



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

TUESDAY 18 SEPTEMBER 2012 AT 7.30 PM

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 Rance
Cllr Ryan

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

Cllr Sutton
Cllr Taylor
Cllr Whitman

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

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1. INTRODUCTION

2. MINUTES

To confirm the minutes of the meeting of the Licensing and Health & Safety Enforcement Committee held on 24 July 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. APPOINTMENT OF THE LICENSING AND HEALTH & SAFETY ENFORCEMENT SUB-COMMITTEE

The Committee is asked to appoint Members and Substitute Members to the Licensing and Health and Safety Enforcement Sub-Committee

AGENDA ITEM: 7

SUMMARY



Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	18th September 2012
PART:	1
If Part II, reason:	

Title of report:	Gambling Act 2005 – Review of Statement of Principles
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To outline proposed amendments to the Statement of Principles and responses to consultation, and to seek referral to Cabinet/Council for adoption of the revised Statement
Recommendations	To refer the draft Statement of Principles to Cabinet/Council for adoption.
Corporate objectives:	<p>Building Community Capacity/Safe and Clean Environment</p> <ul style="list-style-type: none">• The Statement of Principles sets out the ways in which the licensing authority will seek to promote the licensing objective of 'protecting children and other vulnerable persons from being harmed or exploited by gambling' through the exercise of its licensing functions <p>Dacorum Delivers</p> <ul style="list-style-type: none">• The Statement of Principles is a statutory obligation, and failure to comply could lead to reputational damage for the Council and possible legal action.
Implications:	<u>Financial / Value for Money</u> None
Risk Implications	n/a
Equalities Implications	n/a
Health And Safety Implications	n/a

Consultees:	Consultation has been carried out in accordance with statutory requirements, and the results are outlined in this report.
Background papers:	Draft Statement of Principles 2013-2016 Gambling Act 2005 Gambling Commission Guidance to Licensing Authorities, 3 rd ed
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Commercial gambling in the UK is regulated under the Gambling Act 2005, which provides a system of licences, notifications, permits and registrations for the authorisation of various gambling activities.
- 1.2. Dacorum Borough Council is a licensing authority under the 2005 Act, with responsibility for regulating premises-based, non-remote gambling through the issue of premises licences, gaming machine and prize gaming permits, temporary and occasional use notices, and the registration of non-commercial societies for the promotion of small society lotteries.
- 1.3. Section 349 of the Act requires every licensing authority to prepare and publish “a statement of the principles that they propose to apply in exercising their functions under this Act” for each successive three-year period. Regulations made under the Act set the first day of the first such period as the 31st January 2007.
- 1.4. It is now necessary to prepare and publish Dacorum’s Statement of Principles for the period from the 31st January 2013 to the 30th January 2016. Officers produced a draft Statement of Principles for this period, which was presented to the Committee at its meeting on the 24th July 2012. Consultation on the draft Statement has now been carried out, and the results are outlined below.
- 1.5. At the time of writing, Dacorum has issued 23 premises licences under the 2005 Act, for high street betting shops [betting (other) licences] and amusement arcades [adult gaming centres]. All applications relating to these licences to date have been dealt with by officers under delegated powers – no application has yet been considered by the Licensing of Alcohol and Gambling Sub-Committee.

2. NATURE OF REVISIONS

- 2.1. The format of the draft Statement of Principles has been revised since the last version, and paragraphs have been extensively rearranged and rewritten to help improve the readability of the document. Paragraph numbers have also been added to aid referencing.
- 2.2. Several changes have resulted from amended legislation, case law, and changes to the Gambling Commission’s Guidance to Licensing Authorities, published since the last version was agreed. A small amount of content has

also been removed from the Statement of Principles, in particular tables showing the stake/prize levels of gaming machine categories (which are set by Regulations, and which in future will be made available as a separate document to allow for easier updating), a glossary of terms (which are defined in primary legislation), and much of the detail about the populace of Dacorum (which is publicly available in alternate documents).

