

# Crawley Borough Council

## Minutes of Licensing Committee 2 November 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 MeCrow, C J Mullins, D M Peck, B J Quinn,  
R Sharma and J Stanley.

### Officers Present:

Tony Baldock	Environmental Health Manager
Roger Brownings	Democratic Services Officer
Bill Nailen	Licensing Officer
Clem Smith	Head of Economic and Environmental Services.
Astrid Williams	Senior Lawyer

### Apology for Absence:

Councillor K J Trussell

### 5. Members' Disclosure of Interests

No disclosures of interests were made by Members.

### 6. Minutes

The minutes of the meeting of the Committee held on [13 June 2016](#) were approved as a correct record and signed by the Chair.

### 7. Hackney Carriage and Private Hire Licensing Policy Revisions Post Consultation

The Committee considered report [PES/225](#) of the Head of Economic and Environmental Services, the purpose of which was to consider the consultation responses in relation to the proposed addition of a Penalty Points Scheme (Scheme) and a Driver Code of Conduct (Code) to the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy (Policy). The Committee had agreed to the undertaking of the consultation at its meeting on 13 June 2016.

The report was introduced by the Environmental Health Manager who confirmed that before the consultation process commenced, minor amendments had been made to the draft Scheme and Code to incorporate clarifications sought by Members at the meeting on 13 June 2016. He also noted that it had been realised after the conclusion of the consultation process that one of the consultation questions relating to the draft Scheme incorrectly referred to a period of 2 years (in relation to the accumulation of penalty points) rather than 12 months (which was the actual proposal in the draft Scheme).

In welcoming the proposals generally, Members sought and received clarification on a number of issues raised, including matters already covered by existing legislation, whilst in response to a Member's suggestion that offences / breaches within the Points Scheme could be categorised as, say, driver specific and vehicle specific, the Environmental Health Manager suggested that this could be considered further. A question was also asked by a Member about whether the proposed 12 month period for points accumulation in the draft Points Scheme (para 1.2) was to be a rolling 12 months or a calendar year. In response, the Environmental Health Manager advised that it would be a rolling 12 months. It was felt that the proposed addition of the Scheme and Code would be reasonable, proportionate and an appropriate method of providing the Council with a range of enforcement options, as well as a mechanism to set and maintain a high standard of professionalism by the respective trade proprietors, operators, drivers and vehicles licensed by the Council.

The Committee was advised that the Equality Impact Assessment that was carried out in respect of the introduction of the original Policy in 2014 was currently in the process of being updated, with the intention that the finalised Assessment would be available as additional material for consideration by the Full Council.

## **RESOLVED**

That having considered the responses received to the consultation process, it is recommended that Full Council amend the Hackney Carriage and Private Hire Vehicle Licensing Policy as follows:-

- (i) To add both a Penalty Points Scheme and a Driver Code of Conduct as set out in Appendix A to report PES/225; and
- (ii) To delegate jointly to the Chair of Licensing and the Environmental Health Manager (or the Head of Economic and Environmental Services) the authority to make minor revisions to the Hackney Carriage and Private Hire Vehicle Licensing Policy.

*NOTE by Head of Legal and Democratic Services.*

*The Equality Impact Assessment for the Hackney Carriage and Private Hire Licensing Policy, as finalised, post consultation, has been included as Appendix A to these Minutes*

## **8. Closure of Meeting**

The meeting ended at 8.02 pm.

M PICKETT  
Chair

**EQUALITY IMPACT ASSESSMENT**

<b>Name of activity:</b>	<b>Licensing Hackney Carriages and Private Hire Vehicles</b>	<b>Date Completed:</b>	<b>14/01/2017</b>		
<b>Directorate / Division responsible for activity:</b>	<b>Economic and Environmental Services</b>	<b>Lead Officer:</b>	<b>Tony Baldock</b>		
<b>Existing Activity</b>	<b>X</b>	<b>New / Proposed Activity</b>		<b>Changing / Updated Activity</b>	<b>X</b>

**What are the aims / main purposes of the activity? (Why is it needed? What are the main intended outcomes?)**

How will this support our commitment to promote equality and meet our legal responsibilities?

