

Crawley Borough Council

Minutes of Licensing Committee

Monday, 13 September 2021 at 7.00 pm

Councillors Present:

K L Jaggard (Chair)

A Nawaz (Vice-Chair)

Z Ali, M L Ayling, S Buck, B J Burgess, R S Fiveash, M G Jones, K McCarthy, C J Mullins,
D M Peck and M W Pickett

Officers Present:

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 J Bounds

Absent:

Councillor M Morris

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 2 March 2021 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. Review of Hackney Carriage and Private Hire Licensing Policy

The Committee considered report [HCS/31](#) of the Head of Community Services. The Health, Safety and Licensing Team Leader presented the report in full, which set out a range of proposed changes to the Council's Hackney Carriage and Private Hire

Licensing Policy. The revised policy sought to incorporate recommendations made by the Department for Transport (DfT) in its July 2020 document 'Statutory Taxi & Private Hire Vehicle Standards'. The DfT recommendations aimed to standardise licensed vehicle policies across all licensing authorities in order to improve national standards of good practice and facilitate public safety. It was heard that the Council's existing policy already incorporated many of the DfT standards, but various changes had been made to improve the policy.

Committee members discussed the report and policy in detail. Matters raised included:

- The importance of licensed drivers being 'fit and proper'. It was confirmed that this was determined by a number of factors including but not limited to: criminal records checks, medical checks, driving tests, the Knowledge Test, and Disability Awareness training. The Committee heard that public safety was ultimately the basis of the 'fit and proper' test. Thorough investigative processes would be actioned, on a case-by-case basis, if public safety concerns were raised regarding a driver.
- Alcohol consumption by licensed drivers. A suggestion was made that the proposed policy wording, which recommended licensed drivers not consume alcohol during or 'immediately before' driving a licensed vehicle, be tightened to ensure no alcohol was drunk at any time prior to driving. The Licensing Team Leader confirmed that drivers were strongly advised not to consume alcohol prior to driving, and that the policy reflected legislation.
- Publicity of the consultation. Committee members requested that the consultation be widely publicised; to which the Licensing Team Leader confirmed that it was to be made available on the Crawley Borough Council website and publicised via the Council's social media channels. Details of the consultation were also due to be communicated to private hire vehicle operators and members of the taxi trade, as well as to key members of the community who would seek to encourage responses to the consultation.
- Implementation of the DfT standards. The Licensing Team Leader clarified that a 'compelling local reason' must be provided for not implementing the standards, e.g. more research being required or financial viability for licensed drivers. There were hesitations regarding some of the measures within the standards such as installation of CCTV cameras in vehicles.
- Licensed drivers' English language proficiency. It was heard that the DfT standards introduced a requirement that English language skills be assessed – the policy did not make provision for a specific test but rather requested drivers provide proof of qualifications or information to demonstrate their language proficiency.
- The previously-taken decision regarding permanent signage on licensed vehicle doors. Door signs were only able to be covered when stationary on the proprietor's private property. It was confirmed that the DfT standards did not recommend any changes to the position on removable signage.
- Working hours and tiredness while driving. Following a suggestion that tachographs be installed in licensed vehicles, the Licensing Team Leader clarified that these were not required by legislation nor the DfT standards. Drivers should work a responsible number of hours (with appropriate rest breaks) and operators should ensure drivers are not working excessively.
- Disability awareness. The Committee discussed the need for the taxi trade to be aware of passengers' varying needs. The Licensing Team Leader explained that there was no written requirement for passengers to take the vehicle at the front of a queue if it did not meet their needs; passengers were advised to select the first licensed vehicle that did so.

- Safeguarding training. The cost of the training recommended by the DfT standards was under negotiation with training providers. The Committee was assured that competitively-priced providers were being considered.
- The Penalty Points Scheme. The Committee sought clarity on the meaning of the 'earliest reasonable opportunity' for reporting vehicle accidents. The Licensing Team Leader confirmed that drivers should aim to report as soon as possible, but it was understood that there may be circumstances under which a delay was unavoidable (e.g. due to hospitalisation from an accident). A form was available on the Council's website to allow drivers to report accidents more easily, quickly, and out-of-hours. It was confirmed that the DfT standards required convictions to be reported within 48 hours.
- Private hire vehicle arrangements at London Gatwick airport. The Committee noted that the airport was a private company which had selected one operator to provide a licensed vehicle service within its boundary.
- Minor changes to the policy wording. Committee members suggested that some clauses in the policy be worded more objectively.

Concerns were raised regarding the proposed period of 24 months after qualifying within which licensed drivers were required to complete safeguarding training. It was moved that the policy be amended to require safeguarding training to instead be completed within 12 months. A vote was taken and it was **AGREED** that the amendment be incorporated in to the draft policy and therefore form part of the substantive recommendation.

The Committee noted that the final draft of the revised policy was subject to minor typographical and clerical changes before publication for consultation.

The Committee requested that its thanks be communicated to the officers responsible for report HCS/31 and the associated work that was undertaken.

RESOLVED

- 1) That the Committee considers the report and decide what amendments, if any, it wishes to make to the proposed revised draft of the policy
- 2) That the Committee agrees a final consultation draft of the revised policy.
- 3) That the Committee authorises the Head of Community Services, in consultation with the Cabinet Member for Environmental Services and Sustainability, to undertake a consultation exercise for a minimum of 4 weeks.
- 4) That the Committee notes that a further report will be prepared for consideration at the Licensing Committee post-consultation which will detail the responses to this consultation with a view to the Committee then considering what changes, if any, to make to the policy in light of the consultation responses.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 9.18 pm

K L Jaggard (Chair)