

LICENSING COMMITTEE
Tuesday 9 July 2019 at 7.30 pm
Council Chamber - Civic Centre

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any matters on the agenda.

3. Minutes (Pages 2 - 4)

4. Matters Arising

5. Written Questions and Petitions

6. Committee Work Plan (Page 5)

7. Enforcement Activity 2018/19 (Pages 6 - 8)

8. Licensing Sub Committee Decisions 2018/19 (Pages 9 - 12)

9. References from Other Committees

Any references arising from meetings held after the publication of this agenda will be circulated separately.

a) Referral from Full Council - Private Hire Operator Licensing Procedure (Pages 13 - 28)

10. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE LICENSING COMMITTEE
HELD ON**

12 March 2019

7.30 - 8.20 pm

PRESENT

Committee Members

Councillor Edna Stevens (Chair)
Councillor John Strachan (Vice-Chair)
Councillor Nick Churchill
Councillor Michael Garnett
Councillor Shannon Jezzard
Councillor Frances Mason
Councillor Lanie Shears

Officers

Michael Pitt, Environment and Licensing Manager
Adam Rees, Governance Support Officer
Dimple Roopchand, Principal Solicitor

41. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Maggie Hulcoop and Andrew Johnson.

42. **DECLARATIONS OF INTEREST**

None.

43. **MINUTES**

RESOLVED that the minutes of the meeting held on 22 January 2019 are agreed as a correct record and signed by the Chair.

44. **MATTERS ARISING**

None.

45. **WRITTEN QUESTIONS AND PETITIONS**

None.

46. **COMMITTEE WORK PLAN**

RESOLVED that the Work Plan was noted.

47. **PRIVATE HIRE OPERATOR APPLICATION PROCEDURE UPDATE**

The Committee received a report on the update of the Private Hire Operator Application Procedure.

Michael Pitt, Environment and Licensing Manager, said that the recommendation needed to be amended as Full Council needed to approve any changes to procedure.

RESOLVED that it was recommended to Full Council that:

- A** The revised Operator Licensing Procedures, attached as Appendix 2 to the report, was adopted with effect from 8 April 2019.

48. **PRIVATE HIRE OPERATOR CONDITIONS AND THE PROVISION OF ADAPTED VEHICLES**

The Committee received a report regarding Private Hire Operator Conditions and the provision of adapted vehicles.

The Committee agreed that recommendation B of the report should be amended to only refer to Private Hire Vehicles.

The Committee also agreed that the use of existing adapted Private Hire and Hackney Carriage vehicles needed to be examined.

RESOLVED that:

- A** The adoption of revised Private Hire Operator conditions be deferred pending the outcome of Government proposals to amend licensing legislation and issue new guidance.
- B** A survey be undertaken to identify the extent of any unmet need for wheelchair accessible Private Hire vehicles in Harlow.
- C** Any issues with the use of existing adapted Private Hire and Hackney Carriage vehicles be examined and a report is presented to the Committee in the next municipal year.

49. **GAMBLING ACT 2005 DELEGATION OF FUNCTIONS**

The Committee received a report on the Gambling Act 2005 Delegation of Functions.

RESOLVED that the delegation of functions, attached as Appendix A to the report, was noted.

50. **REFERENCES FROM OTHER COMMITTEES**

None.

51. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

Licensing Committee Work Plan 2019/20

Tuesday 9 July 2019	Tuesday 10 September 2019	Tuesday 19 November 2019	Tuesday 21 January 2020	Tuesday 10 March 2020
Licensing Sub Committee Decisions 2018/19	Institute of Licensing Guidance on suitability of applicants for PH and HC licensing	Harlow Council Food Safety Enforcement Plan 2019/2020	Electronic Payment of Fares in Hackney Carriage Vehicles	Private Hire Operator Conditions and the Provision of Adapted Vehicles (Subject to National Guidance)
Licensing Team Enforcement Activity 2018/19	Fees and charges Review [as required]			
Private Hire Operator Licensing Procedure				

REPORT TO: LICENSING COMMITTEE

DATE: 9 JULY 2019

TITLE: LICENSING TEAM ENFORCEMENT ACTIVITY

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING
MANAGER (01279) 446114

CONTRIBUTING OFFICERS: RACHEL CROUCH, SENIOR LICENSING
OFFICER (01279) 446005

ADAM SHERWOOD, SENIOR LICENSING
OFFICER (01279) 446561

RECOMMENDED that the Licensing Committee:

- A** Notes the enforcement activity from April 2018 to March 2019 carried out by the Licensing Team.

