

Crawley Borough Council

Report to Licensing Committee

17 August 2022

Variation to the Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy

Report of the Head of Community Services – HCS/43

1. Purpose

- 1.1. Related to an ongoing private dispute between a private hire operator and drivers currently working with that operator, the Chair of the Licensing Committee has requested an emergency Licensing Committee meeting to be convened to consider a variation or temporary suspension to section 2.11.6 of the [Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy 2022-2026](#) ('the Policy'), which relates to the colour of vehicle licence plates that must be displayed by licensed private hire vehicles when undertaking work exclusively from Gatwick Airport.
- 1.2. Section 2.11.6 states that private hire vehicles that are operated exclusively by the private hire operator from the concession at Gatwick Airport are issued with teal coloured identification plates, rather than the yellow plates used for wider private hire trade operating within the borough.
- 1.3. Whilst Crawley Borough Council as the licensing authority does not have any remit in relation to the ongoing dispute between drivers and the operator at Gatwick Airport, any decision to change or suspend the Council's policy regarding the issuing of coloured private hire vehicle licence plates is a policy issue which can only be made by the Licensing Committee.
- 1.4 The Committee must give due regard to the Policy as a whole document when considering changes to section 2.11.6 to ensure consistency within the document, and to the DfT guidance in relation to private hire vehicle identification to promote the safety of the travelling public.

2. Recommendations:

- 2.1. The Committee is asked to consider:
 - i. Whether the current [Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy](#) requires any immediate amendments especially in relation to section 2.11.6.

- ii. If subject to (i) any changes are required, including to section 2.11.6, whether those changes are for a temporary or permanent period of time (including suspension). If it is agreed that a temporary change is required, to determine the duration that any changes would apply.

3. Background

- 3.1. It is a legal requirement for private hire vehicle bookings to be taken by a licensed operator and for that operator to then allocate the booking to a licensed private hire driver and licensed private hire vehicle. All three licences must have been granted by the same council/authority ('trio of licences').
- 3.2. The way in which a private hire operator chooses which licensed private hire vehicle/driver to allocate work to (i.e. add to their fleet/circuit) is a private contractual matter between the operator and private hire driver/private hire vehicle owner (in almost all cases the licenced driver and vehicle owner are the same person). The licensing authority does not have any legal basis to become involved in disputes related to contracts.
- 3.3 Where an operator does not have sufficient vehicles/drivers to fulfil a booking, they are lawfully able to sub-contract the booking to another licensed operator, whether or not that operator is licenced by that authority or another local authority. The operator who contracts to fulfil the booking is also subject to the trio of licences rule. For example, a Crawley operator can sub-contract a booking to an operator licensed by Cornwall Council, in which case, the Cornish-licensed operator must allocate the booking to a driver and vehicle both of whom are licensed by Cornwall.

4. Practical and Historic Issues Local to Crawley

- 4.1. Due to a magistrates' court decision in 2003 in an appeal against the Council, conditions to private hire vehicle licences requiring those vehicles to have livery (window/door signage and top box) are not enforced where those vehicles are operated from the airport. However, the condition for livery is enforced in respect of the licences of all other private hire vehicles licensed by the Council.
- 4.2. The Council issues all licensed private hire vehicles with external plates to display at the rear of the vehicle. Most of these are yellow. However, a decision was made to issue teal-coloured plates for those vehicles who operate exclusively for Gatwick Airport work. This is set out in section 2.11.6 of the Policy. The different coloured plate allows officers to immediately identify those vehicles which exclusively carry out airport work and this aids security and regulatory enforcement, in part because of the livery issue as described above. Both Gatwick Airport and the Police have supported this and were involved in discussions when the decision was made many years ago.
- 4.3. Gatwick Airport has for many years rented a space (granted a concession) to a private hire operator to accept bookings/journeys from that space. The private hire operator has changed over the years. The current private hire

operator (a named individual) in the airport concession trades as 'Airport Cars Gatwick'.

- 4.4. Whenever a private hire driver/vehicle owner ceases to work for a private hire operator and starts to work for another, they (or the operator) notify the Council and a record of this is taken. This is an administrative matter.
- 4.5. In instances which relate to the operator at the airport, the Council records the change and also replaces the yellow-coloured plate with a teal-coloured plate.
- 4.6. The issue of a teal plate is an administrative matter which takes place after the operator at the airport has entered into an arrangement with the private hire driver/vehicle licence holder for them to join the fleet/circuit.

5. Consequences of Suspending the Issue of Teal Plates

- 5.1. There is a current contractual dispute between Airport Cars Gatwick and the private hire drivers who are part of the fleet/circuit. It is the Licensing team's understanding that this relates to employment terms and conditions and other matters, all of which are private matters between the parties and does not affect the regulatory function of the Council as the licensing authority.
- 5.2. The request for the suspension of the issue of teal plates has arisen in this context. It appears that this request may be based on the assumption that by issuing teal plates the Council is somehow involved in the authorisation/gives permission for those vehicles to be operated from the airport. This is incorrect because a decision to suspend the issuing of teal plates cannot prevent the operator at the airport from allocating bookings to licensed private hire drivers and vehicles. The consequence of suspending the issuing of teal plates is that some of the fleet/circuit operating from the airport will have yellow plates and no livery. This in turn is likely to cause confusion and further conflict with the wider private hire trade and potentially make regulatory action more complex.
- 5.3. The suspension of the issuing of teal plates will not prevent drivers/vehicles from entering into a contract with the operator at the airport and carrying out bookings allocated to them.
- 5.4. The Committee should be aware that at the forthcoming September Licensing Committee meeting, there is a scheduled report relating to the Licensing Policy regarding a proposal on the introduction of 'dual badges' for the trade and in respect of the engine size of vehicles. Therefore any decision taken at this meeting might affect those proposals which could result in these decisions being delayed by a number of months.

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