- 2.3. Reference is made throughout the Statement to the 3rd edition of the Gambling Commission's Guidance to Licensing Authorities, the legal document which the Commission are required to publish under section 25 of the Act. The Commission were expected to publish the 4th edition of this Guidance over the summer – however, at the time of writing, this has not yet occurred. It is thought unlikely that significant changes will need to be made to the Statement of Principles as a result of the updated Guidance, beyond verifying paragraph references, which officers will seek to do as and when the revised Guidance is made available.
- 2.4. A number of other minor amendments have been made to the draft Statement during the consultation period, as follows:
 - Minor semantic changes throughout.
 - About Dacorum – updated with Census 2011 data. The map of the Borough has been moved to this section from a separate appendix.
 - Enforcement –reference added to corporate enforcement policy.
 - Appendix C – revised contact details for Herts Fire & Rescue Service.
- 2.5. The revised draft Statement of Principles is appended to this report as Appendix A.

3. CONSULTATION

- 3.1. Consultation on a Statement of Principles (or revision thereof) must be carried out in accordance with section 349(3) of the Act, which requires that the authority consults the chief officer of police for the area, one or more persons representing the interests of gambling businesses in the area, and one or more persons representing the interest of other persons likely to be affected by the exercise of the authorities functions.
- 3.2. Details of the proposed revisions to the Statement were sent to the consultees listed on page 27 of the draft Statement of Principles on the 31st July 2012. The list included all Dacorum Borough Councillors, Herts County Councillors for divisions within Dacorum, the clerks of all town and parish councils within Dacorum, responsible authorities identified under the Act, the holders of premises licences issued by the authority, and gambling trade associations. Details were also made publicly available on the Dacorum website.
- 3.3. A deadline of the 2nd September was set for responses to the consultation. Three responses were received, which are reproduced at Annex A.
- 3.4. Of the responses, two (from the Hertfordshire Fire & Rescue Service and the Association of British Bookmakers) state that they are satisfied with the proposed revisions, and do not propose further changes.

3.5. A further letter, from the Campaign for Fairer Gambling, was also received within this period, expressing concerns about the usage of category B2 gaming machines within betting premises. It must be stressed that the letter does not make clear whether it relates to the review of the Statement, or to the exercise of the licensing authority's functions generally. It is also understood that a similar letter has been sent to most other UK licensing authorities, and the Gambling Commission have published a special bulletin (reproduced at Annex B) in response to this issue. Having considered the letter, it is believed that the section of the draft Statement entitled "Division of Premises and Primary Usage" (page 12 onwards) deals with this issue in sufficient and suitable detail.

4. PROPOSED TIMELINE

4.1. Adoption of the Statement of Principles is a function of the full Council. In order to ensure that the Statement has been adopted in sufficient time so as to take effect from the prescribed date, the following timeline is proposed:

Date	Action
24 th July 2012	Presentation of draft Statement of Principles to Licensing and Health & Safety Enforcement Committee
31 st July 2012	Start of consultation – details sent to identified consultees and published on www.dacorum.gov.uk
2 nd September 2012	Deadline for receipt of responses to consultation
18 th September 2012	Presentation to Licensing and Health & Safety Enforcement Committee of consultation responses and any resulting amendments to the draft Statement of Principles
23 rd October 2012	Cabinet meeting, presentation of draft Statement of Principles with request for endorsement
21 st November 2012	Full Council meeting, presentation of Statement of Principles with request for adoption
2 nd January 2013 (latest)	Publication of adopted Statement of Principles
31 st January 2013	Statement of Principles 2013-2016 to take effect

4.2. Regulations made under the Act require that the adopted Statement of Principles is published and made available for inspection, both on the authority's website and at their principal offices or public libraries, at least four weeks prior to coming into force.

5. RECOMMENDATIONS

5.1. That Committee endorse the draft Statement of Principles for the period 31 January 2013 to 30 January 2016, and refer it to Cabinet and Council for full approval and adoption.

