



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

**TUESDAY 27 MARCH 2012**

**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 Conway

Cllr Fantham

Cllr Mrs Green (Vice-Chairman)

Cllr Hearn

Cllr Lawson (Chairman)

Cllr Link

Cllr Sutton

Substitutes: Councillors Bhinder, R Hollinghurst, Mrs Rance and Ryan

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

For further information, please contact Pauline Bowles, Members Support Officer on Tel: 01442 228221, or Email: [Pauline.bowles@dacorum.gov.uk](mailto:Pauline.bowles@dacorum.gov.uk) Information about the Council can be found on our website: [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

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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 1 March 2011.

**3. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

**4. DECLARATIONS OF INTEREST**

To receive any declarations of interest

**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 (Items 7 and 8).

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**DACORUM BOROUGH COUNCIL**

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

**1 MARCH 2012**

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Present-

**MEMBERS:**

Councillor Lawson (Chairman), Conway, Fantham, Hearn, R Hollinghurst, Ryan and Sutton.

**OFFICERS:**

L Crowley	Solicitor
K Ashton	Team Leader, Environmental Health
R Mabbitt	Licensing Enforcement Officer
P Bowles	Member Support Officer, Democratic Services
T Coston	Member Support Officer, Democratic Services

Other Persons Present:

Mr C – Item 8  
Mr A – Item 10

The meeting began at 7:55 pm

**1. MINUTES**

Minutes of the meeting held on 29 November 2011 were confirmed by the Members present and were then signed by the Chairman.

**2. APOLOGIES AND SUBSTITUTIONS**

- 1) Apologies of absence were received from Councillors Mrs Green and Councillor Mrs Link.
- 2) Councillor Ryan substituted for Councillor Mrs Green.
- 3) Councillor R Hollinghurst substituted for Councillor Link.

**3. EXCLUSION OF THE PUBLIC**

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

Voting:

Unanimously agreed

whereupon it was:

Resolved:

That, under S.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 those items there would be disclosure to them of exempt information relating to an individual which would be likely to reveal their identity (Minutes 4, 5, and 6).

**4. APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER LICENCE – MR C**

Full details are in the Part 2 minutes

**5. APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER LICENCE – MR J**

Full details are in the Part 2 minutes

**6. APPLICATION FOR CONSIDERATION TO SIT THE COUNCIL'S KNOWLEDGE TEST – MR A**

Full details are in the Part 2 minutes

**7. PUBLIC MEETING**

It was moved and duly seconded and agreed to move back to Part I of the meeting and continue with agenda item 6.

**8. PROPOSED CHANGES TO MEDICAL REQUIREMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The proposed changes to the requirements for provision of a satisfactory medical policy in respect of Hackney Carriage and Private Hire Drivers and Applicants were considered.

Councillor Sutton said it was a sensible proposal and moved the recommendation. It was duly seconded.

Voting:

Unanimously agreed

whereupon it was:

Resolved:

That the recommendations at paragraphs 2.1 and 2.2 of the report are approved as follows:

- The requirement for a satisfactory medical report to be submitted in order to satisfy the 'fit and proper' person test for all applicants and

drivers is amended to require that such medical report is obtained by the applicant's/driver's own GP or by a medical practitioner who has access to the person's medical records covering at least five years months prior to the date of the medical report.

- The Council's Guidelines in respect of insulin dependent applicants/drivers be amended to those set out in Annex 2 of the report.

The meeting ended at 8.55 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).

**DACORUM BOROUGH COUNCIL**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

**1. Type of Vehicle**

The vehicle must not resemble a London-type taxi or be of such design to lead any person to believe the vehicle is a taxi.

**2. Maintenance of Vehicle and Safety Equipment**

**The proprietor of the vehicle shall:**

- (a)** Provide sufficient means by which any person in the vehicle may communicate with the driver;
- (b)** Cause the roof or covering to be kept watertight;
- (c)** Provide adequate windows which must be capable of being opened and closed at all times by passengers;
- (d)** Cause the seats to be properly cushioned, covered and kept clean;
- (e)** Cause the floor to be provided with a proper carpet, mats or other suitable floor covering;
- (f)** Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
- (g)** Provide means for securing luggage;
- (h)** Provide external rear view mirrors to be fitted both sides of the vehicle;
- (i)** Provide a heater screen to the rear window of the vehicle which must be kept in working order;
- (j)** Ensure that the wheels (including the spare) are not fitted with remould tyres;
- (k)** Ensure that the wheels (including the spare) are fitted with radial tyres.



