

THREE RIVERS DISTRICT COUNCIL

At a meeting of the **Regulatory Services Committee** held in the Penn Chamber, Three Rivers House, Rickmansworth, on Wednesday 21 March 2018 from 7.30pm to 8.29pm.

Present: Councillors Steve Drury (Chairman), Martin Trevett (Vice-Chairman), Sara Bedford, Joy Mann, Sarah Nelmes, Ralph Sangster and Alison Wall.

Officers: Brad Wheeler - Licensing Officer
Matthew Roberts – Team Leader Projects and Compliance
Mike Simpson - Committee and Web Officer

Also in attendance: Alexandra Reynolds – Assistant Licensing Officer

Apologies for absence were received from Councillors Eric Bishop and Valerie Coltman.

RG18/17 MINUTES

The minutes of the Regulatory Services Committee meeting held on 6 December 2017 and the Extraordinary meeting of the Regulatory Services Committee on Tuesday 16 January 2018 were agreed as correct records and were signed by the Chairman subject to amendments of Minute numbers 01/18 and 02/18 to 16/17 and 17/17.

RG 19/17 NOTICE OF OTHER BUSINESS

There was none.

RG 20/17 DECLARATION OF INTERESTS

There was none.

RG 21/17 CONDITIONS FOR PRIVATE HIRE DRIVER, VEHICLES AND OPERATORS

The Licensing Officer introduced the report, and explained that the Council wished to update the conditions for private hire drivers, vehicles and operators which had remained unchanged for a number of years. The additional conditions were considered to be necessary to ensure public safety and an excellent standard of service.

The report offered the Committee three options for recommendation:

1. To authorise Officers to consult on the draft conditions
2. To authorise Officers to consult on alternative draft conditions
3. Determine that a review of the draft conditions in this format is not necessary.

A Member drew attention to the proposed amendment to existing conditions that related to alcohol, and the non-consumption by drivers thereof, and said it was not sufficiently specific. The Member observed that there was no mention of drug use either.

Another Member suggested the condition be amended to reflect the TfL guidelines for staff that related to alcohol and drugs. The Committee supported this amendment.

With regard to the notification period, a Member said five working days was too long for Operators to inform the Council of an adverse change in personal circumstances, and 72 hours was more reasonable. Another Member believed five working days to be acceptable, especially if there were complex issues that required addressing by the individual.

It was stated that seven working days was too long to notify of a change of name/identity, and that this should be revised to five days. The suggested amendment was agreed by the Committee.

A Member asked why a passport was not considered an acceptable form of identification in the event of a driver notifying of a change of name/identity, to which the Licensing Officer replied that the records were held by the vehicle operators and not the individual.

In response to a question regarding the medical information relating to a licensed driver, a Member suggested the Council's conditions follow the DVLA guidelines.

RESOLVED:

That Officers are authorised to consult on the draft conditions subject to the following amendments:

- That conditions relating to alcohol and drugs (2.1.d) be amended to reflect TfL guidelines.
- That notification of change of name or identity of the licence holder (16.1) be amended from seven working days to five.

RG22/17 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER / OPERATOR PREREQUISITES

The Licensing Officer presented the report in which policies were identified that would ensure relevant training be given to drivers to ensure the fitness and propriety of all licence-holders.

The Licensing Officer cited the model used by Dacorum Borough Council as being worthy of consideration by the Council whereby a telephone calling system was used to determine the English language skills of prospective operators. This was under consideration by Three Rivers District Council, and the Licencing Officer was waiting to hear back from the supplier regarding a volume discount.

A Member said an English Language test should be included in the prerequisites, and a conversation ensued regarding the stated exemption for those who have passed a GCSE level C or above or a higher qualification, and it was questioned whether someone with a higher level of education and English language capability would be driving a taxi.

A Member suggested a telephone test would lend itself to cheating, but it was stated in reply that such tests were supervised.

A Member expressed unease at making a judgement on whether an applicant was granted a licence on the basis of having a heavy accent, and made the point that a strong accent was not in itself indicative of a lack of fluency in English.

It was stated by a Member that it was the responsibility of the Committee to create a firm benchmark by which applicants were measured.

A Member proposed that the Council adopt the model as used by Dacorum, and the Chairman said it would be necessary to tweak it according to Three Rivers' requirements. He added that some may feel the process was unfair, and that it would have to stand up to scrutiny. A Member said Dacorum Borough Council would have checked its robustness before adopting the test.

The Members of the Committee agreed to the adoption of the model as used by Dacorum.

With regard to criteria for drivers a Member referred to the items bullet-pointed in the report and said some requirements were absolute, and suggested the list was re-categorised as essential and non-essential. The Chairman said the text covered essential and non-essential requirements, and that if some points were not met by an applicant the submission may be looked at again.

With regard to the criteria and its potential for misinterpretation, the Committee preferred the entire paragraph to be removed. A Member said a lawyer could find fault with the document, to which it was suggested that the wording be referred to the Council's Legal department.

A Member asked whether medical requirements for driving a Hackney Carriage or Public Hire vehicle were greater, and asked what constituted a Three Rivers Group 2 medical. It was stated that a Group 2 medical comprised larger and passenger-carrying vehicles whereas Group 1 covered private cars, and the DVLA defined the risk of a sudden disabling event as:

- 21% likelihood of an event in 1 year for Group 1 licensing
- 3% likelihood of an event in 1 year Group 2 licensing

Councillor Sarah Nelmes moved, duly seconded, to retain the paragraph in the recommendation. Another Member remained unhappy with the wording of the driver criteria, and the Chairman said there was clearly a need to look at the entire section again.

A Member asked why a passport was not included on the list of acceptable identification document, and it was suggested the criteria be updated to include a passport as being acceptable. A Member said production of a passport could not be an absolute requirement as it was not a legal necessity to possess one, and a Member said that approximately eight million people in the UK didn't.

RESOLVED:

- i. That points 13.1.1 to 13.1.7 of the recommendation be agreed
- ii. That the Council adopt a communications test for new applicants as using a similar model for as that used by Dacorum.

- iii. That the wording within Criteria For Drivers document be updated and be referred to the Council's Legal department.

RG 23/17 APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY THE POLICING AND CRIME ACT 2009

The Licensing Officer presented a report with a valid application for the renewal for a Sex Establishment Licence by the Prince of Wales Public House, Batchworth Heath, Rickmansworth.

Members agreed that as there had been no complaints to date about the premises and the entertainment therein, there was no reason to refuse the application. Cllr Martin Trevett, duly seconded, moved that the application for a licence be approved.

The motion on being put to the Committee was declared CARRIED by the Chairman the voting being unanimous.

RESOLVED:

- I. That the granting of a Sex Establishment Licence to the applicant be approved, and that
- II. Officers are given the authority to grant a renewal of a licence for a sexual entertainment venue under delegated powers where there have been no objections.

RG 24/17 REGULATORY SERVICES COMMITTEE WORK PROGRAMME

The Committee considered its work programme. There were no new items to add at this time, and the Chairman said it was expected that the report relating to the change to Polling Stations in Oxhey Hall would be available in June 2018.

A proposed review on Byelaws, which was originally to be presented at the March 2018 meeting had been deferred. The deferment had proved useful as the Government intended to make amendments to the Model Bylaw the Council was using for the review. The Council had been informed this was likely to take place in April/May 2018.

A report would go back to Members of the Committee at a future date.

RESOLVED:-

That the work programme be noted.

CHAIRMAN