

Licensing Committee

Minutes of the meeting held remotely (via Microsoft Teams) on 17 December 2020 at 10.00am

Present:

Councillor Sean MacLeod (Chair)
Councillors Christine Robinson (Vice-Chair), Sam Adeniji, Liz Boorman, Roy Clay, Johnny Denis, Stephen Gauntlett, Isabelle Linington and Jim Lord

Officers in attendance:

Danielle Ball (Specialist Advisor - Licensing)
Jo Dunk (Senior Specialist Advisor - Environmental Health)
Robin Fuller (Specialist Advisory - Licensing)
Ed Hele (Functional Lead - Quality Environment)
Jennifer Norman (Committee Officer - Democratic Services)
Paul Thornton (Specialist Advisor - Licensing)
Michele Wilkinson (Lawyer - Housing & Regulatory)

10 Introductions

The Chair introduced members of the Committee via roll call, and those officers present during the remote meeting.

11 Apologies for absence/declaration of substitute members

An apology for absence had been received from Councillor Keira Rigden.

12 Declarations of interest

For the purpose of transparency, Councillor Johnny Denis declared that he was the Lewes District Council Cabinet member for communities and customers.

13 Minutes

Prior to the consideration of the minutes, the Cabinet member for communities and customers queried whether or not the FLQE (Functional Lead – Quality Environment) had consulted with the Council's Insurance Officer to confirm the correct amount as it related to the Public Liability Insurance Guidance, as detailed in the second bullet point of Minute No 8. The FLQE explained that the Guidance had not yet been implemented due to the delays resulting from the Covid-19 pandemic, but that this would be actioned in the spring or summer of 2021.

The minutes of the meeting held on 13 August 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

14 Urgent items

There were none.

15 Written questions from councillors

There were none.

16 Hackney Carriage Wheelchair Accessible Vehicles (WAVs) in Lewes District Council

The Committee considered the report which was in response to a request from Members at a previous meeting of the Committee on 19 September 2019 that consideration be given to the wheelchair accessibility of Hackney Carriage Vehicles (HCVs).

The Specialist Advisor - Licensing (SAL), Danielle Ball, presented the report and its findings.

The SAL highlighted that within Lewes District out of the 138 licensed HCVs, there were five which were considered wheelchair accessible. In addition, out of the 468 Private Hire Vehicles (PHVs) within the District, three were considered wheelchair accessible. She further highlighted that although the Council had no control over how many PHVs could be classified as wheelchair accessible, it could control the number of Wheelchair Accessible Vehicles (WAVs) within the HCV trade.

The SAL requested that the Committee consider the three options as set out in paragraph 2.5 of the report:

- a) Applications for a new HCV licence would not be granted unless the vehicle was deemed wheelchair accessible, either side or rear loading. This would not apply to existing licence holders of HCVs who applied to change their vehicles.
- b) With effect from 1 June 2022 (or a date to be agreed), all applications for new and replacement HCV licenses would only be granted to those vehicles that were deemed wheelchair accessible.
- c) To maintain the current situation, with the number of WAVs to evolve naturally.

Discussion included:

- Questions surrounding the number of HCVs licensed per year and how it would impact dual licenses. The SAL explained that the number of HCVs licensed per year varied. She clarified that dual licences were in respect of driving licenses, so all new license holders would become dual licence holders. Questions surrounding the scope of the consultation process. The SAL clarified that it would be a public consultation with a possible survey and local publications for the trade and members of the public.

- Questions surrounding the sale of existing HCVs. The SAL explained that some proprietors completed a plate transfer and could sell plate without existing conditions. The SAL advised that she was not aware of the specific financial implications.
- Questions surrounding the equality and fairness report and concerns regarding the effects on people with disabilities not outlined in the report. The SAL highlighted that there had been no response from disability or equality groups.

