



MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 21 JULY 2011
TIME : 4.30 PM

MEMBERS OF THE COMMITTEE

Councillor M McMullen (Chairman)
Councillors W Ashley, P Ballam, E Bedford, R Beeching, E Buckmaster,
A Burlton, Mrs R Cheswright, K Crofton, J Demonti, N Poulton, J Taylor,
A Warman, N Wilson and B Wrangles

Substitutes:

Conservative Group: Councillors D Abbott, G Jones and P Ruffles
Liberal Democrat Group:
Independent Group: Councillor M Newman

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

CONTACT OFFICER: Linda Bevan

PERSONAL AND PREJUDICIAL INTERESTS

1. A Member with a personal interest in any business of the Council who attends a meeting of the Authority at which the business is considered must, with certain specified exemptions (see section 5 below), disclose to that meeting the existence and nature of that interest prior to the commencement of it being considered or when the interest becomes apparent.
2. Members should decide whether or not they have a personal interest in any matter under discussion at a meeting. If a Member decides they have a personal interest then they must also consider whether that personal interest is also prejudicial.
3. A personal interest is either an interest, as prescribed, that you must register under relevant regulations or it is an interest that is not registrable but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward(s) affected by the decision.
4. Members with personal interests, having declared the nature of that personal interest, can remain in the meeting, speak and vote on the matter unless the personal interest is also a prejudicial interest.
5. An exemption to declaring a personal interest applies when the interest arises solely from a Member's membership of or position of general control or management on:
 - any other body to which they have been appointed or nominated by the authority
 - any other body exercising functions of a public nature (e.g another local authority)

In these exceptional cases, provided a Member does not have a prejudicial interest, they only need to declare their interest if they speak. If a Member does not want to speak to the meeting, they may still vote on the matter without making a declaration.

6. A personal interest will also be a prejudicial interest in a matter if all of the following conditions are met:
 - the matter does not fall within one of the exempt categories of decisions
 - the matter affects your financial interests or relates to a licensing or regulatory matter
 - a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

7. Exempt categories of decisions are:
 - setting council tax
 - any ceremonial honour given to Members
 - an allowance, payment or indemnity for Members
 - statutory sick pay
 - school meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends
 - housing; if you hold a tenancy or lease with the Council, as long as the matter does not relate to your particular tenancy or lease.

8. If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that interest and its nature as soon as the interest becomes apparent to you.

9. If you have declared a personal and prejudicial interest, you must leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose. However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe proceedings.

AGENDA

1. Appointment of Vice-Chairman

To appoint the Vice-Chairman of the Licensing Committee for the Civic Year.

2. Apologies

To receive apologies for absence.

3. Declarations of Interest

To receive any Member(s)' declaration(s) of interest

4. Chairman's Announcements

5. Minutes (Pages 7 - 16)

To approve the Minutes of the meeting of the Committee held on 10 March 2011

6. Licensing Sub-Committee (Pages 17 - 38)

To receive the Minutes of meetings of the Licensing Sub-Committee held on 21 March 2011, 12 April 2011 and 24 June 2011.

7. Taxi driver NVQs (Pages 39 - 42)

8. Licensing Activities Quarter 1 and 2, 2011 (Pages 43 - 50)

9. Attendance at Licensing Sub-Committee (Pages 51 - 58)

10. Statement of Licensing Policy (Pages 59 - 64)

11. Amendments to taxi licensing policy (Pages 65 - 114)

12. Changes to Criminal Record Bureau (CRB) checks (Pages 115 - 120)
13. Delegated authority to suspend licences (Pages 121 - 124)
14. Introduction of Early Morning Restriction Orders and Late Night Levy
(Pages 125 - 130)
15. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information

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MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 10 MARCH
2011, AT 4.30 PM

PRESENT: Councillor M P A McMullen (Chairman)
Councillors W Ashley, P R Ballam,
A L Burlton, K A Barnes, R Beeching,
Mrs R F Cheswright, J Demonti, N C Poulton,
P A Ruffles, J J Taylor, R I Taylor and
N Wilson

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Assistant
Paul Newman	- Interim Licensing Manager

609 APOLOGY

An apology for absence was submitted on behalf of Councillor B M Wrangles.

610 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said there was an update in relation to Early Morning Restriction Orders. It was reported that in respect of Early Morning Restriction Orders, which Officers hoped to apply flexibly between midnight and 6 am.

The Authority now had much stronger powers to remove licences from or refuse to grant licences to any premises that had caused problems in the local area.

The Interim Licensing Manager stated that the aim was to extend the flexibility of Early Morning Restriction Orders to provide licensing authorities with an additional tool to shape and determine local licensing. Such an order could

stipulate that a licensed premises must close at midnight and could not re-open until 6 am.

Members were advised that a local levy could be applied as an additional fee when an application was received for a premises licence. The funds could then be used to support taxi marshalling or more generally to address issues arising from the night time economy.

The Licensing Process Manager stated that the Authority must determine how to apply these additional powers, the police as a responsible authority may have some helpful views on this issue.

611 MINUTES

RESOLVED – that the minutes of the meeting held on 4 November 2010 be confirmed as a correct record and signed by the Chairman.

612 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the meetings held on 14 and 25 October, and 6 December 2010 be received.

613 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Internal Services submitted a report on details of Members' attendance at meetings of the Licensing Sub-Committee held since 12 May 2010.

The Committee received the report.

RESOLVED – that the report be received.

614 LICENSING UPDATE - QUARTER 4 2010

The Director of Neighbourhood Services submitted a report presenting licensing data for the last quarter of 2010. This included information on alcohol, entertainment

and late night refreshment licences under the Licensing Act 2003; gaming licences under the Gambling Act 2005 and taxi drivers', vehicle proprietors' and operators' licences.

The Licensing Process Manager advised that the Statement of Licensing Policy had been approved by Council and would be published shortly.

The Committee was advised that the applicant for the Premises Licence at the former Chicago Rock Café in Bishop's Stortford was entitled to open the premises as No Where Bar, subject to the terms of the decision notice. Members were advised that the premises had not opened as the venue was being refurbished. The fact that the applicant had appealed to the magistrates court did not prevent the premises from opening as the appeal did not relate to a review.

The Committee was advised that, following the District and Parish Elections in May, Members would be offered Licensing Training in partnership with St Albans City and District Council. Key topics for this training would be the Licensing Act and Gambling Legislation.

The Interim Licensing Manager advised that funding from the County Council had been secured for head cams for Taxi Marshalls. CCTV was also available and appropriate signage was in place.

In response to a query from Councillor Mrs R F Cheswright, Members were advised that 50% of the funding had come from Hertfordshire County Council, so long as East Herts Council could match fund this support. Hertford Town Council had pledged £5,000. The Head of Community Safety and Licensing had applied for grant funding for the year ahead.

The Committee was advised that the Licensing Enforcement Team had achieved a 95% collection rate in respect of renewal fees. Where fees had not been paid,

this could justify a risk rating inspection by Officers.

The Enforcement Team had worked particularly hard to ensure taxi driver and vehicle information was up to date. A rolling 2 year penalty points system had been introduced for taxi drivers' licences.

In response to a query from Councillor R I Taylor, Members were advised that there would be a scale of penalty points for various offences. The Licensing Process Manager stressed that although this would mean less cases being reported to the Sub-Committee or the magistrates court, the more serious cases would appear before Members.

Members were advised that the numbers of applications for Temporary Event Notices (TENS) had increased in the run up to Christmas 2010. The number of applications for taxi driver/vehicle licences had also increased.

The Licensing Process Team had dealt with a steady flow of 431 applications for quarter 4 in 2010. There had been five Sub-Committee meetings, of which the review hearing for The Sugar Hut in Hertford had proved the most challenging.

The Committee received the report.

RESOLVED – that the report be received.

615 CERTIFICATION OF FILMS

The Director of Neighbourhood Services submitted a report informing Members of the Licensing Authority powers under the Licensing Act 2003 to authorise public screening of films.

It was reported that the Licensing Authority had responsibility for authorising public film exhibitions. Premises Licences and Club Premises Certificates that authorised film exhibition had to include a condition that

admission of children to films be restricted in accordance with recommendations given by the British Board of Film Censors (BBFC) or Licensing Authority. The Licensing Authority had to take Statutory Guidelines into account when authorising films.

The Licensing Authority might consider a request to authorise a film which had been classified by the BBFC where a distributor was appealing against the decision of the BBFC or an independent party requested that the Licensing Authority reclassified or authorised the film for local screening.

The Licensing Authority should be primarily concerned with the protection of children from harm. It should refer to the BBFC guidelines which were nationally accepted and understood. Film exhibition authorisations would only apply to the area covered by the Licensing Authority.

Details of certification (including age restrictions) could be included on the Council's website. It was the applicant's responsibility to ensure the film did not contravene the law.

The Licensing Committee was asked to decide whether film certification should be delegated to Officers and the Licensing Sub-Committee in accordance with the procedure set out in Essential Reference Paper 'B' of the report now submitted.

Councillor R I Taylor stated that Local Authorities in London often issued certificates where general certification by the BBFC had not resulted in a film being rated as 18. In response to a query from Councillor N C Poulton in relation to holiday videos, Members were advised that a certification by the Authority would be required for a public viewing or where the public had been invited to regulated entertainment where there was a charge for attending.

The Interim Licensing Manager stated that a sensitive

local issue in East Herts could result in a request for a film to be reclassified. The Committee was advised that there was a risk of the Authority receiving frivolous applications.

Members were advised of the circumstances whereby the Authority could receive a request to authorise the re-classification of a film. Members might also have to authorise the rating of a movie that was unclassified by the BBFC.

In addition, the Licensing Authority might be requested to authorise a small scale unclassified film e.g. for a film festival or a one-off showing or a trailer, which may not have a BBFC Classification. In most cases however the issue of a film certification would not be necessary as most films already have a BBFC rating.

The Interim Licensing Manager stated that decisions could be delegated to Officers in certain circumstances. Officers could make a decision on a film that was clearly worthy of a U or 18 rating. In response to a comment from Councillor Poulton on what constituted a film, Members were advised that a film was any exhibition of moving pictures.

Applicants were required to apply not less than 28 days prior to an event. Officers would be reactive in relation to such requests.

In relation to a query from Councillor R I Taylor regarding R18 rated movies being shown in sex shops, Members were advised that there were no R18 rated cinemas in East Herts and similarly there were no sex shops authorised to sell such movies. R18 rated films could not be sold by mail order. On that basis, the Authority would not consider applications for R18 style movies where there was no BBFC classification.

Councillor Poulton asked how the Authority would publicise the new arrangements. The Interim Licensing Manager stated that it was for applicants to be aware of

the new regulations. It was not the role of Officers to publicise the new guidance around BBFC classifications.

RESOLVED – that the power to issue certificates authorising film exhibitions be delegated to Officers and the Licensing Sub-Committee.

616 LICENSING IMPLICATIONS OF ROYAL WEDDING

The Director of Neighbourhood Services submitted a report on the relaxation of licensing laws for the Royal Wedding on 29 -30 April 2011 and some ancillary information about road closures for street parties.

The Government had decided that an additional 2 hours for alcohol sales would be allowed on alcohol licensed premises from 1 am. Some Temporary Event Notices (TENs) were anticipated for street parties where no alcohol would be served, although the number of applications should be low. Hertfordshire County Council had agreed to administer road closures for street parties to celebrate the event.

The Committee received the report.

RESOLVED – that the report be received.

617 TAXI PARKING ENFORCEMENT

The Director of Neighbourhood Services reported on taxi parking in Hertford. This had been investigated following concern expressed by Members at the previous meeting.

Taxis had been queuing outside the designated taxi rank in Railway Street. These were partially parked on the footway posing a safety hazard to pedestrians. The Parking Manager had been asked to ensure that parking restrictions were enforced in the area particularly through the issue of Penalty Charge Notices (PCNs). He had been asked to liaise with the Police to enlist their support.

The Parking Manager had suspended the five minute observation period in Railway Street. He reported that parking enforcement had been carried out at hourly intervals, despite some hostility and threats to Civil Enforcement Officers (CEOs) from taxi drivers. 3 PCNs had been issued but none of these went to taxi drivers as they moved away when approached.

Parking Services proposed to advertise a Traffic Regulation Order designating the Fore Street rank the main rank for the town and converting some bays to free parking for a short period. This might help the problem.

In response to a number of concerns from Members, the Interim Licensing Manager advised that Officers had not encountered any resistance from Hertford's taxi drivers, which would tend to indicate that they were not worried about losing trade.

Councillor J Demonti said that taxi drivers should be issued penalty points for abusive behaviour towards CEOs.

The Committee received the report.

RESOLVED – that the report be received.

618 TAXI LICENSING FEES

The Director of Neighbourhood Services submitted an update in respect of changes to fees and charges in relation to Taxi Licensing, which had been subject to consultation and would come into effect on 1 May 2011.

The increases equated to an 11% rise. A new driver would now pay £200, half of which was a deposit with the remainder paid on approval of the licence. The fee for renewing a licence would be £100.

The Committee noted the report.

RESOLVED – that the report be noted.

The meeting closed at 5.53 pm.

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 21 MARCH 2011,
AT 10.00 AM

PRESENT: Councillor R I Taylor (Chairman)
Councillors N C Poulton and M P A McMullen

ALSO PRESENT:

Councillors P A Ruffles and
Mrs R F Cheswright

OFFICERS IN ATTENDANCE:

Linda Bevan	- Committee Secretary
Paul Newman	- Interim Licensing Manager
George Robertson	- Legal Services Manager

ALSO IN ATTENDANCE:

Mr B	- Applicant
Mr D	- Applicant
Mr M	- Applicant

43 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor N C Poulton and seconded by Councillor M P A McMullen that Councillor R I Taylor be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED - that Councillor R I Taylor be appointed Chairman of the Licensing Sub-Committee for the meeting.

44 MINUTES

RESOLVED – that the Minutes of the meetings of the Licensing Sub-Committee held on 14 October 2010 and 6 December 2010 be confirmed as a correct record and signed by the Chairman.

45 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 as amended to exclude the press and public during consideration of the business referred to in Minutes 47,48 and 50 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

46 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION TO VARY A PREMISES LICENCE AT TESCO STORES LTD, BISHOPS PARK CENTRE, LANCASTER WAY, BISHOPS STORTFORD CM23 4DD

The Chairman announced that this item had been withdraw.

RESOLVED – that the withdrawal of the item be noted.

47 CONSIDERATION OF A STAGE OF AN APPLICATION TO BE A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER - MR B

The Chairman explained that the Sub-Committee had excluded the press and public but that two Members of the Licensing Committee were present. On being asked all applicants agreed they could stay in the meeting. The applicants not under consideration left the meeting in each case.

The Chairman outlined the procedure to be followed and

those present were introduced.

The Interim Licensing Manager gave some details of a conviction which had been revealed when the application was made. He said it was a long time ago and the applicant had given a full explanation which was attached to the report now submitted.

The applicant added that the incident was a one-off event. He had not returned to refereeing although there were new rules and regulations governing the behaviour of parents at football matches. He said he had not intended to complete his first application incorrectly. He had been driving for 40 years and had a clean driving licence.

The Sub-Committee noted the representations and the Chairman announced the decision of the Sub-Committee which was that the application be allowed to proceed.

RESOLVED - that the application be allowed to proceed.

48 CONSIDERATION OF A STAGE OF AN APPLICATION TO BE A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER - MR D

The Chairman outlined the procedure to be followed and those present were introduced.

The Interim Licensing Manager gave some details of a conviction which had been revealed when the application was made. He said it was a long time ago and the sentence had been minimal.

The applicant gave a full account of the incident. He said he had accepted being "bound over" rather than making a court appearance at the time as he had not realised it would appear on his record. He said he was of good standing and had not been in trouble since. He had no problems dealing with the public and had managed a large group of people.

The Sub-Committee noted the representations and the Chairman announced the decision of the Sub-Committee which was that the application be allowed to proceed to the next stage.

RESOLVED - that the application be allowed to proceed to the next stage.

49 CONSIDERATION OF A STAGE OF AN APPLICATION TO BE A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER - MR G

The Chairman announced that this item had been withdrawn.

RESOLVED - that the withdrawal of the item be noted.

50 CONSIDERATION OF A STAGE OF AN APPLICATION TO BE A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER - MR M

The Chairman outlined the procedure to be followed and those present were introduced.

