

LICENSING COMMITTEE

14 SEPTEMBER 2015

Present: Councillor J Brown (Chair)
Councillor K Crout (Vice-Chair)
Councillors S Bolton, I Brown, J Connal, F Ewudo (For minute numbers 4 to part of 7), M Haley, K Hastrick (For minute numbers 4 to 8), M Hofman, M Mills, S Silver, P Taylor, M Watkin (For minute numbers 4 to 8) and S Williams

Officers: Environmental Health and Licensing Section Head
Solicitor
Licensing Manager
Licensing Enforcement Officer
Committee and Scrutiny Officer

1 APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP

There was a change of membership for this meeting: Councillor Taylor replaced Councillor Derbyshire.

No apologies were received from Councillor Rogers.

2 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

3 MINUTES

The minutes of the meeting held on 4 March 2015 were submitted and signed.

4 HACKNEY CARRIAGE/PRIVATE HIRE SERVICES FOR DISABLED AND VULNERABLE PASSENGERS

The Committee received a report of the Head of Community and Customer Services, including the report of the Consultants, who had been appointed to test and evaluate the service provided by licensed drivers to passengers with particular disabilities.

The Licensing Manager highlighted aspects of the report and the Consultant's findings. He informed the Committee that it had been suggested that the Working Party should comprise three Councillors, one from each political group. The working party should be established to consider the best way to improve the

standards of service provided to customers with disabilities wanting to use licensed vehicles.

The Chair invited Lee Hutchings to speak on behalf of Disability Watford.

Mr Hutchings said that he was the Chairman of Disability Watford and had roles on a number of other groups. He commented that this was a major issue and was under reported as people had a fear of being isolated. He outlined some of his experiences as a regular user of hackney carriages. He was aware that some drivers did not understand the different types of assistance dogs. He provided the Committee with information that showed how the assistance dogs could be recognised. Some people were concerned that they might be able to get to their destination but then not able to get back home. There was particular concern about travelling in private cars and not recognised taxis. In his opinion there was no consistent livery for taxis in Watford. People wanted cars which they could recognise; an easy reporting system for complaints and an easy way to identify vehicles. The writing on the rear plates was too small. It had been requested that larger writing was used to enable reporting. He informed the Committee that he had been a guide dog owner for 17 years. In that time he had made at least one report each year.

Mr Hutchings commented that if a driver would not accept a wheelchair in their vehicle, there would be an impact for others, for example those people with walking frames or buggies. He said that he was surprised at the number of wheelchair accessible vehicles available within the Borough. He was unsure when the survey had been carried out. He added that Disability Watford supported cameras in cars as it would also show when there was discrimination against a passenger. He was looking forward to the Working Party being set up.

The Chair thanked Mr Hutchings for his comments. She asked him whether he would like to be part of the Working Party. It would enable him to raise all his points.

Mr Hutchings suggested that two representatives from Disability Watford would be preferable. He reiterated that he disagreed with the statement that Watford taxis could be clearly identified.

The Chair thanked Mr Hutchings for his comments. She opened the discussion to the Committee.

Councillor Haley commended the Council for the initiative in requesting the consultant's report. He had noted that 0% of private hire vehicles and 27% of taxis were wheelchair accessible. He asked whether the Council had any powers to set targets or require new applicants to have a wheelchair accessible vehicle.

The Licensing Manager responded that councils had powers to set policies requiring all vehicles to be wheelchair accessible. Edinburgh, Birmingham and London were areas where this had been introduced. The difficulty arose when practicalities were considered, particularly as the Council had set a limit on the

number of hackney carriage vehicles. There would be a considerable cost to owners if they were required to purchase a wheelchair accessible vehicle when deciding to change their vehicle. It would also be necessary to look at the Council's policy as it permitted new licences to be issued for vehicles up to seven years old. It was a very complex matter.

The Chair suggested that this might be something the Working Party could consider.

Councillor Hastrick stated that her mother used an electric wheelchair. Drivers were unable to secure her wheelchair in their vehicles. She outlined some of her mother's experiences, including some she had witnessed.

The Chair asked whether officers were aware if any of the licensed hackney carriages were large enough to carry and secure the larger wheelchairs.

