



*Head of Legal and
Democratic Services*

MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 16 MARCH 2017
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor R Brunton (Chairman)
Councillors D Andrews (Vice-Chairman), P Ballam, Mrs R Cheswright,
G Cutting, B Deering, J Jones, M McMullen, T Page, R Standley,
N Symonds and J Taylor.

CONTACT OFFICER: PETER MANNINGS
TEL: 01279 502174
peter.mannings@eastherts.gov.uk

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.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing committee.services@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

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

4. Minutes – 14 July 2016

To confirm the Minutes of the meeting of the Committee held on Thursday 14 July 2016 (Previously circulated as part of the Council Minute book for 27 July 2016).

5. Licensing Sub-Committee – 16 August, 30 September, 4 October, 19 October and 4 November 2016 and 11 January 2017 (Pages 7 – 56)

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

16 August, 30 September, 4 October, 19 October and 4 November 2016 and 11 January 2017.

6. Amendments to Licensing Points Records Scheme (Pages 57 – 68)

7. Policy Changes following the withdrawal of the DVSA Taxi Driver Assessment (Pages 69 – 74)

8. Taxi Licensing Update (Pages 75 – 86)

9. Attendance at Licensing Sub-Committee (Pages 87 – 92)

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.

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 16 AUGUST
2016, AT 2.00 PM

PRESENT: Councillor R Brunton (Chairman)
Councillors B Deering and T Page.

ALSO PRESENT:

Councillors D Andrews, Mrs R Cheswright,
G McAndrew and N Symonds.

OFFICERS IN ATTENDANCE:

Peter Agley	Licensing Officer
Lorraine Blackburn	Democratic Services Officer
Jonathan Geall	Head of Housing and Health
Oliver Rawlings	Senior Specialist Licensing Officer
Clare Stokes	District Environmental Health Officer

ALSO IN ATTENDANCE:

James Ellis	North-Herts District Council (Legal Advisor)
-------------	---

10 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor B Deering and seconded by Councillor T Page that Councillor R Brunton be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor R Brunton be appointed Chairman of the Licensing Sub-

Committee for the meeting.

11 MINUTES – 10 JUNE 2016

RESOLVED – that the Minutes of the meeting held on 10 June 2016 be confirmed as a correct record and signed by the Chairman.

12 APPLICATION BY EAGLE EVENTS LTD FOR A TIME LIMITED PREMISES LICENCE FOR THE "LOUNGE ON THE LAKE FESTIVAL" REDRICKS LAKES, REDRICKS LANE, SAWBRIDGEWORTH CM21 0RL

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Specialist Licensing Officer advised that the application was for a premises licence for the "Lounge on the Lake Festival" in Redricks Lakes, Redricks Lane, Sawbridgeworth. The Senior Specialist Licensing Officer referred to a number of additional papers which had been circulated separately at the meeting. The applicant's agent gave consent to show video footage and images provided by the Police, Environmental Health and Fire and Rescue Service.

The Senior Specialist Licensing Officer reminded Members that it was for them to either grant the licence or to refuse the application if they felt that the licensing objectives would be undermined.

An Officer from the Fire and Rescue Service as a responsible Authority, provided a detailed account of nine specific concerns which related to public safety, nuisance and fire safety. Of general concern, was the absence of sufficiently detailed information in terms of event management and the absence of a detailed Event Management Plan. Fire Officers further explained that they were unable to undertake fire and risk assessments at this point in time. Images showing difficulties of access and egress for fire vehicles in the event of an on-site emergency and in relation to other areas of concern were shown.

Fire and Rescue Officers stated that information had been sought from the applicant's agent, Mr Rose, since February 2016. Fire and Rescue Officers also referred to the existing marquee which has been served with a Prohibition Notice (in relation to means of escape).

The Barrister for the Police reminded the Sub-Committee of the need to take an evidence based approach to the application, adding that this was a large scale event and of the importance of identifying who and how the event would operate. She reminded Members of the four licensing objectives and commented that there were also other areas of particular concern, the detail of which was set out in the report. In summary, these were:

- errors and inconsistencies within the Event Management Plan (EMP);
- information and policies omitted from the EMP;
- questionable decisions with regard to how the event was to be run; and
- other concerns.

The Barrister for the Police commented on significant inconsistencies and the absence of relevant detailed information in the EMP for an event of several thousand people and the danger to public health and safety. She summarised the other concerns the Police had in relation to the bar, camp site, water access, the absence of a risk assessment and evacuation strategy and the general lack of liaison between the Police and the applicant's agent, Mr Rose. The Barrister referred to the concerns raised about a smaller event in 2015. She expressed concern at the music planned for the event, how this would be monitored, and managed, the absence of planning and how this would affect local residents. The Barrister stated that the concerns of the Fire Service, Police and Environmental Health were well founded.

In response to a query from Councillor T Page regarding the marquee, the Fire and Rescue Service explained their concerns regarding escape and egress in case of fire and that the lining of the marquee was unknown.

