

## Crawley Borough Council

### Licensing Committee

Agenda for the **Licensing Committee** which will be held in **Main Hall - Furnace Green Community Centre**, on **20 January 2020** at **7.30 pm**

Nightline Telephone No. 07881 500 227



**Head of Legal, Democracy and HR**

Membership:  
Councillors

M G Jones (Chair), M L Ayling (Vice-Chair), T G Belben, B J Burgess, M Flack, J Hart, F Guidera, K L Jaggard, K McCarthy, J Millar-Smith, C J Mullins, D M Peck, R Sharma, B A Smith and K Sudan

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

## Part A Business (Open to the Public)

	<b>Pages</b>
<b>1. Apologies for Absence</b>	
<b>2. Disclosures of Interest</b>	
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.	
<b>3. Minutes</b>	3 - 6
To approve as a correct record the minutes of the Licensing Committee held on 11 November 2019.	
<b>4. Air Quality and Licensed Vehicles - Update to Appendices A and E of the Council's Hackney Carriage and Private Hire Vehicle Policy</b>	7 - 12
To consider report HCS/21 of the Head of Community Services.	
<b>5. Supplemental Agenda</b>	
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

Monday, 11 November 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, R Sharma and K Sudan

#### Officers Present:

Tony Baldock Environmental Health and Licensing Manager

Mez Matthews Democratic Services Officer

Kareen Plympton Health, Safety and Licensing Team Leader

Jess Tamplin Democratic Services Support Officer

Astrid Williams Senior Lawyer (Solicitor)

#### Apologies for Absence:

Councillors F Guidera and B A Smith

#### 1. Disclosures of Interest

No disclosures of interests were made.

#### 2. Minutes

The minutes of the meeting of the Licensing Committee held on 9 September 2019 were 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
8 October 2019	Application to Review the Premises Licence – Déjà vu Bar, 26-32 High Street, Crawley, (Northgate & West Green Ward).	Councillor Michael Jones (Chair of the Panel)

## 4. Hackney Carriage Fares 2020-2021

The Licensing Committee considered report [HCS/19](#) of the Head of Community Services, which recommended the Committee consider a variation to the Hackney Carriage table of fares as requested by the Crawley Hackney Carriage Association (CHCA). Due to extensive discussion between the Council's Licensing team and the CHCA regarding the proposed fares, revisions had been made following the initial publication of the report. In light of this, the Committee was asked to consider report [HCS/19a](#), which had been published as a Supplementary Agenda and included a new revised version of the proposed fares (Appendix A of report HCS/19a). This revised version of the proposed fares had been requested by the Chair of the CHCA as the original proposal had not been in line with the CHCA members' requests despite its prior confirmation by the Vice-Chair of the CHCA. The report requested that the Committee consider the proposals put before it and the Committee noted that officers did not specifically recommend adoption nor rejection of those proposals.

Following a query from a Committee member, officers assured the Committee of the legality and validity of the current table of fares. It was clarified that the Committee's previous suggestion regarding the plausibility of a simpler fare tariff had been investigated by Licensing Officers in conjunction with companies responsible for updating taxi meters, but was deemed incompatible with current technology. The Committee discussed the future possibility of encouraging drivers to install up-to-date meters in order to facilitate the introduction of a simpler fare tariff. In response to concerns over the related costs for drivers, the Committee was assured that this would be taken into account by the Council as part of a steady long-term plan. It was clarified that as a 'tool of the trade', any meter-related costs would be met by Hackney Carriage proprietors, not the Council.

As part of a discussion on the proposed new tariff 4 as set out in Appendix A of report HCS/19a, it was noted that a meter button would need to be pressed manually by the driver of a multi-purpose vehicle (MPV) to activate tariff 4 when transporting five or more passengers. The Committee raised concerns over the possibility that groups of fewer than five passengers could be incorrectly overcharged at the tariff 4 rate. In response, officers described the need for a level of trust in Crawley's licensed drivers who had met the 'fit and proper' guidelines. Officers did assure the Committee that any complaints regarding improper usage of tariff 4 would be taken seriously and investigated, and that sanctions could be used when appropriate. The Committee requested that fares continue to be clearly displayed to passengers.

