (Lewes) failed a test purchasing exercise by picking up a passenger that had not been booked through their operator.
- 3.7 Officers from Brighton & Hove and Lewes have worked together to investigate an Operator to ensure that the correct procedures and records were in place. Visits to the Operators base and proposed base in Brighton were undertaken and a Joint interview was undertaken at Lewes offices.
- 3.8 Brighton & Hove City Council in partnership with YMCA (Downslink) has held eight additional free awareness raising sessions for the city's licensed taxi drivers so they know how to spot the signs of Child Sexual Exploitation (CSE) & Child Criminal Exploitation (CCE) and how and where to report cases. Most licensing authorities are now either in the process of or will be shortly introducing compulsory Safeguarding training for licensed drivers which will be charged to the driver. Brighton & Hove City Council previously provided free training available to all licence holders and 563 drivers attended voluntarily over 2 days. 872 drivers have now undertaken this free training which is 63% of all Brighton & Hove Licensed Drivers (1383).

Exploitation of children and vulnerable adults is a criminal offence and it can happen to any child, young person or vulnerable adult from any background. The process means victims often do not realise that they are being exploited and so it is vital that everyone takes responsibility for identifying people at risk. Reporting can help victims get support and be safeguarded and help bring the perpetrators to justice.

Brighton Station Rank

- 3.9 On the 11th November GTR (Govia Thameslink Railways) relocated the station taxis rank from the front of the station (Junction Road) to the North side of the station (Stroudley Road). The decision on where the rank sits and how it is operated is the train operators as both ranks are located on private land. The new rank to the north is larger than the rank provided at the south and can accommodate more taxis than the southern rank. In preparation of moving the rank GTR made improvements to the road layout to accommodate the taxis rank.
- 3.10 Hackney Carriage Brighton Station permit holders have objected to the move citing several reasons such as a drop in trade, difficulties in exiting via New England Road, no shelter for passengers from the weather and congestion caused by private hire and private vehicles causing around the rank. Members of the public have also complained due to increased travel distance to the rank within the station and increase journey costs in terms of distance & time leaving the new rank. While there will be some losers with the move in terms of the actual journeys, anyone travelling to the north and west will have quicker access so it will always depend on where you are travelling to regarding the cost.
- 3.11 Following the move a meeting was arranged on the 16th December with GTR, Trade reps and Council Officers. This was the first meeting directly with GTR since two other reps came to the trade forum meeting earlier last year and the instigation of moving the rank to the North.
- 3.12 There have been benefits such as less traffic at the front of the station and significant improvements to the bus network. The bus operator is currently collating the detailed data to support the improvements that have resulted from the change. Taxi trade reps have expressed concern that the rank is not working for either the trade or their customers outlining all the issues of higher fares access and egress to the rank and the area being clogged up with other traffic such as private cars mini-buses and private hire vehicles including out of town private hires.
- 3.13 It was suggested that access to the rank could be changed to only allow permit holders to turn left at the mini roundabout. This would mean that all other traffic would have to go into the car park where a 20-minute free waiting time is currently allowed. If this was put in place this should prevent non-permit holders from accessing the area. GTR agreed that they would explore this option and come back with an indication of when this could be achieved as it should not be a significant piece of work.
- 3.14 GTR was informed that the current arrangement when Bus Rail Replacement was in place was not working and that there is space at the rank for both buses and taxis in the area. A notional plan was put to the GTR reps which they agreed to investigate the suggested approach as to how taxis can have better access during rail replacement.
- 3.15 GTR were made aware that their customers were sometimes getting wet due to the current way they queue for taxis. There is a station overhang, but often passengers are waiting outside of the zone that the overhang provides shelter. GTR agreed to

investigate the options including a new shelter. They are also exploring some changes in this location and the possibility of introducing a better queuing system that should keep passengers under the overhang.

3.16 Officers will continue to work with GTR on these improvements and will continue to press GTR to act quickly to support the trade.

3.17 The taxi licensing team are working closely with parking enforcement (NSL), who have been targeted with increased enforcement activities at the South of the station, this includes no loading restrictions so NSL can issue an immediate ticket. CCTV will continue to monitor the bus stops, where there is evidence that they are standing and not picking up dropping off they can be issued a penalty notice by post. In addition, a rapid response unit is available between 9am and 7 pm on 0345 603 5469 option 2.

Where there is evidence that licenced drivers are continuing to breach road traffic regulations and have been sufficiently advised to educate then, then the Taxi Licensing Office will review individual licences and to consider if a driver remains to be fit and proper.

