

Crawley Borough Council

Minutes of Licensing Committee

Monday, 10 June 2019 at 7.30 pm

Councillors Present:

M G Jones (Chair)

M L Ayling (Vice-Chair)

T G Belben, B J Burgess, M Flack, J Hart, K L Jaggard, K McCarthy, J Millar-Smith, C J Mullins, D M Peck, C J Petts, R Sharma, B A Smith and K Sudan

Also in Attendance:

Councillor A Belben

Officers Present:

Tony Baldock	Environmental Health and Licensing Manager
Kareen Plympton	Health, Safety and Licensing Team Leader
Astrid Williams	Senior Lawyer (Solicitor)
Chris Pedlow	Democratic Services Manager

1. Disclosures of Interest

No disclosures of interests were made.

All Councillors of the Committee confirmed that they had received some form(s) of lobbying in respect of Agenda item 5 Public Consultation Findings Hackney Carriage and Private Hire Vehicle Livery.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 5 November 2018, approved as a correct record and signed by the Chair.

3. Licensing Sub Committee Minutes

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

Date	Sub Committee Minutes	Minutes signed by
7 November 2018	Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley	Councillor Mullins (Chair of the Panel)
12 February 2019	Application to Vary the 'Club Premises Certificate' - Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley	Councillor Jaggard (Chair of the Panel)

4. Public Consultation Findings Hackney Carriage and Private Hire Vehicle Livery

The Licensing Committee considered report [HCS/13](#) by the Head of Community Services. The Committee was guided through each paragraph of the report by the Environmental Health and Licensing Manager, which detailed the results of a consultation exercise conducted in connection with a request from the Trade for a change to the Council's policy to allow the use of temporary (magnetic) livery signs. The Committee was asked to consider whether to amend the current vehicle livery conditions that required permanent signage.

The Committee then received a presentation by Ralph Sutcliffe from The Survey Initiative, on the recent taxi licensing consultation 'Have your say on Taxi Vehicle Signage' survey 2018. A copy of the full presentation is attached to these minutes as Appendix A. It was noted that there had been 355 responses returned with the responses being split into two categories: either from Hackney Carriage Drivers and Private Hire Drivers (Trade) or the general public, which included stakeholders (public). From the Trade, the response rate was 25% with 233 out of 937 responding to a paper questionnaire mailed to their home addresses. There were 111 public responses, including 11 responses from stakeholders, via the Council's website.

It was explained that the survey's findings showed there appeared to be directly opposite views by the Trade compared to the views of the general public on the matter of permanent signage compared to removable signage, with great support from the Trade for removable signage and great support from the public for permanent signage. This included the response on the question '*I would be confident that I was entering a genuine, licensed taxi if it was fitted with permanent signage*' with the Trade response being 32% compared to the public's 95%, and on the related question of '*I would be confident that I was entering a genuine, licensed taxi if it was fitted with removable signage*' the Trade view was 88% compared to the public's 24%.

The Committee was also informed that in response to the question '*Members of the public would use taxis less often if they were fitted with removable signage*' 79% of the public responded 'yes' compared to the Trade's response of 17%.

Following the presentation, the Chair of the Licensing Committee invited a representative from both the Trade organisations, the Crawley Hackney Carriage Association (CHCA) and the Private Hire Association (PHA) as well as an officer from Sussex Police to speak to the Committee on the findings of the survey and more generally on the permanent versus removable signage livery.

Mr Ellington, spoke on behalf Crawley Hackney Carriage Association. The views he expressed included:

