

LICENSING COMMITTEE
Tuesday 18 January 2022 at 7.30pm
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. DFT Standards - Policy required on stretched limousines (Pages 6 - 11)
8. The relationship between Licensing and Community Safety policy areas (to follow)
9. Update following Street Drinking report in September 2021 (Pages 12 - 15)
10. References from Other Committees

Any references arising from meetings held after the publication of this agenda will be circulated separately.
11. 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**

16 November 2021

7.30 - 8.37 pm

PRESENT

Committee Members

Councillor Nick Churchill (Chair)
Councillor Clive Souter (Vice-Chair)
Councillor David Carter
Councillor Joel Charles
Councillor Maggie Hulcoop
Councillor Jodi Dunne
Councillor Andrew Johnson
Councillor John Steer

Officers

Hannah Criddle, Governance Support Officer
Michael Pitt, Environment and Licensing Manager
Adam Sherwood, Senior Licensing Officer
Denise Westwood, Assistant FCilex

21. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Gareth Williams.

22. **DECLARATIONS OF INTEREST**

None.

23. **MINUTES**

RESOLVED that the minutes of the meeting on 7 September 2021 are agreed and signed as a correct record by the Chair.

24. **MATTERS ARISING**

None.

25. **WRITTEN QUESTIONS AND PETITIONS**

None.

26. **COMMITTEE WORK PLAN**

Michael Pitt, Licensing and Environment Manager, advised that a report on Street Drinking would be added to the work plan for January 2022 and one

of the reports regarding DfT standards would be deferred until March 2021.

Councillor Hulcoop suggested that a report on changes to Council procedures as a result of the Covid-19 pandemic e.g. online driver licence applications be brought to Committee. Michael Pitt confirmed that this could be added to the work plan for March 2022.

RESOLVED that the work plan was noted.

27. **HARLOW COUNCIL FOOD SAFETY ENFORCEMENT PLAN 2021/2022**

The Committee received a report on the Food Safety Enforcement Service Plan for 2021/22.

RESOLVED that:

A The Committee approves the Food Safety Act Service Plan attached as Appendix A to the report.

28. **UPDATE REPORT FOLLOWING STREET TRADING POLICY CONSULTATION (CONSULTATION ENDS 24 AUGUST 2021)**

The Committee received a report on the adoption of Street Trading Policy.

The Committee agreed that further consultation be carried out with schools on the proposed 50m parking restriction for street traders.

RESOLVED that:

A The Committee consider the proposed street trading policy, as set out at Appendix 2 to this report, representations made on consultation concerning the proposed street trading policy, as set out in Appendix 1 to the report, and determine whether any amendments to the draft policy are required.

B Subject to A above, the Committee recommend to Full Council adoption of the proposed Street Trading Policy 2021 – 2026, as set out in Appendix 2 to this report.

C The Committee agreed that further consultation be carried out with schools on the proposed 50m parking restrictions for street traders.

29. **REVIEW GAMBLING LICENSING POLICY STATEMENT**

The Committee received a report on the proposed replacement Gambling Licensing Policy.

RESOLVED that:

A The Licensing Committee approve the issue of the proposed replacement Gambling Act Licensing Policy, as set out in Appendix 1 to the report, for consultation.

B A further report to be presented which shall set out any representations received following the proposed ten week consultation.

30. **REFERENCES FROM OTHER COMMITTEES**

None.

31. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

Licensing Committee Work Plan 2021/22

Tuesday 6 July 2021	Tuesday 7 September 2021	Tuesday 16 November 2021	Tuesday 18 January 2022	Tuesday 8 March 2022
Licensing Sub Committee Decisions 2020/21	Options to address street drinking from within the Licensing System	Harlow Council Food Safety Enforcement Plan 2021/2022	DFT Standards; Policy required on stretched limousines	DFT Standards; Review of taxi / private hire driver licence duration
Licensing Team Enforcement Activity & Service update 2020/21	DFT Standards; New requirements for private hire vehicle proprietors / operators and staff	Update report following Street Trading Policy Consultation (consultation ends 24 August 2021)	The relationship between Licensing and Community Safety policy areas	DFT Standards; Introduction of Language Proficiency Testing for taxi and private hire drivers
	Fees and Charges Review (as required)	Review Gambling Licensing Policy Statement	Update following Street Drinking report in September 2021	Update on changes to Licensing Procedures following Covid-19 Pandemic
				DFT Standards; overarching taxi and private hire policy; recommend consultation

Revision 5; amended 7 January 2022

REPORT TO: LICENSING COMMITTEE

DATE: 18 JANUARY 2022

TITLE: DEPARTMENT FOR TRANSPORT
STANDARDS - POLICY FOR STRETCHED
LIMOUSINES AND CHAUFFEUR VEHICLES

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND
LICENSING MANAGER
(env.health@harlow.gov.uk)

CONTRIBUTING OFFICERS: ROWLAND W WILSON,
SENIOR LICENSING OFFICER
(licensing@harlow.gov.uk)

ADAM SHERWOOD
PRINCIPAL LICENSING OFFICER
(licensing@harlow.gov.uk)

RECOMMENDED that:

- A** The Licensing Committee recommend to Full Council adoption of amended licensing policy as set out under Proposals below at paragraphs 11 to 14.
- B** Subject to A, the amended policy be implemented on approval by Full Council.

BACKGROUND

1. The Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, and its own policies and procedures.
2. Under the Policing and Crime Act 2017 the Secretary of State for Transport may issue statutory guidance on exercising taxi and private hire vehicle licensing functions, to protect children and vulnerable individuals who are over 18 from harm when using such services. On 21 July 2020 the Department for Transport (DfT) published statutory guidance in the form of Statutory Taxi and Private Hire Vehicle Standards, stating that the publication followed a number of high-profile incidents and issues highlighting risk to members of the public and to drivers. The standards reflect the significant changes within the industry in recent years, lessons learned in respect of safeguarding children and vulnerable adults, and cases of child sexual abuse and exploitation. Although the primary focus of the standards is on protecting children and vulnerable adults, it is expected by DfT that any passengers of these licensed vehicles will benefit from the recommendations, which aim to better regulate the taxi and private hire vehicle sector as a whole, and that the standards would address significant differences in standards applied to the licensing of drivers and vehicles across the country.
3. It is clear there is an expectation that these new standards will be implemented. Setting licensing policy does, however, remain the decision of the Council and where the Council is minded to depart from the new statutory standards it is possible to do so provided that there is clear and reasonable justification for the decision.

4. At its meeting of 17 November 2020, the Licensing Committee approved adoption of the standards and at its meeting of 19 January 2021 agreed the following recommendations:
 - a) The Committee determines that each of the Department for Transport (DfT) standards set out in the report below are appropriately allocated to the groups A-C in the report below, and note these matters set out under the heading Group A – No Policy Change Required.
 - b) Subject to A, the Committee recommends to Full Council the adoption of the policy changes set out at recommendation items 9-16 in the main agenda report under the heading in the report below; Group B – Policy Change Can be Recommended at This Time and recommendation items A and B for DfT standard 13 in the supplementary agenda report.
 - c) Subject to A, the Committee receive reports at future meetings in relation to the DfT standards set out under the heading Group C - Report to be Brought to a Future Meeting.
5. This report specifically deals with item 19 from Group C in the report that the Committee received on 19 January 2021.

ISSUES/PROPOSALS

6. At at Paragraph 7.14 and 7.14 the DfT Statutory Taxi and Private Hire Vehicle Standards document states:

7.14 “Limousines: Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to ‘school proms’ as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department’s view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.”

7.15 “Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.”