The Interim Licensing Manager gave some details of a conviction which had been revealed when the application was made. He explained that failure to give a specimen was treated as seriously as drink driving to ensure the public did not escape a charge for this offence by avoiding providing evidence.

Councillor Poulton asked about another offence and the applicant gave an explanation.

The applicant also explained the other offence in that he had not intended to drive the vehicle concerned as it had broken down. He said he regretted the incidents which had occurred in his youth. He now had a wife and four children. He lived in Luton but was applying for a licence in East Herts as he hoped to move closer to the area. He was not working at the moment but had a chance to work in Hertford as a taxi driver if he obtained his licence.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and Committee Secretary to consider the evidence.

Following this, they returned and the Chairman announced the decision of the Sub-Committee which was that the application should be allowed to proceed subject to the comments now detailed.

RESOLVED - that the application be allowed to proceed to the next stage but the applicant be reminded of the need to co-operate with the Police at all times and that if he fails to do so this could be regarded very seriously by the Licensing Sub-Committee in future.

The meeting closed at 10.40 am

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
MEETING ROOM A AND B -
CHARRINGTONS HOUSE, BISHOP'S
STORTFORD ON TUESDAY 12 APRIL
2011, AT 10.00 AM

PRESENT: Councillor N C Poulton (Chairman)
Councillors P R Ballam and R I Taylor

ALSO PRESENT:

Councillors Mrs R F Cheswright, M P A
McMullen and P A Ruffles

OFFICERS IN ATTENDANCE:

Linda Bevan	- Committee Secretary
Paul Newman	- Interim Licensing Manager
George Robertson	- Legal Services Manager
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SNOWLEY WINE AND BEER, 2 SNOWLEY PARADE,
MANSTON DRIVE, BISHOP'S STORTFORD CM23 5EP

Mr Fiaz	- Representing the applicant
Mr Munawar	- "
Councillor M Wood	- Ward Member

THE GOOD INTENT, 16 STATION ROAD,
SAWBRIDGEWORTH CM12 9JY

Mr J Rudkin	- Leaseholder
Ms D Barton	- Objector

STAGE OF APPLICATIONS TO BE A TAXI DRIVER

Mr G	- Applicant
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Mr D - Applicant

THE FOUNTAIN, 7 STATION ROAD, BISHOP'S
STORTFORD CM23 3BJ

PC L O'Connell - Herts Constabulary
PC J Ivens - "

51 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor P R Ballam and seconded by Councillor R I Taylor that Councillor N C Poulton be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor N C Poulton be appointed Chairman of the Licensing Sub-Committee for the meeting.

52 MINUTES

RESOLVED – that the Minutes of the meetings of the Licensing Sub-Committee held on 21 March 2011 be confirmed as a correct record and signed by the Chairman.

53 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 as amended to exclude the press and public during consideration of the business referred to in Minutes 56 and 57 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

54 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005
(AS AMENDED) - APPLICATION FOR A PREMISES
LICENCE AT SNOWLEY WINE AND BEER, 2 SNOWLEY
PARADE, MANSTON DRIVE, BISHOP'S STORTFORD
CM23 5EP

The Chairman outlined the procedure to be followed in considering the application. All those present for it were introduced.

The Interim Licensing Manager outlined the application which was for a new premises licence for an off-licence at 2 Snowley Parade, Manston Drive, Bishop's Stortford. He said that the premises had been an off-licence in the past. The Police had not objected to the application but some objections had been received from local residents. The objections included problems with anti-social behaviour, public nuisance and noise for residential accommodation. In addition, the safety, health and welfare of young people because of underage alcohol and cigarette sales was a concern. The Officer said that test sales to prevent such underage sales were carried out by Herts County Council at off-licences in the area. He expected snacks e.g. crisps and peanuts would be sold but no hot "takeaway" food.

Mr Fiaz explained that the applicant was unable to attend the meeting as he was attending a funeral in Pakistan. Mr Munawar explained that the off-licence would be run as part of the family business. They already operated a number of similar premises. The Challenge 25 scheme would be operated strictly as it was at their other premises. CCTV would be in operation inside and outside the premises. The staff would be Personal Licence Holders. The management would work closely with the Police and Local Authority and were fully aware of their responsibilities. Past experience had shown that when the premises first opened there would be attempts to purchase alcohol for or by underage people but, if these were firmly resisted, the situation would resolve itself. They had agreed with the Police that the premises would open until 10 p.m. only for a trial period although the application was for a later opening time. They intended to consult the Police about opening later at the end of the trial period.

Councillor M Wood, a Ward Member said that the premises were surrounded by and very close to residential properties. There had been problems in the past. Everybody had worked

very hard to resolve these issues and residents would like the premises to close at 10 p.m. so these improvements could be built upon.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and Committee Secretary to consider the evidence.

Following this they returned and the Chairman announced the decision of the Sub-Committee which was that the application be approved as now detailed.

RESOLVED - that the premises licence be granted for 7 a.m. to 10 p.m. on all days subject to the following conditions:

1. 25 Challenge Policy to be adopted;
2. Drinking of alcohol not permitted in the premises;
3. Effective CCTV to be in operation in and around the premises;
4. Accredited Proof of Age only to be accepted e.g. photo driving licence, passport, official identity card issued by H.M. Forces; and
5. Refusal book to be maintained.

55 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION FOR A NEW PREMISES LICENCE AT THE GOOD INTENT, 16 STATION ROAD, SAWBRIDGEWORTH CM21 9JY

The Chairman outlined the procedure to be followed in considering the application. All those present for it were introduced. He explained that some representations had been received from Councillor A Dodd, a Ward Member expressing concern at the application and, with the agreement of all parties, this was circulated at the meeting.

The Interim Licensing Manager outlined the application which was for a new premises licence at The Good Intent, 16 Station Road, Sawbridgeworth. He circulated a plan of

Sawbridgeworth. He said that Sawbridgeworth had a high concentration of licensed premises particularly in the vicinity of The Good Intent public house. There had been eleven objections from residents but two of these had been withdrawn once agreement had been reached with the Police to apply for an extra hour only on Friday and Saturday. Residents had objected because of shouting and swearing from the pub's customers, litter and street fouling and loud music from the pub at the weekends. The Officer had circulated by e-mail a copy of an objection that had been missed from the agenda. He said that, if the old licence was surrendered when the new one was granted, music outdoors would be more restricted than currently.

Mr Rudkin, the leaseholder of the premises, said he was conscious of the need not to disturb neighbours and tried to be a good neighbour. Environmental Health Officers had inspected the music speakers and were satisfied with them. He read out a letter which confirmed that there was a noise limiter on the musical equipment at the pub. He said he always turned down the volume of music when asked to do so. He allowed his neighbours to park in the car park for the pub. Local people often attended barbeques on the patio and their children were allowed to play in the car park. These events finished by about 7.30 p.m. The restriction on music outside the pub was intended to cover live bands.

Mr Rudkin said the ban on smoking in the pub had caused problems because noise escaped from the pub when doors were opened for people to go outside which could disturb neighbours. He had been informed that neighbours were keeping diaries of noise from the premises by Environmental Health Officers but had heard no more about this. He had never told anyone complaining they should move if they did not like it. He did not want to open earlier in the day because he had found he did not have enough custom to make it worthwhile. He had served a TEN (temporary event notice) for a 21st birthday party until 2 a.m. in April and provided responsible bar staff for this. The pub had also been one of the few not closed down on May Day when the Police dealt with widespread disorder in Sawbridgeworth. Moreover, staff

had sought to police the situation themselves with the consent of the Police. Mr Rudkin said he was applying for the extra hours as the pub was for sale by the brewery but he had been told it could take up to 15 months to sell. He said he did not intend to serve late night refreshments (hot drinks or food).

Ms Barton, one of the objectors, asked what could be done if conditions attached to the premises licence were breached. The Chairman explained this could be reported to Council Officers who would take appropriate action.

Ms Barton said she had heard that residents had found staff unhelpful when they went into the pub to complain about noise. Residents had to ring the Police to get anything done. She said the Police had been called about the 21st birthday party and people had not finally left until 3 a.m. She had organised a petition of people who were against the extension of hours. Many of the people who signed the petition were happy for the pub to open until 11.30 p.m. but not later.

Ms Barton said she was concerned that the elderly and children in particular would be affected by noise from the pub. This was of particular concern when the weather got warm and music was playing outside. She complained of anti-social behaviour, urinating and vomiting in the street. Bottles had been thrown into gardens and cars had been vandalised. Customers parked in her private parking space because the pub car park was in use. She had not been in the pub to complain because she was a single parent and could not leave her child alone at night.

She asked Mr Rudkin if he would still be running the pub if it was sold and he told her he did not know.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and Committee Secretary to consider the evidence. Following this they returned and the Chairman announced the decision of the Sub-Committee which was that the application be approved as now detailed.

RESOLVED - that the premises licence be granted for the sale of alcohol as follows:

Mon to Thurs

Alcohol sales	3p.m. to 11 p.m.
Premises closes	11.30 p.m.

Fri,Sat

Alcohol sales	12 noon to 12 midnight
Premises closes	12.30 a.m.

Sunday

Alcohol sales	12 noon to 11 p.m.
Premises closes	11.30 p.m.

Subject to playing of live music outside being restricted to 3 p.m. to 7 p.m. and the provision of late night refreshment being deleted.

Residents to be informed that they should contact the Licensing Officer/Environmental Health Officer if they have any complaints about noise or other problems with the premises.

56 CONSIDERATION OF A STAGE OF AN APPLICATION TO BE A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER - MR G

The Chairman explained that the Sub-Committee had excluded the press and public but that four Members of the Licensing Committee were present. On being asked the applicant agreed they could stay in the meeting.

The Chairman outlined the procedure to be followed and those present were introduced.

The Interim Licensing Manager gave some details of the applicant's criminal record. The applicant had given

information on this on his application. The Sub-Committee were asked to decide if he was suitable to be a taxi driver in the light of this.

The applicant said he was young and stupid when the incidents occurred. He gave a full account of them and said they had arisen from breaking up with a girlfriend. He now wanted to move on in life with his new girlfriend.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and Committee Secretary to consider the evidence.

Following this, they returned and the Chairman announced the decision of the Sub-Committee which was that the application should be allowed to proceed subject to the comments now detailed.

RESOLVED - that the application be allowed to proceed to the next stage but the applicant be informed that the Sub-Committee wishes to give him a chance to work as a taxi driver but is concerned about his previous record and reminds him he will be responsible for passengers in the future and the Sub-Committee will take a serious view if it has to consider any future misdemeanours.

57 CONSIDERATION OF A STAGE OF AN APPLICATION TO BE A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER- MR D

The Chairman explained that the Sub-Committee had excluded the press and public but that four Members of the Licensing Committee were present. On being asked the applicant agreed they could stay in the meeting.

The Chairman outlined the procedure to be followed and those present were introduced.

The Interim Licensing Manager gave details of the applicant's criminal record which had been shown by a CRB (Criminal

Records Bureau) check. None of the convictions had been declared on the application form. The Sub-Committee was asked to decide whether the applicant was suitable to be a taxi driver in the light of this.

The applicant gave further details of the incidents on his criminal record. He said he had worked in the City and travelled extensively since then and the incidents were in the past. He felt he had paid for them. He had not been able to remember all the details when he completed his application form but knew they would be on the CRB check. He had been working for his father in recent years and would be able to find taxi work with him if he obtained a taxi driver's licence.

RESOLVED - that the application should not proceed to the next stage because the Sub-Committee does not feel the applicant has taken his previous criminal record seriously enough and should consider reapplying at a later date (after August 2012) and giving a more detailed account of his criminal record with the application.

58 LICENSING ACT 2003 S 105 - CONSIDERATION OF POLICE OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE AT THE FOUNTAIN, 7 STATION ROAD, BISHOP'S STORTFORD CM23 3BJ

The Chairman had agreed to take this item as urgent business in the interests of the efficient administration of the Licensing process and it was not likely to involve the disclosure of exempt information.

The Chairman outlined the procedure to be followed in the consideration of the objection to the temporary event notice (TEN). All those present for it were introduced.

The Interim Licensing Manager explained the actions available to the Sub-Committee in considering the Police objection to the TEN for an event at The Fountain, Station Road, Bishop's Stortford which would finish at 4 a.m. on 4 May 2011. It was noted that the applicant was not present

and the Officer said he had spoken to him recently and he knew the objection to the notice would be considered at this meeting.

The Officer circulated a map of Bishop’s Stortford and pointed out the location of the premises. He said that all the conditions on the premises licence e.g. CCTV, doorstaff would be suspended if the event was allowed. The applicant could have included these in the TEN if he wished the Police objection to be withdrawn. The conditions could not be attached at this stage.

John Ivens, for the Police, referred to the incidents detailed in the objection to the TEN. He said he did not see how allowing the premises to stay open until 4 a.m. would help the prevention of crime. Many of the incidents had related to excessive consumption of alcohol which would only be made worse by opening for longer.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and Committee Secretary to consider the evidence.

Following this they returned and the Chairman announced the decision of the Sub-Committee which was that the objection notice should be upheld.

RESOLVED – that the objection notice from the Police to the TENS be upheld in the interests of maintaining public order and preventing public nuisance.

The meeting closed at 12.20 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
MEETING ROOMS A AND B
CHARRINGTONS HOUSE, BISHOP'S
STORTFORD ON FRIDAY 24 JUNE 2011,
AT 10.00 AM

PRESENT: Councillor P Ballam (Chairman)
Councillors Mrs R Cheswright and
M McMullen

ALSO PRESENT:

Councillor P Ruffles

OFFICERS IN ATTENDANCE:

Linda Bevan	- Committee Secretary
Paul Newman	- Interim Licensing Manager
George Robertson	- Legal Services Manager

ALSO IN ATTENDANCE:

PC J Ivens	- Herts Constabulary
PC L O'Connell	- Herts Constabulary

1 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor M McMullen and seconded by Councillor R Cheswright that Councillor P Ballam be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor P Ballam be appointed Chairman of the Licensing Sub-Committee for the meeting.

2 MINUTES

RESOLVED - that the Minutes of the meeting of the Licensing Sub-Committee held on 12 April 2011 be confirmed as a correct record and signed by the Chairman.

3 LICENSING ACT 2003 S 105 - CONSIDERATION OF A POLICE OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE AT THE FOUNTAIN, STATION ROAD, BISHOP'S STORTFORD

The Chairman outlined the procedure to be followed in considering the application. All those present for it were introduced. It was noted that the applicant for the temporary event notice (TEN) was not present.

The Interim Licensing Manager outlined the details of the TEN which was for The Fountain, Bishop's Stortford to remain open for sales of alcohol, regulated entertainment and late night refreshment on 2 and 3 July from 10 p.m. to 4 a.m. This would be on the same day as a local festival (Cazfest) and could attract people who had been drinking all day and not eating properly. He said the Police had objected to the TEN.

PC Ivens, for the Police, said they were concerned that the additional opening hours would not uphold the Licensing objective of preventing crime and disorder particularly at a time when resources would be stretched.

He said the Police had tried to meet the applicant without success.

He gave details of serious incidents which had occurred since those outlined in the report circulated with the agenda. One incident continued to be a problem with acts of retribution involved.

The Police Officers and Interim Licensing Manager left the room during the Sub-Committee’s consideration of the representations. Following this, they returned and the Chairman of the Sub-Committee announced the decision of the Sub-Committee which was that a counter notice should be issued thereby upholding the Police objection as detailed below.

RESOLVED - that a counter notice be issued and the Police objection to the Temporary Event Notice be upheld in the interest of upholding public order.

The meeting closed at 10.30 am

Chairman
Date

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EAST HERTS COUNCIL

LICENSING COMMITTEE – 21 JULY 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

TAXI DRIVERS' NVQs.

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To inform members about uptake of training by taxi drivers to take a level 2 National Vocational Qualification (NVQ) in Road Passenger Driving.

<u>RECOMMENDATION FOR DECISION – that the report be received</u>

1.0 Background

- 1.1 This report presents information about the numbers of taxi drivers taking up an NVQ level 2 training opportunity, and the number of drivers successfully passing the qualification, and;
- 1.2 The facilities and support offered by the Licensing Service to the training organisation and candidates.

