

**Minutes of a Meeting of the
Licensing Committee of Adur District Council
Queen Elizabeth II Room, Shoreham Centre
04 March 2019**

Councillor Kevin Boram (Chairman)
Councillor David Simmons (Vice-Chairman)

Councillor Ann Bridges	Councillor Brian Coomber
Councillor David Balfe	*Councillor Peter Metcalfe
Councillor Pat Beresford	Councillor Lavinia O'Connor
*Councillor Dave Collins	Councillor Debs Stainforth

* Absent

LC/18-19/27 Declarations of Interest

Councillor Simmons declared an interest as the Chairman of the Adur and Worthing Safer Communities Partnership.

LC/18-19/28 Public question time

A Member of the public asked the following question

A representation had been received from an ex-Worthing Councillor and Worthing publican had made representation which the trade had found odd and believed that her views were irrelevant and contained inaccuracies based upon ill-informed opinion. There had been an allegation that there was an unmet demand outside of the Waterside Inn. The Council was asked when there had last been an independent survey in relation to unmet demand locally. The licensing officer told members that the survey was costly and usually instituted when the authority was planning to put a limit on the number of Hackney Carriage licences issued. There was no limit currently set in Adur and Hackney Carriages would be licensed if they met the necessary criteria. Members were told that the consultee was a former vice chair of the worthing Licencing Committee and was a former publican of the Waterside Inn in Shoreham.

A Member of the public asked the following question

Requests had been previously submitted regarding factual evidence of incidents brought about or caused by the existence of tinted windows none of which had been forthcoming from the Authority. An example was given of a current vehicle that would not pass the rear window tint test and standard factory fitted tinted versions of the car would also not pass the tint test as proposed. Alterations would present a considerable cost. It was asked if it was the intention to preclude a main line popular model in use by the taxi trade annually. The Chairman told the meeting that the Committee took decisions in relation to the prevention of crime and that safety was a paramount concern of the Committee. The Licensing Officer told the Committee that he would need to research on the comment and would respond within three working days.

A Member of the public asked the following question

It was asked why reps from trade been segregated in the papers and did this indicate that things were being steamrollered through? The Chairman stated that this was not the case and the order of the papers had nothing to do with the decisions before the Committee.

A Member of the public asked the following question

It was asked if tinting applied to executive vehicles such as limousines. The meeting was told that exemptions could be applied in certain circumstances.

A Member of the public asked the following question

What enforcement action has the Council carried out in respect of the numerous UBER and out of town vehicles in Adur and Worthing. The Licensing Officer told Members that action would be taken against vehicles acting illegally. Should there be details provided the Authority would investigate the matter. Officers were out regularly doing enforcement work.

A Member of the public asked the following question:

Comments were made that inconsistency of rules across the region would cause drivers to register in authorities that had more lenient rules which would create a public safety risk in the District as there would be an increase in non compliant vehicles from other authorities working inside the District. Local drivers would be at a disadvantage. Members were told of a passenger that suffered from photo sensitivity and rules regarding rear window tinting meant drivers from chichester had to be called because there was no suitable vehicles locally. What would the Council do regarding passengers with photo sensitivity issues and how would consistency be kept across Adur and Worthing? The meeting was told by the Licensing officer that the Committee would make its decision based upon public safety issues and that it was not his position to comment on what the decision should be. There were currently vehicles available with tinted windows. In relation to consistency across the region members were told that each authority was responsible for its own rules and they would be different until the government enforced rules nationally.

A Member of the public asked the following question:

Members were told of a case where there was alleged inconsistency concerning the licensing of vehicles in relation to tint levels in rear windows. The Licensing Officer stated that he couldn't comment on individual cases and would look into the case and respond.

A Member of the public asked the following question:

It was put forward that only 6% of councils in the UK had compulsory installation of CCTV in licensed vehicles. Members were told that guidance from the Government stated that there needed to be strong justification for the imposition of CCTV which would need to be kept under regular review. What documented evidence is there of incidents involving Taxis and Private Hires where CCTV would have prevented them? The Chairman recounted that there had been 3 incidents at Licensing Sub-Committee recently that would have been

cleared up with CCTV evidence available to the Committee. The Chairman told the Committee that evidence from the Metropolitan Police had shown that the existence of CCTV could cause an improvement in behaviour.