- In Crawley, all the 123 hackney carriages (HC) and many hundreds of private hire vehicles all used magnetic roof signs and those roof signs did not routinely get stolen or taken from their vehicles.
- There was a licensed hire firm in Crawley that used magnetic doors signs, and had done so for a number of years, without any punishment from the Licensing Authority.
- Another taxi firm used magnetic door signs placed on the rear car doors to advertise their company along with the required fixed sign.
- On the survey, when referring to safeguarding which was paramount, he wanted to provide assurance to those who had raised this point, the signs would be magnetic and not removable.
- There was an issue within the town with cross-border hiring with firms using drivers from outside the area. They did not have to comply with this Council's policies i.e. door signs, roof signs or fixed plates. This could be very confusing to the public which was why it was imperative that taxis were identifiable, when they were working at all times.
- For CHCA as a trade, it was important for them, within their trade to be identifiable by the general public as a HC vehicle that could be hailed at any time (which was different to a Private Hire vehicle) and as such the HC Trade would have signs which remained attached at all times when the vehicle was working, as in line with the licensing authority's policy.
- As a Trade, the CHCA would be happy to assist the Council by reporting vehicles that were working without the correct livery.
- The CHCA supported the magnetic signage approach, to protect their safety, as evidenced by the attacks on licensing drivers/vehicles recently.
- Perhaps a 1 year probation period for the use of the magnetic signage could be arranged.

Mr Hussain, spoke on behalf of the Private Hire Association. He expressed views including:

- Whilst private hire (PH) and HC vehicles were both taxis with fixed stickers, there was a clear difference in operation between the two and this should be considered when coming to a decision.
- HC vehicles worked through the ranks and could be flagged down by customers from the streets.
- PH vehicles were pre-booked and sent out from the offices, and could only pick up passengers that had pre-booked. PH drivers were in direct communication with their customers.
- PH drivers used modern technology to inform their customers (via text message) of the make, model, registration and even name of the driver who was coming to pick them up, and the vehicle could also be tracked via GPS. In addition, the customer received a message that the vehicle had arrived.
- PH drivers were targeted more by the criminals when the taxis trade had been targeted recently and, whilst the Police had caught the suspects, the PHA were proposing some approaches to resolve the issue.

- HC vehicles must be white and thus it would be easy for them to get magnetic covers and signs to match their cars, however PH vehicles were allowed to be different dark colours so it would be more difficult to match and thus PHA want the permanent removal of the door signs and not magnetic signs.
- The removal of doors signs would reduce the number of people trying to jump in PH vehicles on the High Street thinking that it was HC.
- Magnetic signs could come off if driving at faster speeds, such as on motorways, anything removable could be stolen, and you could have them made easily online.
- The PHA also request that our rear plates removed and placed in the back window (like there is a front plate in the front windscreen), which was the approach used in many other areas. Again it would should the difference between the PH and HC.
- The Committee might wish to consider using a different policy for the HC and PH.

Insp. Peter Dommett, then spoke to the Committee on behalf of Sussex Police. He expressed views including:

- It was acknowledged that Sussex Police work in partnership with both the HC and PH drivers as they form a very important function within the Town.
- Taxi drivers have an important responsibility by driving and taking care of vulnerable people, including drunk/intoxicated people during Crawley's night time community and during the day elderly and young vulnerable people.
- Taxi drivers provide good witnesses for the Police, as they were out and about across the Borough.
- Crawley's taxis were a very identifiable brand both for the Police and for the public, which leads to confidence.
- Sussex Police opposes that Gatwick Cars don't have to be identifiable by signage, and EVO having removable signage, and would continue to in the future.
- The Police's message both at a local and a national level to the public, especially those vulnerable individuals, was to only get into or use licensed vehicles, and the easiest way to know if these were licensed, was if the vehicle had clear and obvious signage.
- Crime amongst licensed drivers was low, due to the checks associated with being licenced, but organised crime does occur. By having fixed branding this reduced the ability of our drivers to be caught up in such crimes.
- Whilst there was recently a crime spree targeting Crawley taxi drivers, the perpetrators had been caught, it must be considered why they were being targeted, was it because their vehicles had signage or was it because drivers were keeping large amounts of money in their vehicles.
- The type and make of vehicles used for taxis would be known without signs on them.
- We are opposed to removable signage and support the retention of permanent signage on all types of licenced vehicles on grounds of public safety.

Having received the officer's report, the presentation from the survey consultants and the views of the Hackney Carriage Association, the Private Hire Association and Sussex Police, the Chair of the Licensing Committee opened up the discussion to the Committee. During a detailed and lengthy discussion, Councillors expressed numerous views on the matter before them, which included:

- Concerns that the survey questions were misleading and inferred by the nature of the questions that there would be public safety concerns if either

removal or no signs were used on licensed vehicles. It may have caused a false public perception of the issues involved.

