
DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

26 JANUARY 2016

Present –

MEMBERS:

Councillors P Hearn (Chairman), Barnes, Mrs Bassadone, Conway, Fantham, Howard, Link, Peter, R Sutton and Taylor

OFFICERS:

B Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
T Cawthorne	Environmental Health Officer
D Ryder	Environmental Health Officer
T Coston	Member Support Officer

ALSO PRESENT:

Item 6 - Mr Terry Carrington (Member of the Dacorum Taxi Drivers Association)
Item 6 - Mrs Theresa King (Hackney Carriage driver)

The meeting began at 7.30 pm

1. MINUTES

The minutes of the meeting held on 24 November 2015 were confirmed by the Members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor S Adshead.

Councillor Mills and Whitman were absent.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest.

4. PUBLIC PARTICIPATION

There was no public participation.

5. APPLICATION TO AGREE THE CONDITIONS OF A CAMP SITE LICENCE FOR DACORUM BOROUGH COUNCIL

D Ryder advised they had updated the standard model conditions following the meeting in November 2015 and she welcomed any questions the committee may have.

Councillor Mrs Bassadone said at the last meeting she suggested speaking to the Boys Brigade and the Ruckler's Lane site and queried if that had been followed up. D Ryder said there were a number of exemptions detailed in the report, one of which was the Boys Brigade.

Councillor Taylor felt he wasn't kind about the previous report but he congratulated the team on their improvements. He then queried a couple of points in the report but he was advised that they were direct quotes from legislation and couldn't be changed.

Resolved:

That the Licensing and Health and Safety Enforcement Committee unanimously agreed the set of standard conditions which will be used when any Camp Site or Touring Caravan site application is received by the Council.

6. TAXI MOT/COMPLIANCE TESTING ARRANGEMENTS

The Chairman invited Terry Carrington and Theresa King to speak on this item.

Mr Carrington advised that the petition they had submitted was to request a second testing station for MOT's and compliance tests and they had received 190 signatures. He explained that several drivers had conflicts with the current provider and if there were two stations available the drivers could choose where they went.

Mrs King explained that she was a Hackney Carriage driver and was supporting Mr Carrington. She said Dacorum was the only authority apart from Aylesbury to only offer 1 testing station and she believed that if we used more garages it would encourage them to be more competitive, give drivers a greater choice and help their businesses grow. She highlighted that if anything unforeseen happened at the garage there was no contingency plan in place for the drivers to go elsewhere. She also felt that there were some discrepancies and she gave a couple of examples of her personal experience with the garage to back this up. She said their proposal wouldn't cost anything and it would make life much easier for the drivers. She said if it was down to cost then why wasn't it reflected in the licence fee when it was reduced from 2 garages down to 1.

The Chairman asked R Hill if he had anything to add to the report.

R Hill said that members who were on the Committee prior to the Election may recall a petition presented by taxi drivers in respect of the testing station policy followed by the Council. Since 2005, all prospective hackney carriages and private hire vehicles have been required to attend and pass both an MOT and a compliance test at a testing station nominated by the Council through a competitive tender process.

Up to 2005, the Council nominated two testing stations, and the petition effectively asked for a return to that situation. The change was made by the then Head of Public Protection, as a result of numerous complaints about inconsistent application of the Council's compliance standards between the two stations.

The officer recommendation was to maintain the current position, with a single testing station selected by competitive tender. This position is advised to the small number of complaints received concerning matters other than the council-set compliance standards, and the additional work which would be necessary to ensure consistent standards across multiple test stations.

R Hill asked Mrs King if the issues she raised tonight had been reported to them. Mrs King confirmed they had but still felt there were too many inconsistencies.

R Hill explained that he had his own concerns with regards to cost as the licence fee had already increased and also his staff do not have the capacity to carry out compliance tests or the appropriate qualifications. He said they would have to look at a suitable facility to carry out the checks which would need to be enclosed and lit, and then would have to recruit someone to carry out the inspections. He added that next year we would be moving to the Forum and staff would be working from home so they wouldn't always be available for the checks.

Mrs King said that qualifications weren't needed to carry out compliance checks. R Hill said he had concerns as other authorities had been challenged on the matter.

Councillor Peter asked if officers had spoken to the garage staff about the issues raised. R Hill advised that the officers communicate with the garage and oversee the standards and was keen to continue like that.

