

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