- Queried whether magnetic covers to the current permanent leverage could be used when the vehicles were not in use.
- Public safety and public perception of their safety was crucial to this decision, the public must feel and be safe. The survey showed that 79% of the public would be less likely to use the Council's licenced vehicles with the Trades' proposals. That would not be good for anybody.
- A taxi was a taxi and was a business car, not a family vehicle, and should not be used as such. Safety was the main concern.
- Drivers must feel safe in their vehicles, either when they were working or when they were not. But at the same time they must act responsibly, such as not keeping their earnings in their vehicle overnight as criminals would target them. White van drivers have to do the same with their tools and removed them nightly.
- This should be a national matter and not dealt with at a local level. The Government, should provide clear guidance in their new policy. The Deregulations Act has not helped.
- Queried whether there was a better way to differentiate between Private Hire vehicles and Hackney Carriages so that the public could understand the difference, especially relating to people jumping into Private Hire vehicles on the street. It was questioned whether the use of removable livery would help.
- There were two facts to consider, public safety and the impact on the drivers' livelihood.
- Magnetic plates could be stolen and lead to confusion as criminals could place the signage on unregistered vehicle and attempt to pick up or collect customers.
- Elderly people who phoned for a taxi, may not use/read a text message from a taxi company which stated the make, model or driver or enabled the customer to track the vehicle. Elderly people were more likely to look for a topbox and clear door signs. The door signs were important for public safety with regards to Private Hire and Hackney Carriages vehicles.
- Clear signage allowed the public to know that they were using a safe and licensed vehicle. The Council was there to look after public safety.
- Temporary signage could be stolen easily, both when vehicles were in use, either transporting or waiting for their next client, and when parked up at their driver's property. It would make it difficult for the Police to track dangerous driving etc. if the plate could be removed easily. Also, the drivers could be blamed for crimes they did not commit, if others were using their plates.
- Queried whether the removable livery could be used by the Trade on a pilot or trial period to ascertain public reaction to the change.
- Questioned whether the drivers would pay the cost of the removable signs.
- A pilot sounded like a good idea but it might lead to public confusion as to what was a legally licensed vehicle and what was not. It was also queried how the Council would choose which drivers would form part of the trial.
- The Council should wait for the Government findings to be published to see if there were minimum standards.

Also during the discussion a number of requests for information and clarity was sought from the officers present, which included:

- Magnetic livery were used in other councils in the area, however Crawley did have the responsibility of a major international airport, which other councils did not and this therefore meant they had a very different economic mix.

- Magnetic door signs were known to come off licenced vehicles when driving at speed, posing a risk to other road users and pedestrians
- Confirmation that legislation specified that licensed vehicles could only be driven by a licensed driver, thus meaning that family members could not use those vehicles without being licensed themselves, if the rear licence plate is removed, the vehicle becomes unlicensed
- The Government had recently finished a Task and Finish Group on Taxi and Private Hire Vehicle Licensing, and 30 plus recommendations were being consulted upon as a result. There was currently no fixed timescale for the final report, but it was apparently high on their agenda.
- Drivers that failed to put on their topbox signs did get penalised, with 28 drivers having been fined over the last three years as a result.

At the conclusion of the debate, Councillor Mullins moved that the status quo remain namely that there be no change to the Council's policy regarding fixed livery for all Hackney Carriage and Private Hire vehicles. Councillor Mullins also requested that an advisory be made, that officers communicate to both Hackney Carriage and Private Hire Drivers that they may place magnetic signs over their licensed vehicle's door signs when they were parked at their home property, but that those magnetic covers must be removed before the vehicle was moved from those premises. This was seconded by Councillor McCarthy.

The proposal was carried by 14 votes in favour with 1 vote against.

RESOLVED

1. That there be no change to the Council's policy regarding fixed livery for all Hackney Carriage and Private Hire vehicles.
2. That officers be asked to advise all licensed drivers that they may cover door signs on licensed vehicles with magnetic covers whilst the vehicle was parked and stationary at their own property, but that these must be removed before the vehicle is moved from those premises (noting that the licensing plate needed to remain uncovered at all times).

