



LICENSING COMMITTEE

Monday, 12th January, 2015

**At the rising of the Licensing
Committee (Licensing Act 2003)**

Town Hall, Watford

Publication date: 2 January 2015

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss/Alan Garside in Democracy and Governance on 01923 278376 or by email to legalanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

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COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor P Jeffree (Vice-Chair)

Councillors I Brown, J Connal, K Crout, G Derbyshire, K Hastrick, M Hofman, A Khan, H Lynch, B Mauthoor, M Mills, G Saffery, D Scudder and S Williams

AGENDA

PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

The minutes of the meeting held on 14 July 2014 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(All minutes are available on the Council's [website](#).)

4. **LICENSED DRIVER APPLICATION CRITERIA** (Pages 1 - 4)
Report of the Head of Community and Customer Services
5. **LICENSING FEES AND CHARGES** (Pages 5 - 12)
Report of the Head of Community and Customer Services

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*PART A

Report to: Licensing Committee
Date of meeting: 12 January 2015
Report of: Head of Community and Customer Services
Title: Licensed Driver Application Criteria

1.0 **SUMMARY**

- 1.1 The council is responsible for licensing hackney carriage and private hire drivers. Current policy requires new applicants to produce a certificate from the Driver and Vehicle Services Agency (DVSA) that they have passed a particular driving assessment, and that certificate must not be more than six months old. The Committee is asked to extend that time period to the time period the certificate remains valid for (currently twelve months).
- 1.2 The Committee is also asked to exempt applicants for licences from having to pass the wheelchair-handling assessment conducted by the DVSA where a candidate has satisfactorily attended a disability awareness course approved by the Council.
- 1.3 In relation to training for licensed drivers in disability awareness. The Committee is asked to extend the requirement for training to applicants for private hire licenses as well as hackney carriage licences. It is also asked to make a change from council provided courses to council approved courses.

2.0 **RECOMMENDATIONS**

- 2.1 That applicants for a hackney carriage driver's or private hire vehicle driver's licence
- (1) be required to submit with their application a valid certificate to show they have passed an appropriate assessment by the Driver and Vehicle Standards Agency (DVSA).
 - (2) be exempt from having to pass the DVSA wheelchair-handling assessment if they have attended a disability awareness course approved by the Council.
- 2.2 From 1st February 2015 applicants for a hackney carriage driver's or private hire vehicle driver's licence have to submit evidence that they have attended a disability awareness course approved by the Council, prior to or within three months from the grant of a licence.

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on extension 8476 or email jeffrey.leib@watford.gov.uk.

Report approved by: Alan Gough, Head of Community & Customer Services

3.0 DETAILED PROPOSAL

3.1 Driving assessments

Current policy requires that an applicant for a hackney carriage or private hire vehicle driver's licence must pass the specialist Driver and Vehicle Standards Agency hackney carriage/private hire driving assessment (and Council Knowledge Test) before a licence can be granted.

3.2 To ensure that candidates' competency is kept up-to-date in those areas, the Committee resolved that the Knowledge Test and DVSA test certificates should only be accepted if issued within the six months prior to the licence application.

3.3 The DVSA certificates are currently valid for twelve months from the date of issue, which is stated on the face of the certificate. The current policy has occasionally required applicants to re-sit the DVSA test despite their certificate still being in date, for example if they have not passed their knowledge test within the six-month period. The Committee is asked to agree to accept DVSA certificates providing they are valid as indicated on the test certificate.

3.4 Disability awareness

At its meeting on 15 February 2010 the Licensing Committee confirmed that hackney carriage drivers should attend the Council's disability awareness course which has to date been provided free of charge. All the hackney carriage drivers licensed at the time this requirement was brought in have now attended the course and there is insufficient demand to provide or procure the course on a regular basis. In addition, the Committee is asked to extend the requirement for this training to private hire drivers too as officer's consider there is no distinction between the requirements, responsibilities and risks placed relevant to private hire drivers as oppose to hackney drivers.

3.5 The proposed changes are intended to:

- make it a requirement for all drivers, private hire and hackney carriage drivers, to undertake training in disability awareness before or within a reasonably short time of being granted a licence
- enable drivers to do this in a cost-effective and timely manner that suits them;
- remove the duplication in requirements to undertake the DVSA wheelchair handling assessment as well as general disability awareness training.

