



Public Document Pack

Jeff Hughes
*Head of Democratic and Legal
Support Services*

MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 17 JULY 2014
TIME : 4.30 PM

MEMBERS OF THE COMMITTEE:

Councillor R Beeching (Chairman).
Councillors W Ashley, P Ballam, E Bedford, E Buckmaster,
Mrs R Cheswright, K Crofton, Mrs D Hone, J Jones, M McMullen,
P Ruffles, J Taylor, A Warman and B Wrangles, Vacancy.

Substitutes:

Conservative Group: Councillors D Andrews and K Warnell.
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).

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

AGENDA:

1. Appointment of Vice–Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

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

5. Minutes – 13 March 2014

To confirm the Minutes of the meeting of the Committee held on Thursday 13 March 2014 (Previously circulated as part of the Council Minute book for 14 May 2014).

6. Licensing Sub–Committee – 17 March 2014, 21 March 2014, 25 April 2014, 16 June 2014, 4 July 2014 and 11 July 2014 (Pages 7 – 24).

To receive the Minutes of meetings of the Licensing Sub-Committee held on:

17 March 2014

21 March 2014

25 April 2014

16 June 2014

4 July 2014 – 'To Follow'

11 July 2014 – 'To Follow'.

7. Results of Workshops to Engage with the East Herts Licensed Hackney Carriage and Private Hire Trade (Pages 25 – 48).

8. Report on Licensing Activity – Quarter 1 and Quarter 2 of 2014 (Pages 49 – 58).

9. Attendance at Licensing Sub-Committee (Pages 59 – 64).

10. 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 SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 17 MARCH 2014,
AT 10.00 AM

PRESENT: Councillor Alan Warman (Chairman).
Councillors E Bedford and J Taylor.

OFFICERS IN ATTENDANCE:

Alimat Adenekan	- Environmental Health
Peter Mannings	- Democratic Services Officer
Douglas Ochiltree	- Environmental Health Technical Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

47 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor E Bedford and seconded by Councillor J Taylor that Councillor A Warman be appointed Chairman of the Licensing Sub-Committee for the meeting.

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

48 MINUTES – 14 FEBRUARY 2014

RESOLVED – that the Minutes of the meeting held on 14 January 2014 be confirmed as a correct record and signed by the Chairman.

49 APPLICATION BY TESCO STORES LIMITED TO VARY THE PREMISES LICENCE AT BISHOP'S PARK CENTRE, LANCASTER WAY, BISHOP'S STORTFORD, HERTS, CM23 4DD

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

The Senior Specialist Licensing Officer advised the Sub-Committee that the application was to vary the premises licence to attach updated plans in relation to a change of layout and to remove conditions from Annexe 3, which were conditions that had been attached following a hearing of the Licensing Sub-Committee on 9 September 2005.

Members were advised that, as the representations only referred to the removal of the condition relating to the car park barrier, this was the only part of the application which Members were being asked to consider. The other conditions that the applicant had applied to remove would be determined by Officers under delegated powers.

The applicant's barrister explained that conditions attached to a premises licence should only relate to licensable activities and should not be used to regulate other matters. Members were advised that only 6–8% of the store's total sales were for alcohol related products.

The applicant had no intention of removing the car park barrier but sought to ensure that only the appropriate conditions remained on the premises licence. Members were advised that the condition was inappropriate as there was no evidence that its retention would promote any of the four licensing objectives.

The Sub-Committee was also advised that the condition meant that the applicant was required to close the barrier even though the store was open and active. Members were advised that this was a technical application to remove an unlawful condition that should not have been

applied to the store's premises licence.

The applicant had sought to apply best practice in utilising a challenge 25 policy before this had become the industry standard. Members were advised that the fact that the police had not objected to this application should be given significant weight.

The barrister concluded that the Environmental Health comments regarding the barrier not working had come about as a vehicle had driven into the barrier. The damage had been quickly repaired to enable the barrier to be brought back into operation.

Councillor J Taylor referred to the importance of protecting children from harm and safeguarding the wellbeing of residents. She referred to a history of complaints relating to the operation of the barrier.

The applicant's barrister stated that Tesco intended to continue operating the barrier but felt that it was not appropriate for this condition to remain on the premises licence. The barrier would not prevent cyclists or pedestrians using footways to access the site. The Sub-Committee was reminded that there was no recent evidence or history of problems relating to the operation of the barrier.

Councillor J Taylor expressed concerns regarding cars moving around the car park and creating a noise nuisance in the form of screeching brakes. She reiterated that the store served a residential area occupied by families with children and Tesco should ensure they were good neighbours. She commented on whether residents' concerns were being taken seriously by the applicant.

Members were advised that Tesco always sought to be a good neighbour and the applicant was very keen to ensure that this Tesco store had a minimal impact on the surrounding area. The applicant's barrister stated that the barrier condition impeded the users of the store and,

should the condition be removed, the applicant would continue to operate the barrier in a responsible manner.

A representative from Environmental Health advised that the operation of the barrier was a lifesaver for residents and was instrumental to Tesco being a good neighbour. The applicant reiterated that only 6–8% of the total sales were for alcohol related products and Tesco had no intention of removing the car park barrier, but merely sought to ensure that only the appropriate conditions remained on the premises licence.

In response to a query from Councillor J Taylor, the Legal Services Manager confirmed that any conditions on a premises licence must relate to licensable activities and there must be evidence that such conditions were necessary.

In response to comments from Councillor E Bedford, the applicant explained that there was no evidence of people buying alcohol from this store and consuming it in the store car park.

The applicant emphasised that Tesco always sought to operate within best practice standards and did all it could to operate in a responsible manner. Members were reminded that there was no evidence in recent times of problems that would justify the retention of the condition relating to the car park barrier.

Councillor J Taylor sought and was given clarification that Environment Health stood by their representation in respect of this application. In response to a query from Councillor A Warman, the Sub-Committee was advised that the applicant would always share CCTV evidence with the police regarding shoplifting or speeding motorists.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the

evidence.

Following this they returned, and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Specialist Licensing Officer, the Applicant and Environmental Health and, having considered the written representations, had decided to refuse the application to vary the premises licence, which sought the removal of the condition relating to the barrier.

Members did not accept that the issue of nuisance from the store was not connected to Licensable Activities and were concerned about the incidents of public nuisance if the barrier condition was to be removed.

RESOLVED – that, for the reasons now detailed, the application to vary the premises licence be refused.

The meeting closed at 11.41 am

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 21 MARCH 2014,
AT 2.00 PM

PRESENT: Councillor Roger Beeching (Chairman).
Councillors Mrs D Hone and J Jones.

ALSO PRESENT:

Councillors P Moore and P Ruffles.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Paul Merry	- Licensing Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

50 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Jones and seconded by Councillor Mrs D Hone that Councillor R Beeching be appointed Chairman of the Licensing Sub-Committee for the meeting.

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

51 MINUTES – 28 JANUARY 2014 AND 29 JANUARY 2014

RESOLVED – that the Minutes of the meetings held on 28 and 29 January 2014 be confirmed as a correct record and signed by the Chairman.

52 APPLICATION TO GRANT A LICENSED PREMISES GAMING MACHINE PERMIT FOR THE ANCHOR INN, UNITS D1/D2 RIVERSIDE PLAZZA, JACKSON SQUARE, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 3AK

The Chairman outlined the procedure to be followed. All those present were introduced. The Licensing Officer advised the Sub-Committee that the report summarised an application that sought permission for 6 category C gaming machines at the Port Jackson, Units D1/D2 Riverside Plaza, Jackson Square, Bishop's Stortford. The application had been submitted on 5 February 2014.