BACKGROUND

1. It is important that the Licensing Team ensure that licence holders comply with licence conditions and take enforcement action in line with its enforcement policy, when non-compliance is noted. In order to support this, in addition to the routine work of the team, a number of specific compliance and enforcement activities take place throughout the year.
2. This report sets out the activity undertaken for Hackney Carriage and Private Hire licences, Licensing Act 2003 premises and other activity within the remit of the Licensing Team.

ENFORCEMENT ACTIVITIES

3. **Hackney Carriage and Private Hire Vehicle Compliance**
4. This is undertaken either by asking drivers to attend unannounced vehicle inspections at the Council's appointed test station, or by carrying out roadside vehicle checks.

	2018-2019
Vehicle compliance sessions at test station	4
Vehicles checked	55
Vehicles suspended	34

5. An extra compliance session was arranged at the appointed test station in addition to the three sessions agreed in the garage tender. This was due to the number of vehicle failures and suspensions to licensed vehicles.

6. Licensing Act

7. Compliance checks take several forms including; programmed compliance inspections based on the risk assessment of a business's previous compliance with licence conditions, proactive town-wide evening patrols and reactive investigations in response to complaints about premises.

	2018-2019
Pro-active inspection	64
Post inspection letter	11
Revisits	6
Out of Hours Surveillance – number of sessions	3
Out of Hours surveillance – premises observed in total	4
Notice of Suspension of licence for non-payment of fees	12
Licences suspended	0

8. Scrap Metal Dealers

	2018-2019
Routine inspections	2

9. Gambling Act Premises Licenses

	2018-2019
Betting premises inspections	4
Track betting premises inspections	1

IMPLICATIONS

Place (Includes Sustainability)

Progressive and proportionate enforcement of licensing requirements helps to create a level playing-field and protects compliant businesses from unfair competition from the less scrupulous.

Author: Andrew Bramidge, Project Director – Enterprise Zone and Interim Head of Planning

Finance (Includes ICT)

Enforcement activity is carried out within approved service budgets.

Author: Simon Freeman, Head of Finance and Deputy to the Managing Director

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

Proactive enforcement and investigation of complaints ensures better compliance with licensing requirements and so helps to protect vulnerable residents from exploitation

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

None specific.

Author: Dimple Roopchand, Principal Solicitor on behalf of Simon Hill, Head of Governance

Appendices

None.

Background Papers

None.

Glossary of terms/abbreviations used

None.

REPORT TO: LICENSING COMMITTEE

DATE: 9 JULY 2019

TITLE: LICENSING SUB COMMITTEE DECISIONS

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING
MANAGER (01279) 446114

CONTRIBUTING OFFICER: CHRIS BENNETT, LICENSING TEAM LEADER
(01279) 446113

RECOMMENDED that the Licensing Committee:

A Notes the content of the report.

BACKGROUND

1. The Licensing Act 2003 requires local authorities to form a Licensing Committee to oversee the Licensing Act remit.
2. The Council's Constitution delegates other licensing functions to its Licensing Committee. These include licensing regimes for Hackney Carriages and Private Hire vehicles, tables and chairs on Council land in the town centre, street trading, scrap metal dealing, sex establishments and charity and house-to-house collections.
3. Where individual regulatory decisions that are not delegated to Officers are required, a Sub Committee, consisting of three Members of the Licensing Committee, is constituted to make them.
4. It is therefore possible that the Sub Committee, from time to time, will hear cases relating to any of the matters mentioned above.
5. It is customary for members of the wider Licensing Committee to be kept informed of the Sub Committees held and decisions made. The last report of this kind was presented to the Licensing Committee in July 2018.
6. The information, as seen at Appendix 1, covers all Licensing Sub Committees held from the period from 1 April 2018 to 31 March 2019.

IMPLICATIONS

Place (Includes Sustainability)

None specific.

Author: Andrew Bramidge, Project Director – Enterprise Zone and Interim Head of Planning

Finance (Includes ICT)

None specific.

Author: Simon Freeman, Head of Finance and Deputy to the Managing Director

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

None specific.

