

# General Licensing Committee

**MEMBERS:** Councillor Mrs MORRIS (Chairman), Councillor THOMPSON (Deputy Chairman), Councillors BELSEY, ELKIN, Mrs GOODALL, GOODWIN, GOODYEAR, HARRIS, Mrs HEAPS, Mrs MADELL, Mrs POOLEY, PURCHESE, Mrs SALSBURY and Miss WOODALL.

(An apology for absence was reported from Councillor Bloom).

---

## **8 Minutes.**

The minutes of the meeting held on 16 December 2008 were submitted and approved and the Chairman was authorised to sign them as a correct record.

## **9 Declaration of Interests.**

None were received.

## **10 Provision of Hackney Carriage Proprietors Licences – Petition from the Disability Involvement Group.**

The Committee considered the report of the Licensing Manager regarding a review of the Council's current policy of restricting the number of hackney carriage proprietors licences in response to a petition received from the Disability Involvement Group and Department of Transport guidance.

At its meeting on 1 November 2006 the Committee had agreed to release six additional licences, the minimum which had been recommended by the last independent survey conducted on unmet demand. The licences had been subject to a number of conditions which had included that the licences would only be released and approved for use at all times by wheelchair accessible vehicles. The additional licences were now in use, taking the total number of hackney carriage licences to 90. Prior to this the limit on the number of licences had remained unchanged since 1976. The Committee was advised that there were currently 311 private hire vehicles licences in operation.

The Transport Act 1985 requires a licensing authority to grant a hackney carriage licence to any valid applicant unless it is satisfied that there was no significant unmet demand.

The removal of quantity restrictions was considered good practice by the Department of Transport and guidance stated that if restrictions were imposed, the policy should be reviewed regularly. The guidance also requires a licensing authority deciding whether or not to limit numbers to be guided by the interests of the travelling public.

The Committee was advised of National Indicator 175 (Accessibility) which was included as part of the East Sussex Local Area Agreement and aimed to improve overall accessibility to public transport to and from town and city centres. It was noted that hackney carriage and private hire vehicles would have a key role in the attainment of the target.

Details of current rank provision and the findings of a Scrutiny Review undertaken in 2008 into the suitability and location of ranks were detailed in the report.

The position of other authorities in Sussex had been investigated and it was reported that 9 out of 13 had opted for delimitation, and 4 had adopted a quality control policy to guard against over proliferation of vehicles at ranks and to maintain standards.

A petition had been submitted from the Disability Involvement Group (DIG) in October 2008 which sought a total delimitation of the number of hackney carriage proprietors licences with a condition that any new licences issued should be for wheelchair accessible vehicles (WAVs) only.

The Group had raised concerns regarding the lack of wheelchair accessible vehicles generally and at key times during the day. The lack of WAVs available on the ranks required members to book a suitable vehicle well in advance of any anticipated journey, usually through a private hire operator. This placed a limit on the opportunity to travel freely.

Mr I Westgate, Chairman of the Eastbourne Access Group addressed the Committee on behalf of the Disability Involvement Group. He advised of his personal experiences and problems encountered when making travel arrangements. Members of DIG had reported that an accessible taxi is rarely available to book early in the morning or later in the afternoon, as this coincided with school run times. They were seeking an increase in the number of wheelchair accessible vehicles to be available so that opportunities to travel at these times are increased for everyone requiring such a vehicle. This would also increase a disabled person's opportunity to find an accessible taxi at a rank or hail one in the street.

DIG Members accepted that the taxi industry needed to be viable and acknowledged that wheelchair accessible vehicles are expensive to buy new with higher annual running costs. However more accessible vehicles were needed as they played a vital role in the lives of disabled people who depend on them as their only means of transport. Members were not asking for special treatment, but for equality of opportunity and choice about how and when they travel by taxi. The Disability Discrimination Act requires local authorities to promote equality of opportunity for disabled people.

In response to a query regarding trade involvement at Disability Involvement Group meetings, the Chair of the Group, Monica Elsen, advised the Committee that DIG was a community engagement group formed to assist the council with its disability equality work. External representatives were invited to attend and address the group at the request of its members when discussing specific issues. Mr Westgate advised that DIG's wider

membership represented approximately 1,500 disabled people living in Eastbourne.

