

THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE AGENDA



TUESDAY 30 JULY 2013 AT 7.30 PM

COUNCIL CHAMBER, HEMEL HEMPSTEAD CIVIC CENTRE

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

Cllr G Chapman	Cllr Lawson (Chairman)
Cllr Conway	Cllr Link
Cllr Fantham	Cllr G Sutton
Cllr Mrs Green (Vice-Chairman)	

Substitutes: Councillors Mrs Bassadone, Bhinder, R Hollinghurst, Rance, Ryan and R Sutton. (Please note Members may only be appointed as substitutes if they have been trained for Licensing Committee).

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.

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1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meetings held on 25 June 2013.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

4. 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]

5. PUBLIC PARTICIPATION

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

6. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

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

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE

25 JUNE 2013

Present-

MEMBERS:

Councillor Mrs Green (Chairman), Conway, Fantham, R Hollinghurst, A Ryan, G Sutton and R Sutton

OFFICERS:

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

Other Persons Present:

AM (Licence-holder, item 7)
SK (Licence-holder's representative, item 7)

The meeting began at 8:05 pm

1. INTRODUCTIONS

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

2. MINUTES

The minutes of the meetings held on 28 May 2013 were confirmed by the members present and then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Chapman, Lawson and Link. Councillor R Sutton substituted for Councillor G Chapman, Councillor Ryan substituted for Councillor Lawson and Councillor R Hollinghurst substituted for Councillor Link.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PUBLIC PARTICIPATION

None

6. EXCLUSION OF THE PUBLIC

Councillor G Sutton moved for the exclusion of the public.

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 is likely to reveal their identity (Minute 7).

7. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENSE FOLLOWING CONVICTION

Full details are in the Part 2 minutes

8. COMPLAINTS ABOUT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS GENERALLY

Full details are in the Part 2 minutes

The meeting ended at 8:51 pm

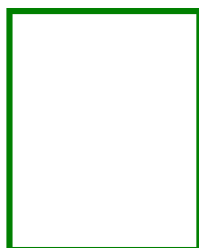
APPENDIX B

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

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

Appendix D

DACORUM BOROUGH COUNCIL



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HIRE CAR DRIVERS' LICENCE CONDITIONS

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

1. Conduct of Driver

The driver shall:

- (a) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner;
- (b) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
- (c) Not without the express consent of the hirer, smoke, drink or eat in the vehicle;
- (d) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (e) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

2. Passengers

The driver shall not:

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

3. Luggage

The driver shall:

- (a) Convey a reasonable quantity of luggage;
- (b) Afford reasonable assistance in loading and unloading;
- (c) Afford reasonable assistance in removing a reasonable amount of luggage to or from the entrance of any house, station or place.

4. Lost Property

- (a) The driver shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left.
- (b) If any property accidentally left in the hire car by any person who may have been conveyed therein is found by or handed to the driver, unless it be sooner claimed by or on behalf of its owner, shall be taken within 48 hours to the nearest police station and left in the custody of the officer in charge.

5. Receipt of Fare

The driver shall , if requested by the hirer, provide a written receipt for the fare paid.

6. Animals

- (a) The driver shall not convey in a hire car any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle;
- (b) Any animal in the custody of any passenger, which in the driver's discretion may be conveyed in the hire car shall only be conveyed in the rear of the vehicle.

7. Prompt Attendance

The driver of a hire car shall, when hired, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

8. Hire of Vehicle

The driver shall not, whilst in charge of a hire car:

- (a) Offer that vehicle for immediate hire whilst the driver of that vehicle is on a road or other place to which the public have access; or
- (b) Accept an offer for the immediate hire of that vehicle whilst the driver of that vehicle is on a road or other place to which the public have access, except where such an offer is first communicated to him/her by telephone or by radio from the operator's office to the vehicle. (In this condition "road" means any highway and any other road to which the public have access and includes bridges over which a road passes)

9. Touting and Soliciting

The driver **shall not**, whilst driving or in charge of the hire car;

- (a) Tout or solicit any person to hire or to be carried for hire in any hire car;
- (b) Cause or procure any other person to tout or solicit any person to hire or to be carried for hire in any hire car.

10. Deposit of Hire Car Driver Licence

The proprietor of the hire car shall retain the licence of any driver driving the proprietor's vehicle.

11. Taximeter

- (a) If a hire car is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and paid for the fare.
- (b) The driver of the hire car shall not tamper with or permit any person to tamper with any taximeter or with the seals affixed thereto.
- (c) Hire cars fitted with a taximeter may not operate unless the meter is in working condition and the position of the meter inside the vehicle has been approved by an Authorised Officer.

12. Fares to be Deemed

The driver shall not demand from the hirer a fare in excess of any previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter is to be charged. Journeys shall be by the shortest route unless requested otherwise by the hirer.

13. Change of Address

The driver shall immediately notify the Licensing Office in writing of any change of address during the period of the licence prior to such change taking place.

14. Change of Operator

The driver shall immediately notify the Council's Licensing Office in writing when he/she changes operators.

15. Convictions

The driver shall immediately disclose to the Council's Licensing Office in writing details of any conviction imposed on him/her during the period of the licence.

16. Expiry of Licence

The driver shall upon expiry (without immediate renewal), revocation or suspension of his/her licence forthwith return to the Council the driver's licence issued by the Council

17. Deceased Persons

A driver who has conveyed the dead body of any person in a hire car shall immediately notify the fact to the Council's Environmental Health Manager.

18. Tax and Insurance

The driver shall at all times when driving a hire car carry a copy of the licence and these conditions and shall make them available for inspection by an authorised officer or police officer.

19. Copy of Licence and Conditions

The driver shall at all times when driving a hire car carry a copy of the licence and these conditions and shall make them available for inspection by an authorised officer or police officer.

20. Badges

The driver must:

- (a)** Wear his badge in a prominent position where it can be seen at all times.
- (b)** The driver shall, upon the expiry (without immediate renewal), revocation or suspension of his/her licence, forthwith return to the Council the driver's badge issued by the Council, the badge remains the property of the Council at all times.

21. Consent of Proprietor

The driver shall not act as the driver of any hire car without the consent of the proprietor thereof.

22. Operators Licence

The driver should ensure that the Operator has a current licence.

23. Conditions

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 this licence upon you (see S.52 and S.77 of the 1976 act and S.300 to 302 of the Public Health Act 1936)