



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

**TUESDAY 30 JULY 2013
FOLLOWING SUB-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 Bhinder
Cllr G Chapman
Cllr Conway
Cllr Fantham

Cllr Link
Cllr Peter
Cllr Ryan
Cllr G Sutton

Cllr Mrs Green (Vice-Chairman)
Cllr R Hollinghurst
Cllr Lawson (Chairman)

Cllr Taylor
Cllr Whitman

For further information, please contact Clare Thorley on Tel: 01442 228226, or Email: clare.thorley@dacorum.gov.uk. Information about the Council can be found on our website: www.dacorum.gov.uk.

PART I

Item no.		Page
1.	Minutes	2
2.	Apologies for Absence	2
3.	Declarations of Interests	2
4.	Public Participation	2
5.	Sex Establishments/Licensing Policy	
6.	PHO Licensing guidelines/conditions HCV/PHV Standards & Conditions Sex Establishment Fees 2009-2012	
9.	Exclusion of the Public	X
Appendix A	Minutes of the Licensing and Health & Safety Enforcement Committee held on 25 June 2013	X

*

*

*

1. MINUTES

To confirm the minutes of the Licensing and Health & Safety Enforcement Committee meeting held on 25 June 2013.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a personal 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, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

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

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

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

4. PUBLIC PARTICIPATION

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

9. 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:

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

25 JUNE 2013

Present –

MEMBERS:

Councillors Mrs Green (Chairman), Bhinder, Conway, Fantham, R Hollinghurst, Ryan, Peter, R Sutton, G Sutton, Taylor and Whitman

OFFICERS:

B Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
A Miles	Licensing Enforcement Officer
L Stone	Member Support Officer
C Thorley	Member Support Officer

Other Persons Present:

Mr Khan	Chairman, Hackney Carriage Drivers Association
Mr McIlvaney	Committee representative, Hackney Carriage Drivers Association

The meeting began at 7.30 pm

1. MINUTES

The minutes of the meeting held on 12 February 2012 were confirmed by the Members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies were made on behalf of Councillor Lawson, Councillor G Chapman and Councillor Link.

3. DECLARATIONS OF INTERESTS

No interests were declared

4. PUBLIC PARTICIPATION

None

5. CHANGES TO DISCLOSURE BARRING SERVICE

R Hill introduced the report which detailed changes recently made to the disclosure service provided by the Disclosure & Barring Service, which affected the licensing process for taxi and private hire drivers.

R Hill stated that with effect from mid-June, the Council would no longer receive its own copy of certificates, meaning that it would now be incumbent upon applicants for driver's licences producing their own copy for the Council's examination. A revised process had been put in place and affected drivers notified of this, and details of this process were included at Annex A, on pages 7 and 8 of the report bundle.

R Hill mentioned that in addition to this change, a new premium service had also been launched, which was intended to increase the duration and portability of licences. Officers had reviewed the preliminary data on this new service, and at the present time they were not recommending any changes to the existing policy, which required all applicants to obtain a new disclosure certificate on each application. However R Hill said that this position would be reviewed again later this year, taking into account the experiences of other authorities who had opted to use the new service immediately.

R Hill concluded by stating that disclosure certificates would no longer show single, historic convictions for less serious offences, which would be filtered out. Multiple convictions, recent convictions and convictions for more serious offences would remain on the disclosure certificate under all circumstances.

Resolved:

That the Committee note the changes to the Disclosure & Barring service.

6. REQUEST TO AMEND TAXI TABLE OF FARES

R Hill introduced the report stating that it detailed a recent request from the Hackney Carriage Drivers Association for a review of the table of fares set by the Council, which limits the maximum fares chargeable by hackney carriage drivers for journeys within the Borough.

R Hill referenced the initial proposal (referred to as Proposal A) that was set out on page 11 of the report, at paragraph 2.2, together with a table showing the effect of the proposal on typical fares. R Hill said that as officers had expressed concerns that this proposal would have the largest effect on the shorter journeys, typically taken by the elderly or infirm, a second proposal was received from the Association (referred to as Proposal B), which was set out in paragraph 2.4, which would see a larger increase on longer journeys.

