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# **REGULATORY SERVICES COMMITTEE MEETING**

## **MINUTES**

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth on Wednesday 8 March 2022 from 7.30pm to 8.30pm

Members of the Licensing Committee:-

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

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Officers in attendance:

Matthew Roberts – Team Leader, Development Management  
Lorna Fryer– Lead Licensing Officer  
Sarah Haythorpe – Principal Committee Manager  
Amy Parmar – Principle Committee Manager

### **RG14/21 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Donna Duncan.

### **RG15/21 MINUTES**

The Minutes of the Regulatory Services Committee Meeting held on 1 December 2021 were confirmed as a correct record and signed by the Chair.

### **RG16/21 NOTICE OF OTHER BUSINESS**

None received.

### **RG17/21 DECLARATIONS OF INTERESTS**

None received.

### **RG18/21 AMENDMENTS TO TRDC'S EXISTING HACKNEY PRIVATE HIRE AND OPERATOR POLICY**

The Team Leader, Development Management advised that this was a policy which was initially adopted in 2019. A number of changes had been identified

over the last two years by officers which included the requirement for Private Hire Operators to submit an annual Basic Disclosure Certificate, not accepting insurance write offs, changes to the driver and vehicle requirements and the inclusion of the incoming tax check from 4 April (a new process imposed on the department from central Government).

In December officers went out for consultation and have received one response to the consultation which was included in one of the appendices and Officers had responded to the points raised within the Committee report.

The recommendation takes into account that the consultation does not conclude until 11 March (this Friday). If any further comments were raised these would be circulated with officer comments. Subject to the comments raised, the Head of Regulatory Services would take a view whether or not they would have to come back to the Committee for consideration and if it was not material then the policy could be adopted at the P&R Committee and Full Council.

A Member sought clarification to the responses received to the consultation provided in Appendix 3 and the officer response to this.

The Team Leader advised that officers had set out the consultation response in the report and their response to it. With regard to dual plating the driver was saying that as well as having a license with Three Rivers they also wanted a license with Uber at the same time but generally speaking that was not something that was permitted and other Councils do not allow for that. Uber was licensed within London and the rules and regulations form part of Transport for London and are different to Local Authority requirements. It does also cause a lot of confusion as those vehicles and licenses are completely different and therefore it would be very difficult for the Council to enforce as they could say they are working under their Uber license which would not come directly to us and would go elsewhere as we don't license Uber. We only license in Three Rivers and the general approach by the Government was each driver should only have one licence.

The Member said the way the taxi driver had explained that everybody was operating multiple licenses and in Three Rivers they would be disadvantaged but that was not the case.

The Lead Licensing Officer clarified that was not the case. The Government had stated as well that they don't want Drivers to have dual licenses. As a cross border authority it makes it difficult for enforcement as well due to the differences between Private Hires and Hackney Carriage.

The Team Leader, Development Management gave clarification on the matter of glazed windows and the lack of visibility. The requirements are those which are provided by the Government and which are followed by the Council. As documented in the report the requirements were imposed as a result of the issues in Rotherham regarding taxi drivers and child sexual exploitation and having tinted windows restricts visibility. If the windows of any vehicles are tinted they have to be to required level only. A paragraph had been added to Page 74 of the amended policy to clarify this and where exceptions could apply.

A Member asked when we do any consultations across the Council it will be our policy to consult with Parish Councils at the beginning of the consultation so we don't have extended consultations. Would extra resources be required to undertake this work or can it be absorbed in the department.

The Team Leader, Development Management replied that parish councils are always consulted and have been on various policies over the last few years.

Unfortunately, they were omitted by error and officers apologised for that. With regard to any extra resources required this was something the Licensing team were already doing and had been doing since the policy came in. What was being proposed to the Committee was some changes in wording to make the policy clearer to assist enforcement.

A Member referred to one of the links provided and tax checks and who may not be required to complete a tax check surely everyone should.

The Lead Licensing officer advised there were certain circumstances where they don't need to complete a tax check which was made clear on the Government website but if they don't provide the code the Council do not process the license.

A Member asked if there had been any response from South Oxhey Radio Taxis to the consultation. It was confirmed there was no response. The Member also referred to Paragraph 8.4 of the amended policy and referenced the One Stop Shop now being called a Visitor Centre and that the opening hours had now changed. The Member felt this needed to be corrected.

The Team Leader, Development Management agreed that this paragraph would be amended and updated for the Policy and Resources Committee meeting.

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

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

**RECOMMEND:**

Agreed the amended Policy subject to any new response(s) received. Any response(s) received within the consultation period are to be circulated to all Members of the Committee with an officer response.

