

Eastbourne Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 26 June 2023 at 6.00 pm.

Present:

Councillor Amanda Morris (Chair).

Councillors Daniel Butcher (Deputy-Chair), Kathy Ballard, Penny di Cara, Nigel Goodyear, Hugh Parker, Teri Sayers-Cooper and Jenny Williams.

Officers in attendance:

Jo Dunk (Lead for Regulatory Services), Tim Whelan, Director of Service Delivery, Michele Wilkinson (Lawyer – Housing & Regulatory), Sarah Lawrence (Committee Team Manager) and Emily Horne (Committee Officer).

1 Introductions

Members of the Committee and Officers present introduced themselves via roll call during the meeting.

2 Minutes of the meeting held on 16 January 2023

The minutes of the meeting held on 16 January 2023 were submitted and approved, and the Chair was authorised to sign them as a correct record.

3 Apologies for absence/declaration of substitute members

Apologies for absence had been received from Councillors Colin Belsey, Andy Collins, Jane Lamb and Anita Mayes.

4 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.

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 the Hackney Carriage and Private Hire Licensing Guidance

The Committee considered the report of the Director of Service Delivery to review the Hackney Carriage and Private Hire Licensing Guidance and to progress a six-week public consultation as part of an annual review.

Appended to the report at Appendix 1 was the Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance.

The Regulatory Services Lead (RSL) presented the report highlighting suggested changes to the Guidance.

Members' questions included:

- Could the consultation list be extended to include: schools, Mencap, Eastbourne Blind Society, women's organisations involving refugees etc.? Officers confirmed they would take the request on board.
- Had there been a form of consultation before this meeting and would the whole of the Guidance be open to review? Officers confirmed that there had been some discussions with the Trade which had led to some suggestions for revision within the Guidance, as highlighted in the Appendix but that was not a formal consultation process. Further that the whole of the Guidance was amenable to review.
- Who will pay for the CCTV downloads, oversee it and ensure equipment was functioning at all times? Officers confirmed there was a choice of five approved suppliers from which drivers could choose. CCTV could not be downloaded by the driver and any tampering may be treated as a criminal offence. The Local Authority would be the data controller when the implementation date became effective and would contact a driver directly to view the CCTV footage. It was the driver's responsibility to ensure the CCTV camera was switched on whilst they were operating and there would be measures in place to verify the CCTV was working i.e. spot checks and annual checks for data protection purposes.
- Have the Police commented and have there been any incidents that have been resolved as a result of CCTV? The Director of Service Delivery read a statement from Inspector Burrows which referred to the benefits of CCTV.
- Would there be a payment plan to help drivers with the cost of implementing CCTV? Officers confirmed there was no financial support

the authority could provide. However, one supplier would offer the option of leasing the equipment. CCTV units would cost around £500 which could be tax deductible and personal business loans might be available in addition to the leasing option. In addition, the trade had had a considerable time to prepare for the change, so the cost was not a surprise.

- What potential impact could CCTV have in relation to drivers either leaving the industry or not joining? Officers confirmed the Licensing Committee had agreed in principle for CCTV to be used subject to further research being undertaken regarding potential costs and the implementation date would be 31 October 2023.
- What was the feedback from the previous consultation process that determined that CCTV should be required? Officers advised that 5,000 people had engaged in the 8 week consultation process. The Department of Transport standards were as a result of concerns concerning abuse of position in the trade. Safeguarding and Disability training had already been implemented and there would be a need for an enhanced DBS for each driver at 6 months. Following feedback from the trade, the suppliers have been extended from three to five with some drivers having already implemented CCTV systems with one of the suppliers.
- Who is the data controller for the existing systems? Officers confirmed the drivers were the data controllers for the existing systems and the Local Authority would be from the implementation date.
- Has a Data Protection Impact Assessment been done? Officers confirmed that a DPIA had been undertaken.
- Had the Licensing Committee, who had previously made the decision on CCTV, decided not to include audio? Officers advised the Information Commissioner did not recommend the use of audio, as referred to in the officer's report. Some authorities in the UK have been subject to an investigation as a result of using audio.
- Have there been any concerns from drivers regarding the implementation of the DBS and the revised disability legislation? Officers confirmed the 6 monthly enhanced DBS through the National Disclosure Barring Service (NDBS) costs £13, on average it would cost £65. The guidance had been amended to reflect it was now a requirement for drivers to sign up to the DBS within 30 days of receiving their certificate. To date, 60%-70% of drivers had signed up within the year, the remaining 30% had not signed up despite it being cheaper via the NDBs. The trade had asked for further guidance on the legislative changes and that suggestion had been included as a potential revision in the Guidance.

Councillor Parker proposed that the Committee agrees the officer recommendations as listed in the report. This was seconded by Councillor Ballard.

RESOLVED (Unanimous) that the Licensing Committee:

1. Reviews and notes the proposed Eastbourne Borough Council Hackney

Carriage and Private Hire Licensing Guidance.

2. Authorises the Senior Specialist Advisor to start a six week consultation with the taxi trade, partner agencies and the public regarding changes to the guidance and about wheelchair access transportation in the community.
3. Agrees that the results of the consultation be reported to a subsequent meeting of the Licensing Committee, unless only minor changes are proposed as a result of the consultation responses, in which case any changes may be made by the Lead for Regulatory Services in consultation with the Chair of the Licensing Committee.

9 Date of the next meeting

It was noted that the next meeting of the Licensing Committee was scheduled to commence at 6:00pm on Monday, 15 January 2024. Any additional meetings of the Committee would be scheduled as and when required.

The meeting ended at 6.38 pm

Councillor Amanda Morris (Chair)