



Lewes District Council

www.lewes.gov.uk

Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Tuesday, 28 August 2012** at 10.00am

Present:

Councillor P A Howson (Chair)

Councillors J M Harrison-Hicks, C R O’Keeffe, R Robertson, J Stockdale and B M Warren

Officers Present:

Mr T Albright, Environmental Health Manager

Ms A Blanshard, Committee Officer

Mr G Clark, Licensing Officer

Mr R Clark, Hackney Carriage Licensing Officer

Ms J Fletcher, Solicitor

Mr R Harris, Senior Legal Assistant

	Minutes	Action
1	Minutes The Minutes of the meeting held on 5 October 2011 were approved as a correct record and signed by the Chair.	
2	Apologies for Absence/Declaration of Substitute Members Apologies for absence had been received from Councillors G R Amy and C M Butler.	
3	Variation in the Order of the Agenda <u>Resolved:</u> 3.1 That Agenda Item 7 “Hackney Carriage Livery” be taken immediately before Agenda Item 6 “Advertising on Hackney Carriage and Private Hire Vehicles”.	
4	Hackney Carriage Livery The Committee considered Report No 137/12, detailing a request from	

Southern Taxis (Brighton) Ltd to adopt a livery scheme for their vehicles.

The Environmental Health Manager took the Committee through the Report. He explained that Southern Taxis had 40 Hackney Carriage vehicles and 40 Hackney Carriage drivers attached to their company, including four cars owned by City Cabs and hired to the Council's Licensed Drivers. A request had been received from the owner of Southern Taxis that permission be given for a trial scheme where, over a period of time, company vehicles would be liveried, the vehicles being sprayed white with a black bonnet. The aim was to establish whether a more corporate image would give a competitive advantage to the company. The trial would also ascertain whether a liveried vehicle might improve public confidence, especially when travelling at night. Officers advised that it might be beneficial to the Council to monitor the results for future reference.

The Environmental Health Manager explained that there was at present no livery policy for taxis licensed by the Council. He added that corporate livery made sense for individual companies, but equally that as a licensing authority, the Council could decide to introduce its own livery at any date in the future. Any subsequent adoption of corporate livery by the Council would take precedence over previous permission granted.

A discussion followed during which it was agreed that this was a good scheme that had potential to provide a positive impact on local tourism and public safety. The Environmental Health Manager agreed that he would investigate corporate livery and report back to the Committee with an assessment of the viability and costings of such a project. The Committee suggested that, in light of this, the Director of Planning and Environmental Services letter of notification to Southern Taxis be amended to inform the company that the Council was actively investigating this.

Resolved:

- 4.1 That the request from Southern Taxis (Brighton) Ltd to adopt a livery scheme for their company vehicles be approved;
- 4.2 That the Environmental Health Manager be requested to research corporate livery, and report his findings to a future meeting of the Licensing Committee ; and
- 4.3 That the Director of Planning and Environmental Services be requested to inform Southern Taxis (Brighton) Ltd in his notification letter that the Council was actively investigating corporate livery..

EHM

DPES

5 Advertising on Hackney Carriage and Private Hire Vehicles

The Committee considered Report No 136/12, which set out a request for the approval of advertising on Hackney Carriages and Private Hire Vehicles.

The Environmental Health Manager took the Committee through the Report and explained that, although advertising was not currently allowed on vehicles licensed by the Council, permission had been requested by several members of the trade. Many other local authorities allowed advertising, including Brighton and Hove City Council, and if permission were granted it would allow an extra income stream for the taxi firms.

The Environmental Health Manager explained that if the Committee approved advertising on Hackney Carriage and Private Hire Vehicles, it was recommended that the conditions listed in section 3.1 of the Report be adopted by the Council. The conditions, drafted by the Hackney Carriage Licensing Officer, related to advert size, quantity, positioning on the vehicle and the content. The Environmental Health Manager highlighted that the fifth condition, as set out on page 5 of the agenda, contained an error and requested that the second part of the condition be amended.

The Committee discussed the proposed conditions; particular scrutiny was paid to the list of categories for not approving an advertisement. The categories focussed on the advert content and subject matter and also on advertising guidelines. It was suggested that in addition to the conditions, the Council could include compliance with those same guidelines that regulated advertising on billboards.

The Committee referred to section 3.2 of the Report which stated that proprietors would require prior approval from the Council before any advert was displayed to ensure it met the necessary conditions. The Committee expressed concern about how much officer time this would involve, particularly if adverts were changed regularly. The Environmental Health Manager advised that it was not anticipated that this would be an onerous task and that much of the officer time was covered by the Hackney Carriage licence fees. The Hackney Carriage Licensing Officer explained that uptake was expected to be very gradual.

Resolved:

- 5.1** That approval be granted for advertising on Hackney Carriage and Private Hire Vehicles; and
- 5.2** That the conditions to advertising as set out in section 3.1 of the Report, page 5 of the agenda, be adopted, subject to:
- (a)** The deletion of "...and maybe for the same or two different advertisers" from the fifth condition;
 - (b)** The inclusion of compliance with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) in the second category of the sixth condition.

