

**Minutes of the Meeting of the Scrutiny Committee for  
Community, Housing and Planning held on 29 June 2017  
from 7:00 p.m. to 8:32 p.m.**

**Present:** Councillors: Neville Walker (Chairman)  
Margaret Hersey (Vice-Chairman)

Andrew Barrett-Miles\*  
Edward Belsey\*  
Richard Cherry\*  
Phillip Coote  
Ruth de Mierre\*

Bruce Forbes  
Sue Hatton  
Chris Hersey  
Anne Jones  
Edward Matthews

Anthony Watts Williams  
John Wilkinson  
Peter Wyan

\*Absent

**Also Present (Cabinet Members):** Cllr Andrew MacNaughton and Cllr Norman Webster

**Also Present (Members):** Cllr Norman Mockford, Cllr Cherry Catharine

**1. SUBSTITUTES AT MEETINGS OF COMMITTEE - COUNCIL PROCEDURE RULE 4**

Councillor Cherry Catharine was substituting for Councillor de Mierre.  
Councillor Norman Mockford was substituting for Councillor Edward Belsey.

**2. APOLOGIES**

Apologies had been received from Councillor Andrew Barrett-Miles, Councillor Edward Belsey, Councillor Richard Cherry and Councillor Ruth de Mierre.

**3. DECLARATIONS OF INTEREST**

None.

**4. MINUTES**

Subject to a minor amendment to the minutes of 10 May to indicate that Cllr Wilkinson was present at the meeting, the Minutes of the meeting of the Committee held on 7 March and 10 May 2017 were agreed as a correct record and signed by the Chairman.

**5. APPLICATION BY THE MID SUSSEX TAXI ASSOCIATION TO AMEND THE TAXI LICENSING POLICY.**

The Chairman introduced the report and confirmed with Members that a presentation from the Officer was not required. Three taxi drivers attended the Committee, representing the Mid Sussex Taxi Association. Francis Jennings and Alan Wickman spoke, highlighting the financial burden and difficulties faced with sourcing white vehicles, and requesting a 30 day window to repair minor dents. They also felt that the vehicle age limit was arbitrary and inappropriate, with regular vehicle testing being a more appropriate way forward.

With regard to the proposal of having white vehicles and a fixed age limit, one Member queried if this is happening in other areas or if it is only something that Mid Sussex is introducing. Another Member queried whether the drivers had difficulties in sourcing white

because they are buying second hand rather than new. The Licensing Officer confirmed that there is a mixture of age limits set by the surrounding areas. Worthing and Adur, Crawley and Lewes have fixed age limits of an average of 10 years, and Arun and Wealden do not have a fixed limit. White taxis are in use as standard in Horsham and Crawley, Worthing and Chichester. He also confirmed that Brighton have a specific colour scheme of white and aqua marine. The taxi drivers confirmed that they do mainly source their vehicles second hand.

A Member queried the numbers on the petition received from the Mid Sussex Taxi Association as there are 90 signatories against a policy which affects 380 vehicles. He asked if that indicated that the majority were in favour. The Licensing Officer could only comment that the number of signatories obtained did hold Hackney and Private Hire licenses and it was impossible to say if non-signatories were in support or not.

A number of Members expressed sympathy with the drivers, acknowledging that there may be an initial outlay of expense to source a white vehicle. However, they felt that in the long term it is a positive move to have the vehicles clearly identifiable to the customer, distinguishing them from Private Hire vehicles. This would provide reassurance to customers that they were getting into the right hackney vehicle and was an added safety feature, highlighting easily that it was a well-known, licensed and well maintained vehicle. It would also potentially reduce the issue of Private Hire vehicles taking their fares by collecting walk-up customers.

In response to a question from a Member, the Licensing Officer confirmed that there are specific companies who supply wheelchair friendly vehicles to the taxi trade. The Chairman also confirmed that these were available to purchase second hand.

A Member queried whether taxis at the railway station had to compete with taxis from Wealden. The Licensing Officer confirmed that these taxis are private hire and work with firms such as RoadRunners who are allowed to subcontract to Wealden if their vehicle is nearest. These taxis are not allowed to take walk-up customers.

With regard to the age of the vehicle, there was debate amongst Members as to what age was appropriate and what testing is carried out at the licensing stage. The Licensing Officer confirmed that vehicles over three years old are given a six monthly fitness test and when a license is renewed, the fitness test has to be in date. Some Members felt that regular testing could be an alternative to an age limit but in general Members felt that the 10 year age limit was appropriate to ensure safety to customers.

A number of Members asked if a livery or coloured wrap could be an alternative to a white vehicle. It was confirmed that wraps could be an option but would have a cost implication. The current plan is to have a white vehicle with the MSDC logo on the side and the word 'TAXI' and plate number.

A Member highlighted that the current policy is in place to protect customers and that any increase in the age limit of vehicles would have a detrimental effect on safety. He highlighted that the livery and age limit was debated at length at the instigation of the policy in 2012 and that it had a five year lead in for drivers to prepare. Another Member also highlighted that any changes to the livery at this stage would affect drivers who had already planned accordingly and purchased white vehicles ready for its implementation on 1<sup>st</sup> October.