Author: Dimple Roopchand, Principal Solicitor on behalf of Simon Hill, Head of Governance

Appendices

Appendix 1 – Licensing Sub Committee Decisions

Licensing Sub-Committee Hearings 1 April 2018 – 31 March 2019 Date	Members	Hearing Type	Reason for referral	Decision	Appeal to Magistrates' Court Submitted?
24/04/2018	Cllr Shears (chair)	LGMPA 1976: New Applicant Private Hire Driver	Fit and Proper Person Status	Granted subject to condition to attend random drug tests for duration of licence	
19/06/2018	Cllr Strachan (chair) Cllr Hulcoop Cllr Stevens	LGMPA 1976: New Applicant Private Hire Driver	Fit and Proper Person Status	Granted to continue with remainder of licence process	
21/08/2018	Cllr Johnson (chair) Cllr Garnett Cllr Stevens	LGMPA 1976: New Applicant Private Hire Driver LGMPA 1976: New Applicant Private Hire Driver	Fit and Proper Person Status Fit and Proper Person Status	Application refused Application refused	
08/01/2019	Cllr Strachan (Chair) Cllr Johnson Cllr Stevens	LGMPA 1976: Licensed Private Hire Driver	Fit and Proper Person Status	Granted to continue with remainder of licence process	
14/01/2019	Cllr Hall Cllr Johnson Cllr Strachan	LA 2003: Premises Licence Review	Crime & Disorder Licensing Objective: Staff immigration non- compliance & enforcement	Licence revoked	
29/01/2019	Cllr Strachan (chair) Cllr Stevens	LGMPA 1976: Licensed Private Hire Driver	Fit and Proper Person Status	Application refused	

	Cllr Shears				
26/02/2019	Cllr Hulcoop (Chair) Cllr Mason Cllr Jezzard	LGMPA 1976: New Applicant Private Hire Driver LGMPA 1976: Licensed Private Hire & Hackney Carriage Driver	Fit and Proper Person Status Fit and Proper Person Status	Granted to continue application process subject to 3 year licence with condition to join DBS Update Service to facilitate more frequent DBS checks for duration of licence. Application refused	
26/03/2019	Cllr Stevens (chair) Cllr Hulcoop Cllr Hall	LGMPA 1976: Licensed Private Hire Driver	Fit and Proper Person Status	Application refused	Yes, Appeal hearing date 01/08/2019

Legislation abbreviations:

LA 2003; Licensing Act 2003: Includes Alcohol, Regulated Entertainment and Late Night Refreshment Licensing

LGMPA 1982 Sch 4; Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Street Trading

LGMPA 1976; Local Government (Miscellaneous Provisions) Act 1976: Private Hire Licensing

TPCA 1847; Town Police Clauses Act 1847: Hackney Carriage Licensing

REPORT TO: LICENSING COMMITTEE

DATE: 9 JULY 2019

TITLE: PRIVATE HIRE OPERATOR APPLICATION
PROCEDURE UPDATE

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING
MANAGER (01279) 446114

CONTRIBUTING OFFICERS: ADAM SHERWOOD, LICENSING OFFICER
(01279) 446561

DIMPLE ROOPCHAND, PRINCIPAL SOLICITOR
(01279) 446075

RECOMMENDED that the Licensing Committee:

- A** Notes the content of the report.
- B** Recommends to Full Council that the revised Operator Licensing Procedures, attached as Appendix 2 to the original report, be adopted.

BACKGROUND

1. At its meeting of 12 March 2019, the Licensing Committee resolved to recommend to Full Council adoption of the revised Private Hire Operator Licensing Procedure. The relevant report can be seen as Appendix A.
2. At the Full Council meeting on 4 April 2019 a concern was raised regarding the proposed revised procedure that a restriction of no more than two Private Hire Vehicles being parked outside of a residential address had been removed when there was no legal requirement to remove it.
3. Full Council resolved to refer the matter back to the Licensing Committee so that the legal implications of the decision could be fully considered.

ISSUES/PROPOSALS

4. The current procedure does not deal with parking as such but does state under “general information” that “A residential private hire operator may operate a maximum of two vehicles.”
5. The Council licenses Private Hire Operators by virtue of Part II of the Local Government (Miscellaneous Provisions) Act 1976. The law requires the Council to grant a licence on application unless it is not satisfied that the applicant is a fit

and proper person or has immigration status permitting them to work in this capacity.