Following receipt of any further responses the Head of Regulatory Services will determine whether the amended Policy (attached to the report) can be presented to the Policy and Resources Committee for determination on formal adoption or returned to a future Regulatory Services Committee.

## **RG19/21 INTRODUCTION OF A STREET TRADING POLICY (LICENSING)**

The Team Leader, Development Manager advised that as set out in the report, following a number of street trading applications last year, it was agreed that tighter internal processes were required and this would be best achieved by implementing a new policy. No policy had previously been adopted by the Council.

As part of the consultation phase, comments were received from Watford Rural Parish Council. Their comments along with Officer responses were circulated to the Committee.

To briefly responds to their points:

- a review of the designated, consent and licence streets is to be undertaken within the next 18 months
- It is officer's opinion that Watford Rural Parish would require a street trading consent. This approach has been confirmed by legal
- The exemption list refers to the fact that non-commercial events whereby the profits from individual stalls/units are donated to a

registered charity community-based or educational organisation will be exempt

- The policy sets out that commercial markets will require one consent covering the whole market to avoid it from being too onerous.
- All applications (whether annual or for a temporary period) will take on the same method of consultation and thus will include consultation with the relevant Parish.

Watford Rural Parish Council had set out within their comments some suggestions as follows:

- They suggest that paragraph 2.3(d) is expanded to include:  
“The Council would not normally grant, a Consent for the sale of goods which conflict with those provided by nearby shops or markets because it could provide an unfair economic advantage to the holder of the Consent. The type of goods allowed to be sold will be considered on a pitch-by-pitch basis having particular regard to local needs, product diversity and specialism e.g., artisan breads, and appropriateness of the proposed location in terms of space and balance.”
- Whether a sentence with regards to oil or other liquid from vehicles causing staining/damage to the surface can be included at section 2.4 of the Policy.

If agreed by the Committee, the Policy will also need to be amended to include the following:

- The definitions section to include reference to Local Government (Miscellaneous Provisions) Act 1982 as the Act.
- Paragraph 2.1.4 should be amended to remove reference to sections 29-31 and add section 10.

The consultation would expire on 11 March and therefore the recommendation takes this into account.

A Member discussed the response received from the clerk at Watford Rural Parish Council pertaining to the comments that were documented in the report. They advised that the Parish Council had provided far more comments than the three comments referenced in the report at Paragraph 3.4

The Team Leader, Development Management advised that the latest correspondence from the Clerk at Watford Rural Parish Council with the officer responses had been circulated to the Committee in advance of the meeting. During the initial consultation period, whereby the Parish Councils were omitted, the Parish Council were made aware of the consultation from the Watford Observer press release/press notice and did provide an initial response which was provided in the report. Officers had to publish the report in advance of the Committee and at the time of publication the Parish Council had not provided the Council with their full comments. When the full comments were received these were circulated to the Committee but the date on the letter was not the date the Council received the comments. The Clerk was contacted regarding the date discrepancy and they advised that they had forgotten to send the letter. The full response was circulated to the Committee upon receipt.

A Councillor queried what the cost of the market license would be.

The Team Leader, Development Management advised that it was in the policy and the amount was approximately £200.

A Member advised that a past officer of the Council had advised the Clerk that as the market was in a designated area they would not need a license.

The Team Leader, Development Management had been in positive discussions with the Clerk and advised that it had already been agreed, as set out in the report, for Watford Rural Parish Council to run the market on Three Rivers Land under the Food Act. This allowed the Parish Council to run the market on our land and to manage it but following Legal advice and discussions with the Clerk we had advised the Council would still require a Street Trading consent as that was covered by other legislation. No further communication had been received from Watford Rural Parish regarding this. The point the Parish Council are referring to was to allow them to have the market but this does not outweigh the requirements of other legislation and the minutes as agreed by Council recorded this.

A Member said there seemed to be a disparity of information between the Parish Clerk and the Council and didn't quite understand the problem with the street license and the £200 cost.

The Team Leader, Development Management would provide the legal advice to the Member.

A Member queried Carpenders Park – who were not allowed any street trading or street parties and requested clarification on this with regard to the Queens Platinum Jubilee.

The Lead Licencing Officer responded that in reference to holding parties the applicant would need to possibly apply for a Temporary Event Notice. This was a different type of license and was not a matter covered in relation to the Street Trading Policy. The type of license they would need depended on the type of event they were holding and where the event was being held (as the venue may already be a licensed premises). The Member was advised to send an email through to Licencing team who would be able to assist further.