5. Review of Statement of Licensing Policy Gambling Act 2005 (2020 - 2023)

RESOLVED

The Committee agreed that it would like to provide a collective response to the consultation on the Review of the Statement of Licensing Policy Gambling Act 2005 for the next 3 years (2020-2023), and confirmed that the collective response will be sought at the Committee's meeting on 9 September 2019.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 9.36 pm

M G JONES
Chair

Crawley Borough Council

Taxi Licensing Consultation

'Have Your Say on Taxi Vehicle Signage' Survey 2018

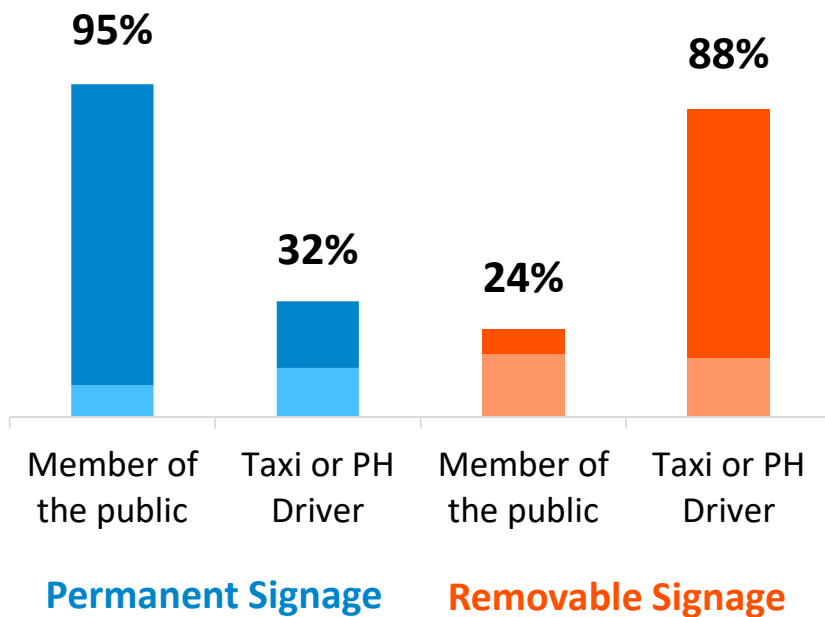


Consultation

- Aims to uncover the feelings and attitudes the drivers of licensed private hires and hackney carriages (referred to as taxi drivers) and of members of the public regarding security, authenticity, reliability and propensity to use taxis in permanent/removable signage scenarios
- 15 October to 6 December 2018
- 355 responses returned
- Taxi Drivers **25%** response rate - 233 out of 937 invited via a paper questionnaire mailed to their home address
- 111 responses were received from Members of the public who accessed an online survey via the Council's website or were emailed an invitation to take part
- In addition, responses were provided by:
 - Connected with Taxis Trade other than a driver (1)
 - Member of a Group Representing Disabled People (3)
 - Visitor (Business) (1)
 - Visitor (Leisure) (2)
 - Not stated (4)

Genuine licensed taxi/driver

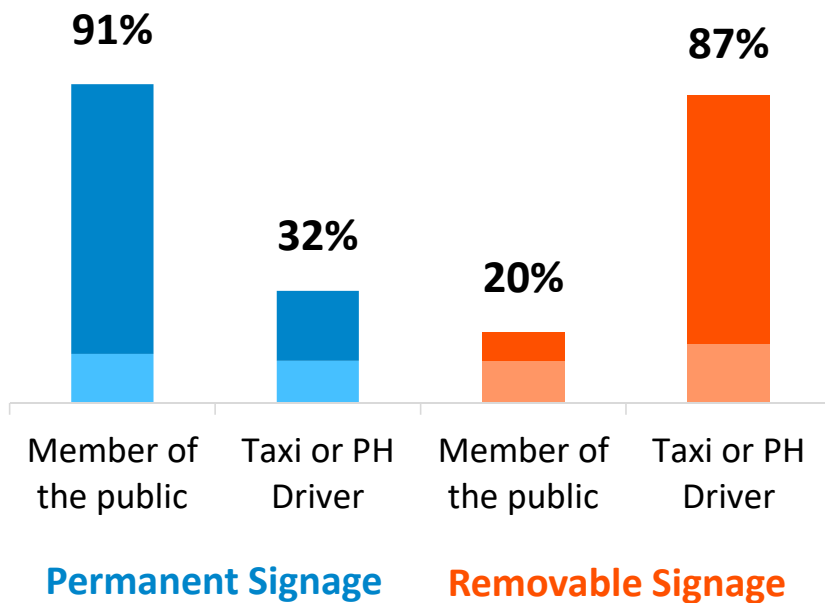
I would be confident that I was entering a genuine, licensed taxi if it was fitted with...