The Licensing Manager advised that there were probably a few in Watford. The Government had suggested that it would look at introducing a specification for wheelchair accessible vehicles. To date this had not been carried out as there were too many different types and sizes of wheelchairs and vehicles.

Councillor S Williams said that he had a number of concerns. He was concerned about some drivers' attitudes towards passengers with a disability. He had also noted that the Council had received 26 complaints over an eight year period. There had also been a number of ad hoc emails. He questioned why the emails had not been recorded as formal complaints.

The Licensing Enforcement Officer explained that the emails were not necessarily about complaints. They may have contained information raising general issues and not specific concerns.

Councillor Watkin said that the report made depressing reading. These users were unable to access a service that the rest of the population took for granted. He supported the recommendations. The use of mystery shoppers had been needed. It was now important to develop policies that would call drivers to account. There needed to be an expectation of enforcement.

The Chair noted that Councillors were highlighting areas that the Working Party could consider. She suggested that all Members should provide the three appointed Councillors information for the proposed Working Party. She reminded the Committee that the recommendation was for one Councillor from each political group on the Council.

Councillor Connal said that she had been very upset by the consultant's report. She had noted that in one example the driver had been unable to give any change. She had understood that drivers had to have some change available. She asked if this was correct and whether it should have been reported to the Police.

The Licensing Manger explained that passengers were not obliged to give drivers a tip. Drivers should be able to give passengers change or to make some other appropriate arrangement. If no change were given it could be considered as overcharging. It was, however, difficult to prove as it was often one person's word against another.

Following a further question from Councillor Connal, the Licensing Manager responded that cameras in vehicles did have benefits. There were stringent rules to be followed set out by the Information Commissioner. For example, the routine recording of passengers' conversations was not permitted. This was another issue that could be reviewed by the Working Party, but there would be cost implications.

The Environmental Health and Licensing Section Head advised the Committee that if a person was in this situation the best solution would be to take as many details of the driver and vehicle as possible and then contact the Council's Customer Services Centre. Initially it would not be a Police matter.

Councillor Crout commented that it was not only disabled people who experienced some of these problems. He asked whether officers had received any reaction from the hackney carriage trade, following the publication of the consultant's report.

The Environmental Health and Licensing Section Head stated that representatives had said they were keen to work on the issues through the proposed Working Party.

The Chair commented that not all drivers were the same.

Councillor Taylor added that it was in the drivers' own interests to provide a good service. He added that it would be important for monitoring to continue. The Committee and officers needed to see that the service had improved.

Mr Hutchings informed the Committee that Disability Watford was able to provide disability awareness training, which the Committee could undertake. He advised that between 20 and 25% of the population had a disability, 70% of which were invisible.

Councillor Hofman said that it was disgusting how people had been treated. He suggested the proposed Working Party might wish to arrange for volunteers to undertake journeys using undercover cameras. The volunteers would then be able to report back on how they were treated and would have evidence to prove it. It was important that the issues were exposed as the public may turn against the drivers.

The Environmental Health and Licensing Section Head advised that there were particular ways in which test purchases or mystery shopper methods could be carried out. Careful consideration needed to be given to using local people.

Councillor Ewudo stated that she had read all the recommendations, particularly with reference to training. She considered that language and customer service skills should be included. Drivers needed to have a certain level of understanding English.

Councillor S Williams noted the report's comments about taxi ranks. He asked whether it would be possible to include any provision within the train franchise at Watford Junction when it was due for renewal. This could ensure that the proper facilities could be put in place for taxis and people with disabilities. He had noticed the length of time some people had had to wait for a taxi for relatively short journeys.

The Environmental Health and Licensing Section Head replied that the franchise and issues connected with it were a central Government responsibility and not for the Council.

Councillor Mills said that she wished to make a positive comment. When her husband was ill she had used a private hire company and they had provided an excellent service.

RESOLVED –

1. that a working party of licensed drivers, vehicle proprietors, private hire operators, members of Disability Watford, Councillors and officers be established to consider the best way to improve the standards of service provided to customers with disabilities wanting to use licensed vehicles.
2. that the Working Party comprises 3 Councillors, one from each political group, with an option to send substitutes.
3. that members of Disability Watford be engaged in training to give practical advice on how to ensure they are dealt with correctly and lawfully.
4. that the findings of the working party be brought back before the Committee for further decisions to be made on proposals in January 2016.