R Hill drew attention to the tables which showed a fuller breakdown of the fares, as well as a comparison with other nearby authorities, on pages 18 and 19 of the agenda; Annexes C and D.

R Hill also noted the general data regarding national average fares, fuel price indexes and inflation figures in section 3 of the report.

R Hill also outlined that if the Committee were minded to move forward with either of the proposals, or an alternate proposal that they specified, then consultation would take place with both the trade and the public, and the results reported to a future meeting. At that meeting, the Committee would be asked to form a recommendation, to be referred onwards for consideration by Cabinet.

R Hill introduced Tabrez Khan from the Hackney Carriage Drivers Association to the meeting. Mr Khan had been invited to provide further information about the request and to answer any questions that may arise.

T Khan began by saying that the fares for Dacorum were 114th in the UK league table and that a lot of drivers had asked that proposals for fare changes be put forward. T Khan highlighted that although under the proposal, Dacorum fares would be slightly higher for smaller journeys than the fares charged in St Albans and Watford, the fares in Dacorum would be lower for journeys over 3.5 miles. T Khan stated that the increase in fares was necessary due to the rising costs of petrol, insurance and drivers badges that drivers had to pay for. T Khan then asked the committee if they had any questions.

Councillor G Sutton then asked what the average journey distance in Dacorum was. R Hill stated that Dacorum Borough Council didn't have any official figure on that but T Khan stated that taking into account the size of Hemel Hempstead it was approximately 3 miles.

The Chairman then asked which proposal the Committee wanted to consider. Councillor G Sutton proposed that proposal B should be considered as proposal A affected more vulnerable people. Councillor Bhinder and Ryan seconded this.

The Chairman said that the committee would then consider proposal B. Mr McIlvaney at this point asked for proposal A to be completely discounted as on reflection the Hackney Carriage Drivers Association acknowledged that proposal A would not be fair and that proposal B would be more reasonable.

Councillor G Sutton then asked if the proposal had to go through to consultation to which R Hill replied that it did as it was a statutory duty of the Council to consult on changes.

Councillor Bhinder then asked if other regions were raising their fares as the petrol expense was the same across the country.

The Substantive recommendation, as set out in the report, was proposed.

Voting:

Unanimously agreed.

Resolved:

That officers commence consultation with the trade and public on Proposal B, as set out at paragraph 2.4, and report the results to a future meeting of the Committee.

7. MEDICAL REQUIREMENTS FOR TAXI AND PRIVATE HIRE DRIVERS

R Hill introduced the report which detailed a number of issues arising from the medical standards which the Council expected applicants for taxi and private hire drivers' licences to satisfy. R Hill stated that there were essentially four strands to the report, which were reflected within the four recommendations made at section 4 of the report.

R Hill said that firstly the Committee were asked to reaffirm the use of the DVLA's published Group 2 medical standards, the latest version of which was appended to the report. R Hill stated that it was a fairly technical document which had been compiled and regularly updated by a national panel of medical experts. Use of the standards by local authorities remains recommended best practice, and in the absence of these standards the Council would need to produce a similar set of Guidelines, at considerable cost.

R Hill said that the second strand related to the medical certificate which drivers were asked to have completed by their GP or another suitably qualified medical professional. The previous version of this form had been in use for several years without significant review, and no longer reflected the current medical standards required of drivers. A complete overhaul had now been carried out, and a revised document was attached to Annex A of the report, on page 27. The Committee were asked to adopt this revised form for use in application packs issued from the 1st July. The newer form, being more comprehensive, was likely to result in doctors applying a small rise to the fees they charged for completion of the certificates. Some brief details of these fees were outlined at paragraph 2.6, no further responses had been received since the time of printing.

R Hill also added that the medical standards now make additional provisions for diabetic drivers whose treatment carries a risk of inducing hypoglycaemia, and an update to the Council's existing policy, which covered insulin treatment only, was proposed to reflect the revised standards.

R Hill finally proposed that an update to the Council's published Guidelines on the fitness of applicants was needed, to ensure that this remained consistent with any revised policy.

Councillor Whitman then asked if the Council already had the Group 2 medical standards in place. R Hill replied that the Council did adhere to these standards already but that the Committee were asked to reaffirm the use of these standards.

