

LICENSING COMMITTEE

14 JULY 2014

Present: Councillor J Brown (Chair)
Councillors I Brown, K Crout, G Derbyshire, K Hastrick,
M Hofman, A Khan, H Lynch, B Mauthoor, M Mills, G Saffery,
D Scudder, S Williams, J Aron and S Bashir

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

1 APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP

There were two changes of membership for this meeting: Councillor Aron replaced Councillor Jeffree and Councillor Bashir replaced Councillor Connal.

2 DISCLOSURE OF INTERESTS (IF ANY)

Councillor Bashir declared a non-pecuniary interest as his father was a taxi driver. Following questions from the Legal and Democratic Section Head, he confirmed that he had read and understood the regulations relating to members' interests.

Councillor Bashir stated that he would remain in the meeting for item 4 and Councillor Khan observed that this item was only for the Committee to note, Councillor Bashir advised that he would not participate in any vote on this item including the addendum for agreement. He withdrew from the meeting completely for item 5.

3 MINUTES

The minutes of the meeting held on the 18 March 2014 were submitted and signed.

4 DRIVER AND VEHICLE IMPLEMENTATION PLAN

The Committee received a report of the Head of Community and Customer Services updating them on changes to policies, practices and procedures affecting licence-holders. The proposed changes included: the enforcement policy, town centre taxi ranks, trial of magnetic door signs and the hackney carriage vehicle age limit.

The Licensing Manager introduced the report and outlined the consultation which had taken place with drivers since the previous meeting of the Committee. The outcome of the consultation was that there had been a mandate from the drivers to implement the proposals set out at paragraph 3.4 of the report. He drew the Committee's attention to the addendum which had been circulated; the trial of magnetic door signs required a change to the licence conditions.

The Chair informed the Committee that Mr Bobby Amin wished to exercise his right under the constitution to speak to the Committee.

Mr Amin explained that he had been a taxi driver for 30 years and he expressed his thanks to the officers for the work they had been carrying out. He felt that many improvements were being made for the trade. He advised that he supported the replacement of the penalty points system. He hoped that the engagement with all drivers would continue.

Following a question from Councillor Scudder, the Licensing Manager responded that there was no time limit in allowing damaged vehicles to continue to be used. However, it was in their interest for repairs to be carried out as soon as possible. The time periods associated with insurance claims prohibited the imposition of a limit. Drivers were required to report any accidents to the Council within 72 hours.

Following a number of questions about the option to use magnetic door signs, the Licensing Manager explained that the proposal was in response to concerns about potential damage to vehicles when the existing stickers were removed. In addition, stickers could be frayed in car washes and were vulnerable to vandalism. Drivers were not obliged to use the magnetic door signs; but this would be an option available. Door signs were used to ensure that licensed vehicles could be identified from all sides to ensure public safety. The Chair explained the reasoning behind the introduction of door signs after the requirement for liveried vehicles was removed.

Councillor Williams expressed concern about the potential for theft of the magnetic signs and the Chair advised that she had shared that concern and it would be on a trial basis. The Licensing Manager reiterated that the magnetic signs would be optional. It was confirmed that there were no budget implications to the introduction of magnetic door signs.

Councillor Khan asked for further details about the working group to review licence conditions, the Licensing Manager explained that it would be composed of volunteers. No decision had yet been made on the fare tariff.

Councillor Khan noted that the Watford Hackney Carriage Drivers Association (WHCDA) represented over 200 drivers and emphasised the importance of the consultation with all drivers including the WHCDA. The Licensing Manager responded that the consultation had included all drivers as well as the WHCDA.

In response to a question from Councillor Khan about how the working group would operate and the democratic involvement, the Licensing Manager explained that what was envisaged was dependent on the views of the drivers. If significant changes were proposed, all drivers would be consulted as well as the Licensing Committee. There could also be a need to consult with the general public. There would be minutes of the meetings to record attendees, decisions and action points. The Chair added that she was kept informed throughout the process but felt it was better that the consultation was run by independent officers.

It was agreed that the notes of these meetings would be shared with the Licensing Committee.

ACTION - Licensing Manager

Councillor Khan referred to the details of the implementation plan in appendix 1. The Licensing Manager explained that a number of the actions would be implemented following decisions at that meeting.

The Committee asked for an updated version of the implementation plan after the meeting.

ACTION - Licensing Manager

It was agreed that the Committee would continue to receive copies of the drivers' newsletter.

ACTION - Licensing Manager

The Environmental Health and Licensing Section Head suggested that officers let the Committee know when consultation drop-in sessions were being held with drivers. She felt it would be valuable if Members were able to attend.

ACTION - Licensing Manager

Councillor Crout, the portfolio holder, expressed his thanks to officers, drivers and members for their hard work.

RESOLVED –

that the Committee notes the report.

that the Committee approves the addendum to the Driver and Vehicle Implementation Plan.

ENVIRONMENTAL HEALTH AND LICENSING ENFORCEMENT POLICY

The Committee received a report of the Head of Community and Customer Services setting out a revised enforcement policy for the Committee's consideration.

The Licensing Manager introduced the report. The policy set out the steps that officers would take before commencing any enforcement action. There were relatively few changes to the existing policy which had been in operation for three years. He highlighted that proportionality and costs were now a consideration in bringing prosecutions in line with the Code for Crown Prosecutors. The most significant change was in relation to hackney carriage and private hire drivers following the abolition of the current penalty points scheme.

Councillor Derbyshire referred to the power to revoke licences; he asked when a new application could be made following a revocation. The Licensing Manager explained that it would depend very much on the offence(s) committed. Licences were only granted to those who are considered fit and suitable. The Environmental Health and Licensing Section Head reminded the Committee that there was a right of appeal for drivers to the Magistrate's Court.

