

**GENERAL LICENSING COMMITTEE****Wednesday 9 March 2005**

PRESENT:-

Councillor Mrs MURRAY (Chairman); Councillor BOWKER (Deputy Chairman); Councillors BELSEY, HARRIS, HERBERT, Mrs HOWLETT, MARSH, Mrs POOLEY, Mrs SIMS, SKILTON, SLATER, STEVENS, TAYLOR, WARNER and Miss WOODALL.

**1. GENERAL LICENSING COMMITTEE - TERMS OF REFERENCE/DELEGATION.**

The Committee received a copy of the Committee's terms of reference which were approved by the Council at its meeting on 8 December 2004.

**RESOLVED: (1)** That the composition and terms of reference of the General Licensing Committee and its sub-committee as set in the appendix to the report be noted.

**(2)** That the Assistant Director of Strategy and Democracy be granted delegated authority to appoint members to serve on General Licensing Sub-Committees.

**2. TAXI AND PRIVATE HIRE VEHICLES – PROPOSED INCLUSION OF SILVER/OTHER COLOURED VEHICLES IN THE TRADE.**

The Committee considered the report of the Environmental Health Manager regarding the results of a consultation exercise on the inclusion of silver/other coloured vehicles into the trade. The Council's current policy of all vehicles being white in colour was agreed on 16 September 1997 and had been reaffirmed by the Scrutiny Review of the Taxi and Private Hire Services on 16 September 2002. The trade had raised the issue of sourcing white vehicles and that drivers were experiencing problems obtaining either a brand new vehicle, because of the need to make a special order which could take months to deliver, or second hand vehicles. A petition had also been received from a number of hackney carriage drivers highlighting the problem and requesting that white and silver vehicles be included in the trade.

The major concern of Environmental Health was public safety and it was recommended that taxis should be readily identifiable and of a uniform colour. This was to ensure that members of the public hiring a taxi know that the driver and vehicle have been vetted. This would also avoid confusion, particularly for vulnerable members of the community who regularly utilise the service.

No representation had been received in response to an advert placed in the Herald on Friday 7<sup>th</sup> of January as part of the consultation process. Contact had been made with the majority of UK associations that represent persons with a visual impairment. In response to the question of which colours were easier to distinguish for partially sighted individuals, the comments received were set out in the report and it was noted that yellow, white or two tone-contrasted colours were supported.

All Taxi and Private Hire proprietors had been consulted and the results were set out in the report. The turnout for the whole trade was 45% of which 80% supported the view that silver vehicles be included in the trade with 18% indicating that the colour scheme should remain unaltered.

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A number of local authorities had been contacted regarding their policy on vehicle colour and the results were set out in the report. The details of academic research on road safety in relation to vehicle colour were also considered.

Mr B Morris (Chairman, Eastbourne and Country), Mr C Islip (General Manager, Sussex Cars), P Smith (Hackney Carriage proprietor), Mr A Curryer and Mr Hake (Independent Driver) addressed the Committee in support of the introduction of silver vehicles into the trade and outlined the difficulties of having white vehicles only. It was stated that prominent door signs were the most important means by which the public could distinguish licensed vehicles.

A number of Members supported the option of allowing the trade a choice of silver or white vehicles and that the use of clearly visible signage would ensure taxis were easily identifiable. Comment was made that tourists were not familiar with the corporate livery and that taxis from other areas regularly ply for hire within the Borough. Some Members supported the option for taxis to remain white on the grounds of public safety.

The differentiation between taxis and private hire vehicles by colour was supported by 40% of hackney carriage proprietors who responded to the survey. This option would also meet the requirements of the Local Government (Miscellaneous Provisions) Act 1976 which required that a private hire vehicle "is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage".

The option for private hire vehicles to be colours other than white would in due course result in less demand for white vehicles from the private hire trade. If agreed, the date for compliance with the proposal relating to private hire vehicle colour would need to be determined.

**RESOLVED: (1)** That all taxi vehicles remain white and that private hire vehicles be colours other than white and that the licensing conditions be amended accordingly.