2.0 Report

- 2.1 Government targets for increasing adult education mean that any adult with qualifications below NVQ level 2 is entitled to Government funding for adult education, to bring their education up to NVQ level 2. A number of training organisations are offering the NVQ level 2 in Road Passenger Driving to taxi drivers and bus drivers, at no cost to the licensing authority or to their employer.
- 2.2 The NVQ requires a commitment by each candidate of 30 hours contact time with a tutor. Candidates undertake an initial literacy and numeracy assessment, and are offered additional help with this, if needed, to bring their skills up to a level where they will be able to undertake the NVQ coursework and exam.
- 2.3 Where a proportion of taxi drivers undertake the NVQ, this is expected to lead to a general increase in standards and

professionalism in the licensed trade, and increased confidence by candidates in their life skills and business skills. There is therefore an advantage to the Licensing Authority, as a higher proportion of licensed drivers will achieve confidence that they have enough skills to successfully run their own business.

- 2.4 East Herts Council provides a meeting facility free of charge to the training organisation, and assists with mail shots to canvass interest in taking the qualification, and facilitates an awards session for successful candidates to receive their certificates.
- 2.5 The first tranche of 14 candidates took the course provided by ABA Training Ltd, over 10 weeks, starting in February. Award of the certificates to successful candidates is planned to take place on 21 July, in the East Herts Council Chamber, immediately prior to this meeting.
- 2.6 Fifteen candidates commenced the course, of which 14 completed all stages and the exam, and all 14 have successfully achieved award of the certificate.
- 2.7 In addition, the Licensing Service has been active in helping larger companies to identify training organisations to provide the NVQ to taxi company employees, at their workplace.
- 2.8 A further NVQ training course, also run by ABA Training Ltd, is planned to take place at East Herts Council Offices this summer, and a further 17 candidates have attended the initial sign up sessions.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Member: Councillor M Alexander – Executive Member for
Community Safety and Environment

Contact Officer: Brian Simmonds – Head of Community Safety and
Licensing – Extn 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	This report is for information only consultation has taken place.
Legal:	No issues identified by report author or contact officer
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer

EAST HERTS COUNCIL

LICENSING COMMITTEE – 21 JULY 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

LICENSING ACTIVITY QUARTERS 1 and 2, 2011

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To update Members on activity in the Licensing section re;

- processing licences,
- enforcement activity: and
- other implementation of the Service Plan.

<u>RECOMMENDATION</u> that the report be received
--

1.0 Background

1.1 This report presents data by full quarters on processing and enforcement data, and Licensing Sub Committee involvement, on licences, notices, and permits, and applications including:

- Alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003,
- Gaming under the Gambling Act 2005,
- Taxi drivers, vehicle proprietors and operators.

1.2 This report also records developments in the service that implement the Service Plan.

2.0 Report

2.1 Essential Reference Paper B gives performance data for quarter 1- 1 January – 31 March 2011, and quarter 2 - 1 April – 30 June 2011. This contains the numbers of applications or notices received, and totals of current licences.

2.2 During this quarter the enforcement team have undertaken 49 visits or inspections. These have been analysed further and are recorded as:

- Taxi Inspections and Investigations 10
- Premises Complaints and Visits 39
- Gambling Premises visits 2
- Blue Notice visits 1
- Invoice Visits/chase ups 6
- House to House Collection complaints 0
- Taxi Camera Investigations 3
- TENS Complaints and Investigations 2

All complaints regarding taxis and premises have been fully investigated.

2.3 In respect of premises, the breaches of the licences have been addressed in accordance with the Licensing Enforcement Policy. In the previous report mention was made of a pending prosecution.

2.4 During the previous reporting period a large amount of effort had been made by the team to recover annual fees from licensed premises. During this period the number of visits has fallen dramatically. Invoices are still being collected at a rate of over 90%. Currently at the time of reporting there are 17 outstanding invoices.

2.5 Resident complaints have fallen very slightly, and 18 complaints were received compared to 22 in the last period. All resident complaints were investigated and action taken. These included visits, letters, and joint action with partners or enforcement in accordance with the East Herts Licensing Enforcement Policy. A significant complaint received during this period related to Sawbridgeworth May Fair.

2.6 A significant part of the enforcement team's work is to ensure that all documentation for taxi drivers and vehicles is current and licences are valid. During this quarter 76 letters were produced.

2.7 A new 'penalty points' system has been implemented, and has led to points being imposed against two drivers and one proprietor. It is hoped that this will contribute to improving drivers' and proprietors' behaviour, although it was not necessary to bring any existing taxi drivers to Licensing Sub-Committees for decision during this quarter.

2.8 In order to reduce service costs in line with the service plan, there is a proposal presented separately to this committee to replace taxi licensing decisions at Licensing Sub Committee, with decisions by a Licensing Panel.

2.9 Funding appears to have been secured for Taxi Marshalls, at a slightly reduced number of hours per week.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Member: Councillor M Alexander – Executive Member for
Community Safety and Environment

Contact Officer: Brian Simmonds – Head of Community Safety and
Licensing – Contact Tel Ext No 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	For information only, and no partner or external consultation has taken place.
Legal:	No issues identified by report author or contact officer
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer

Essential Reference Paper B
 Q1 2011 – 1 January 2011 to 31 March 2011

Licensing Act 2003			
Premises Licences			
	Variation;		
	<i>Tescos (Hertford)</i>		
	<i>Tescos (Bishops Stortford)</i>		
	<i>Tescos (Ware)</i>		
		3	
	Reviews;		
		0	
	Minor Variation;		
		0	
	Other Processes;		
	Disapply DPS	0	
	Transfer	4	
	Change DPS	10	
	Total number of premises licences re-issued		17
	New;		
	<i>Whitakers ()</i>		
	<i>Snowley Wine and Beer (Bishops Stortford)</i>		
	<i>The Good Intent (Station Road, Sawbridgeworth)</i>		
		3	
	Club Certificates		3
		0	
	Other licences and notices		
	Personal Alcohol Licence		
	New applications	2	
	Other processes	3	
			5
	Temporary Event Notices		
	1 January to 31 March 2011		
	Served	171	
	Police Objections	0	
	Objections upheld	0	
			171
	Gambling Act 2005		
	New and varied premises;	0	
	Gaming Machine Notices	0	
	Small Society Lotteries – New and renew	1	
			1
	Taxis		
	New Dual Drivers	8	

	Renewed Dual Drivers	25	
	New Private Hire Drivers	2	
	Renewed Private Hire Drivers	0	
	Total driver applications processed this quarter		35
	New Operators	0	
	Renewed Operators	1	
	Total Operator applications processed this quarter		1
	New Hackney Carriage	1	
	Renewed Hackney Carriage	34	
	New Private hire Vehicles	1	
	Renewed Private hire Vehicles	3	
	Change of Vehicle	11	
	Total vehicle applications processed this quarter		50
	All applications this quarter		283

Sub Committee hearings arranged this quarter;

Hertford Council Chamber at 10 a.m. 21/3/11	Vary Premises Licence (extension of hours)	Tesco Ware 5-6 West Street Ware Herts SG12 9EE
Hertford Council Chamber at 10 a.m. 21/3/11	Taxi driver applicant with conviction	Mr B
Hertford Council Chamber at 10 a.m. 21/3/11	Taxi driver applicant with conviction	Mr D
Hertford Council Chamber at 10 a.m. 21/3/11	Taxi driver applicant with conviction	Mr G
Hertford Council Chamber at 10 a.m. 21/3/11	Taxi driver applicant with conviction	Mr M

Q2 2011 – 1 April 2011 to 30 June 2011

Licensing Act 2003			
Premises Licences			
	Variation;		
	<i>The navigator (Ware)</i>		
		1	
	Reviews;		
		0	

Minor Variation		
<i>Standon Calling Music Festival (Standon)</i>	0	
<i>Brambles (Buntingford)</i>		
<i>Prezzo (Bishops Stortford)</i>		
Other Processes;		
Disapply DPS	0	
Transfer	7	
Change DPS	20	
Total number of premises licences re-issued		28
New;		
<i>Sworders Field (Cazfest, Bishops Stortford)</i>		
<i>Wareside Wines (Wareside)</i>		
<i>Wilkestock (A music festival)</i>		
<i>Stanstead Abbots River Festival (Stanstead Abbots)</i>		
<i>Zero Ristorante (Ware)</i>		
	5	
Club Certificates		
Other licences and notices		
Personal Alcohol Licence		
New applications	5	
Other processes	0	
Temporary Event Notices		
1 January to 31 March 2011		
Served	203	
Police Objections	2	
Objections upheld	2	
		216
Gambling Act 2005		
New and varied premises;		
Gaming Machine Notices		
Small Society Lotteries – New and renew	2	
		2
Taxis		
New Dual Drivers	8	
Renewed Dual Drivers	38	
New Private Hire Drivers	2	
Renewed Private Hire Drivers	0	
Total driver applications processed this quarter		48
New Operators		
Renewed Operators	2	

	Total Operator applications processed this quarter		2
	New Hackney Carriage	1	
	Renewed Hackney Carriage	27	
	New Private hire Vehicles	0	
	Renewed Private hire Vehicles	4	
	Change of Vehicle	7	
	Total vehicle applications processed this quarter		39
	All applications this quarter		335

Sub Committee hearings arranged this quarter;

11 am 12 April Stortford	New application Off licence with resident objection about potential under age sales and anti social behaviour	Snowley Beers & Wines, Snowley Parade, Bishop's Stortford CM23 5EP
12 April 2011	New Premises Licence application	Good Intent
	TEN objection –	The Fountain Station Road Bishops Stortford
24 June 2011	Ten Objection –	The Fountain Station Road Bishops Stortford

EAST HERTS COUNCIL

LICENSING COMMITTEE – 21 JULY 2011

REPORT BY DIRECTOR OF INTERNAL SERVICES

ATTENDANCE AT LICENSING SUB-COMMITTEES

WARD(S) AFFECTED: None

Purpose/Summary of Report

Members have asked for details of attendances at Licensing Sub-Committees including Members attending as observers. This was in order to show work was being shared equally. These are provided in Essential Reference Paper 'B'.

<u>RECOMMENDATION FOR DECISION</u>	
	that the report be received

1.0 Background

1.1 Members of Licensing Sub-Committees are drawn from the Members of the Council's Licensing Committee. These Members are required to complete appropriate training and attend meetings before serving on Licensing Sub-Committees.

2.0 Report

2.1 The tables in Essential Reference Paper 'B' give details of attendances at Licensing Sub-Committee during the last and current civic years.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Licensing Sub-Committee minutes

Contact Member: Councillor M Alexander, Executive Member for Community Safety and Environment.

Contact Officer: Jeff Hughes, Head of Democratic and Legal Support Services – Extn: 2170.

Report Author: Linda Bevan, Committee Secretary.

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives	Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i>
Consultation:	None
Legal:	The Council is required to ensure that licensing matters are dealt with by suitably qualified Members in an impartial manner.
Financial:	No financial implications
Human Resource:	No Human Resource implications
Risk Management:	The Council's reputation could be at risk if licensing matters are not dealt with in a correct manner.

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ESSENTIAL REFERENCE PAPER 'B'

Licensing Committee Members attending as Members of Sub-Committee									
Members	Total	From 12 May 2010							
Ashley W	2	19/8	13/9						
Ballam P	4	21/9	14/10	25/10	12/4				
Barnes K	4	3/6	14/6	14/10	25/10				
Beeching R	3	12/7	21/9	25/10					
Burlton A	2	14/6	25/6						
Cheswright R Training needed									
Demonti J	6	12/8	2/9	21/9	25/10	6/12	21/3		
McMullen M	5	12/7	19/8	13/9	6/12	21/3			
Poulton N	3	14/10	21/3	12/4					
Radford R Attendance needed(1)	1	12/7							
Ruffles PA Training needed									
Taylor J	5	3/6	14/6	25/6	19/8	13/9			
Taylor R	4	3/6	25/6	2/9	12/4				
Wilson N									
Wrangles B	2	12/8	2/9						

Substitutes:									
Vacancy									
Dodd T Training/attendance needed									
Mayer J Training/attendance needed									
Warman A	2	12/8	6/12						
Wood M									

Licensing Committee Members attending as Observer

Members	Total	From 12 May 2010							
Ashley W	1	12/7							
Ballam P									
Barnes K	1	6/12							
Beeching R									
Burlton A									
Cheswright R Training needed	4	12/7	19/8	21/3	12/4				
Demonti J	2	19/8	13/9						
McMullen M	7	3/6	14/6	12/8	21/9	14/10	25/10	12/4	
Poulton N									
Radford R Attendance needed									
Ruffles PA Training needed	6	12/8	19/8	14/10	25/10	21/3	12/4		
Taylor J									
Taylor R	1	6/12							
Wilson N	2	3/6	14/10						
Wrangles B									

Substitutes:									
Vacancy									
Dodd T Training/attendance needed									
Mayes J Training/attendance needed									
Warman A									
Wood M									

ESSENTIAL REFERENCE PAPER 'B'

* Training and attendance needed

Licensing Committee Members attending as Members of Sub-Committee									
Members	Total	From 18 May 2011							
Ashley W									
Ballam P	1	24/6							
Bedford E*									
Beeching R									
Buckmaster E*									
Burlton A									
Cheswright R Taxi training needed	1	24/6							
Crofton H *									
Demonti J									
McMullen M	1	24/6							
Poulton N									
Taylor J									
Warman A									
Wilson N									
Wrangles B									

Substitutes:									
Abbott D *									
Jones G *									
Newman M *									
Ruffles PA Training needed									

Licensing Committee Members attending as Observer

Members	Total	From 18 May 2011							
Ashley W									
Ballam P									
Bedford E *									
Beeching R									
Burlton A									
Buckmaster E *									
Cheswright R Training needed?									
Crofton H *									
Demonti J									
McMullen M									
Poulton N									
Taylor J									
Warman A									
Wilson N									
Wrangles B									

Substitutes:									
Abbott D *									
Jones G *									
Newman M *									
Ruffles PA Training needed	1	24/6							

EAST HERTS COUNCIL

LICENSING COMMITTEE - 21 JULY 2011

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

STATEMENT OF LICENSING POLICY.

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To advise Members of consultation on an interim review of the statement of licensing policy under the Licensing Act 2003.

To present a draft revised Statement of Licensing Policy for consideration by members, and to ask members to approve the draft revised policy for recommendation for adoption by Council, subject to members' proposed amendments, public consultation and consideration of consultation responses at next Licensing Committee.

<u>RECOMMENDATION FOR DECISION – that -</u>
the draft revised Statement of Licensing Policy, be recommended for adoption by Council, subject to public consultation, and consideration of consultation responses.

1.0 Background

- 1.1 Section 5 of the Licensing Act requires the Licensing Authority to determine its Licensing Policy and publish every 3 years the Statement of Licensing Policy that sets out the principles it applies in exercising its functions under the Licensing Act 2003. The Act also requires that the Statement of Licensing Policy is kept under review, and appropriate revisions are made.
- 1.2 The Act requires that consultation takes place with each Responsible Authority, representatives of personal and premises licence holders, and representatives of residents and businesses, for each 3 year determination and any revision.

- 1.3 In addition to the Statutory Consultees, Licensing Committee Members are consulted in their capacity as decision makers on licence applications
- 2.0 Report
- 2.2 The existing revised Statement of Licensing Policy was approved by Council on 23 February 2011, following which the Statement of Licensing Policy was published.
- 2.3 Since republication, there has been an issue which was not foreseen by the existing Statement.
- 2.4 Licensing Sub-Committee determined an application for a Premises Licence by Breeze Bars Limited, and a decision notice was issued. The decision notice represented a compromise between the licence sought by the applicant, and the position argued for by interested parties.
- 2.5 The interested parties discussed the possibility of an appeal with the Interim Licensing Manager, following which they expressed that while they were not happy with the outcome, they were not so unhappy with the outcome that they would appeal the decision, given that they would be able to apply for review of the licence in the event of further public nuisance, crime, or disorder.
- 2.6 The applicant company appealed the decision of the Licensing Sub-Committee to the Magistrates' Court.
- 2.7 At some point after the 21 day period after the decision notice was issued, solicitors for the applicant company approached East Herts legal team, and proposed a further compromise between the position in the decision notice, and the application.
- 2.8 At this point, as the 21 day appeal period had expired, interested parties had lost the right to cross appeal, in order to argue against any further compromise of the decision notice.
- 2.9 Legal Services, in consultation with Chairman of the Licensing Committee and Director of Neighbourhood Services, agreed a draft consent order with solicitors for the applicants.
- 2.10 Magistrates' Court approved the draft consent order, and the licence was subsequently issued to the applicants on the terms of

the consent order. Interested parties were not parties to the appeal hearing that approved the draft consent order.