Reminder of our legal duties:

- Eliminating unlawful discrimination & harassment
- Promoting equality of opportunity
- Promoting good relations between people from different groups
- Promoting positive attitudes towards disabled people and taking account of someone’s disability, even where that involves treating them more favourably than other people
- Involving people, particularly disabled people, in public life and decision making

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other forms of public transport are not available in rural areas and for those with mobility difficulties. The council recognises it is important that hackney carriage and private hire licensing powers are used appropriately to ensure that licensed vehicles of the council are safe, comfortable, properly insured and available where and when required.

The Hackney Carriage and Private Hire Vehicle Policy will help the Council as follows.

- To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who require them
- To ensure that all licensed drivers and private hire operators are fit and proper persons
- To provide clarity for licensees with respect to the Council’s requirements and the decision making process

- To promote a professional and respected hackney carriage and private hire trade. These objectives will be taken into account by the Council when making decisions.
- Setting the standards for the licensing of drivers, vehicles and operators
- The licensing and routine inspections of vehicles, with appropriate follow up action
- Routine inspection of insurance policies, with appropriate follow up action
- The assessment of applicants to ensure they are 'fit and proper' persons and thereby entitled to hold a licence. This may include consideration of the persons medical suitability, criminal record (if any), driving standards and knowledge of the relevant law and locations in Crawley.
- Investigation of complaints with appropriate follow up action
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees
- Taking enforcement and / or disciplinary action including prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions

When considering applications and taking enforcement action the Council as the Licensing Authority will have regard to Crawley Borough Council's Enforcement Policy.

The Hackney Carriage and Private Hire Licensing Policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing and also in accordance with relevant government guidance.

In formulating this policy the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, Human Rights Act 1998, Crime and Disorder Act 1998, and the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 and the Equality Act 2010.

#### Definitions:

- Hackney carriage (more commonly known as a taxi or cab) - is a public transport vehicle for no more than eight passengers which is licensed to 'ply for hire'. This means it can stand at ranks or hailed / flagged down by members of the public. Fares are regulated by the council and must be displayed on a meter fitted in the vehicle.
- Private hire vehicle - is a public transport vehicle for no more than eight passengers but must be 'pre-booked' in advance through an

operator and cannot 'ply for hire'. Fares for private hire vehicles are not regulated by the council - the cost of a journey will normally be based on a rate per mile or should be agreed with the company before the journey.

Crawley Borough Council didn't have a licensing policy and are responsible for Hackney Carriage and Private Hire Licensing in the Borough of Crawley. After consultation with interested parties including members of the hackney carriage and private hire licensing trade, the council adopted a Hackney Carriage and Private Hire Licensing Policy, which came into effect in part September 2015 and fully in April 2016

The policy is designed to be living document and will be amended and updated on a regular basis. A review of the EIA has therefore been undertaken to take account of 2 new proposed additions to the existant policy brining into effect a penalty points scheme and a code of conduct for drivers.

#### **What are the main actions and processes involved?**

The licensing and regulation of the hackney carriage and private hire trade.

The legislation, guidance and policy are for the benefit of all taxi licence applications that meet the statutory and policy criteria. The licensing authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. The only reasons for rejecting an application stem from the statutory and policy requirements of the application process. The only objections that may be considered by the licensing authority that may lead to a decision not to grant a licence relate exclusively to aspects associated with the applicant being a fit and proper person in law. Due to the complexities surrounding hackney carriage and Private Hire policy it was nevertheless decided to proceed to a full assessment.

