

MINUTES

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

27 FEBRUARY 2018

Present:

Councillors: Adeleke
Mrs Bassadone
Conway
Douris
P Hearn (Chairman)
Howard
Link
Peter
R Sutton
Taylor
Whitman

Officers:

Ross Hill	Acting Licensing Team Leader
Nargis Sultan	Barrister
Trudi Angel	Member Support Officer (Minutes)

Sharon Burr attended to observe the meeting and the minute taking process.

Other persons present:

Mr S Ahmed Proprietor, Choice Taxi's

The meeting began at 7.30 pm

20 MINUTES

The minutes of the meeting held on 28 March 2017 were agreed by the members present and then signed by the Chairman.

21 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Mills.

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

23 PUBLIC PARTICIPATION

Mr Ahmed attended the meeting to raise his concerns as he didn't feel that the licensing authority was fit for purpose. He said he had worked in this industry for two decades and was aware that major cutbacks have had to be made but he felt that the licensing team was weak and vulnerable. He highlighted that he had raised his concerns many times, including to this committee, but was still experiencing lots of problems. He said we seemed to have a problem with outside cars working in the borough which was encouraged by rogue operators and they were waiting for an incident to happen before the licensing authority take action.

He believed over the past 5/6 years that the team were too busy doing other things and the guidelines for being 'Fit and Proper' were not being enforced. He suggested either banning the knowledge test so they can get more drivers working for Dacorum within 2/3 months rather than the usual 9-12 months waiting for drivers to pass the test, or raise the fees for drivers/operators so they can have officers dedicated to enforcing the rules and regulations. He said he was concerned for the safety and welfare for the residents of Hemel Hempstead and Hertfordshire.

He said he would like to email the committee with some proposals and would appreciate their feedback. The Chairman confirmed she was happy for Mr Ahmed to email the committee and agreed to a 60 day reply period. R Hill said he would pass this information on to the new Licensing Team Leader.

Mr Ahmed thanked the committee for their time. He also thanked R Hill for always trying to accommodate him, but the budget cuts just didn't allow it.

24 LICENSING FEES & CHARGES 2018-19

R Hill explained that as in previous years, the proposed fees have been set through an analysis of the costs incurred by the Council in administering and, where permissible, enforcing the licensing legislation. This follows the principles set down by the UK Supreme Court and the European Court of Justice in the Hemming and Westminster case.

Overall, assuming that licence and application numbers remained stable, the proposed fees should result in an increase in total Licensing service revenue in the next financial year of just over 5%.

Vehicle and operator licence fees are subject to a public notice and objection process, and delegated authority to the Solicitor to the Council to consider any objections against those fees in conjunction with the Committee Chairman is requested.

The Government have now confirmed that Animal Activity Licences will replace animal boarding, dog breeding, pet shop and riding establishment licences from October this year, and further reports to establish the necessary fees, policies and procedures will be brought to the Committee later in the year.

Councillor Bassadone raised concern about puppy farms and felt it was going on more than people realised. R Hill explained the licensing criteria for breeding was quite complex and hard to enforce but the new legislation should help and has made

the criteria tighter. He advised that under the new legislation, any breeding in the course of a business would be licensable, and that breeding dogs could only have one litter per year and no more than five litters over a lifetime.

Councillor Douris referred to the club gaming permits and queried if the fast-track renewal was £100 or an additional £100, as the application fee was £200 and he thought it would cost more for a quicker service. R Hill advised that the fast-track procedure was set out in legislation, and could only be used by clubs which had already been vetted during an application for a club premises certificate authorising the supply of alcohol.

Resolved:

That the Licensing and Health and Safety Enforcement Sub-Committee unanimously agreed that the fees and charges payable in connection with licensing applications from 1 April 2018 to 31 March 2019 are set at the levels proposed in Annex B of the agenda.

