

Monday 20 July 2009
at 6.00pm



General Licensing Committee

MEMBERS: Councillor PURCHESE (Chairman) Councillor Mrs HEAPS (Deputy Chairman), Councillors BELSEY, BLOOM, ELKIN, Mrs GOODALL, GOODWIN, GOODYEAR, Mrs MADELL, Mrs POOLEY, STANLEY, THOMPSON and Miss WOODALL.

(Apologies for absence were reported from Councillors Ms Hough and Mrs Salsbury).

4 Minutes.

The minutes of the meeting held on 18 May 2009 were submitted and approved and the Chairman was authorised to sign them as a correct record.

5 Declaration of Interests.

None were received.

6 Review of Delimitation of Hackney Carriage Proprietors Licences.

The Committee considered the report of the Licensing Manager regarding the Council's policy of delimitation in respect of hackney carriage proprietor licences.

The Committee at its meeting on 9 March 2009 had approved a total delimitation of taxi licences subject to a policy which supported quality control mechanisms.

The policy of quality control which had been agreed by the Committee on 21 April 2009 required that new hackney carriage proprietor licences issued would only be released for wheelchair accessible vehicles meeting certain technical, age and safety specifications. The Committee had also required that the delimitation policy should be reviewed after 5 new licences had been issued or after 3 months of the implementation date of the policy.

The Committee was advised that 51 enquiries had been received from interested parties wishing to obtain a licence and to date 4 applications had been received and approved. The Licensing Manager reported that one additional application had been recently received.

The licences had been issued to those already licensed as drivers by the authority either as a private hire driver or as a journeyman in the hackney carriage trade. Research had indicated that applicants were taking 1-2 months to source an appropriate vehicle and to book the course required under the quality control policy.

A petition had been submitted from the Disability Involvement Group (DIG) in October 2008 which had sought a total delimitation of the number of hackney carriage proprietors licences with a condition that any new licences issued should be for wheelchair accessible vehicles (WAVs) only. Mrs P Newton addressed the Committee on behalf of DIG and expressed her thanks to the Committee for its previous decision and to the taxi proprietors who had invested in wheelchair accessible vehicles. She stated that the DIG hoped that this position would continue.

She stated that for the WAV cabs to be fully used it would be useful for a directory to be compiled of telephone numbers, availability times, the type of vehicle and how it can be accessed. DIG had offered to compile the list if contact numbers of licence holders could be provided. The details could also form part of Access to Eastbourne.

Letters and evidence had been submitted from Eastbourne and Country and Mr P Smith.

Mr B Morris (Eastbourne and Country), Mr N Bodle, Mr J Hake, Mr P Smith, Mr C Islip and Mr S Matthews addressed the Committee against the current policy of delimitation.

Existing drivers had experienced a loss in trade over the last 3 to 4 years and many were facing financial hardship in the current climate. Drivers were now under pressure to work much longer hours to cope with the increasing cost of living and for running a vehicle. Any additional plates bought into the trade would exacerbate the current position. Insufficient space at ranks continued to be a problem and better signage had yet to be provided.

A restriction policy provided a control to enable standards to be maintained whilst also recognising the substantial investment in vehicles made by the trade. The trade provided Eastbourne with an excellent service.

The needs of disabled people were recognised and the trade made considerable efforts to ensure their services were made available. It was stated that WAVs were not the most accessible of vehicles and that some wheelchair users preferred to travel in a saloon car. A survey of the new plate holders to establish what wheelchair work they have carried out via the ranks or telephone should be undertaken.

Eastbourne and Country had submitted a number of articles which highlighted the issues faced by other areas that had adopted a delimitation policy. The trade supported the option of managed growth and regular surveys to assess demand. Mr Morris questioned the validity of the suggested option to establish a review group to monitor the impact of the policy on the trade. In his view a comprehensive survey similar to that previously undertaken was the only valid method of establishing unmet demand and any policy decision should be based on the results of a survey.