#### **Who is intended to benefit & who are the main stakeholders? (e.g. tenants, residents, customers or staff. How will they benefit?)**

A full consultation on the updates to policy has been undertaken with the trade. The Council has also taken into account the views of the following when preparing this policy and the amendments:

Service users  
Current licence holders

Elected members of the Council  
Sussex Police  
Local businesses and their representatives (trade associations)  
Residents and their representative bodies  
Local transport providers  
Disability Groups including Crawley Town Access Group

A full list of those consulted in preparing this Policy is available from the Licensing Section.

**Have you already consulted on / researched the activity?** (What consultation has taken place & what were the key findings?  
What evidence already exists? Are there any gaps that need further investigation? What still needs to be done?)

Crawley Borough Council consulted extensively in 2016 and conducted an initial EIA in connection with the Policy for the Licensing of Hackney Carriage and Private Hire Licensing in the Borough of Crawley. After consultation with interested parties including members of the hackney carriage and private hire licensing trade, the council adopted a Hackney Carriage and Private Hire Licensing Policy, which came into effect partially in September 2015 and fully in April 2016

The Hackney Carriage and Private Hire Licensing Policy was created to allow for transparency and guidance for the trade and the Council. This policy applies throughout the administrative area of Crawley Borough Council from the dates of adoption and overrides and supersedes any existing policy in relation to hackney carriage and private hire licensing in respect of applications, renewals, transfers and other areas connected to the following licences types:

- Private Hire Vehicle
- Hackney Carriage Vehicle
- Private Hire Operator
- Hackney Carriage Driver
- Private Hire Driver

In 2016 the Council consulted with all relevant stakeholders to gain their views on plans to amend the existing policy to add a penalty points scheme and a code of conduct. The consultation revealed a high level of support and approval from the general public and representatives of the taxi trade were also supportive of the scheme.

<b>Impact on people with a protected characteristic</b> (What is the potential impact of the activity? Are the impacts high, medium or low?)		
<b>Protected characteristics / groups</b>	<b>Is there an impact (Yes / No)</b>	<b>If Yes, what is it and identify whether it is positive or negative</b>
<b>Age</b> (older / younger people, children)	<u>Yes</u> / No	<u>Positive Impact</u> ✓  <u>Negative Impact</u>
<b>Disability</b> (people with physical / sensory impairment or mental disability)	<u>Yes</u> / No	<u>Positive Impact</u> ✓  <u>Negative Impact</u>
<b>Gender reassignment</b> (the process of transitioning from one gender to another.)	Yes / <u>No</u>	<u>Positive Impact</u>  <u>Negative Impact</u>
<b>Marriage &amp; civil partnership</b> (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognised for same-sex couples)	Yes / <u>No</u>	<u>Positive Impact</u>  <u>Negative Impact</u>

<b>Pregnancy &amp; maternity</b> (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	Yes / <u>No</u>	<u>Positive Impact</u>  <u>Negative Impact</u>
<b>Race</b> (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	<u>Yes</u> / No	<u>Positive Impact</u> ✓  <u>Negative Impact</u>
<b>Religion &amp; belief</b> (religious faith or other group with a recognised belief system)	<u>Yes</u> / No	<u>Positive Impact</u> ✓  <u>Negative Impact</u>
<b>Sex</b> (male / female)	<u>Yes</u> / No	<u>Positive Impact</u> ✓  <u>Negative Impact</u>
<b>Sexual orientation</b> (lesbian, gay, bisexual, heterosexual)	Yes / <u>No</u>	<u>Positive Impact</u>  <u>Negative Impact</u>
Whilst <b>Socio economic</b> disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	Yes / <u>No</u>	<u>Positive Impact</u>  <u>Negative Impact</u>



**What evidence has been used to assess the likely impacts?** (e.g. demographic profiles, research reports, academic research, benchmarking reports, consultation activities, staff surveys, customer surveys, public surveys, complaints, grievances, disciplinary cases, employment tribunal cases, ombudsman cases, media reports)

No overall impacts have been identified across the equality strands.

