

# Brighton and Hove Hackney Carriage and Private Hire

## Forum Minutes

Committee Room 3, Brighton Town Hall, Wednesday 29<sup>th</sup> October 2015

Meeting Commenced 13.30

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### Attendees:

(TN) Tim Nichols	(BHCC – Chair)
(JW) Jim Whitelegg	(BHCC Public Health Licensing Manager)
(MS) Martin Seymour	(BHCC)
(RF) Ross Findlay	(BHCC – Minutes)
(MD) Mark Durrell	(B&H PHA)
(JD) Jeff Defalco	(B&H PHA)
(TB) Tony Breslin	(Radio Cabs)
(AC) Andy Cheesman	(City Cabs)
(JS) John Streeter	(Streamline)
(JF) Jeff Howell	(Streamline)
(DS) Dave Smith	(Streamline)
(JV) Jim Verguson	(NPTTU)
(AP) Andrew Peters	(GMB)
(IS) I Saidaroos	(ITD)
(CP) Caroline Panting	(BHCC)
(MB) Mark Bowen	(B & H Bus Company)
(IG) Isham George	(Cab Express)
(MA) Mohammad Alim	(UTDA)
(AN) A Nasser	(Afghan Taxi Forum)
(GH) George Hakim	(B.S.T.F.)
(GA) George Ayad	(STF)
(SW) Shahmahmoud Walizade	(AfghanTtaxi Forum)
(MA) Mohammed Ahmed	(UTDA)

Item	Minute
1.	<p><b>Apologies:</b></p> <p>(MM) Cllr Mo Marsh (BHCC)</p> <p>(JC) Jean Cranford (BHCC)</p> <p>Sussex Police</p>
2.	<p><b>Minutes from last meeting</b></p> <p>Forum agreed accuracy – TN also advised the forum that this would be his last, the trade thanked him for his help over the years. Jim Whitelegg (Public health licensing Manager) will now be chairing the forum.</p>

<p>3.</p>	<p><b>Traffic Management, Ranks, Brighton Station, Amex (Including Longridge Avenue) - (CP) Caroline Panting - BHCC</b></p> <p>TN – A report will be going to committee asking for rank to be at terminus road. Trade forum agreed this was good news.</p> <p>CP – The signage for any ranks has to go to Department for Transport (DfT), the station may be planning to have food outlets where the current rank is.</p> <p>IS Has concerns with traffic lights by St peters/New England, lights changed after only 2 cars causing traffic between 0330 and 0730.</p> <p>MD has concerns with new TRO at Manor Hill, cars currently parking on both sides of the road and is an accident zone.</p> <p>JV mentioned Queens road, Western road light timings a concern, JDe suggested a lot of pedestrian crossing timings appear short in Brighton &amp; Hove</p> <p>CP will look into traffic concerns.</p>
<p>4.</p>	<p><b>Changes to Hollingbury Terrace Rank</b></p> <p>AP has asked Russell McMillan to provide observation data as so far only technical plans have been provided. The GMB will be objecting to plans, AP confirmed he has had queries from drivers regarding this.</p> <p>JS advised that streamline have also objected to this. They have also invited Russell to view streamlines jobs at this rank to provide evidence of how often it is used. JS thinks this was handled badly, they are totally against it and think that the proposal from 6pm to 6am is poor.</p> <p>CP advises to go through official objection channels. TN asked the forum to please provide evidence with objections, this will help to clarify how often the rank is used.</p> <p>MS will send around observation figures that Russell has now provided.</p> <p>The forum as whole felt that Russell Mcmillan has not responded or dealt with this well, they suggest it should have been brought to the forum first.</p>
<p>5.</p>	<p><b>Sussex Police</b></p> <p>MS advised that there was a recent accident by Buddies, taxis started driving around accident on wrong side of road. AP stated that this comes up time and time again and suggests the police need to demonstrate action. MS to look into.</p>

