

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON-LICENSING ACT 2003 FUNCTIONS)

3.00PM 24 JUNE 2021

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Simson (Group Spokesperson), Knight and Moonan

PART ONE

1 PROCEDURAL BUSINESS

In welcoming all to this meeting of the Licensing Committee (Non-Licensing Act 2003 Functions), the Chair, Councillor Deane explained that in line with current Government guidance this a hybrid meeting. The debate and decision making rested solely with the 4 Members who are in attendance in the Chamber. Apart from the Officers present in the Chamber others would be joining the meeting via Microsoft Teams. The meeting was being webcast live and would be capable of subsequent repeated viewing.

1(a) Declarations of Substitutes

1.1 Councillor Moonan was present in substitution for Councillor Henry.

1(b) Declarations of Interest

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

1(c) Exclusion of Press and Public

1.3 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.

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

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 4 March 2021 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair, Councillor Deane stated that firstly she wished to talk about the continuing effects of covid restrictions, officers were continuing to work closely with the Trade and a one off grant payment of £400 had been made to all licensed B&H drivers in April.
- 3.2 With regard to Electric Vehicles, three on-street rapid charging hubs with 12 bays for taxi charging had been officially launched earlier that month at Preston Park, Ashton Rise and Victoria Recreation Ground in Portslade. Sadly, work on the 4th rapid charger hub at the Racecourse had to be delayed until October due to events and the use of the site as a vaccination centre. To promote the launch of the on-street rapids: Electric Blue, our charge point operator was providing free electricity for the first month at these sites. Over the next few months additional fast chargers would be added to the network. Further bids were to be submitted bids for additional lamp post and fast chargers.
- 3.3 Another fully electric private hire vehicle had been licensed recently and the taxi licensing team were fielding enquiries regarding more electric vehicle applications.
- 3.4 At this juncture the Chair stated that she would normally to invite her deputy Cllr Steve Davis who was now the lead on Taxis, to speak, but unfortunately as he was unable to take part in this meeting so she would take the opportunity to say a few words on his behalf:

“With restrictions lifting, the weather brightening and tourists returning to the city, I genuinely hope the Trade will see some semblance of normality return to their lives. I feel I know a fair amount of the pain you have felt during this unprecedented period. I have been a self-employed driving instructor and had to close my business down for the best part of fourteen months and was on the breadline for much of that time so I understand your angst at the number of out-of-town drivers who have been plying for trade in our city, but must remind you that as a local authority our hands are tied by government legislation on this matter. On behalf of this Committee, I want to wish you the best of luck in keeping the wheels turning, and hope you have a very busy summer.”

- 3.5 Following the by election in May there had been a few changes to the Licensing committees so the Chair wished to say farewell and thanks, albeit in their absence, to Cllrs Carmen Appich, Theresa Fowler, Martin Osborne, and Lee Wares for all the work they had put into this Committee in the past, and to welcome Cllr Chris Henry as Opposition Spokesperson, Cllr Amy Heley, and Cllrs Clare Moonan, Alex Phillips and Carol Theobald.
- 3.6 **RESOLVED** – That the contents of the Chair’s Communications be noted and received.

4 CALLOVER

- 4.1 All items appearing on the agenda were called for discussion.

5 PUBLIC INVOLVEMENT

5(a) Petitions

5.1 There were none.

5(b) Written Questions

5.2 There were none.

5(c) Deputations

5.3 It was noted that two Deputations had been received.

Pedicabs Proposal

5.4 Mr Bernstein was invited to speak in support of his Deputation which had been circulated with the agenda and is also set out below:

5.5 The Chair, Councillor Deane responded in the following terms:

"Unfortunately, there are some barriers to your proposed scheme from a licensing perspective. Outside London, pedicabs are classified as Hackney Carriages, they can therefore be licensed and can ply-for-hire (i.e., be available to passengers for immediate hire). This decision was made by the Court of Appeal in the case of R v Cambridge City Council ex-parte Lane (1999). The decision in this case was that pedicabs fall under the definition of a Hackney Carriage under the "Town Police Clauses Act 1847" and, as such, must be licensed as Hackney Carriages. Fares are charged at a flat rate regardless of how many passengers are carried.

The consequence of pedicabs being classified as Hackney Carriages outside London is that there are many difficulties in transposing hackney carriage regulations in order that they may apply equally to pedicabs.

In Brighton & Hove we have a managed growth policy for issuing hackney carriage vehicle plates (5 per year) and there is a significant waiting list for these plates. The vehicle would also need to meet the required standards at the time and be able to go anywhere in the City as requested and could not legally refuse except for the normal reasons. The driver must also be a licensed hackney carriage driver. The council's current Taxi policy does not allow for the issuing of licenses to rickshaws or novelty vehicles. It is recommended therefore that the Deputation is noted and received."

