

Crawley Borough Council

Minutes of Licensing Committee

Tuesday, 18 June 2024 at 7.00 pm

Councillors Present:

I Ashraf (Chair)

K L Jaggard (Vice-Chair)

T G Belben, B J Burgess, C M Burke, S Bushnell, D Crow, J Hart, N Hilton, M G Jones, Y Khan,
T Lunnon, C J Mullins, B Noyce and J Russell

Also in Attendance:

Councillor P K Lamb

Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Ian Duke Chief Executive

Chris Pedlow Democracy & Data Manager

Jess Tamplin Democratic Services Officer

1. Disclosures of Interest

No disclosures of interests were made.

Councillors Ashraf and Lamb declared they had been lobbied on matters related to agenda item 5/minute 4 (Noting Taxi Licensing Concerns at Gatwick Airport).

2. Minutes

The minutes of the meeting of the Licensing Committee held on 15 January 2024 were approved as a correct record and signed by the Chair.

3. Public Question Time

The Chair confirmed that he had granted speaking rights to named individuals who had requested to speak prior to the meeting. For practical reasons these individuals would speak under agenda item 5 (Noting Taxi Licensing Concerns at Gatwick Airport) rather than under agenda item 4.

4. Noting Taxi Licensing Concerns at Gatwick Airport

The Chair introduced the agenda item, which requested that the Committee note concerns about taxi licensing at Gatwick Airport, and had been added to the agenda at the request of the Chair. The Chair confirmed that he had granted speaking rights to named individuals prior to the meeting. These speakers were heard as follows:-

Nick Venes, a representative of Unite union, addressed the Committee. Points raised included the following:

- In March 2024, a request was submitted to the Council by Unite to investigate taxi activity at Gatwick Airport. An investigation commenced but no updates or findings had been provided since new evidence had been presented, which was disappointing. The length of time taken to investigate was unacceptable and it was a shame that officers from the Council's licensing team were not present at the meeting to answer questions.
- Numerous reports had been made about the operations of alleged improperly licensed vehicles taking jobs at the airport, including waiting in dedicated bays and accepting jobs that had not been pre-booked. It was illegal for a licensed operator to make provisions in an area in which they were not licensed.
- Crawley's licensed drivers needed help and were not being protected, and the Council had a duty to work to support them.

Aamir Bhatti, Chair of the Crawley Hackney Carriage Association (CHCA), addressed the Committee. Points raised included the following:

- The CHCA represented 123 hackney carriage drivers in Crawley. Those drivers' business had been negatively impacted in recent years by the effects of the Coronavirus pandemic and the closing of shops.
- More ranks should be provided in the town centre and throughout the borough, including the reopening of the rank at Crawley train station. Local drivers were losing income due to a lack of space at ranks.
- The majority of hackney carriage jobs were picked up at Three Bridges train station, but the taxi bays were limited and not fit for purpose. Vehicles which were allegedly not licensed were regularly witnessed accepting jobs at the station and this was taking work away from local licensed drivers. Many complaints had been made to the Council's licensing team about this.

Zack Ali, West Sussex County Councillor for Southgate & Gossops Green ward, addressed the Committee. Points raised included the following:

- Investigations into the matter had been ongoing since the beginning of the year. Officers should be asked to conclude their investigation as soon as possible. Further information could be provided by drivers or their representatives if it was requested.
- As part of a visit to Gatwick Airport, various potential breaches of licensing law or policy were witnessed, such as ranking in incorrect bays.
- It was a serious concern if a taxi company was operating in an area without an operator licence and if so action should be taken.

Peter Lamb, Crawley Borough Councillor for Northgate & West Green ward, addressed the Committee. Points raised included the following:

- There was an issue at national level in that legislation allowed cross-border hiring. This made it more difficult to identify improper behaviour by licensed operators or drivers.
- It was important not to debate the content of the ongoing investigation, but the Committee could request that officers prioritise compiling their findings. It was disappointing that the investigation was not concluded sooner, particularly as the approaching summer months brought more work for local licensed drivers.
- The Council could also seek to work alongside other bodies, such as Transport for London and Gatwick Airport, to engage with the interested parties and move the investigation along more quickly.

Don Barnes, a representative of Unite union, addressed the Committee. Points raised included the following:

- If a taxi company was breaking the law, it must be held accountable.
- Unauthorised vehicles had been witnessed in the Authorised Vehicle Area at Gatwick Airport.
- Cars entering the area from London and surrounding areas should be geofenced from the airport if they were found to be breaking the law.

The Chair then explained that the issues which had been raised were subject to an ongoing investigation and that Council officers had communicated this to the Unite union representatives and had recently provided an update. The Chair emphasised that as the matter was still being investigated, it was not appropriate for members of the Committee to comment, agree, disagree, or provide any views or promises at the meeting. The Chair stressed that to avoid jeopardising or undermining the ongoing investigation, no views would be expressed and no decisions on the enforcement matter could be made. The Chair confirmed that there would be no discussion (from committee members) about the specific evidence or the merits of taking enforcement action.

