

Crawley Borough Council

Minutes of Licensing Committee 13 June 2016 at 7.30pm

Present:

Councillor M Pickett (Chair)

Councillor M L Ayling (Vice-Chair)

Councillors T G Belben, B J Burgess, R S Fiveash, K L Jaggard, M G Jones,
K McCarthy, B McCrow, C J Mullins, D M Peck, B J Quinn,
R Sharma, J Stanley and K J Trussell

Also in Attendance:

Councillor G Thomas

Officers Present:

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|-----------------|------------------------------|
| Tony Baldock | Environmental Health Manager |
| Mez Matthews | Democratic Services Officer |
| Astrid Williams | Solicitor |

1. Members' Disclosure of Interests

No disclosures of interests were made by Members.

2. Minutes

The minutes of the meeting of the Committee held on [12 January 2016](#) were approved as a correct record and signed by the Chair.

3. Hackney Carriage and Private Hire Licensing Policy Additions

The Committee considered report [PES/201](#) of the Head of Economic and Environmental Services which requested that the Committee consider authorising officers to consult on a proposed update to the Council's Hackney Carriage and Private Hire Vehicles Licensing Policy (Policy) being the addition of both a Penalty Point Scheme (Scheme) and a Code of Good Conduct (Code).

The Committee considered the report, the proposed Scheme and the proposed Code in detail. Following the discussion and in response to some queries raised about the draft proposed Policy additions, the Environmental Health Manager advised the Committee that:

- The maximum number of points incurred for each offence/breach identified in the proposed Scheme had been measured against those of several other local authorities. However, having heard comments from Members he agreed there appeared to be some inconsistencies in the number of points incurred for offences of a similar nature (eg offence 8 and offence 23), and that some other offences required an increase/decrease in the number of maximum penalty points issued to reflect the severity of the offence/breach (eg offence 6). As a result, in those cases the maximum number of points would be reconsidered and amended in the consultation draft where necessary.
- The asterisk beside offence/breach 26 identified that the offence related to the proposed Code. An amendment would be made to the proposed Scheme to clarify the meaning of the asterisk.
- With reference to offence/breach 26 of the proposed Scheme and paragraph 5(h) of the proposed Code, it was acknowledged that there could be exceptional circumstances when it would be necessary for a driver to consume food in the presence of a customer (eg medical reasons). An amendment to the consultation draft would be considered to take that into account.
- Consideration would be given to amending offence/breach 18 in the consultation draft to include a requirement that fire extinguishers carried in a licensed vehicle had a certificate of compliance.
- Consideration would be given to including “stopping on single yellow lines” under offence/breach 47 in the consultation draft, although he noted that enforcement of such an offence may be difficult.
- For clarification, paragraph 5(f) of the proposed Code would be amended in the consultation draft to remove the word “legal” and replace it with “prescribed medication”. Consideration would also be given to include guidance on seeking medical advice before driving.
- Littering was an Environmental Health offence. Consideration would be given to whether such an offence should be included in the consultation draft of the proposed Scheme.
- The Council's current Policy required that drivers carry a first aid kit. However, consideration would be given to whether the failure to carry a first aid kit should be included in the consultation draft of the Scheme.
- The requirement that all licence holders drive in accordance with their driver's licence would be considered for inclusion in the consultation draft under Paragraph 1 of the Code.
- To ensure fairness, paragraph 1.5 of the consultation draft of the Scheme would be amended to state that the Environmental Health Manager would have the discretion to award a greater or fewer number of points than displayed on the tariff, if an appeal was upheld.

RESOLVED

1. That the Licensing Team be given permission to consult on the proposal to introduce a Penalty Point Scheme and Code of Conduct for drivers of licensed vehicles as set out in paragraph 2.1 of report [PES/201](#) and as detailed in Appendix A of the same report, including any amendments to the draft Policy made by officers to incorporate any clarifications suggested above by the Committee,
2. That at the conclusion of the consultation that the matter be returned to the Licensing Committee to consider any responses to the consultation, and then to recommend to Full Council to consider adopting appendices (m) and (n), including any amendments made following the consultation process.

4. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 8.12pm.

M PICKETT
Chair