6. The law does not provide make any provision that would permit the Council to decline to entertain an application from an operator who proposed to operate any specified number of vehicles.
7. The Council has the power to apply such conditions to the grant of a licence as it considers reasonably necessary. To avoid the risk of successful appeal with attendant costs being awarded against the Council the Council must be able to demonstrate that any conditions applied are indeed necessary and reasonable.
8. It is understood that parking is of concern in residential areas. Use of a home for business may not require planning permission. Where it substantially changes the nature of the use, it may. Parking may be a valid planning consideration. The Licensing team will advise the Planning team of applications for use of residential premises by Operators.
9. Parking of private hire vehicles in the vicinity of a prospective operator's premises may raise safety concerns that may not be addressed by Planning law. On the individual merits of such a case a condition intended to restrict parking by private hire vehicles in the vicinity of the operators premises might be shown to be reasonably necessary.
10. An operator's business may practically and lawfully be conducted in such a way that private hire vehicles never attend the operator's premises. A condition that in every case restricted the number of vehicles operated might be shown not to be reasonably necessary.
11. Considering the foregoing it appears appropriate not to include a reference to restriction on the numbers of vehicles that may be operated from residential premises in the proposed revised Operator Licensing Procedures.

IMPLICATIONS

Place (Includes Sustainability)

Licensing considerations are as set out in the report.

Author: Andrew Bramidge, Project Director – Enterprise Zone and Interim Head of Planning

Finance (Includes ICT)

None specific.

Author: Simon Freeman, Head of Finance and Deputy to the Managing Director

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

The Local Government (Miscellaneous Provisions) Act 1976 does not give the Council the power to restrict the number of private hire vehicles that may park outside a residential address. Any vehicle which is insured, taxed and has a valid MOT (if applicable) can be parked at any legitimate place on a public highway at any time, subject to any parking restrictions. If parking is considered to be a material issue when determining an application for an operator licence operating from residential premises, the Council can pursuant to s.55 (3) LGMP Act, impose conditions on a licence where it 'considers reasonably necessary' to do so.

Author: Dimple Roopchand, Principal Solicitor on behalf of Simon Hill, Head of Governance

Appendices

Appendix A – Original Report to Licensing Committee on 12 March 2019 'Private Hire Operator Application Procedure Update'

Background Papers

None.

Glossary of terms/abbreviations used

LGMP Act – The Local Government (Miscellaneous Provisions) Act 1976

REPORT TO: LICENSING COMMITTEE

DATE: 12 MARCH 2019

TITLE: PRIVATE HIRE OPERATOR APPLICATION
PROCEDURE UPDATE

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING
MANAGER (01279) 446114

CONTRIBUTING OFFICER: DAVID TAYLOR, PRINCIPAL ENVIRONMENTAL
HEALTH OFFICER (LICENSING) (01279) 446164

RECOMMENDED that:

- A** The revised Operator Licensing Procedures, attached as Appendix 2 to the report, be adopted.

BACKGROUND

1. The Council regulates the provision of 'Private Hire' vehicles under the provisions Local Government (Miscellaneous Provisions) Act 1976 (the Act). These provisions provide for the licensing of drivers, vehicles and operators.
2. Current Council procedures for the grant of an operator's licence under Section 55 of the Act are reproduced in Appendix 1 to the report. The procedure is divided into two sections, the first relates to an Operator wishing to conduct his business from residential premises and the latter in regard to an Operator wishing conduct his business from commercial premises. Current procedures require the Council to consult with Essex Fire and Rescue and with Essex Police. No more than two vehicles may be operated from residential premises.

ISSUES/PROPOSALS

3. The Act does not provide grounds for the refusal by the Council to grant to a person a licence to operate a limited number of vehicles from residential premises. The only grounds for refusal are those relating to whether the applicant is a fit and proper person or ineligible by reason of his immigration status.
4. The absence of available parking and the likelihood of increased congestion around a residential Operator's base may give cause for concern to local residents. Some local authorities have attempted to impose a condition on licence which prohibits more than a specified number of private hire vehicles being parked within a specified distance of the Operator's base. Whilst this would at first sight appear to be a sensible measure to limit congestion around a residential Operator's base, some legal commentators have suggested that such a condition is not justified by the law. Furthermore, any vehicle which is insured,

taxed and has a current MOT may be parked at any legitimate parking place on the public highway subject to parking restrictions. It is difficult to see how a local authority can remove such rights by imposing a condition on a licence.