If TFL, as the biggest licensing authority had at this time not asked for mandatory CCTV for Hackney Carriage and Private Hire vehicles why is it that a small district would require them? The Licensing Officer told the meeting that members were determining the issue. Representations had been received from the Police Force and members of the public asking for CCTV which is why it was being presented to Members.

A Member of the Public asked a question about knowledge tests for Executive Hire and Private Hire drivers and his ongoing experience of applying in that regard. The Licensing Officer told members that he would respond to the question within 3 days.

A Member of the Public asked the following questions:

Can i ask why the handbook is being reviewed so close to it being agreed originally 18 months ago? The Licensing Officer told Members that as a result of an internal audit of the Adur Taxi Service the Joint Governance Committee asked for the handbook to undergo an interim review and to make sure that there was wider direct consultation with disability groups.

A Member of the Public asked the following questions:

Why is the Council refusing to licence Toyota Prius Vehicles? The Licensing Officer told Members that measurements of seats in the rear of the vehicle were too small to comply with the current Licensing handbook, the issue of seat sizes was before the Committee. The Prius plus would be able to be licensed.

LC/18-19/25 Items Raised Under Urgency Provisions

There were no items.

LC/18-19/26 Hackney Carriage & Private Hire Licensing Handbook Review

Before the Committee was a report by the Director for Communities, copies of which had been circulated to all members and a copy of which is attached to the signed copy of these Minutes as Item 5. Members were invited to review the Hackney Carriage and Private Hire Licensing Handbook following a wide consultation exercise. Members were requested to consider the document and the representations received and re-adopt it's handbook including any amendments considered required.

The presenting officer introduced the report to the Committee. Members were told that the review was a result of an audit report submitted to the Joint Governance Committee that had recommended an interim review of the handbook that reached a wider range of consultees specifically citing disability groups. Officers had consulted widely with stakeholders and members of the public and requested that members review the

handbook taking into account consultation responses received. The Committee was told of the main areas of the handbook that had elicited most response.

A Member asked the Officer if there had been a net loss of drivers in the previous couple of years. The presenting Officer told members that there was a stable and healthy number of drivers.

A Member asked if Government plans to make CCTV compulsory had a date for implementation and was told that no indication of a date had been made although a response from the government department of transport and a consultation on statutory guidance had indicated that authorities could begin this process in advance.

A Member asked if stretched limousines could be exempt from rules relating to window tinting and was told that there were various exemptions for a number of different vehicle types.

The Presenting Officer introduced consultation representations relating to vehicle inspections (garage inspection reports). Currently vehicle inspections took place within the District so that if there were any problems Officers could go and visit the garage in question. Based on representation made members decided that in the interests of free market enterprise that vehicle inspections could take place in Adur, Worthing and Brighton.

Members discussed representations in relation to roof and door signage and decided that was no change needed to current provisions within the handbook.

The presenting Officer detailed for members representations received on CCTV which included a representation from Sussex Police who supported the inclusion of compulsory CCTV and representations from the trade who were on the whole against it.

In relation to concerns raised about invasion of privacy the presenting Officer drew Members' attention to the privacy impact assessment. Members were told that the data received from CCTV would only be accessible under the strictest of circumstances from the data controller. In areas where CCTV had been introduced there had been no evidence to support drivers moving away from the area. There was no suggestion that the introduction of CCTV would include dashcams, although dashcams could reduce the cost of insurance. The Officer also drew members' attention to suggested conditions within the report that would need to be considered.

Members discussed the CCTV aspect of the handbook and weighed up representations made during the consultation and officer advice given at the meeting. On a vote it was decided that CCTV be compulsory for vehicles licences registered or re-registered after 1 January 2020 and that conditions within the report be added to amend the current handbook.

Members discussed representations concerning mandatory training concerning CSE (Child Sexual Exploitation) and Disability awareness and handling. Members questioned Officers and were told that annual training would be onerous for Officers and Drivers and suggested that drivers should require training on a three yearly basis. Members were told that disability handling training taught drivers how to properly load, unload and secure

passengers in an appropriate manner. It was decided that training would be every three years and with regards to the cost of the training, CSE training was provided at £10 and disability training currently costs £55 although officers were undergoing a process to source a cheaper alternative.

Members discussed a representation concerning the length of licences and were told that the handbook was correct in stating that licences should be issued for three years except in individual cases.

