

## LICENSING COMMITTEE

15 June 2011

Present: Councillor J Brown (Chair)  
Councillor Hastrick (Vice-Chair)  
Councillors Brodhurst, Connal, Crout, Derbyshire, Dhindsa, Jeffree,  
Leslie, Qureshi, D Scudder, L Scudder and Walford

Also present: Councillors I Brown and Meerabux

Officers: Head of Environmental Services (for minute numbers LC1-11/12 to  
LC4-11/12)  
Environmental Health and Licensing Section Head  
Licensing Manager  
Environmental Health Manager (East)  
Committee and Scrutiny Support Officer (JK)

### LC1- **APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**

11/12

Apologies for absence were received from Councillor Mortimer.

Absent without apologies: Councillor Taj.

### LC2- **DISCLOSURES OF INTEREST**

11/12

There were no disclosures of interest.

### LC3- **MINUTES**

11/12

The minutes of the meeting held on 5 July 2010 were submitted and signed.

### LC4- **ENVIRONMENTAL SERVICES ENFORCEMENT POLICY**

11/12

The Committee received a report of the Head of Environmental Services asking Members to consider the draft policy and approve it for public consultation.

The Licensing Manager informed the Committee that the policy set parameters for how enforcement powers should be used and acted as a check to ensure that officers were not being over-zealous in enforcement. Under the Legislative and Regulatory Reform Act the Council was required to publish the policy.

There had been one minor change to the report. In paragraph 6.11.1 on page 10 of the appendix, the fourth bullet point was to be deleted as it was very similar to the second bullet point.

In response to a question from a Member, the Licensing Manager explained that the consultation entailed publishing the policy online, issuing a press

release and sending copies to stakeholder groups. The Member suggested that the Citizens Advice Bureau be consulted.

RESOLVED –

1. that officers conduct a public consultation exercise on the draft enforcement policy set out at appendix 1, and the Committee's comments be noted
2. that the Head of Environmental Services, in consultation with the Chair of the Licensing Committee and the Portfolio Holder for Environmental Services, be authorised to make any minor amendments to the draft policy arising out of the public consultation exercise, and to agree whether to bring the draft policy back for further consideration in September 2011.

LC5-  
11/12

### **HEALTH AND SAFETY LAW ENFORCEMENT SERVICE PLAN 2011- 2013**

The Committee received a report of the Head of Environmental Services asking Members to endorse the Health and Safety Law Enforcement Service Plan 2011 to 2013.

The Environmental Health Manager (East) explained that the service plan set out what was proposed in the period to 2013 and it was good practice to have periodic member approval. The plan related to external rather than internal health and safety policies. Responsibility for health and safety was split between the Health and Safety Executive (HSE), who had responsibility for major projects, and local authorities who had responsibility for most commercial properties in the locality. The plan concentrated on higher risk activities.

One Member said that he welcomed the report and asked whether the council had adequate resources to fulfil what the plan outlined. The Environmental Health Manager (East) confirmed that the Council had the resources to cover the necessary officer time.

In response to a further question from a Member, the Environmental Health Manager (East) explained that the number of proactive inspections had decreased in recent years due to an increased focus on higher risk activities following guidance from the HSE.

RESOLVED –

1. that the Health and Safety Law Enforcement Service Plan 2011 to 2013 be endorsed.
2. that the Health and Safety Executive's Pledge be endorsed by full Council

LC6-  
11/12

### **HACKNEY CARRIAGE NUMBERS**

The Chair read out the following statement to the Committee:

“Members will be aware that Item 6 of the agenda has been withdrawn. An additional Licensing Committee will be convened on 29 June 2011 to consider whether the current policy on delimitation should be reviewed. “

This item was withdrawn and would be reconsidered at a future meeting.

LC7-  
11/12

## **PRIVATE HIRE VEHICLE DRIVER LICENCES**

The Committee received a report of the Head of Environmental Services asking Members to consider changes to the policy of granting licences to private hire drivers.