3.6 It is important that new entrants to the trade are able to provide a safe and effective service to people with disabilities, who often rely on licensed vehicles as their primary form of transport. This was recognised by the Law Commission in its recent report on

Taxi and Private Hire Services¹ which said:

One of our key provisional proposals to promote equality and accessibility was that private hire and taxi drivers should be required to undergo recognised disability awareness training. This received unanimous support, and statistics published by the Department for Transport show that it is far from a universal requirement in current local licensing conditions. Lack of such training means that some drivers may be less likely to be aware of the needs and rights of disabled passengers; this can contribute to unacceptable practices, for example ignoring their attempts to hail a vehicle, carrying them in an unsafe manner, refusing to carry them at all or charging extra for the service.

- 3.7 The Committee is recommended to introduce a policy requirement that from 1 February 2015 applicants must undertake at their own cost a disability awareness course approved by the Council either prior to, or no later than three months after the grant of the licence. Where a driver fails to provide evidence that they have attended such a course within the timescales without reasonable excuse their licence will normally be revoked after a written warning. This stringent level of enforcement is proposed as the flexible approach being taken towards applicants, (ie. giving them three months after receiving their licence to undertake the course rather than requiring it prior to issuing their licence) recognises that attending such a course may unreasonably delay a driver in commencing work but this should not undermine the principle that safe, legal and customer focussed transport for the disabled is an essential skill of any driver.
- 3.8 Applicants who intend to drive a wheelchair-accessible hackney carriage currently also have to pass the wheelchair-handling assessment conducted by the DVSA. This costs applicants between £26.56 and £32.68 (depending on when they wish to take the test). This requirement is reinforced by a hackney carriage vehicle licence condition that drivers of such specialist vehicles must possess the certificate. It is recommended that drivers be exempt from the requirement if they have already attended an approved disability awareness course prior to their application being issued. It is not recommended this requirement is removed altogether so as to ensure passengers in a wheel chair accessible vehicle are provided a satisfactory and safe service immediately from licence.
- 3.9 If the Committee agree the proposal relating to disability awareness training, then suitable courses will be sourced and an approved list will be produced and made available to drivers between now and 1st February 2015. This will include a list of the key elements any course should cover. Applicants will have several options open to them, currently officers are aware of the several options that would satisfy the requirements including:
- the course run by St Albans City & District Council by the same provider that formerly provided the courses in Watford. These are run every other month at £30 per person
 - a course organised on behalf of the Council by Herts Fire Safety Training costing up to £40 per person although this is dependent on demand

¹ *Taxi and Private Hire Services*, Law Com LC437 (2014), para 1.41
(http://lawcommission.justice.gov.uk/docs/lc347_taxi-and-private-hire-services.pdf)

- evidence of other similar training eg the MIDAS passenger transport assistance training, confirmation of training from another employer etc.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that individuals have the right of appeal against the refusal or revocation of a licence to the Magistrates Court.

4.4 **Potential Risks**

None

Background Papers

None

File Reference

None

*PART A

Report to: Licensing Committee
Date of meeting: 12 January 2015
Report of: Head of Community and Customer Services
Title: Licensing fees and charges 2015/2016

1.0 SUMMARY

1.1 This report seeks the Licensing Committee's approval to charge fees for the 2015/2016 financial year for some of the different licensing regimes administered by the Council. Setting licensing fees are generally a Council rather than an Executive function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000¹ (as amended).

2.0 RECOMMENDATIONS

2.1 That the fees and charges set out at appendix 1 for the financial year 2015/2016 be approved.

2.2 To delegate to the Environmental Health and Licensing Section Head the authority to increase or decrease charges in respect of provision of:

- compulsory door signage for hackney carriages
- Disclosure and Barring Service, and Driver and Vehicle Licensing Agency, checks
- licence badges and plates.

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on 01923 278476 or email jeffrey.leib@watford.gov.uk.

Report approved by: Alan Gough, Head of Community and Customer Services

¹ SI 2000/2853

3.0 **BACKGROUND**

3.1 The Council is responsible for administering a number of statutory and discretionary licensing regimes, including the Licensing Act 2003, Gambling Act 2005, hackney carriages and private hire vehicles, street trading, pavement cafes, sex establishments and leaflet distribution.