2.11 Interested parties complained to the Licensing Service that there were no details in the Statement of Licensing Policy that would have alerted them to the possibility that the determination of the licence might take place in this way. They said that they should have been made aware of the need to cross appeal within the 21 days if they wished to guard against the possibility of the first compromise in the decision notice, being further diluted by way of a Magistrates' Court consent order.

2.12 Proposed changes to the Statement of Licensing Policy are set out in **Essential Reference Paper 'B'**.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**

Background papers:

Existing Statement of Licensing Policy
Draft Amended Statement of Licensing Policy

Contact Member: Councillor M Alexander – Executive Member for
Community Safety and Environment

Contact Officer: Brian Simmonds – Head of Community Safety and
Licensing –Ext 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	Consultation will take place with the bodies listed in Annexe A of the existing Statement, for further consideration by Licensing Committee.
Legal:	The implementation of the Licensing Act 2003 is a statutory function. No issues have been identified by Contact Officer or Report Author that require approval.
Financial:	No issues that require approval identified by Contact Officer or Report Author.
Human Resource:	No issues that require approval identified by Contact Officer or Report Author. It is expected that changes can be managed from within existing resources.
Risk Management:	No issues that require approval identified by Contact Officer or Report Author.

Paragraphs 21.2 to 21.5 have been inserted into the draft policy. The whole of section 21 is reproduced below.

21.0 Appeals

- 21.1** Interested parties (including residents) aggrieved by decisions of the Council are entitled to appeal to the Magistrates court with 21 days of the receiving the decision notice.
- 21.2** Where a party enters an appeal against a decision notice issued by Licensing Sub Committee, Head of Legal Services is authorised to negotiate, in consultation with Chair of Licensing Committee and Director of Neighbourhood Services, a draft consent order with the appellant.
- 21.3** Where the Magistrates' Court approves a draft consent order, the licence will be issued on the terms of the approved Consent Order.
- 21.4** Applicants and interested parties that wish to retain the right to make representations against an appeal by any other party from being settled by way of a consent order, must cross appeal the decision notice within 21 days of the date of the decision notice.
- 21.5** In order to ensure the right of cross appeal is not lost, applicants and interested parties are advised to maintain contact with the Magistrate's Court, so that they can enter a cross appeal within the 21 day period, in the event of any other party entering an appeal.

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EAST HERTS COUNCIL

LICENSING COMMITTEE 21 JULY 2011

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

AMENDMENTS TO TAXI LICENSING POLICY.

FOR INFORMATION

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To report to Members proposed amendments to taxi licensing policy; and
- Subject to consultation with the taxi trade, and subsequent further consideration by this committee;
 - Delegation of non-statutory taxi licensing decisions to a Licensing Panel.
 - To recommend changes to taxi licensing conditions, and to the Taxi Licensing Policy to incorporate these changes, and
 - To recommend changes to the licence holder code of conduct and penalty points scheme.

<u>RECOMMENDATION FOR DECISION:</u>	
Subject to consultation with the taxi trade, and further approval by Licensing Committee:	
(A)	Approval of delegated authority for a newly created Licensing Panel;
(B)	Acceptance of the amendments to the Taxi Licensing Policy; and
(C)	Acceptance of the amendments to the code of conduct and penalty points scheme.

1.0 Background

- 1.1 The statement of East Herts Council taxi licensing policy was agreed by Licensing Committee in July 2010 following consultation with the taxi trade.
- 1.2 The statement of Taxi Licensing Policy helps ensure that decisions consistent with the policy could be successfully defended on appeal.
- 1.3 Decisions on taxi licensing matters are currently taken by Licensing Sub-Committee. This is an expense that is borne partly by the taxi trade through taxi licensing fees and charges, and partly through Council expenditure which is effectively a subsidy to the licensed taxi trade.
- 1.4 Reducing the subsidy to the licensed trade is an aim in the Medium Term Financial Plan, and can be achieved by charging the taxi trade more but also by reducing our own costs in parallel.
- 1.5 Fees and charges have increased, but drivers cannot be expected to bear the whole cost which would have a detrimental effect upon the taxi trade, and hence impact unduly upon the public.

2.0 Report

- 2.1 This report suggests creating a Licensing Panel comprising of three people- the Chairman of the Licensing Committee, the Executive Member, and the Director of Neighbourhood Services. This panel would deal with any taxi licensing matters which are able to be dealt with by way of delegated powers.
- 2.2 The aim of local authority licensing is to protect the public (Department for Transport document 'Taxi and Private Hire Licensing: Best Practice Guidance' Section 3: (The Role of Licensing: Policy Justification) (paragraphs 7, 8 and 9)).
- 2.3 The Guide highlights that licensing requirements should not be unduly stringent or too restrictive, while giving the public reasonable access to taxi and PHV services.
- 2.4 The Guide says, the public that use taxis should be confident that the driver does not have a criminal record for assault, and that the vehicle is safe.
- 2.5 In addition to public safety, the Licensing Authority may adopt such other principles as it sees fit for the basis of its Licensing Policy.

Licensing Committee agreed in November 2010 to base the policy on the following principles;

- Protection of Public Safety
- Protection and/or promotion of the Health, Safety, Comfort and Convenience of taxi passengers
- Access to transport
- Protection of the Environment
- Promotion of a professional taxi trade

2.6 A table of proposed policy, noting proposed changes to existing conditions and practice is set out in **Essential Reference Paper B**.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

4.0 The following documents are attached:

Draft Taxi Licensing Policy and Appendices

Background Papers:

None

Contact Member: Councillor M Alexander – Executive Member for Community Safety and Environment

Contact Officer: Brian Simmonds – Head of Community Safety and Licensing –Ext 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	Any changes to licensing conditions and to the taxi licensing policy will be subject to consultation with the taxi trade. The results of consultation will be reported to this committee for amendment or approval.
Legal:	No issues that require approval identified by Contact Officer or Report Author.
Financial:	No issues that require approval identified by Contact Officer or Report Author. Powers delegated to a Licensing panel will negate the need for Licensing Sub Committees.
Human Resource:	No issues that require approval identified by Contact Officer or Report Author. It is expected that changes can be managed from within existing resources.
Risk Management:	No issues that require approval identified by Contact Officer or Report Author.

ESSENTIAL REFERENCE PAPER 'B'

Change introduced by Policy document	Existing requirement
<u>Departure from policy</u>	
How decisions will be taken.	Amendment to reflect decision on report about delegated authority (see report on delegation of powers to Panel).
Delegated power to a panel consisting of Director Neighbourhood Services or their delegate, Portfolio Holder, and Chair or Deputy Chair of Licensing Committee to determine applications and disciplinary hearings.	Most matters currently dealt with by Licensing Sub Committee, with some applications with very minor questions about suitability decided by Licensing manager in consultation with Chair or Deputy Chair.
Circumstances in which Director has delegated authority to suspend licences. To be extended delegated authority to immediately suspend licenses on the basis of non-conviction information pending sub-committee or panel reference or release of licence holder from bail or arrest.	Current delegated authority to immediately suspend licenses pending reference to medical adjudicator.
<u>Vehicles</u>	
Clarification on restrictions on side facing seats in stretch limos	To clarify statutory requirement.
Making it a conduct issue to drive a vehicle that is not licensed while it is displaying a top light or rear licence plate.	To mirror statutory requirement
<u>Drivers</u>	
All drivers must inform us of changes of their home address. and produce the updated DVLA licence.	To close a loophole; at present this only applies to Hackney Carriage Vehicle Proprietors.
All drivers must produce their updated DVLA driving licence following change of name, address, photo card photograph, or addition of DVLA penalty points.	To close a loophole; at present only required on renewal.

Requirement to exchange licence or obtain backing sheet for recording penalty points within 12 months.	New.
<u>Code of Conduct and Dress Code.</u>	
Application fees; dishonoured cheques; to be added to the code of conduct.	Presently mentioned as a conduct issue in the policy, but not in the code of conduct.
New section; responsibilities to the Licensing Authority. Failure to comply with the Taxi Licensing Policy is a conduct issue. Responsibilities include to pay fees, to ensure Licensing Authority is in possession of up to date information required by the policy, and valid and up to date documentation.	Currently only specifies; Responsibility to the trade; Responsibility to Clients; Responsibility to residents.
<u>Penalty points system.</u>	
New provisions to allow the proposed new requirements to be dealt with by way of the penalty points scheme where appropriate.	
Point 4; 10 day period to notify imposition of penalty points; change 'discovery of contravention' to 'decision to impose penalty points'.	
Creation of condition for imposition of penalty points for providing false or incomplete information for the purpose of obtaining a criminal record disclosure.	This is already a criminal offence, but enforced by the disclosure bodies.

East Herts District Council**Draft Taxi Licensing Policy 2011****CONTENTS**

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INTRODUCTION

Background

East Herts Council has introduced this taxi licensing policy, with revised licence conditions, and revised application and administration procedures, to explain and update taxi licensing procedures and requirements.

This policy was written with regard to best practice guidance from the Department for Transport.

Objectives

Taxis are part of the integrated transport system. They provide safe, secure, convenient and comfortable transport, on-request, and door to door.

Taxi availability benefits the public, especially those with mobility difficulties, particularly where public transport is less available.

This policy will contribute to the objective;

'Promoting prosperity and well-being; providing access and opportunities.

To enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.'

by regulating the hackney carriage and private hire trade. East Herts Council encourages professional and responsible taxi businesses, which service public need.

The conditions and procedures in this policy have been considered, to balance the burden of each against the benefit to the public.

East Herts Council is justifiably proud of the very high standard of appearance and performance of the current set of drivers, and the fleet of hackney carriages and private hire vehicles. This policy seeks to reinforce the existing high standards for all current and new taxi drivers, and vehicles to maintain the existing very low rate of refusals, suspensions, revocations and prosecutions.

Best Practice Guidance

This policy was written with regard to the Taxi and Private Hire Vehicle Licensing Best Practice Guidance (Department for Transport).

The Guidance advises against increasing the cost of taxi operations by imposing unduly stringent licensing requirements. This could access to the trade and in turn restrict the supply taxis. This could reduce safety, and harm the public interest.

Implementation

This policy will take effect from **10 January 2011** and will be kept under review. There will be another full review after three years.

Existing licence holders have been consulted on this revision, which will apply to all new and existing licences from implementation.

Departure from the Policy

East Herts Council will always have regard to this policy document and its objectives in carrying out its taxi licensing functions. However, each application or enforcement measure will be considered on its own merits, and the Licensing Committee has discretion to depart from this policy.

Where the Council departs substantially from this policy, clear reasons will be given why the departure is necessary.

Determination of applications, and disciplinary decisions.

Where applications are in accordance with this policy, determination will be by officers, acting under delegated powers.

Where a taxi driver application includes information that the applicant has spent convictions that do not involve violence, then determination will be by the Licensing manager, in consultation with the Chair or Deputy Chair of Licensing Committee.

For all other applications that are not in accordance with this policy, and for decisions made in disciplinary hearings triggered by the penalty points scheme under this policy, determination or decision will be made by a Licensing Panel consisting of;

- Director Neighbourhood Services;
- Portfolio Holder for Community Safety and Environment
- Chair or Deputy Chair of Licensing Committee.

Licensing Profile

On **1st January 2011** East Herts Council licensed **253** hackney carriages, **49** private hire vehicles and **30** private hire operators, and **340** drivers licensed to drive taxis.

Register and use of licence data.

East Herts Council is obliged to keep a public register of the names and addresses and taxi plate numbers of taxi vehicle proprietors. This information is kept at the Council Offices, and may be inspected at any reasonable time by any member of the public.

For the safety and security of taxi drivers, if there is any doubt about the bona fides of any person wishing to inspect the public register, then Licensing Officers will ensure the inspection only takes place in the presence of a police officer, who has been informed of the Licensing Officer's concerns.

Other data about licence holders may be released to other council departments, and other statutory authorities, for use by authorised officers for the purposes of preventing or detecting crime. These bodies include, but are not limited to, Council Benefits, Department of Work and Pensions, and Her Majesty's Revenue and Customs.

VEHICLES

Limiting Numbers

East Herts Council does not limit the number of taxi licences. New applicants are informed that the existing taxi and private hire trade may already meet the current demand, and applicants should carefully consider whether it is financially viable to become a taxi driver, before applying for a licence, and that obtaining a licence is not a guarantee of earnings.

Use of Hackney Carriage

Where a Hackney Carriage is proposed to be used, or is used, mainly or predominantly for Private Hire Work outside of the East Herts district, then a Hackney Carriage Licence may be refused.

Specifications and Conditions

East Herts Council will licence a wide range of types of vehicle as taxis, including purpose-built vehicles, however the overriding consideration over whether a vehicle will be licensed, is Public Safety.

Types of vehicles include:

Hackney Carriages

Standard specification Private Hire Vehicles, and
Non Standard Private Hire Vehicles, comprising;

- substantially VOSA compliant vehicles;
- Taxi bikes
- Special Event Vehicles, including, but not limited to:
 - HGV, and
 - Stretched Limousines;

The Council imposes conditions for the mechanical condition, and the external and internal appearance and suitability of licensed taxi vehicles.

Each type of vehicle is subject to a different set of conditions.

Appendix A sets out the taxi vehicle conditions, with a separate section for each type of vehicle.

Vehicles will be licensed for up to eight passengers, depending on the specification of the vehicle.

Equipment

-meter

Hackney Carriages must be fitted with a type-approved taxi meter, correctly calibrated to the current East Herts table of fares, and either a calibration certificate must be produced, or the correct operation of the meter must be verified by a Licensing Officer, before the vehicle is used for hire or reward.

- for hire sign

Hackney Carriages are required to carry an illuminable 'for hire' sign in the windscreen.

- top light

Hackney Carriages are required to carry an East Herts illuminable roof top light provided, that is maintained in a safe and undamaged condition, and that is legibly marked with the lettering and logos with which it was issued.

The roof light is the responsibility of the licence holder, and will be issued only on payment of a deposit. Used top lights in good condition may be issued to licence holders for a lower deposit, subject to availability. Damage and deterioration to roof lights is the responsibility of the proprietor or driver, and the lost value will be charged to the licence holder, or deducted from any refund due.

It is a conduct issue for a driver to drive a vehicle that is not licensed as a taxi, while it is displaying the top light.

- rear licence plate

Hackney Carriages and Private Hire Vehicles are required to carry a currently valid East Herts rear taxi licence plate, correctly displayed and fixed to the outside of the vehicle, facing to the rear.

The licence plate must be kept clean so that it is clearly legible.

It is a conduct issue for a driver to drive a vehicle that is not licensed as a taxi, while it is displaying a rear licence plate, whether or not the plate has expired.

- ownership of equipment

Any roof light or licence plate issued remains the property of the council, and any authorised council officer may re-take possession of this council property at any time that the vehicle proprietors licence, or the driver licences of all, or of the only, insured driver(s) for that vehicle is suspended or revoked.

- prohibited equipment – Private Hire

Private Hire Vehicles may not carry a roof top light, nor any similar sign or piece of equipment, that could mislead the public into believing the vehicle is authorised to ply for hire.

Insurance

All licensed taxis must at all times have in force a certificate of insurance covering third party risks for carriage of passengers and goods for hire and reward. Hackney carriage insurance must specify for 'public hire and reward' or words to the same effect, and all other licensed vehicles insurance policies must be for 'private hire and reward' or words to the same effect.

The vehicle proprietor must ensure that East Herts Council Licensing Service is in possession of a valid insurance certificate or cover note.

Failure to comply with this requirement automatically suspends the licence from the time that the certificate expires until a valid insurance certificate or cover note is presented for examination by a licensing officer. (Not from when the letter is sent out notifying the vehicle proprietor of the suspension).

Vehicle Testing

The proprietor must ensure that East Herts Council Licensing Service is in possession of a valid roadworthiness test pass certificate from a garage on East Herts approved list, for each licensed vehicle over one year old, and a current valid MOT pass certificate for all Hackney Carriage vehicles that are over one year old, and Private Hire vehicles that are over three years old.

East Herts Vehicle Licence Conditions specify the maximum length of a roadworthiness test pass certificate, depending on the age of the vehicle.