The Sub-Committee was advised that permits for one or two machines on alcohol licensed premises could be sought by way of a simplified notification procedure and acknowledged under delegated powers without a hearing, in line with Section 282 of the Gambling Act 2005.

The Licensing Officer circulated a copy of the policy of JD Wetherspoon regarding Licensed Premises Gaming Machines. Members were advised of the maximum spend and maximum possible prize for category C machines.

The Licensing Officer confirmed that other premises in East Herts had similar machines and the sister venue of the Port Jackson operated category C machines without any issues as far as Officers were aware.

Councillor J Jones commented on whether any other business in East Herts had installed 6 of this type of machine in licensed premises. The Licensing Officer believed that, whilst there were no such instances in East Herts, businesses in other Districts had installed 6 category C machines.

Councillor R Beeching queried the guidelines in respect of category C machines in licensed premises. The Licensing Officer reported that there was no upper limit regarding the numbers of machines in either the

legislation or East Herts policy and it was for Members to judge how many was acceptable.

The applicant and designated premises supervisor advised Members that it was the policy of JD Wetherspoons to apply for 5 or 6 category C machines in new licensed premises. Members were advised that no children would be permitted to use the machines and staff would be carrying out ID checks. There would be an on site manager as well as door staff.

In response to a query from Councillor R Beeching, the applicant confirmed that there would be no ATM machines within the premises. In reply to a further query from Councillor Beeching, the Sub-Committee was advised that machines would be emptied of cash regularly and the machines would be switched off in the evenings in line with the licensed opening hours of the premises.

Following a comment from Councillor J Jones, the applicant emphasised that anyone suspected of being under 18 would be challenged. At the conclusion of the summary representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this they returned, and the Chairman announced that the Sub-Committee had listened to the comments of the applicant and the Licensing Officer and had decided to approve the application for a licensed premises gaming machine permit for 6 category C gaming machines, on the basis that there were no reasons to refuse the application.

RESOLVED – that, for the reasons now detailed, the application for a licensed premises gaming machine permit be approved.

53 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to

Section 100 (A) (4) of the Local Government Act 1972, to exclude the press and public during consideration of the business referred to in Minute 54 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 APPLICATION NUMBER 025314

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors P Moore and P Ruffles could remain in the room as observers.

The Senior Specialist Licensing Officer advised the Sub-Committee of the details of the application and explained that it was for Members to decide whether the applicant was a “fit and proper person” to hold a taxi driver’s licence.

The Sub-Committee was provided with background information relating to the applicant and his 2 convictions as detailed in the report now submitted. Members were reminded that, although the convictions were all considered spent under the Rehabilitation of Offenders Act 1974, they remained live in respect of applications for taxi driver licences.

The Senior Specialist Licensing Officer concluded by stating that the applicant would have a 21 day right of appeal to the magistrates’ court. The applicant provided detailed information regarding the circumstances that led to his 2 convictions. He advised that he was currently working for UPS as a sorter and delivery driver.

In response to a query from Councillor J Jones, the applicant stated that he intended to leave UPS due to his lengthy commute to work. The applicant confirmed his intention to work for a taxi company should his application be approved.

Following a comment from the Senior Specialist Licensing Officer, the applicant confirmed that he often handled valuable items due to his current role with UPS. In response to a query from Councillor R Beeching relating to the applicant’s community service, the applicant confirmed that he had worked 8 – 10 hours every Saturday until he had met the commitments of this unpaid work.

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

Following this they returned and the Chairman announced that the Sub-Committee had listened to the comments of the applicant and the Senior Specialist Licensing Officer and had decided to approve the application for a taxi driver’s licence.

The Chairman stated that the applicant had made mistakes in the past and as a taxi driver he would be in a position of trust and responsibility towards the public. The applicant was advised not to make any more mistakes that could land him in trouble with the police. The Chairman wished the applicant all the best in his new career.

RESOLVED – that, for the reasons now detailed, the application for a taxi driver’s licence be approved.

The meeting closed at 2.47 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 25 APRIL 2014,
AT 10.00 AM

PRESENT: Councillor M McMullen (Chairman).
Councillors J Jones and J Taylor.

ALSO PRESENT:

Councillors R Beeching and P Ruffles.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
George Robertson	- Legal Services Manager
Oliver Rawlings	- Senior Specialist Licensing Officer

55 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Taylor and seconded by Councillor J Jones that Councillor M McMullen be appointed Chairman of the Licensing-Sub Committee for the meeting.

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

56 MINUTES – 17 MARCH 2014

RESOLVED – that the Minutes of the meeting held on 17 March 2014 be confirmed as a correct record and signed by the Chairman.

57 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A) (4) of the Local Government Act 1972, to exclude the press and public during consideration of the business referred to in Minute 58 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

58 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – APPLICANT WITH SPENT CONVICTIONS

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors R Beeching, P Moore and P Ruffles could remain in the meeting as observers.

The Senior Specialist Licensing Officer advised the Sub-Committee of the details of the application and explained that it was for Members to decide whether the applicant was a “fit and proper person” to hold a private hire driver’s licence. Members were reminded that, although the convictions were all considered spent under the Rehabilitation of Offenders Act 1974, they remained “live” in respect of applications for Hackney carriage or Private Hire Drivers’ Licences.

The applicant provided a detailed account of the events which lead to the convictions. He stated that on two occasions he had also been racially provoked by a Traffic Warden while waiting to pick up a customer. The applicant admitted that he had been waiting on double-yellow lines at the time and explained the problems of picking up customers at that specific location.

The applicant provided a summary of his previous employment as a licensed private hire driver within the Districts of Dacorum and Three Rivers.

The applicant stated that he considered himself to be a “fit and proper person” and confirmed that he did not have a criminal record. He emphasised that no complaints had been made about his conduct and that he got on well with the travelling public. He referred to the fact that he had been given a private hire licence by other licensing authorities and provided a summary of the length of time he had worked within those Districts. The applicant stated that this was the only way he could earn a living.

In response to a query from the Chairman regarding his “loss of temper”, he stated that this had occurred when a racially motivated comment was made by a Traffic Warden. He regretted the event.

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

Following this they returned and the Chairman announced that the Sub-Committee had listened to the comments of the applicant and the Senior Specialist Licensing Officer and had decided to allow the applicant to proceed to become a licensed private hire driver, on the basis that he could be considered a “fit and proper person”.

The Sub-Committee emphasised that as a responsible driver, the applicant must observe all highway restrictions, including double yellow lines at all times. The Sub-Committee reminded the applicant that he must at all times control his temper when dealing with the public and authority.

RESOLVED – that, for the reasons now detailed, the applicant be allowed to proceed to become a licensed private hire driver.

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The meeting closed at 11.00 am

Chairman

Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 16 JUNE 2014,
AT 2.00 PM

PRESENT: Councillor Alan Warman (Chairman).
Councillors Mrs D Hone and J Jones.

ALSO PRESENT:

Councillors P Ballam, R Beeching and
P Ruffles.

OFFICERS IN ATTENDANCE:

Robin Clark	- Enforcement Manager
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager
Brian Simmonds	- Head of Community Safety and Health Services

1 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Jones and seconded by Councillor Mrs D Hone that Councillor A Warman be appointed Chairman of the Licensing–Sub Committee for the meeting.