The Chairman then acknowledged that the standards did need constant revision and updating when necessary.

The Substantive recommendation, as set out in the report, was proposed.

Resolved:

- 1) That the Committee reaffirms the Council's policy requiring applicants for taxi and private hire drivers' licenses to satisfy the DVLA's recommended medical standards for Group 2 Drivers.
- 2) That the Committee adopts the form shown at Annex A of the report as the Council's format for medical certificates for all drivers' renewal and application packs issued from the 1st July.
- 3) That the Council's additional policy in respect of diabetic drivers be revised through the addition of the paragraph shown at para 4.3 of the report, in respect of non-insulin treatment for diabetes which may induce hypoglycaemia.
- 4) That section 4 of the published 'Guidelines on the fitness of applicants' are revised in accordance with the proposals set out at Annex B of the report.

8. KNOWLEDGE OF TEST ARRANGEMENTS FOR TAXI AND PRIVATE HIRE DRIVERS

R Hill introduced the report, stating that due to recent requests made by the Committee, officers had examined a number of options for enhancing the Council's taxi driver knowledge test arrangements. R Hill asked the Committee to consider the four possibilities outlined in the report, and to instruct officers to carry out consultation with the trade and prospective candidates for licences on any combination of the options set out if it was believed that adoption of these would be beneficial. The results of any such consultation would be reported to a future Committee meeting to consider.

R Hill outlined that essentially, the proposed changes fell into four categories. Firstly, a switch to a computerised testing system would dramatically reduce the cost to the Council of carrying out and marking knowledge tests, as well as assisting with the transition to a paperless working environment. This in turn would allow the price of knowledge tests to be reduced, as well as freeing up officers to spend more time on other tasks. Secondly, an expansion of the tested areas would encourage more rounded learning amongst candidates, assessing areas of knowledge which may currently be deficient but would not be identified through current test arrangements.

Thirdly, a practical driving test specifically aimed at prospective or current taxi drivers was available through the Driving Standards Agency, and would ensure that candidates had the enhanced driving ability that should rightly be expected of licensed, vocational drivers. This element would attract the biggest single charge, but this could potentially be offset against future discounts offered by some insurers on taxi insurance policies.

Finally R Hill proposed a language proficiency element be included, in response to recent complaints about the communication skills of some newer drivers. R Hill stated that as the Council's key duty is to ensure the safety of the public, it is important that the Council be satisfied that a licensed driver is able to adequately communicate with passengers or emergency services in stressful or emergency situations, as well as simply to understand instructions being given to them. Under the proposal, candidates would take a spoken English test, and would need to attain a suitable grade in this. A number of exemptions for holders of relevant language-based qualifications had been suggested.

Councillor Whitman then drew attention to point 3.21 in the report in regards to the spoken English test; The Versant English Test. Councillor Whitman asked R Hill to confirm that this test was carried out by phone. R Hill said that it was, but that it was proposed that the test would be carried out on a phone in the Civic Centre, with the candidate's identification checked prior to the test.

Councillor Bhinder then asked if the online test was multiple-choice. R Hill replied that it was. The current route test consisted of open ended questions which were particularly time consuming to mark, however it was thought that the multiple-choice format would be less so as the results were automatically generated straight away.

Councillor Conway then enquired as to what the acronyms stood for in point 3.24 (TOEFL, IELTS, ESOL). R Hill explained that they were tests for individuals who spoke English as a second language, and that these tests were also utilised by the UK Border Agency as part of UK residency applications.

Councillor G Sutton then commented that Annex D in the report (a sample results sheet from the Versant test) was difficult to understand as there was a lot of jargon in it. R Hill stated that the grades used in this document were developed from the EU language reference framework, which was essentially an academic piece of work, which might explain some of the language used in it.

The Chairman then asked the committee if they agreed with the two recommendations outlined on page 43 whereupon it was

Resolved:

Officers to commence consultation on the adoption of the computerised knowledge test, additional test content, practical driving test and language proficiency test as part of the Council's knowledge test arrangements for new taxi and private hire drivers, and report the results to a future meeting of the Committee.

The meeting ended at 8.00 pm