

Licensing Committee

Minutes of meeting held in Room 209/210 on the Second Floor, The Marine Workshops, Railway Quay, Newhaven, East Sussex, BN9 0ER on 14 December 2023 at 10.33 am.

Present:

Councillor Roy Clay (Chair).

Councillors Ian Alexander, Nikki Fabry, Nick Kortalla-Bird, Wendy Maples, Paul Mellor (Deputy-Chair) and Joa Saunders.

Officers in attendance:

Jo Dunk (Regulatory Services Lead) and Michele Wilkinson (Lawyer (Housing & Regulatory)), Chandran Nair (Finance Business Partner) and Elaine Roberts (Committee Officer).

9 Election of Chair

Nominations were invited for the role of Chair. Councillor Maples proposed and Councillor Alexander seconded Councillor Clay for the role.

Resolved (unanimous): That Councillor Roy Clay become Chair of the Licensing Committee.

10 Election of Deputy Chair

Nominations were invited for the role of Deputy Chair. Councillor Maples proposed and Councillor Fabry seconded Councillor Mellor for the role.

Resolved (unanimous): That Councillor Mellor become Deputy Chair of the Licensing Committee.

11 Minutes

Minutes of the previous meeting, held 22 June 2023, were approved as an accurate record.

12 Apologies for absence

Apologies were received from Councillors Brett, Davies, Hoareau and MacLeod.

13 Declarations of interest

There were no declarations of interest.

14 Urgent items

There were none.

15 Written questions from councillors

The Chair confirmed that no written questions had been received.

16 Approval of Licensing Fees 2024/2025

Joanna Dunk, Lead for Regulatory Services (LRS), presented the report which outlined a proposal for Licensing Fees for April 2024-April 2025. Chandran Nair (Finance Business Partner) attended remotely via Teams in support.

The Committee considered the report. Following comments and queries by Members, Officers clarified that:

- Fees and charges were apportioned between different types of licences. As the operators' accounts were not in deficit no increases had been set.
- Re-tests were charged separately.
- Certain licence fees were set by statute, rather than the Local Authority.
- Not all camping activity required a licence.

Officers explained the differences between personal licences and business licences for skin piercing and tattooing.

Following queries around the reduced total income projection for 2024/25 compared to 2023/24, despite fee increases, Officers explained this was due to the expected decrease in DBS checks. The LRS agreed to add in the necessary breakdown information and explanation to the documentation.

Resolved (unanimous):

To recommend to Full Council approval of the Licensing Fees, as set out in Appendix 1 of the report, to apply from 1 April 2024.

17 Hackney Carriage and Private Hire Guidance Consultation Results

Joanna Dunk, Lead for Regulatory Services (LRS), presented the report and Members of the Committee considered the responses received from the consultation and the proposals for changes to the Lewes District Council's Hackney Carriage and Private Hire Guidance (as per recommendations 1 and 2 of the Report).

In making its decisions, the Committee considered the contents of the report and the appendices, including the feedback from the consultation, and responses from Officers during the meeting. Officers clarified the differences between hackney and private hire, the legal framework that Local Authorities must operate within, the benefits of the knowledge test, the national guidance, and decision-making process. In relation to audio recording, Officers provided

information on the role of the data controller, cost implications, different local authority requirements, national and officer guidance and the extent to which audio should be permitted.

The Committee considered each proposal for change in turn, as outlined in Section 4 of the report:

Proposal: To introduce a Private Hire-only licence for new applicants. The proposal was put to a vote and rejected (For: 0; Against: 6; Abstain: 1)

Resolved - To not implement the proposal.

Proposal: To revise the penalty points scheme.

Resolved (unanimously) - To accept the proposal.

Proposal: To introduce a Customer and Driver Charter (Report Appendix 8).

Resolved (unanimously) - To agree the introduction of the Charter, as drafted in Appendix 8 of the report, with the caveat that certain amendments be made to the 'Drivers Rights' Section, the amendments to be drafted by officers and agreed with Chair prior to publication.

Proposal: That audio recording should be permitted and, if permitted, to recommend the extent of the permission.

Resolved (unanimously) - To permit audio recording, but limited to:

- Vehicles driven during home to school journeys; and
- With the use of a trigger switch to turn audio on (for use by driver and/or passenger).

Proposal: All licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel.

Resolved (unanimously)- To accept the proposal.

Proposal: That the Council will not license any vehicle that has been classed as written-off in any category.

Resolved (For: 6; Against: 0; Abstain: 1) - To accept the proposal.

Proposal: Drivers shall sign up to the Disclosure and Barring Service.

Resolved (unanimously) - To accept the proposal.

Proposal: A grant of a licence will be subject to a tax code check being made with the HMRC. This is to ensure all drivers are registered correctly for tax purposes.

Resolved (unanimously) - To accept the proposal.

Proposal: In relation to the English Language Proficiency Test, that any person found cheating on the test will be disqualified and will not be granted a licence for at least three years.

Resolved (unanimously) - To accept the proposal.

Proposal: To introduce a Privacy Notice.

Resolved (unanimously) - To accept the proposal.

Proposal: That drivers undertake GDPR training.

The proposal was put to a vote and rejected (For: 0; Against: 6;

Abstain: 1)

Resolved – That the proposal be rejected.

Proposal: That drivers / licence holders undertake Safeguarding Awareness training every three years.

Resolved (unanimously) - To accept the proposal.

The Committee then proposed three additional changes to the Guidance:

- a. Inclusion of a link to useful safeguarding training resources;
- b. Inclusion of link to suicide awareness training resources; and
- c. That Officers investigate the availability of relevant guidance regarding use of fire extinguishers in taxis, and that if a change to the Guidance was needed as a result, this be considered a 'minor change', and made by the Senior Specialist Advisor in agreement with the Chair.

Resolved (unanimously): To agree the three additional changes as above.

In the course of discussions, Officers confirmed that a study was underway regarding air quality issues and a report would come to the Committee in 2024. Officers explained that a full consultation had preceded the Council's adoption of white taxis (originally agreed by Licensing Committee on 14 February 2019), which was an approach taken by many local authorities to help the public distinguish between hackney and private hire taxis and confirmed that the topic had prompted only a very small minority of comments in the recent consultation.

The Committee then considered recommendations 3 and 4 from the Report:

RESOLVED (unanimously):

1. To delegate the Senior Specialist Advisor to take the necessary steps to implement any changes (including those approved above), to produce the final Guidance and publish it on a date to be agreed with the Chair of the Licensing Committee; and
2. That the Guidance should be reviewed every three years.

18 Date of next meeting

The Regulatory Services Lead Officer informed the Committee that the next meeting was expected to be in the first quarter of the new year, and that Officers would confirm the date via email.

The meeting ended at 1.25 pm

Councillor Roy Clay (Chair)