

THREE RIVERS DISTRICT COUNCIL

At a meeting of the **Regulatory Services Committee** held in the Penn Chamber, Three Rivers House, Rickmansworth, on Wednesday 6 December 2017 from 7.30pm to 8.44pm.

Present: Councillors Steve Drury (Chairman), Martin Trevett (Vice-Chairman), Eric Bishop, Valerie Coltman, Heather Kenison, Stephen King, Joy Mann, Sarah Nelmes, Ralph Sangster, Roger Seabourne and Alison Wall.

Officers: Steven Halls – Chief Executive
Brad Wheeler - Licensing Officer
Gordon Glenn – Performance and Projects Manager (P & P Manager)
Michael Summerville – Electoral Services Manager
Sherrie Ralton - Committee Manager

Also in attendance: Alexandra Reynolds – Assistant Licensing Officer

RG07/17 MINUTES

The minutes of the Regulatory Services Committee meeting held on 14 June 2017 were agreed as a correct record and were signed by the Chairman.

RG08/17 NOTICE OF OTHER BUSINESS

There was none.

RG09/17 DECLARATION OF INTERESTS

There were none.

RG10/17 REQUEST TO AMEND THE STANDARD CONDITIONS OF STREET TRADING CONSENTS

Following a request from Councillors for an amendment to the standard conditions of Street Trading Consents issued by Three Rivers District Council, the proposal had been consulted upon.

The following comments were noted:

- As only two schools had responded to the consultation the Committee wanted to ensure all the schools were aware of the amendment to the licensing conditions. It was agreed that all Head Teachers and Chairman of the Governors of the schools within the District would be written to advising them of the amendment.
- The Licensing Officer confirmed that food vendors were checked throughout the year.
- Street Traders from outside the District would not be able to trade without a licence.

On being put to the Committee the recommendations with the amendments were declared CARRIED the voting being unanimous.

RESOLVED:

- 1) That the following condition be added to the standard conditions to Street Trading Consents for mobile vendors on application or on renewals of an application:

“During term time, no mobile food vendor including ice cream vans shall be parked on school grounds or within a 50 metre exclusion from the school boundary unless the vendor seeks permission from the school to park and is given written authorisation from the Head Teacher”.

- 2) That the Licensing Officer write to the Head Teachers and Chairman of the Governors at all the schools within the District to advise them of the amendment to the licensing conditions.

RG11/17 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER / OPERATOR PREREQUISITES

The Licensing Officer reported that Three Rivers District Council were responsible for licensing Private Hire Drivers, vehicles and operators under the Local Government (Miscellaneous Provisions) Act 1976. The Council was also responsible for licensing Hackney Carriages and their drivers under the Town Police Clauses Act 1847.

The Local Government (Miscellaneous Provisions) Act 1976 sets out that before a licence for a driver of either a Private Hire vehicle or Hackney Carriage is provided the Council must be satisfied that the applicant is ‘Fit and Proper’ to hold the licence.

This report considered the request for consultation with stakeholders about the addition of training on Child Sexual Exploitation, practical Driving Assessments and Disability Awareness Training from new applicants for either a Hackney Carriage or Private Hire driver and training on Child Sexual Exploitation and Disability awareness for Private Hire operators.

This report looked at the prerequisites of new applicants, but applicants who were renewing their licences may be required to carry out this training in the future.

Members queried the additional costs involved for the training. The Licensing Officer advised as follows:

- Private Hire and Hackney Carriage Driving Assessments - £80.
- The above including a Wheelchair Assessment - £100
- Wheelchair assessment - £30
- Child Sexual Exploitation and Disability – e-learning modules would be approximately £15 - £20. In-house / face to face £50

The above would be dependent upon the numbers involved.

Members asked whether the Council could insist that all drivers carry out the Disability Training. The Licensing Officer advised that this could eventually be added as a condition to the licence.

The Local Authorities already carrying out these requirements included Watford, Hertsmere and Dacorum.