Failure to comply with this requirement automatically suspends the licence from the time that the certificate expires until a test pass certificate is presented for examination by a licensing officer. (Not from when the letter is sent out notifying the vehicle proprietor of the suspension).

Seating in Multi-Passenger Vehicles

East Herts District Council will licence vehicles for seating the number of passengers in the Original Manufacturer's Specification, up to eight passengers.

Passengers under the age of 16 must not be permitted to use side facing seats.

Damage to vehicles

Damage to a licensed vehicle, that prevents it from complying with the appropriate vehicle condition standard, must be reported to the licensing office at the next reasonably convenient opportunity, and in any case not later than 7 days after the damage is caused (whether or not the vehicle is taken off the road, or is not still being used as a taxi).

If from the report of damage, it appears to the Licensing Officer, that the vehicle is unlikely to continue to comply with the vehicle condition standard, they may suspend the vehicle proprietor's licence under delegated powers.

The vehicle must be produced for inspection at the council offices if required by the licensing officer.

The vehicle may be required to undergo a further Vehicle Condition Test and the proprietor to produce a Test Pass Certificate, if required by the licensing officer.

Failure to comply with this requirement of the policy is a conduct issue for the proprietor, and may lead to;

- suspension of the vehicle proprietor's licence, and to the council re-taking possession of the roof light and/or licence plate while there is any remaining doubt over whether the vehicle complies with the Vehicle Condition Standard, and
- imposition of penalty points against the driver or proprietor.

Appearance

Vehicles presented for inspection by Licensing Officers must be in a clean and tidy condition. This means it should be thoroughly cleaned or valeted. Failure to comply with this requirement of the policy is a conduct issue for the proprietor, and may lead to;

- the council re-taking possession of the roof light and/or licence plate, and
- a delay in renewing the licence until the vehicle is re-presented in an acceptable condition, and
- imposition of penalty points against the driver or proprietor.

Hackney Carriages and standard Private Hire Vehicles must be finished in manufacturers standard colours.

Accessibility

Without the ability to travel, people with disabilities are denied access to life opportunities. Their access to education, shopping, employment, healthcare as well as social and family life is significantly improved when journeys become accessible. For this reason, the Council considers it important that people with disabilities have access to all forms of public transportation. Accessibility is, therefore an important consideration in respect of vehicles licensed as hackney carriages.

East Herts Council currently licences **number** taxis that are wheelchair accessible. Requirements for wheelchair accessibility to taxis will be kept under review as necessary to implement the Disability Discrimination Act 1995 in relation to hackney carriages.

Drivers who produce evidence of medical reasons that they are unable to accept guide/hearing dogs, may apply for an exemption certificate. The exemption certificate, with the driver's photograph, must be displayed in the vehicle at all times the driver is working.

Age of Vehicles

There is no upper age limit for a vehicle to be licensed as a taxi. Older vehicles will be tested more frequently. Details of testing requirements are specified in **Appendix A** of this Policy.

Brake Horse Power

Hackney Carriage and standard Private Hire Vehicles must have an engine capacity of 1600 cc, or a brake horse power of 89 b.h.p.

Environmental Considerations

Taxis are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the District. It is, however, clearly important that emissions from hackney carriages and private hire vehicles are reduced as far as possible.

East Herts Council policy is to promote environmentally friendly vehicles and fuels. Applications may be considered by a Licensing Panel to waive Brake Horse Power requirements for electric or hybrid vehicles.

Signage and Advertising

East Herts specifies limitations in the taxi vehicle conditions, on the amount of signage and advertising that may be carried on taxis.

Security/CCTV

The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. In car security cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

In car security cameras may be provided by the council subject to available funding, and a contribution from the licence holder. Licence holders will have to enter into a written agreement for the maintenance of the system, and re-use if the vehicle is taken out of service.

When council funds are not available, the hackney carriage and private hire vehicle trades are encouraged to consider installing their own in car security cameras.

TRAILERS

A taxi vehicle must not be used to tow a trailer unless the vehicle proprietors licence specifies this is permitted.

A taxi driver must not drive a taxi vehicle towing a trailer, unless their DVLA licence includes authorisation to tow a trailer.

The taxi vehicle insurance must specifically include cover to tow a trailer for hire or reward.

When a trailer is towed by a licensed taxi, a currently valid East Herts rear taxi trailer copy of the licence plate must be correctly displayed and fixed to the outside of the trailer, facing to the rear.

The trailer licence plate must be kept clean, so that it is clearly legible.

Taxi trailers must not be left unattended on the public highway.

Trailer conditions are set out in Appendix X

DRIVERS

East Herts District Council issues;

Private Hire Vehicle Driver Licences, and
dual Hackney Carriage / Private Hire Vehicle Driver Licences.

The criteria for both licences are the same, except that Private Hire Drivers are not required to pass a knowledge test.

Right to work in the UK

Applicants for taxi drivers licences are required to provide evidence to Department of Work and Pensions standard, of their entitlement to work in the UK.

Medical fitness.

Taxi drivers are expected to provide reasonable assistance with luggage (shopping bags etc). All taxi drivers should normally be capable of lifting weights of up to 15 kG. Drivers who cannot meet this requirement must obtain from a GP or the East Herts medical adjudicator, a written exemption on medical grounds.

All new applicants must produce either:

Proof of current entitlement to drive a PSV and/or HGV, or

A certificate of medical fitness to drive to Group 2 standards, from a G.P. at the practice where they are registered, or from a G.P. on the East Herts council approved list. The certificate must state the length of time before a further medical will be required.

The applicant will be responsible for paying the medical examination fee to the relevant medical practice, unless referred by Director Neighbourhood Services to the Council's medical adjudicator.

Licence holders must advise the Council of any deterioration in their health that may affect their ability to drive to Group 2 standards.

Driver licences may be suspended immediately on the grounds of concern about changes in the licence holder's state of health, by Director of Neighbourhood Services, pending reference to East Herts Council medical adjudicator.

Any other disagreement or concern about changes in the licence holder's state of health that does not result in the suspension of the licence may also be referred to East Herts Council medical adjudicator.

The Council's appointed adjudicator is:

Aviation Medica
Inflite, Hanger 1
First Avenue, London Stansted Airport

Essex
CM24 1RY

The Council will take decisions to renew, unsuspend, suspend or revoke licences on medical grounds, based on the adjudicator's professional advice of whether the licence holder or applicant is fit to drive to Group 2 standards.

Criminal Record, and other relevant information.

Criminal record checks on drivers is essential information to assess whether an applicant is fit and proper to hold a licence.

Applicants must disclose all relevant information that could affect the council's decision of whether they are fit and proper to hold a taxi drivers licence.

'Convictions and other relevant information' includes:

Convictions (including those that would otherwise be regarded as spent under the Rehabilitation of Offenders Act),
Other convictions and foreign convictions,
cautions,
Police warnings,
arrests,
Past refusals of licence applications,
fixed penalty notices, and
impending prosecutions, and
any other relevant matter.

Applicants for taxi driver licences must undergo an Standard Criminal Record Check, on application, and before every third anniversary of grant.

Except when:

The applicant has held an East Herts taxi drivers licence in the previous 6 months and their last Standard check was less than three years ago,

Standard checks performed for other organisations will not be accepted.

Applicants must also provide a basic disclosure of their criminal record) that is less than one month old on the date of application, on grant **if this is more than 12 months after the date of the Standard Check**, and before every renewal application in years when the Standard check is not due. (i.e first and second anniversary of grant, fourth and fifth, seventh and eighth, etc).

Applicants who have lived in the UK for less than 5 years must also provide a certificate of good conduct from the relevant Embassy in the case of an overseas applicant.

Once the Council has completed the process for which the Standard CRB certificate or criminal record disclosure certificate was obtained, the certificate will be securely destroyed. Standard and Basic level checks supplied by the applicant will be returned to them.

Giving false information for the purpose of obtaining a criminal record disclosure is a criminal offence enforced by the disclosure body. It is a conduct issue for the applicant, and is included on the penalty points scheme.

Relevance of Disclosure of information to applicant's suitability

Licensed drivers must notify the Council in writing within 7 days of any criminal convictions.

East Herts District Council will assess whether the applicant is a 'fit and proper person' to hold a licence, considering each case on its own merits. They will take account of convictions and foreign convictions, cautions, Police warnings, arrests, past refusals of licence applications, fixed penalty notices, impending prosecutions, and any other relevant matter. They will consider whether convictions are spent or unspent, but only in so far as they are relevant to an application for a licence.

Upon receipt of a certificate from the Criminal Records Bureau and the application form, and taking into account any other relevant information known about the applicant, the Licensing Manager will assess whether any or all of the spent convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

When considering the relevance of cautions, the Council will have regard to the class and age of the offence, and the age of the applicant when the offence occurred.

In relation to previous convictions, the Council will have regard to the following:

- (i) Whether the convictions are spent or unspent;
- (ii) The class of the offences;
- (iii) The age of the offences;
- (iv) The apparent seriousness, as gauged by the penalty.
- (v) The age of the applicant at the time the offences were committed

Applications will be determined by the Licensing Panel where information about the applicant indicates one or more of the following:

- Any unspent criminal conviction
- Any violent or unlawful sexual conduct, (whether spent or not)
- One or more motoring offences resulting in 6 or more points on the DVLA licence in the last year;
- Any other matter where Chair or Deputy Chair of Licensing Committee believes there is a reasonable likelihood that a Licensing Panel would identify reasons why the applicant is not fit and proper to be a taxi driver.

In consultation with the Chair or Deputy Chair of Licensing Committee, the Licensing Manager may, for all other applications determine under delegated powers that the applicant is fit and proper to hold a taxi driver's licence.

Ongoing duties of licence holders in relation to their fitness and propriety to be a taxi driver.

Licence holders, who are convicted of, or who are otherwise cautioned or penalised for any criminal or motoring offence during the period covered by their licence, must inform the Council in writing of the offence and the penalty within seven days of the conviction or alternative disposal of the offence.

Any acceptance of a police caution or fixed penalty notice is an alternative disposal of an offence.

Immediate suspensions of taxi drivers licences

Director of Neighbourhood Services, or in their absence any other Director of East Herts Council, may authorise the immediate suspension of a taxi drivers licence on the basis of evidence that indicates they may no longer be a fit and proper person to hold a taxi driver's licence.

Suspension may be lifted following an event specified in the decision notice given to the licence holder, and may include;

Attendance by the licence holder at licensing Panel;
Completion of a satisfactory Group 2 medical by the Council's medical adjudicator and production of the medical pass certificate;
Release from arrest;
Release from bail.

Decisions to suspend will only be taken for the reason of ensuring public safety.

Driving Experience and driving record

Applicants must provide the council with a signed mandate and fee to permit the council to obtain a printout of the applicant's DVLA driving record.

Applicants must have held a British or European Economic Area licence for at least 3 years from the minimum age for driving a car in the UK (currently 17) before the application date.

An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must either:

- obtain a full UK driving licence within twelve months of the issue of the hackney carriage or private hire driver's licence, or
- obtain a 'backing sheet' from the DVLA within twelve months of the issue of the hackney carriage or private hire driver's licence, which can be attached to the non-UK driving licence and used by the DVLA to monitor penalty points obtained whilst driving in the UK.

Where this requirement is not satisfied, the hackney carriage or private hire driver's licence will be automatically suspended pending compliance.

This is to ensure consideration of penalty points issued for road traffic offences as part of the 'fit and proper person' test.

Additional driving experience requirements apply to private hire drivers who intend to drive non-standard Private Hire Vehicles that cannot be driven on a car drivers licence (e.g. HGV and two wheel motorcycle), and these are set

out with the vehicle conditions for those vehicles.

Driver Knowledge Tests

Because hackney carriages can be hired immediately, at ranks or on the street, applicants for a hackney carriage driver's licence are required to undertake a test on their knowledge of the area.

Except:

When the applicant has previously taken the East Herts Council knowledge test, and has held an East Herts taxi driver licence in the last 12 months.

Standard of English comprehension.

Where there is concern over an applicant's standard of English comprehension, they may be required to undertake a language skills assessment with a TESOL registered assessor.

Driving Proficiency and Qualifications.

All new applicants for taxi drivers licences must produce a DSA Hackney Carriage and Private Hire drivers test pass certificate.

Licence conditions and code of conduct

The Council attaches conditions to private hire driver's licences, included in dual driver's licences. Conditions include a code of conduct.

Failure to comply with condition of the licence may indicate that the licence holder is no longer a fit and proper person to hold a private hire or dual driver's licence, and may result in enforcement action against the driver.

PRIVATE HIRE OPERATORS

Private Hire Operators are responsible for recording bookings taken for Private Hire Vehicles that they control. Operators may have access to personal information, and therefore are required to be 'fit and proper' to be licensed to do this type of work.

Private Hire Operators who are not also holders of a Private Hire Driver's Licence must provide disclosure of their criminal record, to at least basic level on first application, and on each renewal application. (Applicants may provide a standard disclosure instead of a basic disclosure for their own convenience, but this is at their option, and will give a higher level of disclosure than is required for this type of application).

Operators must keep legible and complete records of taxi bookings, must keep these at the place where they are licensed to operate, and must make these records available to authorised Licensing Officers on request.

East Herts Council will not encourage applications to licence operator addresses outside of the East Herts district.

APPLICATION PROCEDURES

Application

Applications must be made on the specified application form, which must be fully and clearly completed in block capitals, and dark blue or black ink, and must be signed and dated.

Consideration of Applications

Applications may be refused by Officers under delegated powers where documents are not provided within 6 months of being requested. Officers will not exercise their discretion to refuse applications on this grounds where applicants keep them informed of reasonable progress, i.e. dates of booked medical appointments and DSA tests.

Council officers will grant most licences under delegated powers if the application complies with this policy, including receipt of all the necessary supporting documents and fees.

Applications for vehicles other than Hackney Carriage and standard Private Hire Vehicles will be considered in the first instance. Licensing Panel is authorised to delegate further renewals of that licence to Licensing Officers, and may choose to limit that delegation to a set period.

Applications that do not comply with this policy (including non-compliant Hackney Carriage and standard Private Hire Vehicles) will be considered on their own individual merits by a Licensing Panel comprising Director Neighbourhood Services, Executive Member for Community Safety and Environment, and Chair or Deputy Chair of Licensing Sub Committee.

Dual Plating

East Herts District Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Licensing Authority. Obtaining a vehicle licence from any other authority automatically invalidates any hackney carriage or private hire vehicle licence issued by East Herts Council.

Application fees

Every application must be accompanied by the appropriate application fee. It is not a complete application, until the fee is received.

Paying an application fee with a cheque that is subsequently dishonoured is a conduct issue for the applicant, and may be dealt with under the Enforcement Policy.

Application fees, are fees for processing the application. They are not a charge for grant of a licence. There is no refund of an application fee, if an application is unsuccessful.

Grant and Renewal of Licences

Hackney carriage or private hire vehicle licences will usually be issued

for one year, or renewed to the anniversary of last grant or renewal. Licensing Panel may decide to grant a licence for a shorter period, but will give reasons.

Holders of existing hackney carriage or private hire vehicle licence will be reminded, around 6 weeks before, when their licences are due to expire. Application forms, supporting documents and fees must be submitted at least eight days before the expiry of the previous licence for licences to be renewed under delegated powers. Licences that require a committee decision should be applied for at least two months before the renewal date.

Licences will not be renewed without all supporting documentation being received.

It may take up to eight working days to process and issue a licence. There are no 'days of grace' for licences. If a licence has not been renewed by the time the existing licence expires, the licence holder must cease operating until the new licence has been received.

Licensed vehicle owners may apply to change vehicles at any time during the licence period, and transfer the unexpired portion of the annual licence from one vehicle to another. The new vehicle must comply with this policy.

Licences renewed after the expiry date will run from the date the renewed licence is issued, to the anniversary of expiry. The period from expiry to actual renewal date will be unlicensed, and the vehicle may not be used as a taxi.

PROVISIONAL APPLICATIONS

An operator may wish to consider setting up a business to operate a particular type of Special Event Vehicle, or a new type of vehicle, but may be unwilling to invest the necessary capital before making an application, if the outcome is uncertain.

Licensing Panel is authorised to consider applications in principle for special event, or non-standard private hire vehicle licences. Provisional approval may be given, subject to conditions specified by the Licensing Panel, under which approval of a full application in accordance with the provisional application, is further delegated by the Licensing Panel to Licensing Officers.