5

LICENSED DRIVER KNOWLEDGE TEST

The Committee received a report of the Head of Community and Customer Services which asked Members to consider amendments to the style, delivery and cost of the test for prospective drivers.

The Chair informed the Committee that having considered the recommendations it was suggested that the date in the first recommendation, 1 April 2016, should be amended to 'as soon as practicable'.

In response to a comment from Councillor Haley, the Environmental Health and Licensing Section Head advised that the aim was to introduce the new test by December 2015.

The Licensing Manager confirmed that drivers were not able to carry passengers until they had passed the test. When officers provided the training they wanted to ensure a local relationship could be built between the drivers and Licensing Team. It also enabled officers to assess the drivers, through the interaction, and consider if they were 'fit and proper'. A formal qualification was available, a BTEC, and some drivers held this; however it did not help build the local relationship.

Following a question from Councillor Taylor, the Licensing Manager explained that officers had a bank of questions and the same questions were not used on consecutive tests. The questions were reviewed on a regular basis.

Councillor Bolton sought reassurance that the new test would not enable drivers to get their licence quicker and that it was robust and not shortcutting any steps. He felt that people had a personal responsibility to themselves when they undertook the test.

The Licensing Manager assured the Committee that the new test would not dilute the existing standards. The current arrangement enabled drivers to take the test without undergoing any training. The new test would be part of a full day's training.

The Licensing Manager confirmed that drivers had to hold a Disclosure and Barring Service (DBS) certificate. With regard to drivers having had prison sentences, the Council had a policy which set out how different types of offences and sentences would be considered. It would depend on the offence. An internal review was held to assess the suitability of a driver.

In response to a question from Councillor S Williams about checks and balances, the Licensing Manager responded that the Council did not have the resources to check on each new driver once they had qualified. If a driver were the subject of a number of complaints, officers would review the case through the enforcement process. If a driver was deemed unsuitable their licence would be revoked. He confirmed that a test would take place on the same day as the training. The Licensing Enforcement Officer carried out regular operations with the Police, checking vehicles and drivers. He assured Members that all complaints were investigated.

It was confirmed that it was not legal to single out individual drivers for checking. The Chair said that Members should encourage people to take details and then report problems to officers.

Councillor Silver referred to the costs for the training and test. He asked for details of the percentage of drivers who failed the current test and whether it was on the routes or legislation.

The Licensing Manager advised that the majority failed on the routes. Within the last cohort only three drivers passed the test.

Councillor Silver replied that the Highway Code and the rules and regulations were more important as most people used a satellite navigation system. He asked whether the new test would save time and money for staff.

The Licensing Manager explained that most tests organised by other councils included a topographical aspect. Private hire drivers were able to work out the route in advance of picking up the passenger whereas there was an expectation hackney carriage drivers would know a route from the minute they picked up their next passenger.

The Environmental Health and Licensing Section Head added that due to the higher cost for the new test it was hoped that more drivers would be more prepared. Drivers should take no more time to complete the training and test. The new arrangements would be reviewed after a period of time.

Councillor Hofman asked whether there were too few taxis in Watford and if the number would be reviewed.

The Licensing Manager explained that there was a cap on the number of hackney vehicle licences and not on drivers. Vehicles could be rented out to other drivers to use but there was no evidence of this happening. Private Hire Operators had reported they were experiencing difficulties as it was taking a long time for new drivers to get through the Council's processes. The new process should ease any blockage.

RESOLVED –

1. that from as soon as practicable applicants for a hackney carriage driver's or private hire vehicle driver's licence
 - (1) attend a full day course which includes training in the relevant legislation and other key information required to be a competent and safe driver.
 - (2) that the course comprise half a day of training, half a day of practical disability awareness training, and a formal examination to test knowledge.
2. that candidates for the Knowledge Test pay a fee of £97 for a test, or £67 for a re-test. No refunds will be available unless cancelled at least 3 working days in advance, although attendance will be transferable to the next available course if the Council is notified within 24 hours of the course and with good reason.
3. that officers are authorised to procure a provider for the disability awareness element of the proposed Knowledge Test.
4. that officers have delegated authority to make minor modifications to the scheme in consultation with the Chair of the Licensing Committee.

