
5 February 2019

Dear Councillor,

A meeting of **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 13TH FEBRUARY, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

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|----|--|---------------|
| 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 meeting of the Committee held on 4 December 2018. | 3 - 6 |
| 5. | To consider any items that the Chairman agrees to take as urgent business. | |
| 6. | Update to Licensing Committee on Licensing Issues that arose in 2018 | 7 - 10 |
| 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, 4th December, 2018
from 7.00 pm - 7.59 pm**

Present: J Knight (Chairman)
G Heard (Vice-Chair)

M Binks
R Cherry
B Forbes
C Hersey

M Hersey
J Landriani
Anthea Lea
G Marsh

H Mundin
G Rawlinson

Absent: Councillors D Dorking, S Hansford and P Reed

**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 Dorking, Hatton and Reed.

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

None.

4. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 18 September 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. LOW EMISSION AND ELECTRIC LICENSED VEHICLES

The Chairman welcomed the report and commented that Haywards Heath Town Council has an Environmental Working Group with a remit to reduce pollution from vehicle emissions.

Jon Bryant, Licensing Officer introduced the report which advised the Licensing Committee with the options available to encourage the use of low emission and electric vehicles as licensed vehicles. The report considered 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. He noted that air quality in Mid Sussex is generally good and the Government has a long term vision for zero emissions from all new cars and vans by 2040. The Licensing Officer advised that there are three types of zero/low emission vehicles, electric vehicles have a range of up to 150 miles before requiring a recharge, fuel cell vehicles typically have a range to 300 miles and Hybrid / E-REV vehicles with a conventional engine to either act as an additional fuel source or to charge the battery. He noted the recent policy changes for Mid Sussex Hackney Carriage and Private Hire vehicles, including the 10 year maximum age and white livery and the lack of publicly available charging points. He highlighted the consultation by West Sussex County Council on a new parking policy to introduce charging point requirement.

Members discussed each of the suggested policies and Tom Clark, Head of Regulatory Services confirmed that it was unlawful to set licence fees based on the emissions of a vehicle.

The Cabinet Member for Service Delivery noted that a masterplan for electric charging points across Mid Sussex was under way and suitable locations for charging points which were being sought might be on private land, i.e. Railway Stations. He noted that there are six charging points located in Council car parks in the three towns and the locations of additional charging points needed to be carefully considered to ensure adequate lighting and the ability to connect to the power supply.

A number of Members expressed concern introducing a new policy before determining the success of other Low Emission Taxi Incentive Schemes e.g. Southampton City Council and Eastleigh Borough Council. They queried how it would work as vehicles only queued at the rank for a short period of time and were constantly moving. They commented that a change in policy should not be rushed as the technology for zero and low emission cars was still evolving.

A Member showed concern over the additional costs to licence holders of installation of charging points at their homes following the recent policy changes on age and colour of licenced vehicles. He noted that these policy changes had increased public safety. He queried if the issue of additional licences could be restricted to disability vehicles only to increase the number in the fleet.

A number of Members commented that the trade association would need to be consulted before any policy changes and as there was currently no unmet demand the licence holders might experience a reduced income if additional licences were issued.

The Licensing Officer confirmed that there was no unmet demand and there was a waiting list for licences. As the cost to buy a licenced hackney plated vehicle is approximately £15,000, using an incentive could be a possible way for new drivers to enter the market. He noted that the potential up take of the incentive was unknown. Yvonne Leddy, Business Unit Leader for Building Control and Environmental Health confirmed that the cost of an electric London style vehicle was around £50,000 (wheelchair accessible) and a Nissan Dynamo around £42,000. As there were relatively new she was not aware that there were currently available on the second hand market.

A Member commented that it was a good idea and could reduce pollution levels. She queried whether the Council could subsidise the cost of installing charging points

in the licence holders' homes but identified that a funding source would have to be identified.

A Member asked whether existing licence holders should display the level of emission on their vehicle.

The Cabinet Member for Service Delivery noted that the Council had abandoned their fleet of electric cars due to poor reliability. He questioned if the Council could insist on licensing Euro 6 rated cars only and the policy could provide an incentive to change to cleaner and more efficient vehicles.

The Cabinet Member for Community noted that the introduction of the 10 year age policy had led to reduced pollution and the industry might be adverse to changes that would impact on their income. He advised that the introduction of lower emission, more efficient and quieter vehicles was a good idea. A revised report should be considered once technology had advanced and issues raised by Members had been addressed next year.

RESOLVED

The Committee noted the contents of the report and agreed to review the report once further investigation had been completed.

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

None.