**(2)** That the date for compliance with the revised licence conditions relating to vehicle colour for new private hire vehicle licence applicants and existing private hire vehicles be determined at a future meeting.

**(NOTES:** (1) A motion that silver or white vehicles be included in the trade was lost by 7 votes to 6.

(2) Councillor Slater declared a personal interest in this item and items 3 and 4 below, as a distant member of his family was a taxi driver).

- 3. GROUP II MEDICAL EXAMINATION REQUIREMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS.** The Committee considered the report of the Licensing Officer, Environmental Health regarding the proposed requirement for hackney carriage and private hire drivers to be subject to Group II medical examination standards.

Drivers were currently subject to a Group I medical examination, which was the DVLA standard for private motorists. Drivers were the only professional drivers who were not required to be subject to the DLVA Group II Standard. The examination was a higher grade which would reduce the risk of a driver becoming ill whilst

driving, thereby reducing the risk to passengers and other road users. The trade had been consulted via the taxi and private hire forum meetings.

An amendment to the report was circulated which proposed that existing drivers with medical conditions who would not meet Group II requirements be granted 3 years "grandfather rights" provided that they continued to meet Group I standards. This was in line with Department of Transport Policy, which granted the same rights to existing HGV drivers. This would give current licensees the opportunity to obtain remedial treatment or find alternative employment.

**RESOLVED: (1)** That hackney carriage and private hire drivers be required to satisfy the Group II medical examination standards as a requirement of holding a drivers licence, the requirement to apply to all new applications received with immediate effect.

**(2)** That drivers currently licensed by the Council be exempt from the higher Group II Fitness to drive standards until 31 March 2008.

- 4. REVIEW OF THE POLICY OF CONTROLLING TAXI NUMBERS.** The Committee considered the report of the Commercial Services Manager, Environmental Health regarding options for changes to the Council's current policy of restricting the number of hackney carriages in response to the Government's Action Plan for Taxis and Private Hire Vehicles.

A Study by the Office of Fair Trading, which was published in November 2003, had recommended that local authorities should not retain the power to limit the number of taxis. The Government, following the announcement of its Action Plan for Taxis and Private Hire Vehicles, had issued a Department for Transport (DfT) circular on 16 June 2004 requesting all councils restricting taxi licenses to review their local policy. The Action Plan stated that restrictions should only be retained where there is shown to be a clear benefit for the consumer and that unless a specific case can be made, it is not in the interest of consumers for market entry to be refused for those that meet the application criteria. Councils would also be required to publicly justify their reasons for the retention of restrictions and how decisions on numbers are reached.

The Council's current limit on the number of hackney carriage proprietors licences (plates) was 84, a number unchanged since 1975. The Transport Act 1985 enabled a licensing authority to refuse the issue of a new hackney carriage proprietor's licence only if satisfied that there is no significant unmet demand. A survey by an independent consultant on unmet demand in Eastbourne was carried out and reported to the Council in February 2000. The report concluded that there was no significant unmet demand for taxis but there appeared to be a shortage of wheelchair accessible vehicles. The Study recommended that any new licences should be for wheelchair accessible taxis. The Planning and Licensing Committee at its meeting on 4 April 2000 resolved not to issue further hackney carriage licences at that time.

The Scrutiny Review of the Taxi and Private Hire Services on 16 September 2002 had considered the length of time to locate/hire a vehicle particularly at night and the findings of the Hackney Carriage Study in respect of wheelchair accessible taxis. It had proposed that action be undertaken to explore ways of encouraging drivers to work nights and the development of a robust process to administer the issuing of additional hackney carriage plates in a transparent and equitable manner. A mechanism was also requested to prevent additional licences granted from being transferred for profit.

