



Lewes District Council

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Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Telscombe Room, Southover House, Southover Road, Lewes** on **Friday 30 August 2013** at 9.30am

Present:

Councillor J Stockdale (Chair)
Councillors C Butler, S J Gauntlett, J M Harrison-Hicks, R Robertson
and B M Warren

Officers Present:

Ms A Blanshard, Committee Officer
Mr R Clark, Licensing Officer
Ms J Fletcher, Solicitor
Ms M Hawes, Licensing Officer
Mr I Kedge, Head of Environmental Health
Ms S Lindsey, Licensing Officer

	Minutes	Action
1	Minutes The Minutes of the meeting held 15 January 2013 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, P Gander and P A Howson.	
3	Implementation of Computer-Based Taxi Knowledge Test The Committee considered Report No 134/13, which outlined the proposed implementation of a computer based knowledge test for all new Hackney Carriage Private Hire licence applicants. The Head of Environmental Health gave the Committee a brief explanation of changes that would take place within the Licensing department over the next few months. Two officer retirements within the department had led to a restructure which would see the Hackney Carriage and all other Licensing responsibilities merged and the roles carried out by 1.5 FTE officers.	

The Licensing Officer drew the Committee's attention to paragraph 2 of the report explaining how the current knowledge test was carried out. The Licensing Officer invigilated, marked and delivered the results of the test to each applicant. The Committee was informed that it was also possible for applicants to learn the current test 'parrot fashion'. It was anticipated that the new system would greatly reduce officer time spent testing applicants and the risk of applicants 'learning' the test.

The Licensing Officer explained that a company called Diamond produced a knowledge system that had been adopted by officers at Crawley Borough Council who were very impressed with what it could do and the results it had generated. It had proved to be an effective tool in saving officer time and was a fairer and more objective method of testing. The Licensing Officer had received a demonstration of the knowledge system. She explained that the questions were randomly generated for each test, meaning that no two tests would be the same. The Licensing Officer also explained that the candidate would know instantly whether they had passed.

The Licensing Officer informed the Committee of the costs of the system and explained that, based on current application levels, the cost of the software would be recouped within two years and the test would become self-sustaining.

The Committee asked whether it was possible to ensure that the test included local tourism destinations. The Licensing Officer explained that they intended to include local landmarks as well as route information and highway code questions. She explained that there would be an initial workload to create and build up a bank of questions, but that some of these could be provided by the company and others could be adapted from those used by Crawley Borough Council.

The Committee expressed concern that a multiple choice based test might be easier for applicants. The Licensing Officer advised that Crawley Borough Council had in fact seen a drop in their pass rate.

Resolved:

- 3.1 That the implementation of a computer based knowledge test for all new Hackney Carriage Private Hire licence applicants, as set out in Report No 134/13, be approved.

4 **Age Policy for Hackney Carriage and Private Hire Vehicles**

The Committee considered Report No 135/13, which set out recommendations to the Council's current Vehicle Age Policies. The Licensing Officer outlined the reasons behind the recommendation. She explained that since the last review of the Age Policy, the build standard of vehicles had improved. She also explained that it was anticipated that by amending the policy, there would be an increase in the number of wheelchair accessible vehicles on the road as these were expensive to buy.

The Committee was informed that officers had undertaken research into the age policies of neighbouring authorities which were outlined in Appendix 2 to the Report. Officers had also consulted the trade and the results of this consultation were shown at Appendix 1.

The Licensing Officer informed the Committee that following both consultations, she believed that in the current economic climate it was appropriate to revise age restrictions for all vehicles licensed by the Council. It was hoped that by allowing an extension of 2 years, at first licensing, the trade would be assisted during the current financial difficulties where there was clear evidence of trade contracting.

Resolved:

- 4.1** That the following policies for Hackney Carriage and Private Hire vehicles, as outlined in Report No 135/13, be approved.
- i. In the case of a first application for a Hackney Carriage vehicle or Private Hire vehicle, the vehicle must not exceed 7 years of age from the date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for the renewal of the licence; and
 - ii. In the case of a Hackney Carriage or Private Hire vehicle that is a purpose built taxi or wheelchair accessible vehicle, the vehicle must not exceed 7 years of age from the date of the initial DVLA registration and not more than 12 years of age in the case of any subsequent application for renewal of the licence.