An Officer from Environmental Health outlined her concerns generally and specifically about the temporary demountable structure (the marquee) and the use of competent persons to erect this. Further information had been sought, but not provided, regarding staging, light standard trusses, pit barriers and ground anchors. She supported the concerns expressed by both the Fire and Rescue Service and the Police and summarised concerns from an environmental health perspective. The Environmental Health Officer explained that there had been some discussions about noise but that other detailed information had not been forthcoming.

The applicant's agent, Mr Rose, apologised for the lack of engagement and commented that he did have some of the information completed, including those on calculated flows but had not submitted this as much of the information sought was still in his notebook or on his computer. Mr Rose said he would make sure all information was handed over and explained that he had been having discussions in the last week with his client, Eagle Event Ltd, regarding attendance capacity and had been asked to restrict this to 2,000 or less. He provided a verbal summary on how he would address all issues of concern.

In response to a query from Councillor B Deering, Mr Rose explained that the owner of Eagle Events Ltd ran a record label and was now involved with events. In response to a question from Councillor T Page, Mr Rose explained arrangements around security staff even if the event capacity was restricted to much less. At the request of the Chairman, Mr Rose explained how long he had been involved in event management. He confirmed that he had been involved in event management for approximately 8 – 10 years but that this was his first large event and that he had planned events with a capacity up to 1,500.

The Council's Legal Adviser explained that Mr Rose had until 19 July 2016 to submit all relevant information and had not done so and that Members now had to make a decision on what was before them.

The Barrister for the Police sought clarification from Mr Rose about his client and regarding an event which he had organised in 2012, which became unsafe and necessitated help from the Metropolitan Police. He acknowledged that planning and consultation were part of the proper planning process and that he had failed to engage in the consultation process with the Police, Fire and Rescue and Council. In response to a question from Fire and Rescue he explained that he still had permission to go forward with an event allowed by way of a TENs application and that attendance would be restricted to up to 600 people.

The Fire and Rescue Officer explained that there was information on their website to assist people in managing such an event and that they would have expected to have sight of a detailed Event Management Plan at least three months before an event. He confirmed that he was not confident that the outstanding information could or would be submitted from the applicant's agent, Mr Rose and that in any event, the information should have been submitted as a minimum, six weeks ago. He stated that the application was unacceptable.

The Barrister for the Police echoed similar concerns and was not confident in the suggestion that information would follow on the issues outstanding. The Police requested that the application be refused.

The Officer from Environmental Health reiterated the concerns of the responsible authorities in that information was still outstanding at this very late stage.

At the conclusion of the representations, the Sub-Committee withdrew with the Council's Legal Adviser and the Democratic Services Officer to consider the application. Following this, they returned and the Chairman announced that the Sub-Committee had listened carefully and considered all the evidence detailed in the report, comments received from the responsible authorities and Mr Rose and were unanimously in agreement that the application should be refused for the following reasons.

The Sub-Committee had serious reservations about the lack of information in the general planning of the event and the lack of information in the Event Management Plan and how this could seriously compromise public safety and public nuisance. Additionally, the Sub-Committee were not confident in Mr Rose's record and Eagle Events' experience to run an event of this size as evidenced by the lack of detailed, relevant and timely information within the requisite deadlines.

The Council's legal adviser stated that his role at the meeting (and when the Sub-Committee withdrew from the meeting), was to provide legal advice and that he had taken no part in the decision making process.

Finally, the applicant was advised that he had the right to submit an appeal to the magistrate's court within 21 days after the decision notice has been sent.

RESOLVED – that the application for a premises licence be refused for the reasons now detailed.

Reasons for Decision:

1. Having considered the evidence presented to it, the Sub-Committee have no confidence that the Applicant has taken adequate steps to properly plan the event to a standard that would ensure it did not cause a risk to public safety.
2. The Sub-Committee felt that the Applicant had failed to address key concerns that had been expressed to him by the responsible authorities, particularly in relation to public safety and public nuisance, and the application presented to the Sub-Committee could not be said to be promoting the licensing objective covering those two areas.
3. Despite assurances being offered by the

Applicant during the course of the hearing, the Sub-Committee felt that they were inadequate and represented too little too late; there was no realistic prospect that the assurances made could be agreed and implemented to a satisfactory standard in such a tight time frame, and consequently the risk to public safety would remain very real.

4. The Sub-Committee were struck by the Applicant's last minute approach to the process of obtaining the licence, having failed to engage with the responsible authorities during the 28 day consultation period, and still not having crucial information finalised by the time of the Sub-Committee hearing. It was felt by the Sub-Committee that this represented a lack of concerted effort on his and Eagle Event Ltd's part, the upshot of which was a risk to public safety and potential for public nuisance.

The meeting closed at 4.30 pm

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 30 SEPTEMBER
2016, AT 2.00 PM

PRESENT: Councillor George Cutting (Chairman)
Councillors P Ballam and R Brunton.

