

# Crawley Borough Council

## Minutes of Licensing Committee 3 June 2015 at 7.30pm

### Present:

Councillor B J Quinn (Chair)

Councillor M L Ayling (Vice-Chair)

Councillors K L Jaggard, M G Jones, C C Lloyd, L S Marshall-Ascough,  
K McCarthy, B MeCrow, C A Moffatt, C J Mullins, D M Peck,  
R Sharma, J Stanley and K J Trussell

### Officers Present:

Tony Baldock	Environmental Health Manager
Kevin Carr	Legal Services Manager
Bill Nailen	Licensing Officer
Mez Matthews	Democratic Services Officer

### Also in Attendance:

Mr Yemi Aderibigbe	Secretary of the Hackney Carriage Association
Mr Martin Feasey	Advisor to the Hackney Carriage Association
Mr Shahzad Abbas Malik	Member of the Hackney Carriage Association

### Apology for Absence:

Councillor B J Burgess

### 1. Members' Disclosure of Interests

No disclosures of interests were made by Members.

### 2. New Licensing Members

The Chair welcomed new members to the first Committee meeting of the municipal year.

### 3. Minutes

The minutes of the meeting of the Committee held on 7 January 2015 were approved as a correct record and signed by the Chair.

#### 4. Licensing Sub Committee Minutes

The minutes of the following meeting of the Licensing Sub Committee were approved as a correct record and signed by the Member indicated below:-

Date	Sub Committee Minutes	Minutes signed by
29 April 2015	Application to review the Premises Licence – 'West Sussex Wines', 198 Ifield Drive, Ifield, Crawley.	Councillor M G Jones (Member of the Panel)

Councillor Stanley, Ward Member for Ifield, thanked the Sub Committee and officers for the professionalism and diligence they had shown during the Sub Committee proceedings. He also expressed his pleasure with the outcome of the Sub Committee meeting.

#### 5. Private Hire and Hackney Carriage Licensing Policy

The Committee considered report PES/187 of the Head of Economic and Environmental Services. The report proposed the introduction of a Private Hire and Hackney Carriage Licensing Policy to improve the Council's ability to regulate hackney carriages and private hire vehicles and their drivers in partnership with the local trade for the purposes of protecting public safety. The Policy would also assist the Council in implementing part of an action plan to improve air quality.

The Environmental Health Manager reminded those present that the report asked the Committee to consider the Policy with a view to providing comments to Cabinet. The Cabinet was due to consider the Policy at its July meeting, but the Policy would not come into force until it had been approved by Full Council in July. The Committee's attention was drawn to the fact that each application would be considered on its own merit, but where necessary and with reasons, the Council could depart from the Policy. It was also acknowledged that there would be a grace period for vehicles which did not meet the criteria outlined in the Policy.

The Committee was informed that the Policy had been subject to a 90 day consultation period, which included an advert in the press, a letter sent to all private hire and hackney carriage licence holders as well as a page on the Council's website. The Environmental Health Manager informed the Committee that 33 responses to the consultation had been received, including 16 from hackney carriage drivers and 11 from private hire drivers. The main areas of opposition to the Policy related to the removal of rear loading vehicles and the removal of vehicles over 10 years of age.

An all-Member seminar had been held to consider the responses to the consultation and, as a result, several areas of the Policy had been amended including an increase in the vehicle age limit from 10 years to 11 years. It was noted that the restrictions relating to rear loading vehicles would not affect currently licensed vehicles, but would affect new licence applications. The Environmental Health Manager proposed that Paragraph 23 of Appendix A (Hackney Carriage Vehicle Specification) of the Policy be revised to read as follows:

“The Council is fully committed to meeting the needs of the travelling public in Crawley including those who have a disability of any nature. In addition to the disability awareness training drivers shall be required to undertake, the number of hackney carriages licensed by the authority will contain a sufficient number of vehicles which are capable of carrying a wheel chair as determined by an unmet demand survey which shall include a section on this matter. The Council therefore reserves the right to increase or decrease the number of wheel chair assessable vehicles based on local need. The decision as to whether any vehicle that is submitted to the Council for the purposes of being licenced as a hackney carriage, shall be capable of carrying a wheel chair will be at the discretion of the Head of Economic and Environmental Services in conjunction with the Portfolio Holder for Licensing functions and be made with a reference to the local need at the time of the application”.

Mr Malik addressed the Committee as a hackney carriage proprietor and a member of the Hackney Carriage Association (HCA). He thanked the previous Chair of the Licensing Committee for his hard work and welcomed both the new Chair and Committee members. Firstly Mr Malik referred to an email which had been sent to all Committee members regarding the proposed Policy. Mr Malik wished to clarify that it had not been the intention to accuse anyone of illegal activity, but had been sent to both raise concerns regarding elements of the Policy and recent practices. He apologised on the HCA’s behalf for any offence which had been caused.

Mr Malik made the following comments:

- It had been proposed that a national policy would be introduced in relation to taxi licensing so, although in future local authorities would be responsible for enforcing such a policy, they would have no role in its development. It was therefore unnecessary and wasteful for the Council to introduce a local policy.
- Although the HCA had been consulted, it had been anticipated that the Association, as the main stakeholder, would have met face-to-face with officers to discuss the Policy.
- The HCA had engaged a legal representative who had advised that the removal of rear access vehicles would discriminate against electric wheel chair users.
- Currently there was a clear requirement for licensed vehicles to be under 10 years old. In recent years the Council had licensed vehicles older than 10 years which was a departure from the specified requirements.

