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**DACORUM BOROUGH COUNCIL**

**LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE**

**26 NOVEMBER 2013**

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Present –

**MEMBERS:**

Councillors Lawson (Chairman), Bhinder, Mrs G Chapman, Conway, Fantham, Link, Peter, Ryan, G Sutton, Taylor, Whitman.

**OFFICERS:**

B Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
S Taylor	Lead Licensing Officer
R Mabbitt	Licensing Enforcement Officer
C Thorley	Member Support Officer

**Other Persons Present:**

The meeting began at 7.30 pm

**1. MINUTES**

The minutes of the meeting held on 27 August 2013 were confirmed by the Members present and then signed by the Chairman.

**2. APOLOGIES FOR ABSENCE**

Apologies were made on behalf of Councillor Green. Councillor Bassadone substituted for Councillor Green.

**3. DECLARATIONS OF INTERESTS**

None.

**4. PUBLIC PARTICIPATION**

None.

**5. RESPONSE TO CONSULTATION ON REVISION OF SEX ESTABLISHMENT LICENSING POLICY AND APPLICATION PROCEDURES**

S Taylor introduced the item and said that one response had been received in the consultation period from an academic, who had carried out a study of the effects of sexual entertainment venues on communities, and whose comments were set out on pages 7 and 8 of the report. The academic in addition asked for two reports to be presented to the Committee which could be found on pages 9-19 of the report. S Taylor explained that the

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licensing team had considered the academic's suggestions when making amendments to the draft policy as proposed in the recommendations set out on page 5.

S Taylor pointed out that there was an error on page 5 of the agenda under recommendation (ii) a) b) and c), which should refer to locality maps at Annexes E, F and G and not Appendices 1-3 as stated. S Taylor added that no comments had been received in respect of the draft application form. S Taylor asked that the Committee adopt both the Sex Establishment Policy as amended and the application form for Sex Establishments.

There were no further questions.

Resolved:

The Licensing, Health & Safety and Enforcement Committee agreed the proposed amendments to the Sex Establishment Licensing Policy and standard conditions arising from the consultation, and adopted the revised policy for the period from the 23<sup>rd</sup> February 2014 to 22<sup>nd</sup> February 2017, and the application form and particulars set out at Item 5 of the agenda for use in applications made from the 23<sup>rd</sup> February 2014 onwards.

**6. KNOWLEDGE TEST ARRANGEMENTS FOR TAXI AND PRIVATE HIRE DRIVER APPLICANTS**

R Hill introduced the report and explained that the report set out the results of consultation on proposed changes to the Council's knowledge tests for taxi drivers, which were initially considered by the Committee in June.

The proposed changes were intended to reinforce the existing knowledge test, so as to provide a more comprehensive picture of the fitness and propriety of applicants for driver's licences, in particular providing an assurance as to the competency in certain key skills which were not currently assessed.

R Hill said that several responses were received from current drivers and those undergoing the test at present, and these comments were included at section 3 of the report.

R Hill highlighted the recommendation at paragraph 4.1 of the report which set out the proposed implementation in detail. R Hill said that officers proposed that the communication skills requirement be introduced with effect from the 1<sup>st</sup> January 2014, and the practical driving qualification and expanded computer theory test be commenced from the 1<sup>st</sup> April 2014. R Hill said that applicants who had already applied for the test, or who did so prior to these dates, would be permitted to continue any remaining attempts under the previous system, subject to a limit at the end of September 2014 for any final attempts.

R Hill said that the proposed changes may also be applied to certain specified existing drivers as a sanction – for example, following complaints about the driving ability or language skills of a particular driver, a Sub-Committee may consider it appropriate to suspend the licence pending completion of the relevant test components.

The Chairman said that he thought that the report and resulting recommendations addressed the concerns that had been expressed by the Committee in the past. Councillor Whitman said that he appreciated the changes to the knowledge test but that he felt that

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there were many existing drivers whose English language skills were quite poor. R Hill said that in regards to existing drivers, only if complaints regarding knowledge/language skills were received could the Licensing team request that drivers be re-tested.

Councillor Bhinder complimented the Licensing officers for the test content.

The Chairman acknowledged that there were potentially issues around retrospective testing and that there may be issues around language skills with existing drivers as demonstrated when existing drivers in the Borough came before the Licensing Health and Safety Sub-Committee with an interpreter.

Councillor G Chapman asked how difficult the knowledge test was as she had experienced drivers in the area who had a very limited knowledge of Dacorum, especially the more rural areas. R Hill responded that the current test did test knowledge across the borough including the more rural areas and that currently there was a 70% fail rate. R Hill explained that it was not an easy test to pass which was why many of the drivers who lived in the area worked in the Three Rivers borough as the test there was more lenient. R Hill said that there had to be a balance in terms of test difficulty and that the licensing team would be benchmarking the pass rate with pass marks of existing drivers.