3.2 Some general principles apply to the setting of licence fees:

- they cannot be used to generate a profit, and any surplus should be identified and carried over to the following year
- it is acceptable to carry forward deficits from previous years
- income from licence fees may only be spent on the specific regime from which they were generated
- fees may not be discriminatory or to be used as an economic deterrent.

3.3 The Supreme Court is expected to announce its decision within the next few months in the case of *Hemming and Others v Westminster City Council*². This is expected to confirm, amongst other matters, whether councils can use receipts from licensing fees to pay for the cost of enforcement activities against unlicensed operators, or whether such activities must be funded from general funds. The Council considers the fees and charges structure meets the current legal position. Should this be changed by the Supreme Court decision a further report will be brought to Committee.

3.4 Licence fees are therefore set on a cost-recovery basis and subject to the following restrictions:

- Licensing Act 2003 – centrally-set out in regulations by Parliament
- Gambling Act 2005 – decided by the Council subject to statutory maxima
- hackney carriage and private hire vehicle licensing - reasonable charges may be made for the cost of administering and enforcing the regime, and providing taxi ranks
- street trading fees – reasonable charges may be made for the cost of administering and enforcing the regime in relation to licensed traders
- pavement licence fees – reasonable charges may be made for the cost of administering the regime
- sex establishment fees – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders
- leaflet distribution – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders

² [2013] EWCA Civ 591

- 3.5 Changes to fees for vehicle licences and private hire vehicle operator licences must be publicly advertised and any objections considered.
- 3.6 The Cabinet will consider the budgetary implications of licensing income and expenditure as part of the overall Council budget cycle. However, the Licensing Committee is required to formally approve the level of licence fees and charges as licensing (other than Gambling Act fees) are generally a Council rather than an Executive function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000³ (as amended).
- 3.7 **Proposals**
The proposed schedule of fees and charges is set out at appendix 1. There are no proposed changes other than:
- a reduction of 50% to £109 for the licence fee for vehicles with an electric engine
 - an increase in cost for the door signs for Hackney carriages that reflects the current cost to the Council from £10.50 to £19.50
- 3.8 Members may be aware that the council is currently working in partnership with Electric Blue, a company based in St Albans and which is working with other local councils to encourage greater use of electric vehicles as hackney carriages. Whilst the cost of administering a licence is the same regardless of the type of engine, it is arguable that an incentive will help encourage licence-holders to switch to electric vehicles when the discount is added to other incentives such as the reduction in Vehicle Road Fund Duty, exemption from the London Congestion Charge, lower running costs and grants available to purchase the vehicle. This supports the Council's objectives to improve air quality in the borough and promote sustainability and it is not envisaged that take up will be such to have any significant impact on the income profiles this year. This will be kept under review.
- 3.9 The Licensing Committee is also asked to approve that officers can immediately change the charges that arise in respect of materials or external charges for:
- compulsory door signage for hackney carriages
 - Disclosure and Barring Service, and Driver and Vehicle Licensing Agency, checks
 - licence badges and plates.
- 3.10 This flexibility is requested so that officers can, where necessary, change contractors or service providers or to respond to changes in pricing and pass those costs or savings on to licence-holders without requiring further Committee approval.
- 3.11 For the sake of clarity, it is not proposed to increase or amend any other licence fee or charge other than those mentioned above.

³ SI 2000/2853

4.0 IMPLICATIONS

4.1 Financial

4.1.1 The Shared Director of Finance comments that that there are no additional financial implications arising from this report other than those identified above. Cabinet will consider the budgetary implications of licensing income and expenditure as part of the overall Council budget cycle.

4.2 Legal Issues (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that there are no additional legal implications arising from this report other than those identified above.