The Licensing Manager informed the Committee that there was a minor change to the report which was intended to provide further clarification. The recommendation in paragraph 2.4 on page 1 of the report should read “that applicants for a Hackney Carriage or Private Hire Drivers licence be required to retake...”

The current practice was to issue dual licences which allowed the licence holder to drive both Hackney Carriages and Private Hire vehicles. This was simpler administratively and as the Council was able to put conditions on Private Hire licences but not on Hackney Carriage licences, this meant that conditions could be imposed on any licence if appropriate.

The Licensing Manager informed the Committee that there were currently about 120 Private Hire vehicles and the operators had informed officers that it was difficult to recruit new drivers. The requirement to take the Driving Standards Agency assessment test, the same knowledge test as Hackney Carriage drivers and the fees were a deterrent for applicants.

Private Hire drivers operated differently to Hackney Carriage drivers; the latter were expected to know the way to the destination immediately on being hired whereas the former were booked in advance.

There was an argument, therefore, that Private Hire licences could require a simpler knowledge test. The topographical section would be simpler with questions focused on the main ‘A’ roads. The rest of the test, relating to the Highway Code, English levels and numeracy, would remain the same. The Private Hire test would cost less as it was less time-consuming.

A Member said that he did not agree with the proposals. Many Hackney Carriage drivers also received bookings via the radio. The reason that the Private Hire operators were struggling to recruit could be the lack of work.

Another Member said that if this was a request from the trade, the Committee would need a good reason to reject the proposal.

The Chair referred to a meeting with drivers in February, at which drivers informed Members and officers that the difficulty of the knowledge test meant they were losing drivers to Three Rivers.

The Licensing Manager confirmed that this was an issue that had been raised in the last three to four years. He confirmed that the meetings with drivers took place on an ad hoc basis but there were usually two to three a year.

A Member referred to problems when roads were closed; drivers would be expected to know alternative routes without looking them up while the meter was running as this would not be good value for money.

In response to a question from a Member, the Licensing Manager explained that details of the proposals had been publicised in a newsletter which went to every driver.

The Licensing Manager confirmed that responsibility for accidents, as referred to in paragraph 3.9, would be as defined by the insurance companies or a court.

#### RESOLVED –

1. that the revised policy set out in paragraph 3.9 for circumstances where existing drivers are required to re-take the Driving Standards Agency assessment be adopted.
2. that officers implement a knowledge test for private hire drivers only as set out in paragraph 3.14 and 3.15 of the report.
3. that officers issue only private hire vehicle drivers' licences to applicants who successfully pass the Knowledge Test for private hire drivers as set out in paragraph 3.14 and 3.15.
4. that applicants for a driver's licence be required to retake the Knowledge Test if they have not held a licence from the Council within the preceding six years from the date of application.

LC8-  
11/12

#### **EQUALITY ACT 2010- TAXIS AND PRIVATE HIRE VEHICLES**

The Committee received a report of the Head of Environmental Services asking Members to determine whether the Council should maintain a list of designated vehicles for the purposes of the Equality Act 2010 and to delegate authority to the Head of Environmental Services to grant exemptions on the basis of physical capabilities.

The Licensing Manager informed the Committee that the Act enhanced the duty on drivers to carry passengers in wheelchairs at no additional cost and to provide mobility assistance. This would only apply to wheelchair-accessible vehicles, which constituted approximately 17% of the licensed vehicles.

Should the policy of maintaining the list of these vehicles be adopted, drivers would be able to apply for medical exemption on submission of a hospital consultant's report. Consultations had taken place with Private Hire drivers, the

Hackney Carriage Association and Watford Disability Forum. The vast majority of the responses had been positive.

In response to a question from a Member, the Licensing Manager informed the Committee that drivers with exemptions would have a sticker to display in their windscreens.

One Member felt that if a driver had an exemption, they should not be able to carry passengers in wheelchairs at all, rather than offer limited assistance.

The Licensing Manager responded that the exemption gave drivers the protection should they be unable to carry the passenger.

