

## Crawley Borough Council

### Minutes of Licensing Committee

Tuesday, 1 March 2022 at 7.00 pm

#### **Councillors Present:**

K L Jaggard (Chair)

A Nawaz (Vice-Chair)

Z Ali, M L Ayling, J Bounds, S Buck, B J Burgess, M G Jones, K McCarthy, M Morris,  
C J Mullins and D M Peck

#### **Also in Attendance:**

Councillor P K Lamb

#### **Officers Present:**

Dan Carberry	Public Protection and Enforcement Manager
Kareen Plympton	Health, Safety and Licensing Team Leader
Jess Tamplin	Democratic Services Support Officer
Kate Wilson	Head of Community Services
Astrid Williams	Senior Lawyer (Solicitor)

#### **Apologies for Absence:**

Councillor R S Fiveash and M W Pickett

#### **1. Disclosures of Interest**

No disclosures of interests were made.

Councillors Ali, Ayling, Bounds, Buck, Jaggard, Jones, Lamb, McCarthy, Morris, C Mullins, Nawaz, and Peck confirmed that they had received some form(s) of lobbying in respect of agenda item 5 – Review of Private Hire and Hackney Carriage Licensing Policy (Consultation Feedback).

#### **2. Minutes**

The minutes of the meeting of the Licensing Committee held on 13 September 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 Private Hire and Hackney Carriage Licensing Policy (Consultation Feedback)**

The Committee considered report [HCS/38](#) of the Head of Community Services, which set out the feedback from the public consultation and changes made to the draft Private Hire and Hackney Carriage Licensing Policy.

The Committee Chair invited the Chair of Crawley Hackney Carriage Association to speak on the item. Matters raised included the impact of the Covid-19 pandemic on the taxi trade, hackney carriage drivers' wish to extend the 11 year age limit on licensed vehicles for a further 12 months, the possibility of introducing 'dual badge' licences, and revisions to the cap on licensed vehicles' engine sizes.

In accordance with General Committee Procedure Rule 8.5, the Committee Chair invited Councillor Lamb to speak on the item. Councillor Lamb spoke in support of an extension to the 11 year age limit on licensed vehicles in light of the economic impact of the Covid-19 pandemic on Crawley as a whole, and specifically on licensed drivers in the area. It was highlighted that the granting of a further 12 month extension to 11 year old vehicles would help to mitigate current obstacles encountered by the trade such as less business, rising fuel prices, lower incomes, and being forced to leave the trade. It was suggested that the administration could cover the extra administrative costs relating to implementation of the extension.

The Health, Safety and Licensing Team Leader presented the report and summarised the consultation feedback and the changes to the Policy, which aimed to promote public safety – the primary purpose of the licensing regime. The proposed changes to the Policy were based on the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards which sought to protect children and vulnerable adults from harm – it was heard that all elements of the Standards were required to be implemented unless there was a compelling local reason not to do so. The proposed changes to the Policy included higher standards of testing for licensed drivers, increased frequency of DBS checks for drivers and dispatch/booking staff, and more rigorous medical standards, among other matters. The Team Leader summarised the feedback received through the consultation process (of which there had been 57 official respondents), and the clarifications made by officers in response to the matters raised.

Committee members discussed the report and proposed revised Policy in detail. Committee members sought further detail on the nature of advisories that may be identified by a Certificate of Compliance test. The Team Leader explained that advisories were similar to those given in an MOT, such as worn tyres, worn brake pads, or steering column issues. Recent tests had picked up more advisories than in previous years, signifying potential safety concerns. Garages undertaking these tests were audited by the Council to ensure all requirements were being followed. The Committee was to be asked to consider the policy on advisories, along with several other matters, at a later date.

The Committee deliberated the 11 year age limit on licensed vehicles. The following matters and views were raised as part of the discussion on this matter:

- A prior significant operational decision had been taken in February 2021 to temporarily grant a 12 month extension to 11 year old vehicles, as many licensed drivers had experienced a loss of earnings throughout the Covid-19 pandemic. A further extension may allow those whose vehicles were

approaching 11 years old more time to recuperate earnings before needing to purchase a new vehicle.

- Licensed vehicles had likely experienced lower mileage over the past two years due to lower demand for the service.
- Whether the existing ability of licensing officers to award adhoc extensions to 11 year old vehicles (in exceptional circumstances) was sufficient.
- The Council's declaration of a climate emergency and older vehicles' potentially greater emissions contributions than those of newer vehicles.
- Certificate of Compliance tests were an important tool in ensuring a vehicle's road safety – an extension to the 11 year age limit would not necessarily lead to unsafe vehicles, as long as these tests were still undertaken six-monthly.
- The differences between extending the age limit to 12 years, or granting a 12 month extension to the 11 year age limit, which would lead to some licensed vehicles being up to 13 years of age due to the previous extension.
- 51 licensed vehicles had either exceeded the 11 year age limit or were due to exceed it this year. If no further extension was granted, those vehicles would come out of the trade at the time of their current licence expiring.
- Whether any potential extension should be incorporated into the revised Policy or made and recorded as a separate decision. The Licensing Team Leader confirmed that any extension past 11 years old would be a deviation from and contradiction to the proposed Policy, so it was advisable to make any amendment in the form of a change to the Policy. The Committee was asked to note that granting a further age limit extension could leave the Council open to potential legal challenge.

It was moved and seconded that the draft revised Policy be amended to grant an additional 12 month extension, from 1 March 2022, to any vehicle currently subject to the 11 year age limit, subject to this being further reviewed by the Licensing Committee before the end of March 2023. A vote was taken and it was **AGREED** that the amendment be incorporated in to the draft revised Policy and therefore form part of the substantive recommendation.

The Committee requested that its thanks be communicated to the officers responsible for report HCS/38 and the proposed Policy, and the associated work that was undertaken.

## **RESOLVED**

That the Committee:

- 1) Considers the feedback from the consultation exercise on the proposed revised Policy.
- 2) Approves the draft revised Policy as set out in Appendix A (as amended by the proposal to grant an additional 12 month extension, from 1 March 2022, to any vehicle currently subject to the 11 year age limit, subject to this being further reviewed by the Licensing Committee before the end of March 2023) and for it to take effect from 1 April 2022.
- 3) Delegates any future minor revisions to the Policy to the Head of Community Services, following agreement with the Cabinet Member for Environmental Services and Sustainability and the Chair of the Licensing Committee.

- 4) Agrees to consider a report later in 2022 regarding further revisions to the Policy, to address any remaining matters contained in the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards as well as any other changes identified as a result of matters impacting public safety, as well as future operational and enforcement changes.

**Closure of Meeting**

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.37 pm.

**K L Jaggard (Chair)**