4.3 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
<i>Level of fees challenged by District Auditor</i>	1	2	2
<i>Level of fees challenged by judicial review</i>	1	3	3

Appendices

Appendix 1: Licensing Fees and Charges 2015 – 16

Background Papers

No papers were used in the preparation of this report

File Reference

Licence fees and charges 2015 – 2016

LICENSING FEES AND CHARGES FEES APPENDIX 1

**2015/16 FEES & CHARGES PROPOSED FOR :-
ENVIRONMENTAL HEALTH & LICENSING**

Description	2014/15 Charge	PRICING STRATEGY					Proposed 2015/16 Charge	Annual Increase / Decrease (-) %	Affected By 2014/15		Comments
		COMMERCIAL	FULL COST REC	SUBSIDISED	FREE	STATUTORY			SAVINGS PROPOSAL	GROWTH PROPOSAL	
Outside Scope for VAT purposes											
Taxi & Private Hire Vehicle Licences											
Annual Vehicle Licence	£218.00	*	✓	*	*	*	£222.00	1.83 %	N	N	
Annual Vehicle Licence with electric vehicle	£218.00	*	*	✓	*	*	£111.00	-49.08 %	N	N	Fee incentive to encourage take-up of electric vehicles
Annual Vehicle Licence if booked online	£218.00	*	✓	*	*	*	£212.00	-2.75 %	N	N	Fee incentive to reduce licensing team workload
Annual vehicle licence if documents pre-scanned	£218.00	*	✓	*	*	*	£217.00	-0.46 %	N	N	Fee incentive to reduce licensing team workload
Annual vehicle licence (online and pre-scanned)	£218.00	*	✓	*	*	*	£207.00				Fee incentive to reduce licensing team workload
Transfer of vehicle ownership (payable by buyer)	£17.50	*	✓	*	*	*	£17.50	NO CHANGE	N	N	
Taximeter tests	£17.50	*	✓	*	*	*	£17.50	NO CHANGE	N	N	
Replacement vehicle plates	£21.00	*	✓	*	*	*	£21.00	NO CHANGE	N	N	
Optional plate fitting brackets	£21.00	*	✓	*	*	*	£21.00	NO CHANGE	N	N	
Compulsory door signs for hackney carriages	£10.50	*	✓	*	*	*	£19.50	85.71 %	N	N	Reflects cost to Council. Such other cost to be authorised in the event of an increase in the cost to the Council
Optional magnetic door signs for hackney carriages	£10.50						£10.50	NO CHANGE			
Advertising approval on hackney carriages (agency)	£150.00	*	✓	*	*	*	£150.00	NO CHANGE	N	N	
Advertising approval per hackney carriage	£50.00	*	✓	*	*	*	£50.00	NO CHANGE	N	N	
Advertising approval (Licensing Committee referral)	£250.00	*	✓	*	*	*	£250.00	NO CHANGE	N	N	
Private Hire Operators (5 yrs)	£735.00	*	✓	*	*	*	£735.00	NO CHANGE	N	N	
Driver Licences (3 yrs)	£335.00	*	✓	*	*	*	£341.00	1.79 %	N	N	
Driver Licences (3 years) if booked online	£335.00	*	✓	*	*	*	£331.00	-1.19 %	N	N	Fee incentive to reduce licensing team workload
Driver licences (3 years) if documents pre-scanned	£335.00	*	✓	*	*	*	£336.00	0.30 %	N	N	As above
Driver licences (3 years) online and pre-scanned	£335.00	*	✓	*	*	*	£326.00	-2.69 %	N	N	As above
Theory Knowledge Test (each attempt)	£35.00	*	✓	*	*	*	£35.00	NO CHANGE	N	N	Maximum charge, depending on possible changes to the Test. Fee is non-refundable and non-transferable.
Disability awareness Course	£30.00	*	✓	*	*	*	£40.00	33.33 %	N	N	Maximum charge, depending on final training provider. Fee is non-refundable and non-transferable.
Replacement drivers badges	£17.50	*	✓	*	*	*	£17.50	NO CHANGE	N	N	
Duplicate documents	£17.50	*	✓	*	*	*	£17.50	NO CHANGE	N	N	

