
26 November 2018

Dear Councillor,

A meeting of **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **TUESDAY, 4TH DECEMBER, 2018 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence.	
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.	
4. To confirm the Minutes of the previous meeting	3 - 8
5. To consider any items that the Chairman agrees to take as urgent business.	
6. Low Emmission and Electric Licensed Vehicles	9 - 12
7. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.	

To: **Members of Licensing Committee:** Councillors J Knight (Chairman), G Heard (Vice-Chair), M Binks, R Cherry, D Dorking, B Forbes, S Hansford, C Hersey, M Hersey, J Landriani, Anthea Lea, G Marsh, H Munding, G Rawlinson and P Reed

**Minutes of a meeting of Licensing Committee
held on Tuesday, 18th September, 2018
from 7.00 - 8.00 pm**

Present: Jim Knight (Chairman)
Ginny Heard (Vice-Chair)

Michelle Binks
Steven Hansford
Chris Hersey

Margaret Hersey
Jacqui Landriani
Anthea Lea

Howard Muddin
Geoff Rawlinson
Peter Reed

Absent: Councillors Richard Cherry, David Dorking, Bruce Forbes and Gary Marsh

Also Present: Councillors

**1 TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

None.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Cherry, Dorking, Forbes and Marsh.

**3 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF
ANY MATTER ON THE AGENDA.**

None.

**4 TO CONFIRM THE MINUTES OF THE MEETINGS OF THE COMMITTEE HELD
ON 2 JULY 2018.**

The Minutes of the meeting of the Committee held on 2 July 2018 were confirmed as correct records and signed by the Chairman.

**5 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS
URGENT BUSINESS.**

None.

**6 UPDATE TO LICENSING COMMITTEE ON THE USE OF THE PENALTY POINTS
SCHEME, PROGRESS TOWARDS THE INTRODUCTION OF WHITE LIVERY FOR
HACKNEY VEHICLES, THE NATIONAL REGISTER OF REVOCATIONS AND
REFUSALS AND ENDORSEMENT OF DRIVER SAFETY CAMPAIGN**

Paul Thornton, Senior Licensing Officer introduced the report which provided Committee with an update on the use of the Penalty Points Scheme for licensed

drivers and operators by officers, the progress towards a white livery for hackney vehicles, the National Register of Revocations and Refusals and to seek the Licensing Committee's endorsement of a driver safety campaign.

The Licensing Officer advised that the Penalty Points system had been in place since April 2017 and the Appendix listed the 26 occasions where penalty points had been issued; he advised that since the report was written penalty points had been issued on a further two occasions. He also informed Members that the National Register is a new concept and the aim is to collate information from England and Wales in one location which all licensing authorities can access. Currently the Council informs other neighbouring authorities if a licence is revoked.

A Member welcomed the report and commented that it was good to see the issuing of penalty points and agreed that the car stickers were a good idea. He commented that it was also a good idea to have all taxis with the same white livery.

A Member commented that it was good to see the reasons why drivers appeared in before the Licensing Committee and noted that a third were for not displaying door signs on the vehicle.

In response to a question the Licensing Officer advised that it would not be mandatory for the drivers to display the car sticker. However a visible position would be preferable as it would remind the public not to assault or abuse the drivers. He informed Committee that only 22% of vehicles now have a white livery and the revised livery policy would come into force in October 2022. A Member commented that he did not want license holders to give excuses for not complying with the new policy. The Licensing Officer advised Committee that from October 2022 non-white hackney carriages would not be licensed as the revised policy was listed in the license conditions.

A Member asked whether there was a process in place to annually remind drivers of the livery change. The Licensing Officer advised that a letter could be sent if the Committee required it; the Committee all agreed and it was noted by the Officer. Yvonne Leddy, Business Unit Leader Environmental Health and Building Control, replied that a similar mail shot had been completed when the policy changed which stated the maximum permitted age of a hackney carriage.

The Chairman noted no more Members wished to speak so moved the Committee to the recommendation to note the report and endorsement from the Committee for participation in use of the driver safety campaign sticker.

RESOLVED

The Committee noted the contents of the report and unanimously agreed to endorse participation in use of the driver safety campaign sticker.

7 REQUEST FOR INCREASE IN HACKNEY CARRIAGE FARES 2018 AN ANNUAL TARIFF INCREASE BASED ON A PERCENTAGE FORMULA

Paul Thornton, Senior Licensing Officer introduced the report for the Licensing Committee to consider an application from a section of the taxi trade requesting an increase in the Hackney Carriage fares. He informed Committee that the licensing team had written to all licence holders to advise that Station Taxis had requested an increase for the fares and 50% of the replies agreed with an increase. The Officer advised that there has been no increase since 2014 and that the Council were

ranked 14 out of 370 for cost of fares in the Private Hire and Trade Magazine; the closest other areas were Wealden and Brighton and Hove and he could not advise where the Council would be ranked if the increase was approved.