Members queried how long it would take from the submission of the application to the licence being issued. The Licensing Officer advised this could take up to 12 weeks due to the Disclosure and Barring Service (DBS), however it would usually be issued within six weeks. Members queried whether there was a more efficient process for the DBS that may be quicker and also save Officer’s time. The Licensing Officer advised that he would look into alternatives and also what the cost would be.

On being put to the Committee recommendations were declared CARRIED, the voting being unanimous.

RESOLVED:

Approved the consultation on:

- 1) Additional training for CSE, a practical Driving Assessment (including a Wheel Chair Assessment for Drivers of Wheelchair Accessible Vehicles) and Disability Awareness being a prerequisite in applying for a Hackney carriage / Private Hire Driver;
- 2) CSE and Disability Awareness training being a prerequisite for applying for Private Hire Operator Licence;
- 3) If these prerequisites are not passed then the applicant would not be considered fit and proper to hold such a licence; and
- 4) The Licensing Officer would look into sourcing a more efficient Licensing application process and advise of any additional costs.

RG12/17 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND PRIVATE HIRE OPERATOR SUITABILITY POLICY

On 14 June 2017, the Regulatory Services Committee approved consultation to proceed on a draft Hackney Carriage and Private Hire Operator Suitability Policy. This Policy consultation had been completed and this report sought to authorise final approval of the Policy.

Three Rivers District Council were responsible for licensing Private Hire Drivers, vehicles and operators under the Local Government (Miscellaneous Provisions) Act 1976. The Council was also responsible for licensing Hackney Carriages and their drivers under the Town Police Clauses Act 1847. The policy document set out a proposed amended Council Policy to be considered in determining these types of applications.

In summary, the Policy adopted a tiered approach. For an applicant with a criminal record, offending history, penalty points or similar relevant matters, the Policy required a passage of time between that matter and the date of application.

This Policy had been reviewed against the background of learning from the investigation into child sexual abuse arising in Rotherham and Oxford. In these areas, Licensing Committees came under intense scrutiny and attracted much criticism.

The Rotherham report stated “Inspectors found that Rotherham had not taken, and does not take, sufficient steps to ensure only fit and proper persons are permitted to hold a taxi licence. As a result, it cannot provide assurances that the public, including vulnerable people, are safe. The inspection uncovered serious weaknesses and concerns.” (p103, Report of Inspection into Rotherham Council).

On being put to the Committee recommendations were declared CARRIED the voting being unanimous.

RESOLVED:

Agreed to formally adopt the Hackney Carriage and Private Hire Driver and Private Hire Operator Suitability Policy as amended.

RG13/17 REVIEW OF BYELAWS: NEW MODEL BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

The Committee received a report providing an outline of how the Council was able to review byelaws using the new regulations introduced in 2016 and to explain how the Council aimed to modernise the current Open Spaces Byelaw which came into operation in February 1981. Officers had prepared the draft Byelaws, consultation documents, a Regulation Impact Assessment and an Equality Impact Assessment; as required by the Byelaws Regulations. Research had shown a number of Local Authorities had used this method to modernise their byelaws.

The following points were raised:

A Member was concerned that the rules for playing ball games and cricket would be seen as discouraging people from exercising. The Performance and Projects Manager advised that, as stated in Appendix 2 Ref 25, the aim of the Byelaw was not to prevent anyone from playing informal ball games but to prevent antisocial behaviour from taking place. He advised that there was no change to the previous Byelaws.

Under Appendix 1 it was queried why Cricket was a separate item to Ball Games. The Performance and Projects Manager would find out however he advised that there was no change to the original Byelaw.

- It was agreed that the final list of areas covered by the Byelaws would be circulated to the Committee.
- A preamble to be incorporated into the document stating 'ball games can be played providing it is within a designated area.
- Once completed a report to come back to the Committee.

RESOLVED:

- 1) That the Consultation process, timescales and Regulatory Impact Assessment (RIA), set out in paragraphs 2.6, 3 and 4 be agreed and actioned;
- 2) That the Council should consult on the proposed model byelaws attached at Appendix 1;
- 3) That the Director of Community and Environmental Services, in consultation with the Chairman of the Regulatory Services Committee, be delegated to consider minor amendments to the draft Byelaws and RIA following consultation:
 - The final list of areas covered by the byelaws be circulated to the Committee.
 - A preamble to be incorporated into the document stating 'ball games can be played providing it is within a designated area.
 - Once completed the report to come back to the Committee.