It was clarified to the Committee that passengers with disabilities travelling in an MVP would not be charged the higher tariff 4 fare (when travelling as a group of fewer than five passengers) simply due to the larger size of vehicle potentially required. The Committee also noted that tariff 4 may help to offset any extra running costs incurred with driving a larger vehicle which could encourage drivers to retain their MPVs which added a valuable contribution to the taxi fleet mix, particularly for those passengers with disabilities.

Committee members expressed trust in the CHCA's expertise and understanding of the market and thus its fare proposals, and noted there had been no request to review fares submitted by the taxi trade since September 2017.

### RESOLVED

1. That the proposed table of fares as set out in Appendix A of report HCS/19a (supplementary agenda) be approved.

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Licensing Committee (27)  
11 November 2019

2. That the Head of Community Services, or an officer acting on their behalf, be authorised to publish a Public Notice of the variation and the period within which objections can be made (the expiry date of the period to be set by the Head of Community Services but to be no later than 30 November 2019) in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
3. That it is noted that should any objections be made following the publication of the Public Notice which are not subsequently withdrawn, the Licensing Committee will be required to meet again to consider those objections. If no objections are received, the variation to the existing table of fares will take effect on the day following the expiry of the objection period.

Note by the Head of Legal, Democracy and HR:

*Due to practicality reasons relating to press deadlines it was not possible to meet the agreed Public Notice period ending on the 30 November 2019 as set out in Resolution 2 above. Therefore, in consultation with the Licensing Committee and with the agreement of the Licensing Chair, the revised Hackney Carriage Table of Fares was advertised with the Notice Period ending on 5 December 2019.*

**Closure of Meeting**

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.03 pm

**M G Jones (Chair)**

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# Agenda Item 4

## Crawley Borough Council

### Report to Licensing Committee

20 January 2020

#### Air Quality and Licensed Vehicles – Update to Appendices A and E of the Council’s Hackney Carriage and Private Hire Vehicle Policy

Report of the Head of Community Services – HCS/21

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#### **1. Purpose**

- 1.1 The Council is the Licensing Authority in regard to the issuing of licences for Hackney Carriage Vehicles and Private Hire Vehicles. The Licensing Committee has a key role in setting policy in this area.
- 1.2 The Council declared a climate emergency in July 2019 with a pledge to aim to reduce carbon emissions generated by Crawley Borough Council’s activities by at least 45% by 2030 and to zero by 2050 as recommended by the Inter-Governmental Panel on Climate Change (IPCC).
- 1.3 The function of issuing licences is a Council activity in the scope of 1.2 above and therefore this needs to be included in any action plans concerning climate change as vehicle efficiency and emissions are inherently linked and action to improve emissions is therefore a highly effective means of control.
- 1.4 The Council has an extant policy concerning private hire vehicles and hackney carriages which includes measures dealing with air quality and the recommendations within this report are designed to strengthen and improve these controls in helping the Council improve the local environment.

#### **2. Recommendations**

- 2.1 The Licensing Committee is requested to consider the proposed changes to the Council’s policy on emission standards for licensed hackney carriages and private hire vehicles, and time scales for delivery of such standards, as set out in this report.
- 2.2 That, subject to any amendments by the Licensing Committee, the Committee authorise the Head of Community Services to undertake a consultation exercise (for a minimum of 12 weeks) on the proposed changes to the Council’s policy on emission standards for licensed hackney carriages and private hire vehicles.
- 2.3 In the event there are objections and/or negative responses received as a result of the consultation process, these shall be presented to the next Licensing Committee meeting after the conclusion of the consultation exercise.
- 2.4 In the event there are no objections or negative responses received as a result of the consultation process, the Committee agrees that the proposed changes to the Council’s policy on emission standards contained within this report (as amended by the Licensing Committee) are adopted and will come into force 14 days after the conclusion of the consultation exercise.

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## 3. Reasons for the Recommendations

- 3.1 The Council is responsible for licensing in excess of 780 vehicles annually which undertake a large number of local journeys within the Town and further afield. Through the addition of licence conditions concerning emissions an opportunity exists to directly reduce air pollution and improve efficiency to enable the Council to take steps to improve air quality and meet its carbon reduction targets. The matter has been brought to the Licensing Committee as soon as possible due to the urgency regarding air quality and climate control with the hope early preparations by the trade will follow before the proposed date of 1<sup>st</sup> April 2022 with the associated benefits.
- 3.2 The Council has declared an air quality management area around the Hazelwick Roundabout and may have to extend the coverage to include further hotspots in the town, such as Three Bridges station where a large amount of taxis operate.
- 3.3 The largest number of vehicles licensed by the Council are private hire vehicles. They have therefore been included in the controls as whilst the Council does not have any power to regulate the fares for these journeys it can exercise control over standards including emissions.

