

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

3.00PM 17 FEBRUARY 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Ebel, Knight, Moonan, O'Quinn, Rainey and C Theobald

Apologies: Councillors Bagaeen, Heley, Lewry and Phillips

PART ONE

19 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

19.1 Councillor Shanks was present in substitution for Councillor Heley.

(b) Declarations of Interests

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

(c) Exclusion of Press and Public

19.3 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.

19.4 **RESOLVED:** That the press and public not be excluded from the meeting.

20 MINUTES OF THE PREVIOUS MEETING

20.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 14th October 2021 be agreed and signed as a correct record.

21 CHAIR'S COMMUNICATIONS

21.1 The main thing I want to talk about is taxi marshals. Following a successful bid to the Home Office to address the safety of women and girls in the night time economy, taxi marshals are going to be deployed on Friday and Saturday nights at East Street and West Street between 1am and 5pm. They will be deployed from December 2021 until

the end of March 2022 when the funding stops. There has been positive feedback from the Police including assisting a woman who had reported an alleged sexual assault. When I attended the Police and Crime Panel a few weeks ago, I raised this with the Commissioner, Katy Bourne, and she gave a positive response to my request that the funding be continued.

22 CALLOVER

22.1 The following items were called over:

Item 25 – Compulsory Card Payment Facilities in Hackney and Private Hire Vehicles

Item 26 - Hackney Carriage and Private Hire Enforcement Report

Item 27 – Hackney Carriage Fare Review

23 PUBLIC INVOLVEMENT

23.1 There were no public engagement items.

24 MEMBER INVOLVEMENT

24.1 There were no Member engagement items.

25 COMPULSORY CARD PAYMENT FACILITIES IN HACKNEY AND PRIVATE HIRE VEHICLES

25.1 The Committee considered a report of the Executive Director, Housing, Neighbourhoods and Communities, asking the Committee to consider, as a condition of licence, that all Hackney Carriage Vehicles have a functioning cashless payment facility available for passengers. The report was presented by the Hackney Carriage Officer.

25.2 In response to a question from Councillor Simson, the Hackney Carriage Officer confirmed that only Hackney Carriage Vehicles were covered by the policy as most Private Hire vehicles were linked to private operators.

25.3 In response to a question from Councillor Shanks, the Hackney Carriage Officer said the majority of Hackney Carriage Vehicles already had card payment facilities.

25.4 In response to a question from Councillor O'Quinn, the Hackney Carriage Officer advised that the policy would be enforced by inspecting every vehicle to ensure that a card payment machine was installed and working.

25.5 In response to a question from Councillor Ebel, the Hackney Carriage Officer said transaction fees varied according to supplier but the cost could be claimed as a business expense for tax purposes.

25.6 In response to a question from Councillor Theobald, the Hackney Carriage Officer confirmed that most payment machines supported Apple Pay.

- 25.7 Cllr Moonan noted that it had been reported in the consultation that there were areas in the city with a weak signal. She asked if there would still be an option to pay with cash. The Hackney Carriage Officer said that passengers would have the choice as to how they paid. Councillor Theobald said it was essential to offer cash payments to older people who did not use cards.
- 25.8 Councillor Quinn welcomed the move to cashless payments and she thanked everyone who was involved for the work done on this.
- 25.9 Councillor Simson agreed with Councillor O'Quinn. Cllr Simson and she hoped that drivers would use it. She noted that monitoring the provision of this would be important.
- 25.10 **RESOLVED:** The Committee agreed that Hackney Carriage Hire Vehicles, as a condition of licence, must have a functioning cashless payment facility available for passengers to pay any fare due from the 1st May 2022. This facility must be connected and working at all times to ensure customers are able to pay by card. Proprietors may also have a receipt printing facility should they wish to do so.

26 HACKNEY CARRIAGE AND PRIVATE HIRE ENFORCEMENT REPORT

- 26.1 The Committee considered a report of the Executive Director, Housing, Neighbourhoods and Communities, which had been requested by Members to update them on enforcement action taken against Hackney Carriage and Private Hire Drivers and Applicants, between October 2021 and January 2022. The report was presented by the Licensing and Enforcement Officer.
- 26.2 The Licensing and Enforcement Officer informed Members that Omnicron had affected resources for the multi-agency operation referenced at 3.6 of the report. However, he was pleased to report that 42 licensed vehicles had been stopped including those from other districts. The majority of vehicles were compliant and further operations would be run later in the year.
- 26.3 The Licensing and Enforcement Officer drew Members' attention to 3.7 of the report which referenced complaints received about drivers sitting on the south side of Brighton Station. A joint letter from Councillor Davis and Jim Whitelegg was sent to the trade on 4th January 2022. Their advice had been taken on board and the number of complaints had since reduced.
- 26.4 Councillor O'Quinn had noticed that some drivers kept their engines idling whilst parked and asked if this was included in the measures. The Licensing and Enforcement Officer said there had been numerous complaints about this over the years. He explained that most modern engines now cut out when stationary, but the engine had to remain running if the driver wanted to activate the heating or air conditioning. There was no enforcement policy in place for this currently but if the problem intensified officers would look into it. Councillor O'Quinn said this was also a problem with council vehicles. The Licensing and Enforcement Officer would pass Councillor O'Quinn's concerns to drivers employed by the council.
- 26.5 Councillor Appich was concerned that taxis, mostly those from out of town, parked on pavements that had been widened for pedestrians. This was particularly noticeable on

Kingsway. She asked if Lewes Taxis could be written to and asked to refrain from doing this.