ENFORCEMENT

Failure by a licence holder to comply with any requirement of this policy is a conduct issue, and may lead to;

- suspension of the licence or an associated licence, and
- formal enforcement action in accordance with the Council's Enforcement Policy. This may lead to a warning, caution, or prosecution for an offence in appropriate cases.
- to the council re-taking possession of any roof light and/or licence, and

- to a delay in granting, renewing, or restoring the licence until the non-compliance or doubt about compliance is resolved, and
- imposition of penalty points against the driver or proprietor.

Penalty points system

The council operates a penalty points system on private hire and dual driver licences to help ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards.

The Council will operate the Penalty Points system in a reasonable, consistent, and transparent manner help ascertain whether a driver is upholding the expected standards, and therefore whether they continue to meet the “fit and proper person” test. This system is set out in **Appendix E**

Convictions during period of licence

See ongoing duties of Licence Holders.

Any breaches of relevant legislation or conditions attached to driver, operator and vehicle licences which may come to light following complaints, enforcement action, notification or investigations should be dealt following the general principals detailed in the Enforcement Policy. This may include action with the use of the penalty points system detailed in **Appendix E**.

Code of Good Conduct

Adopting a Code of Good Conduct for hackney carriage and private hire licence holders serves to promote the Council’s licensing objectives in respect of the hackney carriage and private hire trades.

The standards expected of licence holders are detailed in the Code of Good Conduct included in this policy document as **Appendix D**. This appendix should be read in conjunction with the other statutory and policy requirements detailed in this document.

By accepting a licence from the Council, licence holders will be deemed to have read and accepted the Code of Good Conduct, thereby agreeing to adhere to it.

Failure to adhere to the Council’s ‘Code of Good Conduct’ will be dealt with in accordance with the Enforcement Policy, primarily through the use of the penalty points system detailed in **Appendix E**.

Driver’s Dress Code

Any reasonable requirement that serves to enhance the professional image of the hackney carriage and private hire trade is to be welcomed.

Failure to adhere to the Council's 'Driver's Dress Code' will be dealt with in accordance with the Enforcement Policy, primarily through the use of the penalty points system detailed in **Appendix E**.

AMENDMENTS TO THE POLICY

This policy is decided by the Licensing Committee of East Herts Council, after consulting with the taxi trade. The policy will be kept under review, and will be subject to a full review, every three years.

CONTACT DETAILS

East Herts Council
Wallfields
Pegs Lane
Hertford
Herts SG13 8EQ
Tel: (01279) 655261
Fax: (01992) 583683
Website: www.eastherts.gov.uk

APPENDICIES

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Advice to applicants and Licence Holders

Appendix B

Vehicles and Trailers Specifications and Conditions

- Hackney Carriage
- Standard Private Hire Vehicle
- Trailers
- Non standard but substantially VOSA compliant Private Hire Vehicles
- Two Wheeled Motorcycle Private Hire Taxi Bikes
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Appendix B

Vehicle and Trailer Conditions

All vehicle licence proprietors

All vehicle licence proprietors must;

- Report any change of name or address, to the Licensing Service, in writing, within 7 days.
- Report any damage to the licensed vehicle, that prevents it from complying with the appropriate vehicle condition standard, to the Licensing Service at the next reasonably convenient opportunity, and in any case not later than 7 days after the damage is caused (whether or not the vehicle is taken off the road, or is not still being used as a taxi).

All Vehicles

All vehicles must

- comply with both
 - vehicle mechanical standard, and
 - vehicle visual standard, and
- compliance must be evidenced by a valid Vehicle Condition Certificate ('VCC') (formally a 'Roadworthiness Certificate') issued by an approved testing garage.

Vehicle mechanical standards are the same standard that would be required for that vehicle to pass an MOT test.

- Be in a clean condition when presented for inspection.

Vehicle Documents

(a) Certificates of Insurance

All classes of vehicle require insurance cover which must include cover for the carriage of passengers for 'hire and reward'.

(b) M.O.T. Certificates

All vehicles require a M.O.T. certificate in accordance with Road Traffic Regulations. Hackney Carriages additionally require a M.O.T. certificate 1 year after the date of first registration. and then annually.

(c) Vehicle Condition Certificate ('VCC') (formally a 'Roadworthiness Certificate')

All vehicles require a VCC to be issued 1 year after the date of first registration. All classes of vehicle require an annual roadworthiness certificate until the vehicle reaches 7 years of age. Between the ages of 7 and 10 years, both classes of vehicle require a 6 monthly roadworthiness certificate. After 10 years, vehicles require a VCC every 4 months.

- For all vehicles over the age of 10 years from date of first registration, these tests are enhanced to the standard used at the Public Carriage Office (Metropolitan Police).

Signs and Advertisements

The two forward door panels may be used to advertise the taxi company details and the rear door panels can be used for other advertising. Sun strips and 'All over' advertising on London style taxis will not be approved.

Standard Conditions that apply to all licensed Hackney Carriage and Standard Private Hire vehicles.

Vehicles must:-

- Be capable of carrying at least four passengers and not more than eight passengers.
- Have a brake horse power of greater than 89 bhp or an engine size greater than 1600cc's.
- Be right hand drive.
- Be less than 5 years of age when first licensed, except for purpose built taxis, which will be licensed for the first time until they are 7 years old. Except: If the vehicle has been inspected by a council taxi licensing officer and issued with a certificate that it complies with the Vehicle visual standard before it is presented to a garage for a VCC inspection.
- Have a minimum of four opening doors, two on each side of the vehicle (except London style taxis, which need only have two doors for passenger use).
- Have a minimum internal cabin width of 52" (132 cm) in vehicles with the capacity to carry three passengers across the width of the vehicle.
- Be finished in a manufacturer's standard colour.
- Comply with all current legislation, ie Road Traffic Acts, Motor Vehicles (Construction and Use) Regulations, Vehicles (Excise) Act etc.
- Carry an approved First Aid kit and fire extinguisher to BS EN3: 1996 Standard fitted in such a position that it does not interfere with the driver's controls, and
- Comply with the vehicle visual standard.
- Display the taxi plate correctly at all times when working, fixed to the outside of the vehicle, facing to the rear, and clean so it is legible.
- Equipment fitted for use with mobile phones, radio microphones etc must be capable of 'hands free' operation.

Vehicle visual standard for Hackney Carriage and standard Private Hire Vehicles is;

- Clean internally (usually the car should have been professionally valeted or cleaned carefully before presentation for a VCC inspection and before relicensing by a Licensing Officer)
- Of a high standard of appearance. This means;
 - Externally, and inside door reveals, free from visible rust, dents, scratches, peeling, discolouration, cracks, chips and impact damage, except where this is insignificant, isolated and superficial.
 - Internally, free from dirt, staining, excessive wear, free from tears, cuts, burn marks and other damage to seat coverings, trim and linings except where the fault(s) is/are insignificant, isolated and superficial.

Several faults that could each on their own be considered 'insignificant, isolated and superficial' may detract sufficiently from the overall appearance to prevent the vehicle reaching a 'high standard of appearance'.

'Visible' means, apparent to a vehicle inspector or licensing officer standing next to the vehicle, getting in or out of the vehicle, or sitting in any one of the passenger seats in the car.

'Isolated' means no more than two defects visible when the car is viewed from any angle, or from a seated position in any one of the passenger seats in the car.

'Insignificant' means,

in relation to an internal fault; not affecting the passenger seats, or not clearly noticeable from a seated position in any of the passenger seats.

in relation to an external fault; not clearly noticeable from a distance of 1.5 metres;

'Superficial' means, in relation to internal faults; On the surfaces.

'Superficial' means, in relation to external faults;

Rust; Surface rust that should be easily removed with light, non abrasive surface pressure (e.g.- by wiping with a cloth) and that does not leave visible pitting in the metal underneath.

Scratches, peeling, chips and cracks; affecting the surface layers of paint. The scratch, chip, peeling or crack should not have penetrated the primer coat of paint.

Discolouration; this is always superficial if it is discolouration of the existing surface (e.g. faded paint), and this type of discolouration should usually only be considered in terms of whether it is insignificant and/or isolated.

Where the change of colour is not a feature of the original finish (e.g. is caused by graffiti or paint splashing), this is not superficial.

Dents and impact damage; These are superficial if they do not;

- Cause any sharply defined changes in the surface contours, and
- Are not excessively deep.

Shallow dents may still create a failure if they are not insignificant, isolated and superficial, and there is a clearly defined margin between the original surface contours, and the contours of the damaged surface.

Hackney Carriage additional conditions.

Hackney Carriages must be:-

- Fitted with an approved and correctly calibrated meter.
- Fitted with an approved 'for hire' sign.
- Fitted with the Council-provided roof top light.
- Display the Council provided taxi plate on the outside of the rear of the vehicle.
- Have the current "Table of Fares" available to passengers and authorised persons for inspection.

Private Hire vehicle additional conditions.

Private Hire vehicles must not give the appearance of being a Hackney Carriage, in particular it cannot have any sign with the words 'taxi' or 'for hire'.

Private Hire vehicles must:-

- Display a sign in the front window 'hirings must be pre-booked'.
- Display the Council-provided private hire plate fixed on the outside of the rear of the vehicle.

Private Hire vehicles may, but need not be, fitted with an approved and calibrated meter.

Approved licensed private hire vehicles which have been approved as "Executive Style", by the Licensing Manager, may be issued with a windscreen licence disc – these vehicles do not need to display the private hire plate, but the licence plate must be carried in the boot at all times and produced, on demand, to a police officer, traffic warden or any authorised licensing officer.

Trailer conditions

Hackney Carriages and Private Hire Vehicles may be licensed to tow an approved trailer. A taxi vehicle must not be used to tow a trailer unless the vehicle proprietor's licence specifies this is permitted.

A taxi driver must not drive a taxi vehicle towing a trailer, unless their DVLA licence includes authorisation to tow a trailer.

The taxi vehicle insurance must specifically include cover to tow a trailer for hire or reward.

When a trailer is towed by a licensed taxi, a currently valid East Herts rear taxi trailer copy of the licence plate must be correctly displayed and fixed to the outside of the trailer, facing to the rear.

The trailer licence plate must be kept clean, so that it is clearly legible.

The trailer must be presented for the VCC together with the towing vehicle.

Taxi trailers must not be left unattended on the public highway.

Trailers must comply with all current legislation, and with the visual standard for the towing vehicle.

Trailers must be fitted with a secure weather tight and waterproof lid or cover.

Non standard but substantially VOSA compliant Private Hire Vehicles

Vehicles that do not comply with the standard vehicle conditions, but are substantially compliant with VOSA standards (for example a minibus, previously licensed by VOSA to carry 11 passengers, but that no longer complies because VOSA required signage and tachograph have been removed), may be licensed as a Private Hire Vehicle for up to 8 passengers, notwithstanding it does not have passenger doors on both sides of the vehicle.

First consideration of an application to licence these vehicles (which may be an application for a decision in principle), will be made by Licensing Sub Committee. Sub Committee may delegate authority to approve subsequent renewals of the vehicle licence.

Two Wheeled Motorcycle Private Hire Taxi Bikes

Two wheeled motorcycles may be licensed as private hire taxis for one passenger, subject to stringent conditions relating to all three licences.

Two wheeled motorcycles conditions;

Condition 1: A motorcycle must be suitable for the role of carrying passengers and, if required, luggage. It must be operated in accordance with the manufacturer's specifications in all respects. Motorcycles must be fitted with additional advanced safety systems including brake assist (enhanced braking system), brake assist (combined braking system) and full fairings.

Condition 2: Motorcycle PHVs must meet appropriate motorcycle design and construction standards as set out in category L3e (equivalent to M1 standards for four-wheeled vehicles)

Condition 3: All motorcycle PHVs must meet current exhaust emission standards

Condition 4: All motorcycle PHVs must be fitted with ABS brakes

Condition 5: PHV licensing discs must be displayed. Signage must not interfere with the safety or operation of the vehicle. Licensing disc holders must be weatherproof with holders and fixing points to prevent theft. Licensing certificates should also be displayed on the operator's website.

Condition 6: Any vehicle licensed as a PHV must be able to maintain stability in an emergency situation and in high side winds (However please note that it is a separate condition of operators and drivers licences that they must elect not to carry passengers if the environmental conditions make it unsafe to do so.

Condition 7: If luggage is carried, it must be securely held so as not to affect the stability of the vehicle or the visibility of the driver.

Condition 8: The vehicle must be able to accelerate and maintain a road speed appropriate to the traffic conditions in which it operates. Vehicles are permitted on motorways provided they can travel at speeds over 50 kph (31 mph).

Condition 9: The motorcycle with all fittings for its use as a PHV, including any additional fittings such as backrests, luggage racks or container, must receive endorsement by the company providing insurance.

Condition 10: Drivers must undertake inspections of the motorcycle on a daily basis and before each journey to ensure the vehicle remains safe.

Condition 11: Motorcycles must undergo maintenance and servicing in accordance with manufacturer's recommendations and industry standards and by qualified mechanics.

Condition 12: There must be a driver/pillion passenger intercom system linked through the safety helmets.

All Special Event Vehicles

Special event vehicles are vehicles provided primarily for novelty entertainment, and secondarily as a means of transport. The standard conditions for Private Hire Vehicles apply to these vehicles by default, but may be waived on a case by case basis.

First consideration of an application to licence these vehicles (which may be an application for a decision in principle), will be made by Licensing Sub Committee. Sub Committee may delegate authority to approve subsequent renewals of the vehicle licence.

Special Event HGV

Where a special event vehicle is also an HGV or former HGV vehicle, the approved garages for the VCC are limited to those garages approved for HGV.

Special Event Stretched Limousines

Consideration will be given to licenses for 'Special Event' vehicles (stretch limos) which are capable of carrying more than 8 passengers, and cannot be adapted to carry fewer. These vehicles will be licensed to carry a maximum of 8 passengers.

There must be seat belts or lap belts fitted to the same number of seating positions as the number of licensed passengers.

There must be signage that persons under the age of 16 may not use side facing seats, unless the operator ensures on every occasion that a person under the age of 16 uses a side facing seat, that the seat belt is worn the whole time that the vehicle is in motion.

The approved garages for the VCC are limited to those garages approved for stretch limousines.

Appendix C

Drivers Licence Conditions

Period of issue

Hackney Carriage or Private Hire Driver's licences will be issued for a maximum of 12 months.

Fit and proper

Before a licence can be issued or renewed, the Council must be satisfied that the applicant is a "fit and proper" person to be licensed.

Licensed drivers must have entitlement to work in the UK, and produce evidence of this entitlement if requested.

Licensed drivers are under an ongoing duty to inform the Licensing Service of any matter that may have a bearing on their continuing fitness and propriety to be a taxi driver.

Convictions, cautions, etc

In particular, licence holders, who are convicted of, or who are otherwise cautioned or penalised for any criminal or motoring offence during the period covered by their licence, must inform the Council in writing of the offence and the penalty within seven days of the conviction, or alternative disposal of the offence.

Any acceptance of a police caution or fixed penalty notice is an alternative disposal of an offence.

Applicants and licensed drivers must provide an Standard disclosure of their criminal record, on application, and before every third anniversary of grant. Proof of identity and address to the CRB standards must be provided.

Applicants must also provide a basic disclosure of their criminal record) that is less than one month old on the date of application, on grant **if** this is more than 12 months after the date of the Standard Check, **and** before every renewal application in years when the Standard check is not due. (i.e first and second anniversary of grant, fourth and fifth, seventh and eighth, etc).

Applicants who have lived in the UK for less than 5 years must also provide a certificate of good conduct from the relevant Embassy in the case of an overseas applicant.

Driving Record

Applicants must provide a copy of the most recent issue of their DVLA driving licence before first grant and on renewal, **and** must provide the Council with a mandate to access their DVLA driving record, and the enquiry fee.

Medical fitness and examination

Licence holders must have produced a currently valid medical examination certificate.

Medical examinations must be conducted by a Doctor on the Council's approved list, or by their own GP or another GP at their registered practice.

The standard of the examination must be to the Group 2 medical standard applied by the DVLA to PSV and HGV drivers.

If you are under 45 years of age, the Doctor may issue a certificate which is valid until age 45. If there is a doubt as to your standard of health, the Doctor may require a more frequent examination.