RESOLVED – that Councillor A Warman be appointed Chairman of the Licensing Sub–Committee for the meeting.

2 MINUTES – 21 MARCH AND 25 APRIL 2014

RESOLVED – that the Minutes of the meetings held on 21 March and 25 April 2014 be confirmed as correct records and signed by the Chairman.

3 CONSIDERATION OF AN OBJECTION NOTICE TO AN APPLICATION TO VARY A PREMISES LICENCE AT THE OLD BELL, 38 BELL STREET, SAWBRIDGEWORTH CM21 9AN

At the invitation of the Chairman, the Legal Services Manager explained that, as the applicant was not in attendance, the meeting should be rearranged to allow the applicant the opportunity to attend the hearing.

In response to a query from Councillor J Jones, the Legal Services Manager advised that there had clearly been a breakdown in communication as to the outcome of a meeting between the Police and the applicant, which was attended by the Senior Specialist Licensing Officer.

The Sub-Committee agreed for the hearing to be adjourned and rearranged at a convenient time to allow both the Police and the applicant to attend the hearing.

RESOLVED – that the hearing be adjourned and rearranged at a convenient time to allow both the Police and the applicant to attend the hearing.

The meeting closed at 2.15 pm

Chairman
Date

EAST HERTS COUNCIL

LICENSING COMMITTEE – 17 JULY 2014

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

RESULTS OF WORKSHOPS TO ENGAGE WITH THE EAST HERTS LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE TRADE

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- To detail the results of the engagement exercise with the East Herts hackney carriage and private hire, drivers, proprietors and operators.

RECOMMENDATION FOR LICENSING COMMITTEE: that	
(A)	The Licensing Committee determines which of the issues raised should go out to full consultation with the hackney carriage and private hire licence holders, operators and other stakeholders.
(B)	After consulting as above, the Head of Service be authorised to implement any policy changes in consultation with the Chairman of the Licensing Committee.

1.0 Background

- 1.1 Following approval of the methodology for engaging with the trade at the Licensing Committee in March officers arranged 23 separate meetings and invited every member of the licensed trade to attend. These meetings were organised between 1st and 23rd April 2014 and divided between Hertford and Bishops Stortford, invite attached as **Essential Reference Paper 'B'**.
- 1.2 Over 350 invitations were sent and in total 19 licence holders attended the workshops. 14 of the workshops were cancelled as no one had booked to attend.
- 1.3 In addition to the workshops comments and questions were invited either via post or email. Three email responses were received and are detailed at **Essential Reference Paper 'C'**.

- 1.4 During the workshops a number it became clear that there are several issues that concern the majority of people attending the workshops. These specific points are addressed in the body of the report.
- 1.5 In addition a large number of specific questions and points of clarification were asked and these will be addressed directly with the trade as they are not within the Licensing Committees direct control as they may relate directly to the legislation or specific events.
- 1.6 The points below deal with the issues in the order of importance as indicated by those attending the workshops. The topics raised can fall under the following general headings:
1. Ranks
 2. Enforcement
 3. Taxi marshals
 4. Knowledge test
 5. Limiting numbers of vehicles
 6. Fares
 7. Licensing points scheme
 8. Policy issues
- 1.7 **Essential Reference Paper ‘D’** details the comments made during the workshops in relation to the issues detailed above.
- 2.0 Report
- 2.1 The first major area of concern, particularly to the hackney carriage trade in Hertford, is rank space.. In summary it was felt that there is a lack of both daytime and night time rank space, particularly in Hertford, and that there are areas that could be improved.
- 2.2 When these points were raised during the workshops those present were asked to suggest how this could be resolved and the following suggestions were made:
- a) Railway Street (Halfords rank) to be extended. Removal of the loading bay could possibly give two extra spaces.
 - b) Railway Street Rank should be all day and all night. There is room for 4 extra spaces opposite the existing rank.

- c) Fore Street rank is only in operation on Friday and Saturday nights, this needs to be extended to at least include Sundays before Bank Holidays.
- d) Could the pedestrianised part of Railway Street be used for extra space? The suggestion was for day times only and not when the market was on.
- e) Could there be a two car rank in the wider park of St Andrews Street to serve the restaurants at that end of town?
- f) Ware Station stand should be moved from its current location as it is on a blind bend and dangerous for all road users.
- g) Mill Street rank is actually a stand and is located in the wrong location and not safe. It needs to be moved towards the chip shop/Six Templars then it might be used more.
- h) There needs to be more consideration given to taxi ranks when new developments are planned. For example: Will there be a taxi rank at the new Asda store in Ware?
- i) Need another rank in Ware suggested locations are Star Street and Baldock Street.

2.3 Some of the above suggestions have been investigated in the past but officers are prepared to look at the options again. There are cost implications to creating ranks and Hertfordshire Highways have to give their approval.

2.4 Do Members have any specific concerns or comments regarding any of the proposed locations and options? It should be noted that enforcement have previously been tasked with discouraging licensed vehicles from parking on the pedestrianised part of Railway Street which forms part of one of the suggestions above.

2.5 Enforcement was an issue that was of equal concern to the licensed trade. Encouragingly the trade are requesting that more enforcement takes place to ensure standards are maintained and there is a level playing field for all. Many of the drivers concerns relate to complaints they receive from customers about other drivers and the main issues are detailed below.

- a) Refusal of short journeys and cherry picking of jobs.
- b) Overcharging of customers, people not turning on the meter etc.
- c) Drivers taking longer routes to increase fares.
- d) Drivers starting the meter then programming their sat nav so customer is paying for their lack of knowledge.
- e) East Herts private hire vehicles plying for hire.
- f) Vehicles plying for hire in Parliament Square (outside Deco's,

Hertford House Hotel, Midwest) parking badly and blocking the town centre on busy evenings.

- g) There needs to be more of a presence at the ranks. The suggestion is twice a week and that there should be informal visits to advise drivers and build relationships.
- h) Enforcement are only checking the basics like badges but there main concern should be public safety so tyres etc.
- i) The opposing view to that given in h) above was also offered stating that the Council officers should enforce the conditions like badges but vehicle checks should be left to the police.
- j) Enforcement need to be out later, from midnight onwards.
- k) The joint enforcement operation with the police at Wickes was welcome and there should be more of these.

2.6 The new Joint Enforcement Manager, Robin Clark, started in post on 10th June 2014. At the time of drafting the report Robin had not had sufficient time to formalise a response to the issues detailed above. However it is hoped that Robin will be able to attend Licensing Committee to detail his approach to the issues raised by the licensed trade.

2.7 Opinions on the taxi marshal scheme seemed divided. One issue that has been addressed in this financial years' service level agreement is the provision of taxi marshals on busy evenings that do not fall on Friday or Saturday nights. This has been welcomed by the trade but has highlighted an issue with the rank at Fore Street. As it is only currently a rank on Friday and Saturday nights other vehicles are allowed to park there on these other evenings when marshals are provided. Officers, as part of the proposed rank review, will be looking at the possibility of extending the use of the rank to at least these few extra dates each year.

2.8 East Herts Council no longer has any direct involvement with running the taxi marshals since the signing of the service level agreement between the provider Bradsec and Hertfordshire County Council/Hertford Town Council earlier this year. The specific points bought up during the workshops will be forwarded to Hertford Town Council for their consideration.