- 26.6 Councillor Appich reported there were still taxis dropping taxi passengers at the bus stop by the train station which was making busses late. Bus drivers should be encouraged to report this.
- 26.7 The Chair echoed Cllr Appich's concerns and noted the difficult road layout in the area of the station. She had received a complaint from a resident who was unhappy about taxis dropping off customers directly outside his house. She felt the station should take more responsibility in addressing these issues given that many of those being dropped off in this area were rail users. She asked officers to look into this.
- 26.8 Councillor Moonan asked if licences were reissued to drivers whose licenses had been revoked. The Licensing and Enforcement Officer explained that licence applications were treated on their individual merits. It would be down to the applicant to prove they were fit and proper and officers would run a number of background checks including an enhanced DBS. If a licence had been revoked on the basis of a suspected offence, it would be kept under constant review.
- 26.7 Cllr O'Quinn asked for more out of town taxis to be targeted when carrying out enforcement action. The Licensing and Enforcement Officer agreed. He explained they relied on the Police to carry out the initial stops and the Police were aware that licenced vehicles across the spectrum were to be targeted.

26 RESOLVED: That the Committee agree the report be noted.

27 HACKY CARRIAGE FARE REVIEW

- 27.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities, to seek the Committee's approval and authority to advertise proposed fare increases following the hackney carriage trade's request for an increase in fares. The report was presented by the Hackney Carriage Officer.
- 27.2 The Chair noted there was a joint Labour Group and Conservative Group Amendment and invited Councillor O'Quinn to move the Amendment.
- 27.3 Councillor O'Quinn read out the Amendment and outlined the reasons which included the impact of rising fuel costs and inflation. The taxi trade had dropped the Friday and Saturday late night charge which went some way to mitigate a fare increase of 5% rather than the 3.5% originally proposed.
- 27.4 The Amendment was seconded by Councillor Simson. She had always been supportive of the taxi trade in the city and recognised that taxis needed to operate as a financially viable business. She hoped that with the increase of electric vehicle use, the fares would level out in the future but currently felt that increasing fares by 5% was the right thing to do to support the trade and was happy to second the Amendment.
- 27.5 Councillor Moonan asked if the tariff could be reduced if the price of crude oil came down in the future. The Hackney Carriage Officer confirmed this would be possible and

a report would be presented to the Licensing Committee if requested by the trade. Councillor Moonan felt the Committee should keep their eye on this as she was keen to pass any savings back to customers.

- 27.6 Whilst Councillor Knight sympathised with taxi drivers, she recognised that inflation affected everybody. Her constituency of Moulsecoomb and Bevendean had the smallest percentage of vehicle owners than anywhere else in the county. It was an outlying district with an unreliable bus service and many of her constituents relied on taxis to get into town and back. For these reasons she was not supportive of the Amendment.
- 27.7 Councillor Ebel referenced the league table for fares and noted that Brighton was close to the top. She was concerned that with a 5% increase, Brighton could end up higher in the table. The Cost of living was already high in Brighton but wages were not as high as in London. There were lots of people with disabilities who relied on taxis. She sympathised with the taxi trade but suggested instead that fares were only increased if inflation rose further. She preferred to stick with 3.5% increase to avoid putting a higher burden on residents.
- 27.8 Councillor Davis noted that duty had not been raised on fuel in the last 10 years. He felt the impact of this fare increase would be felt mostly by people who needed taxis during a cost of living crisis and therefore preferred the increase to remain at the original figure of 3.5%.
- 27.9 Councillor Shanks did not support the amendment on the basis that 3.5% was more of an increase than most people's wages.
- 27.10 Councillor O'Quinn said a lot of taxi drivers lived on the outskirts of city, were not the highest paid and had been through a very difficult time during covid. Many got their work from the late night economy, mainly young people who had a disposable income. Taxi drivers would suffer with the cost of living crisis. Fuel had gone up by more than 3.5% and they faced much higher costs in terms of inflation. She believed other authorities would follow suit.
- 27.11 Councillor Moonan asked if the Committee could restrict the Amendment to a 12 month period and review the position thereafter.
- 27.12 The Regulatory Services Manager advised it could be reviewed after 12 months but there was a significant process for doing this and a cost for implementing it as metres would need to be changed and adverts placed. The next fair review would be undertaken when the trade requested it, it was not routinely reviewed. He proposed a way forward which was to request the comments and views of the Taxi Forum in 12 months' time and then present a report to Committee with this feedback and seek advice from Members at this point.
- 27.13 **RESOLVED:**
1. That the Committee approves the proposed fare increases of 5% rather than the 3.5% originally requested and authorises the Head of Safer Communities to

advertise the proposed variation in fares and invite any objections in accordance with the legal requirements.

2. That the Committee agrees that if no objections are made, or if any objections which are made are withdrawn, the varied table of fares will come into force in accordance with the statutory scheme.
3. That the Committee reconsiders the matter at the next meeting of this Committee if valid objections are made but not withdrawn. As there are strict legal timescales relating to fare reviews a special meeting of this Committee may be required.

28 ITEMS REFERRED FOR COUNCIL

28.1 There were none.

The meeting concluded at 11.08am.

Signed

Chairman

Dated this

day of