

# General Licensing Committee

**MEMBERS:** Councillor PURCHESE (Chairman) Councillor SZANTO (Deputy Chairman), Councillors BELSEY, BLOOM, Mrs GOODALL, GOODYEAR, Ms HOUGH, Mrs MADELL, Mrs POOLEY, Mrs TARRANT, THOMPSON, and Miss WOODALL.

(Apologies for absence were reported from Councillors Goodwin, Salisbury and Taylor).

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## **1 Minutes.**

The minutes of the meeting held on 18 January 2010 were submitted and approved and the Chairman was authorised to sign them as a correct record.

## **2 Declaration of Interests.**

None were received.

## **3 Evaluation of Decision to Delimit Hackney Carriage Proprietor Licences.**

The Committee considered the report of the Licensing Manager regarding an evaluation of the Council's decision to delimit hackney carriage proprietor licences.

The policy of quality control which had been agreed by the Committee on 21 April 2009 required that new hackney carriage proprietor licences issued would only be released for wheelchair accessible vehicles meeting certain livery, technical, age and safety specifications.

Since the decision to delimit the number of hackney carriage proprietor licences, the Licensing Team had received 21 initial enquiries about the process which had resulted in the issue of 10 new licences. This had taken the total number of hackney carriage proprietor licences to 100.

The Committee was advised that there were no outstanding applications or enquiries at the current time. The quality control policy and other factors including the capital outlay required to purchase a suitable vehicle, the current economic climate and a recent cap on the number of permits issued to vehicles seeking to operate from the railway station rank had provided a natural mechanism to manage the number of new applicants and licences issued.

The Committee was advised that it was recognised that there is no one vehicle that meets all the needs of the travelling public and that the wider policy to retain a "mixed" fleet of licensed vehicles would remain and would apply to the 84 licenses issued historically, where there are no conditions attached to the type of vehicles licensed.

The Delimitation Review Group established to monitor the delimitation policy had met regularly and the findings of the Group representatives were detailed in the report.

Representatives of the Private Hire trade had indicated that there had been no significant impact upon their business since the decision to delimit the number of licenses was made. Due to a growth in the number of private hire operators, competition had now increased as available work was now being covered by more service providers.

The Disability Involvement Group (DIG) recognised the significant investment made by those purchasing suitable wheelchair accessible vehicles (WAV). As a result of the increase in WAVs, greater freedom and flexibility had been provided for disabled people. The DIG supported the retention of the delimitation policy linked to the current policy of quality control.

Sussex Police and the Business Crime Manager, representing the views of Nightwatch, supported the policy of delimitation as taxis are the only form of public transport available at key times, particularly late at night and enable groups of people to leave the Borough quickly and safely. WAVs were also favoured as they can accommodate between 5-8 people and help disperse groups placing less pressure on Police resources.

The Licensing Manager reported that condition 7 of the Quality Control Policy which required applicants to obtain the NVQ/Btech in Road Transport (Taxis and Private Hire) was an issue as there were no longer service providers of the course in Sussex owing to the lack of demand for the course, and that much of the funding had been withdrawn. The average cost of the course ranged from £900 to £1200.

The Licensing Manager advised that owing to the limited availability of course providers elsewhere in the country, a minimum of 25 participants was required for it to be financially viable. A joint venture with a neighbouring authority was being investigated.

The Committee supported the retention of the requirement to obtain this qualification or something similar as an essential part of the policy. The Licensing Manager agreed to investigate alternative courses and report back to a future meeting.

Mr B Morris, Chairman of Eastbourne and Country Taxis addressed the Committee and stated that a limit on the number of licences should now be re-imposed. The 10 new licences issued for WAV's, a number of which were operated by two drivers had greatly reduced the waiting times for disabled customers.

The increase in hackney proprietor licenses and drivers had resulted in work being covered by a greater number of drivers resulting in a drop in earnings for existing drivers. The present economic climate and fluctuations in the trade has meant that drivers are required to work longer hours to achieve a suitable financial return.

Should the delimitation policy remain, he supported the retention of the NVQ as a condition of the quality control policy to ensure the commitment of drivers entering the trade.

Mr Morris made reference to the availability of rank space and some of the difficulties being experienced by drivers at certain ranks within the town.

The Licensing Manager reported that issues facing the trade on the provision, availability and configuration of rank space would be explored as part of the Town Centre Regeneration Strategy. The lack of signage directing the public to taxi ranks was being discussed with East Sussex County Council and further consideration was being given to the option of allowing taxis and private hire vehicles to use bus lanes. .

**RESOLVED: (Unanimously) (1)** That the delimitation policy linked to a policy of quality control be maintained.

**(2)** That condition 7 of the quality control policy relating to the requirement to attend the Transporting Passengers by Taxi and Private Hire course be maintained and that the Licensing Manager be requested to investigate alternative training courses that may offer a similar qualification.

**(3)** That the Delimitation Review Group continues to meet on an ad hoc basis and in any event every 6 months to monitor and assess the delimitation policy.

#### **4 Control of Sex Establishments and Setting of Fees.**

The Committee considered the report of the Licensing Manager regarding the control of sex establishments and settings of fees.

At its meeting on 23 February 2011, the Council had adopted the relevant provisions to enable the Council, as Licensing Authority, greater control of sex establishments, in accordance with revisions to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 27 of the Policing and Crime Act 2009.

Under the new legislation local residents could oppose applications for sex entertainment venues and Local Authorities could reject an application if it was considered that a venue would be inappropriate given the character of an area. A local authority could also set a limit on the number of sex establishments for a particular area and impose a wider range of conditions. The Committee was advised that premises providing sexual entertainment on no more than eleven occasions a year were not required to be registered as a sexual entertainment venue.

The Council had adopted a Sex Encounter Policy which set out the relevant factors that will be considered in determining the relevant character of the

locality in respect of each application and would assist applicants, interested parties and statutory consultees regarding the matters the Authority will take into account when determining applications.

Details of the timetable for the implementation of the provisions were set out in the report. The Council was required to publicise the adoption of the provisions and the First Appointed Day from which the provisions would apply had been set for 1 May 2011.

The Committee was advised that the fees for licensing sex entertainment venues would be set locally having regard to the cost of implementation, administration and enforcement of the provisions. It was proposed that the fees for the application, renewal and transfer of sex establishment licences be set at the current level set for sex shop licences.

Councillor Tarrant queried whether an increase in fee levels for licensing sex entertainment venues should be considered given their later operating hours.

The Licensing Manager advised that the licence fee would be regularly reviewed to ensure that the cost of providing the service was covered. The proposed fees when compared with the levels set or anticipated by other Sussex Authorities were towards the middle of the range.

**RESOLVED: (Unanimously) (1)** That the timetable for implementing the provisions of the legislation be noted.

**(2)** That the fees for licensing sex establishments be set as follows: (i) Licence applications - £3,600; (ii) Licence renewals - £2,050 (iii) Licence transfers - £1,800.

## **5 Vote of thanks.**

As this was Councillor Purchase's last meeting as Chairman, Councillor Belsey thanked him on behalf of the Committee for his work as Chairman throughout the year.

The meeting closed at 7.10 p.m.

**D Purchase  
(Chairman)**