

LICENSING COMMITTEE

21 October 2019

Present: Councillor S Bolton (Chair)
Councillor A Dychton (Vice-Chair)
Councillors A Grimston, I Hamid, K Hastrick, P Jeffree, A Khan,
R Martins, B Mauthoor, M Mills, G Saffery, R Smith, D Walford
and R Wenham

Officers: Head of Community Protection
Environmental Health Manager (Commercial)
Senior Licensing Officer (AY)
Licensing Enforcement Officer
Democratic Services Officer
Senior Solicitor
Assistant Licensing Officer

5 **Apologies for absence**

Apologies for absence had been received from Councillor Pattinson.

6 **Disclosure of interests**

There were no disclosures of interest.

7 **Minutes**

The minutes of the meeting held on the 17 July 2019 were submitted and signed.

8 **Vehicle Licensing Policy 2019-2024**

Following a brief introduction by the Chair, the Business Compliance Officer (BCO) introduced the report and explained its aim. He outlined the background leading to the development of the revised vehicle licensing policy for hackney carriage and private hire vehicles and also the relationship of the local and more global aspects of the report. He emphasised that the report mostly contained the changes likely to have the greatest impact on the trade or those which drew most comment through consultation. These proposed policy clauses were contained in Section 8 of the report. Many clauses remained unchanged from

current policy or, where changes had been made, drew little or no adverse comment and were strongly supported in consultation.

The officer then explained the methodology for the consultation survey and the committee considered each point contained in Section 8 of the report.

Limitations on numbers

There followed a discussion on advertising on the vehicles, including the exact nature of the advertising livery. A question was asked about how the vehicles demonstrated a link with Watford if they were covered in advertising. The BCO explained that it was possible to include a requirement for a door sign to display the Watford crest or approved marking.

There followed a related discussion around livery. It was stressed that any requirement for livery only applied to additional licences above the number already issued to existing hackney carriage proprietors.

The discussion moved on to the exact wording of the proposed amendments and that it might be rather vague. Concerns were also raised that the increase in numbers might lead to oversupply. Since a supply survey had not been undertaken since 2012, it was asked whether there should be a further survey. The BCO pointed out the cost of such a survey, which would have to be borne by the trade. The Head of Community Protection continued that from talking to people around the town, there seemed no evidence that there had been any real shift in supply versus demand. She added that it was her belief that the drivers had paid indirectly for the last survey, by way of increased licence fees.

The BCO added that it was required that regular surveys were undertaken in order to justify a limit on licence numbers and a recent ruling at the Crown Court had highlighted the risk if this was not done. If the council were to fully restrict licence numbers, it would require a new unmet survey demand. It was for this reason that the proposal had been worded as in the report.

It was asked if the council knew whether there was a demand for additional licences. The BCO replied that currently there was no waiting list for licences and drivers were returning licences to the council. The Environmental Health Manager pointed out that there had been just one new licence application in the past three years.

The committee agreed that the proposed wording was acceptable, save for changing the word “desire” to “need” in paragraph 5.

Hackney carriage vehicle intended use policy

The BCO explained the proposals and a question was asked regarding Watford hackney carriages operating outside the Borough and whether they could ply for hire. In response, the BCO advised that hackney carriages were not permitted to ply for hire outside their “home” area, but they could operate as private hire vehicles and accept pre-booked customers.

Dual licensing

The BCO took the committee through the technical aspect of this matter, which prompted a question as to whether this issue was occurring in Watford. He explained that, to the best of his knowledge, Watford did not suffer with the problem of dual licensing. A question was asked about Über and the BCO explained that this was a matter not of whom the operator was, but of where they were based. The idea being to keep licences based locally for the benefit of Watford. The Head of Community Protection pointed out that test purchase operations showed that private hire vehicle operators in Watford consistently demonstrated that they refused fares that were not pre-booked.