5. An Operator working from residential premises may need to obtain Planning Consent. Some local authorities require this to be obtained before an application for an Operator's licence will be considered. The counter position is that licensing and planning functions are distinct requirements and should be dealt with independently. The latter accords with comparable provisions under the Licensing Act 2003 and the Gambling Act 2005 where the grant of a premises licence is not contingent on the existence of planning consent.
6. Essex Police have advised that they do not require notification of an application for an Operator licence and will not make representations.
7. Adoption of revised procedures, attached as Appendix 2 to the report, for the grant of an Operator's licence is proposed. These proposals reflect the considerations set out at paragraphs 3 to 6 of the report. It will be made clear to all licence holders that grant of an Operator licence does not confer consent under any other legislation. Essex Police and Fire and Rescue will no longer be consulted.

IMPLICATIONS

Place (Includes Sustainability)

Licensing considerations are as set out in the report.

Author: Michael Pitt, Environment and Licensing Manager

Finance (Includes ICT)

None specific.

Author: Andrew Smith, Finance Manager on the behalf of Simon Freeman, Head of Finance and Deputy to the Managing Director

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

As contained within the report .

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

Subject to these changes, Section 55(3) Local Government (Miscellaneous) Provisions Act 1976 will still allow Members the right to attach conditions to the grant of a private hire operator licence where they consider it reasonably necessary to do so.

Author: Simon Hill, Head of Governance

Appendices

Appendix 1 – Existing Procedures for Grant of an Operator Licence using
Commercial and Residential Premises

Appendix 2 – Proposed Procedures for Grant of an Operator Licence

Background Papers

None

Glossary of terms/abbreviations used

The Act – The Local Government (Miscellaneous Provisions) Act 1976

Licensing Committee

12th March 2019

Appendix 1

Existing procedures for grant of an Operator licence
using Commercial and Residential Premises

PRIVATE HIRE OPERATOR LICENSING USING RESIDENTIAL PREMISES

Procedure for the grant, renewal or transfer of a Private Hire Operator licence

General Information

A private hire vehicle may only be despatched to a customer by a private hire operator. An 'Operator' is a person who holds an operators' licence granted under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

A private hire operator's licence is valid for a maximum period of 60 months.

A residential private hire operator may operate a maximum of 2 vehicles.

The Licensing Team advise that applicants check that use of their premises to operate private hire vehicles will not breach covenants or planning consent.

Making an application for the first time

An application for an operator's licence must be made in writing accompanied by the correct fee to: Harlow Council, Licensing Team, Civic Centre, The Water Gardens, Harlow, Essex. CM20 1WG

A copy of the application **must** be sent by the applicant to: Essex Police Divisional Licensing Unit, Harlow Police Station, Crown Gate, Harlow, Essex CM20 1HG

The Licensing Team shall process the application as follows;

Enquiries shall be made as to whether the applicant is a 'fit and proper' person to be granted a private hire operator licence. This will be done primarily through basic checks made with the Disclosure and Barring Service (DBS).

An inspection will be made of the premises to ensure that it is suitable for use.

The Licensing Team will consult with Essex Police

A copy of the application will be sent to Essex Fire and Rescue

The applicant shall display a notice of the application at their premises.

Determination of Applications

Harlow Council Licensing Team shall determine of all non-contentious applications.

Contentious applications shall be determined by the Licensing Subcommittee or by the Environment and Licensing Manager under delegated authority.

Reasons why an application may be deemed contentious may include:

- a) DBS disclosure information gives concern that the applicant might not be a 'fit and proper' person.
- b) Relevant objections or adverse comments have been received by the Council.
- c) The premises are not suitable for the intended use.

Renewal Application

An application for renewal of an operator's licence must be made in writing accompanied by the correct fee to the above address.

Arrangements to inspect the operator's premises shall be undertaken where necessary to determine whether they remain suitable for use.

At specified intervals, repeat basic DBS checks will be undertaken.

Determination of Renewal Applications

The Licensing Team shall determine non-contentious renewal applications.

The Licensing Subcommittee or Environment and Licensing Manager under delegated authority shall determine contentious applications.

