

Eastbourne Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 30 September 2019 at 4.00 pm

Present:

Councillor Pat Rodohan (Chair)

Councillors Robin Maxted (Deputy-Chair), Colin Belsey, Helen Burton, Sammy Choudhury, Penny di Cara, Amanda Morris, Jim Murray, Barry Taylor and Candy Vaughan

Officers in attendance:

Ed Hele (Functional Lead – Quality Environment), Danielle Ball (Specialist Advisor – Licensing), Oliver Dixon (Senior Lawyer and Data Protection Officer), Emily Horne (Committee Officer), and Elaine Roberts (Committee Officer).

15 Minutes of the meeting held on 29 August 2019

The minutes of the meeting of the Licensing Committee held on 29 August 2019 were submitted and approved and the Chair was authorised to sign them as an accurate record.

16 Apologies for absence/declaration of substitute members

Apologies for absence were reported from Councillor Diplock and Councillor Murdoch.

17 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

There were none.

18 Questions by members of the public

There were none.

19 Urgent items of business

There were none.

20 Right to address the meeting/order of business

The Chair reported that an Objector had requested to address the Committee, having raised an objection to the proposed Hackney Carriage Fare increase during the Public Consultation, and would be invited to speak when the Committee considered that item.

21 Taxi Licensing Guidance Review

The Committee considered the report of the Director of Service Delivery which requested that Councillors consider and approve the Draft Hackney Carriage and Private Hire Licensing Guidance document in light of the comments received during the consultation.

The Functional Lead – Quality Environment (FLQE), referred to Appendix A which set out the draft Eastbourne Hackney Carriage and Private Hire Licensing Guidance and Appendix B, the Taxi Licensing Consultation Report, which set out the consultation process, who responded and key findings.

Members were advised of three amendments on page 9 of the report. Under Purpose of Report, the words 'reviewed Taxi Licensing guidance' were deleted. Under Officer Recommendation(s) the words 'and approve a final version' were added after the word 'consultation'. Under Reasons for recommendations, No (2), the word 'Guidance' was inserted after the words 'changes to the'.

Liz Trethewey, spokesperson for Eastbourne Access Group / the Chair, Mr Ian Westgate; Possability People, Mr Rowkins (resident) and herself as an access group member, welcomed the review of the draft Hackney Carriage and Private Hire Licensing Guidance. She stated that the need for a new and proactive policy will lead to an increase in the choice and availability of licensed Hackney Carriage and Private Hire vehicles for hire by disabled citizens in Eastbourne. In particular, they were in support of (para 5.5, option A) of the officers report that Hackney Carriage vehicles are replaced by wheelchair accessible vehicles, and (option B) must be rear loading only. They also supported (para 5.6, option A) that all new hackney carriage vehicles should only be licensed if they are wheelchair accessible and that (option B) the vehicles are rear loading only, or at least both to ensure there are more rear loaders on the road, available to pre book and available on the taxi ranks.

Discussion included:-

- Clarification on the percentage of wheelchair accessible vehicles (WAVS). The FLQE explained that in 2009, 12% of Hackney Carriages were wheelchair accessible and this had increased to 22% in 2019. Eastbourne is considered favourable compared to other urban areas at 15%.
- The cost of side loading vehicles compared to rear loading vehicles. The FLQE advised that side loading vehicles are more expensive than rear loading vehicles and do not provide as much accessibility. The Specialist Advisor – Licensing (SAL), added that as part of the quality control checks

for vehicles post 2009, if a vehicle is less than a year old with 20,000 miles on the clock, these vehicles would not be licensed. This increases the amount drivers pay for vehicles.

