

Tuesday 23 January 2007  
at 6.00pm



# General Licensing Committee

**MEMBERS:** Councillor Mrs MURRAY (Chairman) Councillor BOWKER (Deputy Chairman), Councillors Mrs GOODALL, HARRIS, HERBERT, MARSH, STEVENS, WALLIS and Miss WOODALL.

(Apologies for absence were reported from Councillors Mrs Angel, Lacey OBE, Mrs Pooley, Mrs Sims, Taylor and Tester).

## 7 Minutes.

The minutes of the meeting held on 1 November 2006 were submitted and approved and the Chairman was authorised to sign them as a correct record.

## 8 Declaration of Interests.

Councillors Herbert declared a prejudicial interest in items 9 and 10 and withdrew from the meeting during consideration of those items.

## 9 Taxi Fares.

The Committee considered the report of the Licensing Manager regarding hackney carriage fares and options submitted by the trade in respect of the current fare structure and the level of fares to be charged. Ten responses had been submitted following consultation with all proprietors on the current fare formula and whether an increase in fares was sought. Of these options three had been selected for further consultation and the results of a ballot on the proposals were detailed in the report. Option A which was supported by 23% of respondents proposed an increase in the current fares and a simpler fare structure which omitted all the additional extras currently included. Option B was supported by 28% of respondents and provided a small increase to the current fares and maintained the extras and a surcharge for small removals.

Mr B Morris (Eastbourne and Country), addressed the Committee in support of option C which was supported by 49% of proprietors and proposed no fare increase before April 2008. The increase introduced in December 2005 had resulted in a loss of customers and concerns were raised regarding the affect on the trade if a further increase was introduced. The cost of fuel and insurance had not risen significantly and customers were now familiar with the existing tariff structure. Mr Hopkins (Eastbourne and Country) stated that feedback from customers indicated satisfaction with the current fare levels.

Mr P Smith (Hackney Carriage proprietor) stated that an increase to offset inflation costs was supported by over half of the drivers. A reasonable

yearly increase was preferable to a large increase in fares next year and still ensured that Eastbourne remained lower than average compared to fares charged by neighbouring authorities.

Mr M Reeves addressed the Committee in support of option A which provided a higher start rate and removed the extra charges. This was a simple tariff structure which would be less open to potential abuse and would provide a much needed increase for independent drivers with large financial commitments and families to support.

The Committee supported an increase for this year and the continuation of an annual assessment of fare rates. Any proposals which sought to simplify the tariff structure were welcomed but further supporting evidence to assist in the assessment of applications should be made available to the Committee in respect of any future proposals.

The Committee supported early consultation with the trade in respect of future increases to enable their implementation at the earliest stage.

**RESOLVED: (By 4 votes to 2)** That the application for an increase in hackney carriage fares as set out in appendix 2 to the report be approved and implemented, subject to no objections being made in response to the public advertisement.

## **10 Application for New Hackney Carriage Licences.**

The Committee considered the report of the Licensing Manager regarding the mechanism for allocating six additional hackney carriage licences agreed for release at the meeting held on 1 December 2006 following a study into the provision and use of taxi services in the Borough.

A number of conditions were attached to the issue of the licences and at the Council meeting held on 22 November 2006 the matter was referred back to consider the addition of two further conditions as follows:

(1) Any licence issued shall revert to Eastbourne Borough Council when the hackney carriage user ceases to practice as a hackney carriage driver.

(2) Eastbourne Borough Council officers shall explore the methods by which such licences are to be released in order to maximise the financial return to Eastbourne Borough Council.

The Licensing Manager reported that the legality of the above conditions had been investigated. The option of returning the hackney carriage plate was open to individuals; however Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 also permitted a plate/licence to be transferred between parties. The Principal Lawyer expanded on case law which had established the principle of permitting the transfer of licences between persons as opposed to being handed back to the authority. (*R v Weymouth Borough Council ex pa Teletax Weymouth Ltd 1947* referred).

