

Eastbourne Licensing Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 5 December 2023 at 6.00 pm.

Present:

Councillor Amanda Morris (Chair).

Councillors Daniel Butcher (Deputy-Chair), Kathy Ballard, Colin Belsey, Penny di Cara, Nigel Goodyear, Jane Lamb, Hugh Parker and Teri Sayers-Cooper.

Officers in attendance:

Jo Dunk (Lead for Regulatory Services), Dee O’Leary (Senior Specialist Advisory – Resolution Team, Licensing) Michele Wilkinson (Lawyer – Housing & Regulatory) and Emily Horne (Committee Officer).

10 Minutes of the meeting held on 26 June 2023

The minutes of the meeting held on 26 June 2023 were submitted and approved, and the Chair was authorised to sign them as a correct record.

11 Apologies for absence/declaration of substitute members

Apologies for absence had been received from Councillors Andy Collins, and Anita Mayes. Absence was noted from Councillor Jenny Williams.

12 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.

Councillor Goodyear declared a prejudicial interest in item 9, Amendments to the Hackney Carriage and Private Hire Licensing Guidance, as he was Deputy Chair, Treasurer and Trustee of the Eastbourne Blind Society and shared the same views as the speaker from the Society. He confirmed that he would leave the room for the discussion of the item.

13 Questions by members of the public

There were none.

14 Urgent items of business

There were none.

15 Right to address the meeting/order of business

A request to speak had been received from Mr Mark Simmons of Eastbourne Blind Society on behalf of the Eastbourne Access Group regarding Agenda Item 9, Hackney Carriage and Private Hire Guidance Consultation Results.

16 Approval of Licensing Fees 2024/2025

The Committee considered the report of the Director of Service Delivery which sought its recommendation to Full Council that the licensing fees set out in the appendix to the report be applied from 1 April 2024 to 31 March 2025.

The Regulatory Services Lead (RSL) presented the report highlighting the fees proposed for the year.

Members asked if the fee increases were set centrally. Officer advised that some licensing fees were set centrally and others licensing fees were set locally. In relation to the locally set fees Officers had been mindful of the effect of the increase on certain sectors and the proposed licensing fees had been set in consultation with colleagues in Finance.

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

Resolved (Unanimous) that the Licensing Committee:

- 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 2024.

17 Hackney Carriage and Private Hire Guidance Consultation Results

Having declared a prejudicial Interest, Councillor Nigel Goodyear left the room during the discussion and voting on this item.

The Committee considered the report of the Director of Service Delivery to review the results of the six-week public consultation on the revised Hackney Carriage and Private Hire Licensing Guidance, to seek to agree the changes to be adopted on a date to be agreed on a date to be agreed with the Chair of the Licensing Committee and to review the Guidance every three years.

Appended to the report at Appendix 1 was the Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance and at Appendix 2, the summary of results in the Consultation Report.

The Regulatory Services Lead (RSL) presented the report, highlighting suggested changes to the Guidance and summarised the submissions received. It was reported that a consultation response had been received after the deadline which had been circulated to the Committee from the Wheelchair Transport Service (WTS).

Members were advised that an Equality and Fairness Analysis Impact Assessment had been circulated to the Committee as a background document and that due regard should be made to protected characteristics when making a decision.

Mr Mark Simmons, Chief Executive of Eastbourne Blind Society, spoke on behalf of the Eastbourne Access Group to state their opposition to the proposed removal of the requirement that all new Hackney Carriage vehicles should be wheelchair accessible and contended that was a need to improve the provision of accessible travel in Eastbourne.

Members' questions included:

- Could a discount or incentive be provided to encourage drivers to purchase a WAV? The RSL stated were other community transport options available that did not have to be licenced. The consultation feedback had identified some disabled users were not aware of the community service. Officers confirmed that they would look broadly at methods to incentivise the number of WAVS in Eastbourne, to explore more eco-friendly vehicles and to review any Government financial schemes or grants.
- How many WAVs were there and how many new drivers had applied within the last 3 or 4 years? RSL confirmed that since 2019, three new Hackney Carriage WAV's had been licenced by Eastbourne Borough Council.
- What does the routes section of the knowledge test imply? RSL explained the routes test was a topographical assessment that covered points of interest rather than learning the roads. This was not the same as a knowledge test.

Members discussed the importance of the disability legislation, and the need for WAVS to be available at all times. They felt there would be a decline in community groups providing WAVs if it was mandatory for taxis to be WAVs and that the community groups should be supported to ensure vehicles were available regularly at the right times.

The Committee discussed the results of the online public consultation (paragraph 4.3 of the Officers report) and resolved as follows:

Question 2 – Introduce a Private Hire-only Licence for new applicants.