The Chairman asked if, once it was complete, would the Members of the Licensing Committee be able to try out the knowledge test. R Hill said that once the test was compiled he would invite the members to complete it.

Resolved:

The Licensing, Health & Safety and Enforcement Committee accepted the proposed changes to the arrangements for knowledge tests for prospective applicants for hackney carriage and private hire driver's licences, and:

- a) That all candidates for the council's taxi and private hire driver knowledge test applying for a first test on or after the 1st January 2014 shall be required to demonstrate suitable and sufficient proficiency in English-language speaking and listening skills as a component of successful completion of the test, either:
  - i) By producing evidence of satisfactory completion of a recognised English language qualification awarded by an accredited examining body, such as:
    - a GCSE, GCE O-level or GCE A-level issued by a recognised examining body in the UK (grade C or higher)
    - an NVQ, City & Guilds, or similar vocational qualification (level 2 or higher) issued by a recognised examining body in the UK
    - an equivalent qualification to either of the above, issued by a recognised examining body in an English-speaking country other than the UK
    - a TOEFL, IELTS or ESOL qualification at CEFR level B2 (or equivalent); or
  - ii) By undertaking a speaking and listening skill assessment with the council's approved supplier, under the supervision of licensing officers, attaining a grade equivalent to level B2 on the Common European Framework of Reference for languages. The cost of the assessment shall be recharged in

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full to the applicant, and the choice of provider shall be periodically reviewed to ensure suitability and competitiveness.

- b) That all candidates for the council's taxi and private hire driver knowledge test applying for a first test on or after the 1st April 2014 shall be required to produce evidence of successful completion of the Driving Standards Agency's taxi drivers assessment as a component of successful completion of the test;
- c) That officers arrange for the purchase and installation of a computerised testing program for knowledge tests with a view to activation by the 1st April 2014, to replace the current paper-based testing system; to review and expand the question banks; and to adjust pass marks accordingly to ensure that the required topographical knowledge of candidates remains at an approximately similar level to the current test system;
- d) To incorporate additional test sections on relevant equalities issues and numeracy to the revised test;
- e) To make the following policy amendments to the revised test:
  - i) The 12-month 'cooling-off period' following three unsuccessful test attempts to be removed, to enable candidates to sit tests as and when requested, with no upper limit on the number of test attempts;
  - ii) Previously passed test sections shall no longer be carried forward: all sections of the test must be passed in one sitting;
- f) To introduce a substitute test for candidates seeking exemption from the standard topographical private hire test due to the nature of the work carried on, to assess knowledge of national destinations and routes, for all such candidates applying for a first test on or after the 1st April 2014. Only the Dacorum-specific topographical elements of the test would be substituted, all other test requirements would remain unchanged, and candidates passing this test would be entitled to a restricted licence only, not permitting general private hire work or operation by any licensed operator other than the one in respect of which the exemption was applied.
- g) That candidates who have booked or taken a first test prior to the 1st April 2014 shall be permitted to attempt any further current tests permitted under the pre-existing limits, without being required to satisfy the new proposed requirements, subject to completion of all such attempts within the 6 months following introduction of the new system. Affected candidates may also choose to transition to the revised testing system at any time, but shall be required to satisfy all applicable requirements.
- h) That the revised knowledge test arrangements apply to any new applicant who does not currently hold a driver's licence issued by Dacorum Borough Council, or to a previous licence-holder whose driver's licence expired more than 12 months previously. Existing private hire licence-holders wishing to upgrade to a dual driver's licence shall be required to complete the elements of the revised computer test only. Existing hackney carriage licence-holders wishing to upgrade to a dual driver's licence shall be required to complete the elements of the revised computer test, excluding topographical sections, only.

## **7. LICENSING ARRANGEMENTS FOR PRIVATE HIRE OPERATORS**

Chairman:

R Hill introduced the report and explained that proposals for the reform of private hire operator licensing in Dacorum, initially considered by the Committee in August, had now been consulted upon, with no comments being received.

R Hill said that operators were the lynchpin of the private hire system, responsible for the invitation and acceptance of bookings for hire cars. It is considered vital that the individuals being licensed in this capacity were fit and proper for this purpose, and that the proposals would strengthen the existing system and aid in achieving this aim. R Hill said that at present, there were 39 smaller operators and 12 larger companies in Dacorum.