The Chair commented that since this was such a rare issue and did not appear to even be present in Watford, then the clause was not adversely affecting local operators.

Age limits for vehicles at first time of licensing

The BCO introduced this section of the report. A concern was raised about taxis sitting with the engine running. The BCO stated that one of the council’s goals was to reduce the emission levels from the taxi fleet and that it was an offence to leave the engine running when waiting. It was made clear that this was a police enforcement matter. The BCO added that there had been two recent licence revocations where this had been a factor.

The BCO advised that it was difficult to say whether this policy was in line with other authorities. The new MoT tests were far more stringent on emissions and so this would have a natural effect on improving the situation and naturally removing older vehicles.

Some clarification was given to the committee regarding the various ages of vehicles contained in the report and there was a general discussion around electric vehicles and the rapid development in their design, capabilities and availability. Positive comment was made that it was good to see council policies encouraging the adoption of electric vehicles.

Maximum age of vehicle before replacement/emission standards

The BCO commented in some detail on this section, which was likely to have the largest effect on the proprietors. He drew the committee’s attention to the table

on page 20 of the report and informed members that this was as a result of an open day held in September 2019. All the attendees to this had agreed the vehicle ages. Responding to a question, he clarified that this pertained to all vehicles licenced after the dates specified in the table, including renewals.

Concern was raised about the significant effect this clause would have on wheelchair access vehicles. The BCO acknowledged this possibility, and commented that it seemed possible that proprietors held on to these specialist vehicles for longer as there was a market for their use. The Chair pointed out that by the time the full effect of the policy came into force, some of these vehicles would be 17 years old.

The Head of Community Protection commented on the possibility that climate action work might give grants to incentivise the operators and that the committee could always ask the officers to carry out further investigation. But as there was a clear demand for wheelchair access taxis, it would be a good business model to operate one.

A question was posed regarding the likely effect of the Euro 6 emission standard. The point was made that by 2025 most affected vehicles would be eleven years old. Members stated that it was not the council's responsibility to run the taxi fleet and that the operators had five years and four months to prepare.

The Head of Community Protection assured the committee that the environmental health and licensing service would carefully manage the change process.

It was pointed out that there were plans to extend the London Ultra Low Emission Zone to the edge of the Greater London area, which would bring the zone right to the borough boundary.

Engine Size

Officers responded to questions about the stated power and torque figures. The committee agreed that the proposed amendments should be removed and that the existing policy requirement, where no engine size was stipulated, should be retained.

Credit/debit card machines

There was a short discussion around the availability of the cash option. The fact that the policy was worded "may" rather than "must" install a card machine, was noted, together with the importance of retaining the option to use cash for those who wished to do so.

Door signs

The committee discussed how a customer would know that a taxi was from Watford. The Business Compliance Officer explained that for both non-liveried hackney carriages and private hire vehicles the door sign had to be approved and that in approving designs this could ensure there was a Watford crest retained on hackney carriage door signs.

Other issues

There was a short discussion in response to a question about dementia friends training for drivers and the acceptance of assistance dogs within taxi vehicles.

The Business Compliance Officer assured the committee that all drivers received practical dementia training and that the requirement to accept assistance dogs was enshrined in legislation, to refuse was a criminal offence.

There was a question regarding the perceived lack of taxi ranks in Watford. The member was informed that this was not a licensing matter, but one for Hertfordshire County Council and transport infrastructure.

In accordance with Standing Committee Procedure Rules 4.5, Councillor Khan requested that it be recorded in the minutes that he abstained.

RESOLVED –

1. That the Policy is approved subject to any amendments proposed and approved by the Committee.
2. That the Policy is brought into force on 1 December 2019.
3. That the Policy is to be reviewed within 5 years of commencement.
4. That administrative amendments to the Policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made by the Group Head of Community and Environmental Services, the Head of Community Protection or the Business Team Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

Chair
Licensing Committee

The meeting started at 7.05 p.m.
and finished at 9.25p.m.