

Eastbourne Licensing Committee

Minutes of meeting held remotely on 18 January 2021 at 6.00 pm.

Present:

Councillor Pat Rodohan (Chair).

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

Officers in attendance:

Paul Thornton (Specialist Advisor – Licensing), Ed Hele (Functional Lead – Quality Environment), Jo Dunk (Senior Specialist Advisor – Environmental Health), Danielle Ball (Specialist Advisor – Licensing), Robin Fuller (Specialist Advisor – Licensing), Michele Wilkinson (Lawyer – Housing & Regulatory), Emily Horne (Committee Officer) and Elaine Roberts (Committee Officer).

1 Introductions

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

2 Apologies for absence/declaration of substitute members

An apology for absence had been received from Councillor Colin Murdoch and Councillor Sammy Choudhury.

3 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.

4 Minutes of the meeting held on 6 January 2020

The minutes of the meeting held on 6 January 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

5 Questions by members of the public

There were none.

6 Urgent items of business

There were none.

7 Right to address the meeting/order of business

There were none.

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

The Committee considered the report which sought approval of the amended Eastbourne Borough 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 noted that a letter had been sent to Committee Members by a member of the taxi trade asking for time for the guidance to be considered by the trade and raising individual questions of detail. He confirmed that he would respond to the points made, but also that the purpose of this report was for Members to consider the guidance before it is put out for consultation.

Several typographical amendments to the report were reported:

- Recommendation (1), page 9:- Replace the words ‘Lewes District Council’ with ‘Eastbourne Borough Council’.
- Penalty Points Scheme, page 13:- Paragraph (gg) was omitted from report.
- Appendix 7, Penalty Point Scheme, page 89:-
No.22. Failure to carry fire extinguisher: Both Driver and Vehicle Owner or Operator columns to be ticked.
No.23. Failure to carry first aid kit: Both Driver and Vehicle Owner or Operator boxes to be ticked.
No.24. Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle: Both Driver and Vehicle Owner or Operator boxes to be ticked.

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 para 2.4. Officers agreed that it was good practice and upheld the Council’s commitment to transparency and governance.

Members discussed and agreed on the following changes to the Guidance:

- (d) Vehicle Door Signs - Members questioned the necessity of permanently fixing the vehicle door signs and resolved to retain the recommendation for consultation (Resolved: by 9 votes for and 1 vote against).
- (v) Vaping – agreed to add the words “at any time” after the words ‘cannot vape in licensed vehicles’ to provide clarity.
- (w) Criminality Checks on Vehicle Proprietors – agreed to amend the word

- 'serious' to 'any' criminal activity.
- (x) Licensee Self Reporting - agreed to amend the word 'should' to 'must' be required to notify the issuing authority.
- Appendix 7, Penalty Point Scheme, No.30. Evidence of smoking in vehicle – agreed to add the words 'or vaping' after the word 'vehicle'.

Members discussed the following matters:

- Appendix 7: Penalty Points Scheme, pages 88 to 90. Details of the Misconduct. A suggestion was made for the offences to be listed in appropriate groups, e.g. seriousness of vehicle offences and behavioural offences and Officers agreed to re-group the offences in the appendix.
- Questions on whether the Council could purchase a quantity of CCTV cameras to pass the savings onto the drivers. The SAL confirmed that whilst the Council does not purchase CCTV equipment, it does advise drivers on companies that have been approved by the Council.
- Questions on lack of reference made within the report on climate change. The SAL advised that reference was made to the Council's commitment to Environmental Considerations and EU standards for Vehicle Specifications on pages 21 and 25 of the report.
- Questions on whether many drivers had rescinded their licences. The SAL advised that the Council had not received many licences back since the start of Covid-19.
- Questions on the notice given of the review of the changes to the Hackney Carriage and Private Hire Licensing Guidance. The SAL advised that all Operators were provided with a link to the statutory guidance from the Department for Transport.
- Questions surrounding CCTV cameras in vehicles. The SAL confirmed that a small percentage of drivers chose to have CCTV installed by vetted companies and whilst optional, the installers were the data controllers. If this was made mandatory, the Council would be the data controller.
- Questions on the number of vehicles that take card payments. Officers confirmed that the majority of Private Hire vehicles already had card payment systems as this was arranged via the operator. A percentage of Hackney carriage vehicles have the ability to take card payments, although this is not as high as the private hire trade due to them arranging this and paying any fees personally.
- Questions on the definition of not smoking and vaping in a vehicle. The SAL confirmed that smoking or vaping in a vehicle with or without a passenger was not allowed at any time.

- Questions on whether the Private Hire Vehicle Operators and named directors of the company had the opportunity to sign up for a DBS certificate rather than pay the full cost. The SAL confirmed that applicants could apply online for a basic DBS certificate. The fees for a basic DBS were lower than the enhanced DBS which were required every 6 months for licenced drivers.

Councillor Taylor proposed and Councillor Belsey seconded an amendment to the recommendation to increase the consultation period from 6 weeks to 12 weeks and requested that there be a recorded vote. This was put to the vote and lost 3 votes to 7 votes. (For: Councillors Belsey; di Cara and Taylor. Against: Councillors Maxted; Diplock, Morris, Murray, Swansborough, Vaughan and Rodohan.)

Councillor Vaughan proposed and Councillor Morris seconded an amendment to increase the consultation period from 6 weeks to 8 weeks. This was put to a vote and agreed 9 votes for to 1 vote against. A request for a named vote was refused as it was requested after voting had commenced.

Councillor Belsey proposed and Councillor Taylor seconded an amendment to request that the results of the consultation (including minor changes) be reported to a subsequent meeting of the Licensing Committee rather than considered by officers and the Chair under delegated authority. This was seconded by Councillor Taylor and unanimously agreed.

Resolved:

- 1) (Unanimous) That the amended Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance be approved, as set out in the report and the amendments listed above.**
- 2) That the Functional Lead – Quality and Environment, be authorised to begin an eight-week consultation with the taxi trade and members of the public.**
- 3) That the results of the eight-week consultation (including minor changes) be reported to a future meeting of the Licensing Committee.**

9 Approval of Licensing Fees

The Committee considered the report which sought endorsement of the scale of Licensing fees proposed within Appendix 1 to apply from 1 April 2021, and for them to be recommended to Full Council for approval.

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

Councillor Murray proposed a motion to agree the officer recommendations listed in the report. This was seconded by Councillor Maxted.

Resolved (unanimous):

- 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.

10 Date of the next meeting

Resolved:

That the next meeting of the Licensing Committee which is scheduled to commence at 6.00pm on Monday, 8 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, be noted.

The meeting ended at 8.27 pm

Councillor Pat Rodohan (Chair)