

Crawley Borough Council

Minutes of Licensing Committee

Monday, 7 November 2022 at 7.00 pm

Councillors Present:

I T Irvine (Chair)

Z Ali (Vice-Chair)

M L Ayling, J Bounds, B J Burgess, J Hart, K L Jaggard, M G Jones, K Khan, K McCarthy,
M Morris, C J Mullins, A Nawaz and B Noyce

Also in Attendance:

Councillors R D Burrett, D Crow and M Mwagale

Officers Present:

Kareen Plympton

Team Leader - Health, Safety and Licensing

Jess Tamplin

Democratic Services Officer

Astrid Williams

Senior Lawyer (Solicitor)

Kate Wilson

Head of Community Services

Absent:

Councillor D M Peck

1. Disclosures of Interest

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Hart	Post-Consultation Review of the Statement of Licensing Policy Gambling Act 2005 (2023-2025) Consultation (minute 5)	Personal Interest – Secretary of the Ewhurst Wood Sports and Social Club

2. Minutes

The minutes of the meeting of the Licensing Committee held on 17 August 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

There were no questions from members of the public.

4. **Update Report - Extension of 11-Year Age Limit of Licensed Vehicles due to Covid-19 Pandemic**

The Committee considered report [HCS/051](#) of the Head of Community Services. The Health, Safety and Licensing Team Leader presented the report and summarised the proposal, which requested that the Committee revert to the original 11-year age limit for licensed vehicles. This would involve the ceasing of the previously agreed extension to the policy (until March 2023), which enabled vehicles aged 11 years to remain in use for a further two years.

The Committee then discussed the matter. Throughout the discussion Committee members expressed general support for the proposal to reinstate the 11-year age limit – the previous extension was designed to be temporary and it was not deemed suitable to extend it further.

Concerns were raised regarding the high number of advisory actions noted on licensed vehicles identified as part of the Certificate of Compliance process. It was recognised that older vehicles were more likely to have issues and therefore receive advisories. A Committee member sought clarification on the legality of driving a vehicle with advisories – the Officer advised that it was legal, but as the focus of the licensing regime was to enhance public safety, drivers were actively discouraged from operating vehicles with significant wear and tear.

The Officer assured the Committee that the Council does undertake vehicle spot-checks which encourages advisories to be rectified promptly. There was currently no specific timeframe in which this was required but the Committee would be requested to instate a deadline in the future. The Council was also able to identify those drivers not acting to rectify advisories.

Following a query from a Committee member, the Officer confirmed that it was ultimately the responsibility of the driver to ensure their vehicle was safe and fit for purpose. Drivers did not receive training on checking their vehicle for mechanical issues, but it was advisable that they carry out basic checks on a daily basis.

The Committee agreed that it was positive that there had been a move toward greener, less-polluting vehicles entering the local trade in recent times.

Committee members recognised the negative effects of the Coronavirus pandemic on Crawley's licensed drivers and agreed that the Council had put in place many mechanisms to support drivers through this time; the trade was now showing signs of recovery. The Committee agreed that it was appropriate to cease the extension and that taking the decision to do so in advance would allow sufficient time for licensed drivers to put in place the necessary arrangements before March 2023. All drivers directly affected by the decision would be informed imminently.

RESOLVED

That the Committee:

- a) Notes the report, including the number of vehicles impacted by this decision up to 28th March 2023, and the ongoing concerns regarding the suitability, standard and safety of such vehicles falling within the extension period, as well as generally.
- b) Agrees to revert back to the 11-year age limit for all licensed vehicles (after 28th March 2023).

5. **Post-Consultation Review of the Statement of Licensing Policy Gambling Act 2005 (2023-2025) Consultation**

The Committee considered report [HCS/052](#) of the Head of Community Services, which detailed the responses to the consultation on the proposed Statement of Licensing Policy – Gambling Act 2005 (2023-2025). The Committee was requested to provide its own collective response to the consultation, and was informed that the comments made as part of the discussion on the item would form this response. The Health, Safety and Licensing Team Leader summarised the revisions to the proposed Policy and their implications.

The Committee then discussed the matter. It was positive that the revised Policy included new information about problem gambling and links to poor mental health. The Officer outlined the mechanisms to support those with tendencies toward unsafe or excessive gambling – these included a premises exclusion policy, an individual self-exclusion policy, signage with information about problem gambling, signposting toward sources of support, and locating gambling machines further from ATMs.

