

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

3.00PM 10 FEBRUARY 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Cobb (Chairman), Lepper (Deputy Chairman), West, Harmer-Strange, Hawkes, Hyde, Kitcat, Marsh, Older, Phillips, Pidgeon, Simson, C Theobald, Watkins and Wrighton

Apologies: Councillor West

Officers: Jean Cranford, Licensing Manager, Rebecca Sidell, Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

23. PROCEDURAL BUSINESS

23a Declaration of Substitutes

23.1 There were none.

23b Declarations of Interest

23.2 There were none.

23c Exclusion of the Press and Public

23.3 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).

23.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the Item on the agenda.

24. MINUTES OF THE PREVIOUS MEETING

24.1 **RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on X be agreed and signed as a correct record.

25. CHAIRMAN'S COMMUNICATIONS

25.1 The Chairman explained that since the last meeting of the Committee the Hackney Carriage Office had:

Revoked one licence, suspended 1 driver on medical grounds and refused licences to two drivers.

In addition to this, two drivers had been given formal warnings which would remain on their records for three years.

25.2 **RESOLVED** – That the position be noted.

26. CALLOVER

26.1 All items were reserved for discussion.

27. PUBLIC QUESTIONS

27.1 There were none.

28. PETITIONS

28.1 The Committee considered a report of the Strategic Director of Resources detailing an e petition containing 74 signatures submitted in relation to enforcement of the legal duty for disabled taxi passengers.

28.3 The Chairman stated that the subject of the petition was the subject of a report elsewhere on that day's agenda and that Members would have the opportunity to discuss that in full.

28.3 Ms DesMoulins the main petitioner was given the opportunity to amplify on the points set out in her petition. She stated that she welcomed the opportunity to present the petition and was glad that she had been guided through the e petition process. After delays her concerns had resulted in the report now before the Committee and she was pleased with that outcome.

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

29. EQUALITY ACT 2010 LIST OF DESIGNATED WHEELCHAIR ACCESSIBLE VEHICLES

29.1 The Committee considered a report of the Head of Planning and Public Protection seeking approval that the Council should maintain a list of designed vehicles for the purpose of the Equality Act 2010.

29.2 The Licensing Manager stated that the only sensitivity was that some hackney carriage proprietors had vehicle licences which contained a condition requiring wheelchair accessibility and some had provided wheelchair accessible vehicles by choice. If any

issues or unforeseen difficulties arose in relation to adopting an inclusive list officers might need to report back to the Committee.

29.3 Councillor Cobb, the Chairman commended the report which represented a lot of hard work by officers. Councillor Kitcat also welcomed the report stating that he hoped the list would be well publicised. Although the list of designated vehicles would have no actual effect in law until the duties were commenced this represented the correct approach. Councillor C Theobald also welcomed the report noting that the costs of such accessible vehicles was high.

29.4 **RESOLVED** – That the Committee approves the introduction of a designated list of wheelchair accessible vehicles.

30. **RESPONSE TO PETITION FROM BUSINESSES ON UPPER NORTH STREET**

30.1 The Committee considered a report of the Head of City Infrastructure responding to the petition received by the Committee at its previous meeting on 18 November 2010. The petition related to the placing of Advertising boards (swing boards) on Western Road advertising businesses in Upper North Street. This was in direct conflict with the highway licensing policy and the principles of managing street access for all users.

30.2 It was noted that the petition had been received and noted at the previous meeting of the Committee and that officers had been directed to examine the issue further and to bring a further report back to that meeting of the Committee.

30.3 Councillor Kitcat stated that whilst he understood why it was recommended that the existing policy be upheld he considered that ways in which trade could be supported during current difficult economic times should be, for example by use of shared A boards should be explored.

30.4 Mr Fisher, Senior Highways Enforcement Officer explained that a multi-sign scheme was due to be trialled in London Road which if successful could then be rolled out to other areas of the city.

30.5 Councillors Kitcat and Hawkes asked whether the petitioners of Upper North Street would be informed and Mr Fisher responded that they would.

30.6 Councillors Hawkes and Simpson stressed that the results of the trial scheme should be reported back to Committee and Councillor Simson asked when the trial period was due to end. It was explained that the scheme had yet to commence, to date there had been insufficient interest in take up. Members suggested that if there was insufficient interest in that area that perhaps Upper North Street could be considered instead.

30.7 **RESOLVED** – That the contents of the petition are noted and the Committee agrees to uphold the existing policy.