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

Brighton and Hove Licensed Taxi Trade

5.7 Mr Peters was invited to speak in support of his Deputation which was circulated as an addendum and is also set out below:

5.8 The Chair, Councillor Deane responded in the following terms:

“We are unclear about the reference to a “total loss of licensing control”. A properly licenced Private hire vehicle and driver can work anywhere in the country, providing the vehicle, driver and operator (taking booking) are all licensed by the same authority.

A Hackney Carriage vehicle can only ply for hire in the district they are licenced, outside the district they are not permitted to ply for hire and must be booked, A Hackney Carriage vehicle can act as their own operator.

As such, checks will have been carried out to ensure that the driver/operator are Fit and proper and the vehicle is safe.

We understand and share frustration of out-of-town vehicles operating in the City but this is not new as legislation allows for properly licensed vehicles to operate anywhere in the country.

We can and do control our own licensed vehicles and we have good working relationships and joint working agreements with neighbouring authorities regarding their vehicles working in the city. We can also take action against any vehicles (out of town or our own) if statutory offences are being committed but if it relates another authorities' conditions then we would rely on joint working/enforcement.

We do investigate reports of offences with regard to out-of-town vehicles, but we do need evidence and unfortunately, we receive a considerable amount of 3rd hand information which lack the evidence that we require to fully investigate in a timely fashion. We do follow up those individual cases and have stopped and spoken to out-of-town vehicles but found no identifiable offences.

Previous investigations have not demonstrated an actionable offence and concluded that vehicles identified to us were either legally dropping off or picking up or using their vehicle for personal means.

Anecdotal evidence suggests the TfL drivers have lost a large proportion of their work during the pandemic and many have turned to delivering for companies like Uber eats.

We will investigate cases where there is sufficient evidence.

With regard to restricting bus lanes to out-of-town taxis, Traffic management have stated that a review of all traffic orders is required and currently it is not a priority in the city due to the pressure across the service. In terms of delays from a network management point of view they have little to no impact on the road network as the volume is relatively low. We also consider the impact on disabilities and mobility issues accessing the city from surrounding areas. This would increase delays and cost to those individuals. Additional matters raised would be responded to outside of the meeting and specific incidents raised would be investigated further. It is recommended therefore that the Deputation be noted and received.

- 5.9 There was discussion regarding whether a further report should be submitted to Committee providing an update on the issues outlined. Members considered that all valid complaints received should be investigated and that the issues identified be kept

under review. Updates could be included in Chair's Communications Members and a report for consideration at a future Committee if the abuses identified continued.

- 5.9 **RESOLVED** – that the Deputation be noted and received, that the matters referred to be kept under review and as/if appropriate form the subject of a report to a future Committee meeting.

6 MEMBER INVOLVEMENT

6(a) Petitions

- 6.1 There were none.

6(b) Written Questions

- 6.2 There were none.

6(c) Letters

- 6.3 There were none.

6(d) Notices of Motion

- 6.4 There were none.

7 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

- 7.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities which provided an update for Members on enforcement action taken against Hackney Carriage and Private Hire Drivers and Applicants between March 2021 and June 2021.
- 7.2 Councillor Moonan sought clarification regarding the current situation in respect of the bollards to be installed next to Budgens adjacent to Brighton Station. It was confirmed that these were now in place.
- 7.3 Councillor Knight sought information regarding the process when a licence plate was revoked. It was explained that a plate was not taken away until a full appeals process had been exhausted as it could not be reinstated retrospectively. When a plate was revoked a new plate was released to a driver on the waiting list.
- 7.4 Councillor Simson referred to the comments which had been made in respect of vehicles licensed by other authorities plying for trade in the city. Councillor Simson asked whether such vehicles were included in the unmet demand survey. The Regulatory Services Manager, Jim Whitelegg explained that he would ensure that such data would be included in the data collected in order to ensure that this could be monitored.

- 7.5 Councillor Moonan was pleased to note the joint working which had taken place work that had been with neighbouring authorities and the broader enforcement issues which were being addressed on an on-going basis. It was explained that issues raised via the Taxi Forum and by those in the taxi trade directly were investigated. It was often difficult to take action as information provided was anecdotal, it was not illegal for vehicles licensed elsewhere to work in the city and actionable offences had be evidenced in order for action to be taken.
- 7.6 **RESOLVED** – That Members note the contents of the report and that officers should continue to act as appropriate.

8 ITEMS REFERRED FOR COUNCIL

- 8.1 There were none.

The meeting concluded at 3.40pm

Signed

Chairman

Dated this

day of