“To reduce the possibility of "fake taxis" in Crawley, keep permanent signage on taxis. Removable signage would inevitably lead to theft of the signs and ultimately an increase in unlicensed taxis operating using fake or stolen signage...”

Genuine licensed taxi/driver

I would be confident that **the driver was licensed** if the taxi was fitted with...

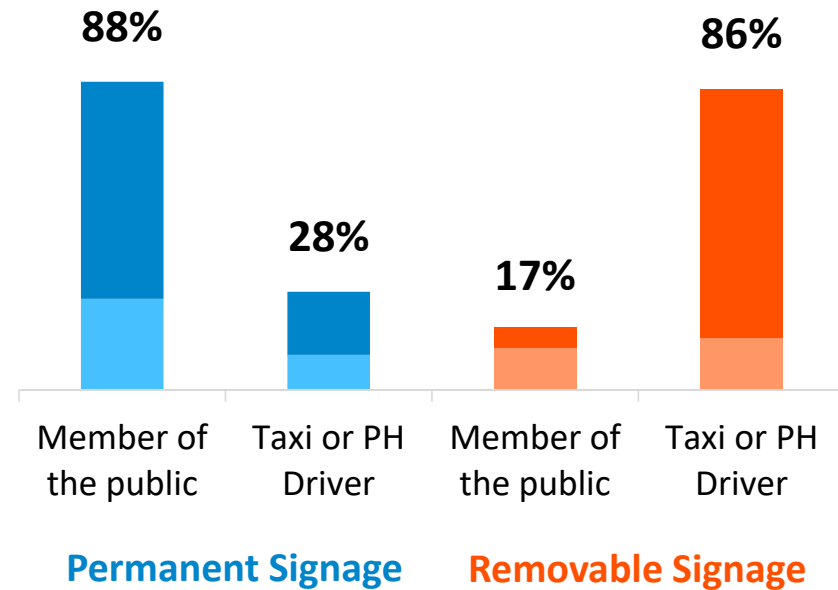
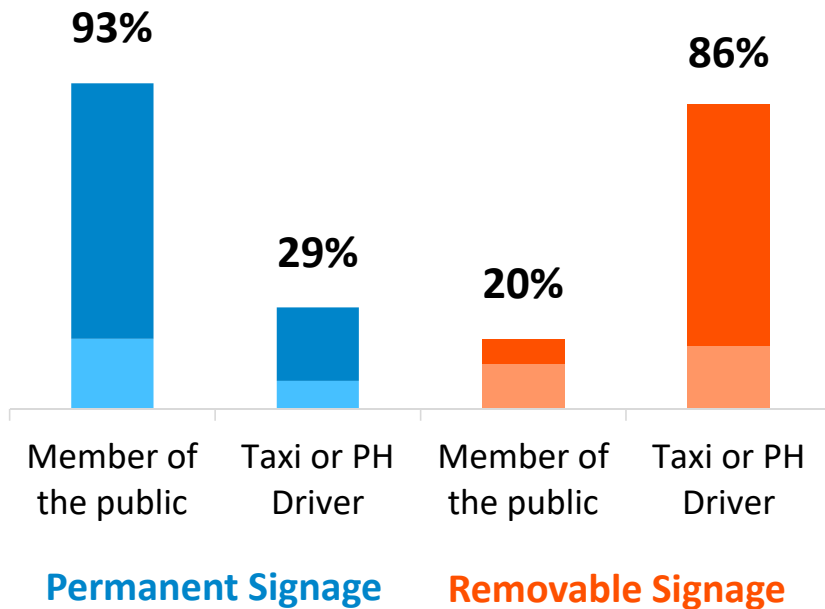


“With use of removable signage you could get unlicensed people claiming they are a taxi but forgot to install their signage before starting the day. Older people and ladies could be left unsure.”