The policy applies to all regardless of gender, age, disability, religious belief, race or ethnic minority or sexual orientation. However there are implications for the following strands but these have been explained and addressed within the policy and the full impact assessment.

- Gender
  - Gender of applicants is not considered a barrier to the issuing of taxi licenses and Crawley Borough Council.
- Age
  - Age restrictions are included in applications for taxi drivers however these follow national guidelines. All members of the community can use taxis and no one should be refused.
- Disability
  - It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment to be able to transport passengers in wheelchairs at all times. The Council also requires all licensed drivers to undergo disability training as a part of the licence requirements. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).
- Race/Ethnicity
  - Applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy and will be required to pass the Council's knowledge and locality test. (as will all applicants)
- Sex (Male/Female)
  - There is a national shortage of licensed female drivers, The Council will seek to work with the local trade to increase the numbers of lady drivers in Crawley.

**What resource implications are there to deliver actions from this EIA?** (Quantify: people, time, budget, etc.)

There are no identified additional resources arising from the EIA

Outcome following initial assessment		
Does the activity have a <b>positive</b> impact on any of the protected groups or contribute to promoting equality, equal opportunities and improving relations within target groups?	<u>Yes</u> / No	If yes, record the evidence below. If no STOP and re-examine the activity. <ul style="list-style-type: none"> <li>• Provision of wheel chair accessible vehicles</li> <li>• Large scale print for service users</li> <li>• Increase in lady drivers</li> </ul>
Does the activity have a <b>negative impact</b> on any of the protected groups, i.e. disadvantage them in any way.	Yes / <u>No</u>	If yes, identify necessary changes and record appropriate actions below. If no, record the evidence and assessment is complete.

Decision following initial assessment			
<b>Continue with existing or introduce new / planned activity</b>	<u>Yes</u> / No	<b>Amend activity based on identified actions</b>	Yes / <u>No</u>

<b>Action Plan</b> (Has the EIA identified any positive or negative impact on any of the protected groups which requires action? E.g. adjustments to the approach or documents, changes to terminology, broadening parameters of policy, etc. If so record any actions to be undertaken and monitored)			
Impact identified	Action required	Lead Officer	Deadline
<ul style="list-style-type: none"> <li>• Age</li> </ul>	No negative impact identified on issuing of taxi licenses Age restrictions are included in applications for taxi drivers however these follow national advice (The House of Commons Transport Select Committee on taxis and private hire vehicles recommended in February 1995 that taxi licence applicants should pass a medical examination before a licence could be granted) and Guidelines: "Fitness to Drive: A Guide for Health Professionals"	Senior Licensing Officer	Ongoing

	<p>published on behalf of the Department by The Royal Society of Medicine Press Limited (RSM) in 2006.</p> <p>Following the receipt of a complete application the council will issue a driver's licence to an applicant provided he or she has held a full driving licence for at least 12 months and is considered to be a fit and proper person</p> <p>When renewing a license applicants are expected to produce a valid medical certificate:</p> <ul style="list-style-type: none"><li>• Upon first application</li><li>• Upon reasonable request</li><li>• Every three years</li><li>• On their 60 birthday and then annually</li></ul> <p>When approving applications the council will consider, amongst other things: the applicant's relevant skills, knowledge, experience, qualification, medical fitness, criminal record and previous history as a licence holder in accordance with Appendix 1 and Appendix 2. This is in accordance with the Local Government Miscellaneous Provisions Act 1982 and current best practice advice "</p> <p>It is recommended that the group 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by local authorities to taxi drivers.</p> <p>No negative impact identified for taxi users.</p>		
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	<p>There is no age restriction on passengers however their differing needs will need to be considered. For example older people may need assistance in both accessing the taxi and reading and understanding the tariff whilst for the safety of younger people, child locks will be used and children will not be carried as front seat passengers.</p>		
<ul style="list-style-type: none"> <li>Disability</li> </ul>	<p>It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment to be able to transport passengers in wheelchairs at all times. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).</p> <p>New legislation contained in the Equalities Act 2010 reinforces access for disabled people and regulates the specification of vehicles used as taxis to ensure that it is possible for disabled persons:</p> <ul style="list-style-type: none"> <li>to get into and out of taxis in safety;</li> <li>to do so while in wheelchairs;</li> <li>to travel in taxis in safety and reasonable comfort;</li> <li>to do so while in wheelchairs</li> </ul> <p>It also states in the Policy that licensed drivers are under a duty to carry a passenger's guide, hearing and other prescribed assistance dog in their vehicles without additional charge.</p> <p>To encourage best practice the Licensing team will consider preparing a database of disabled access taxis to be made</p>	<p>Senior Licensing Officer</p>	<p>Ongoing</p>