R Hill said that therefore the Licensing team recommended that the changes were adopted as initially put forward, through the publication of a licensing policy document, the introduction of a more detailed application form, more thorough checks on applicants, and a single licence fee, for longer duration licences, with effect from the 1<sup>st</sup> April 2014.

There were no questions.

Resolved:

The Licensing Health & Safety Committee adopted the proposed changes to the licensing of private hire operators, with effect from the 1<sup>st</sup> April 2014, and:

- a) That the draft 'Private Hire Operators licensing policy' shown at Annex A of the report be adopted and published with immediate effect, and its provisions implemented in full in respect of licences commencing from the 1st April 2014;
- b) That all private hire operator's licences issued by the Council with effect from the 1st April 2014 shall be valid for a period of 2 years, or 3 years if the licence permits the operations of no more than 3 vehicles;
- c) That the draft 'Private Hire Operator's licence application form' shown at Annex B of the report, and the particulars therein required, be adopted and utilised for all applications made after the 1st April 2014 or for licence renewals commencing from that date;
- d) That a Basic Disclosure certificate shall be required from any applicant for a private hire operator's licence (or every director of a limited company applicant) with effect from the 1st April 2014, issued in the relevant individual's name not more than 3 months prior to the date of application, unless that individual holds a current hackney carriage or private hire driver's licence issued by the Council.
- e) That the proposed standard conditions for private hire operator's licences shown at Annex D of the report be adopted and applied to all licences commencing from the 1st April 2014 onwards.

## **8. LICENSING FEES AND CHARGES 2014-2015**

R Hill introduced the report, which outlined pre-consultation fee levels for the Licensing service in the 2014-15 financial year. He said that all such fees must be reviewed periodically to ensure that they remain commensurate with the costs incurred by the authority in processing applications for licences or registrations, and of developing policies and ensuring compliance on the part of licensed businesses. In certain cases, other costs

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may legitimately be considered, such as the cost of controlling and supervising taxis and private hire vehicles as part of vehicle and operator fees.

R Hill stated that, as fees were comprehensively reviewed last year, there were far fewer changes proposed this year, with the main exceptions being for licences where revised processes have or will increase the amount of work undertaken, and thus the authority's costs. He highlighted Annex B of the report, which listed the proposed fees for the next year, and confirmed that these had been calculated by officers at levels commensurate with estimated costs for the next year.

R Hill noted that in certain cases, most notably around the animal welfare licence renewals, some fees were below expected costs, but the rise to bring them to such levels would be excessive if introduced in one round. He advised that it was proposed to bring these fees up gradually over the next few years.

R Hill advised that the setting of fees around the new scrap metal licences was outside of the Committee's powers, and as such would be excluded from any consultation. He noted that these fees had already been set for next year by Cabinet.

R Hill asked the Committee to approve consultation on the proposed fees until mid-January, with a final decision to be made by the Committee in February.

Councillor Taylor asked why there was such a high cost associated with attaining a licence for Bingo. R Hill explained that in regards to gambling the fees were capped by legislation and that the figure outlined in the report was 60% of the maximum fees that could be charged, R Hill said that Dacorum Borough Council had not issued many of these licences and once a clearer indication of cost did become apparent the team would revise the cost of this.

Councillor Taylor said that he asked the question because he knew that the Royal British Legion in Hemel Hempstead ran a Bingo night and if they were to reapply for permission to do this Councillor Taylor wanted to know if they would incur a large cost. R Hill explained that the fees were for establishments that solely ran Bingo on a commercial basis, and different authorisations were available to non-commercial clubs and organisations.

Councillor Bhinder commented that he could not see any licence fees related to ice cream or burger vans in the table. R Hill said that street trading was currently in the remit of Environmental Health officers, rather than Licensing.

The Chairman asked if there had been any cases of scrap metal dealers no longer working in the area because of the newly imposed licence fees. R Hill said that it was believed that a few may have stopped work but that the team were currently in the process of issuing 15 applications for scrap metal dealers within Dacorum.

#### Outcome:

The Licensing Health & Safety Committee instructed officers to commence public notification and consultation in regards to the proposed fees, and to report the results to a future meeting of the Committee.

## **9. EXCLUSION OF THE PUBLIC**

Chairman:

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 an individual which is likely to reveal their identity (Minute 10).

**10. SEX ESTABLISHMENT LICENCE FEES 2009-2014**

See Part II minutes.

**11. GENERAL**

Councillor G Sutton said that he wanted to take the opportunity to thank the Licensing team for all their work and that he thought the team was fantastic with a very fine attention to detail. The Chairman agreed with this and said that things had drastically improved.

The meeting ended at 8:05 pm

Chairman: