

## MINUTES

### LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

28 FEBRUARY 2017

**Present:**

**Councillors:** G Adeleke  
Mrs Bassadone  
Conway  
Fantham (Vice-  
Chairman)  
P Hearn (Chairman)  
Link  
Peter  
R Sutton

**Officers:** B Lisgarten                      Legal Governance Team Leader  
R Hill                                      Licensing Team Leader  
T Angel                                    Member Support Officer

**Also Attendance:**

Mr Tabrez Khan              Chairman, Dacorum Hackney Drivers Association

Mr John McIlvaney        Committee Member, Dacorum Hackney Drivers Association

Various drivers from the Dacorum Borough with an interest in item 5.

The meeting began at 7.32 pm

**7                      MINUTES**

The minutes from the meeting held on 13 December 2016 were confirmed by the members present and then signed by the Chairman.

**8                      APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Howard, Taylor and Whitman.

Councillors Barnes and Mills were absent.

**9                      DECLARATIONS OF INTEREST**

There were no declarations of interest.

**10                     PUBLIC PARTICIPATION**

Mr Tabrez Khan wished to make a statement to the committee concerning Uber. Mr Khan explained that Uber drivers were waiting around Dacorum in 'hot spots' once they had completed their jobs; he said this was easily verified by looking on the Uber App. He said this issue had been highlighted in various other towns which had led to them introducing enforcement which had been successful, and he urged Dacorum to do the same. This would mean drivers would be forced to move on or return to their area of licence. He said the competition for Dacorum taxi drivers was becoming considerably unfair and also highlighted that TFL were not enforcing their licensing conditions which could put the safety of the public at risk. He said the Taxi Association felt that this matter was having a detrimental effect on them and despite them raising these points before, no action had been taken by Dacorum Borough Council. He reminded them of the Council's duty of care for the public and for local tradesmen and urged the committee to resolve this matter as soon as possible.

The Chairman made the following response:

"We understand that Uber is a concern to taxi trades both locally and nationally. Uber holds a number of private hire operator licences, both in London and around the UK. We understand that cars seen locally are dispatched automatically from the London control centre when a booking is made via the App. As the law stands, we believe that this is legal, as the booking is accepted by a licensed operator in London, and carried out using London vehicles and drivers.

We understand that Transport for London is lobbying the Government to introduce new laws requiring private hire vehicles to return to their licensed area between jobs, which would seem to solve many of the issues currently being experienced around the country, and we wait to see whether this suggestion will be taken forward by the Government.

Dacorum Borough Council continues to carry out enforcement operations against taxi's not licensed by this Council, in which council officers or plain clothed police officers approach a taxi parked in the street to see if the driver will accept an immediate cash fare. These operations have included approaches to Uber drivers waiting for fares around Hemel Hempstead, and to date all of these have correctly been refused.

However, there are no current legal powers that would allow us to stop private hire vehicles licensed in other areas from working within Dacorum, providing that the booking is made through a licensed private hire operator based in the same area in which the vehicles are licensed."

Mr Khan said he wasn't arguing that Uber were allowed to work in the area but queried why operators had to apply for a licence to work in other Boroughs if the Law allowed them to work anywhere. R Hill explained that holding a licence in each of the areas allowed them to use vehicles and drivers from those areas. He understood that Uber currently had around 30k vehicles from London and another 10k from the other 50 or so council areas where they hold operator's licences. Oxford and Reading are currently the only councils who have received an application from Uber and have refused an operators licence for various reasons but mainly for concern that Uber would not be able to comply with local conditions. He highlighted that so far Uber had not come to Dacorum with an application so they wouldn't be using Dacorum vehicles.

Mr Khan reiterated that the problem they had with Uber was that the drivers shouldn't be allowed to hang around once they've completed their job in order to get other jobs. R Hill explained he had done some research and there were very few councils nationwide that had a return to base requirement within their licence conditions. He advised that other councils were working on good will with the drivers by asking them to move on but they had no legal powers to enforce them to move, unless the vehicles were illegally parked. He understood it was an issue, and explained that TFL were leading calls to the Government for a legal return to base area requirement which he said he personally would like to see.

The Chairman thanked Mr Khan for attending.

**11**                    **CHANGES TO TAXI/PRIVATE HIRE DRIVER LICENSING ARRANGEMENTS & PRIVATE HIRE SIGNAGE**

Mr John McIlvaney interrupted the committee with a point of order. He said the reports were prepared by full time officers and presented to the public only 8 days ago. He felt this wasn't long enough to read through all 65 pages and prepare properly for this meeting which was grossly unfair.