Annex A – Consultation Responses

Ross Hill

From: Ann Llelliott ([REDACTED])
Sent: 29 August 2012 15:13
To: Licensing Mailbox
Subject: Gambling Act 2005 - Review of Dacorum's Statement of Principles

Dear Madam

Thank you for your e mail dated 31 July 2012 in respect of the review of the Statement of Principles for the Gambling Act 2005.

We would like to thank you for the opportunity to give our views on the contents of the review but we find that having read through the documents, we have no significant representations to make.

Yours faithfully

Ann Llelliott
Fire Protection Inspecting Officer
South District Fire Protection (Watford & Three Rivers)
Hertfordshire Fire & Rescue Service

(Telephone: [REDACTED] (Comnet: [REDACTED])
(Mobile: [REDACTED]
6 Fax: [REDACTED]
* [REDACTED]

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LICENSING DIVISION		
HPP		
31 AUG 2012		
LEO	SO/L	LSO
COMPLAINTS		PRAISE



Mr Ross Hill
Licensing Team Leader
Dacorum Borough Council
Civic Centre, Marlowes
Hemel Hempstead
Hertfordshire
HP1 1HH

30 August 2012

Dear Mr Hill,

Thank you for your recent letter regarding Dacorum Borough Council's review of its Statement of Principles (Gambling Act 2005).

The Association of British Bookmakers (ABB) is the leading trade association for high street bookmakers and represents the operators of around 7,000 betting shops in the UK, including Gala Coral, Ladbrokes, William Hill and about 130 independent bookmakers.

Betting is an everyday leisure activity which is more popular than ever, with 8 million people visiting betting shops every year. Betting shops are modern leisure retail businesses offering customers state-of-the-art video and audio systems, comfortable furniture, alcohol-free refreshments and friendly staff. They are an important part of the retail mix on high streets generating more footfall than other similar size outlets, apart from post offices and pharmacies.

We also play our part in supporting the UK economy, despite challenging conditions for the industry, contributing nearly £1 billion in tax every year - about £400 million more than we make in profit - and support 100,000 jobs. The industry takes on a relatively high proportion of staff with few qualifications, and provides them with structured training and long term career opportunities.

Betting shops are highly regulated, licensed, responsible businesses who work pro-actively to tackle any issues in communities alongside the police, regulator and local authority.

We believe the Council's existing Statement of Principles has been effective in promoting the licensing objectives as set out in Section 1 of the Gambling Act 2005, and we are satisfied with the proposed Statement of Principles for 2013 - 2016. If the Council decides to consider any further changes I should be grateful if you would let me know.

Please do let me know if you would require further background information on the LBO sector and/or our responsible gambling procedures.

Yours sincerely,

Dirk Vennix
Chief Executive

Association of British Bookmakers, Warwick House, 25 Buckingham Palace Road, London SW1W 0PP
tel: +44 (0)20 7434 2111 fax: +44 (0)20 7434 0444 email: mail@abb.uk.com



The Licensing Officer
 Dacorum Borough Council
 Civic Centre
 Marlowes
 Hemel Hempstead
 Hertfordshire
 HP1 1HH

LICENSING DIVISION		
HPP		
15 AUG 2012		
LEO	SOUL	LSO
COMPLAINTS	PRAISE	

13th August 2012

Dear Licensing Officer,

High Street Gambling – This should be your “primary” concern

Recently the Department of Culture Media and Sport issued a report on the hearing into the 2005 Gambling Act. A major recommendation was a shift towards more Local Authority (LA) licensing responsibility. The Chairman of the UK Gambling Commission (UKGC) has acknowledged that, based on a 2009 concordat, LAs have a regulatory role over day-to-day compliance and enforcement of betting shop licences.