2.9 A number of the trade identified issues with the knowledge test that new dual driver applicants have to pass before becoming a licensed driver. The issues highlighted are:

- a) The original knowledge test contained questions relating to the villages but 12-18 months ago this was removed. It needs to be put back in.
- b) The knowledge test should include points of interest like hospitals, pubs, museums etc.
- c) The knowledge test should change to a written test rather than verbal test.
- d) The knowledge test should include common out of district journeys like Cheshunt.
- e) The current knowledge test is too easy; it does not ensure people know where they are going.
- f) There should be a knowledge test for private hire drivers as other drivers receive complaints that some do not know where they are going.
- g) Private hire knowledge test should be to current standard with a new harder test for dual drivers.

2.10 The existing knowledge test consisted of an applicant answering 25 questions on a particular area (Hertford/Ware or Bishops Stortford/Sawbridgeworth) and getting 20 correct. Applicants had to verbally describe the route they would take between two points whilst a licensing officer followed the route on a map. It quickly became clear that the test papers had not changed for a considerable amount of time and were in the possession of the licensed trade. This essentially made the test a memory test rather than a knowledge test because if you memorised have the 8 papers for an area you had a 50% chance of getting a paper you could answer. This method was not insuring that drivers had a good knowledge of the area they were proposing to work in.

2.11 From the 1st April 2014 the knowledge test changed to a written format still consisting of 25 route questions but with the addition of 5 questions relating to policy and basic arithmetic. The knowledge tests are now held every two months rather than as and when an individual applicant wants to book. This allows a reasonable amount of time for an applicant to improve their knowledge should they fail the test on a first attempt. This change allows one licensing officer to conduct a knowledge test for several drivers at the same time making the whole process more efficient, cost effective and less open to allegations of bias or favouritism.

2.12 Only applicants that apply after the 1st April 2014 will have to sit this written style knowledge test. All the existing applicants will still

be allowed to sit the test that was in place when they applied as it would be unfair to move the goal posts after they have committed considerable funds and time towards becoming a licensed driver. Since April 2014 only one applicant has sat the written knowledge test and to his credit he passed.

- 2.13 Some drivers saw the knowledge test as a way of limiting numbers as less people will pass if it is made harder and private hire applicants have to sit one. This is not a valid reason for making changes to the knowledge test but if Members believe that standards amongst applicants need to be raised then they can direct officers to make changes to the written test for dual driver applicants and look at introducing a knowledge test for private hire applicants. Officers would suggest that if Members are minded to move in this direction a written consultation with the whole trade should be undertaken.
- 2.14 A number of drivers suggested limiting the numbers of hackney carriage vehicles licensed by East Herts Council. This can be done lawfully although DFT guidance states that it is best practice not to impose limits. To limit numbers an unmet demand survey would have to be commissioned to demonstrate that there is no demand for taxis within East Herts that is currently unmet. The cost of this survey would have to be met by the trade and would be recovered through increased license fees for hackney carriage vehicles.
- 2.15 It should be noted that limiting numbers is not the quick fix that many in the trade hope it is. If the survey finds unmet demand then a cap on numbers would be unlawful but the cost of that survey would still need to be recovered from the trade. If the survey found that all demand was met then a cap would be imposed at the current number of licensed vehicles so there would still be the same issue regarding numbers. The capped number could be a diminishing amount so as licenses were either surrendered or revoked the number of vehicles would lower although this is a very gradual process. Similarly further unmet demand surveys would be necessary in the future to ensure that the limit remained legal and should there be unmet demand then the number of vehicles licensed would have to increase to cover that demand.
- 2.16 If Members were minded to consider limiting the numbers of hackney carriage vehicles then officers would obtain quotes for carrying out an unmet demand survey and calculate the cost to

license holders before putting the idea out to consultation with the trade.

- 2.17 The issue of fares was raised surprisingly few times considering the last increase was in 2011. Views differed wildly from thinking that there should be no increase to setting an annual increase, even the method by which the increase should be made differed.
- 2.18 The procedure for a fare increase is straight forward but it is for the trade to suggest what they believe would be an appropriate increase and how the fare tariff should be changed to achieve this. Officers would suggest that as part of the consultation resulting from the workshops that the trade is asked firstly if they are for or against a fare increase and secondly if they are in favour of an increase, then what they would like the increase to be. The results of that could be brought back to licensing committee for approval before the formal public consultation is undertaken.
- 2.19 Concerns were raised regarding the validity of the Licensing records points scheme. Drivers felt that the points need to mean something if they are to have any effect. The trade is aware that one driver came before a licensing sub-committee with 22 points but was just issued with a warning. In the trades words this has made the scheme a 'laughing stock'.
- 2.20 One suggestion was that once an individual reaches 9 points they come in for an interview and a warning then if they get 3 more they are instantly revoked. This suggestion would be unlawful however under the current system when an individual reaches 12 points revocation is one of the options that a licensing sub-committee can consider.
- 2.21 Drivers made it clear that they would like to see swift and decisive action against bad drivers and they should have their licenses suspended or revoked.
- 2.22 A number of issues around the current policies that are in place in East Herts have been raised. In particular a number of drivers brought up the issue of advertising on licensed vehicles.
- 2.23 Appendix B of the Taxi Licensing Policy states:

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.

- 2.24 It would appear that requests for approval of advertising used to be directed to the Licensing manager and no other guidance was given regarding what was deemed appropriate. Written confirmation of the approval (either via letter or email) was provided but the records of these approvals cannot be located.
- 2.25 On a number of occasions recently requests for advertising, particularly in rear windows, have been refused. It has been highlighted by the people that have been refused approval for advertising that there are currently East Herts licensed vehicles with identical style advertising in them currently.
- 2.26 In the current economic climate it would be helpful for drivers to be able to benefit from being able to advertise on their vehicles. For example a tyre company was offering a set of free tyres if they could place an advert in the rear window of a licensed taxi. These signs are practically see through so would not obscure the drivers view and a new set of tyres would be a cost saving to the small business whilst potentially increasing public safety.
- 2.27 There are two approaches to resolve this matter:
- a) Appendix B remains unchanged and enforced. In order for everyone to have a level playing field officers could contact those that have advertising outside of the description in appendix B and ask them to provide proof that the advertising has received approval. If proof cannot be provided then the advertising would have to be removed, or
 - b) If Members wished to review the policy then this could form part of the trade consultation and the suggestions could then be brought back to licensing committee for approval.
- 2.28 Drivers questioned why they were required to carry a fire extinguisher and first aid kit. The handbook states that both hackney carriage and private hire vehicles must: 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.
- 2.29 Drivers argue that without the appropriate first aid training they would be putting themselves at risk of legal action if they were to administer first aid to someone. This means that the first aid kit is

there purely for the benefit of the driver of the vehicle and therefore they argue that this should be a matter for their own risk assessment.

2.30 Similarly drivers state that as the fire extinguisher is generally stored in the boot it is of little practical use and that they would be unlikely to even attempt to tackle a fire in their own vehicle as they are insured and the personal risk is not worth it. Again they argue as small businesses the carrying of a fire extinguisher should be left to their own risk assessment.

2.31 Members are asked to consider the three options below:

- a) The policy is amended to remove the requirement to carry a fire extinguisher and first aid kit.
- b) The policy is amended to remove the requirement to carry either a fire extinguisher or first aid kit.
- c) The policy remains unchanged and it remains a standard vehicle condition.