6

CHAUFFEUR KNOWLEDGE TESTS

The Committee received a report of the Head of Community and Customer Services setting out the key differences between the current Chauffeur Knowledge Test and the one for private hire drivers. Members were asked to consider whether officers should review the scheme and introduce any changes.

In response to a question from Councillor Haley, the Licensing Manager explained that there were technical issues that would need to be worked through in order to align the chauffeur licence scheme with the private hire driver scheme. It would be necessary to discuss any proposed changes with drivers, as there would be changes to their licences.

RESOLVED –

that officers review the current chauffeur scheme and bring a report to a future Licensing Committee with any recommendations for changes following appropriate consultation, and whilst this officer review is occurring any new applicants for “chauffeur” private hire driver licences be required to first complete the Council’s knowledge test before being granted a licence.

7

CONTINUATION OF THE INTERIM TOWN CENTRE STREET TRADING POLICY

The Committee received a report of the Head of Community and Customer Services seeking Members’ approval to continue with the interim policy.

Councillor Haley suggested that it might be better to specify which products would not be permissible rather than the preferences. He also questioned why the policy restricted competition between stallholders.

The Licensing Manager acknowledged the comment about competition law. The aim was to ensure that there were a variety of things available and not, for example, six ice cream stands. The policy was flexible but there were strict criteria to manage the impact on businesses and that the goods were of a high quality. In response to another question he explained that ‘roundsman’ was similar to a door to door salesman.

Councillor S Williams commented that this was generally a very good policy. He asked whether it would be suitable for other parts of the town.

The Licensing Manager advised that the Council already had a street trading policy for locations outside the Town Centre. It permitted street trading except on the main roads. It had to be provided in a suitable safe location. The proposed Business Improvement District may have views about more traders in the Town Centre. It may be necessary to take another look at the policy in a year or 18 months time.

The Chair questioned whether the policy should be reviewed as it had been agreed in 2001.

The Environmental Health and Licensing Section Head responded that the policy was very flexible and there were few barriers put in the way of traders.

Councillor Silver referred the Committee to paragraph 3.16 of the officer's report. He noted that some of the items listed appeared in the policy and others did not. He asked if officers could provide an explanation.

The Environmental Health and Licensing Section Head explained that the policy referred to promoting healthy foods. However it did not exclude those foods.

Councillor Watkin commented that only three concessions had been granted, there did not appear to be huge demand. He asked how officers would encourage people to apply for permits. He also enquired whether an operator had to apply for each event individually or if they were able to apply for one permit to cover all events.

The Environmental Health and Licensing Section Head informed the Committee that officers worked with the Big Events and Communications Teams. The policy was not a barrier to applicants. The Big Events had only just started and as they continued it was likely the number of applications would increase. It would be promoted as a business opportunity.

In response to a question from Councillor Taylor, the Licensing Manager confirmed that Section 4, Paragraph 6 covered reasons for refusing an application.

Following a question from Councillor Williams about the impact on the Charter Market, the Licensing Manager reported that there had been no anecdotal feedback. The footfall counters had been installed in the Town Centre. This would enable officers to review any impact from events, the night time economy and football matches. The information would gradually be built up over time.

Councillor Connal had noted that there was no reference to Fairtrade goods in the policy. She asked officers to keep this in mind when considering applications.

The Licensing Manager advised that Fairtrade goods could be added to the policy if that was agreed by the Committee.

RESOLVED –

1. that the Committee approves the town centre street trading policy 2015-18 as attached at Appendix 1 to the report, subject to Fairtrade Goods being added.

2. that the Head of Community and Customer Services be given delegated authority to make minor amendments to the policy in consultation with the Chair of the Committee.

8 **UPDATE ON PUBLIC FUNDRAISING REGULATORY ASSOCIATION AGREEMENT**

The Committee received a report of the Head of Community and Customer Services providing an update on the progress and performance of the Site Management Agreement with the Public Fundraising Regulatory Association, which was related to direct debit fundraising in Watford Town Centre.

RESOLVED –

that Members note the report and authorise officers (in consultation with the Chair of the Licensing Committee where necessary) to make minor amendments to the site management agreement with the Professional Fundraising Regulatory Association.

Chair

The Meeting started at 7.30 pm
and finished at 9.20 pm