ALSO PRESENT:

Councillors Mrs R Cheswright, G McAndrew,
P Ruffles and R Standley.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	Democratic Services Officer
Oliver Rawlings	Senior Specialist Licensing Officer
Jeanette Thompson	Legal Adviser

13 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor P Ballam and seconded by Councillor R Brunton that Councillor G Cutting be appointed Chairman of the Licensing Sub-Committee for the meeting.

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

14 MINUTES – 16 AUGUST 2016

RESOLVED – that the Minutes of the meeting held on 16 August 2016 be confirmed as a correct record and signed by the Chairman.

15 CHAIRMAN'S ANNOUNCEMENTS

The Chairman explained that agenda item 7 (Taxi Drivers' Licence DD127 – Dual Driver with 12 Licensing record Points) had been withdrawn from the agenda.

16 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 Minute 17 on the grounds that it involved the like disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

17 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – APPLICANT WITH A CAUTION AND OTHER RELEVANT NON-CONVICTION INFORMATION

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors Mrs R Cheswright, G McAndrew, P Ruffles and R Standley could remain in the room as observers.

The Senior Specialist Licensing Officer summarised the report and explained why it had been brought to Members. He stated that it was for the Sub-Committee to decide whether the applicant was a “fit and proper” person to hold a taxi driver’s licence.

The applicant explained why he needed the licence and the background to the caution he had accepted in 2014. The Council’s Legal Adviser stated that the applicant’s account of what had happened and the subsequent caution was inconsistent with the account he had given to a Licensing Sub-Committee at Welwyn and Hatfield Borough Council a year ago.

The applicant explained that the account he had given to that Council was because he had felt that they would

believe the Police rather than his account of what had happened. The Legal Adviser explained that in accepting a caution, the applicant's account was different to that which the Police had reported. The applicant stated that he was not looking for trouble and that he had not done anything wrong.

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

Following this, they returned and the Chairman announced that the Sub-Committee had listened carefully to the evidence detailed in the report and the oral submissions provided by the applicant. The Sub-Committee was of the view that the applicant had not demonstrated that he was a "fit and proper" person in the light of the incident which had occurred in 2012 involving another licensed driver and the caution for soliciting which the applicant had received. The Sub-Committee also had serious concerns regarding the fact that the applicant admitted to providing conflicting submissions and inconsistencies of accounts to another Licensing Committee in order to retain his licence.

After considering the evidence put forward by all parties and East Herts Conviction Policy, the Sub-Committee was unanimous in agreement that the taxi drivers' licence should be refused.

The applicant was advised of his right of appeal to the magistrate's court within 21 days.

RESOLVED – that the application for a taxi drivers' licence be refused for the reasons now detailed.

Reasons for Decision:

1. The version of events regarding the incident which had occurred in 2012 involving another licensed driver led the Sub-Committee to

believe that there was more to this than suggested by the applicant. The applicant submitted that both drivers had just been "joking" around, however, this had led to an injury to the other driver at a taxi rank and the Police being called. The applicant had also explained that the matter went to court but that he did not know why the case had been dropped, which caused further concern. There appeared to be a lack of understanding that such physical behaviour between taxi drivers at a taxi rank was unacceptable even if, as outlined by the applicant, they were just fooling around, because of the impression it would have given to the public. The Sub-Committee was, in any event concerned that the applicant was not telling the complete truth about the incident.

2. The caution for soliciting was of grave concern to the Sub-Committee. The applicant had accepted the caution in 2014 and in doing so, agreed the Police account of events. As such, the applicant had been seen soliciting a prostitute and was then intercepted by the Police while in his hackney carriage vehicle. Under Est Herts Council's Taxi Licensing Conviction Policy, soliciting was considered a serious offence and applicants with such convictions (which included cautions) would normally be refused a licence, for not being a "fit and proper" person.
3. Furthermore, during the course of the hearing there had been a number of conflicting submissions and inconsistencies of accounts made by the applicant. The applicant had admitted the soliciting offence and had been cautioned, then provided a version of events to Welwyn and Hatfield Borough Council which, by his own admission, was untrue. The applicant

had then provided a different version of events to the Sub-Committee today. The applicant admitted that he had lied to Welwyn and Hatfield Licensing Committee in order to try and keep his licence. This brought into doubt the validity of his submissions today and further indicated that he was not a “fit and proper” person to be issued with a taxi driver’s licence by East Herts Council.

The meeting closed at 2.45 pm

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 4 OCTOBER
2016, AT 2.00 PM

PRESENT: Councillor David Andrews (Chairman)
Councillors R Brunton and J Jones.

ALSO PRESENT:

Councillors Mrs R Cheswright, G McAndrew,
T Page, P Ruffles and N Symonds.