A Member commented that she felt that it would be more appropriate to require a doctor's certificate rather than a hospital consultant's certificate. It was difficult and sometimes expensive to see a consultant.

RESOLVED –

1. that the Council should maintain a list of designated hackney carriage and private hire vehicles for the purposes of the Equality Act 2010.
2. that authority be delegated to the Head of Environmental Services to grant exemption to licensed drivers on grounds of physical capabilities on production of a doctor's report

LC9-  
11/12

### **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' AGE LIMITS**

The Committee received a report of the Head of Environmental Services asking Members to consider changes to the policies relating to upper and lower age limits for Hackney Carriage and Private Hire drivers.

The Licensing Manager explained that under the Equality Act 2010 the Council had to eliminate discrimination of protected characteristics, including age.

The current minimum age limit for drivers was 21; there was a legal requirement for drivers to have held a UK/EU driving licence for at least two years. This policy was in line with the minimum age limit for bus and coach drivers. As young drivers were the cause of 27% of all road traffic fatalities, the policy reflected the need to maintain public safety.

The maximum age limit was a different issue; drivers were permitted to continue driving after the age of 70 through an annual certification process. There were currently 13 drivers aged between 65 and 70 and 26 aged between 60 and 65. Not many other local authorities had a maximum age limit.

Members agreed that requiring a medical certificate at the age of 50 was too early and 55 would be more appropriate.

Another Member commented that an age-related competency test, rather than a medical would be more appropriate as a driver may be fit but a less competent driver.

The Licensing Manager referred to 2.1.3 (v) in the report which allowed officers to require a medical as and when appropriate. This could cover instances where there were concerns about the health of any driver.

RESOLVED –

1. that there be no maximum age limit for holding a hackney carriage or private hire vehicle drivers' licence
2. that there be no change to the existing policy of applicants for hackney carriage or private hire vehicle drivers' licences to have held a full UK/EU driving licence for at least two years and be at least 21 years of age
3. Hackney carriage and private hire drivers submit to a medical examination
  - (i) on first application
  - (ii) on attaining the age of 55
  - (iii) at 5 yearly intervals between 55 and 65 years
  - (iv) annually thereafter and
  - (v) as and when reasonably required by officers.

LC10-  
11/12

#### **AMENDMENT TO LICENSED DRIVERS PENALTY POINTS APPEAL PROCEDURE**

The Committee received a report of the Head of Environmental Services asking Members to consider changes to the penalty points policy.

The Licensing Manager explained that drivers could incur penalty points for contraventions including not displaying a fare chart, not wearing a badge and for parking contraventions.

The modifications proposed were intended to make the scheme fairer and more efficient.

A Member asked if drivers were able to bring a union representative or friend to hearings. The Licensing Manager responded that this had been debated and the meetings were intended to be informal as penalty points were primarily a warning. However, this had been requested in a recent case and was permitted.

The Member considered that there were too many taxis and not enough spaces in ranks which led to parking contraventions.

The Licensing Manager confirmed that penalty charge notices received from civil enforcement officers were not part of the penalty points scheme for licensed drivers.

A Member suggested that any changes to the scheme agreed between the Head of Environmental Services and the Chair of the Licensing Committee ought also be reported to the Committee's Members.

RESOLVED –

1. that drivers have 10 working days in which to appeal against the imposition of any penalty points.
2. that drivers may opt to submit written representations to be considered in lieu of an oral hearing if they so wish.
3. that the Licensing Manager be authorised to hear appeals arising from parking contraventions, excluding those which have resulted in a loss of licence.
4. that any request for an appeal be accompanied by an outline of the grounds/reasons for the appeal.
5. that the Head of Environmental Services be authorised to make such minor modifications to the scheme as may from time to time be necessary, after first consulting the Chair of the Licensing Committee and, where appropriate, representatives of licensed drivers, such changes being reported to the Licensing Committee.

Chair

Licensing Committee

The meeting started at 7.30 p.m.  
and finished at 8.50 p.m.