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LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Thursday, 20 February 2020 at 4.00 pm at the Guildhall, Portsmouth

Present

Councillors Claire Udy (Chair)
Scott Payter-Harris (Vice-Chair)
Tom Coles
George Fielding
Hannah Hockaday
Leo Madden
Lee Mason
Linda Symes
Gerald Vernon-Jackson CBE

1. Apologies for Absence (AI 1)

Apologies for absence had been received from Councillors Dave Ashmore, Jason Fazackarley, John Ferrett, Robert New, Steve Pitt and Benedict Swann.

2. Declarations of Members' Interests (AI 2)

Councillors Udy and Fielding declared a personal and non-prejudicial interest as they are members of the GMB Union. The Secretary of the GMB Brighton and Hove Taxi Section had given their views in Appendix B.

3. Minutes of the previous meeting held on 25 October 2019 (AI 3)

In response to queries as to why the report on taxi ranks mentioned in the last paragraph of minute 16 had not been produced the Licensing Manager explained the purdah period for the December 2019 general election had delayed matters and agreed to produce a report for the next meeting.

RESOLVED that the minutes of the Licensing Committee held on 25 October 2019 were agreed as a correct record.

4. Operator and Council Signage on Licensed Vehicles (AI 4)

The Chair announced that the meeting was being webcast. A recording is available to view here:

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CIId=125&MIId=4464&Ver=4>

Nickii Humphreys, Licensing Manager, presented the report and drew members' attention to these points in particular:

- The matter has come before the Licensing Committee as some trade representatives consider that the requirement for permanent signage on vehicles hinders drivers working for more than one operator and could be seen as restricting free trade.
- James Button, a nationally renowned solicitor with expertise in taxi and private hire licensing, highlights in his book "Button on Taxis" that there are benefits to permanent signage of vehicles.
- The views of the judge in Basingstoke & Deane BC v John Greenhaugh and Andrew John Mulley (2007) decided that it was "reasonably necessary" to insist on permanent signage. The case is important as the arguments presented are similar to those presented today.
- The Licensing Committee had reversed a previous decision accepting magnetic signage thereby indicating that allowing magnetic signage could bring back problems previously experienced.
- It may be possible to reach a compromise by wording the vehicle licensing conditions to say that signage is permanent for the main operator but for secondary bookings with another operator, vehicles can have magnetic signage.
- Members will need to address concerns around the Integrated Impact Assessment (IIA) if they decide to amend the policy as allowing magnetic signage may have a negative impact on crime and disorder.

A deputation in support of the recommendations was made by Bruce Hall of Aqua Cars.

Deputations against the application were made by:

- Mr Chris Dixon - Hackney Trade Rep
- Mr Viv Young - CityWide / Independent Trade Rep
- Mr Peter Sutherland - Trade Rep, Uber Drivers
- Mr Mugurel Alin Coltea - Private Hire Driver

Councillor Luke Stubbs made a deputation against the recommendations.

Deputations are not minuted but can be viewed as part of the webcast of the meeting:

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=125&MId=4464&Ver=4>

Members' questions

In response to questions from members the Licensing Manager and Legal Advisor clarified the following points:

- The GMB Brighton & Hove Taxi Section (appendix B) have evidence of significant concerns over Portsmouth private hire vehicles working in Brighton. In addition, council officers have carried out joint enforcement work with licensing officers in Brighton due to the latter raising concerns over seeing Portsmouth vehicles in Brighton. Portsmouth officers have dealt with complaints and in one case a Portsmouth private hire driver had deliberately obscured signage on his vehicle.

- Not all local authorities had responded to the request to provide information on magnetic signage (appendix C). The comments in the appendix are in addition to responses to the standard questions. Officers can provide a spreadsheet with more detailed information for members.
- Drivers are advised to report damage to their vehicles to the Police so that the incidents can be formally logged and monitored to establish the exact extent of damage being caused and if able to do so, allocate resources to tackle vehicle crime.
- The prime reason for display of livery on licensed vehicles is separate from that of vehicle crime; livery is a matter of safeguarding the public.
- Vehicles cannot display different signage on different doors; it has to match so a secondary sign would be placed over the first one if a driver worked for another operator.
- A licensed vehicle is always a licensed vehicle; it always retains the licensing plate and does not change its status. However, vehicles can display advertising at the discretion of the licensing authority. It is a criminal offence if someone other than the licensed driver drives a licensed vehicle.
- Magnetic signage plates were first considered around the late 1990s when taxis wanted to use bus lanes and needed to be distinguished from ordinary cars.
- The council issues corporate livery from its own suppliers. Stickers are pre-ordered in a certain format. Although there are areas in the country where corporate signage is not required officers' opinion is that vehicles need to offer clear signage and reassurance to the public; signage that can be removed would damage public safety.
- Private hire licences have just been renewed so there would be cost implications if they were changed. If the current policy is amended printing, design and distribution of magnetic signage need to be considered. Signage must be uniform and consistent. Signage could display vehicle registration numbers but this must apply to all vehicles.

Mr Hall (Aqua Cars) said Aqua's vehicles would have permanent signage regardless of the Committee's decision today. He said about a third of bookings were made by apps and two-thirds by other means. Sometimes passengers received a text confirming their booking with the vehicle's registration number. There are concerns that drunk or vulnerable people might get into an unmarked car if there was no signage.

Members' comments

- The magnetic signage could be trialled for at least 12 months to see if concerns about safety can be met.
- The only noticeable difference to vehicles is when they are parked at night.
- The views of the police should state if they are a personal opinion or that of the organisation.
- Officers could examine the feasibility of magnetic signage and, if there is a trial, see how many drivers are prosecuted.
- It is the drivers' individual responsibility to display the signage and they will be aware of the risks of not displaying it.
- There will still be drivers from other licensing authorities driving in Portsmouth with unmarked vehicles but this is beyond the committee's remit. Concerns about

issuing licences and deregulation should be addressed to the relevant government ministry.

- Drivers already have to pay for CCTV in their vehicles so the council should help them as much as possible.
- The committee proposed that references to "permanent and not magnetic" in the current licensing conditions should read "permanent or magnetic." The vehicle's registration number should be included on the magnetic sign so that it cannot be used on other vehicles.

The Licensing Officer advised that delegated authority could be given to the Licensing Authority to design the magnetic signage. A trial period of 12 months could then start from when the new signage is available.

Councillor Vernon-Jackson apologised that he would have to leave the meeting at 5.40 pm as he had another meeting.

The meeting adjourned at 5.55 pm for a break and resumed at 6.10 pm.

RESOLVED that the Licensing Committee:

- 1. Noted the comments raised by trade representatives.**
- 2. Noted the contents of the Licensing Manager's report.**
- 3. Determined to amend its current statement of licensing policy in relation to operator and Council signage on vehicles. The amendment allows either permanent or magnetic signage, and where magnetic signage is used, on Council livery, the registration number of the vehicle shall be included.**
- 4. Determined to consider the implications and implementation of the amended policy at the next meeting of the Licensing Committee, which should be held before purdah.**
- 5. Determined that the amended policy will run for a 12-month trial.**
- 6. Determined that the amended policy and trial period will not come into effect until the practical issues of magnetic signage have been agreed; until then the current policy will apply.**

The meeting concluded at 6.20 pm.

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Signed by the chair, Councillor Claire Udy