If you are between 45 years and 65 years of age, the maximum length of a certificate is 5 years; the Doctor may require a more frequent, examination.

Over 65 years of age, the maximum length of a certificate is 1 year.

You are responsible for paying all medical fees.

Additionally, you must be capable of lifting weights of up to 15 kG, so as to provide reasonable assistance to passengers with luggage, unless you have a medical exemption certificate from the Medical Adjudicator excusing you from this requirement.

Property in the licence and badge

The Hackney Carriage or Private Hire Drivers badge remains the property of the Council, and must be worn in such a position that it can be clearly seen at all times when plying for hire or when passengers are in the vehicle. A copy of the drivers badge must be displayed on the windscreen so that it is visible to a front seat passenger.

Badges and licences must be returned to the council on demand by any authorised officer.

Other licence conditions

Licensed drivers must

- Have held a full UK or EEA driving licence for three years from the minimum age to hold a full UK driving licence (currently 17).
- Comply with the code of conduct and dress code, and all relevant legislation.
- Report any new name or address to the Licensing Service by the next working day after the change.
- Produce their original DVLA driving licence (both parts) within 30 days of any change of name, address, licence photo card photograph, or addition of DVLA penalty points, to the Licensing Service.
- Search the vehicle after being hired. Any property accidentally left in the vehicle should be taken to a Police Station.
- Attend punctually, if hired to pick up a fare at an agreed time and place, unless there are extenuating circumstances.
- Comply with seat belt legislation:-

Note: Seat belts

Hackney Carriage and Private Hire drivers are exempt from wearing seat belts whilst carrying passengers, (Hackney Carriage drivers are also exempt while plying for hire). It is the driver's responsibility to ensure that all passengers under 14 years use the seat belts or child restraints. Drivers should encourage adult passengers to wear seat belts.

- Be aware of the advice given in the Highway Code in relation to the 'hands free' operation of mobile phones, radio microphones etc, and comply with all relevant legislation.
- When requested, carry a reasonable amount of luggage.
- Operate strictly within the terms of the licence issued to them, in particular a Hackney Carriage driver may not drive a vehicle licensed as a Private Hire Vehicle and a Private Hire Driver may not drive a Hackney Carriage.
- NOT carry more passengers than the maximum permitted for that vehicle.
- No smoking is allowed in licensed vehicles at any time, to comply with Regulations under the Health Act 2006.
- NOT refuse to carry a dog which is specially trained to accompany a blind or hard of hearing passenger, unless the driver has a medical certificate to the effect that the driver has an allergy to dogs. Other dogs may be carried at the discretion of the driver.
- Pay all fees and charges due from them to the Licensing Service.
- Ensure the licensing service is at all times in possession of valid and up to date inspected copies of documents that you are required to have as a condition of your driver licence or any associated vehicle or operator licence.
- Provide a recent passport sized photograph that complies with the Passport Agencies requirements with each renewal application.
- Take adequate rest and refreshment to enable you to drive safely.

Additional conditions for Hackney Carriage drivers:-

Hackney Carriage Drivers must:-

- When plying for hire on a rank, a Hackney Carriage driver must join the end of the queue and NOT park in contravention of any 'no waiting' restrictions.
- When using a taxi rank, take up a position at the rear and move forward when spaces become available.
- Not leave a taxi unattended on a rank.
- A driver may be licensed as both a Hackney Carriage Driver and a Private Hire Driver (known as a dual licence).

- For hirings that begin and end in East Herts, Hackney Carriages may not charge more than the amount shown on the meter (but you may accept a gratuity if one is offered). You may charge less. The meter must be correctly calibrated to the current Table of Fares, and the fare table must be available to passengers. The meter must be used on all journeys that do not begin and end in East Herts if no agreement has been reached with the passenger about the fare for the journey.

Additional conditions for Private Hire drivers:-

- A Private Hire Driver may only respond to bookings made with a licensed private hire operator, he/she must not “ply for hire”.

Appendix D

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

This Code of Good Conduct should be read in conjunction with the other statutory and policy requirements set out in this document. Ordinarily, but without prejudice to any other disciplinary procedures detailed in this Policy, breaches of the Code of Good Conduct will be dealt with by use of the Penalty Points System contained with the Licensing Enforcement Policy of the Council.

Responsibility to the Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- (i) complying with this Code of Good Conduct;
- (ii) complying with the Council's Hackney Carriage and Private Hire Licensing Policy;
- (iii) behaving in a civil, orderly and responsible manner at all times.

Responsibility to Clients

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hiring;
- (d) assist, where necessary, passengers' ingress to and egress from vehicles;
- (e) offer passengers reasonable assistance with luggage.

Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally;
- (b) keep the volume of all audio equipment and two-way radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- (e) at hackney carriage ranks, in addition to the requirements above:
 - (i) rank in an orderly manner and proceed along the rank in order and promptly;
 - (ii) remain with the vehicle.

Responsibility to Licensing Authority

Licence holders shall:

- (a) act in good faith at all times in their dealings with the Licensing Authority;
- (b) attend punctually for appointments;
- (c) pay all fees due;

- (d) comply with the requirements of the Taxi Licensing Policy;

General

Drivers shall:

- (a) pay attention to personal hygiene and dress, so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians and, in particular, shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke at any time when inside the vehicle;
- (f) not consume alcohol* immediately before, or at any time whilst, driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having misused legal or illegal drugs*;
- (h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- (i) not eat in the vehicle in the presence of customers.

***ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT**

DRESS CODE FOR LICENSED DRIVERS

Objectives

East Herts Council is committed to encouraging the professional image of the trade. The Council considers that drivers should conform to a minimum standard of dress, as set out below, in order to:

- raise and maintain the profile of the licensed trade
- promote confidence amongst members of public to ensure passengers feel comfortable when using licensed vehicles
- promote public safety by ensuring the safe operation of licensed vehicles at all times and that licensing drivers are readily identifiable

The Council does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

Ordinarily, but without prejudice to any other disciplinary procedures detailed in this Policy, breaches of the Dress Code for Licensed Drivers will be dealt with by use of the Penalty Points System contained in the Licensing Enforcement Policy.

Unacceptable Standards of Dress within this Code

The following are deemed to be unacceptable:

- (i) Bare chests
- (ii) Clothing or footwear which is unclean or damaged

- (iii) Clothing printed with words, logos or graphics which might offend
- (iv) Sports shirts e.g. football, rugby or cricket tops or track suits
- (v) Footwear that prevents the safe operation of the licensed vehicle
- (vi) Headgear that partially or completely conceals the face or the identity of the licensed driver e.g. baseball caps
- (vii) Shorts, other than smart tailored shorts

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Appendix E

PENALTY POINTS SYSTEM

The Penalty Points Scheme will operate as follows:

- 1 The Council's Community Safety and Licensing Enforcement Policy will be fully considered by the enforcing Officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this appendix. If this appendix allows a range of points for the particular incident, the enforcing Officer will determine the appropriate number of points proportionate to the offence.
- 2 Before penalty points are issued, there must be sufficient evidence to prove the offence or breach of licensing requirements. If the licence holder disputes the offence or breach of licensing requirements, the matter will be resolved by reverting to the procedures detailed in this Policy.
- 3 A maximum of twelve penalty points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose penalty points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.
- 4 Points issued to either a proprietor or driver will be confirmed in writing within ten working days from the decision to impose penalty points.
- 5 When issued, the penalty points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four months period will be taken into account.

If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, he will be required to attend a disciplinary meeting with a Licensing Panel, where the appropriate action will be decided in accordance with this Policy.
- 6 Where a driver is brought before a Licensing Panel, the options available to them will include suspension or revocation of the driver's licence, where appropriate. If the Licensing Panel does not feel that the matter warrants suspension or revocation of the licence, they may extend the period for which the points are to remain "live" or instruct that a written warning to the driver is issued as to his future conduct.
- 7 Periods of suspension of a licence will be dependant on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.
- 8 Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for

the normal two-year period, or for such extended period as imposed by the Panel.

- 9 A driver will retain the right to be represented at any meeting with the Licensing Panel, either legally or otherwise, and to state any mitigating circumstances he/she deems necessary.
- 10 Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with penalty points, or has been formally cautioned, for similar offences, the Council reserve the right to cancel the penalty points and deal with the matter in accordance with the Community Safety and Licensing Enforcement Policy.
- 11 The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this Policy.

PENALTY POINTS RELATING TO OFFENCES IN RESPECT OF LEGISLATION

Town Police Clauses Act 1847		
Section	Offence	Points
40	Giving false information on a hackney carriage licence application	5-10
44	Failure to notify change of address of a hackney carriage licence	2
45	Plying for hire without a hackney carriage licence	8-12
47	Driving a hackney carriage without a hackney carriage driver's licence	8-12
47	Lending or parting with a hackney carriage driver's licence	4
47	Proprietor employing an unlicensed hackney carriage driver	8
48	Failure of a proprietor to hold a hackney carriage driver's licence	6
48	Failure of a proprietor to produce a hackney carriage driver's licence	3
52	Failure to display a hackney carriage plate	4
53	Refusal to take a fare without a reasonable excuse	6-12
54	Charging more than the agreed fare	6-12
55	Obtaining more than the legal fare (including failure to refund)	6-12
56	Travelling less than the lawful distance for an agreed fare	6
57	Failure to wait after a deposit to wait has been paid	6
58	Charging more than the legal fare	12
59	Carrying persons other than the hirer without the hirer's consent	8
60	Driving a hackney carriage without the proprietor's consent	6-12
60	Allowing a person to drive a hackney carriage without the proprietor's consent	4
62	Driver leaving a hackney carriage unattended on a rank	2-6
64	Hackney carriage driver obstructing other hackney carriages	3

PENALTY POINTS RELATING TO OFFENCES IN RESPECT OF LEGISLATION

Local Government (Miscellaneous Provisions) Act 1976		
Section	Offence	Points
46(1)(a)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	8
48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a vehicle licence	3
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	6-12
50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3
50(3)	Failure to report an accident to the Council within seventy two hours	6
50(4)	Failure to produce the vehicle licence and insurance upon request	8-12
53(3)	Failure to produce a driver's licence upon request	3
54(2)	Failure to wear a private hire driver's badge	4-6
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence	10
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	6-12
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	6
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	6
67	Charging more than the meter fare when hackney carriage is used as a private hire vehicle	6
69	Unnecessarily prolonging a journey	6-12
71	Interfering with a taxi-meter with intent to mislead	12
73(1)(a)	Obstruction of an Authorised Officer of the Council or a Police Officer	12
73(1)(b)	Failure to comply with a requirement of an Authorised Officer or Police Officer	8-12

73(1)(c)	Failure to give information or assistance to an Authorised Officer or Police Officer	6
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Disability Discrimination Act 1995		
Section	Offence	Points
37	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	8-12
37	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	8-12
37a	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	8-12
37a	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	8-12

Hackney Carriage and Private Hire Licensing Policy		
Section or Appendix	Breach of policy requirement	Points
	Failure to report a change of name or address to the Licensing Service	2
	Failure to produce an updated DVLA licence (or backing sheet) within 30 days of a change of name, address, photo card photograph, or addition of DVLA penalty points.	2-5
	Failure to adhere to the Dress Code for Licensed Drivers	2
	Failure to wear a driver's badge	4-6
	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below	2-6
	Failure to ensure the safety of passengers	4
	Concealing or defacing a vehicle licence plate	4
	Failure to attend on time for a pre-arranged booking without reasonable cause	3
	Conveying a greater number of passengers than permitted	6
	Failure to give reasonable assistance with passenger's luggage	3
	Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked	6-12
	Operating a vehicle that is not clean and tidy	2
	Driving without the consent of the proprietor	5
	Drinking or eating in the vehicle whilst carrying passengers	3
	Smoking in a licensed vehicle at any time	4
	Cause excessive noise from any radio or sound-reproducing equipment	2
	Operating the horn as a means of signalling that the vehicle has arrived	3
	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	6
	Using a non-hands free mobile telephone whilst driving	4
	Failure to advise of a relevant medical condition	4
	Failure to provide a receipt for a fare when requested	6-12
	Failure to operate the meter from the commencement of the	2

	journey and/or charging more than the fixed charge for hire of hackney carriages	
	Failure to notify the Council of any amendment to the details of a licence within fourteen days	6
	Failure to produce a licence upon request	3
	Failure to notify within seven days of starting or terminating employment, the name and address of the proprietor and the term of employment	4
	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	3
	Failure to surrender a driver's licence, badge or plate upon request	2
	Failure of a licence holder to disclose convictions within seven days of conviction	6-12
	Failure to take found property to the Police within forty eight hours of finding	12
	Failure to report an accident within seventy two hours	3
	Carrying an animal other than one belonging to the passenger(s)	3
	Carrying an animal not safely restrained	2
	Failure to comply with the requirements for the safe carrying of a wheelchair	3
	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	6
	Operating a vehicle which is not maintained in a sound and roadworthy condition	2-6
	Failure to carry an approved fire extinguisher	6-12
	Failure to carry an approved first aid kit	3
	Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	3
	Modifying a vehicle without the consent of the Council	3
	Failure to display or maintain external licence plates as issued by the Council	3
	Hackney carriage vehicle signage not in accordance with the Council's requirements	4
	Affixing or displaying a roof sign on a private hire vehicle	4
	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the Policy requirements or has not been approved by the Council	4
	Taxi-meter does not conform to the Council's requirements	6
	Trailer does not comply with the Council's requirements	3
	Operating an LPG vehicle which does not comply with the Council's LPG vehicle requirements	3
	Operating a vehicle which does not comply with the Council's requirements in relation to tinted windows	4
	Driving with no insurance or inadequate insurance for the vehicle	12
	Allowing a vehicle to be used for hire by a person who does not hold a current driver's licence	8
	Permitting the vehicle to be used for any illegal or immoral purposes	6-12
	Failure of a private hire operator to provide a prompt, efficient	3

	and reliable service	
	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3
	Failure of a private hire operator to ensure that vehicles attend bookings punctually	4
	Failure of a private hire operator to keep the operating premises in accordance with the Council's requirements	3
	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	6
	Failure of a private hire operator to keep and display public liability insurance for the operating premises if the public are allowed access	4
	Failure of a private hire operator to ensure that every driver employed by him has a private hire licence and badge	4
	Failure of a private hire operator to keep a copy of the Council's Hackney Carriage and Private Hire Licensing Policy to be made available for inspection by passengers upon request	4
	Payment for a licensing fee using a cheque that is subsequently dishonoured.	2
	Displaying a taxi roof light or plate on a vehicle while it is not licensed as a taxi.	2-6
	Any other cause not covered by above	2-12

LEGISLATIVE OFFENCES AND PENALTIES

1 Introduction

Two statutes principally create offences relating to hackney carriages and private hire vehicles:

- i) Town Police Clauses Act 1847.
- ii) Local Government (Miscellaneous Provisions) Act 1976.

The offences are set out below under the relevant statute

In relation to the maximum penalties specified, the levels of fine are currently as follows:

- Level 1 - £200;
- Level 2 - £500;
- Level 3 - £1,000;
- Level 4 - £2,500.

Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this Policy.

