

## **LICENSING COMMITTEE**

**23 NOVEMBER 2015**

Present: Councillor J Brown (Chair)  
Councillor K Crout (Vice-Chair)  
Councillors S Bolton, I Brown, J Connal, G Derbyshire,  
F Ewudo, M Haley, K Hastrick, M Hofman, M Mills, T Rogers,  
S Silver, M Watkin and S Williams

Also present: Councillor Peter Taylor, Portfolio Holder

Officers: Head of Democracy and Governance  
Environmental Health and Licensing Section Head  
Licensing Manager  
Licensing Officer  
Democratic Services Manager  
Committee and Scrutiny Support Officer (IS)

### **9 APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**

No apologies were received.

### **10 DISCLOSURE OF INTERESTS (IF ANY)**

None

### **11 MINUTES**

The minutes of the meeting held on 14 September 2015 were submitted and signed.

### **12 REVIEW OF HACKNEY CARRIAGE VEHICLE LIMITATION POLICY**

The Committee received a report of the Head of Community and Customer Services. The Licensing Manager explained the initial policy on the delimitation of hackney carriage vehicle licences (HCVL) had been agreed because demand outstripped supply. He went on to describe how three years ago the situation had then changed and the market was saturated with HCVLs therefore a limit was introduced. Since that time, despite the current policy being on a reducing basis from 304 licences, there had been no reduction due to no surrenders or revocations. What appeared to be occurring were the drivers transferring their licences, as they were entitled to do.

He added that there was a strict exception clause where something different was offered. Accordingly the council had licensed an electric vehicle.

He also mentioned that although national best practice guidance was being reviewed, there was no draft available to view currently and this was another reason for no change to the policy in Watford.

Councillor I. Brown requested clarification on the issue of transfer of licences and also asked what safeguards were in place regarding the drivers who were receiving the transferred licences.

The Licensing Manager explained that under the Act the Council must record the transfer. He stated that there were no reasons available in law to refuse a transfer but when a licence came up for renewal the Council could review it at that point.

Councillor Watkin voiced his concern that the report identified a need for a survey at a considerable cost, but despite knowing that Government policy stating such surveys should be conducted triennially,; there was no allocated budget. Additionally, policy stated that the trade should not be required to pay for such surveys, but the report suggested that the trade should pay for future surveys via an increase in the licence fee.

The Licensing Manager replied that whilst the trade should not be asked to pay separately, having a general increase in the licence fee was a legitimate way to recover costs of paying for a survey. He also stated that a budget had not been set aside for the survey, because it had not been anticipated that a survey would be required. He stated that the Licensing Committee would have the opportunity to review fees and charges at a future meeting.

Councillor Haley then asked two questions: what was the likely cost to the council of a legal challenge and, at the last meeting, the committee discussed disabled access and a lack of availability of suitable vehicles. He asked whether the council would consider licensing more wheelchair accessible taxis

The Licensing Manager stated that the cost of an appeal depended on the method of legal challenge, but it may be in the region of £50,000 to £70,000 for a judicial review. An appeal against a refusal to grant a licence could be in the region £20,000-£30,000 at the Crown Court.

The Licensing Manager then suggested that there were two ways of changing the make up of the HCV fleet. Firstly the Council could proscribe that there would be no increase above 304 licences save for wheelchair accessible taxis. Secondly, as the existing 304 vehicles are replaced, they could only be replaced with a wheelchair accessible vehicle. He added that both options would require a consultation period and that there was a difficulty in properly defining a wheelchair accessible taxi.

The Chair commented that perhaps this could be discussed at the taxi disabilities working party.

Councillor S. Williams asked that as land space was tight in Watford, had the officers considered the possibility of future complaints, resulting from increased pressure on existing parking and rank spaces as a result of the Town Centre building works.

The Licensing Manager responded that, regarding rank space, whilst that needed to be monitored, the works at Charter Place had not impacted thus far. He added that improvements were planned for Clarendon Road and Shady Lane and these were being considered as part of the town's parking strategy review.

Councillor S Williams commented that the number of HCVs in Watford was probably higher than 304 because due to the presence of Über and on-line booking taxis did not have to be licensed to a particular town.

The Licensing Manager stated that Über was for private hire only, which was why London was so concerned and that Watford was not currently included in Über's expansion plans.

RESOLVED –

1. that the current policy be continued of
  - (1) restricting the number of hackney carriage vehicle licences that are granted to 305 licences, subject to
    - (i) any licences that are surrendered or revoked (other than for administrative reasons) not being re-issued and
    - (ii) the Head of Customer and Community Services in consultation with the Chair of the Licensing Committee determining any individual applications for hackney carriage vehicle licences appearing on its merits to be outside of the policy of granting new licences.
2. that officers report on the policy to the Licensing Committee every two years in the absence of any survey of significant unmet demand or significant legislative change.