- Members questions included: Was the introduction of a Private Hire-only Licence for new applicants an incentive to join the trade and if so, why? The RSL explained that the Private Hire only licence would mean that applicants would not be required to undertake the route section of the knowledge test, but they would be required to undertake a topographical test. The feedback from the trade was that the dual drivers licence was a barrier and they felt that lowering the requirements would incentivise new drivers into the trade.

Councillor Butcher proposed a motion to implement the change as proposed. This was seconded by Councillor Parker.

Resolved (Unanimously) – To implement the change to introduce a Private Hire-only Licence for new applicants.

Question 3 – New Hackney Carriage vehicles would no longer be required to be WAVs.

Councillor Belsey proposed a motion to amend the wording. This was seconded by Councillor Parker.

Resolved (Unanimously) – To amend the wording to state ‘New Hackney Carriage Vehicles will no longer be required to be WAVs, but Officers are delegated to look at ways to incentivise and strongly encourage an increase in the number of licensed WAV’s vehicles. In addition, Officers are delegated to more broadly work with partner agencies, other local authorities and community groups to consider improved access to community transport WAV’s, including but not limited to consideration of available funding.

Question 4 - Reword the Penalty Point scheme to make it easier for licence holders to understand.

Councillor Belsey proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

Resolved (Unanimously) To implement the change to reword the Penalty Point scheme to make it easier for licence holders to understand.

Question 5 – Bring in a customer and driver charter that sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle.

- Members questions included: How would passengers know what the Charter was and how would someone with a visual impairment would find it or know CCTV was being used? Did drivers carry brail cards? The RSL confirmed the Charter would be available on the Council’s website.

Councillor Ballard proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

Resolved (Unanimously) - To bring in a customer and driver charter that sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle.

Question 6 and 7 – Whether audio recording should be permitted via

CCTV in licensed vehicles other than private hire vehicles issued with a plate exemption for executive and VIP work (those vehicles solely used for this purpose), and if Members were to agree audio whether that would be a/ all the time or b/ in limited circumstances.

- There were some questions and discussion on this matter which included that Officers confirmed that CCTV was mandatory, but audio would not be. The RSL informed the Members that the suppliers' costs for fitting audio may be £80 to £150. It was noted that having an audio switch may escalate conflict if one party was not in agreement with being recorded. Officers noted that if audio was used then it was considered that the Council would be the data controller for the audio as well.

After various votes to agree motions in part Councillor Parker proposed a motion. This was seconded by Councillor Lamb.

Resolved (Unanimously) To permit audio in limited circumstances. The limited circumstances to be a/ via a trigger switch and/or b/ in vehicles on a school run.

Question 8 – To introduce the condition for 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.

Councillor Butcher proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

Resolved (by 4 votes to 3 against and 1 abstention) –To implement the change as proposed to introduce the condition for 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.

Question 9 – The RSL advised question 9 was already included in the guidance and did not need to be discussed.

Question 10 – Drivers shall sign up to the Disclosure and Barring Service.

Councillor Sayers-Cooper proposed a motion to implement the change as proposed. This was seconded by Councillor Parker.

Resolved (Unanimously) –To implement the change as proposed that drivers sign up to the Disclosure and Barring Service.

Question 11 – A grant of a licence will be subject to a tax code check being made with the HMRC.

Councillor Lamb proposed a motion to implement the change as proposed. This was seconded by Councillor Sayers-Cooper.

Resolved (Unanimously) – To implement the change as proposed that a grant of a licence will be subject to a tax code check being made with the HMRC.

Question 12 – All new applicants are required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English language. Any person found cheating on the test will be disqualified and will not be granted a licence for at least three years.

Councillor di-Cara proposed a motion to implement the change as proposed. This was seconded by Councillor Lamb.

Resolved (Unanimously) –To implement the change as proposed that any person found cheating on the test will be disqualified and will not be granted a licence for at least three years.

Question 13 – Propose to introduce a Privacy Notice.

Councillor Ballard proposed a motion to implement the change as proposed. This was seconded by Councillor Butcher.

Resolved (Unanimously) – To implement the change as proposed to introduce a Privacy Notice.

Question 14 – Do you think that there are other changes that should be made to the Guidance?

No further changes were proposed by the Licensing Committee.

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

RESOLVED (Unanimously):

1. To delegate to the Lawyer to discuss points raised in Appendix C (part of Appendix 2) with those making the submissions and seek to agree changes;
2. To delegate to the Senior Specialist Advisor to take the necessary steps to implement any changes; to produce the final Guidance and publish it on a date to be agreed with the Chair of the Licensing Committee; and
3. To agree that the Guidance be reviewed every three years.

18 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 7.58 pm

Councillor Amanda Morris (Chair)