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 Malcolm Alexander – Portfolio Holder for Community Safety and Environment.

Contact Officer: Brian Simmonds – Head of Community Safety and Health Services, Extn: 1498.
brian.simmonds@eastherts.gov.uk

Report Author: Oliver Rawlings – Senior Specialist Licensing Officer, Extn: 1629.
oliver.rawlings@eastherts.gov.uk

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	<i>Prosperity – Improving the economic and social opportunities available to our communities</i> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.
Consultation:	<i>23 workshops were scheduled between 1st-23rd April 2014. All hackney carriage and private hire drivers, proprietors and operators licensed by East Herts were invited to attend.</i>
Legal:	No issues identified by report author or contact officer
Financial:	<i>Officer time will be spent carrying out further consultation with the trade and drafting amendments to policy if approved by Licensing Committee. Licence fees are charged on a cost recovery basis so as long as the time used is recorded this cost can be recovered.</i>
Human Resource:	No issues identified by report author or contact Officer.
Risk Management:	No issues identified by report author or contact Officer.
Health and wellbeing – issues and impacts:	No issues identified by report author or contact Officer.

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Essential Reference Paper 'B'

Your contact: Oliver Rawlings
Ext: 1629
Fax: 01992 531 638
Your ref:
Date:

Dear

We are writing to you to invite you to attend a taxi trade workshop where you will have the opportunity to speak to officers directly, to get accurate up-to-date information and to let us know what issues are important to you and why. We think it is important to hear from as many licence holders as possible and to be able to discuss your concerns face to face.

Scrutiny Committee has previously discussed the setting up of a driver's forum so that officers have direct communication with representatives of the Taxi trade. Part of the workshops will be asking your opinions regarding how this should work and how representatives should be nominated.

The workshops will take no longer than 2 hours and are being held at various times, in both Hertford and Bishops Stortford, to give everyone an equal opportunity to have their say. It is hoped that those that attend the meetings will not only highlight the issues affecting the trade but will also bring suggestions for how they think these can best be resolved.

You need to book by calling 01279 655261 and asking for Licensing or by emailing community.protection@eastherts.gov.uk. Please include your name, contact telephone number and licence number in any correspondence. Please have more than one date in mind in case your first choice is full.

Please take the time to attend these workshops. It is really important to us that we can improve the way we work together, that we help your business to be successful, and that the East Herts taxi trade is one to be proud of.

Yours Sincerely

Oliver Rawlings
Senior Specialist Licensing Officer

WORKSHOP DATES AND TIMES

HERTFORD

DATE	TIME		
1 st April 2014			6:30pm – 8:30pm
7 th April 2014	10am – 12pm	1pm – 3pm	
8 th April 2014	10am – 12pm	1pm – 3pm	6:30pm – 8:30pm
9 th April 2014	10am – 12pm	1pm – 3pm	
11 th April 2014	10am – 12pm	1pm – 3pm	
14 th April 2014	10am – 12pm	1pm – 3pm	

The Hertford meetings are being held at the Council Offices, Wallfields, Pegs Lane, Hertford, SG13 8EQ. Please report to reception.

BISHOP'S STORTFORD

DATE	TIME		
9 th April 2014			6:30pm – 8:30pm (BS Police Station)
10 th April 2014	10am – 12pm	1pm – 3pm	6:30pm – 8:30pm (BS Police Station)
15 th April 2014		1pm – 3pm	
17 th April 2014	10am – 12pm	1pm – 3pm	
22 nd April 2014	10am – 12pm	1pm – 3pm	
23 rd April 2014	10am – 12pm	1pm – 3pm	

The Bishops Stortford day time meetings are all being held at Council Offices, Charringtons House, The Causeway, Bishop's Stortford, CM23 2ER. Please report to reception.

The two evening meetings will be held at Bishop's Stortford Police Station.

Please ensure you book a place by calling 01279 655261 and asking for Licensing or by emailing community.safety@eastherts.gov.uk as meetings where no one has confirmed attendance may not be held. If you wish to attend at short notice then please call the above number to ensure the meeting you wish to attend is going ahead.

If you are unable to attend any of the above meetings then we would still value your opinions which you can send in writing to either Council Office for the attention of Licensing or by email to community.protection@eastherts.gov.uk. Please include your name, contact number and licence number with your comments.

RECEIVED 8TH APRIL 2014

Hi Oliver,

Thanks again for the discussion this evening; I found it to be very positive. I hope you found it of practical use too! As promised, here's a flyer regarding the taxi course that you might want to investigate. Apparently more LAs are requesting this qualification before granting school runs, so it would have several benefits to the drivers. As I said, there's no cost to the student.

Kind Regards

SEE ATTACHED NVQ FLYER.

RECEIVED 16TH APRIL 2014

Hi Oliver,

Thanks for setting up the meetings, as I am a new driver I think I missed the invite but think these 'surgery' type meetings between yourself and the drivers are an excellent idea as there seems to be a lot of rumour, half-truths and misinformation circulating between (and possibly created by) the drivers (as you can see from my experiences in the email chain with Chris over Ware station) and I'm sure these meetings will help provide clarity and direction as well as building better relationships.

My issues I'd like to be considered after a short period in the role are: -

Ware Taxi Rank

When I first applied I was told that the rank at the station was available for me to ply for hire, but since being plated I am not sure that this is the case. When trying to rank up there I have been subject to verbal abuse and threatening behaviour as well as unscrupulous tactics by Amwell Cars drivers to make it nigh on impossible to trade freely by the rules in this area. This restricts me to using just one taxi rank on this side of the area, which in turn means always running back empty from Ware to Hertford. It also facilitates poor service levels for customers in the area as they are manipulated into Amwell Cars office and required to wait when I am sitting on the rank ready for hire. I have two suggestions to relieve the situation and enable a better service for Ware based customers.

1. Provide a clear signage on the Ware station rank with communication to be sent to all plated drivers that this will be operated as a full time rank and illegal parking around the rank is not acceptable
2. Creation of a 2nd rank in Ware possibly at the end of Star Street or in Amwell End to service weekend evening customers, which I believe would also help clear the streets of trouble which so often seems to be the case outside the Navigator.

Limit Number of Licenses

After working for a short period in the area I believe that the number of licenses in issue outweigh the demand for service in the area. To provide some substance to this statement I would add that with the exception of the hours from 10pm - 3am on a Thursday to Saturday it is impossible to gain enough in takings to meet the minimum wage. I think to complement this and ensure high standards of carriage throughout East Herts this could be brought into force alongside things like a dress code / vehicle age limit / vehicle cleanliness standards / customer service standards etc. I have witnessed on more than one occasion customers be unwilling or hesitant getting into vehicles because of either the condition of the car or the driver.

Illegal Parking & Plying for Hire Outside of Regulations

Besides the illegal parking at Ware station, there is also an issue during the late / night periods where drivers are trying to short cut driver queues on the taxi rank by either: -

- a) Parking legally and plying for hire
- b) Parking illegally and ply for hire

I understand that b) is totally unacceptable from your point of view, but my understanding is that a) is also against the Hackney Carriage bylaws. This is causing a huge amount of animosity amongst drivers and can see this possibly boiling over at some point, given that the some drivers perceive that they are being cheated by other drivers resulting in those playing by the rules losing custom to those shortcutting the system. Could some clear direction being given to all drivers as to what is acceptable here? My fear is that if drivers can just park anywhere rather than being required to return to the rank we would have chaos and a free for all when trying to pick up. My idea here would be to require all drivers to return to rank, but maybe create an additional rank in the Parliament square area.