	<p>AC is aware the police have installed cameras on lampposts, which are currently recording.</p> <p>JH asked if we could get an update as to the possibility of a rank at Brighton Centre.</p> <p>IS asked about the new stickers warning of non payment that have begun to be issued, he would like to know if they can be picked up at anytime or if more than 1 can be issued. MS advised that supplies are currently limited and the plan is to issue them with each vehicle renewal, this will allow time to order more.</p> <p>*No Sussex Police representation for this agenda item, MS to email Ben Heath to attend next forum meeting to discuss points raised.</p>
6.	<p><b>Enforcement</b></p> <p>1 Suspension on medical grounds  29 knowledge tests, 3 route tests passed in September  18 Service requests (34 last year)</p> <p>TN &amp; MS Advanced Stop Lines – Recent complaints have been received about drivers not stopping on advanced stop lines. This has been causing friction, the trade forum was asked to as far as possible avoid doing this. It was also requested for this message to be distributed amongst drivers.</p>
7 & 8.	<p><b>Taxi Marshalls and Taxi Fouling (Late Night Levy)</b></p> <p>TN - BHCC going through stages of planning/considering the Late Night Levy. He wanted a ball park figure of the cost of taxi marshalls so that it could be taken into consideration in view of levy. TN now has an understanding of these costs.</p> <p>There was a generally agreement amongst trade that taxi marshalls are a good choice for levy.</p> <p>TN explained that Taxi fouling also has potential to go on list for levy. People that have gone to 'safe space' who are not drunk and disorderly still need to get home, there is currently an arrangement with streamline for this, but obviously there is a risk vehicles can be fouled.</p> <p>TN explained that the levy is potentially unfair to licence holders, i.e. those that work on the outskirts already pay taxes etc but from Public health point of view there is an advantage to reducing problems under the 'polluter pays' principle.</p> <p>JV asked about big clubs such as Pryzm putting doorman on West Street rank, AC has asked about this in the past but has been told by the police that ranks are not included in the licensing area. TN explained that this may not be accurate, TN gave an example of a legal case 'Hope and Glory' in which the noise was found to be outside of the licensable area but</p>

	<p>was still the premises responsibility.</p> <p>Ac previously hoped to have marshalls on both West Street and by Old Ship, this could be possible if Pryzm covered west street. TN suggested this could be something considered in future applications from Pryzm.</p>
<p>9.</p>	<p><b>Child Safeguarding</b></p> <p>TN raised that concerns with deregulation means loss of control by subbing out of work. BlueBook is changing to require all operators to use enhanced checked drivers.</p> <p>AC mentioned a recent London cab working in the area, which is legal but we have no way of knowing if they are enhanced DBS checked. MD reminded forum that for the last 20 years we have had Adur/Lewes cars working in the area.</p> <p>AP didn't believe the original 'cut and paste' safeguarding guidance from the council was sufficient and this has now been altered, 1 point was to check at time of booking for vulnerability, which was changed to if your business allows. AP is concerned this removes app based firms from the requirement. AP suggests alternative is to put the emphasis on operators for a one to one process. This has been distributed to trade and would like to put in rewrite of CSE guidance. This should involve operators considering and approving the guidance.</p> <p>AC explained that when Simon Court attended forum he had described Rotherham and CSE and had wanted the trade to be involved to put something in place. The new guidance seems to be watered down.</p> <p>JDe – reminded forum that the changes are based on the discussions and comments made at the previous forum meeting.</p> <p>TN doesn't suggest there is a perfect solution to get regulation balanced between workable for business and protecting the vulnerable, it is a hard job to do. The bluebook is continuing to evolve based on this.</p> <p>A number of members of the forum agreed it is hard to recognise vulnerability. IS asked if blue book is not sufficient to cover all.</p> <p>MS advised that not since Rotherham, TN continued to explain that post Rotherham the evidential barrier Vs ability to earn a living has changed.</p> <p>AC suggested CCTV protects drivers from false allegations, TN agreed. SW asked if audio recordings on CCTV are legal, MS confirmed that yes if the Data Controller has decided it is a requirement. SW asked for taxi office to inform Cab Care (Brian) of this. Many Data controllers are now issuing certificates to confirm CCTV is working.</p> <p>TB suggests the trade have a meeting to discuss this, TN advised that any changes would now have to be for Bluebook 5<sup>th</sup> Edition.</p>