The importance of maintaining a fleet mix was acknowledged and that disabled people benefited from a variety of vehicle designs. Reference was made to the Department of Transport consultation due to conclude in April 2009 which sought to improve access to taxis so that people with different types of impairment or disability can receive an equal level of service provision. The Committee was advised that taxi drivers and operators have a legal duty to take all reasonable steps, as far as possible, in order to make their services accessible to disabled people.

The trade had been consulted on the report and details of the feedback received were appended to the report. A number of drivers running wheelchair accessible vehicles had stated that in their experience very few passengers requiring a WAV hailed one in the street or waited at a rank and that the majority of passengers pre-booked a vehicle.

It was stated that WAVs were not the most accessible of vehicles and that some customers felt unsafe stepping up to or getting out of the vehicles. A number of wheelchair users also preferred to travel in a saloon car.

The Licensing Manager advised that the apparent lack of WAVs had been discussed at the Taxi and Private Hire Forum and an attempt was made to seek agreement with the main operators to ensure that a minimum number of WAVs would be made available for hire at all times by disabled people or others. The trade had empathised with the challenges faced by members of DIG but had stated their reluctance to enter into any agreement. The Committee was advised that approximately 12% of the current 90 hackney carriage licensed vehicles were designated as WAVs.

The Licensing Manager stated that work to improve the advertising of taxi services was ongoing. The improvement of signage at taxi ranks had also been identified as part of the 2008 scrutiny review.

Mr K Jeffries (independent driver), Mr P Smith (Hackney Carriage proprietor), Mr B Morris (Eastbourne and Country), Mr R Doxford (independent driver), Mr D Hopkins (Eastbourne and Country) and Mr M Reeves (independent driver) addressed the Committee against any proposal which would result in the delimitation of taxi licences.

Concerns were raised that delimitation would result in an oversupply of taxis into the trade, increased congestion on the roads and that there was insufficient rank space to accommodate any increase in drivers. There would be loss of income and earning potential for current drivers, many of whom were struggling financially in the current climate and working longer hours.

It was considered that vehicle standards would deteriorate and fares would increase. It would encourage the cherry picking of shifts to the detriment of full time drivers and a shortage of available taxis at quieter times. A restriction policy provided a control to enable standards to be maintained whilst also recognising the substantial investment in vehicles made by the

trade. It was considered that the trade maintained the current fleet above the standards set by the Council.

Eastbourne and Country had given examples of a number of local authorities with a delimitation policy that had subsequently reintroduced a policy of restriction. The majority of the trade supported the option of managed growth and regular surveys to assess demand. The Licensing Manager reminded the Committee that any position adopted would be kept under review.

Comment was made that the previous survey undertaken in 2006 was flawed in that it had been undertaken in June and July, which was considered the busiest time of the summer for the trade. Any future surveys should be conducted over a longer period to take account of seasonal variations which influenced the pattern of demand for travel. The Licensing Manager advised the Committee that the survey and subsequent report had recognised seasonal factors and that a variety of methods of data collection had been used, with various interested parties, including the Taxi Trade, members of the public and other representative groups being involved in the consultation process.

Concerns were raised by members of the trade regarding the time allocated to the representative from the Disability Involvement Group in comparison to the individual speakers from the Hackney Carriage Trade. The legal adviser to the Committee advised that, in the circumstances, the time allocation to all parties addressing the meeting had been fair and reasonable.

Members discussed the option of a policy of managed growth which would permit the release of a specified number of licences over a period of time, an option which was supported by the trade. The Committee was advised that a survey to determine unmet demand would still be required.

The option for total delimitation was discussed with a policy of quality control which could stipulate that a vehicle must be a specified type and age. Evidence suggested that a policy of quality control provided a mechanism to effectively manage the type and number of licences being issued, particularly if linked to side loading wheelchair accessible vehicles, meeting European Whole Vehicle Type Approval, which were expensive to buy and would require significant investment on the part of individuals.

**RESOLVED: (By 7 votes to 4)** That a total delimitation of hackney carriage proprietor licences be approved, subject to a policy which supports quality control mechanisms, the exact requirements of which to be determined at a future meeting of the Committee.

(**Note:** A motion that a policy of managed growth be adopted was lost by 7 votes to 6).

The meeting closed at 10.15 p.m.

**Mrs S Morris**  
**Chairman**