In response to a question the Officer advised that the increase would only affect Hackney Carriages as they use a meter and it would advise the maximum charge but a driver could charge less. Private Hire vehicles are not regulated so the increase would not affect them.

Several Members commented that the tariff uses imperial measurements.

The Chairman noted no more Members wished to speak so moved the Committee to the recommendation to

- (a) Increase the Hackney Flag Tariff by 20p with no reduction in initial yardage.
- (b) Reduce the distance covered for 20p thereafter from 160 yards to 153 yards.

RESOLVED

That the Committee endorses the increase in the Hackney Carriage fares.

8 HACKNEY AND PRIVATE HIRE DRIVER CODE OF CONDUCT

Franca Currall, the Solicitor for Licensing introduced the report to seek the Committee's views regarding the introduction of a Code of Conduct for all licensed drivers as detailed in the attached document. The Code would apply to all licensed drivers and would form part of the Council's Taxi Licensing Policy. The Officer informed Committee that it is hoped it would install some discipline and the Code of Conduct was fairly broad, but covered items such as rank etiquette.

A Member welcomed the introduction of the code of conduct policy and praised the officers for their work in preparing the policy. He commented on condition 5 (f) and asked period of abstinence from consuming alcohol before driving should be more time specific. The Solicitor for Licensing advised that research had been undertaken, whilst drafting the policy, to use as a bench mark. However more research would be done to fine tune the policy. The Member welcomed the further review.

In response to the suggestion for an equipment check list to ensure drivers had door signs on their vehicles, the Senior Licensing Officer advised that this was already part of their licence conditions.

A Member requested an addition to condition 5(b) that drivers should speak with consideration to their passengers; the Solicitor for Licensing agreed to review the policy.

The Chairman noted no more Members wished to speak so moved the Committee to the recommendation which was unanimously agreed subject to minor revisions.

RESOLVED

The Committee agreed that subject to minor revisions the policy would be forwarded to the Scrutiny Committee for Community, Housing and Planning to consider endorsing the introduction of a Code of Conduct for all licensed drivers.

9 DISABILITY ACT -TRAINING FOR LICENSED DRIVERS

Paul Thornton, Senior Licensing Officer, introduced the report to seek the Committee's views about adding a condition to Mid Sussex District Council's Taxi Licensing Policy whereby attendance at Disability Awareness and Equality Act Training is compulsory for all current and new private hire and hackney carriage and forms part of the 'fit and proper person' test. The Officer advised that Disability Awareness and Equality Act Training is not mandatory and a driver had recently been prosecuted for failing to take an assistance dog; there were also other cases under investigation. He advised that it is a problem with a minority of drivers but training would enhance driver's awareness of the public and the law. A small scoping exercise had been completed with an external company and the cost to driver could be £30. Both current and new drivers would have 12 months to complete the training; the Licensing Team would provide the trainer's details to the drivers who would provide evidence of course completion to the Licensing Team. He advised that one national company is interested in providing the course along with other companies so wide coverage could be provided.

A Member felt that this was a good idea as the Licensing Sub-Committee A had wanted to suggest a Disability Awareness course to a driver but could not provide a suitable course.

A Member suggested that new drivers complete the course before applying for a licence but existing drivers have 12 months for completion. However, the Senior Licensing Officer advised that course availability might be a problem; if a company can run several courses a year it might be viable. In response to drivers having a shorter time to complete the course, the Senior Licensing Officer advised that without reference to the course provider and number of courses possible it might put pressure on the Licensing Team. The Policy could be revised at a later date. A Member asked whether refresher courses would be required but the Officer advised that there were no plans at this stage.

The Solicitor for Licensing informed the Committee that any change in Police or decision made by the Council is subject to Judicial Review. Any challenge under Judicial Review needs to be made within three months of any change. Once the Policy has been brought into force there then cannot be a legal challenge against decisions made in line with that Policy

In reply to a question the Senior Licensing Officer stated that the training would be required for both Hackney Carriage and Private Hire drivers.

A Member queried how the public know vehicles can take disabled passengers. The Senior Licensing Officer advised that those vehicles have a wheelchair symbol on the licence plate and they are normally multipurpose vehicles. The Member responded that the symbol should be more prominent. The Officer advised the comment had been noted and could be added later.

A Member commented that they were happy for the policy to go to the Scrutiny Committee but subject to the revisions discussed.

The Chairman noted no more Members wished to speak so moved the Committee to the recommendation which was unanimously agreed subject to minor revisions.

RESOLVED

The Committee agreed that subject to minor revisions the policy would be forwarded to the Scrutiny Committee for Community, Housing and Planning to consider endorsing a change in the Taxi Licensing Policy.