10.	<p><b>UBER</b></p> <p>AC has sent the Taxi office an email regarding an UBER vehicle working in area over the weekend. Although legal he has concerns, including what was already raised in safeguarding but also he noticed fare changes. They must have been busy as prices surged from 10p a minute waiting to 20p, and £1.25 a mile to £2.50 a mile. Forum is aware surging can go up to 5x.</p> <p>JS Advised that trade were disappointed with the hearing, and it appeared that the Labour Cllr was supporting UBER before the hearing even took place. He is concerned UBER have already breached as 3 vehicles were operating that were not BHCC drivers.</p> <p>AC has been talking to Sefton, who advised that UBER usually work on promoting in a city then launch. IG Suggested that if they cant find enough drivers they wont be able to operate in the city, also questioned whether HCs can work for UBER, i.e does it have to be metered.</p> <p>MD explained that HC Vehicles can charge less than metered amount but if it's more driver cant charge extra so driver would make a loss.</p> <p>IG would like some advice issued to HC drivers.</p> <p>It was questioned if a Brighton based app sent to Brighton office then sent to Lewes cab is legal. MS will seek legal advice as there is some confusion amongst trade on cross border hiring.</p> <p>It was confirmed that UBER application has been granted, and whether this means the requirement for a landline will be removed form all operators. Some members of the forum asked for guidance on Deregulation. AC explained that at the hearing Simon Court had confirmed that jobs going to a cloud are okay.</p> <p>Trade are concerned as at hearing it was stated that UBER would only use BHCC vehicles, now there is confusion as to if other vehicles are allowed.</p> <p>TN advised trade can be informed when UBER goes live, and agreed trade should let council know if they have any concerns.</p>
11.	<p><b>Licence Fees</b></p> <p>MS – No changes to licence fees but following deregulation 3 year licences are to be issued unless a medical or DBS is due.</p> <p>JS asked about hardship and whether these 3 years licences can be paid for in instalments. MS advised licence holders would have to contact the</p>

	creditors department.
12,	<p><b>Hackney Carriage Unmet Demand Survey</b></p> <p>MS Jobs up this year, No unmet demand. To go to committee</p> <p>TN Cllrs will consider if;</p> <ul style="list-style-type: none"> <li>• More plates needed</li> <li>• Delimit</li> <li>• Continue with issuing 5 annual plates (or change amount)</li> </ul> <p>Still currently at point where new vehicles would have to be WAV, but would expect to reach point where will no longer be necessary.</p> <p>MD In report council came out in a good light,</p>
13.	<p><b>Blue Book</b></p> <p>JS would like trade to meet to discuss, TN reminded that this is fine but any changes will now need to be for 5<sup>th</sup> Edition Blue Book.</p> <p>JS explained about the recent ruling confirming that Burden of proof is on applicant at first licensing but one driver is licensed it is for the authority to prove that a driver is not 'fit &amp; proper' . Thinks the Bluebook will need to be looked at regarding this.</p> <p>AP stated that at the last forum he had advised he would submit proposal regarding data controllers, i.e grandfather rights that would allow current data controllers to continue. He has done this but is disappointed no one got back to him.</p> <p>TN explained that post Rotherham it is difficult to allow drivers to be their own data controllers.</p> <p>There was some discussion amongst the trade as to whether drivers should be their own data controllers and control their own CCTV. Some mixed opinions were raised but the consensus was that the council needs a level of assurance that Information Commissioners Guidance (ICO) is followed.</p>
14.	<p><b>Forum Terms of Reference</b></p> <p>Deferred to next forum</p>
15.	<p><b>Child Safeguarding</b></p> <p>(see Agenda Item 9)</p>

16.	<b>Rear Windscreen Advertising</b>  Deferred to next forum
17.	<b>Items for next meeting</b> <ul style="list-style-type: none"><li>• Apologies</li><li>• Health Initiatives for Taxi Drivers</li><li>• Forum Terms of Reference</li><li>• Rear Windscreen Advertising</li><li>• Items for next Meeting</li></ul>
18.	<b>Date of next meeting</b>  TBC