OFFICERS IN ATTENDANCE:

Peter Agbley	- Licensing Officer
Victoria Clothier	- Legal Services Manager
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
Clare Stokes	- District Environmental Health Officer

ALSO IN ATTENDANCE:

James Ellis	- North-Herts District Council (Legal Advisor)
-------------	---

18 APPOINTMENT OF CHAIRMAN

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

RESOLVED – that Councillor D Andrews be appointed Chairman of the Licensing Sub-

Committee for the meeting.

19 LICENSING ACT 2003 – REVIEW OF A PREMISES LICENCE AT REDRICKS LAKE, REDRICKS LANE, SAWBRIDGEWORTH, HERTFORDSHIRE, CM21 0RL

The Sub-Committee agreed to a short adjournment to allow the barrister for the premises licence holder to attend. Following this, the Chairman outlined the procedure to be followed. All those present were introduced.

The Senior Specialist Licensing Officer advised that the review application had been received from Hertfordshire Constabulary on 15 August 2016 regarding the premises licence at Redricks Lakes, Redricks Lane, Sawbridgeworth. The Police were requesting revocation of the licence on the basis that the operation of the premises undermined all four of the licensing objectives.

Members were advised that Environmental Health and Hertfordshire Fire and Rescue were supportive of revocation in their capacity as responsible authorities. The options open to Members were set out by the Senior Specialist Licensing Officer.

The Police Barrister confirmed that the application had been made on the basis that the four licensing objectives were being undermined. She emphasised that revocation was an appropriate and proportionate response and she detailed the importance of the roles of premises licence holder and designated premises supervisor (DPS).

The police summarised the events of 26 June 2016 when police had attended Redricks Lakes, having being alerted by noise and vehicles trying to locate the premises to attend the event or to locate the source of the noise. The police were concerned by the extraordinary attitude towards the 4 licensing objectives due to the volume of intoxicated people at Redricks Lakes with minimal supervision whilst cannabis and cocaine were being

openly used.

The police played clips of body worn video footage in support of the review application and to demonstrate the lack of lighting plus the proximity of the marquees to the lake, as well as the partial fence protection between the lake and the licensed area.

The Sub-Committee was advised that the event was still ongoing at 2.45 am despite police being assured it would cease at 2 am. The police had allowed the event to continue as resource limitations had prevented them from taking steps to shut the event down.

The police barrister detailed a number of Temporary Event Notices (TENs) that had taken place where there had been failures to understand responsibility and comply with conditions. A dialogue had been ongoing between the police and the holder of the premises licence since 2013 and in spite of this, there remained profound concerns that there was no effective DPS and there never had been. The police answered a number of questions and queries regarding their application.

Representatives of Hertfordshire Fire and Rescue referred to a prohibition notice issued to the premises licence holder in respect of the risk of death or serious injury due to the poor standard of general fire safety precautions in the marquee which forms part of the licensed premises. Reference was also made to an enforcement notice for the completion of works to rectify the above shortcomings. The Sub-Committee was advised that there were insufficient measures in place to ensure public safety and the licence should be revoked or the applicant should seek a licence for the café area only.

Hertfordshire Fire and Rescue Officers responded to a number of queries from Members. Following a number of queries from the barrister for the premises licence holder, the Sub-Committee was advised that there were insufficient means of escape and insufficient routes to the

fire escape. Members were advised that there was no emergency lighting, no ambient light plus no means of notifying people of a fire and the premises licence holder had done nothing to rectify any of these shortcomings.

An Environmental Health Officer outlined her concerns regarding the unfenced areas adjacent to the lake. She referred to the public safety risks of unrestricted access to the lakes and river. She stated that she was also concerned by the presence of a deep ditch behind the marquee and also by the hazards within the lake.

The Sub-Committee was advised that Environmental Health supported revocation of the licence as there was insufficient lighting in the interests of public safety and insufficient means of preventing unauthorised access to the lake. Members were also advised that the holder of the premises licence was a poor manager who was uncommunicative and appeared to be disinterested in resolving outstanding matters regarding public safety.

The Council's Legal Advisor emphasised that revocation of a premises licence should be considered as a last resort and consideration should first be given to applying conditions. The Environmental Health Officer summarised for Councillor J Jones what would constitute acceptable illumination at Redricks Lakes.

Councillor R Brunton was assured that reference to the Event Safety Purple Guide had been made to the premises licence holder in 2015 and the same publication had been brought to his attention in group discussions regarding the 2016 and 2015 Lounge on the Lakes events. The police barrister referred to an annex 2 condition regarding lighting. She detailed the location of the marquee, the footpath, the river and the lakes as well as the jetty and protective fencing.

The Environmental Health Officer responded to a number of queries from the Sub-Committee regarding reasonable precautions and steps that could be taken to prevent

entrapment or injury, due to unseen hazards in the lake, the river or surrounding ditches.

The barrister for the premises licence holder set out the position of his client in that it was considered that the review application was a disproportionate response to a single event on 26 June 2016. He stressed that Redricks Lakes was not a problem premises and the site was well equipped and the holder of the licence was capable and willing to work with the responsible authorities. He concluded that the application for the review was a draconian step.

