

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

3.00PM 10 SEPTEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Cobb (Chairman), Lepper (Deputy Chairman), Allen, Davey, Harmer-Strange, Hawkes, Hyde, Janio, Older, Pidgeon, C Theobald, Wakefield-Jarrett, West and Wrighton

Apologies: Councillor Watkins

PART ONE

10. PROCEDURAL BUSINESS

CONDUCT OF PUBLIC MEETING

Before proceeding to the formal business of that afternoon's meeting the Chairman reminded those present that although it was a public meeting, this Committee was not webcast and that any tape recording, photographing, use of mobile telephones or any other apparatus to record the meeting was prohibited and that mobile phones should be switched off for the duration of the meeting.

10a. Declaration of Substitutes

10.1 Councillor Allen was in attendance in substitution for Councillor Marsh, Councillor Davey was in attendance in substitution for Councillor Kitcat, Councillor Wakefield-Jarrett was in attendance in substitution for Councillor Phillips and Councillor Janio was in attendance in substitution for Councillor Simson.

10b. Declarations of Interest

10.2 There were none

10c. Exclusion of Press and Public

10.3 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 consideration of any 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 100(1) of the Act).

10.4 **RESOLVED** – That the press and public be not excluded.

11. PUBLIC QUESTIONS

11.1 There were none.

12. EQUALITIES REVIEW OF TAXI LICENSING SERVICE

- 12.1 The Committee considered a report of the Acting Director of Environment and setting out the results of the review of the taxi licensing service. Acting Director of Strategy & GovernanceThe report set out the evidence and findings of the review and included the trade's response to the findings. A number of recommendations arose from the review and the Committee was required to approve/ amend them.
- 12.2 The Equalities Manager introduced the report stating that the aim of the review had been to review the effectiveness of Hackney Carriage and Private Hire services in meeting the needs of our citizens, in particular disabled people, and to seek the Committee's recommendations for actions to address adverse impact and/or to promote equality. At the meeting of the Committee held in June it had been agreed to extend the consultation period, this period of consultation had ended on 12 August and the responses received had been incorporated in the updated and amended report before the Committee that day.
- 12.3 The Equalities Manager explained that the Disability Discrimination Act (DDA) was due to be revoked and would be replaced by the Equalities Act which would also include the public sector disability equality duty referred to in the report. The implications of the new Act for disabled passengers, the council and the trade in the city were still not entirely clear. However, the review had been undertaken with the new legislative requirements in mind.
- 12.4 The Chairman stated that the administration took its equalities duties very seriously and wished to encourage disabled people to take a full part in community life and to promote equality of opportunity for able bodied and disabled people. The report before the Committee presented a package of measures which should significantly improve taxi services for all passengers including disabled people. It should raise the standard of service, provide a robust complaints procedure, improve training and awareness of drivers and keep drivers sensitive to passenger needs in undertaking their day to day work with all passengers. She had concerns however in relation to recommendation 8b.
- 12.5 The Head of Environmental Health and Licensing explained that 3 amendments had been received two in respect of recommendation 8b and one in respect of recommendation 9. Councillor Lepper stated that she had met with Councillor West immediately prior to the meeting and that they had agreed a proposed amendment. The Chairman stated that there was a proposed amendment which she also wished to put. The Chairman confirmed that the Committee was not "political" in its decision making and that the proposed amendments including her own were being put proposed and

seconded by individual councillors and would be voted on by the Committee in due course.

- 12.6 Clarification was sought regarding the process for determining the recommendations set out in the report. It was explained that each of the proposed amendments would be considered in numerical order in the order which they had been notified. Debate and discussion would then take place in respect of each of the amendments, they would then be voted on in turn, and would either be agreed or lost. The remaining recommendations would then be discussed prior to a vote being taken on each of the recommendations including any amendments if agreed.
- 12.7 Councillor Cobb stated that she was concerned that recommendation 8b was a distraction. From experience, the increasing number of wheelchair accessible hackney carriages had had no effect on improving the service for disabled people and this appeared to be borne out by the information contained on page 30.
- 12.8 Councillor Cobb, the Chairman proposed the following amendment in relation to recommendation 8b; this was seconded by Councillor Hyde.
- “That the Committee resolves to maintain its existing policy to increase the number of hackney carriage vehicle licences issued annually, such licences to be issued in May each year. This policy should be reviewed at the next Licensing Committee scheduled for 18 November 2010.
- 12.9 Councillor Lepper put the following amendment to recommendation 8b which was seconded by Councillor West:
- Replace the text with:
- “That the Committee approves the immediate release of five new hackney carriage vehicle licences with a wheelchair condition to the next waiting list applicants.”
- And append:
- “ That the Committee agrees to the increase of the number of new hackney carriage vehicle licences, issued via the “managed growth” policy, from two to five per year with a wheelchair accessibility condition, until the implementation of the taxi provisions on the 2010 Equalities Act are enacted, or the next unmet demand survey is undertaken.”
- 12.10 Councillor Older sought clarification regarding the recommendations being set before them querying whether it was appropriate for the Committee to vote on all of the recommendations at the present time in advance of the appropriate legislation coming into force. Councillor Janio expressed similar concerns and whilst noting that was general support across the taxi trade for the proposals, in his views that was not necessarily a concern for the Committee as Members needed to be mindful of the needs of the city as a whole.
- 12.11 Councillor Older also stated that in her view it was important to establish the number of wheelchair users in the city and the number of licences issued annually. Councillor Older also enquired whether all vehicles were obliged to carry wheelchair bound customers irrespective of whether they were WAV's or not.

