

# Crawley Borough Council

## Minutes of Licensing Committee

7 January 2009 at 7.30 pm

### Present:

Councillor J A Singh (Vice-Chair in the Chair)

Councillors B K Blake, A G Brown, B J Burgess, ALI Burke, L Gilroy, R J Hull,  
S Kaur, D P Kavanagh, B McCrow, B J Quinn and L A Seekings

### Officers Present:

T Baldock	Group Manager for Food, Licensing and Occupational Health
J Green	Principal Democratic Services Officer
M Lyons	Licensing Officer
B Nailen	Licensing Officer
A Williams	Lawyer

### Apology for Absence:

Councillor B M Brockwell

### 14. Minutes

The minutes of the meeting of the Committee held on 5 November 2008 were approved as a correct record and signed by the Chair.

### 15. Lobbying Declarations

The following lobbying declarations were made by Members:-

Councillors B J Burgess and B Quinn had been lobbied regarding matters contained in report ES/208 on the Amendment of Conditions applying to Private Hire Vehicles, Hackney Carriages, Hackney Carriage Drivers and Private Hire Drivers

### 16. Members' Disclosure of Interests

No disclosures of interest were made by Members.

**17. Amendment of conditions applying to Private Hire Vehicles, Hackney Carriages, Hackney Carriage Drivers and Private Hire Drivers**

The Committee considered report ES/208 of the Head of Environmental Services based on the conclusions made further to a meeting of the Environment and Housing Policy Development Forum held on 24 September 2008 concerning Private Hire and Hackney Carriages. Messrs Ali, Kiernan and Khan, representatives of the Trade, were present at the meeting and, on the invitation of the Chair, commented on the proposals during the course of consideration of the report.

**Providers of Certificates of Compliance**

The report proposed that tenders be invited for undertaking work in connection with the provision of Certificates of Compliance as of 1 April 2009 and that contracts be awarded to four garages for this purpose. These Certificates were required in respect of Hackney Carriages and Private Hire Vehicles every year for vehicles less than four years of age and two per year after this time and included elements additional to a standard MOT test. However, the Licensing Officer confirmed that a Certificate of Compliance would not be required in respect of a vehicle with less than 1,000 miles on the clock and the Committee asked that the conditions be amended to make this clear. It was intended that the cost of this process should be included in the licence fee process and that garages appointed to undertake the work through a contract arrangement should then be paid by the Council. It was further proposed that the contract should include a clause to entitle a person presenting a vehicle to a garage for the issue of a Certificate of Compliance also to receive, upon request, an MOT certificate (should the car meet the standard) at no extra cost. This would help to avoid problems currently being experienced by drivers and vehicle operators due to the fact that, whilst Certificates of Compliance were a legal document replacing the need for an MOT, they were not entered onto DVLA records. The Licensing Officer confirmed that there would be a clause providing for the revocation of the contract if the work was not being undertaken to a proper standard.

**Drivers' Licence Renewals**

The Committee was also asked to agree that the validity of Hackney Carriage Drivers' Licences should be increased from one year to a maximum of two years. This proposal was based on the fact that the Council was only permitted to check convictions with the Criminal Records Bureau on a three year cycle and the accepted period for medical checks was once every three years (but annually after the age of 60). It was noted that conditions on Private Hire Drivers Licences still required the declaration of pending proceedings for criminal or motoring offences and any subsequent convictions. It was felt that this proposal would make a slight reduction in the licence fee possible and would reduce unnecessary administrative burden whilst retaining adequate control for drivers. It was agreed that the amended process should be reviewed each year (or earlier if considered necessary).

In addition, the Committee agreed that the following condition should be attached to Hackney Carriage and Private Hire Drivers' Licences issued by the Council, to ensure that, in the interests of public safety, a person was a fit and proper person to hold a licence:-

'A DVLA 'Disclosure' mandate form supplied by the Licensing Authority must be completed and submitted (including the appropriate fee)

- (a) when an application for a new licence is made
- (b) when deemed necessary and
- (c) on each anniversary of the date of issue of a Crawley Borough Council Private Hire or Hackney Carriage Driver's Licence

Failure to comply with the above requirements will result in the refusal of a licence or suspension immediately’.

### **Medical checks**

The report proposed that all drivers should continue to undertake a three-yearly medical equivalent to a Category 2 Public Carrying Vehicle standard. However, it was agreed that, if this test was not undertaken by a medical examiner who was from their registered Medical Practice, then, in addition, there would be a requirement for the form to be countersigned and approved as accurate by their registered Medical Practice. Whilst they were sympathetic to the argument that this proposal might possibly lead to additional costs for drivers, the Committee was of the view that it was a necessary step, because only the driver’s own Medical Practice would have access to their medical records. The Committee stressed that, in making the decision, the protection of the public was the paramount consideration.

### **Dimension of rear seats**

To accommodate changes to the design of many multi person vehicles, it was also recommended that the current condition relating to the dimensions of rear seats in Hackney Carriages and Private Hire Vehicles be amended to read as follows:-

‘The rear edge of the back seat of the vehicle shall measure at least 48” or provide a minimum of 48” between each side of the vehicle when taking into account space available within the side recesses when carrying three passengers in the rear. Each vehicle will be dealt with on its own merits and shall be approved by the Head of Environmental Services prior to any licence being granted.’

### **RESOLVED**

That the proposals set out in this minute be approved.

## **18. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 8.40 p.m.

**J A SINGH**  
**Chair**