Reasons why a renewal application may be deemed contentious may include:

- a) Periodic DBS checks indicate the applicant may no longer be 'fit and proper'.
- b) Complaints regarding the operation of the private hire operator's licence have been received during the preceding licensing period.
- c) A relevant objection has been received to the renewal of the licence.
- d) The premises are no longer suitable for use.
- e) Council conditions or legal requirements have not been complied with under a previous licence.

Transfer of an existing licence

An application for transfer of an operator's licence must be made in writing signed by the transferor and transferee and accompanied by the correct fee to the licensing team at the address above.

Enquiries will be made as to whether the applicant is a 'fit and proper' person to hold a private hire operator's licence. This is done primarily through a check made with the Disclosure and Barring Service (DBS)

Harlow Council Licensing Team shall consult Essex Police.

Determination of Transfer Applications

The Licensing Team shall determine all non-contentious transfer applications.

The Licensing Subcommittee or the Environment and Licensing Manager under delegated authority shall determine contentious applications.

Reasons why a transfer application may be deemed contentious may include:

- a) DBS disclosure information gives concern that the applicant may not be a 'fit and proper' person.
- b) Relevant objections have been received to the transfer of the licence.
- c) The premises are not suitable for their intended use.

Conditions: All licences are subject to compliance with Harlow Council's 'Standard Conditions' as well as any specific conditions relevant to the licence concerned.

Further Information: This advice note has been designed to answer the usual enquiries received regarding the granting of a Private Hire Operators licence. It is not intended to cover all the legal requirements. Further information and advice can be obtained from the Licensing Team, Civic Centre, The Water Gardens, Harlow, Essex CM20 1WG. Telephone (01279) 446005/446561.

Right of Appeal: An applicant may appeal to the Magistrates Court against the refusal of the local authority to issue a licence or the imposition of conditions on that licence under S55(4) of the Local Government (Miscellaneous Provisions) Act 1976.

PRIVATE HIRE OPERATOR LICENSING – COMMERCIAL PREMISES

Procedure for the grant, renewal or transfer of a Private Hire Operator licence

General Information: A private hire vehicle may only be despatched to a customer by a private hire operator. An ‘Operator’ is a person who holds an operator’s licence granted under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

A Private Hire Operator’s licence is valid for a maximum period of 60 months.

Persons applying for grant of a private hire operator’s licence are advised to check that their premises have the necessary planning consent.

Making a New Application

An application for an operator’s licence must be made in writing accompanied by a scale drawing of the premises and the correct fee to: Harlow Council, Licensing Team, Civic Centre, The Water Gardens, Harlow. Essex. CM20 1WG.

A copy of the application must be sent by the applicant to:

- a) Essex County Fire and Rescue, West Command, Rear of Harlow Fire Station, Fourth Avenue, Harlow, Essex CM20 1DU
westareacommand@essex-fire.gov.uk
- b) Essex Police Divisional Licensing Unit (Harlow), Harlow Police Station, Crown Gate, Harlow, Essex CM20 1HG

The one page “DISPLAY” copy of the application must be displayed on the outside of the premises for 28 days following the date that the fully completed application has been submitted to Harlow Council Licensing Team.

The application will be processed by the Licensing Team as follows:

Enquiries will be made as to whether the applicant is a ‘fit and proper’ person to be granted a private hire operator licence. This is done primarily through checks made with the Disclosure and Barring Service (DBS).

An inspection of the premises will be made to determine whether they are suitable for the intended use.

Harlow Council Licensing Team will consult with;

- a) Essex Fire and Rescue Service
- b) Essex Police
- c) Harlow Council Development Control

The applicant shall place a public notice of the application in a local newspaper.

Determining the Application

The Licensing Team shall determine non-contentious applications.

The Licensing Subcommittee or Environment and Licensing Manager under delegated authority shall determine contentious applications.

The reasons why an application may be deemed contentious may include:

- d) DBS disclosure information gives concern that the applicant may not be a 'fit and proper' person.
- e) Relevant objections have been received to the grant of the licence.
- f) Adverse comments have been received from one or more of the consultees.
- g) The premises are not considered to be suitable for their intended use.

Renewal Application

An application to renew an operator's licence must be in writing accompanied by the correct fee.

Arrangements to inspect the operator's premises shall be undertaken where necessary to determine whether they remain suitable for use.

At specified intervals, the renewal process will include repeat basic DBS checks.

Determining the Renewal Application

The Licensing Team shall determine all non-contentious renewal applications.