The barrister detailed how the event in June 2016 had been arranged in the form of a charity function for around 50 people for the benefit of a young child. He acknowledged there had been naivety in the failure of his client to ensure that appropriate arrangements had been made. He advised that the lighting system had repeatedly tripped whilst the disco had continued due to a separate power system.

The licence holder accepted that the class A and B drug use was unacceptable and he had taken steps to close down the event when asked to do so by the police. The music had been turned down considerably by 2.45 am and the overall failings of the event had been a sanguine lesson for the licence holder.

Councillor D Andrews was advised by the premises licence holder that camping was permitted on the site and mains water and electricity was available from mains supplies. The Sub-Committee was advised by Mr Edwards that emergency back-up lighting equipment was on site but was not available on 26 June 2016. Mr Edwards confirmed that repeated efforts were made to rectify the faults with the primary onsite lighting system.

Councillor R Brunton commented that the open use of cannabis and cocaine at the premises in June, plus the fact that the staff assisting with the running of the event

had themselves been drinking and had no training and limited experience in running events made things very difficult for the Sub-Committee when considering how to determine the review application. He referred to there being insufficient people on the site to rectify problems.

The Sub-Committee and the police barrister put a number of points and queries across to the holder of the premises licence and his barrister and they responded to these matters. The premises licence holder answered a number of questions from the police barrister regarding the role of the DPS and the apparent lack of a person fulfilling this role at the event held on 26 June 2016.

The Environmental Health Officer stressed that it should not have taken over an hour to rectify the repeated failures of the lighting system and there should have been a suitable back up supply. The premises licence holder confirmed to Councillor D Andrews that no radios were in use and mobile phones were used to communicate whilst efforts were made to rectify the faulty lighting.

Councillor J Jones was assured that the premises licence holder had demonstrated a willingness to comply with any conditions or suggestions from the responsible authorities. The barrister for the premises licence holder made the point that there was a business involved and the holder of the licence had to judge whether the cost of some of the suggested conditions outweighed the benefits.

The barrister for the premises licence holder was invited to propose some licence conditions for the Sub-Committee to consider. The barrister responded by outlining 3 separate conditions which were, in his opinion, sufficient to address the concerns that had been raised by the responsible authorities and therefore negated the need for revocation.

The police answered a number of questions regarding the suggested conditions. The Sub-Committee listened to the

closing statements from the police, the responsible authorities and the barrister for the premises licence holder. The representative for Hertfordshire Fire and Rescue confirmed to the premises licence holder's barrister that 7 days would not be acceptable to the responsible authorities in terms of reviewing arrangements for future licensed events.

At the conclusion of the representations, the Sub-Committee withdrew with the Council's Legal Adviser and the Democratic Services Officer to consider the application. Following this, they returned and the Chairman announced that the Sub-Committee had carefully considered the evidence detailed in the report and the comments received from the responsible authorities and the holder of the premises licence and his barrister. After considering the evidence put forward by all parties, the Sub-Committee had agreed that the premises licence should be revoked for the reasons now detailed.

RESOLVED – that the premises licence at Redricks Lakes, Redricks Lane, Sawbridgeworth be revoked for the following reasons:

1. Having considered the evidence presented to it by all parties, the Sub-Committee were left with very grave concerns over the licence holder's attitude toward, and ability to, promote all four of the licensing objectives.
2. The Sub-Committee felt that the evidence presented to it surrounding the numerous breaches of licence conditions, as well as multiple failures to promote the licensing objectives during the event held on 26 June 2016, were so serious as to leave it with no confidence that the licence holder would adhere to any additional conditions that may be placed on the licence. Given the Sub-Committee's view that additional conditions

would be insufficient to address the problems, and having considered paragraph 11.23 of the section 182 Guidance, the Sub-Committee discounted this as a suitable way forward.

3. A further cause of concern to the Sub-Committee was the evidence presented to it in relation to the licence holder's previous Temporary Event Notices (TEN). The licence holder's failure to adhere to prearranged, informal conditions with the police when carrying out events under a TEN was a further indication that additional conditions would not be a suitable way to address the problems at the premises.
4. The Sub-Committee were also perturbed by the clear lack of engagement with the Designated Premises Supervisor (DPS). The evidence presented to the Sub-Committee described a situation where there was no active participation by the DPS, and there had been none for a considerable length of time. Further, the licence holder's proposal for a potentially new DPS was also unsuitable due to the concerns that person had raised with the police regarding the licence holder's ability to run events safely. In consideration of this undisputed evidence, along with paragraphs 11.21 and 11.22 of the Section 182 guidance, the Sub-Committee felt that removal of the DPS would be an entirely inadequate response to the problems outlined by the responsible authorities.
5. The safety concerns surrounding poor site management, raised by Hertfordshire Fire and Rescue Service were also very worrying to the Sub-Committee, as was evidence that the temporary demountable structure located on the premises continues to be unsafe, despite

being the subject of a Prohibition Notice served on 28 July 2016 by the Fire and Rescue Service. Notwithstanding evidence from the licence holder that it was no longer in use, the Sub-Committee felt that its presence on site contributed to an ongoing safety concern, and so could not be said to be in promotion of the Public Safety licensing objective.