The impact of the new licences should be assessed and the issue of any additional plates should be deferred until a survey had been carried out. Eastbourne and Country as part of its supporting documents had submitted

details of a court hearing in 1991 where an appeal against the decision of Middlesbrough Council to defer the consideration of licence applications until a survey had been completed had been dismissed.

Mr Morris stated that the position of other authorities in Sussex was not considered relevant as each area had different local factors which determined the success or otherwise of the policy. Worthing in particular had a tough knowledge test which would have contributed to the low number of licences issued.

The Licensing Manager commented that Eastbourne's Quality Control Policy was very robust compared with Crawley and Worthing and indeed nationally. The Committee was advised that work to improve the advertising of taxi services and the signage at taxi ranks was ongoing. The Chairman proposed that County members on the Committee report the issues raised by the trade in respect of rank provision to the County Council. The Licensing Manager advised this had already taken place through a Scrutiny Review undertaken in 2008 into the suitability and location of ranks.

The Legal Adviser advised the Committee that in respect of the Middlesbrough Borough Council case, the Council, which had no restrictions policy at the time, had received a multiple application for 25 licences from a taxi company and had deferred a decision to enable a survey to be undertaken. When taken in context therefore their position differed widely from the current position in Eastbourne.

The Committee was reminded that the grant of a licence may only be refused if the authority is satisfied that there is no significant unmet demand. On this basis a survey would be required prior to any consideration to re-impose a limit on the number of licences. If the Council decided to revert back to a policy of restricting the number of licences, it may face a legal challenge if it is minded to refuse licences, unless there is a sound evidence base to demonstrate that there is no significant unmet demand.

The Committee was advised that any decision should primarily take into account the interests of all the travelling public in addition to groups representing disabled people, as well as the business community and the trade.

The report set out an option to establish a review group to assess the impact of the delimitation policy and it was suggested that the Citizen's Panel could also be used to inform whether the policy has been successful in its objectives to meet the needs of the travelling public.

Members commented that the impact of the policy could not be properly assessed as it had only been in place for 3 months. Currently its implementation had not led to a significant increase in the number of licences issued. It was noted that the first new licence issued had only been operating for 6 weeks. Further exploration was required and a review group to monitor the policy was supported. Regular meetings with the trade and the Chairman and Deputy Chairman were also supported to ensure the issue of licences could be closely monitored. Members of the Committee also requested that they be given regular updates on the issue of licences.

Some Members considered that a survey should be commissioned, as requested by the trade, to determine whether a significant unmet demand for taxis existed, and if so, determine the number of licences required to meet unmet demand.

RESOLVED: (By 8 votes to 4) (1) That a Review Group be formulated on the basis as set out in section 7 of the report to assess the delimitation policy and to inform the Council's future approach to hackney carriage licensing.

(2) That the Chairman and Deputy Chairman of this Committee meet with Members of the trade and other interested parties on a monthly basis to monitor the policy.

(3) That the Chairman and Deputy Chairman of this Committee be updated on a weekly basis in respect of expressions of interest and new licences issued.

(4) That a meeting of this Committee be held at the end of 4 months to further consider the policy.

(Note: A motion that a survey be commissioned was lost by 8 votes to 4).

7 Urgent Business – Officer Powers and Authorisations.

Under the provisions of Section 100B(4) of the Local Government Act 1972, the Chairman asked that the following matter not listed on the agenda should be considered as a matter of urgency in view of the need for necessary authorisation to be granted as soon as possible.

The Licensing Manager reported that authority was sought for the appropriate powers to be delegated to the new Licensing Officer to enforce matters in respect of hackney carriage and private matters under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Committee at its meeting on 17 October 2005 had approved authorisations to officers to conduct specific duties to enforce legislation and instigate prosecutions.

RESOLVED: That Olivia Newbutt be granted delegated authority to enforce the provisions of and to take any action necessary in connection with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The meeting closed at 8.42 p.m.

**D Purchase
(Chairman)**