The Committee then discussed the matter. A number of Committee members recognised the significant strength of feeling about the matter among members of the taxi trade. It was recognised that the investigation was ongoing and officers continued to work to compile information. A suggestion was made that officers could be asked for an update on the timeline of the investigation and requested to conclude their findings as soon as possible. Many Committee members also expressed a wish to be provided with these findings when they were available. It was highlighted that councillors had had little information and had not been briefed about the matter, so the content of the investigation was not known.

Committee members noted the claims that had been made by the speakers and confirmed that they were listening to and acknowledging comments made by all parties. There were specific concerns about the allegations of operators working at Gatwick Airport when they did not have a license to do so, and several Committee members agreed that these allegations were troubling. It was confirmed that the administration had passed some of these concerns on to the Chair of Gatwick Airport Limited – there was general support for the idea of working more closely with other organisations such as the airport and Transport for London. Views were also expressed that there was a responsibility for Gatwick Airport to monitor activity of licensed vehicles and ensure that rules were being followed.

In response to a query from a Committee member about the Licensing Committee's role in the Council's ongoing investigation, the Head of Governance, People & Performance

explained that investigation and enforcement were not functions of the Committee. Once the investigation was complete, officers would make a decision as to what action (if any) was to be taken based on the evidence set out. It was explained that the evaluation of that evidence was not in the Committee's remit.

Committee members also discussed that it was legal for a driver to accept a job if the 'triple licensing lock' was in place; that the vehicle, operator, and driver were licensed in the same area. This often led to cross-border hiring, about which mixed views were expressed. The Committee recognised that this could disadvantage local drivers as drivers licensed in other areas were able to work in Crawley as long as the triple licensing lock was in place. This was controlled by national legislation but some Committee members had contacted the Department for Transport to raise concerns about the negative effect the law was having on local drivers.

A Committee member sought advice regarding drivers who might not meet a suitable standard and who were licensed in other boroughs, but who undertook work in Crawley. A query was raised as to who would challenge the Council if it decided not to accept such drivers (from other boroughs) working in Crawley. The Head of Governance, People & Performance responded that if the Council was to adopt this approach and enforce this (for example through prosecution), those being prosecuted may challenge the Council for abuse of process if it was not the correct licensing authority to be dealing with that driver. However, it was mentioned that licensing authorities do work together to tackle such issues and this could be explored.

The following points were also made as part of the discussion on the item:

- Public safety was the main priority of the Council's taxi licensing regime.
- The Council aimed to work with the taxi trade to raise standards and protect jobs. It was recognised that the upcoming summer season was a peak time for local drivers.
- Demand for taxi services at Gatwick Airport was high and queues at the rank had been witnessed.
- The general public should be reassured that all licensed vehicles, drivers, and operators were required to comply with the Department for Transport's national statutory taxi standards, regardless of the operator or the area in which they were licensed.
- Concerns raised by public speakers about taxi operations at Three Bridges station were new allegations. If there were claims of impropriety these should be formally raised with the licensing team to enable them to be investigated.

It was proposed by Councillor Jones that the Committee approve the following actions:

- a. Ask officers to ensure that the investigation is conducted as speedily as possible.
- b. Request that the Chair of the Licensing Committee writes to Gatwick Airport Limited to express the Committee's concern over the issues raised at today's Committee meeting and request that the airport engages with licensing officers to ensure that provision made for licensed vehicles at the airport is compliant with licensing law.
- c. Request that the Chair of the Licensing Committee writes to Transport for London to express the committee's concern over allegations being made at Gatwick Airport and ask that they visit more frequently to undertake enforcement and/or authorise the Council's licensing officers to act on their behalf.

- d. Request that the Chair of the Licensing Committee writes to the Department for Transport expressing concern over how the current licensing regime is making it increasingly hard to address licensing breaches and requesting that the law be revisited to improve the protections, including the problems caused by cross-border licensing.

This was seconded by Councillor C Mullins. The Committee moved to a vote on the proposed actions.

RESOLVED

That the Committee:

- 1) Notes the points raised.
- 2)
 - a. Asks officers to ensure that the investigation is conducted as speedily as possible.
 - b. Requests that the Chair of the Licensing Committee writes to Gatwick Airport Limited to express the Committee's concern over the issues raised at today's Committee meeting and request that the airport engages with licensing officers to ensure that provision made for licensed vehicles at the airport is compliant with licensing law.
 - c. Requests that the Chair of the Licensing Committee writes to Transport for London to express the committee's concern over allegations being made at Gatwick Airport and ask that they visit more frequently to undertake enforcement and/or authorise the Council's licensing officers to act on their behalf.
 - d. Requests that the Chair of the Licensing Committee writes to the Department for Transport expressing concern over how the current licensing regime is making it increasingly hard to address licensing breaches and requesting that the law be revisited to improve the protections, including the problems caused by cross-border licensing.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.12 pm.

I Ashraf (Chair)