- Can WAVS carry non-wheelchair passengers? The SAL confirmed that rear loading WAVS can carry up to 8 non-wheelchair passengers.
- How many customers have requested a WAV and not received one? This information was not immediately available.
- Do rear loading vehicles take up more space on the taxi rank? The SAL confirmed that rear loading vehicles do take up more room.
- How regularly do Hackney Carriage drivers change plates? The SAL advised that drivers were changing to private hire plates every week. The FLQE added that the demand for Hackney Carriage was less as customers were using phones to order taxis, rather than go directly to a taxi rank. The SAL explained that there were 84 vehicles which have pre-2009 plates that have no conditions and do not need to be wheelchair accessible. As such, these plates are more lucrative for drivers. Furthermore, if the plate is transferred to another driver it will retain grandfather rights and remain without conditions. However, if a new plate is applied for, it will need to meet the quality control policy.
- A request for an Equalities Impact Assessment to be undertaken (see paragraph's 5.5 and 5.6 of the officers report) in respect of new and replacement Hackney Carriage vehicles, and signed off by the Disability Cabinet Member. The FLQE explained that this would need to be outsourced and given sufficient time to be reviewed.
- Concern that the whole fleet will become wheelchair accessible too quickly and that there should be a combination of vehicles. The SAL advised that any driver issued with a licence and plate after 2009 must ensure their vehicle meets the Quality Control Policy and be wheelchair accessible.
- Whether or not fraudulent activity can occur on the electronic knowledge test. The FLQE confirmed that the test questions are changed to prevent fraudulent activity from occurring.
- Clarification on safeguarding. The SAL advised that safeguarding was part of the knowledge test and that courses were available externally by separate certification. However, this will involve an additional cost to the driver.
- The effect on taxi licensing when the UK exits the EU. The SAL clarified that the guidance/legislation will remain the same until UK law is changed.

Members chose to consider for decision paragraphs 5.2 to 5.7 of the officer's report which outlined the significant changes for consideration following the

public consultation on the draft Hackney Carriage and Private Hire Licensing Guidance.

Resolved: to approve the following changes to the draft Hackney Carriage and Private Hire Licensing Guidance:-

1. Councillor Taylor proposed a motion to include equalities, disability awareness, CSE (child sexual exploitation) and safeguarding as part of the knowledge test. This was seconded by Councillor Murray.
Resolved: (Unanimous) that equalities, disability awareness, child sexual exploitation and safeguarding be introduced as a section on the knowledge test.
2. Councillor Belsey proposed a motion to adopt emissions limits rather than engine cubic capacity. This was seconded by Councillor Murray.
Resolved: (Unanimous) that the Council should adopt emissions limits such as Euro 4 Petrol and Euro 6 Diesel, or the equivalent UK standard, as opposed to a minimum cubic capacity of the vehicle's engine.
3. Councillor Vaughan proposed a motion that vehicles be permitted up to 5 years old. This was seconded by Councillor Morris.
Resolved: (Unanimous) that Vehicles be permitted up to 5 years old from first registration upon first application.
4. Councillor Rodohan proposed a motion that any person found cheating on knowledge tests should be disqualified from the test and not be granted a licence for at least three years. This was seconded by Councillor Vaughan.
Resolved (Unanimous): that any person found cheating on knowledge tests should be disqualified from the test and not be granted a licence for at least three years.
5. Councillor Burton proposed a motion for an Equalities Impact Assessment to be undertaken regarding new and replacement Hackney Carriage Vehicles (5.5 & 5.6 of the officer's report). This was seconded by Councillor Murray.
Resolved (by 6 votes to 4 against): that an Equalities Impact Assessment is undertaken regarding new and replacement Hackney Carriage Vehicles as soon as possible.

The Functional Lead – Quality Environment raised an additional item for members to consider. Members were asked to decide if they would agree to the vehicle test occurring every 6 months instead of yearly (as per the MOT).

6. Councillor Rodohan proposed a motion to increase the number of vehicle checks from once a year to every 6 months. This was seconded by Councillor Murray.

Resolved (unanimous): that vehicle checks be undertaken every 6 months.

22 Date of Next Meeting

The next meeting is scheduled for 6 January 2020 at 6pm.

The meeting ended at 5.40 pm

Councillor Pat Rodohan (Chair)