2 Town Police Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving false information on an application for a hackney carriage licence.	Level 1
44	Failure to notify a change of address of a hackney carriage proprietor	Level 1
45	Plying for hire without a hackney carriage proprietor's licence	Level 4
47	Driving a hackney carriage without a hackney carriage driver's licence	Level 3

47	Lending or parting with a hackney carriage driver's licence	Level 3
47	Hackney carriage proprietor employing an unlicensed driver	Level 3
48	Failure by a hackney carriage proprietor to hold a hackney carriage driver's licence	Level 1
48	Failure by a hackney carriage proprietor to produce a hackney carriage driver's licence	Level 1
52	Failure to display a hackney carriage plate	Level 1
53	Refusal to take a hackney carriage fare	Level 2
54	Charging more than the agreed hackney carriage fare	Level 1
55	Obtaining more than the legal hackney carriage fare	Level 3 and 1 month's imprisonment
56	Travelling less than the lawful distance for an agreed hackney carriage fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal hackney carriage fare	Level 3
59	Carrying other persons in a hackney carriage other than with the consent of the hirer	Level 1
60	Driving a hackney carriage without the proprietor's consent	Level 1
60	Allowing another to drive a hackney carriage without the proprietor's consent	Level 1
61	Drunken driving of a hackney carriage	Level 1
61	Wanton or furious driving of a hackney carriage leading to injury or danger	Level 1
62	Driver leaving a hackney carriage unattended	Level 1
64	Hackney carriage driver obstructing other hackney carriages	Level 1

3 Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed private hire vehicle	Level 3 by virtue of s76
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	Level 3 by virtue of s76
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	Level 3 by virtue of s76
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	Level 3 by virtue of s76
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	Level 3 by virtue of s76
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	Level 3 by virtue of s76
48(6)	Failure to display a private hire vehicle plate	Level 3 by virtue of s76
49	Failure to notify the Council of the transfer of a hackney carriage or private hire proprietor's licence	Level 3 by virtue of s76
50(1)	Failure to present a hackney carriage or private hire vehicle for	Level 3

	inspection, as required	by virtue of s76
50(2)	Failure to inform the Council where the hackney carriage or private hire vehicle is stored, if requested	Level 3 by virtue of s76
50(3)	Failure to report an accident to the Council involving a hackney carriage or private hire vehicle	Level 3 by virtue of s76
50(4)	Failure to produce the hackney carriage or private hire vehicle proprietor's licence and insurance certificate	Level 3 by virtue of s76
53(3)	Failure to produce the hackney carriage or private hire driver's licence	Level 3 by virtue of s76
54(2)	Failure to wear a private hire driver's badge	Level 3 by virtue of s76
56(2)	Failure by a private hire operator to keep records of bookings	Level 3 by virtue of s76
56(3)	Failure by a private hire operator to keep records of private hire vehicles operated by him	Level 3 by virtue of s76
56(4)	Failure to produce a private hire operator's licence on request	Level 3 by virtue of s76
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence	Level 3 + £10/day fine
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a hackney carriage or private hire proprietor's licence	Level 3 by virtue of s76
61(2)	Failure to surrender a hackney carriage or private hire driver's licence after suspension, revocation, or refusal to renew	Level 3 by virtue of s76
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	Level 3 by virtue of s76
66	Charging more than the meter fare for a hackney carriage journey ending outside the District, without prior agreement	Level 3 by virtue of s76
67	Charging more than the meter fare when a hackney carriage is used as a private hire vehicle	Level 3 by virtue of s76
69	Unnecessarily prolonging a journey	Level 3 by virtue of s76
71	Interfering with a taxi-meter	Level 3 by virtue of s76
73(1)(a)	Obstruction of an Authorised Officer of the Council or a Police Officer	Level 3 by virtue of s76
73(1)(b)	Failure to comply with a requirement of an Authorised Officer of the Council or a Police Officer	Level 3 by virtue of s76
73(1)(c)	Failure to give information or assistance to an Authorised Officer of the Council or a Police Officer	Level 3 by virtue of s76

4 Transport Act 1980

Section	Offence	Maximum Penalty
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64(2)(a)	Driving a private hire vehicle with a roof sign which contravenes s64(1)	Level 3
64(2)(b)	Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes s64(1)	Level 3

EAST HERTS COUNCIL

LICENSING COMMITTEE - 21 JULY 2011

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

CHANGES CRIMINAL RECORD BUREAU (CRB) CHECKS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To report to members on changes to CRB checks.

<u>RECOMMENDATION FOR DECISION that -</u>
--

subject to consultation with the taxi trade, and further approval by Licensing Committee, clarification issued by the CRB on entitlement to criminal record checks on taxi drivers and applicants be noted.

1.0 Background

- 1.1 In January 2011 the CRB issued clarification of their guidance on entitlement to a criminal record checks in the case of taxi driver licence holders and applicants.
- 1.2 In addition to the information recorded on a Standard CRB, an Enhanced CRB also records information recorded at the discretion of the Chief Officer of Police.
- 1.3 The Local Government Association is lobbying against the changes.

2.0 Report

- 2.1 In the opinion of the CRB, a Licensing Officer commits a criminal offence if they request an Enhanced CRB on a taxi driver who is not involved in 'Regulated Activity'. Only a Standard CRB may be requested, unless the driver is known to have e.g. a school run contract.

- 2.2 School run contracts and care home contracts are currently let by the Passenger Transport Unit at Hertfordshire County Council. The Unit Manager is currently in discussions with the Herts and Beds Licensing Officers' Group to discuss ways of sharing information, so that drivers undertaking regulated activity can receive the appropriate level of criminal record check.
- 2.3 One taxi licence application has so far been refused on the basis of information recorded at the discretion of the Chief Officer of Police; an Enhanced CRB received showed that in the opinion of the Vetting and Barring Unit, an applicant for a taxi driver's licence was exhibiting a pattern of behaviour consistent with being a paedophile. Without this information on the enhanced CRB, there would have been no known reason to refuse this application.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers:

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Environment

Contact Officer: Brian Simmonds – Head of Community Safety and Licensing –Ext 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	For information only, to implement clarification of revised guidance, no consultation has taken place.
Legal:	No issues that require approval identified by Contact Officer or Report Author.
Financial:	No issues that require approval identified by Contact Officer or Report Author.
Human Resource:	No issues that require approval identified by Contact Officer or Report Author.
Risk Management:	No issues that require approval identified by Contact Officer or Report Author.

ESSENTIAL REFERENCE PAPER 'B' - Guidance

Taxi Drivers' Licences are included in the Rehabilitation of Offenders Act 1974 (ROA), (Exceptions) Order 1975 List and therefore are clearly entitled to a **Standard Level of Check**

A Taxi Driver or Private Hire Vehicle driver is not listed as an employment or position as set out by the Police Act 1997 . This means it would be illegal to request an **Enhanced CRB Check** for the sole purpose of issuing a licence to a Taxi or Private Hire Vehicle (PHV) driver.

Taxi and PHV drivers are not a specified position in the SVG Act 2006, however in certain circumstances some drivers will be carrying out **regulated activity** but only when they transport children or vulnerable adults to or from a regulated activity **AND** it is organised by the providers of the regulated activity or an organisation working on their behalf, e.g. a Local Authority school contract or NHS contract. Those carrying out regulated activity would qualify for an enhanced crb check.

It is not regulated activity if a child/vulnerable adult hires a taxi in the street or by telephone privately .

Regulated Activity for an Enhanced Level CRB Check

It is not enough to meet the CRB eligibility criteria, to state that a taxi driver may come into contact with children or vulnerable adults. Eligibility to apply for a CRB check depends on the specific role a person will perform whilst conducting their duties within an organisation.

Furthermore, eligibility for Enhanced CRB checks extended to include anyone working in a Regulated Activity with a Regulated Activity provider.

Regulated activity includes any form of work (paid or voluntary) carried out for a setting or establishment specified in the Safeguarding Vulnerable Groups Act which is **on a frequent or intensive basis** and which provides an opportunity for contact with children or vulnerable adults. This may include catering, cleaning, administrative and maintenance staff **if they work once a week or more or four days in a single month or overnight.**

Specified settings are limited to:

- Schools (educational institutions exclusively or mainly for the provision of full-time education to under-18s)
- Pupil referral units
- Childcare premises (including nurseries)
- Residential homes for children in care
- Children's hospitals (hospitals exclusively or mainly for the reception and treatment of children)
- Children's detention centres (institutions exclusively or mainly for the detention of children)
- Children's centres in England and Wales, and
- Adult care homes (residential care or nursing homes in Northern Ireland).

Work in any of the specified settings is regulated activity if it is done frequently or intensively. However, taxi drivers who undertake work for example will not meet the frequent or intensive tests if they visit several different specified settings but **do not work frequently in the same one.**

- frequent means once a week or more

- intensive means four times in a month or overnight
- and both now have to be in the same establishment

For information, a standard CRB check will show all cautions, warnings, reprimands and convictions and furnished with a standard certificate an employer or organisation would be able to access the suitability of a taxi driver and be able to make a sound firm recruitment decision based on the information a standard certificate shows.

For more information see the Department for Transport's [Taxi and PHV Licensing Best Practice Guidance of March 2010](#)

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EAST HERTS COUNCIL

LICENSING COMMITTEE - 21 JULY 2011

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

DELEGATED AUTHORITY TO SUSPEND LICENCES

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To report to Members on recent non-conviction information received about a taxi driver, and;
- To request Members to delegate to Director of Neighbourhood Services, the power to suspend a taxi driver's licence or taxi vehicle proprietor's licence, and to require return of the licences, badges, roof light and taxi licence plate, in appropriate circumstances, pending resolution of concerns over information received, whether or not the information leads to reference to Licensing Sub-Committee of a report on that (those) licence(s), that includes a recommendation from Officers for revocation of the licence.

<u>RECOMMENDATION FOR DECISION – that:</u>	
	Additional powers to suspend a taxi driver's licence or taxi vehicle proprietor's licence be delegated to the Director of Neighbourhood Services.

1.0 Background

1.1 On 22 July 2010 Licensing Committee granted delegated powers to the Director Neighbourhood Services, to suspend taxi licences pending reference to the Licensing Sub-Committee of a report on the licence, with a recommendation to revoke.

1.2 Licensing Officers became aware of an arrest of a licensed East Herts taxi driver on suspicion of rape of a young adult female

passenger, arising from circumstances that occurred during the course of the driver's self employment as a taxi driver.

1.3 The suspect was released on Police bail while Police investigations into the allegation continued.

1.4 In view of the serious nature of the alleged offence, Officers believe it is inappropriate for the suspect to continue working as a taxi driver, until he has been released from bail or found not guilty at Court.

2.0 Report

2.1 Licensing Committee has authority to suspend or revoke taxi driver and taxi vehicle licences for 'any reasonable cause'.

2.2 In exercising its functions, the Licensing Authority must treat the objective of upholding public safety as paramount.

2.3 Licensing Committee has authority to decide its own policy, and the delegated powers sought can be devolved by resolution of this committee.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Protection

Contact Officer: Brian Simmonds – Head of Community Safety and Licensing –Ext 1498

Report Author: Paul Newman – Licensing Process Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	Internal consultation only has taken place on the contents of this report.
Legal:	No issues that require approval identified by Contact Officer or Report Author.
Financial:	No issues that require approval identified by Contact Officer or Report Author.
Human Resource:	No issues that require approval identified by Contact Officer or Report Author.
Risk Management:	No issues that require approval identified by Contact Officer or Report Author.

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EAST HERTS COUNCIL

LICENSING COMMITTEE –21 JULY 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

INTRODUCTION OF EARLY MORNING RESTRICTION ORDERS AND LATE NIGHT LEVY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To inform members about forthcoming changes to the Licensing Act 2003 to approve Early Morning Restriction Orders, and a Late Night Levy and to present options for exercising those powers.

<u>RECOMMENDATION FOR DECISION – that the report be received.</u>
--

1.0 Background

1.1 This report presents information about forthcoming changes to the Licensing Act 2003 to approve Early Morning Restriction Orders, and a Late Night Levy.

2.0 Report

2.1 A new power to declare an Early Morning Restriction Order will permit Licensing Authorities to ensure all premises selling alcohol for consumption on off, must close between the hours of 3 a.m. and 6 a.m.

2.2 The Crime and Security Act 2010 has amended the Licensing Act 2003 in that a licensing authority may make an order providing:

(a) premises licences and club premises certificates granted by the authority, and temporary event notices given to the authority, shall not have effect to the extent that they authorise the sale of alcohol between 3am and 6am, and

(b) club premises certificates granted by the authority shall not have effect to the extent that they authorise the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club between 3am and 6am.

Where such an order is made it becomes enforceable on all premises where a premises licence, club premises certificate or temporary events notice is in force notwithstanding that the permitted hours were granted prior to the order being made.

- 2.3 Where it is intended to make such an order the Licensing Authority will advertise the intention to make an order and, hold a hearing to consider any relevant representations that are made by:
 - (i) an affected person,
 - (ii) an interested party, or
 - (iii) a responsible authority.
- 2.4 Whilst the provisions have received Royal Assent the commencement date of these provisions is still not known.
- 2.5 A power to introduce a Late Night Levy will allow Licensing Authorities to charge at a higher rate, premises that open later.
- 2.6 Whether or not to implement the levy will be left entirely at the discretion of the Licensing Authority that will make the decision based on the situation in its local area. In the areas that it is introduced the levy will be collected annually and the revenue will be split between authorities and the police.
- 2.7 The levy is designed to permit local Councils to charge those businesses that benefit from the late-night economy for the extra enforcement costs that the night-time economy generates for Police and local authorities.
- 2.8 The two powers are expected to be mutually exclusive.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

4.0 The Home Office document is attached at Essential Reference paper B.

Background Papers:

None

Contact Member: Councillor M Alexander – Executive Member for
Community Safety and Environment

Contact Officer: Brian Simmonds – Head of Community Safety and
Licensing – Contact Tel Ext No 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p>Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p>
<p>Consultation:</p>	<p>Consultation has taken place with the Police through the forum of the Late Night Economy Group. Police favour the use of Early Morning Restriction Orders over the Use of a Late Night Levy.</p> <p>A fixed closing time would allow the Police to plan more cost effectively the supply of Police Officers on duty at given times of night.</p> <p>The Police would receive part of the income from the late night levy to pay for additional policing.</p> <p>The income to the Licensing Authority could be applied by the Licensing Authority to funding CCTV, taxi marshalls, Community Support Officers, or other Community Safety measures aimed at reducing crime and disorder arising from the night time economy).</p>
<p>Legal:</p>	<p>No issues identified by report author or contact officer</p>
<p>Financial:</p>	<p>The late night levy, if and when introduced, creates a potential new income stream to the Licensing Authority.</p>
<p>Human Resource:</p>	<p>No issues identified by report author or contact officer</p>
<p>Risk Management:</p>	<p>No issues identified by report author or contact officer</p>

Extend Early Morning Restriction Orders so they can be applied flexibly between midnight and 6am

December 2010

What is the policy aim?

The Coalition Agreement included a commitment to overhaul the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to, any premises that are causing problems in the local area.

The intention of these policy proposals is to extend the flexibility of Early Morning Restriction Orders to provide licensing authorities with an additional tool to shape and determine local licensing.

What is an Early Morning Restriction Order?

An Early Morning Restriction Order is an uncommenced power within the Licensing Act 2003 that will allow licensing authorities to restrict sales of alcohol in a particular area for any specified period between 3am and 6am if they consider this appropriate for the promotion of the licensing objectives. This applies to premises licences and club premises certificates.

What are the key changes that will be made through the Bill?

1. We will amend the provisions with regard to Early Morning Restriction Orders in the Licensing Act 2003 to allow local councils to decide between which hours they would like to prevent premises from opening, between 12am and 6am, according to what they believe to be most appropriate for their local area.
2. Early Morning Restriction Orders will also be affected by the reduction of the evidential burden on licensing authorities by creating an Order if it is felt to be beneficial for the promotion of the licensing objectives rather than if it is felt to be necessary as is currently the case.

What are the intentions of these policies?

Many residents and resident groups have told us that the night-time economy makes certain parts of the town no-go areas at night and anti-social behaviour associated with late night drinking extends into residential communities not just around licensed premises. We are committed to ensuring that licensing authorities and enforcement agencies are given the right tools to address the problems in their area whilst promoting a healthy night-time economy to benefit business and the community that they serve.

What evidence will licensing authorities need to make an Early Morning Restriction Order?

The licensing authority will need to be satisfied that an EMRO is appropriate for the promotion of the licensing objectives in a particular area.

Won't allowing licensing authorities to impose Early Morning Restriction Orders result in unfair restrictions on responsible retailers?

Licensing authorities will have to advertise the proposed order and hold a hearing to consider any representations before making an Order. This gives responsible retailers an opportunity to submit evidence against an Early Morning Restriction Order being imposed. It will also be possible to exempt certain types of premises from Early Morning Restriction Orders in secondary legislation. These would typically include premises such as hotels and casinos that generally operate responsibly and do not contribute to alcohol related crime and disorder and public nuisance late at night.

How wide an area will the Early Morning Restriction Order be able to apply to?

An Early Morning Restriction Order may only be applied to the whole local authority area – if the licensing authority considers this is appropriate for the promotion of the licensing objectives.

Main views of consultation respondents

This proposal received widespread support with many residents and resident groups informing us that the night-time economy makes certain parts of the town no-go-areas at night and anti-social behaviour associated with late night drinking extends into residential communities not just around licensed premises. We are committed to ensuring that licensing authorities and enforcement agencies are given the right tools to address the problems in their area whilst promoting a healthy night-time economy to benefit business and the community that they serve.