R Hill advised that although he had aimed to prepare the documents earlier, he had still met the legal requirement to publish the reports 5 working days before the meeting. He said he had sent information on the proposalsto Mr Khan a couple of weeks before the report was prepared but understood he hadn't been working so that may have affected the receipt.

Mr McIlvaney felt the time frame was not long enough for someone that worked full time and had a family. He said that it was an important issue which they're taking very seriously as it was going to have such a detrimental impact on their lives. He asked the committee to defer the item to the next meeting so that they had longer to read through the documents and prepare for the meeting.

The Chairman asked the committee for their thoughts on Mr McIlvaney's request.

Councillor Peter felt the request to defer the item was reasonable and said the committee should make an exception as this affected the driver's livelihoods.

Councillor Adeleke said, after listening to Mr McIlvaney's views, that his request wasn't unreasonable and that the committee should defer the item to the next meeting.

It was proposed by Councillor Peter and seconded by Councillor Adeleke that the committee defer the matter until the next meeting.

Voting:

8 for, 0 against;

Whereupon it was:

Resolved:

That, the Licensing and Health and Safety Enforcement Committee unanimously agreed to defer the item to the next meeting on Tuesday 28 March 2017.

## **12                    PUBLIC SPACES PROTECTION ORDERS (PSPO'S)**

R Hill explained that, as the report sets out, a change to the law in 2014 now means that the Council must review its current designated public place orders, which prohibit alcohol consumption in certain streets and open spaces. He said this was a preliminary report, proposing that we issue a call for evidence to inform the formal review later in the year. Insufficient data is currently held to enable recommendations to be made on which of the current orders should be retained and which should be discharged.

There were no questions on the matter.

### Resolved:

That, the Licensing and Health and Safety Enforcement Committee agreed to initiate a review of the six current designated public place orders (DPPO's) in Dacorum, with a view to discharging these orders or replacing them with public spaces protection orders (PSPO's).

## **13                    COSMETIC BODY PIERCING AND SKIN COLOURING**

R Hill explained the report proposed the adoption of new regulatory controls for additional skin piercing activities, together with updated byelaws for such activities. At the moment, the Council only regulates the original activities, adopted in 1983, and not the newer activities which have emerged since that time.

Councillor Fantham asked how many tattoo premises we had in the Borough. R Hill advised that we have registered a total of 33 premises for piercing activities, and 12 of those were approved to carry out tattooing.

Councillor Bassadone said she had previously had acupuncture in a hospital and queried if hospital procedures like this would be included. R Hill advised that the proposed regulations would only relate to cosmetic procedures, and that procedures carried out by registered medical professionals were exempt from registration requirements.

Councillor Peter queried how often the premises were examined. R Hill explained that a premises would have a one-off inspection when first registered unless they received complaints about it, and if they did the Environmental Health Officers would visit more often.

The Chairman asked if the Environmental Health Officers had to pre-warn the businesses before an inspection. R Hill advised they had a general right of entry so they could visit unannounced if giving prior notice would defeat the purpose of the inspection.

Councillor Adeleke asked how they intended to monitor the premises as most are not stand alone, and if there was examples of other councils making these changes. R Hill explained that these regulations were widely adopted and when he first started working at Dacorum he understood that these were already adopted but then he discovered the decision was never made. He advised that there was general compliance and willingness by businesses and he often received calls from business owners to check if they are required to register with us.

Councillor Adeleke said he had been doing some research on other councils and queried if religious circumcision was also included in these regulations. R Hill said he would need to investigate the matter and if Councillor Adeleke had any further details he should pass them on to him.

Resolved:

That, the Licensing and Health and Safety Enforcement Committee recommended that Full Council agree the following:

- a) To apply sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 120 of the Local Government Act 2003, throughout the Borough of Dacorum, so as to require persons carrying on the practice of acupuncture; or the business of tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis to be registered with the authority; and
- b) To make byelaws under section 14(7) and 15(7) of the 1982 Act in connection with such registered persons and premises, to replace and update existing byelaws in respect of acupuncture; tattooing; and ear piercing and electrolysis.

## **14                    LICENSING LEGISLATIVE UPDATE**

R Hill highlighted that at paragraph 3.4, it is suggested that a further report will be brought to the Licensing Committee later this year. In fact, as the Equalities Act powers are 'executive' in status, this report will be submitted to the portfolio holders, who will make the decision on whether to designate accessible taxis under the new powers.

There were no questions on the matter.

Resolved:

That, the Licensing and Health and Safety Enforcement Committee noted the report.

The meeting ended at 8.07 pm.