25 LICENCE CONDITIONS FOR WHEELCHAIR-ACCESSIBLE HACKNEY CARRIAGE VEHICLES

R Hill explained, as the report sets out, under a portfolio holder decision made last year, every wheelchair accessible hackney carriage licensed by the Council has been designated under section 167 of the Equality Act 2010. This means that drivers of those vehicles now have a specific legal duty to carry and assist passengers in wheelchairs.

As a follow-up to that decision, we need to ensure that these vehicles are subject to appropriate licence conditions requiring them to carry the loading and restraint equipment to fulfil the legal duties and this report proposes amending the Council's standard licence conditions for hackney carriage vehicles to include these requirements.

Separately, since the designation decisions were made, comments have been received suggesting that designated vehicles should be more visible, with some kind of marking to denote their special status and responsibilities towards passengers in wheelchairs. A proposal has been included in this report for additional stickers to be displayed on the side and rear windows. Short consultation with the taxi trade has taken place – despite being sent to over 150 registered email addresses, only 4 online responses and 1 email response were received – however these unanimously back additional signage as a licence requirement.

The email comment suggested that the wheelchair logo should instead be displayed on roof signs on the top of vehicles. However, not all designated vehicles are required to display roof signs – purpose-built taxis with dome lights are exempt from that requirement. Additionally, a wheelchair user may not be able to see a roof sign on the tallest vehicles on the fleet. The window stickers are therefore recommended by officers, and Committee are asked to include the additional condition at paragraph e) in their deliberations.

Councillor Taylor asked how big the stickers would be as the pictures on the handouts looked small. R Hill advised that the suggestion was 4-5 inches square as he was conscious of restricting the driver's vision out of the vehicle and therefore committing an offence. Councillor Taylor queried why the stickers would be on the window and not on the doors. R Hill advised that they had suggested the window as the sticker would be roughly at eye-level, but also because companies often had signage on their doors. He added that they also had to be mindful of damage to the cars paintwork, fading, etc.

Councillor Whitman felt that the stickers were a good idea.

Councillor Douris referred to paragraph 2.2 on page 19 of the agenda. He queried the wording of the 6 monthly testing intervals and was concerned of individuals finding a loophole. R Hill suggested re-wording it to 'evidence of thorough and recent inspection.' The committee were happy with this suggestion.

Resolved:

That the Licensing and Health and Safety Enforcement Sub-Committee unanimously agreed to impose the following conditions on all hackney carriage vehicle licences issued in respect of designated wheelchair-accessible vehicles (in addition to all current standard licence conditions):

- a. Appropriate Wheelchair Tie-down and Occupant Restraint Systems (WTORS) for securing a 'reference wheelchair' and occupant must be carried in the licensed vehicle at all times, and maintained in good order. Equipment should be clearly labelled to show the level/standard to which tested.
- b. The vehicle must be fitted with or otherwise carry either a ramp or a lift for loading passengers while seated in a 'reference wheelchair', designed for that specific purpose, maintained in good order, and with visible marked reference to a safe working load (SWL) of at least 250kgs and certification to BS 6109 (or equivalent standard).
- c. All drivers of the licensed vehicle must be trained by the proprietor in the safe usage of the equipment referred to in the preceding paragraphs.
- d. Where a lift is fitted to the licensed vehicle, evidence of thorough inspection by a competent person under the Lifting Operations and Lifting Equipment Regulations (LOLER) must be provided to the licensing authority, at 6-monthly intervals.
- e. Signage issued by the Council (or alternative signage agreed in writing by the licensing officer) indicating the wheelchair-accessibility of the licensed vehicle shall be displayed in the following locations on the vehicle, so as to be clearly visible and readable to persons outside of the vehicle:
 - i. On the rear windscreen (or a rear nearside window, if the vehicle features split rear doors), in the upper nearside corner, outside of the area swept by any windscreen wipers;
 - ii. On a lower corner of a suitable passenger window on the nearside of the vehicle.

The Meeting ended at 7.54 pm