A Member had some concerns around the role of the Council in getting involved in the setting up of the markets and thought we seemed to be taking over some of the functions of the market itself. The Committee had talked at the last meeting about wanting the market to be safe, to prevent nuisances and to stop any obstructions of the road which was what the Council should be doing but some of the other objectives the Member had concerns about. On page 2 at point 2.6 the purpose of the policy stated “to ensure fair trade between the traders and to promote diversity and consumer choice.” To what extent was the Council involved in that as that should be down to the organisers on what sort of mix of traders they have, the traders on what they sell and the consumer as to what they want to buy.

The Team Leader, Development Management agreed that it was up to the market what mixture and variety of traders they would want to include and to promote diversity and consumer choice. The policy was not specific to just markets but also included ice-cream vans, food trucks or other niche markets in the area. The concept in the policy is broad and highlights the requirements of the Council. However on the subject of diversity, the general view was that in allowing a trader to have a license is itself a promotion of diversity. This was the view taken that diversity was very much part of the policy whether the license was for static or mobile use. On the matter of consumer choice there was a previous discussion on mobile users not being within 50 metres of a shop. The policy is not specifically there to promote diversity, the stakeholders and consumers would be leading that.

A Member still remained concerned that the Council would be selecting the mix on who and where the traders are. Page 7 of the policy (point D) the Council might trim down a license where there was already adequate provision. The Member questioned why the Council was making this decision and thought the consumer should decide on the provisions not the Council. The Member gave the example of ice-cream vans and it would be the decision of the consumer to decide which ice-cream van they would prefer to go to and not the Council.

The Lead Licencing Officer advised that this was in relation to static traders and gave the example of 3 coffee shops in close proximity (the High Street being an example) and stated that it might be a good idea that there was a license to control this as there could end up with problems between the traders.

The Member reiterated that they felt ultimately it was up to the market traders to resolve any issues.

The Lead Licensing Officer gave the example of the South Oxhey market which would be managed by Watford Rural Parish Council. If a market had 4 fruit and veg traders it was down to the market to decide whether that was suitable or not.

The Member pointed out that it should be adequate that the person who was applying and paying for the license would decide. The point was still raised that how would the Council decide on the number of each type of trade and how was it to be decided whether to grant or refuse.

The Lead Licencing Officer said that each application would be considered on its individual merit.

It was suggested to the Councillor that the matter could be moved as a motion to amend the recommendation.

The Councillor felt that it was a matter of free enterprise and there was a requirement for the applicant to demonstrate that there was a need in the area.

A Member raised the question on the regulation of charities at markets and ensuring any money they made went straight to the charity. The Lead Licencing Officer confirmed that under 10.2 of the policy it would be required to provide proof that the profits were going to directly charity.

Councillor Joanne Clemens moved an amendment to the recommendation to remove A & B of section 5.6 but to retain C & D. Councillor Alison Wall seconded the motion.

On being put to the Committee the motion was declared LOST by the Chair the voting being 3 For, 5 against and 0 Abstentions.

Councillor Martin Trevett moved the recommendation at Option 1, seconded by Councillor Roger Seabourne 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 4 For, 0 Against and 4 Abstentions.

#### RECOMMEND:

Agreed the Policy subject to any new response(s) received. Any response(s) received within the consultation period are to be circulated to all Members of the committee with an officer response.

Following receipt of any further responses the Head of Regulatory Services will determine whether the Policy (attached to the report) can be presented to the

Policy and Resources Committee for determination on formal adoption or returned to a future Regulatory Services Committee.

Agreed the following amendments to the policy:

- The definitions section to include reference to Local Government (Miscellaneous Provisions) Act 1982 as the Act.
- Paragraph 2.1.4 should be amended to remove reference to sections 29-31 and add section 10.

## **RG20/21 REGULATORY SERVICES COMMITTEE WORK PROGRAMME**

The Committee considered the Regulatory Services work programme.

The Team Leader, Development Management advised that review of the Streets which are allowed to have street trading and which are not would be undertaken over the next 18 months and included in the work programme.

A Member asked if the Elections Manager could be asked to provide any information we have on monitoring the percentage of postal votes across the District in order to review the trends.

Post meeting note: "I am not aware of any previous monitoring of postal votes within the authority. If future monitoring is required, further specific details would be required to enable efficient monitoring."

A Member asked about the 2023 Review of Polling Station and if this would be prior to the Election in May 2023 and not after – this would be confirmed with the Elections Manager and reported back.

Post meeting note: In the year where a polling place review takes place any changes would not be effective for May elections that same year.

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

**RESOLVED:**

Noted the items in the work programme.