## **PRIVATE HIRE (CHAUFFEUR) LICENCES**

The Committee received a report of the Head of Community and Customer Services. The Licensing Manager, introduced the report and pointed out that the report proposed streamlining two types of licence: chauffeur and

private hire (PH). He drew the committee's attention to the table at paragraph 3.3 in the report that detailed the differences in the two regimes. He asserted that the two were the same save for two distinctions:

1. The exemption from need to display door signs on a regular basis but to still have magnetic signs
2. Only chauffeurs were potentially exempt from display of rear licence plate.

It was proposed that all vehicles display a windscreen disc, but when certain criteria were met, then that vehicle was exempt from displaying a rear Private Hire (PH) plate for the 12 month period of that licence.

The Chair proposed that the recommendation in paragraph 2.3 of the report be amended to read: "That the ability to grant an exemption to the requirement to display a plate on the rear of a private hire vehicle be introduced. A private hire vehicle licence disc must be clearly displayed on the front windscreen only."

Councillor Watkin commented that looking at the rear of a private hire vehicle it was not possible to see it was a PH vehicle, but from the front it was possible. He stated that he failed to understand the reasoning for this and that the policy seemed to create a sub-category. He added that he could not see why this might discourage high-end hirers.

The Licensing Manager replied that some operators had stated that they would lose business if they had to display a private hire plate.

Councillor Ewudo asked about the market for these types of private hire clients.

The Licensing Manager replied that these were a different type of operator who chauffeured diplomats or drove celebrities to the film studios. However, apart from one, this type of operator no longer operated in Watford.

Councillor Derbyshire stated that he could not see why there should be no rear plate. It was discrete and it was useful to be able to identify a vehicle as a private hire car.

The Environmental Health and Licensing Section Head commented that there was only one operator in the Watford area that would qualify for this proposed exemption. They would be able to demonstrate a business need as the lack of a plate would be specified in the client's contract. The PH vehicles collecting from hotels would not qualify.

Councillor Hofman stated that he would echo Councillor Derbyshire's comments, but as the number of vehicles which would qualify for the exemption would be so small, and there may be particular security concerns for diplomats, then he would support the exemption.

Councillor Silver commented that most speeding motorists could be local residents rather than professional drivers. He made the point that if operators lost business as a result of having to display a plate, then more customers would go to businesses that we cannot regulate and that he would trust council officers to make good decisions on the council's behalf.

Following a suggestion from the Environmental Health and Licensing Section Head the Chair then asked if the committee would be reassured if the Chair of the Licensing Committee was involved in the decision to grant any exemption and proposed adding this to recommendation 2.3.

The Committee voted on the proposed amendments to paragraph 2.3 and the amendment was agreed.

**RESOLVED –**

1. that no new applications for “chauffeur” operator, vehicle or driver licence applications be accepted with immediate effect.
2. that before 31 January 2016:
  - (1) existing licences for “chauffeur” operators, drivers and vehicles be revoked and;
  - (2) immediately replaced with the equivalent private hire licence for the duration of the previous licence at no additional charge, providing the licensee fulfils all the requirements to hold that licence as if they were existing licensees.
3. that the ability to grant an exemption to the requirement to display a plate on the rear of a private hire vehicle be introduced. A private hire vehicle licence disc must be clearly displayed on the front windscreen only.

This exemption can only be authorised by the Licensing Manager or Section Head, in consultation with the Chair of the Licensing Committee. It applies to individual vehicles only and will be required to be renewed at least annually with the associated private hire vehicle licence application. The licensee will need to demonstrate the need for the exemption on the grounds of business necessity and that it will have no impact on public safety.

The Committee received a report of the Head of Community and Customer Services. The Licensing Manager introduced the report. He explained that

the initial policy restricted collections in the new events area in The Parade, but now it was realised that some flexibility was required. Certain charitable collections would have benefited from being able to have collections as part of their campaign. Thus it was proposed, subject to caveats contained in the report to allow this to occur.

Councillor S Williams asked what the situation would be if two opposing collections of a controversial nature were taking place at the same time?

The Licensing Manager replied that the policy would only allow one collection at a time.

Councillor Bolton asked for clarification on organised events and collections, whether a charity could have a stall with more than two people. The Licensing Manager responded that during a recent event there were more than two collectors which was fine for the duration of that event. The policy allowed the Council to retain some control over the collections.

#### RESOLVED –

1. that the charitable cash collection policy agreed by the Licensing Committee on 18 March 2014 and amended on 14 July 2015 be further amended with immediate effect as set out at appendix 1 of the report to allow charitable cash collections to take place in The Parade between Bentine Lane and Rickmansworth Road as part of:
  - (1) collections of local or national significance (as approved by the Licensing Manager, Section Head or Head of Service), providing no more than two collectors are allowed at any one time; or
  - (2) as part of an organised event recognised or supported by the council (and which event has been approved by the Section Head or Head of Service for events)

Chair

The Meeting started at 8.00 pm  
and finished at 8.45 pm