

REGULATORY SERVICES COMMITTEE MEETING

MINUTES

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth on Wednesday 1 December 2021 from 7.30pm to 8.15pm

Members of the Licensing Committee:-

Councillors:-	Raj Khiroya (Chair)	Martin Trevett (Vice-Chair)
	Joanna Clemens	Roger Seabourne
	David Coltman	Alison Wall
	Paul Rainbow	

Officers in attendance:

Matthew Roberts – Team Leader, Development Management
Alex Reynolds – Licensing Officer
Sarah Haythorpe – Principal Committee Manager

RG07/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stephen Cox and Donna Duncan.

RG08/21 MINUTES

The Minutes of the Regulatory Services Committee Meeting held on 16 June 2021 were confirmed as a correct record and signed by the Chair.

RG09/21 NOTICE OF OTHER BUSINESS

None received.

RG10/21 DECLARATIONS OF INTERESTS

None received.

RG11/21 AMENDMENTS TO TRDC'S EXISTING HACKNEY CARRIAGE, PRIVATE HIRE AND OPERATOR POLICY

The Team Leader, Development Management advised that over the past year when using the policy, adopted in late 2019, Officers had recognised that some

changes were required to ensure the policy was strengthened and ultimately protected the public and maintains the standard of the taxi trade within the District.

The report set out the changes proposed and the changes were highlighted in yellow in the amended policy at Appendix 2 of the report. The key changes included requiring operators to not invite or accept bookings for private hire work for any vehicle which is not currently licenced by the Council and a requirement to submit an annual basic disclosure, currently we only require one at the application stage.

In addition, there was to be a change in legislation which would require an applicant who wishes to renew a licence (taxi/operator) to carry out a tax check, which is checked by the department before issuing the licence. The Government's drive for this check was to reduce the income lost from what they refer as "the hidden economy" i.e. individuals and businesses with sources of taxable income that are entirely hidden from HMRC which deprives the Government of funding for vital public services. This change would come into effect in April 2022.

Officers will be required to signpost first-time applicants to HMRC guidance and where the application was not a first time application (i.e. a renewal) the department will be required to obtain confirmation from HMRC that the applicant has completed the tax check. Given this was evolving legislation and would require changes to the application process, it was important to incorporate it into the policy in advance of the changes coming into force and if agreed, the forthcoming public consultation would ensure that all those licenced with us are fully aware of the change. Future guidance was to be issued by the Government.

Members raised the following points:

- Wanted clarification on why the Committee were being guided to vote for Option 1 rather than Option 2.
- Why do the Council need to undertake a public consultation when the Government are stating we have to do the tax checks.
- How much would the consultation cost as this was public money.
- What would happen if the consultation responses advised that they don't want to adopt the changes?
- If the Council go out for consultation now do we not have to go out for consultation again next year after the review as it seemed a waste of money to do two consultations.
- Understood the reason why we are being asked to make the suggested changes but the Council are going to be looking to undertake a full review of the policy early next year why could we not do them both together. Was there a fixed deadline we needed to work to for the main change?
- Wondered if we had permanent lawyers in situ who could manage the consultations rather than hiring lawyers.
- Surely the operators would be made aware of the changes without the Council doing the consultation and all the changes proposed are all

logical and common sense and the focus is on public safety so how can we have them objecting on public safety.

- This was an insurance policy for the cost of an advert in the Watford Observer and save any legal fees.

In response Team Leader, Development Management advised that it was not just the tax checks that were being introduced into the policy but also additional requirements added for people applying for a license. An operator would now be required to do an annual DBS whereas before this was not a requirement. Legal advice was sought on whether we had to undertake a public consultation and they advised we should do because of the changes proposed and because they would affect existing licensees.

The report highlights all the changes proposed and given the amount of changes it was considered appropriate to do the consultation so everyone would be fully aware. In terms of the costs it was not possible to provide a cost but the Council would be required to put a public notice in the Watford Observer and the amount for this varies depending on the size of the advert. All the costs would come out of the existing agreed budgets. There would be a cost for the public consultation but one could only imagine what the cost would be of a legal challenge or not having adequate safety in place.

Option 2 was included in case Members had any further changes to make before the consultation started and for those changes to come back to the Committee to agree. The policy was last reviewed in 2019 and went out for public consultation then and those views had been presented within the report. It would be for Members to consider the representations made. If an operator did say, as part of the consultation, they did not want that level of detail in the policy and provided some reasoning then at the next meeting this can be discussed and it would be up to the Members to vote on whether it was reasonable to introduce the changes. Officers were proposing that the policy be strengthened as much as possible due to what had been faced over the last 18 months. Complaints are received from members of the public about operators and the Council wanted to ensure that we are not going to be found to be falling into disrepute. Public safety is key and why we want these checks. The changes would require operators to make sure that those who are taking bookings also need to do a basic disclosure check.