The meeting closed at 5.18 pm

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 19
OCTOBER 2016, AT 2.00 PM

PRESENT: Councillor Phyllis Ballam (Chairman)
Councillors B Deering and N Symonds.

ALSO PRESENT:

Councillors R Brunton, Mrs R Cheswright
and P Ruffles.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Victoria Clothier	- Legal Services Manager
James Ellis	- Advisory and Litigation Solicitor
Tess Michaels	- Legal and Democratic Services Apprentice
Oliver Rawlings	- Senior Specialist Licensing Officer

20 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor B Deering and seconded by Councillor N Symonds 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.

21 MINUTES – 30 SEPTEMBER 2016

RESOLVED – that the Minutes of the meeting held on 30 September 2016 be confirmed as a correct record and signed by the Chairman.

22 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 23 and 24 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.

23 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – APPLICANT WITH A CAUTION AND OTHER RELEVANT NON-CONVICTION INFORMATION – APPLICATION 16 / 1441

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors R Brunton, Mrs R Cheswright and P Ruffles could remain in the room as observers. The applicant also agreed that two Officers from Legal and Democratic Services could remain in the meeting.

The Senior Specialist Licensing Officer summarised why the matter had been reported to the Licensing Sub-Committee. He stated that it was for the Sub-Committee to decide whether the applicant was a “fit and proper” person to hold a Private Hire Drivers Licence.

The applicant explained the background in relation to the caution he had received and commented that the person he was with at the time had committed the offence. He stated that he had failed to admit to the caution when he was applying to renew his taxi licence with another Council on the advice of a friend who had helped him with the application process. The Magistrates Court had

subsequently upheld a decision to refuse the renewal of his licence.

In response to a query from Councillor N Symonds, he confirmed that he was still reading the East Herts Taxi Licensing Policy on the Council's website. Councillor B Deering referred to the Sub-Committee's task in terms of considering the suitability of the applicant as a "fit and proper" person in the context of the safety of the public and the incident for which he had been cautioned. The applicant conceded that from a safety viewpoint, he would not allow his family to travel with such a taxi driver knowing the background of the incident.

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

Following this, they returned and the Chairman announced that the Sub-Committee had listened carefully to the evidence detailed in the report and the oral submissions provided by the applicant. The Sub-Committee was of the view that the applicant had not demonstrated that he was a "fit and proper" person in the light of the incident for which he had received a caution and then failed to mention on a subsequent application with another Council.

After considering the evidence put forward, the Sub-Committee was unanimous in agreement that the application for a taxi drivers' licence be refused for the reasons now detailed.

The Legal Adviser explained that he had not taken any part in the decision making process and was there to advise Members on points of law and what they could and could not do within the law. The applicant was advised of his right to appeal to the magistrates' court within 21 days.

RESOLVED – that the application for a taxi drivers'

licence be refused for the reasons now detailed.

Reasons:

1. Given his caution for theft after a shoplifting incident in August 2014, the Sub-Committee considered that such behaviour was not consistent with someone who was a fit and proper person to hold a licence.
2. The Sub-Committee, having posed themselves the question of whether they would “*allow their son or daughter, spouse or partner, mother or father, grandson or grand-daughter or any other person for whom they care, to get into a vehicle with this person alone?*” concluded that they would not. Further, the applicant himself conceded that, given the circumstances, he himself would not allow his family to get into the vehicle.
3. The Sub-Committee found the applicant’s attempt to play down the incident as disingenuous and gave no weight to his insistence that he had not been involved in the offence for which he had accepted a caution.

24 PRIVATE HIRE DRIVERS' LICENCE – CONSIDERATION AS TO THE FITNESS AND PROPRIETY OF AN EXISTING LICENSED DRIVER

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors R Brunton, Mrs R Cheswright and P Ruffles could remain in the room as observers. The applicant also agreed that two Officers from Legal and Democratic Services could remain in the meeting.

The Senior Specialist Licensing Officer summarised why the matter had been reported to the Licensing Sub-Committee. He stated that it was for the Sub-Committee to decide whether the applicant was a “fit and proper”

person to hold a Private Hire Drivers Licence.

The applicant explained the background to the incident. The Senior Specialist Licensing Officer advised Members that the Police had provided the Licensing Authority with the body worn camera interview with the passenger, which had been redacted to protect the passenger's identity and to observe Data Protection rights.

Given the difficulty in following the redacted version of the interview, the meeting was adjourned for 15 minutes so that the Senior Specialist Licensing Officer could make arrangements for Members of the Sub-Committee to separately view the un-redacted interview. At 3.20 pm the meeting reconvened.