The Presenting Officer set out representations made about rear seats of Taxis. For reasons of public safety it was currently set that each rear seat should be 16 inches across the rear of the seat. Rules in relation to the size of seats were in the handbook related to the safety and comfort of the vehicle when employed for public transport. Members discussed representations made and agreed that the wording should be changed so that the rear seat should measure 48 inches across the rear.

Members discussed seats in the boot of the vehicle, currently the handbook required that a seat be removed so that exit from the vehicle was safe. Members discussed representations and agreed that the existence of the seat allowed for passengers bracing themselves as a result of an accident. It was agreed that the additional seat should stay in place and that each seat in the very rear of the vehicle (or boot) should measure 16 inches across each seat.

The presenting Officer read out representations concerning proposals to set tinting in rear windows. Members felt unable to set a tint level without further information and asked that a report be brought back before the Committee setting out standard tint levels in production model vehicles.

The presenting officer read out representations concerning the licensing of rear loading wheelchair accessible vehicles as Hackney Carriages. Based on the representations received from local disability groups members and the trade it was agreed to allow rear loading vehicles to be licensed as Hackney Carriages. This was due to the changing nature of wheelchairs, improvements to vehicles (they were less bulky and could be accessed similarly like a saloon car for non wheelchair users) and the improvement of disability and wheelchair accessible vehicles within the District (which made them suitable for all disabilities not only wheelchair accessible).

Members discussed the low amount of disabled accessible vehicles as Hackney Carriages and agreed the following measure which would be kept under review to measure the effectiveness of the proposal:

- *If a proprietor transfers his interest in a vehicle to somebody else he must within 14 days give notice of the transfer in writing to the authorised officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fees paid. Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be*

required to become wheelchair accessible at renewal or replacement following transfer.

- *Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Authorised Officer. Where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.*

Officers explained to members that roof sign requirement listed in the handbook were being rolled out gradually (i.e when roof signs needed to be replaced). Officers confirmed that there would need to be a deletions in respect of references to roof signs and door plates in the handbook.

The Committee discussed a representation requesting that vaping be allowed in vehicles when there were no customers using the vehicle and agreed that the status quo be maintained and that vaping in vehicles continue to be prohibited.

The Committee discussed a representation concerning lost property and the difficulty in handing it in to the Police. Members were informed of existing byelaws as well as legal difficulties involved for the authority in accepting Lost Property. Members agreed that the matter be delegated to officers to find a solution.

In response to a representation made and after hearing that there was no legal requirement for Private Hire Vehicles to have Taximeters and the licensing authority had no authority to set fares for private hire vehicles. Members agreed that PDA's should be accepted in place of taximeters in Private Hire Vehicles. There was agreed wording to allow this from the Licensing Officer:

- *All taximeters and PDAs should be registered with the Council and the proprietor of a Private Hire Vehicle that has been fitted with either must ensure that the device is maintained in a sound working condition at all times. It must show the fare recorded in plain legible figures and shall be clearly displayed, be kept securely fixed in such a position that the fare recorded is visible to all passengers within the vehicle at all times. The figures shall be illuminated for this purpose whenever necessary. If a taximeter has been fitted in the car this must be used instead of a PDA as it could cause confusion for the customer.*

Members discussed a request to change door signage and decided that no change in this instance was necessary.

Members discussed a representation to include tinted glass levels set for executive vehicles. Members were told that this matter should remain separate service as it was a different type of service and ordered and governed by a written contract.

Members discussed executive vehicles further and agreed that references to plastic glassware should be changed so that it is relevant to those provided by the company or driver.

Members discussed the period of notification of fixed penalty notices and were told by officers that the notification could refer to potential risk and that it should remain as it is. Members agreed with this and made no change.

Members discussed representations concerning operator licences, booking for private hire licence vehicles and agreed no changes after hearing testimony from the Officers present. The Committee also agreed to remove reference to radio scanning.

Members agreed that the Taxi Licensing Emissions Policy should be drafted and consulted on as a future possible addition to the Handbook.

Resolved:

- i) that the Taxi Licensing Emissions Policy should be drafted and consulted on as a future possible addition to the Handbook;
- ii) that the Committee approve the CCTV Privacy Impact Assessment included at Appendix F of the report;
- iii) that the Committee approves the Hackney Carriage & Private Hire Handbook as amended.

The meeting ended at 11pm it having commenced at 7.00pm

Chairman