Insurance and maintenance

I would be confident that **the vehicle was fully insured** if the taxi was fitted with...

I would be confident that **the vehicle was properly maintained** if the taxi was fitted with...



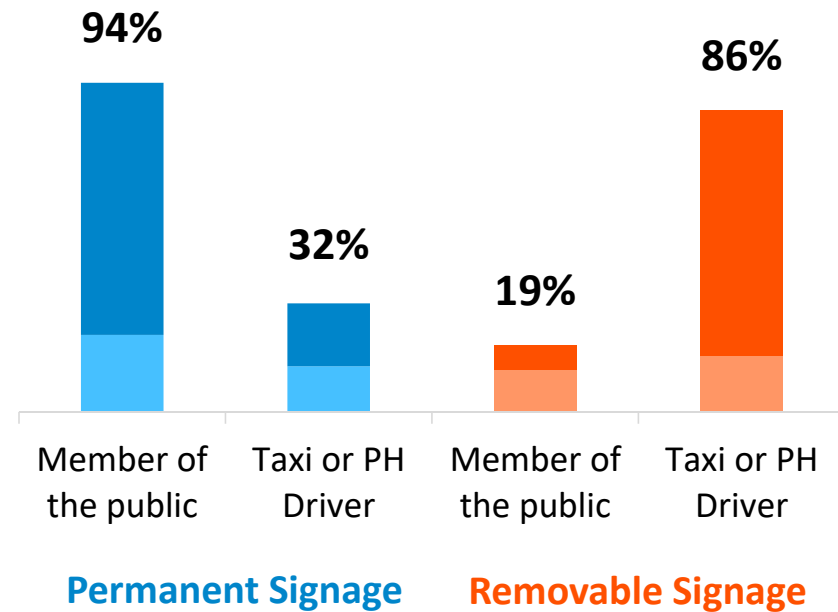
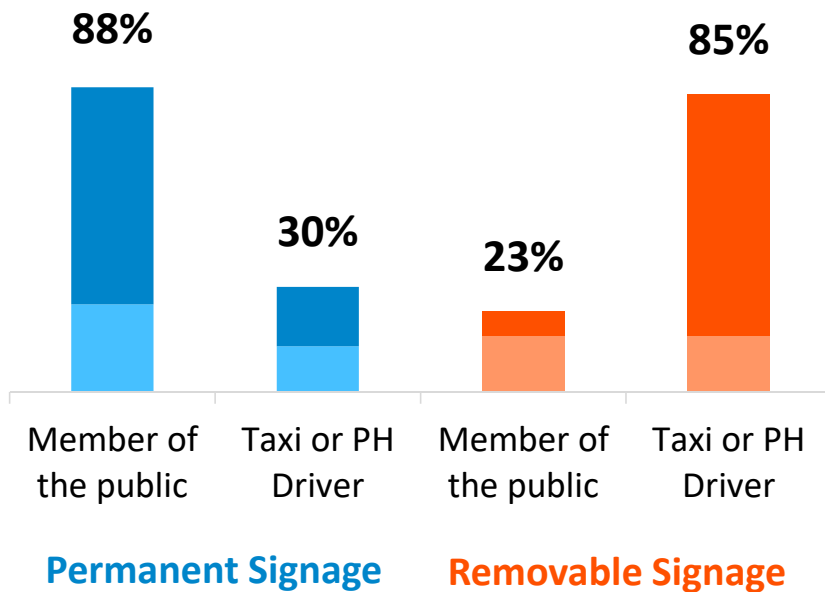
Charged fairly and safely

“Anyone can fit removable signage to any car and pretend to be a taxi...”

I would be confident that I **was being charged fairly** if it was fitted with...

