



**THE LICENSING AND HEALTH AND SAFETY
ENFORCEMENT SUB-COMMITTEE**

**TUESDAY 18 SEPTEMBER 2012
FOLLOWING FULL COMMITTEE**

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Cllr G Chapman

Cllr Conway

Cllr Fantham

Cllr Mrs Green (Vice-Chairman)

Cllr Lawson (Chairman)

Cllr Link

Cllr G Sutton

Substitutes: Councillors Bhinder, R Hollinghurst, Rance and Ryan

(Please note Members may only be appointed as substitutes if they have been trained for Licensing Committee).

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1. INTRODUCTION

2. MINUTES

To confirm the minutes of the meeting of the Licensing Health and Safety Enforcement Sub-Committee held on 28 August 2012.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter, who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw to the public seating area.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests or the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interest are defined in Part 2 of the Members' Code of Conduct.

5. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules on Public Participation

6. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to an individual which would be likely to reveal their identity (Item 7).

DACORUM BOROUGH COUNCIL

LICENSING HEALTH AND SAFETY AND ENFORCEMENT SUB-COMMITTEE

TUESDAY 28 AUGUST 2012

Present-

MEMBERS:

Councillor Lawson (Chairman), Conway, Mrs Green, Link, Ryan and G Sutton

OFFICERS:

L Crowley Solicitor
R Hill Licensing Team Leader
R Mabbitt Licensing Enforcement Officer
D Wills Assistant Licensing Officer
T Coston Member Support Officer, Democratic Services (Minutes)

Other Persons Present:

Ms C – Item 9 - Applicant
Mr K & Mr W – Item 10 – Applicants

The meeting began at 7:30 pm

1. INTRODUCTIONS

The Chairman welcomed everyone to the meeting and informed those present he would introduce the Committee and the Officers when it was appropriate.

2. MINUTES

The Minutes of the meeting held on 24 July 2012 were confirmed by the Members present and were then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Fantham and G Chapman. Councillor Ryan substituted for Councillor G Chapman.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PUBLIC PARTICIPATION

There was no public participation.

6. CHANGES TO CRB FEES AND PROCEDURES

R Hill explained that the Council currently requires applicants with taxi and private hire driver licenses to be subject to enhanced CRB checks prior to a licence being granted. A fee is charged by the CRB for this service and the Council recover the cost from applicants. He advised that, due to an administrative error, the most recent fee increase wasn't reflected by the Council's fees and therefore an undercharge had occurred. It was proposed to rectify this by adjusting the fee payable by applicants on a full cost recovery basis.

He advised that changes to the CRB's verification procedures from 1st September will require officers to undertake external identity verification checks of applicants who do not possess certain official documents stipulated by the CRB (namely, a valid passport, a UK photo driving licence, an original UK birthday certificate, or a UK biometric residence permit). A further fee will be incurred for this service, which has now been assessed at £7.20 and it is proposed that this should also be recharged in full to applicants.

It was proposed by Councillor G Sutton, and seconded by Councillor Mrs Green, that the Committee agree the recommendations, for the reasons as set out in the report.

Voting:

Unanimously agreed;

whereupon it was:

Resolved:

That the Committee agreed the following recommendations:

- That the fees charged by the Council in respect of CRB enhanced disclosures for Hackney Carriage and Private Hire drivers are raised to £44.00, with effect from the 1st September 2012.
- That the fee charged by an external identity verification company in respect of a CRB Route 2 identity check, for those applicants affected by those provisions, shall be recharged in full to the applicant.
- That any future changes to the fees charged by the CRB for disclosures, or the fees charged by an external identity verification company for Route 2 identity checks, shall be reflected automatically in the fees charged by the Council for such, on a full cost recovery basis, without further resolution.

7. TAXI LICENSING LAW REFORM PROPOSALS

R Hill explained that the report set out proposals for the reform of taxi licensing laws in the UK as put forward by the Law Commission. The Law Commission will be attending a meeting at the Civic Centre on Thursday 30 August 2012 to give a detailed overview of the proposals. He advised that the report was provided for information purposes only as no action is required at this stage, and it is thought unlikely that any reform will take effect within the next 2-3 years.

Resolved:

That the Committee noted the contents of the report

8. EXCLUSION OF THE PUBLIC

It was moved by Councillor Lawson and seconded by Councillor G Sutton to move to Part II of the meeting and to exclude the public.

Voting:

Unanimously agreed

Whereupon it was:

Resolved:

That, under Section 100A (4) of the Local Government Act 1972 the public be excluded during the items in Part II of the Agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to individuals which is likely to reveal their identities (Minutes 9 and 10).

9. REQUEST FOR EXEMPTION FROM STANDARD ANIMAL HOME BOARDING ESTABLISHMENT CONDITIONS – MS C

Full details are in the Part 2 minutes

10. REQUEST FOR EXEMPTION FROM HACKNEY CARRIAGE VEHICLE LICENSING POLICY – MR K & MR W

Full details are in the Part 2 minutes

The meeting ended at 8:07 pm

APPENDIX B

PROCEDURE FOR THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE (PRIVATE HIRE VEHICLE AND HACKNEY CARRIAGES)

1. The Chairman will open the proceedings by stating the nature of the matter, which is to be considered, (first application/renewal/suspension/revocation), whether the proceedings concern a vehicle, driver or operator licence, and the name of the applicant or licence holder.
2. The Chairman will introduce himself/herself and the Members of the Committee, the Clerk to the Committee and any other officer present.
3. The Chairman will ask the officers to confirm whether or not the formal requirements in respect of the matter to be considered have been complied with. In the case of a proposed suspension or revocation of licence or a refusal to renew, the Chairman will ask the officers to confirm whether or not the requisite 14 days' prior notice has been served on the licence holder.
4. If satisfied as to the formal requirements the Committee will consider the merits of the application or proposed suspension/revocation and the report of the officers. The Committee may ask the officers for clarification of any points in issue.
5. The Chairman will then invite the applicant or licence holder to make any representations. The applicant or licence holder may make his/her representations personally or through a representative, who shall first identify him/herself.
6. The Chairman and other members of the Committee may ask the applicant or licence holder questions and points of clarification.
7. The applicant or licence holder, his/her representative (if any) and any officer present (with the exception of the Clerk to the Committee) shall withdraw.
8. The members of the Committee consider their decision. If any further clarification or information is required from the applicant or licence holder or any officer, all parties will be recalled
9. All parties will be recalled for the announcement by the Chairman of the Committee's decision.
10. The Committee's decision will be confirmed in writing by the Solicitor to the Council.
11. At any point in this procedure, the Committee may pass a resolution excluding the press and public from the meeting on the basis that, if they were to remain, there may be disclosure of exempt information (information relating to individuals which is likely to reveal their identities).

APPENDIX C - GUIDELINES TO BE USED BY THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB COMMITTEE WHEN CONSIDERING THE RELEVANCE OF CONVICTIONS