The recent Dispatches programme, “Britain's High Street Gamble”, shown on Channel 4 on Monday 6th August 2012, gave a powerful insight into the damaging effects of B2 gaming machines. Yet the Department Culture Media and Sport's (DCMS) recommendations into legislation around gambling and decentralising licensing powers to LAs has ignored this damaging evidence and as well dismissing proof of problem gambling on B2 machines supplied by Harriet Harman MP, Dr Henrietta Bowden Jones of the NHS Gambling Clinic, findings of the British Gambling Prevalence Survey and information provided by gambling support network, GRASP – all of which can be found on our website www.fairergambling.org.

www.fairergambling.org Email: Info@fairergambling.org Tel: 01332 638025

Funded by Prime Table Games UK, Regus House, Herald Way, Pegasus Business Park, Castle Donington, Derbyshire DE74 2TZ
 Represented by bcsAgency Tel: 0115 948 6900 Email: primetablegames@bcsagency.com

Addictive gaming content on B2 gaming machines, has resulted in more betting shops, more machines, more shop clustering and more problem gambling. Betting licences are granted on the understanding that over-the-counter betting is the "primary activity" in betting shops. B2 machines are generating 80% of turnover in betting shops and only 20% comes from over-the-counter betting. These figures show that it is gaming *not* betting which is the main activity inside a betting shop – which means bookmakers are in breach of their betting licenses.

So you already have the power to refuse licences for betting shops on the basis of breach of the primary activity standard.

You also have the power to refuse licences to bookmakers on the basis of breach of the 2005 Gambling Act's objective to prevent problem gambling among vulnerable persons. Are you willing to deny licenses to betting shops and police their abuse of existing licenses?

We urge you to enforce these powers. If you don't feel you have these powers, we urge you to obtain clarification so that you are able to enact your gambling licensing responsibilities.

We look forward to hearing of your moves to deny licenses on either of the above grounds.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Derek Webb', written in a cursive style.

Derek Webb
Founder of the Campaign for Fairer Gambling

GAMBLING COMMISSION

Licensing authority bulletin August 2012 Special edition – primary gambling activity

This special edition of the Gambling Commission's licensing authority bulletin provides clarification on issues around primary gambling activity.

Primary gambling activity: common misunderstandings around betting shops

Licensing authorities will be aware that the Gambling Act 2005 has the effect of restricting B2 gaming machines to betting shops (and casinos). In November 2011 the Commission issued details of the indicators the Commission uses when assessing premises where betting is the primary gambling activity offered. However the question of what constitutes a genuine betting shop continues to be a subject of some debate, with the growing misconception that if gaming machine turnover exceeds betting turnover in a particular shop, it must fail the test of primary gambling activity.

In making judgements about whether individual premises are being run as genuine betting businesses, the Commission needs to take into account both expected and actual use of the betting facilities being provided. What matters is whether there is, or is intended to be, sufficient betting to constitute a genuine betting business. In assessing this the Commission takes account of the actual use of premises in terms of, for example, gross gambling yield (GGY) or the number of bets taken as one of a wide range of factors for consideration.

Other relevant factors include the facilities that are actually in place – like the provision of information that enables the customer to access details of the events on which bets can be made and to be able to place those bets. Customers should be able to obtain details of the outcome of the events, calculate the outcome of their bets and be paid or credited with any winnings. The range and frequency of events on which bets can be made, the relative space allocated to each product and the extent to which betting is promoted are also considered.

Although there is plenty of room for development of niche or novel betting businesses, there is an expectation for all business models to be based on a core genuine betting business. Where actual GGY from betting is low, the Commission is likely to wish to look at the facilities in place and the business projections and marketing plans of the operator. It is also misleading to compare the turnover of over-the-counter betting with that from machines which, on average, pay out around 97% of the amount staked but which rely on players repeatedly re-staking their winnings. A successful (and genuine) betting business may well have a machine turnover greatly in excess of its over-the-counter business. What matters is whether there is, or is likely to be, sufficient betting business, and not whether the return from machines is larger.

Licensing authorities will want to have regard to the primary gambling indicators but must be careful not to just assume there that there must be more profit or turnover from betting than machines to satisfy primary gambling activity.

The simple message is that only genuine betting businesses are entitled to make B2 gaming machines available for use, so the focus is primarily on the facilities for betting and the use made of them. Over the coming months the Commission will continue to work with our partners in licensing authorities and stakeholders from the industry to help improve understanding, to explain the position and refine its published advice to improve accessibility and clarity.