In response to a query from Councillor N Symonds, the applicant explained that all drivers did not have to undertake some form of "knowledge" test. The Senior Specialist Licensing Officer explained changes to the policy which required taxi drivers to undertake some form of "knowledge" test which London Hackney Cab drivers had to pass.

The applicant commented that what the passenger said was wrong and that he was married and a Muslim. He commented that he routinely encountered inappropriate behaviour from customers. He accepted that he had taken money from the passenger's purse and that it had been wrong to do so. The applicant referred to the fact that he had worked for the company for two and a half years and there had been no complaints about him. He denied that anything inappropriate had occurred. In response to a query regarding why he had stopped his car, the applicant explained the problems with the directions he had been given, the issues with local road arrangements and the model of the car he had been driving.

The Senior Specialist Licensing Manager provided Members with a booking sheet which highlighted where

the passenger was being dropped off and the house number.

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

Following this they returned and the Chairman announced that the Sub-Committee had listened carefully to all the evidence detailed in the report and the comments received from the applicant. Having posed the question of whether the applicant was a “fit and proper person” to hold such a licence, the Sub-Committee, after considering the evidence put forward, unanimously agreed that the Private Hire Drivers Licence be revoked.

The Sub-Committee commented that on the balance of probabilities, they favoured the passenger’s account of events rather than the applicant’s and felt that such inappropriate behaviour was totally unacceptable and especially so for the holder of a Private Hire Drivers Licence with responsibility for the travelling public.

In arriving at the decision the Sub-Committee asked the question:

“would you allow your son or daughter, spouse or partner, mother or father, grandson or grand-daughter or any other person for whom you care, to get into a vehicle with this person alone?”, and concluded that the applicant was not a fit and proper person to hold a licence.

The Legal Adviser explained that he had not taken any part in the decision making process and was there to advise Members on points of law and what they could and could not do within the law. The applicant was advised of his right to appeal to the Magistrates’ Court within 21 days.

RESOLVED – that that the application for a Private Hire Drivers’ licence be revoked, for the following

reasons:

1. Having considered the evidence put forward by the licence holder, as well as that of the passenger, which was played from footage captured on body worn camera, the Sub-Committee decided that on the balance of probabilities, they favoured the evidence put forward by the passenger. In so reaching that conclusion, the Sub-Committee were further forced to consider whether this kind of behaviour was consistent with that of a fit and proper person, and concluded that it was not.

2. Notwithstanding that the act described by the passenger was consensual, the Sub-Committee did not feel that this sort of behaviour was becoming of a Private Hire driver licenced by East Hertfordshire District Council, whilst on duty.

3. In posing the question *“would you allow your son or daughter, spouse or partner, mother or father, grandson or grand-daughter or any other person for whom you care, to get into a vehicle with this person alone?”*, the Sub-Committee concluded that they would not, and so determined that the licence holder was not a fit and proper person to hold a licence.

The meeting closed at 3.50 pm

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 4 NOVEMBER
2016, AT 2.00 PM

PRESENT: Councillor Jeff Jones (Chairman)
Councillors D Andrews and R Brunton.

ALSO PRESENT:

Councillors P Ballam, G McAndrew,
P Ruffles and N Symonds.

OFFICERS IN ATTENDANCE:

James Ellis	- Advisory and Litigation Solicitor
Claire Mabbutt	- Licensing Enforcement Officer
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer

25 APPOINTMENT OF CHAIRMAN

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

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

26 MINUTES – 04 OCTOBER AND 19 OCTOBER 2016

RESOLVED – that the Minutes of the meetings held on 4 and 19 October 2016 be confirmed as correct records and signed by the Chairman.

27 TAXI DRIVERS LICENCE DD127 – DUAL DRIVER WITH 12 LICENSING RECORD POINTS

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Specialist Licensing Officer stated that Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 permitted the Authority to suspend or revoke the licence of a driver of a hackney carriage or private hire vehicle on the grounds detailed in paragraph 1.3 of the report submitted.

The Sub-Committee was advised that the driver had accumulated 12 or more licensing record points for the reasons detailed in paragraph 2.3 of the report and also for his conduct when challenged by the police. The Senior Specialist Licensing Officer stated that the burden was on the Sub-Committee to prove that the driver was not 'fit and proper' rather than the licence holder having to prove that he was.

He reiterated that this hearing was to consider a case where the evidence pointed towards the driver no longer being a 'fit and proper' person to hold a taxi drivers licence. At this point the Sub-Committee viewed the body camera footage recorded by a Police Officer from Hertfordshire Constabulary.

Mr Heard gave his version of events in that he had purchased food whilst waiting on double yellow lines to collect a 19 year old female passenger who had gone into a fast food outlet adjacent to the taxi office.

Mr Heard detailed a situation where his neck lanyard had been pulled from behind during a previous journey. He explained that since that incident, he had not worn a badge on the grounds of health and safety and for fear of being attacked. He stated that he had had a "bad day" and his behaviour had been out of character when he had stopped on the yellow lines. Two character references for

the taxi driver were circulated by his friend and fellow taxi driver.