In response to a question from Councillor Khan, the Licensing Manager explained the procedure for offences and noted that it depended on the contravention. With regards to the possibility of a two-day suspension, the Environmental Health and Licensing Section Head advised that it was one possible sanction. In line with other businesses covered by the enforcement policy, there would be a measured approach which took into consideration the driver's history and attitude. The new approach allowed officers to work with drivers to identify issues and to educate them.

Councillor Khan asked what the trigger would be for revocation of a licence. The Licensing Manager responded that it would be for reoffending following a suspension or prosecution. The use of suspensions was narrowly defined in the policy and would last for a maximum of 48 hours.

Councillor Lynch referred to specific problems which had been experienced in Central Ward and asked how the enforcement policy would address these. The Licensing Manager responded that the drivers could receive warnings and if there was no improvement in conduct, the driver could be referred for a case review and finally be considered for revocation. The Licensing Manager added that the Council worked with other agencies such as the Police and the Parking Service to monitor licensed vehicles. The Council were working with London Midland to improve the rank space at Watford Junction which would ultimately alleviate the situation.

RESOLVED –

that the draft revised Environmental Health and Licensing enforcement policy set out at appendix 1 be adopted from 14 August 2014.

6

FEES FOR PAVEMENT LICENCES IN THE PARADE

The Committee received a report from the Head of Community and Customer Services asking the Committee to waive the fees for the grant or renewal of pavement licences on The Parade between 1 March 2014 and 1 March 2015.

The Licensing Manager introduced the report. More businesses were being encouraged to apply for pavement licences following the completion of the improvement works on the Parade. The fees waiver recognised the disruption to businesses and encouraged them to benefit from the public realm enhancements. There would be no loss from the Licensing budget as funds would be vired from the town centre improvement budget.

In response to a question from Councillor Derbyshire, the Licensing Manager confirmed that refunds would be issued to businesses which had already paid.

The Licensing Manager explained how pavement licences were granted, following a question from Councillor Khan.

RESOLVED –

that businesses in The Parade that have applied for the grant or renewal of pavement licences between 1 March 2014 and 1 March 2015 be able to do so free of charge.

7

INTERIM TOWN CENTRE STREET TRADING POLICY

The Committee received a report from the Head of Community and Customer Services asking the Committee to consider a small, limited trial of street trading in The Parade to initially complement the Big Events programme.

The Licensing Manager introduced the report and explained that street trading in the town centre was not generally permitted under the current policy. The proposal was to allow limited street trading to tie in with the Big Events programme as a trial. The aim was not to compete with existing businesses.

In response to a question from Councillor Mills, the Licensing Manager explained that the continental markets would be held under the market charter for the regular town centre market.

Councillor Khan asked about the situation in other areas of the Borough. The Licensing Manager advised that most streets were 'consent streets' which enabled traders to apply for permission from the Council. He would provide further details to Councillor Khan about the exceptions to this.

ACTION - Licensing Manager

In response to a question from Councillor Crout, the Licensing Manager confirmed that the licence fees only covered the Council's costs of administering and enforcing the street trading regime.

Councillor Khan asked how the street traders would be monitored to ensure that they did not detract from the market. The Licensing Manager advised that, at times, they would trade when the market was not open and applications were granted in consultation with the Town Centre Manager.

In response to a question from Councillor Hofman, the Licensing Manager confirmed that stalls would be allocated on a first-come first-served basis. The Environmental Health and Licensing Section Head underlined that this was an area that would be kept under review during the trial.

RESOLVED –

1. that the Committee adopts the interim town centre street trading policy set out at appendix 1
2. that the Head of Community and Customer Services be given delegated authority to make any minor amendments to this policy including, where needed, in consultation with the Chair of the Licensing Committee

8

CHARITY COLLECTIONS IN THE TOWN CENTRE

The Committee received a report from the Head of Community and Customer Services updating Members on progress since the last report and to clarify certain minor outstanding points.

The Licensing Manager introduced the report. The report followed the review of charity collections in the town centre approved by the Licensing Committee earlier in the year. An agreement had been signed with the Public Fundraising Regulatory Association (PFRA) to control the number of direct debit collectors. There were also limits on the number of cash collectors in different parts of the town centre. The report clarified a number of areas in the policy.

The Chair added that the policy was in response to a number of complaints about direct debit collectors. The Council was not able to implement a complete ban without being challenged.

Councillor I Brown asked for further details about how the agreement would be enforced. Officers advised that enforcement was carried out by the PFRA who represented the charities which undertook direct debit collections. There was a system of penalty points which could lead to fines. The Council would be notified when complaints were received. The Town Centre Enforcement Officer and CCTV would also monitor the collectors.

Following a question from Councillor Williams, the Licensing Manager explained that charities would bid for places with the PFRA who kept a record of the charities.

In response to a question from Councillor Khan, the Environmental Health and Licensing Section Head described how the enforcement would take place by the PFRA.

RESOLVED –

that the charitable collections policy adopted on 18 March 2014 be amended to allow:

(1) no more than one charitable stall in The Parade between Rickmansworth Road and Bentine Lane, unless recommended by exception by the Events Planning Group. This group will approve only additional stalls that are part of an organised event recognised by the Council and supporting local charities.

(2) with the exception of zone 1 of the policy, only one charity may be allowed to collect in the town centre at a time subject to the limits on the days and numbers of collectors set out in the policy.

(3) that vehicles used as part of non-commercial promotions and activities be authorised by officers to be sited in the town centre subject to consultation with the Highways Authority and the Parking Service;

Chair

The Meeting started at 7.30 pm
and finished at 8.55 pm