Gambling Commission
Victoria Square House
Victoria Square
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E info@gamblingcommission.gov.uk

F 0121 230 6720

INFO 12/31

AGENDA ITEM: 8

SUMMARY



Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	18th September 2012
PART:	1
If Part II, reason:	

Title of report:	Review of Hackney Carriage and Private Hire licensing procedures and policies
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To propose a number of amendments to the Council's procedures and policies, prior to consultation.
Recommendations	That the Committee instructs officers to commence consultation on the proposals contained herein.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none">Public safety is a key aim of taxi licensing, and it is envisaged that the proposals will strengthen the Council's powers to respond to concerns in this area. <p>Dacorum Delivers</p> <ul style="list-style-type: none">This report proposes the consolidation of a number of existing policies, making it simpler for officers to advise and members of the public to enquire as to general expectations of applicants and licence-holders.
Implications:	<u>Financial / Value for Money</u> None
Risk Implications	n/a
Equalities Implications	An Equality Impact Assessment will be carried out and the results reported to a future Committee meeting, prior to consideration of whether to adopt the proposals.
Health And Safety Implications	n/a

Consultees:	Consultation will be carried out and the results reported to a future Committee meeting, prior to consideration of whether to adopt the proposals.
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

1. INTRODUCTION

- 1.1. The Council is responsible for the regulation of hackney carriage (taxi) and private hire services within the Borough of Dacorum, through the issue and enforcement of a series of licence for drivers, vehicle proprietors, and operators. The framework for this licensing system is contained within numerous pieces of legislation, but primarily the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2. Since adopting the relevant parts of these pieces of legislation, a number of policies and procedures have been adopted by the Council governing its expectations of applicants and licence-holders, and the way in which it will process and consider applications for licences.
- 1.3. This report proposes a number of alterations to the current policies and procedures, with a view to simplifying and consolidating the existing policies, and ensuring that our policies and procedures correctly reflect current Government guidance and statutory requirements.
- 1.4. It is proposed to conduct consultation on these proposals with licence-holders over a three-month period, and to report the results of consultation to the January 2013 meeting of the Committee, for a final decision as to whether to adopt such policy amendments. In addition, there is an outstanding matter from the Committee's meeting on the 1st March 2012, relating to the joint ownership of 'golden plates', that requires consultation, and it is proposed to conduct this at the same time.
- 1.5. The report continues an ongoing review program of applicable taxi licensing procedures and policies, commenced by the Committee on the 4th October 2011 and continued on the 1st November 2011, 31st January 2012 and 1st March 2012.
- 1.6. The review also incorporates operational procedures, affecting the manner in which officers receive and administer applications. An update on these issues is provided below, for information only.
- 1.7. Further outstanding areas of the review, which will require the Committee's consideration at future meetings, include:
 - Accessibility to licensed vehicles by disability groups
 - Types of Hackney Carriages vehicles to be licensed by the Authority;
 - Hackney Carriage/Private Hire Vehicle Age Policy;
 - Stretched Limousines/"Special" Vehicles;

- Knowledge Testing (including English and numeracy testing);
- Conditions in respect of Hackney Carriage and Private Hire Drivers;
- Private Hire Operator licence procedures and conditions
- Information regarding the expected conduct of licensed drivers.

1.8. In addition, it is also proposed to undertake a complete review of all application fees charged for licensing applications service-wide, including for Hackney Carriage and Private Hire licensing, and a report to this end is likely to be presented to the November meeting of the Committee.

2. PROPOSED ALTERATIONS TO CURRENT POLICIES

2.1. Age limits for driver licence applicants

- 2.1.1. The Council currently has a minimum age policy of 21 years for new driver licence applicants, for both hackney carriage and private hire. It is expected that applications from any person aged under 21 years would be refused.
- 2.1.2. With the advent of the Equality Act 2010, it is questionable whether this policy would comply with the prohibition on age discrimination.
- 2.1.3. Given the nature of the work for which licences are sought, it is now considered more appropriate to require applicants for licences to have held a full driving licence (issued either in the UK or by another EEA member state) for a minimum period of three years. This will have the effect of ensuring that licence applicants have greater driving experience, rather than an arbitrary age limit during which time driving experience may or may not have been accrued.
- 2.1.4. There is currently no maximum age policy, although drivers aged 65 years or over are required to obtain medical clearance on an annual basis, as opposed to the 3-yearly interval prior to that age. This is in accordance with Government guidance, and it is not proposed to amend this aspect of the policy.

