

Crawley Borough Council

Licensing Committee

Agenda for the **Licensing Committee** which will be held in **Committee Room A & B - Town Hall**, on **11 June 2018 at 7.30 pm**

Nightline Telephone No. 07881 500 227



Head of Legal and Democratic Services

Membership:
Councillors

M W Pickett (Chair), M L Ayling (Vice-Chair), T G Belben, N J Boxall, B J Burgess, R S Fiveash, K L Jaggard, M G Jones, K McCarthy, C J Mullins, D M Peck, C Portal Castro, B J Quinn, R Sharma and J Tarrant

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The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, Councillors of the Council are reminded that it is a requirement to declare interests where appropriate.	
3. Minutes	3 - 4
To approve as a correct record the minutes of the Licensing Committee held on 30 October 2017.	
4. Review of Hackney Carriage and Private Hire Vehicle Livery Requirements	5 - 8
To consider report PES/296 of the Head of Economic and Environmental Services.	
5. Supplemental Agenda	
Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	

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Crawley Borough Council Minutes of Licensing Committee

30 October 2017 at 7.30 pm

Councillors Present:

R S Fiveash (Chair)

M L Ayling (Vice-Chair)

T G Belben, N J Boxall, B J Burgess, K L Jaggard, M G Jones, K McCarthy, C J Mullins,
D M Peck, C Portal Castro, B J Quinn, R Sharma and J Tarrant

Officers Present:

Tony Baldock	Environmental Health Manager
Roger Brownings	Democratic Services Officer
Kevin Carr	Legal Services Manager

Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 11 September 2017 were approved as a correct record and signed by the Chair.

3. Proposed Charging Scheme for Food Safety Inspections Linked to National Food Hygiene Rating Scheme

The Committee considered report PES/258 of the Head of Economic and Environmental Services. The purpose of the report was to consider charging food businesses in Crawley for visits to rescore food safety, made under the national Food Hygiene Rating Scheme (FHRS).

The Committee discussed the report in detail, and in response to issues raised the Environmental Health Manger:

- Confirmed that the intended charge of £145 was subject to the Council's Corporate Fees and Charges Policy, and had been calculated to ensure that costs were fully recovered.
- Advised that the proposed charge was based on research and the experience locally by Brighton and Hove City Council as part of a national pilot project to charge for such re-inspections.

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- Emphasised that the adoption of a charging scheme would enable Environmental Health Officers to assist local food businesses to improve much quicker. The scheme was intended to prevent delays or restrictions to food business operators requesting revisits until the next routine visit, which currently might be up to 24 months in some instances.
- Indicated that there was sufficient capacity within the service to undertake this work.
- Commented that feedback received from the Brighton and Hove City Council scheme was positive, with businesses being very supportive.
- Confirmed that subject to the Committee's approval of the proposed scheme, the introduction of the scheme would be advertised.
- Advised that it was not mandatory for businesses to display the food hygiene rating that they received.

With Members seeking and receiving clarification on a number of further issues raised, the Committee indicated its support for the report's proposals.

RESOLVED

That the introduction of a flat rate charge for rescoring FHRS visits requested by food businesses be agreed.

Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 7.51 pm

R S FIVEASH
Chair

Crawley Borough Council

Report to Licensing Committee

11th June 2018

Review of Hackney Carriage and Private Hire Vehicle Livery Requirements

Report of the Head of Economic and Environmental Services **PES 296**

1. Purpose

- 1.1 The purpose of this report is to appraise the Licensing Committee of a request from the local Hackney Carriage and Private Hire Trade to review the Council's current licensing policy concerning vehicle livery requirements especially the use of magnetic signs, and to seek the agreement of the Committee to undertake a consultation exercise on a potential change to existing policy.

2. Recommendations

- 2.1 To request that the Licensing Committee note the contents of this report and agree to the Licensing Team undertaking a consultation process on a possible amendment to the Council's policy to allow the use of magnetic signs on hackney carriages and private hire vehicles.

3. Reasons for the Recommendations

- 3.1 The Council should look to ensure the signage for licensed vehicles is both proportionate and risk-based in promoting public safety but avoiding onerous requirements to those providing the service based on available evidence.
- 3.2 A change of this nature to the current licensing regime concerning door signage is considered to be of a major nature and the extant policy concerning Private Hire and Hackney Carriages would need to be amended. The possibility of a change to policy should therefore be subject to a consultation process to allow stakeholders and the public to express their views which can then be taken into account before a decision is made.