The meeting finished at 7.59 pm

Chairman

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UPDATE TO LICENSING COMMITTEE ON LICENSING ISSUES THAT AROSE IN 2018

REPORT OF: Tom Clark, Head of Regulatory Services

Contact Officer: Franca Currall Solicitor Legal Services
Email: franca.currall@midsussex.gov.uk Tel: 01444 477484

Wards Affected: All

Key Decision No

Purpose of Report

- 1 To update the Licensing Committee regarding the Licensing matters that arose in 2018

Summary

- 2 The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 came into effect. These Regulations replace a number of Acts and Regulations covering the protection of domestic animals such as dogs, cats and horses. It covers amongst other things the licensing of home boarders for dogs and cats, licensing for dog breeding and selling dogs and the licensing for the hiring out of horses.
- 3 The Council's Gambling Policy was reviewed and updated during the year. This is a Policy that needs to be reviewed every 3 years.
- 4 The Liquor Licensing Panel meet once in 2018 to consider a variation to a Club Certificate. The application was refused.
- 5 Licensing Sub Committee- A which deals with reviewing Hackney Carriage and Private Hire Licensing of Drivers, Vehicles and Operators Licences. This Committee met 5 times in 2018 to consider 10 driver matters. There was also the immediate revocation by officers of 3 drivers' licences on the grounds of public safety.
6. The Licensing Committee considered a draft Code of Conduct for Hackney Carriage and Private Hire Drivers which was agreed at Council on the 30th January 2019.
7. There were 3 prosecutions of licensed drivers.
8. The Licensing Committee considered and noted the following matters, fare increase, electric vehicles, Penalty Points Scheme update, consideration of the 10 year vehicle age policy which came in October 2017 looking at how many vehicles were now white. Report of the Unmet demand survey.

Recommendations

This report is for information purposes and the Licensing Committee to notes its contents.

Background

9. Animal Welfare Regulations (came into force on 1st October 2018.)

The Licensing Team have been working to ensure the procedures for individuals and businesses that need their activities to be licensed are in place. This has been a large undertaking as activities that had previously not been required to be licensed now require licensing. This has involved a large number of premises to be inspected as part of the licensing requirements.

10. The Licensing Sub Committee A

This Committee 5 times in 2018 and 10 drivers appeared before it for consideration as to whether they were 'fit and proper' to hold their respective licences. The matters before the Committee were varied and the details are as set out below:

Using a mobile phone whilst driving and having defective tyres- Licence suspended for 2 weeks.

Abusive and rude towards customers- Licence revoked- This decision was appealed but the appeal to the Magistrates Court was withdrawn.

Application to be licensed. Had previously been licensed with another Council and that licence had been revoked for using a vehicle with no insurance. Application allowed to proceed.

Refusal to take a Guide Dog. Driver had been prosecuted and pleaded guilty. The Committee suspended the driver licence for 2 weeks.

Application to be licensed. Application refused as held not to be a 'fit and proper person'.

Application to be licensed. Application allowed to proceed.

Using a licensed vehicle without a valid MOT- Licences (drivers and vehicle revoked) Appealed to the Magistrates Court but appeal details incomplete and Court struck it out.

Refusal of application for drivers licence as not considered a 'fit and proper person' Appealed to the Magistrates Court against this decision. The Court dismissed the Appeal Full costs awarded to the Council.

Refusal to assist a wheelchair customer and refusal of another vulnerable passenger. Licence revoked appeal lodged at the Magistrates and Appeal hearing will be held at Horsham Magistrates Court on the 15th April 2019.

Police caution for failing to stop at a level crossing. A Formal Written Warning as to future conduct was issued. The Formal Warning to remain on the drivers licence for 24 months.

The 3 drivers had their licences revoked by officers were for the following

reasons:

Failure to disclose on an application that they had held previous licences that had been revoked by another licensing authority and were acting as an Private Hire Operator without an Operator's Licence.

Driver no longer had the right to work in the UK.

Driver charged with excess alcohol and possession of an offensive weapon.

11. Prosecutions

There were three prosecutions in 2018 and all of them were for refusing to take a guide dogs.

Two drivers were found guilty or pleaded guilty and one driver was found not guilty.

12. Officer Enforcement

13 Section 68 Suspension Notices were issued due to licensed vehicles found to be unfit for various reasons.

Penalty points were issued to 16 drivers for various matters.

Compliance checks were made on 84 vehicles out of 384 licensed vehicles (22% of licensed vehicles).

13. Members Licensing Training

The annual licensing member training took place on the 11th September 2018
This training aims to update members on both Licensing Act 2003 matters and Taxi Licensing law and cases.

For 2019 a new format of training is being considered and details will be sent to all Licensing Committee Members post May 2019

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