Description	2014/15 Charge	PRICING STRATEGY					Proposed 2015/16 Charge	Annual Increase / Decrease (-) %	Affected By 2014/15		Comments
		COMMERCIAL	FULL COST REC	SUBSIDISED	FREE	STATUTORY			SAVINGS PROPOSAL	GROWTH PROPOSAL	
Street Trading											
Street Trading Consent (per annum)	£462.00	*	✓	*	*	*	£462.00	NO CHANGE	N	N	
Street Trading Consent (per annum) - Vicarage Road	£462.00	*	✓	*	*	*	£462.00	NO CHANGE	N	N	
Street Trading Consent daily rate (if less than one year)	£21.00	*	✓	*	*	*	£21.00	NO CHANGE	N	N	
Street Trading Consent (Town Centre Markets per stall per day, waived for charitable etc stalls)	£21.00	*	✓	*	*	*	£21.00	NO CHANGE	N	N	
Permit for Tables & Chairs on the Highway											
Initial application (1 year permit)	£367.00	*	✓	*	*	*	£367.00	NO CHANGE	N	N	
Renewal of annual permit	£315.00	*	✓	*	*	*	£315.00	NO CHANGE	N	N	
Free Printed Matter Distribution											
First distributor	£50.00	*	✓	*	*	*	£50.00	NO CHANGE	N	N	
Each additional distributor	£30.00	*	✓	*	*	*	£30.00	NO CHANGE	N	N	
Additional fee for each distributor between 1700 and 0900	£20.00	*	✓	*	*	*	£20.00	NO CHANGE	N	N	
Sex Establishment Licence											
Grant of Licence	£615.00	*	✓	*	*	*	£615.00	NO CHANGE	N	N	
Annual licence fee	£315.00	*	✓	*	*	*	£315.00	NO CHANGE	N	N	
Sexual Entertainment Venue Licence											
Application for grant of licence	£900.00	*	✓	*	*	*	£900.00	NO CHANGE	N	N	
Fee on grant of licence	£315.00	*	✓	*	*	*	£315.00	NO CHANGE	N	N	
Renewal of licence	£315.00	*	✓	*	*	*	£315.00	NO CHANGE	N	N	
Major variations (at officer's discretion)	£315.00	*	✓	*	*	*	£315.00	NO CHANGE	N	N	
Minor variations (at officer's discretion)	£89.00	*	✓	*	*	*	£89.00	NO CHANGE	N	N	
Skin Piercing											
Operator (each)	£50.00	*	✓	*	*	*	£50.00	NO CHANGE	N	N	
Premises	£150.00	*	✓	*	*	*	£150.00	NO CHANGE	N	N	
Special Shop & Other Animal Licences (excl Veterinary fees)											
Pet Shops	£185.00	*	✓	*	*	*	£185.00	NO CHANGE	N	N	
Dangerous Wild Animals	£200.00	*	✓	*	*	*	£200.00	NO CHANGE	N	N	
Animal Boarding / Breeding Establishment annual											
Registration (exc. Home boarding)	£290.00	*	✓	*	*	*	£290.00	NO CHANGE	N	N	
Initial home Boarding registration	£150.00	*	✓	*	*	*	£150.00	NO CHANGE	N	N	
Annual re-registration	£115.00	*	✓	*	*	*	£115.00	NO CHANGE	N	N	
Annual re-registration (home boarding)	£75.00	*	✓	*	*	*	£75.00	NO CHANGE	N	N	

Description	2014/15 Charge	PRICING STRATEGY					Proposed 2015/16 Charge	Annual Increase / Decrease (-) %	Affected By 2014/15		Comments
		COMMERCIAL	FULL COST REC	SUBSIDISED	FREE	STATUTORY			SAVINGS PROPOSAL	GROWTH PROPOSAL	
Scrap metal Dealers											
Grant of Licence	£245.48	*	✓	*	*	*	£245.48	NO CHANGE	N	N	
Renewal of Licence	£191.50	*	✓	*	*	*	£191.50	NO CHANGE	N	N	
Variation of Licence	£51.00	*	✓	*	*	*	£51.00	NO CHANGE	N	N	
Change of Name	£51.00	*	✓	*	*	*	£51.00	NO CHANGE	N	N	
Change of Site	£51.00	*	✓	*	*	*	£51.00	NO CHANGE	N	N	
A request for a CRB check would be subject to VAT at the Standard rate.											
A request for a CRB check which forms part of a Licence application would be Outside Scope for VAT purposes.											
CRB checks											
Criminal Records Bureau check for selected licences	£44.00	*	*	*	*	✓	£44.00	NO CHANGE	N	N	
Statutory fee plus admin fee of £10	£51.00	*	✓	*	*	*	£54.00	5.88 %	N	N	

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