

Tuesday 12 June 2007
at 6.00pm



General Licensing Committee

MEMBERS: Councillor Mrs MORRIS (Chairman) Councillor THOMPSON (Deputy Chairman), Councillors BELSEY, BLOOM, Mrs GOODALL, GOODWIN, GOODYEAR, HARRIS, Mrs HEAPS, HOUGH, Mrs MADELL and SALSBURY.

(Apologies for absence were reported from Councillors Elkin, Hough, Purchase and Miss Woodall).

1 Minutes.

The minutes of the meeting held on 12 March 2007 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Declaration of Interests.

None were received.

3 Submission of Information to Committee.

The Committee discussed the issue of the public right to address the Committee and the presentation of written information to support representations made. This occurred on a regular basis, particularly in relation to taxi and private hire matters. The information was usually presented at short notice and on some occasions was circulated at the meeting. The opportunity to submit information to clarify matters was considered essential however it was also important that those seeking to make submissions and Members and officers had a reasonable opportunity to consider information submitted, particularly in respect of complex issues.

RESOLVED: (1) That a requirement to submit supporting information in advance of meetings of the General Licensing Committee be communicated to those parties who make submissions on a regular basis.

(2) That the Committee recommends that the submission of supporting information will normally be required 5 working days in advance of the meeting, subject to the Chair's discretion to permit submission after the required deadline, and that the Committee's proceedings be amended accordingly as part of the review of the Constitution.

4 Taxi Fares.

The Committee considered the report of the Licensing Manager regarding an objection received in response to the public notice detailing a proposed hackney carriage fare increase.

The General Licensing Committee at its meeting on 23 January 2007 had considered 3 options submitted by the trade in respect of the level of fares to be charged. A fare increase as set in appendix 2 of the report had been agreed and had subsequently been publicised in the press with an invitation to the public to make representations on the proposed changes.

Mr M Reeves submitted an objection to the proposal on the grounds that the tariff structure was too complex. He made representations in support of his previous submitted option which gave a higher start rate and removed the "extra" charges system. This was a simple structure which would be less open to potential abuse and was in line with previous recommendations made by the Council that future proposals should seek to simplify the current tariff.

Mr B Morris (Eastbourne and Country) addressed the Committee in support of maintaining the extra charges. An excessive increase in the starting rate would be required to offset the loss of this income. He reiterated his support to no fare increase before April 2008. Mr N Bodle supported this proposal and disputed the view that drivers in the trade abused the use of the extra charges for passengers, pets and luggage.

Mr P Smith (Hackney Carriage proprietor) addressed the Committee in support of the proposed increase in appendix 2 of the report, which was supported by over half of the hackney carriage 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. The proposed tariff would also encourage drivers to work anti-social hours.

Mr R Doxford (Independent Driver) addressed the Committee in support of the current tariff structure.

The Licensing Manager reported that the scale of fares set by the Authority was the maximum amount which can be charged, but that drivers had the option to charge a lesser amount. A number of complaints had been received by the public and drivers in the trade regarding the abuse of the "extras" system and overcharging of customers. The complexity of the current fare structure presented difficulties for the Licensing team to adequately investigate such matters. It was reported that receipts could be requested but they would not provide a breakdown of the charges for a journey.

Some concerns were raised that the charges under the current structure were not clear to the public, particularly with regard to the extra charges.

The Principal Solicitor advised on the options available to Committee following consideration of the objection made to the proposed increase.

In reaching its decision on 23 January 2007, which had been preceded by an extensive process of consultation, the Committee had considered 3 proposals as well as representations made in support of the options submitted. These included the proposal submitted by Mr Reeves. Having given due consideration to the proposals, the Committee on 23 January had

agreed the proposed rate as set out in appendix 2 of the report. If having considered Mr Reeves' objection, the Committee were to determine that amendments to the proposed variation were required then valid reasons should be supplied to support a decision to opt for a proposal other than that previously agreed.

The Committee was advised by the Licensing Manager that despite extensive consultation, the trade had failed to reach a consensus on any proposed increase, or a formula which appropriately reflected the purported costs to the trade.

RESOLVED: (By 5 votes to 4) That the fare tariff agreed at the General Licensing Committee held on 23 January 2007 and published on 30 March 2007 be confirmed and implemented.

5 Hackney Carriage and Private Hire – Communication Skills.

The Committee considered the report of the Licensing Manager regarding a proposed policy which would require all new drivers to undertake communication skills training. The selected courses would provide customer service skills training and enable drivers to attain a minimum standard of English.

It was proposed that, in response to feedback from various disability forums and recommendations as part of the unmet demand survey, new drivers and in some cases existing drivers should also undertake some form of disability awareness training.

The Licensing Manager reported that one of the training components would include conflict and aggression management.

Current drivers would be required to undertake specified training if the Licensing Manager felt this was appropriate following a complaint lodged regarding a driver's behaviour. Current drivers could also request training to update their skills.

The Committee welcomed the proposal subject to any selected courses being of a manageable length and of an appropriate cost.

RESOLVED: (1) That in respect of Hackney Carriage and Private Hire drivers, the Council adopts a formal policy which requires:

(i) All new drivers to attain a minimum standard of English to a level specified by the Authority

(ii) All new drivers and, as appropriate, current drivers upon the direction of the Licensing Manager, in consultation with the Chairman of the General Licensing Committee, to attend a Customer Service and Communication Skills Course to a standard specified by the Authority.

(iii) All new drivers, and as appropriate, current drivers upon the direction of the Licensing Manager, in consultation with the Chairman of the General Licensing to attend a Disability Awareness Training Course to a standard specified by the Authority.

(2) That the Licensing Manager be granted delegated authority to identify appropriate courses to meet the requirements as set out above, in consultation with the Chairman of the General Licensing Committee and that such should be commenced as soon as is reasonably practicable.

6 Urgent Business – Gambling Act 2005 - Committee Procedure

Under the provisions of Section 100B(4) of the Local Government Act 1972, the Chairman asked that the following matter not listed on the agenda should be considered as a matter of urgency in view of the timescale for the submission of applications in respect of gambling matters governed by the Gambling Act 2005.

The Principal Solicitor advised the Committee that regulations had been made under the Gambling Act concerning the conduct of licensing hearings convened to consider relevant representations on applications submitted under the Act. A copy of the proposed procedure was circulated to the Committee and it was noted that the contents were similar to the model used to guide the proceedings of Licensing Act Sub-Committees.

RESOLVED: That the procedure be adopted as a good practice guide for Gambling Act Sub-Committees conducting business under the Gambling Act 2005 and that it be circulated to relevant parties to the hearing as the procedure adopted by the Committee.

The meeting closed at 8.42 p.m.

**Mrs S Morris
Chairman**