

Crawley Borough Council

Minutes of Licensing Committee

9 January 2014 at 7.30pm

Present:

Councillor B K Blake (Chair)

Councillors M L Ayling, N Boxall, B J Burgess V S Cumper, C R Eade,
C J Mullins and B J Quinn

Also in Attendance:

Mr Yemi Aderibigbe	Chair (Crawley Hackney Carriage Drivers Association)
Mr Mohammed Ijaz Khan	Objector and Hackney Carriage Driver

Officers Present:

Tony Baldock	Environmental Health Manager
Mez Matthews	Democratic Services Officer
Bill Nailen	Licensing Officer
Astrid Williams	Solicitor

Apologies for Absence:

Councillor D J Shreeves, K Trussell and W A Ward

10. Members' Disclosure of Interests

No disclosures of interests were made by Members.

11. Minutes

The minutes of the meeting of the Committee held on 12 November 2013 were approved as a correct record and signed by the Chair subject to an amendment to Minute 9 (Hackney Carriage Fares: 2013-2014). It was agreed that the penultimate sentence of the second paragraph on Page 7 be amended as follows: "It was suggested, and agreed by Mr Feasey, that the fares for Tariff 2 remain unchanged."

12. Hackney Carriage Fares Objection, 2013-2014

The Committee considered report PES/141 of the Head of Planning and Environmental Services, which was summarised by Mr Nailen as follows. On 12 November 2013 the Committee decided to vary the table of fares which could be charged in connection with the hire of hackney carriages within the Borough of Crawley. The report invited the Committee to consider the objections which had been received following publication of the public notice of the variation, and requested that the Committee set a further date for the variation to take effect with or without modification.

The Chair reminded those present that only those objectors whose submissions had been included in the report would be permitted to address the Committee. The Committee was informed that it should only take account of the information contained within the report and submissions made by relevant objectors when making a decision, and that the Committee must not allow the details contained within a recent press article to influence its decision. Once the Committee had heard the any submissions by objectors and asked questions, the Committee would decide whether to confirm or rescind the decision made on 12 November 2013.

Mr Khan, an objector, addressed the meeting and informed the Committee that his representation was cited in Paragraph 4.3 of the report. It came to light that, since the report had been published, a dispute had taken place between members of the Crawley Hackney Carriage Drivers Association (CHCDA) (on whose behalf the original fare increase request had been submitted) regarding the way in which the original ballot relating to a possible fare increase had taken place. Mr Khan stated that the original ballot had given two options (whether to increase fares or not) and that no detailed options for fare increases had been provided. He said that although a second ballot had taken place which gave detailed increase options, Mr Khan was of the opinion that second ballot was misleading and that the accompanying letter aimed to persuade members to vote for an increase. Mr Khan was of the view that there was no need for an increase in fares and that fares needed to remain static to ensure that hackney carriage fares were competitive compared to those of private hire firms. He informed the Committee that, in his opinion, an increase in fares would cause a loss of business to the hackney carriage trade.

Mr Khan confirmed that reference made to Tariff 4 within his objection related to vehicles carrying more than 4 passengers being entitled to charge Tariff 3 between midnight and 6am. Mr Khan was informed that was not defined as Tariff 4. Mr Khan referred to a petition which he said indicated that 80% of hackney carriage drivers opposed to a fare increase and offered to have the document brought to the meeting. The Chair said that as the petition was not contained within the report it could not be considered by the Committee.

A Committee member questioned Mr Khan as to whether he thought hackney carriage drivers could afford an increase in fares as the CHCDA representative at the last meeting had been assured the Committee that hackney carriage drivers wanted an increase. Mr Khan stated that, although fares would increase, profit would reduce as fewer people would use hackney carriages.

Several Committee members stated that it appeared to them that only a minority of hackney carriage drivers opposed a fare increase and that as the Committee considered fare proposals put forward by the CHCDA annually the Council should not cease to recognise the CDHCA's status.

Mr Aderibigbe addressed the meeting and informed the Committee that he was the new Chairman of the CHCDA and he spoke on the Association's behalf. Mr Aderibigbe informed the Committee that there were currently 122 hackney carriage drivers in the Borough, that of those 95-97 were members of the CHCDA and that Mr Khan was not a member of the CDHCA Committee. The Licensing Officer confirmed that the Borough had 180 licensed hackney carriage drivers and 122 licensed hackney carriage vehicles. Mr Aderibigbe concurred that although the original ballot had not provided specific options for fare increases, a second ballot was held and the majority of drivers had voted in favour of an increase but did not want the maximum increase. The Chair reminded those present that the Committee could not entertain any proposal for a fare increase other than the one agreed at the 12 November 2013 Committee meeting. In answer to a question from a Committee member Mr Aderibigbe confirmed that the CHCDA wished the Committee to confirm the fare increases as agreed at the 12 November 2013 meeting.

The Chair reminded the Committee that it had two options, to either confirm its decision of 12 November 2013, or to rescind that decision and request that a new proposal be brought to a future meeting of the Committee.

RESOLVED

In accordance with Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that it involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of Paragraph 5.

13. Hackney Carriage Fares Objection, 2013-2014

The Committee gave further consideration to the report and the submissions made by Mr Khan and Mr Aderibigbe.

Some members of the Committee were concerned that it appeared that the information on which it had based its decision in November 2013 was not accurate and was of the opinion that the Committee should rescind its original decision and request that a new proposal be submitted to the Committee. Other Committee members were of the view that the Committee should confirm its original decision as the issues raised were internal matters of dispute within the CHCDA which were not a matter for the Committee, and that they were of the view that the person from the CHCDA who addressed the last meeting did so on behalf of the members.

It was proposed that the Committee confirm its decision of 12 November 2013. At the request of Councillor B J Burgess, and in accordance with Council Procedure Rule 24.5(2)(a), the names of the Members voting for and against the proposal were recorded as set out below:-

For the proposal:

Councillors M L Ayling, B K Blake, N Boxall, C J Mullins and B J Quinn (5)

Against the proposal:

Councillors B J Burgess, V S Cumper and C R Eade (3)

Abstention:-

None

The proposal was therefore CARRIED, and it was

RESOLVED

That the variation to the table of fares as agreed at 12 November 2013 Committee be confirmed to take effect on 3 February 2014.

14. Re-admission of the Public

The Chair declared the meeting re-open for consideration of business in public session. Those present were informed that the concerns expressed at the meeting regarding the way in which the CHCDA had conducted the voting process was not a matter the Committee could take into account and that the Committee had considered the objections as set out in the report.

The Solicitor read out the Committee's decision as detailed in Minute 13 above.

15. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 8.45pm.

B K BLAKE
Chair