10 PROPOSAL TO INTRODUCE COMPULSORY SAFEGUARDING TRAINING FOR LICENSED DRIVERS

Paul Thornton, Senior Licensing Officer, advised the report had been brought to Committee due to the number of national reports on safeguarding issues and not because of our licenced drivers being guilty. There is a need to educate drivers on the signs of abuse, what they steps they should take and who they should inform. The Licensing Team have previously undertaken training with Barnardos as a grant had been secured from West Sussex County Council, the training had been successful even though some of the drivers had initially been sceptical. Barnardos training was good but it ceased when the funding run out, but 75% of the drivers had attended. The aim of this report is to make safeguarding training mandatory and new drivers would have 12 months to complete the training.

A Member commented he was happy to recommend the report and was also content with the timescales to complete the training.

A Member asked whether the safeguarding training would be regularly updated, possibly annually like other organisations e.g. schools. The officer advised he would make a note of this and build it into the report. However there are over 600 drivers, and they would have to bear the cost of the training. Drivers who had not completed the free training would have to pay for training.

A Member suggested that the cost of the course be incorporated into the license fee and the Senior Licensing Officer advised that this could be investigated.

A Member suggested that drivers complete the disability awareness and equalities training at the same time as the safeguarding training and the licensing officer advised he would talk to the trading provider.

The Chairman noted no more Members wished to speak so moved the Committee to the recommendation which was unanimously agreed subject to minor revisions.

RESOLVED

The Committee agreed that subject to minor revisions the policy would be forwarded to the Scrutiny Committee for Community, Housing and Planning to consider endorsing a change in the Taxi Licensing Policy.

11 ANIMAL WELFARE LICENSING

Paul Thornton, Senior Licensing Officer, introduced the report and highlighted paragraph 14 to the committee and advised that the report has been withdrawn from Scrutiny Committee. They had taken legal advice as the new regulations do not mention licensing committees so the decision will be made at officer level. That would include revoking or refusing a renewal and new licence applications. The Officer informed Committee that there is always the possibility of an appeal which is a first tier tribunal. Some of the previous legislation dated from 1925. The new regulations are prescriptive, some terminology has been borrowed from the gambling act; it covers general welfare and specific conditions depending on the type of

animals. It introduces the concept of a star risk rating similar to the rating for food premises. The main change is that the Council now have a statutory obligation to inspect premises, produce reports and risk assessments. There is no transition period with this revised legislation.

A Member queried whether this legislation covers donations to animal rescue charities. The Officer advised it might but it was ambiguous, however they had been receiving many enquiries from the public as details of the new legislation had been put on the Council's website. They may have to apply some business tests which would determine whether selling animals is a regular or a one-off event.

A Member asked whether it covered dog walkers. In response the Officer advised that this is not a licensable activity and therefore the new legislation does not apply.

A Member asked who people report dangerous dogs to. The Licensing Officer informed the Committee that dangerous dogs should be reported to Sussex Police along with dogs that are out of control. However some areas may be covered by local bylaws.

The Chairman noted no more Members wished to speak so moved the Committee to the recommendation to note the new regulations up to point 13 in the report.

RESOLVED

The Committee noted the new regulations.

12 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 8.00 pm

Chairman

LOW EMISSION AND ELECTRIC LICENSED VEHICLES

REPORT OF: Tom Clark, Solicitor & Head of Regulatory Services

Contact Officer: Jon Bryant, Hackney Carriage & Private Hire Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477076

Wards Affected: All

Key Decision No

Purpose of Report

- 1 To advise the Licensing Committee regarding the options available to encourage the use of low emission and electric vehicles as licensed vehicles.

Summary

- 2 The purpose of this report is to consider the proposed implementation of incentives to support the uptake of Ultra-Low and Zero Emission vehicles within the Hackney Carriage and Private Hire vehicle fleet.
- 3 If members are minded to adopt any of the incentives, then a timeframe will need to be set for implementation.

Recommendations

- 4 **To seek the views of the committee on the introduction of licensed electric hackney carriages in the District.**
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Background

- 5 Mid Sussex District's air quality is generally good but recently there has been a lot of media coverage about the impact of air pollution in the UK. Across the nation it is reported that poor outdoor air quality results in around 40,000 premature deaths a year from air pollution related illnesses and currently costs business and health care services around 20 billion pounds per annum. The main causes of pollution in towns and cities are nitrogen oxide and nitrogen dioxide (collectively referred to as nitrogen oxides), which are produced in the emissions from petrol and diesel vehicles. Diesel also produces minute 'particulates' that are harmful to health. Particulate matter comes not only from exhausts but also from tyres, brakes and road dust.
- 6 The Government has a long term vision for all new cars and vans to be zero emission by 2040 and for nearly every car and van to be zero emission by 2050. Taxi and private hire vehicles can be part of the solution, by showcasing the potential for low emission vehicles and 'normalising' their use to the thousands of passengers they carry each year.