HCLO

6 Application for Exemption of Driving Standards Assessment and the Grant of Restricted Private Hire Licenses

The Committee considered Report No 138/12, which outlined a request from Southern Taxis (Brighton) Ltd, trading as City Cabs and South Coast Premier Taxis to be granted Restricted Private Hire Driver Licences and exemption from the requirement for all new applicants for Private Hire Drivers Licence from the Driving Standards Agency Taxi Test (DSA), and Assessment as a condition of grant of a licence.

The Environmental Health Manager explained the background to the application contained in section 3 of the Report. Minibus Travel Services, a Private Hire company licensed by the Council, supplied home to school transport for children with special needs under contract with neighbouring local education authorities. Vehicles and drivers only worked 190 days per year, 3 hours a day during school terms; they did not undertake any other Private Hire business. Due to the limited nature of the work their drivers had been granted a restricted Private Hire Driver Licence allowing them solely to work for Minibus Travel Services. The company was concerned that time constraints between school terms meant that attracting new drivers, training and completion of the DSA Test was almost impossible. Following discussions between company management and Council Officers, proposals were submitted to the Licensing Sub-Committee on 13 November 2007 where the exemption was agreed on condition that a system be put in place with a trained driving instructor who conducted the DSA Test on a private basis.

The Environmental Health Manager referred to section 4 of the Report, outlining the application from South Coast Premier Taxis. The company had applied to Brighton and Hove City Council for new contracts to supply home to school transport. Under the contracts the drivers would be operating under the same conditions as Minibus Travel Services. South Coast Premier Taxis requested they be dealt with on an equal basis to Minibus Travel Services and be granted the necessary exemption from the DSA Test and Assessment, and be allowed Restricted Private Hire Driver Licences.

The Committee asked whether South Coast Premier Taxis had an appropriately qualified DSA Tester. The Hackney Carriage Licensing Officer confirmed that the tester the company had was exceptionally qualified to test their drivers. Councillors agreed that approval of this request would demonstrate a fair and consistent approach to the granting of licenses by the Council across the taxi trade.

Resolved:

- 6.1** That approval of Restricted Private Hire Driver Licence and exemption for the DSA Taxi Test and Assessment to South Coast Premier Taxis be granted.

7 Updating of Lewes District Council's Statement of Licensing Policy

The Committee considered Report No 139/12, which outlined the amendments made to the Council's Statement of Licensing Policy arising from the licensing provisions contained in the Police Reform and Social Responsibility Act 2011.

As a background to the Report, the Licensing Officer drew the Committee's attention to section 2.1, explaining that the Licensing Act 2003 required the Council, as the licensing authority, to have a Statement of Licensing Policy for the area. The Council's first Statement had come into effect on 7 January 2008 and in accordance with statutory guidance, the Council was required to consult upon and prepare a Statement for a further 3 year period, effective from 7 January 2011.

The Licensing Officer informed the Committee that the Police Reform and Social Responsibility Act 2011, effective from 25 April 2012 had made substantial amendments to the Licensing Act 2003 which required the Council to review its current Licensing Policy to take account of the changes. He stated that, following the amendments, the replacement policy would run for a period of five years.

The Licensing Officer took the Committee through section 3 of the Report which detailed the main changes to the Licensing Act 2003. These were:

- Licensing Authorities became Responsible Authorities.
- Primary Care Trusts became Responsible Authorities.
- Lowering the evidential threshold by replacing the word 'necessary' with 'appropriate' where this evidential base was contained in the Licensing Act 2003.
- 'Interested parties' were replaced by 'any other person'
- Removing the vicinity test for licensing representations, allowing wider local community involvement.
- Delegation of functions carried out by the Council's Licensing Committee, Sub-Committee or officers of the Council.

The Licensing Officer explained that although the basic framework of the Statement of Licensing Policy had not been altered, further amendments were considered necessary due to the Equality Act 2010, the statutory guidance and in light of experience and legal advice.

The Committee expressed approval for the changes, in particular the removal of the vicinity test, as this would improve the involvement of the general public in licensing issues.

The Licensing Officer stated that consultation on the Statement of Licensing Policy had taken place in accordance with statutory guidance. The Council had consulted all responsible authorities, the licensing trade, legal profession and interested groups and the Statement had been published on the Council's website. The consultation period ran until 10 August 2012.

No responses had been received from consultees or members of the public during the relevant period.

The Licensing Officer answered questions from Councillors and explained that all the changes to the Statement of Licensing Policy were required by law and were not discretionary.

The Licensing Officer highlighted the publication timetable as set out at section 6 of the Report, on page 24 of the agenda. Following agreement by the Committee, the Statement of Licensing Policy would then be presented to Council on 17 October 2012 and the policy adopted for a 5 year period from 1 November 2012.

The Committee requested that a press release and launch of the Statement of Licensing Policy be organised.

Resolved:

7.1 That the policy changes to the Statement of Licensing Policy, as set out in Report No 139/12 be agreed;

7.2 That the Licensing Committee recommends to Council the adoption of the replacement Statement of Licensing Policy for a 5 year period effective from 1 November 2012; and

7.3 That the Head of Communications be requested to arrange for a press release and publicity launch to accompany the adoption of the replacement Statement of Licensing Policy.

CO

HoC/CO

8 Date of Next Meeting

Resolved:

8.1 That it be noted that the next meeting of the Committee would be called as necessary.

DPES/CO
(to note)

The meeting ended at 10.55 am

P A Howson
Chair