2.2. Dual driver licence applications

- 2.2.1. Hackney carriage and private hire driver licences are created by separate statutes, and as such applications for licences have traditionally been treated separately.
- 2.2.2. A substantial number of drivers now hold licences to drive both hackney carriages and private hire vehicles. Because of the way in which these are administered, both licences have separate expiry dates, and must be renewed individually, increasing the administrative burden both on drivers and the Council. The number of drivers enquiring and applying for second licences has increased dramatically in recent years.
- 2.2.3. A number of councils operate 'dual driver licence' application systems, allowing applications for both licence types to be considered simultaneously. Both licences would then be issued with the same expiry date, and a single application process would be

followed to renew both licences, significantly reducing the administrative burden. The reduced administrative work is also reflected in a reduced application fee. Where the second licence is obtained part way through the first licence's validity, this would be issued with the same expiry date, and a reduced or pro rata fee would be charged to reflect the shorter licence period.

2.2.4. It is proposed to introduce such a system in Dacorum, and to begin allowing simultaneous 'dual licence' applications. Where drivers currently hold both types of licence, they would be given the option of paying a pro rata application fee on next renewal to bring both licences to the same expiry date.

2.2.5. It is envisaged that the dual licence fee would be set initially at 150% of the regular, single-licence fee. Based on current fees, this would mean total application fees as follows:

Item	Single badge new appn	Single badge renewal	Dual badge new appn	Dual badge renewal
Application fee	£105.00	£105.00	£157.50	£157.50
CRB check fee	£44.00	£44.00	£44.00	£44.00
DVLA check fee	£5.00	£5.00	£5.00	£5.00
Badge deposit	£50.00	n/a	£100.00	n/a
Total	£204.00	£154.00	£306.50	£206.50

2.2.6. All fees would be reviewed after a reasonable period to ensure that they had been set at the correct level, commensurate with the work undertaken.

2.3. Signage on licensed vehicles

2.3.1. An issue has recently been identified whereby vehicles licensed in neighbouring authorities are being used, both legitimately and allegedly otherwise, for journeys within Dacorum. As councils may set differing safety standards for the vehicles they licence, it is seen as desirable to make clear which vehicles have been approved and licensed in Dacorum, to the standards adopted by this Council. This will also aid enforcement work, as it will become clearer which vehicles working in the borough are not licensed by this Council.

2.3.2. Dacorum-licensed vehicles are currently required to display a licence plate on the rear of the vehicle, and another smaller plate inside the front windscreen. Both bear the Dacorum name and logo, albeit at a relatively small size. Hackney carriages may, and private hire vehicles must, also display an operator's sign, approved by the Council, on the front side doors.

2.3.3. To make it clearer which vehicles have been licensed by Dacorum Borough Council, it is proposed to insert new standard conditions to both the Hackney Carriage Vehicle Licence and the Private Hire

Vehicle Licence, requiring the display of signage on the rear side doors. Such signage would be supplied by the Council in the form of vinyl stickers, bearing a larger version of the Council's logo, and another message, as follows:

Hackney Carriage Vehicle Licence conditions:
at the end of condition 6 insert:

"(d) A sign, of a design supplied by the Council and measuring not more than 20" x 20", bearing the Council's logo and the words "Licensed Taxi", shall be displayed on each of the rear side doors of the vehicle [In the case of a wheelchair accessible vehicle, two signs may instead be displayed on the rear door(s) or wings of the vehicle, bearing the Council's logo and the words "Licensed Wheelchair Accessible Taxi"]."