3.18 For actions taken against drivers / applicants between November 19 and March 2020 See Appendix B. A graph showing previous actions reported to Committee from November 2018 can be seen at Appendix C.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. None.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1. This report is for information purposes only, so there are no financial implications.

Finance Officer Consulted: Michael Bentley

Date: 17.01.2020

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date: 21.02.2020

Equalities Implications:

5.3 Licensing authorities must ensure that a safe hackney carriage and private hire service is freely available to meet the demand across all sectors of the public, especially those vulnerable groups to whom a taxi or private hire vehicle is often the only means of completing a journey.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. For information only.



BTEC Vehicle Inspection Programme

Vehicle Reg No _____

Mileage _____

Examining Officer _____

Private Hire

Hackney Carriage

Vehicle No _____

Badge No _____

Time Stopped _____

Date Stopped _____

Location _____

Exterior Lights Front	Serviceable	Unserviceable
Side Lights		
Headlights / Dip / Main		
Fog Lights Front		
Indicators N/S O/S + Hazards		
Exterior Front	Serviceable	Unserviceable
Condition Of bodywork + Number Plate		
Underbonnet Condition		
Oil / Brake / Steering Fluid		
Fluid Leakage		
N/S Front Tyre Depth Pressure		
N/S Wheel + Nuts		
N/S Suspension Leaking / Bounce		
N/S Wing Mirror		
O/S Front Tyre Depth Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
O/S Wing Mirror		
Steering Systems	Serviceable	Unserviceable
Amount of Free Play		
Condition of Gaitors		

Driver Interior / Exterior	Serviceable	Unserviceable
Condition of Steering Wheel		
View to Front and Side / Tints		
Seatbelts / Driver + Passenger		
Footbrake Operation + Slip Device		
Carpets / Wires / Obstructions		
Radio + PDA + Sta Navs		
ABS Warning + Other Warning Lights		
Handbrake Operation + Warning Light		
Seat Security		
Door + Window Operation (All)		
Signs / Fare Tables / Badges Etc		
Taximeter + Calibration		
O/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger + Centre Belt		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		

Rear Of Vehicle	Serviceable	Unserviceable
Side Lights		
Brake Lights + High Level / Central Lights		
Indicators N/S O/S + Hazards		
Rear Fog Lights		
Reversing Lights		
Number Plate Condition + Light		
Tailgate / Boot Operation		
Spare Wheel or Inflator Kit		
N/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
Additions	Serviceable	Unserviceable
Fire Extinguisher		
First Aid Kit		
Wipers / Washers / Horn		

Brief Report

Defects likely to warrant suspension

General Condition of Vehicle

Good

Average

Poor

Very Poor

Other Defects Noted _____

Categorisation of Defects

Section _____ Page _____ I.M No _____

Note _____

Suspension Issued

Yes No

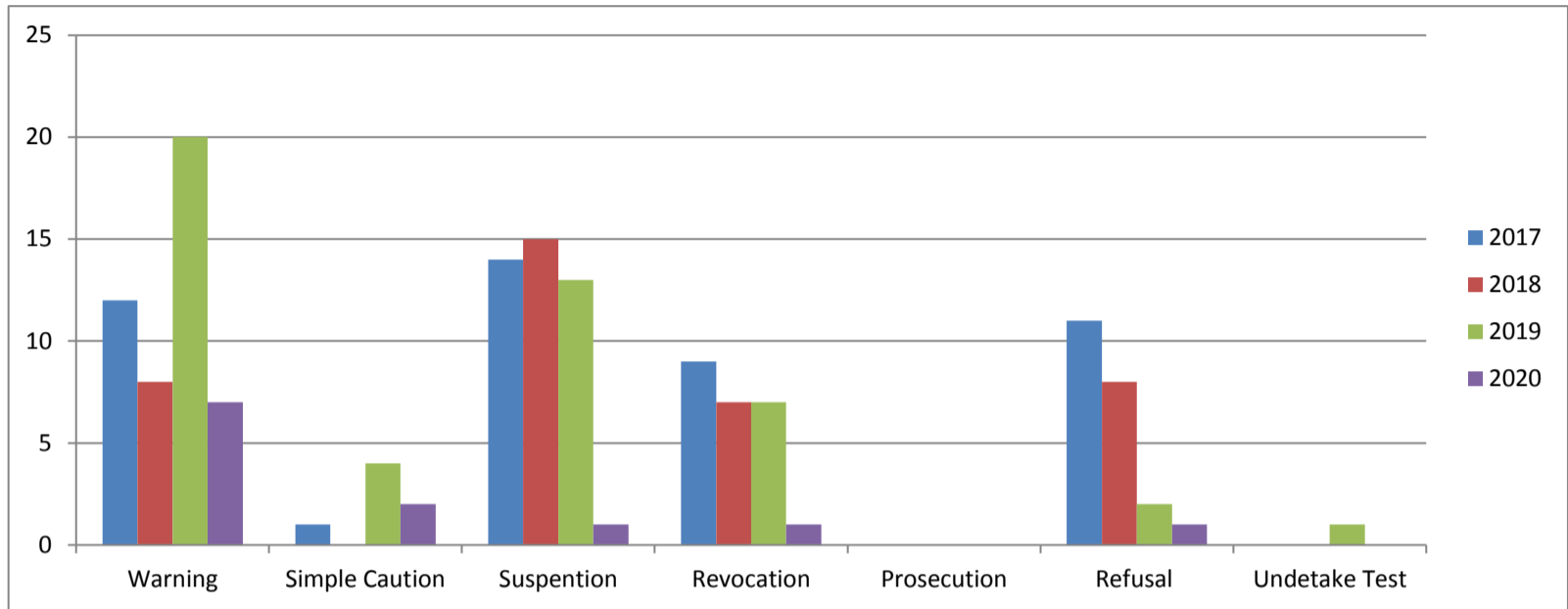
Enforcement Actions Since Licensing Committee November 2019

