

LICENSING COMMITTEE (Non Licensing Act 2003 Functions)

Agenda Item 21
Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 27 NOVEMBER 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors C Theobald (Chairman), Lepper (Deputy Chairman), Mrs Cobb, Fryer, Hamilton, Harmer-Strange, Hyde, Kitcat, Marsh, Older, Pidgeon, Simson, Watkins, West and Young

PART ONE

9. PROCEDURAL BUSINESS

9a Declarations of Substitutes

9.1 There were none.

9b Declarations of Interest

9.2 There were none.

9c Exclusion of the Press and Public

9.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing 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 100(1) of the Act).

RESOLVED – that the press and public be not excluded.

10. MINUTES OF THE PREVIOUS MEETING

10.1 **RESOLVED** – that the minutes of the meeting held on 19 June 2008 be approved and signed by the Chairman as a correct record.

11. CHAIRMAN'S COMMUNICATIONS

- 11.1 The Chairman updated the Committee that since the last Licensing Committee, officers in the Hackney Carriage Office have issued one caution, five warnings, suspended six drivers and revoked the licences of two drivers. In addition to this, two drivers were reminded of their licence conditions and one driver will have to undertake a DSA driving test within 6 months.
- 11.2 A Member asked for more details on some of the instances and the Head of Environmental Health and Licensing informed the Committee that one suspension was for an attempted rape charge, two suspensions were for medical reasons, one revocation was for excessive alcohol consumption and another revocation was for a conviction of rape.

12. CALLOVER

- 12.1 **RESOLVED** – that all items on the agenda be reserved for discussion.

13. PUBLIC QUESTIONS

- 13.1 There were none.

14. HACKNEY CARRIAGE/PRIVATE HIRE TRADE ETHNICITY MONITORING

- 14.1 The Hackney Carriage Officer presented a report on Hackney Carriage and Private Hire Trade Ethnicity Monitoring to the Committee.
- 14.2 A Member asked about the figures for the waiting list in the report, questioned why they were so high and asked if they were always so. The Hackney Carriage Officer replied that it was fairly steady year on year, but had reduced considerably from an over twenty year wait to around a nine year wait.
- 14.3 Further questions were asked about the ethnicity categories within the report and it was explained that the “other” category was self-determined by the respondent and could include any ethnicity or combination of ethnicities.
- 14.4 It was noted by Members that there was a low number of female drivers in the trade and Officers were asked whether this group was actively encouraged by the Council. The Hackney Carriage Officer noted that there was a small increase in women from ethnic minorities entering the trade this year, but stated that there were few measures the Council could implement to encourage higher uptake. It was noted that safety measures such as CCTV in Hackney Carriage taxis may make female drivers feel safer when driving at night and so could encourage uptake.
- 14.5 **RESOLVED** – to note the contents of the report.

15. AMENDMENT TO HACKNEY CARRIAGE FARE FORMULA

15.1 The Head of Environmental Health and Licensing presented a report on an Amendment to the Hackney Carriage Fare Formula to the Committee.

15.2 The Solicitor for the Committee, Ms R Sidell, explained that the taxi tariff setting was now an executive function under the new constitution and a report had just gone to the Governance Committee and to Cabinet concerning this. The function could be delegated to officers who must act in accordance with the advisory Committee recommendation, or else refer the matter to the Environment Cabinet Member Meeting or to Cabinet. The Licensing Committee would be sitting as the advisory Committee established by the Executive for this item.

15.3 The Hackney Carriage Officer explained that the changes to the formula were being proposed to pay for taxi marshalling, which had been identified by officers as a key safety measure within the city. The changes would put around £80-90 per vehicle on the licence fee.

15.4 It was explained that the trade would generally support the introduction of marshalling at taxi ranks but there was disagreement as to how this should be paid for. Many felt that the Council should pay the cost of this service. It was noted by officers that this was an imperfect remedy for the situation, but the best compromise.

15.5 The Hackney Carriage Officer explained that a pilot scheme had been conducted earlier in the year which had provided a much quicker turn around at taxi ranks and it was hoped that a similar scheme which would provide two marshals per rank over three ranks, two nights per week could be introduced with similar results.

