

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 26

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.30PM 17 NOVEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Sykes (Deputy Chair), Cobb, Duncan, Gilbey, Hyde, J Kitcat, Lepper, Marsh, Rufus, Simson, C Theobald and West

Apologies: Councillors Turton

PART ONE

11. PROCEDURAL BUSINESS

11a Declaration of Substitutes

11.1 Councillor J. Kitcat declared that he was substituting for Councillor A. Kitcat.

11b Declarations of Interest

11.2 There were none.

11c Exclusion of the Press and Public

11.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

11.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of the items on the agenda.

12. MINUTES OF THE PREVIOUS MEETING

- 12.1 **RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 23rd June 2011, be agreed and signed as a correct record of the proceedings.

13. CHAIR'S COMMUNICATIONS

Revocations and Suspensions

- 13.1 The Chair reported that since the last meeting of the committee, officers in the Hackney Carriage Office had revoked 1 licence and suspended 3 licences and 3 drivers.

14. PUBLIC QUESTIONS

- 14.1 The Chair noted that no public questions had been submitted.

15. LICENCE FEES 2012/13

- 15.1 The Head of Environmental Health and Licensing introduced the report and stated that he was aware of the difficulties in setting licence fees in a fair and transparent way and noted that last year the council had given a commitment to the taxi trade and trade unions to endeavour to set the fees at a fair level. The proposed taxi fees had been reported to the Taxi Forum and others would need to be advertised and consulted on before being implemented. He also noted that it was not intended to increase the fees for sex establishments.
- 15.2 Councillor J. Kitcat welcomed the report and commented on the level of detail and transparency of the fee setting process and thanked the officers involved for their work.
- 15.3 Councillors Duncan and Simson also welcomed the report and expressed their support for Councillor Kitcat's comments.
- 15.4 **RESOLVED:**
- (1) That taxi licence fees: Hackney Carriage Vehicles be reduced by 1%, Hackney Carriage Drivers be increased by 4%, Private Hire Vehicles be reduced by 3% and Private Hire Drivers be increased by 2%;
 - (2) That Street Trading licence fees be increased by 1%;
 - (3) That Sex Shops, and Sex Cinemas licence fees be increased by 3%;
 - (4) That Other discretionary licence fees be increased by 4%;
 - (5) That no increase be applied to Gambling Licensing licence fees; and
 - (6) That no increase be applied to Sex Entertainment Venues licence fees.

16. ADDITIONS TO THE BLUE HANDBOOK FOR HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS

16.1 The Hackney Carriage Officer introduced the report and noted that revised handbook had been agreed in June, but further changes had been requested by the Fed Centre which officers were happy to include should the Committee be minded to accept them.

16.2 **RESOLVED:** That the additions to the handbook contained in appendix 1 to the report be accepted and added to the appropriate sections of the handbook before it is printed and distributed.

17. TERMS OF REFERENCE AND CONSTITUTION FOR THE BRIGHTON & HOVE HACKNEY CARRIAGE AND PRIVATE HIRE CONSULTATION FORUM

17.1 The Hackney Carriage Officer introduced the report and stated that the updated terms of reference and constitution for the Brighton & Hove Hackney Carriage and Private Hire Consultation Forum was being presented to the Committee for confirmation.

17.2 The Committee noted that a working group had been established to review the constitution and officers had been involved in the process and worked with the group to bring it forward.

17.3 **RESOLVED:** That the amended Terms of Reference and Constitution for the Brighton & Hove Hackney Carriage and Private Hire Consultation Forum as detailed in appendix 1 to the report be approved.

18. HACKNEY CARRIAGE UNMET DEMAND SURVEY AND CONSULTATION ON WHEELCHAIR ACCESSIBLE VEHICLE PROVISION

18.1 The Hackney Carriage Officer introduced the report and noted that the hackney carriage unmet demand survey was due to be undertaken during 2012 and that the Committee was asked to confirm the restricted numbers policy for hackney carriage vehicles, with managed growth of five additional WAV plates issued annually to wheelchair accessible vehicles.

18.2 Councillor Simson asked how many people were on the waiting list.

18.3 The Hackney Carriage Officer confirmed that approximately 120 people were on the current waiting list.

18.4 Members of the Committee expressed their concern over the possibility of the unmet demand survey raising expectations that more plates would be made available and the potential impact on the livelihoods of those with plates. However, it was also felt that the process of managed growth was the best way of maintaining the situation and that the restricted numbers policy should be kept in place despite being criticised by government and others.

18.5 **RESOLVED:**

- (1) That the restricted numbers policy for hackney carriage vehicles with managed growth of five additional WAV plates issued annually to wheelchair accessible vehicles be endorsed, and subject to review following the consultant's report on the unmet demand survey; and
- (2) That any report should compare current policies and provision with other similar authorities in England to provide evidence in relation to the perceived or actual problem of availability of wheelchair accessible vehicles and consultation with local stakeholders.

19. HACKNEY CARRIAGE/PRIVATE HIRE TRADE:ETHNICITY MONITORING

- 19.1 The Hackney Carriage Officer introduced the report which detailed the results of ethnicity monitoring of Hackney Carriage / Private Hire Trade for 2010/11.
- 19.2 **RESOLVED:** That the report be noted.

20. EQUALITIES ACTION PLAN UPDATE

- 20.1 The Licensing Manager introduced the report which detailed the progress to date in respect of the Equalities Action Plan.
- 20.2 **RESOLVED:** That the report be noted.

21. ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

- 21.1 The Hackney Carriage Officer introduced the report and stated that the taxi trade had approached officers with the request to allow advertising on the rear wings of vehicles as a means of generating additional income for owners of the vehicles.
- 21.2 Members of the Committee welcomed the proposal and acknowledged the need to look at ways of enabling drivers to meet their income targets. It was also suggested that reference should be made to a recent report to the Cabinet on sponsorship and advertising to ensure that should vehicles be granted permission to have adverts that they do not contravene any requirements that have been approved.
- 21.3 Members of the Committee also asked that the report be made available to all Members for information.
- 21.4 **RESOLVED:**
- (1) That advertising may be displayed on the rear wings (as decided by the Head of Planning & Public Protection) of Hackney Carriage and Private Hire Vehicles, provided that the vehicle is not exempt from displaying the Council's livery and any advertisement displayed conforms to the council's guidance for licensed vehicles; and
 - (2) That delegated authority be granted to the Head of Planning & Public Protection to vary the standard Hackney Carriage Licence conditions to allow advertising in accordance with paragraph 2.1 above.

22. ITEMS TO GO FORWARD TO COUNCIL

22.1 No items were referred to Council.

The meeting concluded at 6.35pm

Signed

Chair

Dated this

day of