Committee members raised concerns about the number of gambling establishments in the local area and the ease of access to online gambling, including paid-for rewards through online gaming which were seen to specifically target young people. The Officer confirmed that the Council worked with the Gambling Commission, Sussex Police, and Trading Standards to promote responsible gambling both locally and, where appropriate, online.

Following a query regarding the rate of fees associated with gambling activities, the Officer confirmed that since September 2022 the Council had set these at the maximum allowed by the Gambling Act 2005. The fees were used to offset the costs of the Council's licensing service.

The Committee expressed its thanks to officers for their work on the proposed Policy document and agreed that it was a sound, detailed Policy which allowed the Council to regulate and enforce safer gambling as best as possible within its legal powers.

RESOLVED

That the Committee:

- a) Considers the representation received following the consultation (as set out in Section 7 of report HCS/052).
- b) Provides a collective response to the revised Statement of Licensing Policy - Gambling Act 2005 (2023 – 2025) consultation to be included in the final report that will be considered by the Overview and Scrutiny Commission and the Cabinet prior to the submission of the proposed Policy to the Full Council.

6. **Revision of Licence Conditions - Driver and Vehicle**

The Committee considered report [HCS/053](#) of the Head of Community Services, which set out proposed changes to two licence conditions in the Council's Hackney Carriage and Private Hire Licensing Policy. The Health, Safety and Licensing Team Leader presented the report and summarised the proposed amendments, which related to engine size specifications and to drivers' medical circumstances.

The Committee then discussed the matter. Committee members expressed general support for the revision regarding engine sizes of licensed vehicles – it was felt that

reducing the minimum size from 1,600cc to 1,400cc was a positive move toward a more environmentally-friendly fleet of vehicles, particularly by enabling more hybrid and electric cars to be used. Following a suggestion from a Committee member that the minimum size be further reduced, the Officer clarified that licensed vehicles need to meet other requirements (e.g. leg room, space for luggage) with which vehicles with engines smaller than 1,400cc were not likely to comply. It was also confirmed that the proposal would bring the Policy in line with several other local authorities. A Committee member suggested that, when considering revisions to the Policy in the future, brake horsepower could be used instead of engine size, as this may give a more accurate reflection of a vehicle's power.

The Committee discussed the proposed amendment regarding changes to drivers' medical circumstances. A Committee member raised a concern about the wording of the amendment – it was suggested that requiring a licensed driver to inform the Council of any changes to medical circumstances 'immediately' may cause undue pressure and stress in an already difficult personal situation. The Officer highlighted that the overriding aim of the licensing regime was public safety, and that it was essential that drivers inform the Council of certain medical conditions without delay before operating their licensed vehicle to ensure their own safety and that of their passengers, other road users, and pedestrians. The Committee discussed various alternatives, with the aim of balancing public safety with the needs of licensed drivers. It was proposed that the wording of the amendment be changed as follows: *'...in the case of medical matters which must be notified immediately **and in any case prior to the driving of any licensed vehicle...***'. The Committee agreed that the amendment be made and that this become part of the substantive recommendation.

The Committee heard that minor clerical corrections were required to the proposed amendment regarding engine sizes, as follows: *'With an engine having capacity of at least 1400 cc, including vehicles badged by the manufacturer as "1.4 €€" models. Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal or **greater** power output to a 1400cc engine.'* The Committee agreed that the corrections be made and that these become part of the substantive recommendation.

Following a request from a Committee member, the Committee agreed to take the two proposed amendments to the Policy (medical circumstances and engine sizes) as two separate votes.

RESOLVED

That the Committee approves the amended conditions of the Hackney Carriage and Private Hire Licensing Policy, as detailed in paragraphs 4.7 and 4.9 of report HCS/053 (and as amended by the Committee), for the following reasons:

- Improve public safety by reinstating a requirement on a licensed driver to notify the Council as Licensing Authority within a specified timescale of changes to medical circumstances as part of the "fit and proper" requirements
- Allow for the licensed trade to have access to a broader range of vehicles for use as a licensed vehicle.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.36 pm.

I T Irvine (Chair)