31. **SEX ESTABLISHMENT AND SEX ENTERTAINMENT VENUE LICENCE FEES 2011/2012**

- 31.1 The Committee considered a report of the Head of Planning and Public Protection providing further information relating to licence fees and charges for 2011/12 relating to Sex Establishments and Sex Entertainment Venues as requested by Committee at its previous meeting.
- 31.2 Councillor Kitcat welcomed the report stating that he recognised that the approach used was the most reasonable possible in the current economic climate. He considered that some elements seemed unfair but that little could be done via the Committee or in view of the current deficit.
- 31.3 Councillor Cobb, the Chairman stated that the report before the Committee had been the result of a lot of hard work. Councillor C Theobald also welcomed the report stating that it was clear that cost of administration and enforcement were high.
- 31.4 **RESOLVED** - That the Committee note the content of the report.

32. GUIDANCE FOR CCTV MONITORING IN LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

- 32.1 The Committee considered a report of the Head of Planning and Public Protection seeking approval of the guidance regarding the use of CCTV monitoring in licensed Hackney Carriage and Private Hire Vehicles.
- 32.2 The Chairman. Councillor Cobb explained that the wording of the bullet points relating to general conditions and retention of CCTV images contained typing errors and needed to be amended. These amendments were agreed and noted and are contained in the resolution set out below.
- 32.3 Councillor Kitcat sought clarification in relation to the bullet point contained on Page 38 of the circulated papers relating to data controllers, he queried whether this would be enforceable. The Licensing Manager explained that taxi drivers would act as their own data controllers, regulators would be attached to each circuit.
- 32.4 Councillor Older referred to the arrangements to be put into place in relation to audio recordings and referred to measures to be taken to ensure that this did not occur. The Chairman stated that such use would only be permitted in very exceptional circumstances where recording was triggered due to a specific threat.
- 32.5 Councillor Wrighton queried whether it would be possible to add a condition requiring a panic button to be fitted which could be used by passengers too and whether signage displayed in vehicles refer to the existence of audio recording facilities in addition to the panic button. Councillor Hyde stated that she had understood that panic buttons would be fitted for use by customers and drivers.
- 32.5 Councillor Watkins stated that before amending the existing wording . in this respect it was important to establish that it would be possible for two buttons to be fitted. The representative of the trade who was present was unable to confirm whether or not that was so. Following discussion it was agreed that more information was required and that officers would seek to ascertain whether or not it was feasible for two buttons to be fitted and to report back to a future meeting of the Committee. It was also agreed that

further work would be carried out in relation to the fitting of audio equipment and further information provided to the Committee.

- 32.6 **RESOLVED** – That the Committee approves the CCTV guidance contained in the report as contained in Appendix A or to other similar standard as agreed by the Head of Planning and Public Protection and the amendments set out below.

General Requirements

Bullet point 3:

“No recording or other material created by the system shall be used or distributed for any purpose other than allowed by the above or kept for at least 28 days if not required under the above.”

Retention of CCTV Images

Bullet point 2:

“In-vehicle CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for at least 28 days from the date of capture”.

33. HACKNEY CARRIAGE/PRIVATE HIRE TRADE ETHNICITY MONITORING

- 33.1 The Committee considered a report of the Head of Planning and Public Protection setting out the results of the Ethnicity Monitoring of the Hackney Carriage/Private Hire Trade for 2009/10.
- 33.2 Councillor Wrighton enquired regarding measures being undertaken to encourage more women to become taxi drivers. Councillor Marsh endorsed the importance of positively encouraging women into the trade. Councillor C Theobald also concurred in that view. The Chairman Councillor Cobb stated that all applications were processed as they were received, women were not discriminated against.
- 33.3 In answer to questions it was explained that the trade was diverse and that all drivers had to have command of English comparable to an 11/12 year old. Councillor Hawkes sought confirmation that all drivers had to complete the knowledge and considered that as drivers were picking up passengers all day long that their command of English was likely to improve rapidly.
- 33.4 **RESOLVED** – That the contents of the report be noted.

34. INHERITED HACKNEY CARRIAGE PLATES

- 34.1 The Committee considered a report of the Head of Planning and Public Protection in relation to inherited hackney carriage plates. One of the equality review measures to increase the proportion of wheelchair accessible vehicles had been to require transferred hackney carriages to become wheelchair accessible. This had been primarily targeted at the transfer of a vehicle licence following sale. The Taxi Forum had not foreseen the consequence that licences inherited on death of a licence holder would also be caught by that provision. The trade had been consulted on and had agreed to the proposed exemption.

34.2 **RESOLVED** – That the Committee agree the following exemption:

Where the interest of an existing proprietor's hackney carriage vehicle licence registration as amended under the Town Police Clauses Act 1847 s42 to a beneficiary or at the discretion of the Head of Planning and Public Protection, 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 a wheelchair accessible at renewal unless previously required by licence conditions.

35. ITEMS TO GO FORWARD TO COUNCIL

35.1 There were none.

The meeting concluded at 3.30pm

Signed

Chairman

Dated this

day of