

LICENSING COMMITTEE

22 OCTOBER 2013

Present: Councillor J Brown (Chair)
Councillor P Jeffree (Vice-Chair)
Councillors I Brown, J Connal, K Crout, G Derbyshire,
J Dhindsa, K Hastrick, H Lynch, M Meerabux, M Mills, G Saffery,
D Scudder, L Scudder and M Turmaine

Also present: Councillor Nigel Bell and Councillor Asif Khan

Officers: Environmental Health and Licensing Section Head
Licensing Manager
Committee and Scrutiny Support Officer (JK)

7 APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP

There were no apologies for absence.

8 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

9 MINUTES

The minutes of the meeting held on the 15 July 2013 were submitted and signed.

10 LICENSED DRIVER ENFORCEMENT POLICY

The Chair had agreed that this report could be taken as a late item. The reason for urgency was that it was important that the Committee was updated on the latest position following the consultation agreed at the meeting in July 2013.

Councillor Dhindsa asked whether there would be any discussion of the consultation with taxi drivers at the meeting. He noted that the item was not on the original agenda.

The Chair read out the following statement:

'You will recall from the last committee in July that we decided to let officers consult on proposals for the licensed driver enforcement policy and penalty points scheme.

Officers commenced the consultation in July and, after initially receiving only a handful of responses, they then received a response

from the Watford Hackney Carriage Drivers' Association on 4th October, accompanied by the signatures of over 200 drivers. What became apparent to Officers, the Mayor and myself as Chair of Licensing when considering the responses, as well as from discussions with individuals and groups of drivers, is that there is clearly misunderstanding, misrepresentation, confusion and factually incorrect information circulating within the trade. This means we may not fully understand all the drivers' opinions and concerns and equally, they may not have a full understanding of the aims of some of our policies and procedures. If we want to develop effective ways to regulate the trade and we also want to support the vast majority of drivers who operate legally and professionally, then it is clear we need to spend more time talking with drivers to get this right.

With this in mind, I have agreed with the Mayor that officers and myself need to undertake further engagement. We will be holding workshops for all drivers over the next couple of months, where it is hoped that full and frank discussions can be made to explore drivers' issues with the Council as a whole, and also that suggestions for improving both regulation of the trade and addressing drivers' needs can be explored. We will then report back to this Committee with proposals developed as a result of these workshops in the new year. '

The Chair invited questions from the Committee.

Councillor Dhindsa said that he was not aware this item would be discussed at this meeting. He referred to the workshops that were planned and asked whether other members of the Licensing Committee could be involved. The Chair responded that the workshops would only involve herself and officers. The results of the discussions would then be reported back to the Committee.

Following a further question from Councillor Dhindsa, the Chair confirmed that the Mayor would not be involved in meetings. The drivers' issues would be discussed at these workshops and the Council's views would also be communicated.

Councillor Dhindsa said that he felt it would be more transparent if other Committee members were able to attend. The Environmental Health and Licensing Section Head commented that these would be small workshops held over 10 days if all drivers attended. She did not want drivers to feel inhibited. Officers would be happy to circulate a plan for the workshops and how they would be run. The drivers would also receive results of all the workshops before they were reported back to the Committee. The Chair added that it was important for drivers to understand the Council's aims and if more members of the Committee were in attendance it could be daunting. She understood his concerns and valued transparency.

Councillor Dhindsa responded that he understood this and suggested that the number of councillors in attendance be limited. He felt that Committee

members should be able to come if they so wished. Councillor Hastrick noted that it would be difficult to determine who could attend. The Chair said that she wished to speak to the drivers to understand their concerns without the influence of other members present.

Councillor Connal asked whether the workshops could be recorded. The Environmental Health and Licensing Section Head responded that this may not be practical.

Councillor Turmaine said the option of Members attending should be explored on the basis that some councillors had a significant number of constituents who worked as taxi drivers. Attending would allow them to represent their interests. The Chair suggested that they could speak to local councillors after the workshops and inform them of what had happened.

Councillor Meerabux questioned whether many Councillors would be able to attend so many workshops. Attendance at one session may be sufficient.

Councillor Dhindsa moved that there should be opportunities for councillors to attend the workshops, should they wish to, with numbers at each session being limited.

On being put to the Committee the motion was LOST.

Post meeting note: Since the meeting, the Chair has confirmed that she will not be attending the workshops

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SCRAP METAL DEALERS ACT 2013

The Committee received a report of the Head of Community and Customer Services providing the Committee with details of the new Scrap Metal Dealers Act 2013. The Committee was asked to consider the proposed application fees and the delegation of powers.

The Licensing Manager introduced the report. The Act was in its early stages and so the new regime was still being established. The three fixed sites in the Borough had already applied for their licences. Most of the mobile collectors had applied for a licence, with about 15 applications so far. The level of fees and the scheme of delegation were set out in the report.

Councillor Turmaine asked whether it was expected that levels of illegal activity in the area would increase. The Licensing Manager responded that the Council did not have a picture of the level of illegal activity locally. He expected that there were national figures available.

Following a further question from Councillor Turmaine, the Licensing Manager responded that the estimate of 10 applications had been a cautious one made before the guidance under the Act had been published. There was a difference in the report and the appendices about the number of anticipated applications, but any surpluses or deficits could be taken forward from year to year.

Councillor Bell asked about the number of applications for collectors' licences. The Licensing Manager said that the estimate was 10 applications and there had been approximately 4 applications for site licences. Under the legislation, a variety of different businesses would require such a licence. There had been approximately seven or eight applications for collectors' licences.

Following a further question from Councillor Bell, the Licensing Manager confirmed that collectors would have to have a licence from each local Council. Watford and the surrounding districts had produced publicity about the issue. It was difficult to identify who was engaged in this business. There was no trade association for scrap metal collectors that officers were aware of. If collectors had not applied for a licence, they would be breaking the law.

Councillor D.Scudder asked whether Hertfordshire County Council would require a licence. The Licensing Manager said that the guidance specifically excluded civic amenity sites from the Act.

RESOLVED –

1. That the proposed fee levels (Appendix A) be adopted.
2. That the proposed delegation for dealing with licensing and enforcement as set out in Appendix B be adopted.

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SEX ESTABLISHMENT LICENCE FEES

The Committee received a report of the Head of Community and Customer Services highlighting that recent legislation and a court decision had set out the extent that councils could recover their costs through fees for sex establishments. The report asked the Committee to agree the new fee levels.

Councillor Meerabux noted that the report stated that fees should be reasonable. He asked how this could be quantified. The Licensing Manager referred to the decision by the Court of Appeal which outlined which factors could be taken into account and which could not. They had to only relate to the administration and compliance costs.

If

Following a question from Councillor Connal, the Licensing Manager explained that the new fee would be £615 for a new licence, although a

policy was in place to restrict new applications. The cost of the renewal of a licence would be £315. There was one sex establishment in the Borough which was located in the Parade. The licence was renewable on an annual basis. The Act defined which premises were considered to be sex establishments.

Councillor Khan asked whether the costs of the administration could be made more expensive. The Licensing Manager responded that the administration costs had to pass the reasonableness test.

RESOLVED –

that the fees for the grant of a sex establishment licence be set at £615 and for the renewal or transfer of a licence at £315.

Chair

The Meeting started at 8.00 pm
and finished at 8.45 pm