15.6 It was felt by Members that this system was unfairly charging daytime passengers to pay for night time economy problems and the Committee asked whether a system could be devised to make only night time passengers pay for the marshalling system. The Head of Environmental Health and Licensing explained that the Authority devised the Hackney Carriage Fare Formula and set the tariff figure from this. Once this was set it was up to the taxi companies to implement the tariff. This would make it very difficult to charge night time customers a separate rate.

15.7 The Member asked what powers the taxi marshals would have and who would employ them, and the Head of Environmental Health and Licensing replied that they would have the same powers as any other civilian but would provide a calming influence on the taxi rank flashpoints. The Marshals would be SIA licensed and would most likely be sub-contracted from a local security company. It was noted that the Police were one of the strongest supporters of taxi marshalling as it was a good public safety measure.

15.8 The Members felt that this measure was worthwhile implementing but it should be funded by all interested stakeholders and partners in the city and that Cabinet should look more closely into options for funding the scheme.

15.9 **RESOLVED** – to recommend that the Director of Environment does not include the vehicle licence fee in the standing charges used in the formula to calculate the maximum normal daytime fare for hackney carriages.

16. UNMET DEMAND SURVEY

16.1 The Hackney Carriage Officer presented a report on the Unmet Demand Survey to the Committee and advised Members that officers were seeking confirmation of the Committee's continued support for the restricted numbers policy.

16.2 A Member noted that there were significant problems with taxi servicing in the city, especially with overcrowding at certain ranks and asked if there was still an identifiable unmet demand. The Head of Environmental Health and Licensing explained that the current policy was based on the results from the last survey and that a new survey would need to be conducted before any review of the policy could take place. He agreed that there was a significant problem with over ranking in some areas but that this was because of under supply in other areas, not due to a general oversupply of taxis.

16.3 It was noted by Members that Brighton Station taxi rank was a particular problem but the Head of Environmental Health and Licensing explained that this rank was on private ground and permits for that area were issued by a private company. There was little the Council could do about this situation except to restrict numbers in the city.

16.4 It was asked that the new survey include information on specific problems experienced in geographical areas so that the Council could understand which areas were causing the greatest problems, and the Head of Environmental Health and Licensing informed the Committee that any specific questions that the Councillors would like answered could be included in the tender document.

16.5 **RESOLVED** – that the Licensing Committee confirms support for the restricted numbers policy and notes that a new Unmet Demand Survey will be conducted shortly.

17. STREET TRADING

17.1 The Licensing Manager presented a report on Street Trading to the Committee and highlighted that the Members were being asked for permission to begin a consultation process on street trading within the city.

17.2 It was explained that the current policies are an amalgamation of Brighton Borough Council and Hove Borough Council policies, which has resulted in a lack of clarity and in some cases, unenforceable conditions.

17.3 Members felt there was a need for higher quality pitches city wide, and for more pitches to be made available, especially in the city centre and on the seafront. It was asked whether the Council could make preferences on the type of stalls that opened on street pitches and the Head of Environmental Health and Licensing replied that whilst this had been done in the past, it had resulted in undesirable consequences on the streets concerned.

17.4 It was noted that Upper Gardner Street currently had spare pitches available and if street traders required a pitch they could move there immediately. The Members felt that Upper Gardner Street needed more positive management to ensure the wellbeing of the area, but that it might not be suitable for some traders who wanted to be nearer to the sea. The Head of Environmental Health and Licensing highlighted that the seafront continued to be a consent street, but that this could be altered under the new policy if necessary.

17.5 **RESOLVED** – that permission to commence consultation on street trading within Brighton and Hove be granted.

18. LICENSING COMMITTEE FUNCTIONS RESERVED TO COMMITTEE

18.1 The Solicitor to the Committee, Ms R Sidell, presented the report on Licensing Functions Reserved to Committee and highlighted the new arrangements for executive and non executive functions, and how this related to the powers of the Licensing Committee.

18.2 **RESOLVED** – that the report is noted.

19. ITEMS TO GO FORWARD TO COUNCIL

19.1 There were none.

The meeting concluded at 4.20pm

Signed

Chair

Dated this

day of

