

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

3.30PM 23 JUNE 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Apologies: Councillors Duncan

Officers Present: Tim Nichols, Head of Environmental Health and Licensing; Jean Cranford, Licensing Manager; Martin Seymour, Hackney Carriage Officer; Rebecca Sidell, Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

1. PROCEDURAL BUSINESS

1a Declaration of Substitutes

1.1 There were none.

1b Declarations of Interest

1.2 There were none.

1c Exclusion of the Press and Public

1.3 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).

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

2. MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 10 February 2011 be agreed and signed as a correct record.

3. CHAIRMAN'S COMMUNICATIONS

Suspensions and Revocations

- 3.1 The Chairman explained that since the last meeting of the Committee officers in the Hackney Carriage Office had :

Revoked two licences, suspended two drivers on medical grounds and refused licences to two drivers.

In addition to this, three drivers had been given formal warnings which would remain on their files for three years and one driver had been successfully prosecuted for “flipping” (private hire vehicle behaving as a hackney carriage and allowing itself to be hailed on the street).

- 3.2 **RESOLVED** – That the position be noted.

4. CALLOVER

- 4.1 **RESOLVED** – That all items be reserved for discussion.

5. PUBLIC QUESTIONS

- 5.1 There were none.

6. REVIEW OF STREET TRADING

- 6.1 The Committee considered a report of the Head of Environmental Health and Licensing in relation to a review of the Council's Street Trading Policy.

- 6.2 The Head of Environmental Health and Licensing explained that the Council's Street Trading Policy had last been reviewed following consultation and had been agreed by the Licensing Committee on 26 November 2009. There were streets in the city in which street trading was prohibited and areas where it was granted (East Street), where street trading was permitted. There were five pitches for street trading in the city centre. The seafront area including Grand Junction Road and Kings Road were designated as consent streets but were outside the trading policy established by the Council and control of that area was the responsibility of the Seafront Office.

- 6.3 Since revision of the policy, officers had been asked to deal with street trading situations including parking obstructions in Controlled Parking Zones and obstructions in the city centre; fly traders; difficulties in George Street in relation to the Farmers' Market and also, parking dilemmas which had arisen in Upper Gardener Street. A summary of complaints received had been compiled and was attached as an Appendix to the report. Due to the number and complexity of the complaints received in recent months no further street trading permits had been issued pending members review of the existing policy.

6.4 Councillor Simson enquired whether imposition of the policy in the terms proposed would remove discretion in dealing with future applications and it was confirmed that applications would continue to be judged on their individual merits. Councillor Lepper sought clarification in relation to the issue of peddlers licences.

6.5 **RESOLVED** - (1) The Committee notes the current position in relation to 18 Zone B traders (consents allowing trading outside the city centre) which have generated 70 complaints (45 directly relating to behaviour, 15 of the complaints related to nuisance and obstruction;

(2) That the Committee confirms the current policy;

(3) That the Committee adopts the suggested guidelines on the relevance of convictions set out in Appendix E to the report; and

(4) That the Committee approves the further issue of street trading consents for Zone B (outside the city centre)

7. BLUE BOOK REVIEW

7.1 The Committee considered a report of the Head of Planning and Public Protection which sought to review byelaws, conditions, advice and information for Hackney Carriage and Private Hire Drivers, Vehicles and Operators contained in the blue handbook (The Blue Book) The Committee were requested to approve the second edition of the handbook (circulated as an Appendix to the report). It was noted that the most up to date copy of the Blue Book had been circulated to Members immediately prior to the meeting, this later edition included amendments in relation to CCTV and horse drawn vehicles which had been made following consultation with representatives of the trade as represented by the Taxi Forum.

7.2 Councillor Rufus sought clarification in relation to the CCTV spec to be used and how this had been arrived at. Councillor C Theobald stated that that she considered that improvements had been effected to a number of vehicles which made them more easily accessible. Councillor Pidgeon stated that that was not his experience and that further improvements needed to be effected when dealing with those who were partially sighted or blind.

7.3 Councillor West stated that he was aware that the Federation of Disabled People still had concerns in relation to the level and quality of service provided to customers who had a range of disabilities. He was anxious that this group received reassurance that the Council continued to have dialogue with the trade in order to address these matters. The Head of Environmental Health and Licensing confirmed that this was so and that these issues had informed the action plan contained at Item 9 on that days agenda.

7.4 Councillor Cobb stated that she found some aspects of the document very repetitive and therefore confusing but it was explained that it was necessary to set out information contained in the Blue Book in this way in as the document set both the

council's policies in granting licences and the conditions which appeared in the licences themselves.

- 7.5 **RESOLVED** – That the Committee approves the second edition of the Blue Book handbook as circulated.

8. HORSE DRAWN CARRIAGE LICENCE CONDITIONS

- 8.1 The Committee considered a report of the Head of Planning and Public Protection recommending that the Committee agree to formalise the Council's policy of not issuing licences to horse drawn vehicles.
- 8.2 The Head of Environmental Health and Licensing explained that under Section 37 of the Town Police Clauses Act 1847, the Council had discretion to license to ply for hire such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as it considered fit as long as it had exercised that discretion reasonably and had taken account of relevant considerations. It was therefore open to the Council to determine not to issue any hackney carriage licences to horse drawn vehicles.
- 8.3 The Head of Environmental Health and Licensing went on to explain further that the Council had received a preliminary application enquiry during 2010 to run vehicles along Madeira Drive with the intent from the prospective applicant to formally make application in 2011, which is why members were being asked to formally confirm the policy that any application for a hackney carriage licence would not be issued to any horse drawn vehicle.
- 8.4 It was explained that the proposal would also be contrary to the Council's tourism strategy. Inclusion of a horse and cart operator in areas of the city such as on Madeira Drive would not in the view of VisitBrighton add to the seafront or tourism offer, nor would it help with the dispersal of the night time economy by way of taxis. There were also concerns that it would be in direct competition with the Volks Railway which was an important part of the City's tourism heritage. As the seafront area was one of the busiest areas of the City for pedestrians, bicycles and vehicular traffic it was considered that such use could add to existing congestion and could also have safety implications, including concerns by the public in relation to the horses welfare.
- 8.5 Councillor Lepper expressed surprise that this was a matter in which the Council had discretion and Councillor Rufus sought further clarification in relation to the activities which could be permitted along the seafront area and how they could be regulated. It was explained that the Council's discretion in this matter had first been highlighted in relation to the licensing of Tuc Tuc's (motorised rickshaws) several years earlier. In answer to questions of Councillor Cobb it was explained that the use of horse drawn vehicles for weddings or funerals would be exempt from this policy.
- 8.6 **RESOLVED** - The Committee resolves that it will be licensing policy not to issue licences for any applications for horse drawn vehicles.

9. EQUALITIES ACT 2010 UPDATE

9.1 The Head of Environmental Health and Licensing updated the Committee in relation to circulated action plan which had been updated in order to take on board the recommendations made by the Committee at their meeting held in September 2010.

9.2 Those areas in which work had progressed were highlighted as were those where some work remained outstanding, two new action points had also been identified and added.

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

10. ITEMS TO GO FORWARD TO COUNCIL

10.1 There were none.

The meeting concluded at 5.15pm

Signed

Chairman

Dated this

day of