7. There are currently no such stretched limousines licensed to operate by Harlow Council. An enquiry was received in 2019 and the applicant started the licence process for two vehicles but subsequently sold the vehicles and withdrew their application. The Council would require stretched Limousines presented for licensing to meet its requirements for

private hire vehicles, including emission standards. The maximum passenger capacity that can be licensed by any Council is eight.

8. Imported vehicles must meet British or European Standards. Drivers of limousines and executive vehicles must complete the licensing application process, as must any other private hire driver. The Council has no policies in place to exclude limousines from the licensing process.
9. At present private hire vehicles must display door and roof signs and rear plates; these are not generally considered appropriate for chauffeur and limousine vehicles.
10. Currently all licensed vehicles must be tested/inspected at the Council's approved testing station. However, the current provider does not have a suitable ramp to carry out inspections of limousine type vehicles due to their size.
11. To provide for any future case policy is required for all executive, chauffeur and limousine applications, to include application criteria and external vehicle signage exemption.
12. It is proposed to amend the current condition regarding exemption from display of signage for private hire vehicles to read as follows:

14. Chauffeur Vehicles

Chauffeur vehicles are required to be licensed as private hire vehicles and be operated through a Licensed Operator in accordance with the 76 Act. However, regulation 75 (3) of the 76 Act allows the licensing authority to alter requirements for the display of plates. Harlow Council will not require that the vehicle displays a rear plate under clause 11 above, door panels under clause 13 or a roof sign under clause 23 where the vehicle meets the following requirements;

- The vehicle is an executive or prestigious vehicle,
- The vehicle is only operated in a manner which could reasonably be construed as chauffeuring where persons hire the vehicle and driver, and an appropriate standard of chauffeur service is provided
- The vehicle is not operated at any time for short trips, school runs, airport work and similar journeys which may be considered normal 'private hire work'.

The Council shall issue a certificate of exemption for vehicles that are not required to display plates which must be carried in the vehicle

13. It is proposed that for a limousine etc. that cannot be tested at the Council's approved testing station, an MOT be carried out at any suitably equipped testing station: however the vehicle shall then also be presented to the Councils approved testing station for a compliance test.
14. In addition to the current vehicle conditions, including the requirement that all vehicles must comply with the current emissions standard being Euro 4 (broadly 2006 onwards), it is proposed that the criteria and conditions set out in Appendix A shall apply to the licensing of stretched limousines.

IMPLICATIONS

Strategic Growth and Regeneration

The proposed policy changes will ensure that the Council's standards for private hire vehicle licensing apply reasonably to stretched limousine in the event of a relevant application.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

None specific.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

None specific.

Author: Andrew Murray, Director of Housing

Communities and Environment

None specific.

Author: Jane Greer, Director of Communities and Environment

Governance

As DfT's published licensing standards form statutory guidance to which the Council must have regard, it is appropriate to implement the recommendations unless there are exceptional local circumstances that indicate an alternative approach.

Author: Simon Hill, Director of Governance and Corporate Support

Appendices

Appendix A - Licence Criteria and Conditions Applicable to Stretched Limousines Licensed as Private Hire Vehicles in Harlow

Background Papers

Statutory Taxi and Private Hire Vehicle Standards [DfT]

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Glossary of terms/abbreviations used

DfT - Department for Transport

**LICENCE CRITERIA AND CONDITIONS APPLICABLE TO STRETCHED
LIMOUSINES LICENSED AS PHVs IN HARLOW.**

Definition: A stretched limousine for the purpose of licensing in Harlow shall be a vehicle modified as a stretched vehicle, such as a Ford Lincoln, Ford Excursion, Cadillac, Volvo or Mercedes, by a converter approved by the manufacturer.

Small limousines, that is, those with fewer than 9 passenger seats, will in almost all cases not be type approved to British or European standards and thus will need to prove compliance through the Individual Vehicle Approval Scheme (IVA), formerly known as the Single Vehicle Approval scheme (SVA).

The IVA scheme provides a pre-registration inspection for all passenger and goods vehicles that have not been type-approved to British or European standards. The main purpose of this scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads.