- (l) Provide an efficient vaporising liquid or dry powder fire extinguisher, which shall be carried in such a position as to be readily available for use at all times;
- (m) Provide a first aid kit, such equipment to be carried in such a position in the vehicle as to be readily available for use at all times (a list of minimum contents will be supplied)
- (n) Ensure that the vehicle and all its fittings and equipment are at all times, when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with;
- (o) Ensure that no material alteration or change in specification, design, condition or appearance of the vehicle are made without the approval of the Council at anytime whilst the licence is in force;
- (p) If the vehicle is an estate, a guardrail must be fitted of a type approved by the Council, to separate the rear loading area from the passengers. In the case of hatchback models, it is only necessary to fix a guardrail when the parcel shelf is removed.

### 3. Identification Plate

The identification plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed to the satisfaction of the Council, on or above the bumper on the outside of the offside rear of the vehicle, in such a position that it shall be clearly visible from the rear of the vehicle and the proprietor/driver shall not willfully or negligently conceal it from public view whilst the vehicle is being used for hire.

### 4. Interior Marking

The interior plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed inside the vehicle, to the satisfaction of the Council, in such a position that it is clearly visible to the passengers while the vehicle is being used for hire.

### 5. Roof Signs

The proprietor must not fix a roof sign on the vehicle.

### 6. Notices, Advertisements etc

No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems, badges or any device whatsoever must be displayed on, in or from the vehicle, except as may be required by an statutory provision or the following conditions:

- (a) An identification sign of a maximum size of 30" x 16" showing the name of the firm and/or the company's symbol or badge which **must** include the words "**LICENSED PRIVATE HIRE CAR**" must be displayed on the front doors of the vehicle only, subject to an

authorised Officer of the Council approving the appropriate size, layout and design and wording prior to them being displayed on the vehicle;

(Note: The only exemption to this condition will be for vehicles which are being used for executive hire under a contract.)

- (b) There may be displayed inside the vehicle an interior panel measuring 10" x 8" for displaying advertisements, provided it is not illuminated or readily visible outside the vehicles

## **7. Two Way Radio Equipment and Hands-Free Telephones**

The proprietor shall immediately notify the Licensing Office before such equipment is installed in a licensed vehicle, so that the equipment and proposed position can be checked and approved in relation to passenger and driver safety.

## **8. Driver**

The driver shall at all times be clean and respectable in his dress and behave in a civil and orderly manner.

### **(a) Passengers**

The driver shall not, when the vehicle is in use:

- (b) Carry more passengers than the vehicle is licensed to carry;  
**NB:** A one-day old child is a passenger.
- (c) Have more than one passenger in one seat belt;
- (d) Without the consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;
- (e) Place any passenger in danger regarding the use of seat belts or child restraints.

## **10. Change of Address**

The proprietor shall immediately notify the Council in writing of any change of his/her address during the period of the licence that the vehicle is kept.

## **11. Convictions**

The proprietor of the vehicle shall immediately disclose to the Council in writing any conviction imposed on him/her or the driver during the period of the licence.

## **12. Deposit of the Drivers Licence**

If the proprietor of the vehicle permits or employs any other person to drive the vehicle as a hire car, he/she shall, before the person starts to drive the vehicle, cause the driver to deliver to him/her his/her Hire Car Drivers Licence

for the retention of until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

**13. Copy of Vehicle Licence Conditions**

The proprietor shall make sure that he/she or any driver he/she engages or employs carries a copy of the vehicle licence and conditions in the vehicle, and makes them available for inspection by an authorised officer, the hirer or any other passenger on request.

**14. Vehicle Fitted with Taximeter**

If the licensed vehicle is fitted with a taximeter or other device for recording fares, it must be of a type approved by the Council and the position of the device in the vehicle shall be approved, tested and sealed by an Authorised Officer.

**15. Insurance**

The proprietor shall at all times be adequately insured to the Council's satisfaction in respect of the use of the vehicle for carrying fare paying passengers and ensure that he/she or any driver he/she engages or employs carries proof that the vehicle is insured and makes it available for inspection by an authorised officer, the hirer or any other passenger on request.

**16. Accidents**

Any accident to a vehicle must be reported to the Council as soon as possible and, in any case, within 72 hours. A Vehicle Damage Report must be presented to the Licensing Office. **No further hirings may be undertaken until the vehicle has been inspected and approved by an authorised Officer.**

(Note: a vehicle that has been withdrawn from service may require a further mechanical test at the Council's authorised testing station before being allowed to return to service, this depends on the extent of damage. (Any cost to be met by the proprietor.)

**17. The Council reserves the right to vary, delete or waive any of the foregoing Conditions.**

If you are aggrieved by any of the Conditions attached to this licence, you may appeal to a Magistrates Court within 21 days of the service of the licence on you. (S.47 and 77 of the 1976 Act and S.300 to 302 of the Public Health Act 1936.)