- 7 Zero emission vehicles emit zero emissions in their life-cycle. The range of electric only vehicles is typically around 100 miles but this can be higher depending on the vehicle model and manufacturer. Electric vehicles require less maintenance than hybrid or conventional vehicles as they require little or no regular maintenance of their battery, motor or associated electronics. In addition there are fewer fluids to change and less moving parts. The regenerative braking system also means there is less wear and tear on the brakes.

Fuel cell vehicles typically have a range of up to 300 miles depending on the model and can be fuelled within quickly. As with purely electric vehicles they emit no emissions during their life-cycle.

Ultra-Low emission vehicles (Hybrid and E-REV) use a conventional engine to either act as an additional fuel source for the vehicle or as a fuel source for the battery. Hybrids and E-REV have lower CO₂ emissions as a result of improved fuel economy and the ability to operate in electric only mode. Typically CO₂ emissions are between 15-30% less than conventional models when not in electric only mode. Hybrid vehicles and E-REV's still have a combustion engine and therefore require a similar maintenance schedule as for conventional vehicles. As with electric only vehicles they often use a regenerative braking system which reduces wear and tear on the brakes.

- 8 There are a number of barriers to the introduction of electric and low emission vehicles. It is recognised that many proprietors buy vehicles as a long term investment, particularly taxi vehicles, the investment might be over 10 years and therefore there is a need to strike a balance between improving the emission standards, whilst still allowing time for drivers to make financial adjustments and decisions about vehicles that they may be purchasing in the near future.
- 9 The 10 year age policy for vehicles has recently been introduced which has meant a substantial investment for some drivers and the livery policy comes into force on the 1st October 2022 which will mean further expenditure for a section of the licensed trade. The 10 year vehicle age policy has already made a noticeable impact by reducing the number of older, more polluting vehicles from the fleet.
- 10 Although the price of electric vehicles has been falling they still present a significant investment for drivers additionally the government has recently reduced the grant available for the purchase of new electric vehicles.
- 11 There is currently very little infrastructure in the Mid Sussex area in respect of publically available rapid charging points for electric vehicles and it will be some time until there is sufficient coverage. Currently there are 4 charging points across the entire District which are located in public Car Parks. These are not in practical locations for licensed vehicles to use. The recent unmet demand survey showed that 90% of customers for the Hackney trade were from the three railway station ranks which are on private property. There are a few other charging points which are either on private railway car parks or at selected locations for the use of customers with a certain make of vehicle. These would not be available for licensed vehicles.
- 12 However currently WSCC is consulting on new parking policy to introduce charging point requirement, Sussex Air Quality Guidance requires large new

developments to include mitigation measures, of which EV charging infrastructure is key and MSDC now has an EV group to discuss strategy for charging points which should mean an improvement of charging availability in the future.

- 13 The Council has a limited influence over the types of car which taxi and private hire operators buy. However, the local authority could implement policies which may provide incentives for the take up of an Ultra-Low Emissions Vehicles (ULEV). These suggestions are detailed below:
- Following the unmet demand survey which was presented to Licensing Committee in May 2018 where it found that there is no significant unmet demand and therefore the limit on the numbers of hackney carriage vehicles remains at 154. Consideration could be given to licensing a further 15 saloon vehicles as hackney vehicles (10% extra) with the condition that the licence is an ULEV specific licence and can only be issued to these types of vehicles.
 - Southampton City Council and Eastleigh Borough Council offer a Low Emission Taxi Incentive Scheme which offers a cashback for the replacement of a more polluting Private Hire or Hackney Carriage vehicle with a low emission alternative. The cashback available is up to £3,000 for a full electric vehicle. Funding for this type of scheme would have to be found from Council funds.
 - Consideration could be given to applying different licence fee levels for different types of vehicles, to offer incentives to purchase newer and more eco-friendly vehicles, similar to how the road tax duties are calculated on emissions. However, it is not clear at this present time if it will be lawful to set the licence fee level based on the emissions of the vehicle.
 - Other authorities have introduced a vehicle emissions policy which restricts licensed vehicles to only those which can comply with Euro petrol and diesel emission standards. The current standard is Euro 6 which has applied to most new registrations from 1st September 2015. Consideration could be given to introducing these standards but the trade has already had a financial cost with the introduction of the 10 year age policy.

Policy Context

- 14 The Local Government (Miscellaneous Provisions) Act 1976 as amended, and the Transport Act 1985 places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

Financial Implications

- 15 None identified in this report. Any incentives or changes to the number of Hackney Carriage Vehicle licensed by the council would need to be costed and considered by the Scrutiny Committee for Community, Housing and Planning.

Risk Management Implications

16 None identified.

Equality and customer service implications

17 None identified within this report.

Background papers

18 None