Before a vehicle is submitted to VOSA for an IVA inspection, evidence must be provided to demonstrate the modified vehicle's capability to operate at weights higher than the original vehicle's maximum gross weight where this will be exceeded when the vehicle is full of passengers. Key components such as the axles, suspension and brakes may have to be upgraded to take the extra weight of the converted vehicle, compared to the original base vehicle.

Evidence of an IVA inspection shall be required at the time of licence application.

A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B and S). The Council Private Hire Vehicle Standards allow for a category N write-off to be licensed.

Where the council's nominated garage is unable to fulfil the requirement of an MOT e.g. there is no large wheel-base ramp installed, the council shall accept an MOT from any VOSA Approved Testing Station. The vehicle will still have to attend and pass a Compliance Test at the Council's nominated garage.

The criteria for licensing these vehicles by Harlow Council will be the same as for private hire vehicles subject to the following **additional conditions**

1. The vehicle will be licensed for a maximum of eight passengers, and the applicant must confirm in writing that passenger numbers will be restricted to no more than 8 passengers.
2. Tinted windows must comply with the Road Vehicles (Construction & Use) Regulations 1986 in so far as the windscreen and front side windows are Concerned
3. The vehicle may be left hand drive provided it is fitted with a forward-facing camera on the offside of the vehicle (such as in the wing mirror) and a monitor displaying video from the camera and visible to the driver;
4. The correct type of tyres of both the appropriate size and the correct weight loading must be fitted.
5. A seat belt must be fitted for each seat in accordance with the Construction and Use Regulations and must be used by passengers;
6. Each passenger must be able to exit the vehicle on both sides of the vehicle by either a door or an emergency window exit. Childproof locks which prevent

- egress from the rear of the vehicle shall not be fitted or if fitted, shall be permanently disabled;
7. The vehicle will be required to pass a vehicle compliance inspection, before licensing and at intervals, as specified by the Private Hire Vehicle Conditions.
 8. Where alcohol is supplied it must be authorised under the Licensing Act 2003 and no alcohol shall be supplied to any person below the age of 18.
 9. A licence badge, issued by the Licensing Team shall be displayed on the front windscreen (not in the area swept by wipers)
 10. the vehicle shall be exempted from the requirements to display a plate identifying it as a Private Hire Vehicle, and in accordance with section 48 of the Local Government (Miscellaneous Provisions) Act 1976, will not have to be displayed on the rear of the vehicle. The exemption shall also apply to door stickers and roof signs.
 11. The exemption certificate issued in relation to Condition 10 shall be carried in the vehicle and available for inspection at all times.
 12. All granted applications shall be issued with an exemption certificate. (Appendix B).

REPORT TO: LICENSING COMMITTEE

DATE: 18 JANUARY 2022

TITLE: STREET DRINKING AND LICENSING CONTROLS UPDATE

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING MANAGER
(env.health@harlow.gov.uk)

CONTRIBUTING OFFICER: ADAM SHERWOOD, PRINCIPAL LICENSING OFFICER
(licensing@harlow.gov.uk)

RECOMMENDED that:

- A The Licensing Committee note the content of the report.
- B A further report be presented to the Licensing Committee to update on progress towards reducing Street Drinking in the Town Centre.

BACKGROUND

1. Street drinking may cause an adverse effect on the sense of security and wellbeing of users of public spaces which may in turn impact the viability of business seeking to trade in such spaces.
2. Harlow Council is a licensing authority for the purposes of the Licensing Act 2003 (the Act) which regulates the supply of alcoholic beverages, and in this capacity may have an influence on the availability of alcohol to people engaging in street drinking.
3. The Local Government Association (LGA) have provided support to licensing authorities in the form of their “Reduce the Strength” guidance, aimed at ensuring that certain types of low cost high alcohol content beverages associated with alcohol misuse are not available in areas where issues have been identified.
4. The LGA however in its guidance makes clear that schemes that are likely to be successful are developed:
 - a) After fact finding
 - b) In collaboration with agencies having a range of insights
 - c) With the cooperation of the majority of businesses affected