In respect of income generation, under Section 70(1) of the 1976 Act, fees set by the Authority were limited to cost recovery only. Case law had established that local authorities were not empowered to raise revenue through a licensing scheme. (R v Manchester City Council ex parte King, 1991 referred).

A condition attached to the last release of licences in 1976 required that an annually maintained "expressions of interest" list be used for the allocation of any new plates.

The current list had not been sufficiently maintained and advice had been sought as to the fairest and most transparent mechanism for allocating the new licences to ensure that all parties interested had the opportunity to be considered for a licence. Expressions of interest were invited through an advertisement in the Eastbourne Herald and via details of contactable individuals from the previous list. The Licensing Manager reported that 19 expressions of interest had been received by the closing date of 22 January 2007.

It was proposed that all parties expressing an interest be included in a draw, with the first 6 names drawn allocated a new licence and the remaining names drawn to determine their respective positions on the expressions of interest list which would be reviewed annually.

Mr B Morris (Eastbourne and Country) addressed the Committee against the allocation of plates by a draw and proposed that the two main taxi companies should be allocated 2 plates each, to ensure maximum usage of the plates. Mr Hafernik also spoke against this method of allocation and indicated that a points system would be fairer to ensure that the plates were allocated to drivers who had experience in the trade. Mr C Islip supported the allocation to companies which would benefit the travelling public.

The Committee discussed the use of both a ballot and points based system and the suggestion that Sussex Cars and Eastbourne and Country be allocated 2 plates each. The Principal Lawyer advised the Committee that a points based system was complex and open to legal challenge since the mechanism used to allocate points was largely subjective.

She advised that a decision to allocate 2 plates to each of the main companies in the town without reference to a ballot or other fair and transparent process would be vulnerable to challenge. She advised of the need for equality of opportunity between all would-be applicants.

**RESOLVED: (1) (By 6 votes to 2)** That the six hackney carriage plates be allocated by means of a draw using the list of expressions of interest received by the closing date of 22 January 2007.

**(2)** That the plates are allocated to the following individuals following the draw undertaken at the meeting in public session:

N Parmer, L Wakeling, T Kirrage, Sussex Cars, I Staines, C Islip

**(3)** That the remaining names in the order drawn at the meeting, as recorded by the Licensing Manager, be used to form the new "expressions of interest" list, to be reviewed on an annual basis.

## **11 Public Charitable Collections – Street Collection Application Criteria and Future Licensing Arrangements.**

The Committee considered the report of the Local Democracy Manager and the Licensing Manager regarding a review of the criteria under which applications for public charitable collections were assessed.

It was proposed to restrict applications for consideration to those from recognised registered charities and local charitable bodies which directly benefit the population of the Borough. Under the new criteria, applications from non-profit organisations, typically comprising campaigning organisations active in animal welfare and environmental causes, would no longer be considered. This was to ensure that the Council could realistically monitor how charitable proceeds were used through the regulatory activities of the Charity Commission and the local connections of groups whose activities were known within the community.

Of the current applications received for 2007, four organisations had been advised of the proposed changes and that they would fall outside the new restrictions.

The other main change was the addition of criteria (f), (g), (h) and (i) as set out in appendix 1 of the report which formalised the criteria which had been used for determining applications for a number of years.

The Committee was advised of the provisions of the Charities Act 2006 which provided a new system for licensing charitable collections in public. The various provisions, which would not be implemented before 2009, included a new role for the Charity Commission to check whether organisations were fit and proper to carry out public collections.

**RESOLVED: (1)** That the revised application criteria for the grant of street collection permits, as set out in appendix 1 to the report, be approved.

**(2)** That the transfer of responsibility for the licensing of public charitable collections (street and house to house collections) to the Licensing Team of Environmental Health be noted.

The meeting closed at 7.55 p.m.

**Mrs A Murray  
Chairman**