At the request of the Chairman, the Cabinet Member for Community addressed the Committee. He highlighted that the Committee were not being asked to discuss a proposal for change, the paper presented was to provide information on a petition by the trade

which disagreed with elements of the policy. The policy has been in place since 2012 and 108 responses were received during the original consultation of which 47 were against the proposals. The policy has been reviewed and readopted in November 2015 and has a rationale to ensure we have a fleet that are energy efficient, recognisable and safe for passengers. He noted the views of the drivers present at the meeting but reiterated the effect that any changes would make to drivers who had already planned for the implementation.

The Chairman read to the Committee a letter from the Chairman of Licensing Sub Committee A, who was in agreement with the current Licensing Policy. The Chairman then asked Members to reach an agreement on whether any changes were required. Members agreed unanimously that no changes to the Licensing Policy were required.

## **RESOLVED**

That no changes are required to the current Hackney Carriage and Private Hire Licensing Policy with relation to the colour and age limit of vehicles.

## **6. IMPLEMENTATION OF SECTIONS 165 AND 167 OF THE EQUALITY ACT 2010.**

The Business Unit Leader - Building Control & Environmental Health introduced the report and summarised that Section 165 related to a legal requirement on drivers of all licensed taxi and private hire vehicles which are wheelchair accessible to carry passengers, provide assistance and prohibits them from charging extra on the fare. Section 167 provides Local Authorities with powers to publish a list of taxi and private hire vehicles that are wheelchair accessible but this is discretionary and if it is not published, the Council cannot prosecute drivers who do not comply. The recommendation is to publish the list and clarify the medical exemption application process for any drivers of wheelchair accessible vehicles who cannot provide the physical assistance that is required. This will enable Mid Sussex District Council to ensure there is an adequate stock of wheelchair accessible vehicles. Currently there is a capped number of 154 Hackney vehicles, with 20% of the Hackney fleet being wheelchair accessible.

A Member queried item 10 of the report, asking how long an exemption would be issued for if granted after the initial six monthly review. It was confirmed that this would be a decision made by the Licensing Committee based on individual medical reports.

A Member highlighted the difficulty of securing a Consultants appointment with a GP referral and asked if this was a practical requirement. The Licensing Officer confirmed that the policy is based on Statutory Guidance from the Department of Transport which recommends that a Consultant independently verifies the need for an exemption.

One Member confirmed support of the recommendations and requested that it be amended to include the full process for dealing with applications for a medical exemption as set out in paragraph 10. The Solicitor for the Council confirmed that this was acceptable.

It was confirmed that drivers with an exemption would be required to carry a badge in the window and a certificate in the vehicle. The exemption would apply to the driver and not the vehicle.

It was also confirmed that the wheelchair accessible license is only for specifically designed wheelchair accessible vehicles to keep the percentage of accessible vehicles stable. Due to the cap in licenses, no new Hackney Licenses are being issued.

The Cabinet Member for Community confirmed that just as disabled passengers have a right to use a taxi, drivers with disabilities have a right to work. This report balances their rights in a fair way.

The Chairman took Members to the recommendations as set out in the report, taking into account the proposed amendment to recommendation 4c to include paragraph 10 in full. Councillor Chris Hersey moved as recommended and this was seconded by Councillor Catharine and agreed unanimously.

## **RESOLVED**

The Committee agreed:

- a) To approve the necessary transitional steps to publish a list under Section 167 of the Act of wheelchair accessible vehicles.
- b) To approve and commence the application process for drivers who need to apply for an exemption certificate under the Act.
- c) To approve the following process for medical exemption applications in relation to the Act.
  - If a driver wishes to apply for an exemption they supply a letter from a relevant Consultant detailing the extent of the duties that they are unable to perform together with the anticipated timescale for recovery to full duties.
  - If the application is successful the Council will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. The exemption certificate will be initially issued for 3 months and then reviewed. If necessary the driver will be requested to provide further medical evidence of their continuing inability to perform the above duties.
  - After six months of medical exemption, the matter may be referred to a Licensing Committee for determination as to whether the exemption should be continued.
  - If the initial exemption application is unsuccessful or if a Licensing Committee withdraws the exemption the applicant will be informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.
  - Section 172 of the Act enables vehicle owners to appeal against the decision of the Council to include their vehicles on the designated list and also enables drivers to appeal against the decision of the Council not to issue an exemption certificate. The appeal should be made to the Magistrate's Court, and must be made within 28 days of the vehicle in question being included on the Council's published list or refusal to issue an exemption certificate.

## **7. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2017/18**

An updated work programme was tabled at the meeting, to include an item being brought to the 14 November meeting at the request of the Vice Chairman, on the implementation of planning permissions.

A Member requested a review of the Council's emergency planning be brought to the Committee, in light of recent national events. The Cabinet Member for Community confirmed that the emergency plan was updated in April 2017 with role playing scenarios carried out by Senior Management and Officers. Emergency Liaison meetings are also held regularly to which Parishes attend and Members are welcome to attend if they wish. He was happy for it to come to a Scrutiny meeting and it was agreed to be added to the next meeting.

A Member requested further information on what can be done to support vulnerable families in difficult housing situations, who are in danger of having children taken away from them. The Cabinet Member for Housing and Planning confirmed that every case is assessed individually and that people need to be in touch with the Council of their Registered Social Landlord at the earliest sign of concern as there may be funds available to assist. The Cabinet Member had recently attended a meeting which provided further useful information for residents facing difficulties, and he will provide a report of the information to all Members in due course. It was requested by a Member that an item on Social Housing, along with the Cabinet Member's report be brought to a future meeting, date to be agreed.

## **RESOLVED**

The Committee agreed the current work programme.

Chairman