Drivers from Out Of Area

There are a number of drivers that travel some distance to come into Hertford to work the rank during the day. Given the minimal takings that are available during the day there is a significant amount of what I believe to be speculation, but what is being pushed forward as fact as to how this can be profitable given the added expenses of the additional travel. To either confirm or quash this speculation, are there additional checks that can be made on drivers to ensure that vehicles are not dual plated to different areas (or lift the restriction of dual plating), and that takings are not being supplemented by undue benefits, or cheating of customers with inappropriate fares. I think there needs to be visibility of a level playing field for all drivers here, as I have already witnessed incidents where drivers have almost come to blows over this and the above issues. It may be that if the professionalism and number of drivers is improved this issue may not be so much in the forefront of people's minds.

I hope you don't mind the lengthy email. I wanted to try to provide you with something with some substance rather than just have a general whinge. I'm happy to discuss in more detail if you would like to call me whenever is convenient. Other than that I'm happy to get involved with initiatives like this you may hold in the future.

Please do not hesitate to contact me should you wish to discuss.

Regards,

RECEIVED 1ST MAY 2014

Subject: Advertising your own Taxi business

Hi Oliver

I spoke to you on the phone today about window advertising.

As I mentioned on the phone, I have just purchased an 8 vehicle. I would like to be able to advertise my company/number in the back and backside windows. As a solo trader I can't afford to keep buying magnetic signs that do have a tendency to come loose. They also damage the sides by scratching the paint work of the car. I am trying to make a living, as are many solo traders.

As I mentioned magnets damage the surface, and sign writing on the vehicle also leaves marks when you finally have to remove the signage.

There are quite a few cars that are travelling around Hertford on a Friday and Saturday night that already have their company and phone numbers displayed in their back window, a lot of Foxholes cars have stickers on their back windows.

I can understand advertising that restricts the view in the rear window, but now days these signs are transparent and we are the only council that doesn't allow signs in windows. also if they are not allowed, then surely all taxis out there that do have them on should have them removed, and I 1st enquired about this over 6 weeks ago, and they still have it in their windows.

Apologies if this email isn't as clear as I explained on the phone.

Many thanks

PS you did mentioned to change a ruling it needs to go before a council meeting to change the ruling, at the moment I'm one magnet down, is there any immanent meetings due, or will I have a fare wait before I can be told a yes or no?

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Ranks:

1. Railway street possible extra rank space.
2. Rank space is an issue. Saturday night Fore Street can queue back to M&S which can be dangerous.
3. Lack of daytime and night rank space. Move loading bay in Railway Street, separate fore street rank for daytimes? Woolpack extension?
4. Need more rank space. Railway Street pedestrianised bit? Not when market is on and daytime only. Fore Street as a day rank. Maybe 3 or 4 spaces in bus station fed by fore street rank?
5. Get rid of the station stand in ware. The parking there is dangerous for all road users.
6. The Mill Bridge rank sometimes blocks buses. Rarely used so could be given up in a deal for space elsewhere? Maybe the wider part of St Andrews Street, space for two cars.
7. Fore street over ranks back to M&S at weekends.
8. Ware station rank needs sorting out by highways as parking on a blind bend is dangerous.
9. Halfords rank should be extended.
10. The mill street rank isn't one, it's a stand. Not in a safe place so should be moved up to chip shop.
11. Hertford North, too many taxis so can't drop off.
12. 8 seater vehicles should not be allowed on ranks as they take up more than one space.
13. Loading bay should become rank at night.
14. Mill Bridge rank should be moved down to fish and chip shop.
15. Lorries in and out of Sainsbury's struggle pass rank.
16. Fore street rank should be all day and all night + 4 opposite the bus stops.
17. Ware Station rank. It is for all East Herts HC but Amwell Cars say it's theirs. Needs a sign to say East Herts.
18. New Asda in Ware. Asda Hatfield has taxi rank. Can there be a taxi rank at ware Asda?
19. Will East Herts put a rank on private property?

20. No rank in Ware – Amwell end night rank, can't get on it. Need a rank at other end of ware, safety of woman
21. Fore street rank needs to be physically marked. **Is it a taxi parking space< Hasters Horse. PH not allowed to park when picking up guests. Taxis are parked up and not in cars.**
22. Thought needs to be put into ranks for new developments. New Wetherspoons BS
23. North Street BS rank never policed. Impossible to get on it due to private vehicles.
24. North Street BS rank only part time could it be full time? Always full of private cars.
25. North street rank, parked up. One night of wardens enforcing would be a good start.

Enforcement issues:

1. There are an increasing number of drivers refusing short journeys.
2. Overcharging how do we deal with complaints?
3. Roof lights and plates. Can we say that plates should be permanently fixed on rather than magnets as some drivers remove them from vehicle but should be on all the time.
4. Plying outside Deco's, Hertford House, Midwest makes dropping off difficult. Only HC doing this.
5. Town centre CCTV used to target illegally ranked vehicles which are cherry picking fares rather than ranking up. Parliament Square a big issue, more parking enforcement needed in evenings.
6. There needs to be more presence at the ranks, twice a week? Informal visits to build relationships and get to know the drivers.
7. Enforcement not checking tyres but checking badges, public safety? Need for more test purchases for refusals and overcharging.
8. People sitting outside Hertford House, Stone House and Deco's cherry picking jobs.
9. When doing checks both badges should be check thoroughly. Things like tyres etc. should be left to the police.

10. Overcharging a real issue especially amongst newer drivers. Both for small journeys and out of district.
11. Drivers receive lots of complaints regarding overcharging from customers.
12. Reports from a customer of a pickup from Fore Street to Little Hadham, driver went via Standon so it cost £70 instead of £30 which it should have been.
13. People are putting on the meter and then programming the sat nav, customers charged extra because drivers don't know where they are going.
14. Police and enforcement need to do something about double parking outside Hertford house, always the same.
15. Enforcement need to be out later, midnight onwards.
16. People are cherry picking jobs and refusing short journeys. One particular evening young woman turned away.
17. Parliament square cause problems can committee stop this? Seems to be confusion about where they can stop.
18. Enforcement. HC drivers not putting on their roof lights, mostly executive vehicles. Can apply for executive disc like a PH vehicle?
19. XXXXXXXX park up outside the six Templars and Midwest. People see the vehicles and assume they are taxis and get in.
20. Taxis coming in from other areas and plying for trade here. One Broxbourne driver was fined £100 for working here but he commented he earned £200 so worth it.
21. 3 to 4 months ago. Driver bought car from XXXXXXXXXX and was caught with no insurance by the police and enforcement. Back on road within week.
22. The enforcement operation at Wickes was good. More of these please.

Taxi Marshals:

1. Taxi Marshals, one doing nothing. What about extra nights?
2. Marshalled rank busy Saturdays. The marshals are a help and are doing quite a good job, had better in the past but also had worse.
3. Marshals need to understand that the customer has a right to choose which vehicle they want to get in.