- 12.12 The Head of Environmental Health and Licensing explained that there were limited circumstances under which exemptions (on medical or other grounds) could be applied for and granted but if so, exemptions applied to individual drivers rather than to vehicles. An exemption certificate could be granted for multiple reasons.
- 12.13 Councillor Pidgeon stated that WAV vehicles were unsuitable for a number of customers who were disabled but not wheelchair bound as the seats were very high which could create problems with accessibility.
- 12.14 In answer to further questions the Head of Environmental Health and Licensing explained that whatever number of licences agreed upon that afternoon, when the requirements of the new legislation came into place the number of licences to be released would be likely to need to increase significantly.
- 12.15 Councillor Lepper stated that having seen an earlier draft of the report which had referred to a figure of 5 licences (recommendation 8b) she was disappointed to find that this figure had been reduced in the final version and that it was now proposed that this figure be reduced further pro-tem. At the Committee meeting held the previous autumn she had agreed to a reduction in the number of licences granted on the basis that she had believed that was temporary and, that the number of licences to be granted would increase to the previous level in subsequent years. She was of the view that this needed to be addressed and was putting the proposed amendment before the Committee accordingly.
- 12.16 Councillor West stated that this was the reports second outing at Committee following consideration at its previous meeting on 24 June. It had undergone revision in light of the extended consultation period and represented an appropriate way forward. He was entirely in agreement however that the wording of recommendation 8b should be amended as suggested and did not consider that any substantiated reasons for a reduction had been made. It was necessary to increase the balance of WAV's and back loading accessible vehicles available.
- 12.17 The Chairman, Councillor Cobb reiterated her earlier comments in support of her proposed amendment of recommendation 8b that she considered that the number of vehicle licences proposed was a distraction which would not necessarily increase the number / accessibility of vehicles on the road. Whilst the role of the Committee was not simply to agree measures which were acceptable to the trade, the report represented a whole range of measures which were in the public interest of those using taxis in the city.
- 2.18 Councillor Hyde enquired whether if a driver was in possession of a WAV vehicle it was compulsory that they pick up wheelchair bound customers. She stated that she was of the view that it would be preferable to await the imposition of the legislation and to review the matter then. The matter required careful consideration as it was clear that number of customers were not in support of WAV vehicles.
- 2.19 The Equalities Manager responded that if a driver did not possess a medical exemption they would have to have a very good reason not to pick up a customer otherwise their refusal would be actionable; such action would be an offence under the new legislation.

- 2.20 Councillor Janio stated that if provision of back loading vehicles was included within the recommendation that he would be able to support it.
- 2.21 Councillor C Theobald enquired regarding the procedure for logging and processing of any complaints received and in respect of action which would be taken by the Department.
- 2.22 Councillor Hawkes stated that she was conscious of the need to consider issues in the round, also considering that it was important to move towards agreed best practice. She, would however, be very concerned by any assumption that implementation could be delayed; she did not consider that was an option. Councillor Wrighton concurred in that view.
- 2.23 Councillor Hawkes also sought clarification of what “de-limiting would mean in practice. The Head of Environmental Health and Licensing explained that if the appropriate percentage of WAV’s had been reached when the legislation came into force no further action would be required by the trade or the licensing authority. It was very unlikely that this would be the case.
- 12.24 A vote was taken on the amendment to recommendation 8b put by Councillor Cobb, the Chairman and seconded by Councillor Hyde. This was lost on a vote of 4 to 7.
- 2.25 A vote was then taken on the proposed amendment put by Councillor Lepper and seconded by Councillor West. This was agreed on a vote of 7 to 4.
- 12.26 Councillor West proposed the following amendment to recommendation 9 which was seconded by Councillor Janio:
- “Replace: 1 April 2011 with 1 April 2012”; and
- “Append: The Director of Environment will define a scheme to ensure the installation of clear visible signage accompanies the camera installation.”
- 12.27 Councillor Janio supported Councillor West’s amendment stating that in the current economic climate he considered it was important to have a longer lead in time for compliance. He also considered that it was important for clear signage to be provided within the vehicles.
- 12.28 Councillor Lepper stated that she supported the proposed amendment. Whilst fully acknowledging the need for CCTV equipment to be fitted into vehicles and the support that existed for this within the trade itself she was in agreement that there should be a lead in time.
- 12.29 Councillor Wrighton also supported the amendment stating that the provision of CCTV would provide protection for taxi drivers and for young women or other vulnerable people. She asked whether if an attack took place in a vehicle whether this information would be relayed direct to the Police. It was explained that was technically possible but would result in additional costs for operators and it was uncertain whether “live” footage could be picked up in all areas of the city.

- 12.30 Councillor Harmer-Strange enquired regarding the number of vehicles which reached the point at which they were beyond economic repair each year, but was informed that this figure was variable.
- 12.31 A vote was taken and on a vote of 10 to 1 the amendment was carried. A vote was then taken on all of the remaining recommendations in turn; these were agreed without discussion or debate.
- 12.32 **RESOLVED** - That the Committee approves the recommendations shown in Appendix A to the report as follows:

Recommendation 1 – Agreed;
Recommendation 2 – Agreed;
Recommendation 3 – Agreed;
Recommendation 4 – Agreed;
Recommendation 5 – Agreed;
Recommendation 6 – Withdrawn;
Recommendation 7 – Agreed;
Recommendation 8 – Agreed;
*Recommendation 8a – Agreed;
Recommendation 8b – As Amended;
Recommendation 9 – As Amended;
Recommendation 10 – Agreed;
Recommendation 11 – Agreed;
Recommendation 12 – Agreed;
Recommendation 13 – Agreed;
Recommendation 14 – Agreed;
Recommendation 15 – Agreed;
Recommendation 16 – Agreed.

Note: In relation to Recommendation 2 the Equalities Manager stated that the BTEC qualification referred to would still be available at 31 December 2010.

The meeting concluded at 5.15pm

Signed

Chairman

Dated this

day of