Resolved:

That Officers be authorised to undertake a six-week public consultation on all three options as set out in paragraph 2.5 of the report:

- a) Applications for a new HCV licence would not be granted unless the vehicle was deemed wheelchair accessible; either side or rear loading. This would not apply to existing licence holders of HCVs who applied to change their vehicles.
- b) With effect from 1 June 2022 (or a date to be agreed), all applications for new and replacement HCV licenses would only be granted to those vehicles that were deemed wheelchair accessible.
- c) Maintain the current situation, with the number of WAVs to evolve naturally.

(Councillor Clay requested that his vote for option (a), as set out in paragraph 2.5 of the report, be recorded in the body of the minutes.)

17 Amendments to the Hackney Carriage and Private Hire Licensing Guidance as a result of the Department for Transport (DfT) Statutory Guidance

The Committee considered the report which sought approval on the amended Lewes District Council Hackney Carriage and Private Hire Licensing Guidance as set out in section 2 of the report, and the authorisation to commence a six-week consultation with the taxi trade and members of the public.

The Specialist Advisor – Licensing (SAL), Paul Thornton, presented the report and its findings.

The SAL highlighted that if the Committee was to authorise a six-week consultation as outlined in the report, a number of organisations would be included in the consultation as set out in section 2. He further highlighted that although this was not a requirement, officers agreed that it was good practice and it upheld the Council's commitment to transparency.

Discussions included:

- Questions surrounding whether or not drivers would be given a list of a variety of dedicated suppliers. The SAL confirmed that the intention was to provide a list as to which providers were approved by the Council.

- Questions surrounding safeguarding training and what it entailed. The SAL clarified that the safeguarding training covered a wide range of areas in order to give drivers a broad knowledge of safeguarding matters.
- Questions regarding whether or not Members could be included in the safeguarding training. The SAL confirmed that if the amended Guidance was approved by the Committee, an invitation would be extended to Members to attend the safeguarding training.
- Clarification on point (aa) in section 2.4 of the report and whether or not the information collected by an operator related to each person in a group of passengers. The SAL clarified that the information collected only related to only the individual which made the booking in any group of passengers. Members requested that the Guidance be amended to make this clear. Officers agreed.
- Questions surrounding whether or not online or telephone abuse of Council officers was included in the Penalty Points Scheme as set out in point (dd) in section 2.4 of the report. Officers welcomed the suggestion and agreed to amend the Guidance to include such abuse of Council officers.

The Chair requested that Officers research the possibility of offering free safeguarding and disability training and report their findings at a future meeting of the Committee. Officers agreed.

Resolved:

- 1) That the amended Lewes District Council Hackney Carriage and Private Hire Licensing Guidance be approved as set out in the report and Appendix 1;
- 2) That the Functional Lead – Quality and Environment, be authorised to begin a six-week consultation with the taxi trade and members of the public; and
- 3) That the results of the six-week consultation be reported to a future meeting of the Committee, unless only minor changes were proposed as a result of the consultation responses, in which case any changes may be made by the Functional Lead - Quality Environment, in consultation with the Chair of the Licensing Committee.

18 Approval of Licensing Fees

The Committee considered the report which sought approval of the scale of Licensing fees proposed within Appendix 1 to apply from 1 April 2021.

The Functional Lead - Quality Environment (FLQE) presented the report and its findings.

The Committee queried the reason for the variation in pricing for different fees and charges as set out in Appendix 1. The FLQE clarified that the variation in pricing took into account the length of time it took officers to process each type of service.

Resolved:

- 1) That the scale of Licensing fees proposed within Appendix 1 of the report to apply from 1 April 2021, be endorsed; and
- 2) That Full Council be recommended to formally ratify the scale of Licensing fees proposed within Appendix 1 of the report.

19 Date of next meeting**Resolved:**

That it be noted that the next meeting of the Licensing Committee is scheduled to commence at 10:00am on Thursday, 11 March 2021, in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

The meeting ended at 11.32am.

Councillor Sean MacLeod (Chair)