RECOMMEND:

- 1) That once the Council had received approval from the Secretary of State to the new Byelaws that they were formally adopted by Full Council and would come into operation in 2018; and.
- 2) That once the new Byelaws were adopted, Council would revoke the existing Byelaws for Parks and Open Spaces (1981).

Post Meeting Note:

- *The first task to add the word 'Cricket' to section 25, so that it matched section 27 which specifically referred to the use of 'designated' cricket pitches. This information was already included in the Q & A document. More importantly, given the Byelaws follow the 'model' Byelaws and having spoken to the legal team; we were unable to change the wording in the Byelaws. That is, the Byelaws model provided options to choose from but the wording could not be changed.*
- *Members asked for a preamble to be included in Part 4 of the Byelaws, stating 'we encourage ball games... etc'. Again adding this information would be difficult, given the position on changing the wording of the model Byelaws. However, we do have a solution to this problem because again the further explanation (preamble) is included in a few places in the Q&A document – in sections: 4, 21, 25, and 42.*
- *A list of open spaces covered by the Byelaws to be sent to the Committee Members to view and possibly propose additions. This would be provided together with the 'book of maps' (of the open spaces) for Members to review.*
- *Members asked for a report back to Regulatory committee on the final Byelaws. The P & P Manager had been told that Committees should not receive reports for information only and also the recommendations in the Committee Report, sections 16.3 and 16.4 asked Members to refer to Council, once any amendments are made following consultation. The proposed solution to this was to provide the Regulatory Committee Members with an update report from the Manager, directly to them and avoid the issue of information reports going onto the Committee Work Programme.*

RG14/17 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Committee received a report following the consultation on Polling Districts and Polling Places within the Three Rivers District.

Details were received following the review of the Abbots Langley Parish Ward boundaries within the Three Rivers District.

The Chief Executive had received feedback from a Member on the Oxhey Hall Community Centre (Polling District DCA) item 5.4 stating the following: "There were no footways; inadequate parking; difficult access by motor vehicles; ballot booths too close together". The suggestion was to consider the new Scout Hut which was on the site of Oxhey Pavillion as a replacement.

The Electoral Services Manager reminded the Committee that the criteria in item 7.2 of the report had to be fulfilled when appointing a new location to avoid the Council being challenged. A Member commented that if Oxhey Hall Community Centre (Polling District DCA) was not considered up to standard then it should not be used at all.

It was recommended that a decision should be made within one month of the meeting in consultation with Ward Councillors, the Chairman and the Electoral Services Manager on items 5.1 Chorleywood North and Sarratt Ward, and item 5.4 Oxhey Hall and Hayling Ward

The Committee agreed the changes to items 5.2, 5.3 and 5.5 set out in the report in relation to Chorleywood South and Maple Cross, Moor Park and Eastbury, South Oxhey Ward and Abbots Langley.

RESOLVED:-

1) Agreed the changes set out in the report in relation to Chorleywood South and Maple Cross, Moor Park and Eastbury, South Oxhey Ward and Abbots Langley

2) Deferred the changes set out in the report in relation to Chorleywood and Sarratt and Oxhey Hall and Hayling Wards.

3) Recommended that a decision should be made within one month of the Regulatory Services Committee Meeting on 6 December in consultation with Ward Councillors, the Chairman and the Electoral Services Manager on items 5.1 Chorleywood North and Sarratt Ward, and item 5.4 Oxhey Hall and Hayling Ward.

4) Agreed that changes proposed for Abbots Langley Parish would require a Community Governance review to be undertaken in 2018.

RG15/17 REGULATORY SERVICES COMMITTEE WORK PROGRAMME

The Committee considered their work programme.

The Committee added that a report on the Byelaws be presented at the March 2018 meeting.

RESOLVED:-

That the Committee work programme be noted together with the following inclusion:

A report on the completed Byelaws (March 2018)

CHAIRMAN