4. Taxi marshals should be in place for bank holidays, Xmas eve & New Year's Eve.
5. On BH weekends no marshals.
6. Fore Street taxi rank isn't a rank on Sunday evenings. Fore Street needs to be a full time day and night rank.
7. Taxi marshals aren't good enough. Regularly lose control of crowds. End up loading up. Dog and whistle, people getting in with glasses and bottles, food.
8. Think there might be a backhander going on as Mo holds people up. 2 queues, one long journeys, one short journeys. Different charges according to type of car.
9. Marshals. Had meeting about 4 years ago to tell them how we wanted them to operate. One queue. One marshal under bus shelter, no food drinks etc. Would then pass on to other marshal who would hurry up taxis
10. Bradsec – spoke to Oliver about this but Claire didn't do anything.

Knowledge test:

1. 12-18 months ago the villages were removed from the knowledge test.
2. Need a knowledge test for PH drivers to same standard as current DD test, then beef up DD test.
3. Need to include points of interest in KT.
4. Can it change to a written test?
5. Can a licensed driver sit in when they are done?
6. Knowledge test for DD too easy, drivers do not know where they are going.
7. Not necessary to limit the numbers just make the knowledge test harder for DD.
8. PH's don't know where they are going so need a knowledge test.
9. KT should include points of interest.
10. KT needed for private hire as they don't know where they are going.
11. Put common out of district journeys on the KT (Cheshunt for example).
12. Should be KT for PH. Council staff don't know the routes themselves. KT should be done by someone who knows.

13. KT needs to include villages.
14. If they are going to write the answer then how is it going to be as comprehensive?
15. Can drivers have the new written test to comment on?
16. Reports that PH drivers don't know where they are going so should have KT.

Limiting numbers:

1. Need to cap Hackney carriage numbers. Unmet demand survey
2. Too many HC out there.
3. Limit HC numbers.
4. Numbers of both HC and PH should be limited. Perhaps only licence vehicles twice a year.
5. Vehicle numbers have increase dramatically over last 8 years.
6. Can the number of drivers be capped? Can newcomers only be PH? Limit on HC vehicles?
7. If an unmet demand survey to limit numbers is costly then this should be put to a vote
8. Increase in PH means that HC's are suffering.

Fares:

1. No fare increase, it wouldn't be economically viable as could drive customers away.
2. No fare increase since 2011 should be a gradual increase year on year. Flag every two years, yardage adjusted in between. Perhaps rate one only?
3. Taxi fares. Broxbourne have changed theirs 3 times in the past two years. Need to be aware what Broxbourne are charging. Need to be within scale.

Licensing points:

1. Licensing points need to mean something. Driver with 22 points just got a warning.

2. 9 licensing points you should have to come in for interview, 3 more points should be automatic revocation.
3. Licensing points is a laughing stock. Council should act quickly and revoke bad drivers.

Policy:

1. Vehicles: 10 years+, Older than 5 years. P Newman said that 10+ has to be approved by committee.
2. Foxholes cars have stickers in the cars. Advertising in back windows. Other areas allow it. Why not in East Herts? **Can't afford sign writing**. Chris Clowes says that it can't obstruct any windows. Amwell cars do the same.
3. Why is there such a heavy ruling on **stickers** on cars?
4. Used to ask for references for new taxi drivers but this has lapsed without consultation. Should be reinstated. Why did this change? Have to have known person for 3 years.
5. Extras, 60p for shopping bags. Guidance needs to be tightened up.
6. Vehicle signage, EHDC on company signs.
7. Some drivers aren't smart enough, how about a minimum standard (dress code).
8. Which way round should the large badge go? Being told facing inwards but facing out makes more sense so passengers can see if it's the driver or not before getting in.
9. The requirement for fire extinguishers and first aid kits should be removed from policy.
10. Financial charges should be imposed for failure to produce rather than points.
11. People should have to do a two day Btec course as part of application to improve professional standards.
12. Door stickers for private hire about pre-booked and/or ask price first.
13. Clear policy on adverts for company names and advertising in windows.

EAST HERTS COUNCIL

LICENSING COMMITTEE – 17 JULY 2014

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT ON LICENSING ACTIVITY – QUARTER 1 AND QUARTER 2 OF 2014

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

To update Members on activity in the licensing department re:

- Processing licences,
- Enforcement activity, and
- Other implementation of the Service Plan.

<u>RECOMMENDATION FOR LICENSING COMMITTEE: that</u>	
(A)	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 See **Essential Reference Paper 'B'** for performance data for quarter 1 of 2014: 1 Jan – 31 March 2014. This contains the numbers of applications and notices received, and totals of current licences as at 31 March 2014.

2.2 During the first quarter of 2014 the enforcement team undertook 77 actions which are divided between visits, inspections and investigations. These have been analysed further and are recorded as:

- Taxi Inspections and Investigations 15
- Premises Complaints and Visits 10
- Gambling Premises visits 0
- Blue Notice visits 10
- Invoice Visits/chase ups 42
- House to House Collection complaints 0
- Taxi Camera Investigations 0
- TENS Complaints and Investigations 0

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 our Licensing Enforcement Policy. Currently at the time of reporting there are 9 outstanding invoices. There have been no premises suspended and no premises licence revoked due to non payment of fees.

2.4 A significant part of the enforcement team's work is to ensure that all documentation for taxi drivers and vehicles are current and licenses are valid. During this quarter 30 letters were produced.

2.5 Under the licensing points system a total of 62 points have been issued to 27 licence holders. This is continuing to contribute to improvements in drivers and proprietors behaviour.

3.0 See **Essential Reference Paper 'C'** for performance data for quarter 2 of 2014: 1 April – 30 June 2014. This contains the numbers of applications and notices received, and the totals of current licences as at 30 June 2014.

3.1 During quarter 2 of 2014 the enforcement team have undertaken 57 actions which are divided between visits, inspections and investigations. These have been analysed further and are recorded as:

- Taxi Inspections and Investigations 14
- Premises Complaints and Visits 18

- Gambling Premises visits 0
- Blue Notice visits 3
- Invoice Visits/chase ups 22
- House to House Collection complaints 0
- Taxi Camera Investigations 0
- TENS Complaints and Investigations 0

All complaints regarding taxis and premises have been fully investigated.

3.2 In respect of premises, the breaches of the licences have been addressed in accordance with our Licensing Enforcement Policy. Currently at the time of reporting there are 11 outstanding invoices. No premises licences have been suspended or revoked for non-payment of the annual fees in this quarter.

3.3 A significant part of the enforcement team's work is to ensure that all documentation for taxi drivers and vehicles are current and licenses are valid. During this quarter 53 letters were produced.

3.4 Under the licensing points system a total of 105 points have been issued to 49 licence holders. This is continuing to contribute to improvements in drivers and proprietors behaviour.