5 Proposed Introduction of a Livery Scheme for all Hackney Carriage Vehicles Licensed by Lewes District Council

The Committee considered Report No 136/13, which detailed proposals for the introduction of a livery scheme for all Hackney Carriage Vehicles licensed by Lewes District Council.

The Licensing Officer explained to the Committee that the report was in response to a request from the Licensing Committee for officers to investigate the possibility that the Council introduced its own livery scheme following an application made by one company licensed in the District last year. Subsequent to approval being given, that company to date had only 4 liveried vehicles.

The Licensing Officer informed the Committee that a consultation questionnaire had been sent out to all currently Licensed Hackney Carriage Drivers for completion. Of the 100 completed forms returned, 70% were not in favour of a livery scheme being introduced. The main factor for those against the scheme was the cost of applying the livery. She explained that there would also be a cost implication to Private Hire Vehicle Drivers as the Council would need to implement a new condition for the colour of those

vehicles.

The Head of Environmental Health explained that the Council had felt that a livery scheme was a good idea for many years, but that at this time, when the trade was suffering as a result of the current economic climate and the negative response received from the trade, it would be controversial for the Council to implement the scheme. As a result, officers recommended that a livery scheme not be implemented at this time.

The Committee, although disappointed that the livery scheme was not popular, agreed that now was not the right time to impose a livery scheme. Following a discussion, the Committee suggested that the Council might decide on a 'recommended' livery that its licensed drivers could adopt if they chose without having to apply to do so. Officers agreed to take the proposal to the trade and bring their responses back to the Committee along with images of suggested liveries. It was also suggested that the public might be consulted through the Council's quarterly District News magazine, the response of which could then be taken to the trade to show the public's opinion on the livery scheme.

Resolved:

- 5.1 That the Council not introduce a compulsory livery scheme for all Hackney Carriage drivers at this time; and
- 5.2 That Officers be requested to consult with the public and the trade on the implementation of a voluntary livery scheme and report back to the Committee at a future meeting.

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6 **Street Trading in Lewes District**

The Committee considered Report No 137/13, which sought the Committee's approval to begin the process of designating all streets in the District as Consent Streets in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

The Head of Environmental Health detailed the background of the Report to the Committee. He explained that over the past 2-3 years demand for street trading in Lewes Pedestrian Precinct had increased significantly and that Street Trading Consents were regularly issued to traders. Along with the increased number of street trading enquiries there had also been an increase in complaints about traders operating outside of Consent Street areas. The demand for pitches far exceeded current availability and enforcement action had been conducted which exposed further demand for pitches. These issues had been highlighted in a report to the Nexus Board in July 2012, and the Board had given permission for Officers to explore the extent of the problem and formulate options for dealing with it.

In November 2012, the Nexus Board decided that the Council should designate all streets as Consent Streets within the District and that approval be sought from the Cabinet Member for Environmental Health and

Licensing. Approval had been obtained in March 2013. The Head of Environmental Health explained that, should the Committee be minded to designate all streets within the District as Consent Streets, there would be a need to produce a comprehensive Street Trading Policy to look at how the new system would be implemented across the District.

In response to a question from the Committee, the Head of Environmental Health explained that the Street Consents applied to major highways and not to private land and would help to control “pop-up” stalls. He explained that all Consents would be issued fairly, responsibly and carefully. The Committee asked if there were different levels of costs to Consents. The Head of Environmental Health explained that the Consents would be priced by the size of the unit and that the fees charged would cover the costs of administration and monitoring but not those of enforcement.

Resolved:

- 6.1 That the feedback from the Nexus Board, as summarised within Report No 137/13, be noted;
- 6.2 That the process of designating all streets within the District of Lewes as Consent Streets by Officers be authorised; and
- 6.3 That the wording of the draft resolution which will be included within the Public Notices that the Council must publish be agreed as follows:

‘That the Licensing Committee of the Lewes District Council resolves that as from (a date to be determined) all streets within the District of Lewes shall be designated as Consent Streets pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.’

7 Date of Next Meeting

Resolved:

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

DPES/CO
(to note)

The meeting ended at 10.13am

J Stockdale
Chair