The Licensing Subcommittee or the Environment and Licensing Manager under delegated authority shall determine contentious applications.

Reasons why a renewal application may be deemed contentious may include:

- f) Periodic DBS checks indicate the applicant may no longer be 'fit and proper'.
- g) Complaints regarding the operation of the private hire operator's licence have been received during the preceding licensing period.
- h) A relevant objection has been received to the renewal of the licence.
- i) The premises are no longer suitable for use.
- j) Council conditions or legal requirements have not been complied with under a previous licence.

Transfer Application

An application for transfer of a private hire operator's licence must be in writing signed by the transferor and transferee accompanied by the correct fee.

Enquiries will be made as to whether the applicant is a 'fit and proper' person to be granted a private hire operator licence. This is done primarily through basic checks made with the Disclosure and Barring Service (DBS).

An inspection will be made of the premises to determine whether they are/remain suitable for the intended use.

Harlow Council Licensing Team will consult with Essex Police and Essex Fire and Rescue Service.

Determination of transfer Applications

The Licensing Team shall determine all non-contentious transfer applications.

The Licensing Subcommittee or Environment and Licensing Manager under delegated authority shall determine contentious applications.

The reasons why an application may be deemed contentious may include:

- a) DBS disclosure information gives concern that the applicant may not be a 'fit and proper' person.
- b) Relevant objections have been received to the transfer of the licence.
- c) Adverse comments have been received from the consultees.
- d) Premises are not suitable for their intended use.

Conditions: All licences are issued subject to compliance with Harlow Council's 'Standard Conditions' as well as any specific conditions relevant to the premises concerned.

Further Information: This advice note has been designed to answer the usual enquiries received regarding the granting of a Private Hire Operators licence. It is not intended to cover all the legal requirements and further information and advice may be obtained from the Licensing Team, Civic Centre, The Water Gardens, Harlow, Essex CM20 1WG. Telephone (01279) 446009/446005

Right of Appeal: An applicant may appeal to the Magistrates Court against the refusal of the local authority to issue a licence or to the imposition of conditions on the licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 S55(4) .

Licensing Committee

12th March 2019

Appendix 2

Proposed procedures for grant of an
Operator licence

PRIVATE HIRE OPERATOR LICENSING

Procedure for the grant of a Private Hire Operator licence

General Information

A private hire vehicle may only be despatched to a customer by a private hire Operator. An 'Operator' is a person who holds an operator's licence granted under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

A Private Hire Operator's licence is valid for a maximum period of 60 months.

Persons applying for grant of a private hire operator's licence are advised to check their premises have the necessary planning consent.

Making an Application

An application for an operator's licence must;

- Be made in writing, signed by the applicant
- Be accompanied by a scale drawing of the premises
- Be supported by a basic DBS disclosure (dated not more than 28 days prior to the date when the licence application is made)
- Be supported with any necessary further documentation to establish the applicant's right to work in the UK, see <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>
- Be supported with any necessary further information to establish that the applicant is a 'fit and proper person' to be granted a licence.

Completed applications must be sent to Harlow Council, Licensing Team, Civic Centre, The Water Gardens, Harlow. Essex. CM20 1WG accompanied by the correct fee. A visit may be made to the premises by a member of the licensing team.

The Licensing Team will notify Development Control (Planning Office) that an application for an Operator licence had been received. A copy of the application will be provided to Development Control.

Determining the Application

The Licensing Team shall determine non-contentious applications.

The Licensing Subcommittee or Environment and Licensing Manager under delegated authority shall determine contentious applications.

The reasons why an application may be deemed contentious may include:

- a) DBS disclosure information or any further relevant information has given concern that the applicant may not be a 'fit and proper' person to be granted a licence.
- b) The applicant is barred from holding a licence by means of his immigration status.

Conditions

An Operator licence is granted subject to Harlow Council's 'Standard Conditions' as well as any specific conditions relevant to the licence holder.

Further Information

This advice note has been designed to answer the usual enquiries received regarding the granting of a Private Hire Operators licence. It is not intended to cover all the legal requirements and further information and advice may be obtained from the Licensing Team, Civic Centre, The Water Gardens, Harlow, Essex CM20 1WG. Telephone (01279) 446009/446005

Right of Appeal

An applicant may appeal to the Magistrates Court against the refusal of the local authority to issue a licence or to the imposition of conditions on the licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 S55(4) .