



**Lewes District Council**  
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**Licensing Committee**

**Minutes** of a meeting of the **Licensing Committee** held in **Warren Room, Lewes House, 32 High Street, Lewes** on **10 December 2007** at **10:00** .

**Present:**

Councillors P L Bennett (Chair), B W Groves, L M Hallett, D H Mitchell, R Robertson, R Sinclair and I J White.

**In Attendance:**

Ian Kedge, Head of Environment and Health

Robbie Clark, Hackney Carriage and Private Hire Licensing Officer

Ralph Harris, Senior Legal Assistant

David Feintuck, Committee Officer

	<b>Minutes</b>	<b>Action</b>
<b>5</b>	<b>Minutes</b> The Minutes of the meeting held on 9 October 2007 were approved as a correct record and signed by the Chair.	
<b>6</b>	<b>Apologies for Absence</b> Apologies were received from Councillors J F Daly, P A Howson and K D Mayers.	

**7**                    **5**                    **Urgent Item – Additional Amendment to the Hackney Carriage and Private Hire Driver’s Licensing Policy**

The Chair agreed in accordance with Section 100(b)(4)(b) of the Local Government Act 1972 that the additional amendment to the Hackney Carriage Private Hire Driver’s Licensing Policy, which had been circulated to the Committee and a copy of which appears in the Minute Book, be added to the amendments to be considered below as a matter of urgency to enable the Committee to make its recommendations based on the most recent information which is available.

**8**                    **Amendments to Hackney Carriage and Private Hire Driver’s Licensing Policy**

**5**                    **Amendments to Hackney Carriage and Private Hire Driver’s Licensing Policy**

The Committee considered Report No 239/07, together with the additional amendment submitted as an urgent item, the purpose of which was to revise the Council’s policy relating to the relevance of convictions for Hackney Carriage and Private Hire Driver’s licensed by Lewes District Council.

The Head of Environment and Health stated that the Policy and Guidance document was subject to ongoing revision and improvement and that the Director of Planning and Environmental Services had delegated powers to make minor changes. Updates became necessary as the result of changes to the law, technology and driver activity. It was proposed to re-issue the Policy and Guidance document early in 2008 with reference in particular to the policy (page 18 of the document) to which amendments were proposed within the Report.

In response to councillors’ questions, officers made the following responses:

- The Policy and Guidance document would be published on the Council’s website and distributed in hard copy to all 350 license holders. Officers found hard copy issue was desirable and this procedure had proved beneficial in legal hearings where drivers had been unable

to claim no knowledge of the Policy and Guidance document;

- Driver's knowledge of the Policy and Guidance document would become part of the knowledge test in future;
- Illegal and inconsiderate parking by taxis, now decriminalised, was not an enforcement matter for the Council, although all drivers were subject to the Highway Code. It was considered that the proposed policy amendments with regard to the minor traffic offences would be an inducement for drivers not to incur any such penalties;
- It was not considered practical to impose within the guidance additional disqualification beyond the twelve months proposed in the amended paragraph 2(i), Minor Traffic Offences. Any additional period disqualification would not be considered legally proportionate. Additional inducement to drivers to avoid collecting penalty points was the requirement to take the Driving Standards Agency Taxi Test and Assessment should 7 points be exceeded;
- Amendments to paragraphs 2(ii) and 2(iii) suggested the imposition of longer periods of disqualification for drink and drugs convictions;
- Officers explained that the stance of the guidance on Anti-Social Behaviour Orders and Acceptable Behaviour Agreements (paragraph 2(iv) and the additional amendment) was not considered too strong as recipients of such orders were considered already to have weighted the balance towards the protection of the public rather than the protection of their own livelihoods. Officers restated, however, that individual cases would be judged on merit; These discussions led to the following additional amendments (additional wording underlined):
  - That a reference table be included in the reprinted Policy and Guidance document detailing the sanctions for different offences;
  - That, for major traffic offences, suspension and/or revocation of licences should be considered in the case of more serious convictions or cautions;
  - That the first paragraph on Anti-Social Behaviour Orders be amended as proposed in the urgent item with

the addition of the words “on its merits” after the phrase “before that application can be considered”; and

- That the proposed amendment to Anti-Social Behaviour Orders be further amended as follows:  
“If a licensed driver receives a Anti-Social Behaviour Order or Acceptable Behaviour Contract/Agreement during the period of his/her Hackney Carriage/Private Hire Licence it must be reported in writing to the Council (Licensing Officer) and depending on the circumstances and seriousness of the Order may render that person liable to have his/her Hackney Carriage or Private Hire drivers licence suspended/revoked”.

Councillors also discussed:

- the Council’s emerging Climate Change Strategy and its relation to fuel efficiency for taxis and need to consider energy expended in building dual fuel vehicles;
- that smoking by taxi drivers or passengers was not now legal;
- the reporting of concerns to the Licensing Officer; and
- the state of play with regard to the implementation of the Disability Discrimination Act with regard to taxi provision, originally to be implemented in January 2010 but now presumably delayed and which was the subject of discussion between the Council and the Plate Holders’ Association at present.

Resolved:

**8.1** That the amendments as proposed in the Report and in the additional urgent item together with the additional amendments detailed above be made to the Hackney Carriage and Private Hire Drivers’ Licensing Policy and Guidance document.

**8.2** That the Committee endorsed the inclusion within the Policy and Guidance document in the future of fuel efficiency as a component of the Council’s emerging Climate Change Strategy; and

**8.3** That the officers be thanked for their expertise and attention to detail within the Policy and Guidance documents.

The meeting ended at **10:55** .

**P L Bennett** Chair