	<p>available upon request. However will not promote or recommend any one driver above another.</p> <p>They are also considering creating an 'excellence rating for taxi drivers' to be published on the website.</p>		
<ul style="list-style-type: none"> <li>Sex</li> </ul>	<p>No negative impacts identified Gender of applicants is not considered a barrier to the issuing of taxi licenses and Crawley Borough Council is aware of the need for fair and equal employment opportunities, however numbers of female taxi drivers is still low but this is a national trend. Safety, lone working and traveling at night for both female drivers and female passengers have been identified as an issue. Some female passengers request female drivers and taxi companies do accommodate this demand.</p> <p>Licensing team have access to details of female drivers and can make this available to customers. Licensing team to consider preparing database of female drivers to be made available upon request. However will not promote or recommend any one driver above another</p>	<p>Senior Licensing Officer</p>	<p>April 2017</p>
<ul style="list-style-type: none"> <li>Race/Ethnicity</li> </ul>	<p>No negative impact identified</p> <p>All applicants need a DBS check and applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy. The council requires all such applicants who have resided in the country for less than five years to obtain a DBS or equivalent and a Certificate of Good Conduct from their relevant Embassy or Consulate, at the applicant's</p>	<p>Senior Licensing Officer</p>	<p>Ongoing</p>

	<p>expense, authenticated, translated and sealed by the Embassy or Consulate. Additional information will be considered as appropriate. The applicant will be required to pass the Council's knowledge and locality test.</p> <p>Applicants who request additional help and advice with reading and writing are guided by members of staff; this includes help understanding the policy, procedures, completion of application forms and relevant documentation but not the actual test itself. Every applicant is treated equally and must complete this test themselves. If an applicant fails the test they are allowed to re-sit at a reduced fee and the number of re-sits is not limited.</p>		
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<b>Monitoring &amp; Review</b>	
<b>Date of last review or Impact Assessment:</b>	January 2017
<b>Date of next 12 month review:</b>	January 2018
<b>Date of next 3 year Impact Assessment (from the date of this EIA):</b>	January 2020

<b>Date EIA completed:</b>	January 2017
<b>Signed by Person Completing:</b>	<i>afh Inlbeck</i>
<b>Date Sent to HR and Equalities Team:</b>	.....

<b>Approved by Head of Service:</b>	.....
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NB – The original signed hard copy & an electronic copy should be kept within your Department for audit purposes. Send an electronic copy to the OD Officer in HR & Development. Also, please complete the summary document overleaf. This will be included on the Council's website.

The EIA Toolkit provides guidance on completing EIAs & HR&D can provide further advice.



## Crawley Borough Council Equality Impact Assessment

Completed Equality Impact Assessment	Key findings	Future actions
<p><b>Directorate / Division:</b> Economic and Environmental</p> <p><b>Function or policy name:</b> Licensing Taxis</p> <p><b>Officer completing assessment (Job title):</b>  Environmental Health Manager</p> <p><b>Date of assessment:</b>  January 2017</p>	<p>Positive impacts of following protected groups</p> <p>Age Disability Sex Race/Ethnicity</p>	<p>Proactive encourage for female drivers</p>