

Crawley Borough Council

Minutes of Licensing Committee

Tuesday, 2 March 2021 at 7.00 pm

Councillors Present:

M G Jones (Chair)

B J Burgess (Vice-Chair)

M L Ayling, D Crow, J Hart, K L Jaggard, G S Jhans, K McCarthy, J Millar-Smith, C J Mullins,
D M Peck and B A Smith

Also in Attendance:

Councillor R D Burrett

Officers Present:

Mez Matthews

Democratic Services Officer

Kareen Plympton

Health, Safety and Licensing Team Leader

Jess Tamplin

Democratic Services Support Officer

Astrid Williams

Senior Lawyer (Solicitor)

Kate Wilson

Head of Community Services

Apologies for Absence:

Councillor F Guidera

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 9 November 2020 were approved as a correct record and signed by the Chair.

3. Public Question Time

There were no questions submitted by members of the public.

4. Proposed Fees and Charges for 2021/22

The Team Leader for Health, Safety and Licensing (Licensing Team Leader) presented report [HCS/28](#) of the Head of Community Services. The report and appendices C, D, E and F set out the proposed fees and charges for various services under the licensing regime for the financial year 2021/22, of which there was proposed to be an increase in line with the corporate rate of inflation (2%).

It was heard that 40 representations had been received from licensed drivers in objection to the proposed increase to taxi licence fees as set out in appendix C, and were appended to the report as appendix B. A representation had also been received from Mr John Ellington, Secretary of the Crawley Hackney Carriage Association, which was read to the Committee.

The Committee then considered the report. It was recognised that, although licensed drivers remained able to work throughout Government restrictions implemented since March 2020, availability of work was likely to have reduced. Sympathy was expressed for all those throughout the licensing regime that had lost their source of income during 2020/21.

Upon receipt of a question regarding the licensing service's financial position, the Licensing Team Leader confirmed that the service aimed to be self-financing, but had been operating at a loss for several years. This was in part due to investment in the service, such as improvements to IT systems, the costs of which were originally expected to be recovered. However unexpected financial pressures caused by the effects of the Coronavirus pandemic (e.g. loss of income due a lack of new licensed driver applicants; being unable to offer the Knowledge Test or the Disability Awareness Test; and a number of drivers choosing not to renew licenses) had compounded the shortfall. Steeper increases in fees would likely be required to cover the service's costs in the future to mitigate the shortfall if no increase was to be made for 2021/22. The Legal Officer clarified that there was no legal principle which required licensing regimes to be self-financing through fees. The Committee also acknowledged the legal requirement that licensing fees should not be used to raise surplus revenue.

The Licensing Team Leader gave details of the grants available for self-employed people, including licensed drivers, which consisted of £250, £400, and £250 maximum payments in turn (the third of which was approved on 2 March 2021). It was confirmed that licensed drivers had been sent information about the grants in various ways, including via their operators, and that these had also been publicised on the Council's website. Licensed drivers were encouraged to apply for the grants available to them to assist with losses or costs incurred.

The Committee sought clarification regarding the actual amounts by which fees would increase if the 2% rise was agreed. The Licensing Team Leader gave an example of a common payment, the hackney carriage licence renewal, at a cost of £330.10 (plus £80 for the Unmet Demand Survey and the use of Crawley railway station). It was heard that the proposed 2% rise would cause the fee to become £336.70 (plus £40 for the use of Crawley railway station – the Unmet Demand Survey fee was not going to be collected this year as sufficient funds were in hand to for this). Licensed drivers would therefore see a £6.60 increase in the renewal fee, but overall, a decrease of £33.40 in real terms this year due to the Unmet Demand Survey fee not being charged.

The Legal Officer clarified that there was a legal requirement to set a date for the implementation of taxi licence fees. It was confirmed that if the Committee's decision was to vary the fees, the variation would take effect from 1 April 2021 and the Chair proposed that, for clarity, this date be added to the recommendation. It was agreed by the Committee that this would form the substantive recommendation.

