

Eastbourne Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 6 January 2020 at 6.00 pm

Present:

Councillor Pat Rodohan (Chair)

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

Officers in attendance:

Ed Hele (Functional Lead – Quality Environment), Michele Wilkinson (Lawyer (Housing & Regulatory)), and Emily Horne (Committee Officer).

23 Minutes of the meeting held on 30 September 2019

The minutes of the meeting of the Licensing Committee held on 30 September 2019 were submitted and approved and the Chair was authorised to sign them as an accurate record.

24 Apologies for absence/declaration of substitute members

Apologies for absence were reported from Councillor Burton.

25 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.

26 Questions by members of the public

There were none.

27 Urgent items of business

There were none.

28 Right to address the meeting/order of business

The Chair reported that three speakers had requested to address the Committee, having responded to the public consultation regarding Hackney

Carriage and Private Hire Guidance in relation to Wheelchair Accessible Vehicles, and would be invited to speak when the Committee considered that item.

29 Taxi Licensing Guidance Review

The Committee considered the report of the Director of Service Delivery which requested that Councillors consider the results of the public consultation regarding the Hackney Carriage and Private Hire Guidance in relation to reviewing the existing Guidance concerning Wheelchair Accessible Vehicles (WAV's).

The Functional Lead – Quality Environment (FLQE) advised that the Guidance was considered by the Licensing Committee on 30th September 2019 and was agreed subject to the completion of an Equality Impact Assessment. The Equalities and Fairness Analysis (EaFA) was attached in Appendix 1 of the agenda, and Appendix 2 comprised the current WAV Quality Control Guidance.

The analysis sought to provide an overview of how the options would potentially impact protected groups including, but not limited to, disability based on consultation with stakeholders, as well as demographical context.

Members had read and considered the content of the analysis before making their decision.

Members were asked to amend the current Guidance by adopting one of the following options:

Option 1 – Require all new Hackney Carriage vehicles to be replaced by WAV's, noting this would eventually lead to a 100% WAV fleet.

Option 2 – For proprietors with plates licenced prior to April 2009 they will only be required to have a WAV when the plate changes ownership. This suggestion was put forward in the last meeting. Although this would eventually lead to a 100% WAV fleet, it would take longer than Option 1. All other new Hackney Carriage vehicles were to be replaced by WAV's.

Option 3 – Keep the current arrangement whereby only additional Hackney Carriage plates introduced to the trade are required to be WAV's.

In addition to Options 1, 2 and 3, the Committee was asked to consider if WAV's should remain as side loading or whether both side and rear loading WAV's could be permitted (paragraph 5.5 of the officer's report).

Geraldine Des Moulins, CEO of Possability People and Eastbourne Access Group read a written statement that had been circulated to Councillors in advance of the meeting, regarding the lack of Wheelchair Accessible Vehicles in the Hackney and Private Hire fleet. Advocating for a flexible fleet, she said it was essential that those in powered wheelchairs had access to more rear

and modern side loading vehicles. Furthermore, disabled people living in the town, and those visiting, were at an unacceptable disadvantage not knowing if the taxi they called could accommodate them. Also, the designated list of accessible vehicles was out of date and there was a lack of willingness from the local trade to provide contact and vehicle capacity information. Because of the vast unmet need in the town, she said disabled people were not being afforded the same equality of opportunity as non-disabled people.

Mr Chris Ferguson, Hackney Carriage Proprietor, said he was in support of Option 3 of the Officer's report to keep the current arrangement whereby only additional Hackney Carriage plates introduced to the trade were required to be WAV's. He said the majority of disabled users cannot use / choose not to use WAV's and often request a low vehicle saloon, hatchback or estate. He said that Lewes District Council members decided overwhelmingly to retain their mixed fleet of vehicles. Accordingly, drivers in Eastbourne should be allowed to make a moral and business decision on whether to purchase a WAV.

Councillor Whippy, Lead Cabinet Member for Disabilities and Community Safety, thanked Officers for the Equality and Fairness Analysis report (EaFA). Whilst acknowledging that there were unmet needs, she said she supported (Option 3) a mixed fleet of vehicles, lifting the restriction for side loading only WAV's to permit rear loading WAV's in the future.

The Discussion included:-

- A preference for Option 3 for new Hackney Carriage vehicles to be WAV's.
- Concern that only 2% of 400 Private Hire vehicles were WAV's. In 2014, the Law Commission's Review advocated that not all Hackney Carriage vehicles must be WAV's. This does not apply to Private Hire vehicles and could not be enforced.
- The numbers of WAV's available and when they were available. Disabled groups / users had said WAV's were not available when they wanted them.
- It was not compulsory for drivers to register their details on the designated list of accessible vehicles.
- Rear loading vehicles took up a lot of space on the taxi rank.
- Not all passengers could access side loading vehicles.

Councillor Belsey proposed a motion to consider Options 1 to 3 (paragraphs 5.2 to 5.4 of the officer's report) and paragraph 5.5 of the officer's report as an additional separate decision. This was seconded by Councillor Murray.

RESOLVED: To determine both matters separately.

Councillor Belsey proposed a motion for Option 3, to keep the current arrangements whereby only additional Hackney Carriage plates introduced to the trade were required to be WAV's. This was seconded by Councillor Murray.

RESOLVED (unanimous) - To keep the current arrangements whereby only additional Hackney Carriage plates introduced to the trade are required to be WAV's.

Councillor Maxted proposed a motion for rear loading WAV's to be permitted. This was seconded by Councillor Rodohan.

RESOLVED (by 10 votes to 1 against) - That rear loading vehicles are approved.

The Functional Lead – Quality Environment confirmed that the implementation date for additional Hackney Carriage plates that were required to be WAV's would be agreed with the Chair of the Licensing Committee.

30 Date of next meeting

The next meeting was scheduled for 9 March 2020 at 6pm.

The meeting ended at 7.00 pm

Councillor Pat Rodohan (Chair)