## 4. Background

- 4.1 In the UK, road transport is now the largest source of carbon dioxide (CO<sub>2</sub>) pollution. In July 2018, the government set out its 'Our Road to Zero' strategy to meet both short and longer term reductions in CO<sub>2</sub> and air quality emissions including ending the sale of conventional petrol and diesel vehicles by 2040.
- 4.2 The emissions strategy is more complex than just the reduction of CO<sub>2</sub> and involves the reduction of nitrogen oxide (NO<sub>x</sub>) and particulate matter namely particulate matter of size 0.01 mm (PM<sub>10</sub>) and particulate matter of size of 0.0025 mmm (PM<sub>2.5</sub>). Both NO<sub>x</sub> and particulate matter are found in diesel fuel. Particulate matter is also associated with tyre, brake and road wear.
- 4.3 The European Exhaust Emissions Standard (known as the "Euro" standard) was introduced in the 1970s. Limits on CO<sub>2</sub>, NO<sub>x</sub> and particulate matter emissions form part of these standards. The introduction of each new Euro level brings about a reduction in carbon, hydrocarbon emissions, NO<sub>x</sub> and particulate matter from engines.
- 4.4 The most significant reduction in emissions is with the latest Euro 6 engine.
- 4.5 Significant further reduction in carbon emissions can be achieved by converting to Ultra Low Emission Vehicles (ULEV). An ULEV is defined by the Vehicle Certification Agency as currently a vehicle that emits less than 75 g/km of CO<sub>2</sub> from the tailpipe. The definition of ULEV will be reduced to 50g/km of CO<sub>2</sub> from the tailpipe from 2021. These vehicles will be either 100% electric or a hybrid model which uses electric in conjunction with either a diesel or petrol engine.
- 4.6 Crawley Borough Council declared a 'Climate Emergency' and set an objective to reduce carbon emissions by 45% by 2030 and by 100% by 2050 at Full Council on 17<sup>th</sup> July 2019. In order to achieve this, consideration will need to be given to ensure that forthcoming relevant policy statements such as the Private Hire Vehicle and Hackney Carriage Policy reflect the urgency of this resolution.



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- 4.7 The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 makes provision of information relating to taxis and private hire vehicles a requirement in order to secure air quality compliance. Licensing Authorities in England and Wales have been required to upload weekly details from October 2019 of the vehicles licensed by the Council to a central database held by the Department of Environment Farming and Rural Affairs (DEFRA). The DEFRA database will contribute to local air quality action plans and Clean Air zones.

## 5. Description of Issue to be resolved

- 5.1 The Council adopted a policy concerning private hire vehicles and hackney carriages in 2015. Appendix A and Appendix E currently include requirements for both vehicle types as follows:

5.1(a) Existing Hackney Carriage Emission Requirements (Appendix A paragraph 22):

“From 1st April 2016, an 11 year rolling age limit will be introduced for taxis unless exempted. Vehicles already licensed at the date of adoption of this policy must, as a minimum, meet Euro 4 standards for emissions or be capable of being retrofitted to achieve the same within a reasonable time period and all newly licensed taxis must, as a minimum, meet Euro 5 standards for emissions. Vehicles older than 4 years older with an average mileage of less than 30,000 may be considered but any such application must be accompanied by original MOT certificates or other suitable documents such as a service history to verify the vehicle mileage as genuine.”

5.1(b) Existing Private Hire Vehicle Emission Requirements (Appendix E paragraph 9):

“From 1st April 2016, an 11 year rolling age limit will be introduced for private hire vehicles unless exempted. Vehicles must, as a minimum, meet Euro 4 standards for emissions and be no older than 4 years at the time of initial licensing. Vehicles older than 4 years older with an average annual mileage of less than 30,000 may be considered but any such application must be accompanied by original MOT certificates or other suitable documents such as a service history to verify the vehicle mileage as genuine.”