Private Hire Vehicle Licence conditions:
at the end of condition 6 insert:

"(c) A sign, of a design supplied by the Council and measuring not more than 20" x 20", bearing the Council's logo and the words "Licensed Private Hire Vehicle" and "Pre-booked journeys only", shall be displayed on each of the rear side doors of the vehicle."

- 2.3.4. Such conditions would take effect upon the next renewal of the vehicle licence, or upon the transfer of the licence to an alternate vehicle. It would therefore take around a year from adoption for all licensed vehicles to carry the approved signage.
- 2.3.5. The precise wording and design of any such signage would remain to be determined and incorporated within the final wording of any condition adopted. Costings would also need to be established, and if the Committee are minded to commence consultation on the introduction of such a requirement, quotations will be obtained and presented with the results of the consultation exercise.

2.4. Revised guidelines on fitness of applicants for drivers licences

- 2.4.1. When considering applications for hackney carriage and private hire driver's licences, the Council must be satisfied that applicants are "fit and proper" to hold such licences. No statutory definition of this term exists, and it is open to the Council to apply such considerations as it deems relevant.
- 2.4.2. In 2008 the Council adopted a set of guidelines on the relevance of criminal convictions and motoring endorsements for driver's licence applications. It is believed that those guidelines have not been reviewed since that date.
- 2.4.3. It is now proposed to review and update those guidelines, and at the same time consolidate this and a number of other related issues into a single document which will set out a number of issues to be reviewed as part of the Council's obligation to ensure that applicants are fit and proper persons to hold licences. The revised document will cover (but makes clear that the Council's considerations will not

be limited to) driving entitlement, character, licensing history, entitlement to work in the UK, medical fitness, criminal convictions and cautions, and motoring endorsements.

2.4.4. The proposed guidelines are appended to this report as Appendix B.

2.4.5. It must be noted that any such document can form guidelines only, and an inflexible policy would not be lawful. The Council must consider every application on its merits, and may depart from any published policy or guidance if the circumstances warrant. Failure to give adequate consideration to individual circumstances may give rise to judicial review, as may departing from guidelines or policy without sufficient reason.

2.4.6. By publishing a wider ranging document, it is thought that it will be clearer to both applicants and the general public what will be expected of applicants for (and holders of) driver's licence, and to make the Council's decision-making process in this area more transparent and consistent, in accordance with the Better Regulation Principles.

3. REVIEW OF OPERATIONAL PROCEDURES

3.1. The review of policies and procedures is being run alongside a more general review of the back office procedures employed by the Council in its administration of applications and enquiries. As these do not affect the criteria for determination of applications, it is not necessary for these changes to be determined by the Committee, nor be subject to wider consultation.

3.2. A review of the format of application forms for all taxi licensing applications is now underway. It is intended to simplify these forms wherever possible, removing any outdated questions and ensuring that the forms are clear, easily understandable, and accessible.

3.3. Content on the licensing pages of www.dacorum.gov.uk is now being updated. When complete, information on every type of licence administered by the service, together with frequently asked questions and application forms for the full range of licensing functions, will be readily available online.

3.4. Officers are currently looking at options for the design of vehicle licence plates and drivers licence badges, with a view to issuing revised formats for these in the near future.

3.5. All changes to operational procedures are being considered in light of the impending redevelopment of the Civic Centre site. It is anticipated that significant changes to the current working practices will be brought about by this, including a move to a 'paperless office' environment and increased usage of remote working.

3.6. We have been advised that the Electronic Licence Management System (ELMS), the online application system used for alcohol/entertainment licensing and several other legislative areas, will be withdrawn by the Government later this year, and that a replacement system will be brought

in to operate via the new single Government website, Gov.uk. Although limited information is currently available, it has been suggested that this new system will also facilitate application types that are not within scope of the EU Services Directive, including taxi licensing, thus raising the possibility of online applications for these licence types for the first time. Officers will continue to monitor developments in this area.

