

Eastbourne Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 16 January 2023 at 6.00 pm.

Present:

Councillor Robin Maxted (Chair).

Councillors Josh Babarinde, Colin Belsey, Sammy Choudhury, Penny di Cara, Colin Murdoch, Hugh Parker, Colin Swansborough, Barry Taylor and Candy Vaughan.

Officers in attendance:

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

12 Introductions

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

13 Minutes of the meeting held on 7 July 2022

The minutes of the meeting held on 7 July 2022 were submitted and approved, and the Chair was authorised to sign them as a correct record, subject to the amendment of item 8, Approval of Additional Licensing Fee, the name of the seconder of the motion was amended from Councillor Taylor to Councillor Diplock.

14 Apologies for absence/declaration of substitute members

An apology for absence had been received from Councillor Amanda Morris and absence was noted for Councillor Jim Murray.

15 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.

16 Questions by members of the public

There were none.

17 Urgent items of business

There were none.

18 Right to address the meeting/order of business

There were none.

19 Approval of Licensing Fees 2023/24

The Committee considered the report which sought its recommendation to Full Council that the licensing fees set out in the appendix to the report be applied from 1 April 2023 to 31 March 2024.

An amendment was tabled in relation to paragraph 2.5 of the report. The date of the indicative income forecast was corrected from '2022/2023' to '2023/2024', and the additional income forecast for 2023/24 was corrected from £117,125 to £117,000. A copy of the amended table was circulated at the meeting.

The Regulatory Services Lead (RSL) presented the report highlighting the fees proposed for the year, including the recommended changes to the Licensing fees in relation to post pandemic growth areas for pavement licencing fees, and piercing and tattooing licensing fee.

Members' questions included:

- Were there different Pavement Licences fees depending on the number of tables outside a premises? Officers advised that Officer time was charged at the same rate to consider an application regardless of the number of tables.
- How did the figures equate between the table in paragraph 2.5 (amended) and Appendix 1? What was the reason for the proposed increase and where would the money come from to cover the deficit? Officers advised that the table of fees at paragraph 2.5 reflected the income forecast of estimated fees and did not take into account the actual proposed fees at Appendix 1. There was an increase in some fees to meet inflation, service demand and staff resources to administer applications. Furthermore, there had been a number of changes that had affected the taxi licensing fees from the HMRC and the Department of Transport.
- Feedback from the trade was that they did not want the fee increase. Officers advised that during the pandemic the Council had assisted the trade to help restrict costs and the fee increases were required to balance the books.
- Did the Personal Licence include more than the 4 categories listed: acupuncture, tattooing, ear piercing and electrolysis? Officers confirmed the categories were covered by legislation and that a Business Premises Licence would also be required for those working at home. Both the Personal and Business Premises Licences would require a one-off fee that did not need to be renewed. An administration fee would only apply to a Personal Licence if there was a change of staff.
- Was an increase in the number of taxi licences anticipated or were the figures based on the current number of licences? Officers confirmed the

figures were based on the current number of taxi licenses.

- Did Officers hold up to date figures on the number of private hire vehicles in Eastbourne, and how did they compare to pre-pandemic levels? Officers confirmed the numbers of vehicles had not reduced significantly. Post-pandemic, the trade were selective on whether they wished to operate full or part time. The challenges with vehicle availability at peak times were reflected across the country.

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

RESOLVED (by 9 votes to 0 against, with 1 abstention) that:

- 1) That Full Council be recommended to approve the Licensing fees as set out in Appendix 1 of the report, to apply from 1 April 2023.

20 Consideration of feedback from the Trade

The Committee considered the report of the Director of Service Delivery which provided feedback received from the trade, and sought an amendment to the age of vehicles in the taxi and private hire vehicle sector, and an annual review of the Hackney Carriage and Private Hire Licensing Guidance commencing in June 2023.

The Committee welcomed the collaborative work between Officers and the trade.

Members' questions included:

- Were the door signs on Hackney Carriage vehicles getting smaller? Officers confirmed the door signs had reduced in size due to operating costs.
- Could the 10 year age limit on vehicles be extended for relicensing? Officers advised that the purpose of the report was to make more options available for drivers to find new vehicles, as the cost of them had significantly increased. All other Licensing Authorities throughout East and West Sussex had a 10-year cap on the age of vehicles. This was a measure to help support the trade during the transition, prior to taking into account the outcomes of the feasibility study on low or no emission vehicles.
- Were there any private hire or hackney carriage vehicles on the roads that were more than 5 years old? Officers advised that a vehicle must be no more than 5 years old when it was first registered. Although, there might be exceptional circumstances which the authorised officer would determine. It was not possible to list them all. Applications were dealt with on the information provided, on a case by case basis, and at the discretion of the officer.
- Members raised concerns that the knowledge test was out of date. Officers had taken on board feedback from the trade to be more

transparent, and had produced a revision document that took into account the weighting of questions and the additional requirements of the Department of Transport guidance, to advise applicants on what they needed to research for the test from the examples provided. The changes to the test would take effect from 1 April 2023. The English test would not be included as part of the knowledge test, as the requirement for it had not come in until a later date. This would be undertaken separately.

- Officers were asked to explain Options 1 and 2 in the recommendation. Officers advised the report proposed to extend the age limit for newly licensed vehicles from 5 years to 9 years, as a temporary measure and to review the age of vehicles when the overall Guidance was next reviewed. The Guidance would take into consideration an emissions policy.
- Officers were asked to provide case studies to give an idea of the principles used to make the decision as to the meaning of 'exceptional circumstances' and for the Committee to discuss the Guidance on 'exceptional circumstances'. Officers advised there would be an opportunity to discuss and review the overall Guidance at the Licensing Committee meeting in June 2023 and agreed to provide more clarity as to the meaning of 'exceptional circumstances'.