Mr Feasey addressed the Committee as a hackney carriage proprietor and an advisor to the HCA and made the following comments:

- The legal advisor appointed by the HCA had advised that the Council was duty bound to provide an equal service to wheel chair users. Some wheel chairs were unable to access a side loading vehicle and transporters were unable to carry a power assisted wheel chair.
- A demonstration of wheel chair loading had been provided to the previous Chair, the Environmental Health Manager and the Licensing Officer.
- All side loading vehicles had been designed for a left-hand drive and so the wheel chair access was on the road side for the majority of taxi ranks. This was dangerous as the chair would block the road as it was loaded onto the vehicle.
- Whilst paragraph 4.2 of the report referred to “many other local authorities”, it was unclear how many local authorities had actually created a similar policy to the one proposed.
- Paragraph 4.3 of the report stated that the Policy “should not cause any major change to the current ways of working”. Mr Feasey stated that a driver’s only route of appeal in relation to any Policy breach made by the Council would be

via the High Court which was very expensive and would be unaffordable for the majority of drivers.

The Environmental Health Manager confirmed that any national policy would not affect hackney carriages and he reminded the Committee that paragraph 23 had been revised to take account of wheel chair accessibility. It was noted that the Town Access Group had not responded to the consultation. The Committee also noted that it would not be a blanket policy and that each case would be assessed on its own merit. It would be unfair to refuse a licence without a valid reason, but deviation from the Policy would only occur in exceptional circumstances. He advised that the overall financial impact to the Council and the majority of hackney carriage drivers would not be significant.

The Committee commended officers, and the previous Chair for producing a comprehensive policy. Disappointment was expressed that a significant number of hackney drivers were attending the Committee, however only 16 had responded to the consultation. The Committee discussed the Policy in detail and it was acknowledged that if adopted, the Policy would not be set in stone. The appendices could be amended, or new ones added should it become clear that revisions needed to be made.

Following discussion regarding the emissions of older vehicles, and whether a licence would not be granted if a vehicle did not meet the emission level requirements the Environmental Health Manager advised that newer vehicle engines were designed to be less polluting which was part of the reason for an age policy. It was confirmed that the hackney carriage compliance test, set by the Council, included an emission test relevant to the age of the vehicle being tested as per an MOT.

Following a question from the Committee in relation to paragraph 5.3.1 of Appendix L to the Policy, the Environmental Health Manager confirmed that it was very unlikely that a licence would be granted to an applicant who had ever been convicted of the offences outlined in paragraph 5.3 of the same appendix, however each application would be individually considered.

Several members of the Committee were of the opinion that the proposed vehicle age restriction was too low as modern cars had a longer life span and hackney carriages were usually maintained to a higher standard than private cars. However, other Committee members were of the view that the number of miles driven in a hackney carriage could not be compared with that of a privately owned car, and an 11 year old hackney carriage vehicle was significantly older in real terms.

The Committee was concerned that the Policy required all wheel chair accessible hackney carriages to load the chair from the side rather than the rear of the vehicle as hackney carriage drivers had suggested that power assisted wheel chairs could not be accommodated by a side loading vehicle. It was proposed that a suitable alternative for electric wheel chairs should be researched before that element of the Policy was introduced. It was agreed that the Environmental Health Manager would research the issue further before the July Cabinet meeting, so that Cabinet could consider the full facts, and make any necessary amendments to the Policy before it was recommended to Full Council.

The Committee supported the revision of Paragraph 23 of Appendix A to the Policy as suggested by the Environmental Health Manager.

**RESOLVED**

That the comments made by the Licensing Committee on the Private Hire and Hackney Carriage Licensing Policy be submitted to the Cabinet (Appendix 1 to these minutes).

**6. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 8.52pm.

**B J QUINN**  
**Chair**

**Comments from the Licensing Committee  
at its meeting on Monday 8 June 2015  
LDS/106**

**Private Hire and Hackney Carriage Licensing Policy**

1. Supported the revision of Paragraph 23 of Appendix A to the report to read as follows:  
  
“The Council is fully committed to meeting the needs of the travelling public in Crawley including those who have a disability of any nature. In addition to the disability awareness training drivers shall be required to undertake, the number of hackney carriages licensed by the authority will contain a sufficient number of vehicles which are capable of carrying a wheel chair as determined by an unmet demand survey which shall include a section on this matter. The Council therefore reserves the right to increase or decrease the number of wheel chair assessable vehicles based on local need. The decision as to whether any vehicle that is submitted to the Council for the purposes of being licenced as a hackney carriage, shall be capable of carrying a wheel chair will be at the discretion of the Head of Economic and Environmental Services in conjunction with the Portfolio Holder for Licensing functions and be made with a reference to the local need at the time of the application”.
2. Several members of the Committee were of the opinion that the proposed vehicle age restriction was too low as modern cars had a longer life span and hackney carriages were usually maintained to a higher standard than private cars. However, other Committee members were of the view that the number of miles driven in a hackney carriage could not be compared with that of a privately owned car, and an 11 year old hackney carriage vehicle was significantly older in real terms.
3. The Committee was concerned that the Policy required all wheel chair accessible hackney carriages to load the chair from the side rather than the rear of the vehicle as hackney carriage drivers had suggested that power assisted wheel chairs could not be accommodated by a side loading vehicle. It was proposed that a suitable alternative for electric wheel chairs should be researched before that element of the Policy was introduced. It was agreed that the Environmental Health Manager would research the issue further before the July Cabinet meeting, so that Cabinet could consider the full facts, and make any necessary amendments to the Policy before it was recommended to Full Council.