- 5.2 It is recommended that the above policies are amended to catch up with improvements in technology and further reduce emissions to air, as set out below:

5.2(a) Proposed new wording for paragraph 22 of Appendix A regarding Hackney Carriage Emission requirements:

***“Emissions***

*Emissions – age of vehicles*

22.1 *Except as set out in 22.2 below, all first-time applications received by Crawley Borough Council for the grant of a hackney carriage vehicle licence will only be considered if, on the date the application is submitted, the vehicle is less than 4 years old.*

22.2 *The Council will consider first-time applications for the grant of a hackney carriage vehicle licence in respect of vehicles which are older than 4 years old if the vehicle has an average mileage of less than 30,000 miles and the application is accompanied by original MOT certificates or other suitable documents such as a service history to verify the vehicle mileage as genuine.*

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- 22.3 *Once a hackney carriage vehicle licence has been granted, the council will only grant an application to renew the licence provided the vehicle is less than 11 years old on the date the renewal application is submitted. The duration of any hackney carriage vehicle licence will be limited to such a time period so that no vehicle will be licensed past its 11<sup>th</sup> year – for example, if an application to renew a hackney carriage vehicle is submitted to the Council and on that date the vehicle is 10 years and 2 months old, the Council will only grant a licence for a period of 10 months (i.e. up to the date the vehicle is 11 years old).*

## Emissions – engines

- 22.4 *All first-time applications received by Crawley Borough Council for the grant of a hackney carriage vehicle licence submitted **on or after 01/04/2022** will only be considered if the vehicle is zero emission capable (ZEC) and meets (as a minimum) the Euro 6 petrol standards for emissions. (This means having CO<sub>2</sub> emissions of no more than 50g/km and a minimum 30 mile zero emission range.)*
- 22.5 *All first-time applications received **on or after 01/04/2022** for the grant of a hackney carriage licence made in respect of any diesel-fuelled vehicle will be refused.*
- 22.6 *Except for cases of exceptional circumstances, all vehicles licensed by the Council as hackney carriages on or before 31/03/2022 which do not meet the Euro 6 petrol standards for emissions must be retrofitted to meet this standard **by no later than 01/10/2022**. If a vehicle proprietor wants to claim they have exceptional circumstances and ask for this policy not to apply in their case, they must submit an application to the Council for exemption from this policy **by no later than 01/04/2022**.”*

## 5.2(b) Proposed new wording for paragraph 9 of Appendix E regarding Private Hire Vehicle Emission requirements:

- “9.1 *Except as set out in 9.2 below, all first-time applications received by Crawley Borough Council for the grant of a private hire vehicle licence will only be considered if, on the date the application is submitted, the vehicle is less than 4 years old.*
- 9.2 *The Council will consider first-time applications for the grant of a private hire vehicle licence in respect of vehicles which are older than 4 years old if the vehicle has an average mileage of less than 30,000 miles and the application is accompanied by original MOT certificates or other suitable documents such as a service history to verify the vehicle mileage as genuine.*
- 9.3 *Once a private hire vehicle licence has been granted, the council will only grant an application to renew the licence provided the vehicle is less than 11 years old on the date the renewal application is submitted. The duration of any private hire vehicle licence will be limited to such a time period so that no vehicle will be licensed past its 11<sup>th</sup> year – for example, if an application to renew a private hire vehicle is submitted to the Council and on that date the vehicle is 10 years and 2 months old, the Council will only grant a licence for a period of 10 months (i.e. up to the date the vehicle is 11 years old).*
- 9.4 *All first-time applications received by Crawley Borough Council for the grant of a private hire vehicle licence submitted **on or after 01/04/2022** will only be*

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*considered if the vehicle is zero emission capable (ZEC) and meets (as a minimum) the Euro 6 petrol standards for emissions. (This means having CO<sub>2</sub> emissions of no more than 50g/km and a minimum 30 mile zero emission range.)*