Councillor Taylor referred to page 12 of the report and queried the cost difference if the council was to offer multiple test stations. R Hill advised the following amendments to the licence fees:

If multiple test stations:

With effect from 1 July 2016, under section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to set the fees for the following licence application types as follows:
For the grant/renewal of a hackney carriage proprietor (vehicle) licence: £228 (*was £210*)
For the grant/renewal of a private hire vehicle licence: £208 (*was £190*)

** All of the above exclusive of vehicle test fee*

If compliance in-house:

With effect from 1 July 2016, under section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to set the fees for the following licence application types as follows:
For the grant/renewal of a hackney carriage proprietor (vehicle) licence: £248 (*was £210*)
For the grant/renewal of a private hire vehicle licence: £228 (*was £190*)
For the substitution of a vehicle to a hackney carriage/private hire vehicle licence: £201 (*was £173*)

** All of the above exclusive of vehicle test fee*

Councillor Taylor felt that there was no actual data to change the procedure and suggested that as the contract was due for renewal this year they should take note of the drivers concerns and take them in to account when reviewing the contract.

Resolved:

That the Licensing and Health and Safety Enforcement Committee unanimously agreed that no change was made to the structure of the current testing station contract, other than to implement the procedural matters detailed in the report, and that the contract for a single taxi MOT/compliance testing station be opened to a competitive tender process for the period from 1st July 2016.

R Hill asked Mr Carrington and Mrs King to ensure that any issues are reported directly to him.

7. ANIMAL LICENSING REFORM – CONSULTATION

R Hill advised that there were a number of inconsistency's in animal related legislation which often leads to uncertainty for businesses. He explained that the proposal was to have single licences for the following:

- Accommodation of dogs and cats belonging to others
- Sale of animals as pets
- Breeding of dogs for sale
- Keeping of horses for riding tuition or hire

He said his thoughts on the matter were detailed in the report and he had produced a draft response to DEFRA's consultation which could be found at Annex A. The committee was asked to approve this response before it is submitted.

Councillor Taylor asked if questions 11 and 12 had the same response. R Hill replied it was difficult to answer as there had been no previous experience of performing animals.

Councillor Bassadone asked where people should report concerns for domestic animals. R Hill advised individuals could report it to DBC as we are able to prosecute, but also the RSPCA or Hertfordshire County Council.

Resolved:

The Licensing and Health and Safety Enforcement Committee unanimously approved the draft response to DEFRA's consultation.

8. DRIVING LICENCE VERIFICATION FOR TAXI/PH DRIVERS

R Hill advised that the Government abolished the paper counterpart of driving licences last year and now only issued the photocards. He said that GOV.UK was a new system they could use to check for convictions, endorsements or disqualifications. He advised that a charge is payable for each check and this would be recharged to the applicant as part of their licence fee but it would save drivers money in the long term. He highlighted that a revised application form could be found at Annex A to incorporate these changes and it would take effect from 1st April 2016.

Resolved:

That the Licensing and Health and Safety Enforcement Committee approved the use of the GOV.UK driving licence verification service as an additional option for all Hackney Carriage and Private Hire drivers licence applicants with effect from 1 April 2016, and that the corresponding changes to the Councils licence application form be adopted.

9. ELECTRIC VEHICLES AS TAXIS

R Hill explained that the proposal was to release 6 new Hackney Carriage vehicle licences as electric taxis. He said electric vehicles had proved popular in other areas and individual drivers had expressed an interest in using them. He explained that electric vehicles were very different to drive but drivers were able to hire one to test drive.

Councillor Barnes said he didn't understand why they were setting a limit of 6 electric vehicles. R Hill explained that the proposal was for six brand new licences, however someone with an existing plate could be in addition to that 6.

Councillor Fantham asked if electric vehicles required a special licence. He also asked if the MOT station they used would be capable of servicing electric vehicles. R Hill advised that the licences were the same but electric vehicles had a very different driving style. He added that the MOT's were identical and the station would be capable.

Resolved:

That the Licensing and Health and Safety Enforcement Committee agreed to:

1. Allow the release of a maximum of 6 new Hackney Carriage vehicle licences ('plates'), to permit the use of pure electric vehicles, range-extended electric vehicles or plug-in hybrid electric vehicles only. All such licences would be subject to an additional condition that the licenced vehicle may be substituted by a pure electric vehicle, range-extended electric vehicle or plug-in hybrid electric vehicle only, subject to the relevant vehicle change procedures being completed.
2. To disapply paragraph 2(a)(ii) and 2 (b)(ii) of the Council's 'vehicle standards for Hackney Carriages' and 'vehicle standards for Private Hire vehicles' in respect of any application to licence a pure electric vehicle, a range-extended electric vehicle, or a plug-in hybrid electric vehicle as a Hackney Carriage and Private Hire vehicle.

The meeting ended at 8:22 pm.