Recorded votes were then taken on the recommendations in accordance with the Council's Virtual Committee Procedure Rules. Having considered procedural suggestions by the Committee, the Chair proposed that recommendations 2.1 a), b), c), and d) be voted upon separately, via four recorded votes. The names of the Councillors voting for and against the recommendations, along with any abstentions, were recorded as follows:

Recommendation 2.1 (a) Taxi licence fees, as set out in appendix C to the agenda:

For the recommendation:

Councillors B J Burgess, Crow, Hart, Jaggard, Jhans, McCarthy, Millar-Smith, and Peck (8).

Against the recommendation:

Councillors Ayling and Mullins (2).

Abstentions:

Councillors Jones and B Smith (2).

Recommendation 2.1 (b) Street trading and sex establishment licence fees, as set out in appendix D to the agenda:

For the recommendation:

Councillors Ayling, B J Burgess, Crow, Hart, Jaggard, Jhans, Jones, McCarthy, Millar-Smith, Mullins, Peck, and B Smith (12).

Against the recommendation:

None.

Abstentions:

None.

Recommendation 2.1 (c) All Gambling Act 2005 fees, as set out in appendix E to the agenda:

For the recommendation:

Councillors Ayling, B J Burgess, Crow, Hart, Jaggard, Jhans, Jones, McCarthy, Millar-Smith, Mullins, Peck, and B Smith (12).

Against the recommendation:

None.

Abstentions:

None.

Recommendation 2.1 (d) Animal activity licence fees and acupuncture, tattooing and piercing licence fees as set out in appendix F to the agenda:

For the recommendation:

Councillors Ayling, B J Burgess, Crow, Hart, Jaggard, Jhans, Jones, McCarthy, Millar-Smith, Mullins, Peck, and B Smith (12).

Against the recommendation:
None.

Abstentions:
None.

RESOLVED

That the Committee approves the following licence fees with effect from 1 April 2021:

- a) Taxi licence fees, as set out in appendix C to the agenda.
- b) Street trading and sex establishment licence fees, as set out in appendix D to the agenda.
- c) All Gambling Act 2005 fees, as set out in appendix E to the agenda.
- d) Animal activity licence fees and acupuncture, tattooing and piercing licence fees as set out in appendix F to the agenda.

5. Verbal Update - Decision Taken Under Urgency: Licensed Hackney Carriage and Private Hire Vehicles - Extend 11 Year Age Limit Due to Covid-19

The Licensing Team Leader gave a verbal update on a decision taken under General Committee Procedure Rule 18 (urgent action) by the Head of Community Services, as delegated by the Chief Executive. The decision was required to be reported to, and noted by, the Committee.

In consultation with Councillor Jones, Councillor B Burgess, Councillor Jhans, and Councillor Jaggard, the decision was taken to extend the 11 year age limit of licensed vehicles, as vehicles had not been used to the same intensity during the Coronavirus pandemic. Any extension was subject to the following conditions:

- 1. 12 month extension to run 01/02/21 – 31/01/22 only.
- 2. Those vehicles already afforded a 3 month extension (or other period) shall be awarded a further 9 months only, to ensure equality and fairness and allowing a 12 month extension in total.
- 3. The above is applicable only for those vehicles identified, for the term identified and is not transferrable to another vehicle.
- 4. A Certificate of Compliance is required at the application for an extension, and every 6 months thereafter.
- 5. An extension will be refused and the vehicle removed as a licensed vehicle if it is found that it does not meet the standards required by the Certificate of Compliance, and/or where the nominated Garage identifies a matter that impacts upon the vehicles safety or where it is no longer considered roadworthy.
- 6. A Nominated Licensing Officer of the Council may also form the view that to extend the term that a vehicle is licensed is unsuitable or inappropriate. This will be reviewed by the Team Leader for Health, Safety and Licensing, who will give written reasons where an extension is refused.

Following a question regarding the timescales associated with the decision, the Licensing Team Leader confirmed the Crawley Hackney Carriage Association had submitted a formal request regarding the extension at the beginning of February, and the decision was taken several days after this, on 9 February 2021.

RESOLVED

That the Committee noted that the Head of Community Services took an urgent decision on 9 February 2021 to extend the 11 year age limit of licensed vehicles due to COVID-19, as set out in the Councillors' Information Bulletin [B/1065](#).

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.48 pm

M G Jones (Chair)