ISSUES/PROPOSALS

5. Following a report to Licensing Committee on 7 September 2021 this update aims to guide members with regards to progress on controls to reduce street drinking within the Town Centre.
6. The LGA Guidance and case studies suggest that for the successful implementation of a “Reduce the Strength” scheme to tackle Street Drinking, that the police and local authority enforcement teams are involved in the process. The Licensing Team has contacted Essex Police (Harlow) and the Community Safety Team and both have expressed a commitment to support any scheme of this nature.
7. There are 51 licensed premises in the Town Centre. The Community Safety Team and Essex Police have agreed to assess Town Centre premises and feedback to the Licensing Team to help identify any premises connected with perceived street drinking issues. Such premises are most likely to require additional interventions, however will be those where most impact can be made.
8. Initially, visits will be made to identified licensed premises in the town centre by officers in January and February 2022 to
 - a) Raise the issues
 - b) Reiterate that it is an offence to sell to people who are drunk
 - c) Reiterate and check on minimum pricing requirements
 - d) Propose voluntary measures including:
 - i) ceasing “single can” sales
 - ii) marking containers to show where they were bought
9. It is proposed as part of the first visit, a short inspection will take place to check for compliance issues such as displaying their Premises Licence Summary and a check of any records as part of any Age Verification Policy. Officers will introduce the issues that street drinking may cause and how this contributes to other social problems, information will be provided about how the Council intends to reduce the prevalence of Street Drinking and seek the views of the businesses as well. Visits shall provide an opportunity for premise owners to meet officers and ask any questions they may have.
10. The Licensing Team will attend the next Safer Harlow Partnership (SHP) meeting on 13 January 2022 to raise the issues around Street Drinking and the concept of establishing a Working Group and to identify partners, organisations or Responsible Authorities that are best placed to maximise the

Working Group's success. An earlier meeting scheduled for October was unfortunately cancelled.

11. It is recognised that mechanisms to reduce Street Drinking in the Town Centre may deliver directly into the Safer Harlow Partnership Workplan.

12. As the Council's Public Space Protection Order (PSPO) for the Town Centre is due for renewal August 2022 it will soon engage in consultation on any replacement Order; consideration will be given to how any PSPO can support the aims of reducing street drinking in the Town Centre.

CONCLUSION

13. Through careful and collaborative working, the team aim to bring forward a scheme reflecting the relevant parts of the LGAs "Reducing the Strength" guidance that will contribute to the enrichment of Harlow's public spaces in the town centre as well as having a positive influence on people's health.

14. The structure of the scheme is not fixed at this particular moment in time as to be successful it should be open to ideas and suggestions of any partnering organisations that may form part of the proposed Working Group.

IMPLICATIONS

Strategic Growth and Regeneration

As set out in the report.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

None specific.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

As outlined the report.

Author: Andrew Murray, Director of Housing

Communities and Environment

Action with partners that can reduce crime and perception of crime is expected to support community cohesion and wellbeing.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

A Public Spaces Protection Order made by the Council under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 came into effect on 5 August 2019. Restrictions apply, at any time, on the consumption of alcohol or having an

alcohol container, in the restricted town centre area unless subject to exemptions to premises or the curtilage of premises. Any person who, without reasonable excuse, continues drinking intoxicating liquor in the restricted area or fails to surrender any intoxicating liquor in their possession when asked to stop by an authorised officer, commits an offence. Measures suggested seek to lessen the likelihood of transgressing the order.

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

None

Background Papers

Reducing the strength: Guidance for councils considering setting up a scheme [LGA]

<https://www.local.gov.uk/case-studies/reducing-strength-guidance-councils-considering-setting-scheme>

Glossary of terms/abbreviations used

LGA - Local Government Association

PSPO – Public Space Protection Order

SHP – Safer Harlow Partnership