The Commercial Services Manager advised on the issues to be considered for a change in policy. The Study undertaken in 2000 could no longer be relied on to demonstrate that there was no significant unmet demand. The 2001 mid-population had seen an increase of 20% since 1975 and was projected to grow. A key element of the Crime Reduction Strategy was the adequate provision of late night transport to disperse people from the town centre, thus reducing the potential for nuisance and anti-social behaviour. The Licensing Act 2003 would also affect the night time economy by removing the limit on alcohol licensing hours. A comparison of Eastbourne taxi data with East Sussex and Brighton and Hove Council's was set out in appendix 3 and showed the lowest taxi/private hire ratio of the six local authorities.

Further considerations for improving hackney carriage availability for people with disabilities were set out in the report. A DoT circular letter of 9 September 2002 set out the accessibility policy considerations when making a taxi accessibility policy and was detailed in appendix 2 of the report. It was noted that attempts to increase provision of wheelchair accessible hackney carriages had not been taken up by the trade and that the number of wheelchair accessible vehicles had declined to 4.

The Government's taxi accessibility regulations due to be phased in would require local authorities to convert to a taxi fleet that had wheelchair access and a range of other features to help disabled people access taxis. Eastbourne was included within the first phase and the timescale for implementation was from 2010 to 2020.

The Committee was advised that if a number restriction policy was continued, the Council must be satisfied that there was no significant unmet demand and that regular surveys would be required at 2 to 3 year intervals. The costs of the surveys were significant and would involve substantial officer time. The issues relating to the continuation of a number restriction policy and the issuing of a limited number of licences were set out in the report. The implications of the removal of the number restriction policy were also set out in the report.

Mr B Morris (Chairman, Eastbourne and Country), P Smith (Hackney Carriage proprietor), Mr A Curryer and Mr Hake (Independent Driver) addressed the Committee in opposition to de-limitation. It was stated that this policy would result in an oversupply of taxis into the trade, increased congestion on the roads and taxi ranks, pollution, reduced earnings and hardship for drivers leading to a deterioration in vehicle standards and increased fares. Mr Hake advised that work on the ranks was in decline and that illegal parking on the ranks continued to be a problem.

Mr C Islip (General Manager, Sussex Cars) addressed the Committee and expressed concern that no plates had been issued since 1975 and that the price of hackney carriage plates was a barrier to drivers wishing to enter the trade. He supported the proposed consultation prior to any decision on the policy options available.

Reference was made to a statement from the National Taxi Association on de-limitation of taxi numbers and the experience of Edinburgh Council following its decision to de-limit. Managed growth backed by regular surveys and regular consultation with stakeholders was supported.

Councillor Taylor commented on the suitability of wheelchair accessible vehicles for people with disabilities and that saloon cars were often easier for the elderly and

walking disabled to get in and out of. Mr Lindsay advised that a mixed choice of vehicles was required and that a report on wheelchair accessible taxis had identified vehicles most suited to the requirements of a wide range of access difficulties.

The East Sussex Disabled Association would be consulted on the most suitable choice of vehicles.

The Committee supported the option of managed growth, which would ensure a gradual increase in numbers and would prevent any oversupply of vehicles and congestion on the ranks. It was agreed that consultation was required before a decision was made on any of the options set out in the report.

**RESOLVED: (1)** That consultation is undertaken with the hackney carriage and private hire trade and representatives of the businesses, organisations and the public on the policy options set out in the report.

**(2)** That a report be submitted to this Committee summarising the responses to the consultation in three months prior to making a final policy decision.

- 5. DOOR SUPERVISORS REGISTRATION SCHEME.** The Commercial Services Manager, Environmental Health advised the Committee that the Council's Door Supervisors Registration Scheme had now ceased. As from 1 March 2005 it was a legal requirement for all door staff to hold a new Security Industry Authority (SIA) door supervisor licence. Door staff, managers and premises licence holders remained strictly liable for any failure to comply with the law and Environmental Health would continue to carry out checks during visits to premises to ensure that all door supervisors were licensed under the national scheme.

Mr Lindsay commented on the success of the Council's Scheme, which had registered 481 door supervisors and had been responsible for training 300. He paid tribute to Mr B Thomas, who was very much involved with the scheme and had now retired from the Council.

**NOTED.**

The meeting closed at 8.34 pm.

**Mrs A MURRAY**  
**Chairman**