	Licence Type	Date	Brief Description of Case	Aggravating Factors:	Mitigating Factors:	Enforcement Action Taken:
1.	Lewes Licensed Private Hire Driver	06.11.2019	Sitting on a Brighton & Hove Rank			Warning Letter
2.	Dual HC/PH Driver	19.11.2019	Fraud by False Representation	Did not declare any motoring offences on application for a licence		Caution
3.	Private Hire Driver	19.11.2019	Used an unlicensed private hire vehicle to take bookings after the vehicle licence had expired.		The operator had entered incorrect dates into their booking system in error which allowed the vehicle to continue to work.	Caution
4.	Dual HC/PH Driver	03.12.2019	Overcharging. Charged the fare, Waiting time and fouling charge.		Passenger had vomited in vehicle	Written Warning
5.	Lewes Licensed Private Hire Driver	11.12.2019	Sitting on a Brighton & Hove Rank			Warning Letter
6.	Private Hire Driver	18.11.2019	Failed to declare motoring offences on application		Had been out of the country for 4 months while the application was in progress and had believed that he had successfully appealed the points on his licence.	Written Warning
7.	Dual HC/PH Driver	18.12.2019	Waiting outside Brighton Station	Previously received advice letter		Written Warning

8.	First Applicant	19.12.2019	Recent Drug & Motoring Convictions/Cautions and Driver does not meet DVLA Group 2 Medical Standard			Application Refused
9.	Private Hire Driver	20.12.2019	Disqualified from driving	Must have a DVLA licence to hold a private hire licence		Licence Revoked
10.	Dual HC/PH Driver	23.12.2019	Waiting outside Brighton Station	Previously received advice letter and given verbal advice		Written Warning
11.	Dual HC/PH Driver	23.12.2019	Waiting outside Brighton Station	Previously received advice letter and given verbal advice		Written Warning
12.	Dual HC/PH Driver	06.01.2020	Arrested and charged with Oral and Anal Rape of a female			Licenced Revoked
13.	Private Hire Driver	08.01.2020	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended
14.	Lewes Licensed Private Hire Driver	14.01.2020	Sitting on a Brighton & Hove Rank			Warning Letter
15.	Dual HC/PH Driver	30.01.2020	Disqualified from driving	Must have a DVLA licence to hold a private hire licence. Did not inform Taxi Licensing		Licence Revoked
16.	Dual HC/PH Driver	12.02.2020	Driving with a lapsed licence	Temporay badge issued pending receipt of DBS lapsed	Had made initial application to renew.	Caution Issued

Actions Taken

	2017	2018	2019	2020
Warning	12	8	20	7
Simple Caution	1		4	2
Suspension	14	15	13	1
Revocation	9	7	7	1
Prosecution				
Refusal	11	8	2	1
Undetake Test			1	



Various Cases in 2017,2018 and 2019

	2017	2018	2019	2020
Convictions	11	8	8	4
Medical	10	15	10	1
Traffic Offence		2		
Out of Town Plying for Hire			1	
Out of Town on Taxi Rank		1	11	2
Nonpayment	6	2		
Allegated Assault	1	2	3	1
Assault		1		
Conduct	2	2		
Private Hire on Taxi Rank			1	
Plying for Hire	1	2	5	3
Licencing Conditions	2	3	5	2
Smoking in Vehicle			3	