Officers felt that the changes were important and the Government changes were due to come into place in April. There was a full review planned next year but it was unlikely that review would have too many changes and could happen towards the end of next year where there could well be other legislative changes. Officers appreciated the concerns raised by Members but would like to get the changes in sooner rather than later so that the policy can be strengthened.

The Team Leader, Development Management could not predict what may or may not happen in terms of legislation. The tax check had come about quite quickly and there may be further legislative changes next year which would require the Council to go back out for consultation. The reason for the consultation was around the amount/extent of the changes being proposed to the policy. If we did make some changes as part of the review next year and they were minimal we may not have to go out for consultation. As a mini review had been undertaken they were hopeful that any further changes would be minimal and could be agreed by the Committee without public consultation.

Discussions with legal were that if an operator was not made aware of the changes to the policy the Council could be subject to challenge and complaints.

Councillor Roger Seabourne moved the recommendation at Option 1, seconded by Councillor Martin Trevett who was satisfied with the clarification provided by the officer.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being unanimous.

RESOLVED:

Agreed Option 1 the amended Policy attached to this report and authorise Officers to consult. Following the expiry of the consultation for the Policy to be brought back to a future Regulatory Services Committee for agreement before adoption at Full Council.

RG12/21 INTRODUCTION OF A STREET TRADING POLICY (LICENSING)

The Team Leader, Development Manager advised that as set out in the report, following some criticism concerning the department's handling of its communication surrounding recent street trading consent applications, it was agreed that in order to improve internal procedures and provide greater guidance, a new policy would be produced. Currently the department does not have a policy but it should be noted that there is no requirement to have one in place.

The policy sets out clear guidance for officers when consulting on street trading consent applications including making consultees aware of any relevant history or information in relation to the applicant, including any relevant information that may be received during the consultation period. The policy also aims to provide greater clarity for applicants when applying, i.e. in terms of the suitability of the applicant and the required documentation.

As it stands the Council as a number of designated streets (where street trading is not allowed to take place) and all other streets in the District fall under "consent streets" where street trading is prohibited unless consent has been obtained from the Council. We currently do not have any licenced streets, these are considered more appropriate for formalised market type trading where strict control of a limited amount of space is required. Officers are not seeking any changes to the list of streets as it stands but may review them in the coming 18 months.

A Member asked for clarity about policy point 3.3 (d) the requirement for any stalls to be 800 metres away from a similar trade. They were interested to know how this would work in the markets when you might have people selling the same things. It was often good to locate people near to traders selling the same thing and may get more trade than if they were separated. Would the Council need to make a decision on which trader could trade where and making sure they were in the right place?

A Member said concerns had been raised in their Ward around emissions from an ice cream vans. If members of the public did have concerns about emissions from a vehicle details had been included in the policy at point 6.6.

Moving towards our Climate Emergency agenda and because of the nature of the ice cream vans they tended to be at least 30 years old and they had to keep their vehicles running to make the ice cream machine work. If the policy was too draconian it could ban ice cream vans or state they had to be electric vehicles only. The Member was not suggesting any change just highlighting the issue.

A Member advised that on several occasions before Covid a license had been applied for a Christmas Market in Delta Gain, Carpenders Park. The area in question was privately owned and it should be up to the owner rather than the Council to decide.

The Licensing Manager advised that point 3.3 (d) of the policy was not tailored towards markets. In the markets you could find numerous traders of the same type but down a High Street you would not wish to give consent to the same type of traders being next to each other. This point was tailored more towards the single traders in our District. In markets themselves we are looking to leave a blanket consent. Most of our high streets are quite narrow and if we had two applications received we would look to ensure there would not be any overcrowding and take into consideration what they are selling. Officers could reword that point to say that it would be taken into consideration what they are selling and whether they were the same traders.

Councillor Martin Trevett was not aware that the Council did not have a specific Street Trading policy and it was vital that we do have a policy and moved option 1, seconded by Councillor Roger Seabourne. All Members can be involved in the consultation as individuals as well as the public and the comments that come back can be discussed at a future meeting after the consultation. The motion included the amendment to point 3.3(d).

The Licensing Officer advised that currently the area in question (Delta Gain) was a prohibited street and any application would be refused. When the streets are discussed again Members could make the choice to change that decision which was made in 2006.

The Team Leader, Development Management advised that the policy would be checked for spelling and grammar before the consultation.

RESOLVED:

Agreed the draft Policy with the amendment to point 3.3(d) and authorise Officers to consult on the draft Policy. Following the expiry of the consultation for the draft Policy to be brought back to a future Regulatory Services Committee for agreement and P&R Committee before adoption of the final policy at Full Council.

RG13/21 REGULATORY SERVICES COMMITTEE WORK PROGRAMME

The Committee considered the Regulatory Services work programme.

The Team Leader, Development Management advised that the Taxi review should be added to the work programme.

The contents of the work programme were agreed by General Assent.

RESOLVED:

That the Committee noted the items in the work programme.