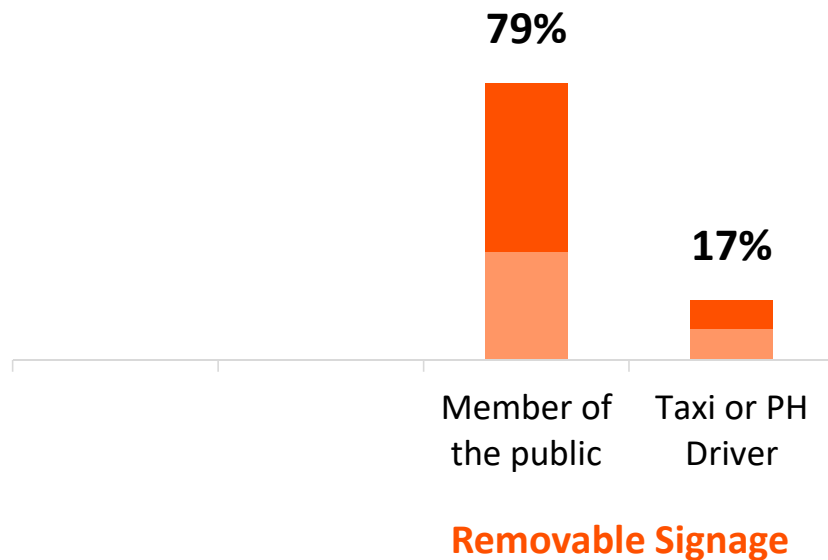
I would be confident that I **would feel safe** if it was fitted with...

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Propensity to use taxis

Members of the public **would use taxis less often** if they were fitted with...



“ I would feel far more confident about permanent signage, whilst removable signage may not entirely stop me using a taxi, it would put a doubt in my mind as to the vehicle complying with necessary regulations. ”

Vehicles being broken into or damaged

- Taxi drivers raised concerns over risk that their vehicles, displaying permanent signage, will be broken into or damaged when parked overnight
- They felt that removable signage would alleviate this risk, saving them the expense of repairing damaged vehicles
- 99 comments raised by taxi drivers, 39 related to 'Removable signage would help keep our vehicles safe when not in use and be clear as to when we are / are not available for hire'
 - “ I have had my car broken into on several occasions which I strongly believe is due to the door signage. This comes at a great cost to every driver who has had this happen to them ”

Vehicles being broken into or damaged

- There was a pertinent comment made by a stakeholder

Due to the small sample size, to preserve confidentiality we are unable to disclose the writer's association with the consultation, but this group includes those Connected with Taxis Trade other than a driver, Members of a Group Representing Disabled People, Visitors and the Police.

“There would be an increased safeguarding risk if taxis had removable signs. Not only around insurance but taxis with signs that are transferrable increases the risk of them being stolen and used by criminals within organised crime gangs around drugs related crime or placing those who are vulnerable at risk of serious sexual offences etc. On a scale of threat harm and risk, using transferrable signs vs permanent signs is much greater risk of harm to vulnerable people or criminal exploitation, as opposed to the harm and risk to individual owners associated with theft. As such this is not something I would support. Instead I would encourage owners taking more responsibility around keeping loose change or money in the taxi (especially if visible). It was shown that this reduced the theft during the recent summer months.”

Are there any other comments you would like to make or answers you've given which you wish to develop or explain?

Theme	Total Mentions	Member of the public	Taxi or PH Driver	Stakeholder
Removable signage would help keep our vehicles safe when not in use and be clear as to when we are / are not available for hire	39	-	39	-
Removable signage raises safety, legitimacy and crime concerns	37	33	1	3
Public indifference / use booking procedure to obtain full taxi details	29	5	24	-
Look for an alternative solution and take a closer look at why there are so many break ins	21	16	4	1
Generally pro removable / no signage	12	1	11	-
Issues surrounding other taxi companies working in the area with minimal signage	11	-	11	-
Permanent signage will minimise incidents of crime / potential for crime	5	4	-	1
Generally pro permanent signage	2	2	-	-
<i>Other</i>	<i>17</i>	<i>7</i>	<i>9</i>	<i>1</i>

In summary

- Consultation has shown that opinions of taxi drivers and the public contrast
- Taxi drivers strongly feel removable signage will resolve the issues with regard to vehicle damage/ break-in
- Removable signage may make the public feeling less likely to use a taxi
- The solution to the issues faced by the taxi drivers is unlikely to lie in implementing removable signage unless there is further consideration of how to solve the issues relating to the public's concerns of ensuring that only licensed taxi drivers are operating with the removable signage

Thank you

For more information contact

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