- 9.5 *All first-time applications received **on or after 01/04/2022** for the grant of a private hire licence made in respect of any diesel-fuelled vehicle will be refused.*
- 9.6 *Except for cases of exceptional circumstances, all vehicles licensed by the Council as private hire vehicles on or before 31/03/2022 which do not meet the Euro 6 petrol standards for emissions must be retrofitted to meet this standard **by no later than 01/10/2022**. If a vehicle proprietor wants to claim they have exceptional circumstances and ask for this policy not to apply in their case, they must submit an application to the Council for exemption from this policy **by no later than 01/04/2022**.”*
- 5.3 The proposed new wording regarding vehicle age (paragraphs 22.1 to 22.3 of Appendix A and 9.1 to 9.3 of Appendix E, as above) do not contain any proposed changes to the Council’s existing policy and procedure. These new paragraphs are proposed so that existing policy is more clearly set out.
- 5.4 The effect of the proposed changes to the policy (as set out in paragraphs 22.4 to 22.6 of Appendix A and 9.4 to 9.6 of Appendix E, as above) are, in summary:
- (a) That all first-time applications for vehicle licences received on/after 01/04/2022 will be limited to vehicles that are zero emission capable (ZEC) and meet (as a minimum) the Euro 6 petrol standards for emissions.
  - (b) 6 months later, by 01/10/2022, all existing licensed vehicles must be retrofitted to meet the Euro 6 standard, unless the proprietor has successfully applied to the Council for an exemption from this policy due to exceptional circumstances.
  - (c) Diesel-fuelled vehicles will be phased out of the Council’s taxi and hackney carriage fleet by 01/04/2027 at the latest.

## **6. Information & Analysis Supporting Recommendation**

- 6.1 The private hire vehicle and hackney carriage policy is intended to provide clear guidance to those within the trade or wishing to enter. It is also a useful way for the Council to formulate policy and proportionately regulate the trade, and it is kept under review to ensure that it remains relevant. An amendment to the extant policy is therefore considered the best means of taking effective action concerning local air quality and complimentary action concerning climate change.
- 6.2 In formulating the amendments concerning emissions care has been taken to ensure that grants are available which may assist the taxi trade based on the new specifications via DEFRA funding initiatives. The Licensing Team will also be providing advice to the trade on this topic to assist in the transition to cleaner vehicle types.
- 6.3 Reference has also been had to other council areas that have air quality issues in formulating policy around taxis to ensure the Council’s approach is both reasonable and proportionate. To this end the emission standards previously modelled on the approach taken by Transport for London (TfL) have been updated using the same

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methodology. This is further to a major consultation exercise undertaken by that organisation.

## 7. Implications

- 7.1 The owners of private hire vehicles and hackney carriages may be subject to additional costs due to higher costs of cleaner higher specification engines but grant funding, reduced car tax cost and reduced licensing charges may offset some of the expense as detailed further below.
- 7.2 The Office for Low Emission Vehicles (OLEV) has made grants available to dealerships specifically for taxis via a 'plug in taxi grant'. The dealerships can claim between £3000 and £7500 depending on the vehicle type. This amount is deducted from the price of a new vehicle at the dealership so there is no paperwork to complete by the customer. For instance the Dynamo Moto Company taxi which is 100% electric has a range of 174 miles and a price of £52,995 Inc VAT less £7,500 Government grants leaving £45,495 to pay. The London Electric Vehicle Company which has lower emissions than a standard taxi but is not 100% electric is likely be awarded a lower grant of £3000 at the dealership.
- 7.3 Grants are also available from OLEV for switching to electric vehicles and these will be accessible to private hire operators and vehicle owners who do not wish to purchase a purpose built taxi.
- 7.4 The Department for Transport (DfT) plans to reduce the annual vehicle road tax for ULEV vehicles to between £0 and £145 depending on if the vehicle is 100% electric or if there is a fuel powered range extender on the vehicle.
- 7.5 The Council currently charges a reduced fee of £144.30 per year to licence a 100% electric vehicle compared to £323.60 (not including unmet demand fee) for a 100% petrol/diesel vehicle. There has been no take up of this offer to date in the hackney carriage fleet but there are 8 private hire vehicles.
- 7.6 The changes to the Council's extant private hire and hackney carriage licensing policy will be staggered to allow those vehicles already in the fleet that can be adapted time to comply to achieve the new standards and only apply fully to first time licensed vehicles from the onset target date of 1st April 2022.
- 7.7 Due to the fact the Council has a rolling age policy for replacing vehicles and existing requirements concerning emissions it is anticipated many vehicles already licensed will be capable of compliance from the onset date.

## 8. Background Papers

[Office for Low Vehicle Emissions Reducing emissions from road transport: Road to Zero Strategy](#)

[Office for Low Emission Vehicles - Low-emission vehicles eligible for a plug-in grant](#)

[TfL Further consultation on Licensing Proposals for Taxi and Private Hire](#)

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