The Committee considered the Option 1 and Option 2 set out in paragraph 3.1 of the report and indicated that they wished to support both options, and also supported reviewing Hackney and Private Hire Guidance on an annual basis starting in June 2023.

Councillor Babarinde proposed a motion to agree the officer recommendations set out in the report, including Option 1 for introducing an immediate incentive for ultra-low or zero emission vehicles. This was seconded by Councillor Vaughan. This was put to a vote and carried unanimously.

Councillor Vaughan proposed a further motion to agree the officer recommendations set out in the report, including Option 2, to review the age of vehicles formally when the Guidance is next reviewed. This was seconded by Councillor Parker. This was put to a vote and carried unanimously.

RESOLVED (unanimous) that:

1. **The Licensing Committee accept Option 1**, that the Licensing Committee agrees as an immediate incentive, the Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance be amended to allow for an older vehicle in age to be newly licensed, and amended as follows:-

Vehicles presented for first licensing shall not be more than nine years old from the date of initial DVLA registration and vehicles presented for re-licensing shall not be more than ten years old apart from in exceptional circumstances at the discretion of an Authorised Officer. Applications to re licence vehicles over ten years old must be made in

writing to the Council citing what is an 'exceptional circumstance'. Financial matters nor the condition of the vehicle come into this exceptions category and will not be considered in the determination. For new and relicensed vehicles defined by the Vehicle Certification Agency as Ultra Low Emission Vehicles and Zero Emission Vehicles shall not be more than 15 years old in age.

RESOLVED (unanimous) that:

- 2. The Licensing Committee accept Option 2, Review the age of vehicles when the Guidance is next reviewed in June 2023.**

21 Implementation for CCTV in Taxi and Private Hire Vehicles

The Committee considered the report of the Director of Service Delivery regarding an implementation date for mandatory CCTV in Hackney and Private Hire vehicles.

Appended to the report at Appendix 1 was four company quotations, as requested by the Committee.

The Specialist Advisor – Licensing (SAL) presented the report. The Committee was asked to agree an implementation date of 1st May 2023 for CCTV to be mandatory requirement in Private Hire and Hackney Carriage Vehicles.

Members' questions included:

- What was the reason for the CCTV implementation date of 1st May? Officers advised that public safety concerns that had been raised in relation to the night time economy in Eastbourne, so it was hoped to bring in CCTV requirement at an early date.
- How many complaints had been received regarding taxi drivers in the last 6 months and what were the incidents? Did Lewes experience similar concerns regarding public safety? Officers advised the data was not immediately available, but some cases were taken to the Licensing Sub-Committee and authorised officers were able to revoke a licence if necessary. The Council wanted to send a clear message to say complaints or concerns would be taken seriously and install confidence in the trade. Local police had highlighted a particular issue with public safety during the night time in Eastbourne. This did not apply in the same way in Lewes District.
- Was it possible to align the implementation date for Eastbourne with Lewes to give more time for the Eastbourne trade? Officers advised the decision in Lewes was taken at the Licensing Committee meeting in May 2021 for the installation deadline by 1 October 2023. Eastbourne Licensing Committee had previously agreed that CCTV quotations should be reported to the Committee, prior to it agreeing the implementation date. The trade was aware of the matter, as it had been raised multiple times at the taxi forum meetings and through the

consultation process.

- Members raised concerns on the effect of costs incurred by vehicle owners and impacts on the cost of living. Officers advised that the equipment could be leased and there was a tax relief option for the trade on the installation of CCTV.
- Members raised concerns on the number of CCTV installations needed to meet the deadline. Officers advised there was a choice of four installation companies to choose from and that some vehicles already had CCTV installed.
- It was asked how many vehicles already had CCTV installed and how long would it take before Officers could inspect the vehicle? Officers advised the data was not immediately available. Liability would fall with the vehicle owner as it was a requirement of the Guidance. There were regular spot checks, operator inspections and vehicle suitability checks every 6 months. In the future, CCTV installation might form part of the vehicle suitability test.
- Did the drivers know how to maintain the CCTV equipment? Officers advised it was in the Guidance and this was shared with the trade.
- How did the Council become the data controller? Officers advised that once it was mandatory for the CCTV to be installed, then the Council would become the data controller.

Councillor Belsey proposed a motion to agree the officer recommendations listed in the report subject to the amendment of the implementation date for mandatory CCTV to be extended to 31 October 2023. This was seconded by Councillor Babarinde.

RESOLVED: by (9 votes to 1 against) that:

- 1) The Licensing Committee agrees that an implantation date of 31 October 2023 for CCTV to be a mandatory requirement in Private Hire and Hackney Carriage Taxi vehicles.

(The Committee paused for a 3 minute comfort break during this item after the Officer's introduction of the report).

22 Further supporting the transition to lower emission vehicles or zero emission vehicles in the taxi and private hire sector

The Committee considered the report of the Director of Service Delivery for Members to consider extending the licence span for low and hybrid emission Hackney Carriage and Private Hire vehicles.

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

The Licensing Committee welcomed the amendments.

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

RESOLVED: (Unanimous) that:

- 1) The Licensing Committee agrees that, as an immediate incentive, the Hackney Carriage and Private Hire Licensing Guidance be amended so that low and zero emission vehicles may have an extended licence span to 15 years.

23 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, 13 March 2023.

It was noted that the proposed dates for Licensing Committee for 2023/24 were Monday, 26 June 2023, 6:00pm and Monday, 15 January 2024, 6:00pm, with any additional meetings of the Committee being scheduled as and when required. These dates would be presented to Full Council for approval.

The meeting ended at 7.42 pm

Councillor Robin Maxted (Chair)