4. RECOMMENDATIONS

- 4.1. To instruct officers to commence consultation on the following policy amendments:
 - 4.1.1. To revoke the current policy requiring applicants for hackney carriage and private hire driver licences to be at least 21 years of age;
 - 4.1.2. To adopt a new policy requiring applicants for hackney carriage and private hire driver licences to have held a full motor car driving licence for a minimum of three years prior to the date of application;
 - 4.1.3. To introduce a new 'dual licence' application system, permitting applications for both hackney carriage and private hire driver licences to be made simultaneously; for all such licences to have a common expiry date; and for a transitional phase to allow existing dual licence holders to bring both badges to a common expiry date for a pro rata fee;
 - 4.1.4. To adopt amendments to the standard licence conditions for both hackney carriage and private hire vehicle licences requiring the display of Council-supplied signage on the rear doors of the vehicle, bearing the Council's logo and an approved message.
 - 4.1.5. To revoke the current "Guidelines to be used by the Licensing and Health & Safety Enforcement Sub-Committee when considering the relevance of convictions";
 - 4.1.6. To adopt the new "Guidelines on Fitness of Applicants for Hackney Carriage / Private Hire Driver's Licences".
- 4.2. To report the results of consultation on these issues to a future meeting of the Committee, to allow a decision to be taken on whether or not to adopt these policy amendments.

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:

APPENDIX A – DRAFT STATEMENT OF PRINCIPLES 2013-2016

**APPENDIX B – GUIDELINES ON FITNESS OF APPLICANTS FOR HACKNEY
CARRIAGE/PRIVATE HIRE DRIVERS LICENCES**

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

24 JULY 2012

Present –

MEMBERS:

Councillor Lawson (Chairman), Bhinder, G Chapman, Conway, Mrs Green, R Hollinghurst, Link, Peter, Ryan, G Sutton, Taylor and Whitman

OFFICERS:

L Crowley	Solicitor
R Hill	Licensing Team Leader
S Taylor	Senior Assistant Licensing Officer
T Coston	Member Support Officer, Democratic Services (Minutes)

The meeting began at 7:30 pm

1. INTRODUCTIONS

The Chairman introduced newly appointed Licensing Team Leader, Ross Hill, to the Committee.

2. MINUTES

The minutes of the meetings held on 1 March 2012 and 16 May 2012 were confirmed by the members present and then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Fantham and Rance.

4. DECLARATIONS OF INTERESTS

No interests were declared.

5. PUBLIC PARTICIPATION

There was no public participation.

6. GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

R Hill introduced the report and explained it related to the review of the Council's statement of principles of the Gambling Act 2005. He explained that Dacorum Borough Council is responsible for the regulation of local premises based gambling activities within the borough under the Gambling Act 2005. This involves the administration and enforcement of premises licenses for betting shops, sports grounds, bingo halls and amusement arcades, and of permits for the provision of gaming machines or other forms of prize gaming.

He explained that Dacorum Borough Council is required to republish its statement every three years following a full review. The officers produced a proposed draft statement for the period of January 2013 – 2016 which was attached to the report at Appendix A.

He advised that the council must conduct a consultation of the proposed statement, and the committee were asked to consider and agree the recommendations in order for the consultation to commence. He referred to paragraph 4.1 on page 6 of the report where the proposed timetable for the consultation was detailed. He added that any responses from the consultation would be discussed at September's committee meeting. He explained that the final adoption of the statement is required to be agreed at full council in November, in order to be adopted and published prior to the prescribed date in January 2013. He then welcomed any questions from the committee.

Councillor Lawson referred to paragraph 2.3 on page 5 of the report relating to the Gambling Commissions recent edition of Guidance, and queried if they would be required to go through the process again to reflect any changes when the document is published later this year.

R Hill replied he felt that shouldn't be the case as the changes they are proposing were relatively minor. He said the document should be published prior to the return to the committee in September and therefore any necessary amendments could be considered at that time.

There were no further questions.

Voting:

Unanimously agreed;

whereupon it was:

Resolved:

That the Committee noted the proposed amendments to the draft Statement of Principles for the period of 31 January 2013 to 30 January 2016, and instructed officers to commence the consultation, as set out in the report.

The meeting ended at 7:35 pm