4. Background

- 4.1 The Licensing Committee adopted the recommendations of the report by the then Head of Environmental Services ES/46 on 9th September 2002. The said recommendations laid down requirements for standardised roof signs and door signs for private hire vehicles and hackney carriages.

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- 4.2 The current licensing conditions imposed by the Council concerning private hire and hackney carriage vehicles does not allow the use of temporary signs such as magnetic door stickers. The rationale for this policy is aimed at ensuring public safety to ensure that all licensed vehicles display proper livery at all times as once they are licensed they must only be driven by a licensed driver and to make enforcement easier for regulatory purposes. Permanent signage also prevents the risk that removable signage might be stolen and affixed to a non-licensed vehicle.
- 4.3 The current policy allows for exemptions if certain criteria are met in regards to the type of work undertaken such as high class chauffeuring or exclusive limousine type provision. Private hire vehicles licensed to work from Gatwick Airport also do not have door signs or roof top boxes as the Council's policy was challenged by the Gatwick Airport Drivers Association in 2002 and the Court upheld their appeal as it was considered the vehicles operating at this location were not undertaking local work.
- 4.4 Aside from that mentioned 4.3, the conditions attached to private hire and hackney carriage vehicle licences regarding the livery requirements have remained unchanged since 2002, and the livery policy was included in the Council's Private Hire and Hackney Carriage Licensing Policy when it was adopted in 2015.
- 4.5 In April 2018 a large number of private hire vehicles and a lesser number of hackney carriages were broken into, and representatives from both trades requested a meeting with the Portfolio Holder and the Leader of the Council to ask for their help in resolving the problem. The responsibility for the criminal elements of the matter belongs to the police who attended the said meeting also. However, it was agreed at this time the requirements relating to door signage in particular would be reviewed as licensed vehicles may be vulnerable to crime being they may be easy to identify.
- 4.6 The police made a number of arrests following the meeting on the 18th April 2018 and the crime spree concerning licensed vehicles subsequently ceased.
- 4.7 Roof top boxes are magnetically attached for both private hire and hackney carriage vehicles excepting purpose-built vehicles which have interior designs as it would be difficult to secure them without damaging the vehicle. It has been custom and practice to allow licensed drivers to remove roof top boxes when the vehicle is parked and not being used. An allowance has also been made for licensed drivers to cover doors signs with coloured coded magnetic patches when the vehicle is parked to aid in improving security preventing the vehicle being easily identifiable as a private hire or hackney carriage vehicle.

5. Description of Issue to be resolved

- 5.1 A recent spate of crime has affected a large number of licensed vehicles in Crawley. Due to this fact it is considered timely to review the requirements for identifying licensed vehicles to explore if alternative signage provision could improve vehicle security when such vehicles are not working. Conducting a consultation exercise is the first step in reviewing the policy.

6. Information & Analysis Supporting Recommendation

- 6.1 There is anecdotal evidence that licensed vehicles may be targeted because money may be left in them overnight. The recent high levels of crime concerning vehicle break ins appears to be an isolated event although a large number of vehicles were damaged.

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- 6.2 Some pragmatic flexibility has already been allowed in regards to removing roof top boxes and covering door signs whilst licensed vehicles are not working. Some drivers were not aware of this concession at the time of break-ins.
- 6.3 Whilst magnetic door signs could be used in place of permanent door stickers licensed vehicles would still need to have a valid licence plate. The Licensing Team have been using stick on plates in cooperation with the trade but this is a permanent fixing in essence and more in keeping with the current regime for door signs as opposed to removable livery therefore. The fixing of the licensing plate is considered a very important safeguard and it would not be appropriate to use a magnetic solution for this purpose.
- 6.4 As outlined above once a vehicle is licensed it must only be driven by a licensed driver and remains a licensed vehicle at all times. It would therefore be a requirement for the vehicle to display signs at all times whilst working or being driven. The driver would therefore need to attach signs at the beginning and end of their working day which could be observed.

7. Implications

- 7.1 There are no foreseen financial or staffing risks.

8. Background Papers

Report of Head of Environmental Services **ES/46** 9th September 2002
Minutes Licensing Committee 9th September 2002
[CBC Private Hire Vehicle and Hackney Carriage Licensing Policy](#)

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