

Crawley Borough Council

Report to Governance Committee

10 October 2022

Changes to the Constitution: Licensing Sub-Committee (Taxis) Functions

Report of the Head of Governance, People & Performance – LDS/191

1. Purpose

- 1.1. Following the decision by the Licensing Committee to delegate power to take decisions around the suspension of issuing hackney carriage (driver and vehicle) licences and private hire (driver/vehicle/operator) licences to a Licensing Sub-Committee (when specifically requested by the Chair of the Licensing Committee), this report proposes changes to the Constitution which will reflect the arrangements necessary to fulfil the decision.

2. Recommendations

- 2.1. That the Full Council be recommended to approve:
 - a) The Licensing Sub-Committee (Taxis) functions as set out in Appendix A of this report.
 - b) That meetings of the Licensing Sub-Committee (Taxis) follow the same procedure as set out in the General Committee Procedure Rules of the Constitution.
 - c) That the Head of Governance, People & Performance be delegated authority to amend all references to the “Licensing Sub-Committee” in the current Constitution to “Licensing Sub-Committee (Hearings)” and make any other consequential changes to the Constitution as necessary.

3. Reasons for the Recommendations

- 3.1. To ensure that the Constitution reflects the functions of the Licensing Sub-Committee (Taxis) established by the Licensing Committee.

4. Background

- 4.1. At an Extraordinary meeting on [17 August 2022](#), the Licensing Committee considered report [HCS/043](#) which advised that the Chair of the Licensing Committee had called the Extraordinary meeting and requested that the Committee 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

related to the colour of vehicle licence plates that must be displayed by licensed private hire vehicles when undertaking work exclusively from Gatwick Airport.

- 4.2. At that meeting the Committee resolved that the Policy be modified to enable the Council to suspend the issuing of any category of licence. In addition, the Committee resolved that the power to take decisions around the suspension of issuing Hackney Carriage (driver and vehicle) licences and Private Hire (driver/vehicle/operator) licences be delegated to a politically balanced Licensing Sub-Committee which would be called at the request of the Chair of the Licensing Committee, and that constitutional changes arising from its decision be brought before the next meeting of the Governance Committee.
- 4.3. The minutes of that Extraordinary Licensing Committee are attached as Appendix B to this report.

5. Constitutional Changes

- 5.1. The Constitution currently reflects that the Council's functions, as a Licensing Authority (with the exception of any functions which are reserved for the Full Council) relating to Hackney Carriages, Private Hire Vehicles, public safety, animal welfare, market and street trading, sex establishments, scrap metal dealing and other miscellaneous licensing and registration functions are discharged by the Council's Licensing Committee. It also reflects that the functions of the Council as a Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 have been delegated to the Licensing Sub-Committee.
- 5.2. To enact the resolution made by the Licensing Committee to establish an additional Licensing Sub-Committee to take decisions around the suspension of issuing licences when requested by the Licensing Committee Chair, it is necessary to set out the functions of that new Sub-Committee for inclusion in the Council's Constitution.
- 5.3. To distinguish between the already established Sub-Committee which undertakes Hearings to consider applications under the Licensing Act 2003 and Gambling Act 2005 it is suggested that the current Sub-Committee be renamed "Licensing Sub-Committee (Hearings)" and the newly established Sub-Committee be named "Licensing Sub-Committee (Taxis)". Whereas the current Sub-Committee has specific Procedure Rules which reflect the relevant legislation, it is proposed that the "Taxi" Sub-Committee follows the General Committee Procedure Rules.
- 5.4. The Committee is asked to consider the proposed functions of the Licensing Sub-Committee (Taxis) set out in Appendix A to this report and recommend to the Full Council that those changes be adopted for inclusion in the Constitution.
- 5.5. It is expected that other minor changes to the Constitution, in addition to renaming the current Sub-Committee, may be necessary to reflect the new arrangements and the Committee is therefore requested to delegate such amendments to the Head of Governance, People & Performance.

6. Legal and Other Implications

- 6.1. To ensure that any decision taken by a Council body is legal, it is vital that the Constitution is updated to reflect the decision-making powers of the newly established Licensing Sub-Committees (Taxis).

- 6.2. It is suggested that the meeting is held within 15 working days following the Chair of the Licensing Committee calling for the Sub-Committee. This is to:
- Ensure that any meeting of the Licensing Sub-Committees (Taxis) fulfils the statutory requirement to publish Committee documents at least 5 clear days before a meeting takes place.
 - Give officers enough time to produce a report.
 - Give notice of the meeting to any other relevant parties.
 - Allow time to establish a politically balanced Sub-Committee Panel.

7. **Background Papers**

[Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy 2022-2026](#)

[Constitution of Crawley Borough Council](#)

Report author and contact officer:

Chris Pedlow (Democracy & Data Manager)
chris.pedlow@crawley.gov.uk