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 Malcolm Alexander – Executive Member for Community Safety and Environment.
malcolm.alexander@eastherts.gov.uk

Contact Officer: Brian Simmonds – Head of Community Safety and Health Services, Extn: 1498.
brian.simmonds@eastherts.gov.uk

Report Author: Claire Mabbutt – Licensing Enforcement Officer, Extn: 1674.
claire.mabbutt@eastherts.gov.uk

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICAITONS/CONSULTATION:

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	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
Health and wellbeing – issues and impacts:	No issues identified by report author or contact officer

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ESSENTIAL REFERENCE PAPER 'C'

Q1 2014 – 01 January 2014 to 31 March 2014

Licensing Act 2003

Premises Licence	Totals
New	2
Variation	2
Minor Variation	2
Transfer of premises licence	3
Change of designated premises supervisor	6
Change of name and/or address	0
Cancelled/surrendered	3
Suspended	4
Other (Amendments, Renewal Fees)	17

Club Premises Certificates	Totals
New	0
Variation	0
Minor Variation	0
Transfer of premises licence	0
Change of designated premises supervisor	0
Change of name and/or address	0
Cancelled/surrendered	0
Suspended	0

Personal Alcohol Licences	Totals
New	18
Amendments (change of address etc)	7

Temporary Event Notices	Totals
TENs received	146
TENs withdrawn by premises user	1
Amended by premises user	0
Objections (Police or Environmental Health)	0

GAMBLING ACT 2005

Club Machine Permits	0
Small Society Lotteries – New and Renewal	25
Other (fast track, amendment to permit etc)	1
Betting Premises Licence	1
Licensed Premises Gaming Machine Permit	0
Notification of Gaming Machines	0

TAXIS

New Dual Drivers	7
Renewed Dual Drivers	66
Other (amendment to existing driver records etc)	12

New Private Hire Drivers	3
Renewed Private Hire Drivers	7
Cancelled/Surrendered/Lapsed	4
Other (amendment to existing driver records etc)	0

New Private Hire Operators	0
Renewed Private Hire Operators	2
Cancelled/Surrendered/Lapsed	0
Other (amendment, reissue of documents etc)	0

New Hackney Carriage Vehicles	6
Renewed Hackney Carriage Vehicles	57
Cancelled/Surrendered	4
Change of vehicle	26
Other (amendment, reissue of plate etc)	7

New Private Hire Vehicles	3
Renewed Private Hire Vehicles	10
Cancelled/Surrendered/Lapsed	6
Change of vehicle	3
Other (amendment, reissue of plate etc)	3

TOTAL NUMBERS OF LICENSING SUB-COMMITTEE HEARINGS BETWEEN 01 JANUARY 2014 and 31 MARCH 2014

Premises Licences	6
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TOTAL NUMBERS OF LICENCES AS AT 31 MARCH 2013

Premises Licences	494
Club Premises Certificates	40
Personal Licences	1462
Dual Driver	297
Hackney Carriage Vehicles	250
Private Hire Drivers	49
Private Hire Vehicles	43
Private Hire Operators	23

ESSENTIAL REFERENCE PAPER 'C'

Q2 2014 – 01 April 2014 to 30 June 2014

Licensing Act 2003

Premises Licence	Totals
New	4
Variation	1
Minor Variation	3
Transfer of premises licence	5
Change of designated premises supervisor	15
Change of name and/or address	2
Cancelled/surrendered	0
Suspended	0
Other (Amendments, Renewal Fees)	28

Club Premises Certificates	Totals
New	0
Variation	1
Minor Variation	0
Transfer of premises licence	0
Change of designated premises supervisor	0
Change of name and/or address	0
Cancelled/surrendered	0
Suspended	0

Personal Alcohol Licences	Totals
New	34
Amendments (change of address etc)	11

Temporary Event Notices	Totals
TENs received	260
TENs withdrawn by premises user	9
Amended by premises user	0
Objections (Police or Environmental Health)	0

GAMBLING ACT 2005

Club Machine Permits	0
Small Society Lotteries – New and Renewal	22
Other (fast track, amendment to permit etc)	0
Betting Premises Licence	0
Licensed Premises Gaming Machine Permit	1
Notification of Gaming Machines	1

TAXIS

New Dual Drivers	7
Renewed Dual Drivers	48
Other (amendment to existing driver records etc)	9

New Private Hire Drivers	7
Renewed Private Hire Drivers	7
Cancelled/Surrendered/Lapsed	1
Other (amendment to existing driver records etc)	1

New Private Hire Operators	0
Renewed Private Hire Operators	6
Cancelled/Surrendered/Lapsed	0
Other (amendment, reissue of documents etc)	0

New Hackney Carriage Vehicles	8
Renewed Hackney Carriage Vehicles	45
Cancelled/Surrendered	5
Change of vehicle	15
Other (amendment, reissue of plate etc)	7

New Private Hire Vehicles	9
Renewed Private Hire Vehicles	15
Cancelled/Surrendered/Lapsed	3
Change of vehicle	2
Other (amendment, reissue of plate etc)	2

TOTAL NUMBERS OF LICENSING SUB-COMMITTEE HEARINGS BETWEEN 01 April 2014 and 30 June 2014

Premises Licences	2
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TOTAL NUMBERS OF LICENCES AS AT 30 June 2014

Premises Licences	500
Club Premises Certificates	40
Personal Licences	1492
Dual Driver	298
Hackney Carriage Vehicles	254
Private Hire Drivers	51
Private Hire Vehicles	44
Private Hire Operators	23

EAST HERTS COUNCIL

LICENSING COMMITTEE – 17 JULY 2014

REPORT BY EXECUTIVE MEMBER FOR COMMUNITY SAFETY AND ENVIRONMENT

ATTENDANCE AT LICENSING SUB-COMMITTEE

WARD(S) AFFECTED: All.

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 detailed in **Essential Reference Paper 'B'**.

<u>RECOMMENDATION FOR LICENSING COMMITTEE:</u> that	
(A)	The report be received.

1.0 Background

1.1 Members of Licensing Sub-Committees are drawn from 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 current civic year.

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, Deputy Leader and Executive Member for Community Safety and Environment. malcolm.alexander@eastherts.gov.uk

Contact Officer: Jeff Hughes, Head of Democratic and Legal Support Services, Extn: 2170. jeff.hughes@eastherts.gov.uk

Report Author: Peter Mannings, Democratic Services Officer, Extn: 2174. peter.mannings@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	<p>People This priority focuses on enhancing the quality of life, health and wellbeing, particularly for those who are vulnerable, and delivering strong services</p> <p>Place This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p>Prosperity This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	None.
Legal:	The Council is required to ensure that licensing matters are dealt with by suitably qualified Members in an impartial manner.
Financial:	None.
Human Resource:	None.
Risk Management:	The Council's reputation could be at risk if licensing matters are not dealt with in a correct manner.
Health and Wellbeing Issues	None.

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ESSENTIAL REFERENCE PAPER 'B'

**Training and attendance needed (training is consider to be essential before Members are selected for a Licensing Sub–Committee hearing).

* Attendance needed at Licensing Sub–Committee to gain experience as an observer (this is considered to be a preferred prerequisite before Members are selected for a Licensing Sub–Committee hearing).

Licensing Committee Members attending as Members of Sub–Committee									
Members	Total	From 14 May 2014							
Ashley W									
Ballam P									
Bedford E									
Beeching R									
Buckmaster E	1	11/07							
Cheswright R									
Crofton K									
Hone D	1	16/06							
Jones J	2	16/06	04/07						
McMullen M	2	04/07	11/07						
Ruffles P									
Taylor J	2	04/07	11/07						
Warman A	1	16/06							
Wrangles B									

Andrews D									
Newman M									
Warnell K									

Licensing Committee Members attending as Observer

Members	Total	From 14 May 2014							
Ashley W									
Ballam P	1	16/06							
Bedford E									
Beeching R	1	16/06							
Buckmaster E									
Cheswright R									
Crofton K									
D Hone									
Jones J									
McMullen M									
Ruffles P	1	16/06							
Taylor J									
Warman A									
Wrangles B									

Substitutes:									
Andrews D									
Newman M									
Warnell K									