Mr Heard answered a number of questions regarding the police body camera footage and the events portrayed in the video. Councillor R Brunton put it to Mr Heard that he had not mentioned to the Police Officer that he was waiting to collect a passenger at any point, and that he should have made this clear. Mr Heard confirmed to Councillor R Brunton that although he had worked earlier in the evening this had not been significantly earlier.

Mr Heard's friend alleged that taxi drivers were permitted to stop on double yellow lines. The legal advisor clarified the position in that the law permitted stopping on double lines only if the customer was ready to get in to the taxi and no waiting was permitted whilst taxi drivers tried to locate a customer. In a situation where the Taxi driver was early, or conversely the passenger was late, a Taxi driver would need to, effectively, "drive round the block" rather than wait on double yellow lines.

Mr Heard's friend stated that he was shocked at the conduct of his friend and emphasised that this had been totally out of character and he had simply been having a bad day. He pointed out that the local taxi drivers typically had very little respect for the police and he summarised the reasons for this.

Mr Heard driver confirmed to Councillor D Andrews that he did not dispute the facts detailed in the Police Officer's statement. He confirmed that he had taken no steps to repair his damaged neck lanyard or secure an alternative means of displaying his taxi drivers' badge.

Councillor D Andrews put it to Mr Heard that the Police Officer had acted in a firm but polite manner. He also stated the purpose of double yellow lines and summarised the Highway Code regulations regarding the wearing of seatbelts and driving or parking on the footway or pavement.

The Senior Specialist Licensing Officer referred to the appeal lodged by the taxi driver regarding the Licensing Record Points and the Head of Housing and Health's response. Members were advised that taxi drivers must display their badges at all times and if they did not wish to use a neck lanyard, then it was for them to comply in another way.

The Sub-Committee agreed to a short adjournment at the request of the taxi driver and his friend. Following this, the Sub-Committee listened to the final submissions of the Mr Heard and his friend, a fellow taxi driver. The friend stated that the hearing had not allowed a fair judgement of the taxi driver's character.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Adviser and Democratic Services Officer to consider the evidence. Following this they returned and the Legal Adviser explained that he had taken no part in the decision making process and had been there to advise Members on points of law and the Democratic Services Officer had been present to record the decisions.

The Chairman announced that the Sub-Committee had listened carefully to the comments of Mr Heard and Officers and had decided to revoke the Taxi Drivers Licence for the reasons now detailed. The applicant was advised of his right to appeal to the magistrates' court within 21 days of receiving the decision notice.

RESOLVED – that the Taxi Drivers Licence be revoked for the reasons now detailed.

Reasons:

1. The Sub-Committee was sufficiently convinced by the video evidence shown at the hearing that the licence holder's behaviour on the night in question was confrontational,

uncooperative and generally fell far below what was expected of a licenced taxi driver who was fit and proper to hold a licence.

2. The Sub-Committee reasonably expect licence holders to obey the rules of the road, including those around the wearing of seatbelts, not breaching Traffic Regulation Orders, and not driving on the pavement. The evidence provided to the Sub-Committee showed that the licence holder failed to comply with all of the above, indicating that he has ceased to be a fit and proper person to hold a licence.
3. It was also plain to see from the evidence provided that the licence holder failed to wear his driver's badge at all times, and in so doing was in breach of section 54 of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee listened to the licence holder's mitigation in relation to why he had failed to follow this requirement, namely that he was traumatised following a previous incident where the badge had been pulled back by a customer. However, the licence holder had not considered other ways in which he could wear the badge and instead wilfully decided to breach the requirement. Such flagrant disregard to the law was not something the Sub-Committee consider to be consistent with someone who was a fit and proper person to hold a licence.

28 TAXI DRIVERS LICENCE 0612 – DUAL DRIVER WITH LICENSING RECORD POINTS

The Chairman outlined the procedure to be followed. The Senior Specialist Licensing Officer stated that Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 permitted the Authority to suspend or revoke the

licence of a driver of a hackney carriage or private hire vehicle on the grounds detailed in paragraph 1.3 of the report submitted.

The Sub-Committee was advised that the driver had accumulated 12 or more licensing record points for the reasons detailed in the report and there were a number of matters for Members to consider regarding the fitness and propriety of the taxi driver. The Senior Specialist Licensing Officer stated that the burden was on the Sub-Committee to prove that the driver was not 'fit and proper' rather than the licence holder having to prove that he was as the licence could only have been issued if the applicant had been considered to be 'fit and proper'.

Mr Clarke confirmed that when he had been made aware that his licence had expired he had taken steps to rectify this oversight. He confirmed that he had believed he was able to work as a private hire driver. He confirmed to Councillor D Andrews that he had not realised his insurance had limited him to this work and neither had the taxi company he worked for.

Mr Clarke had received e-mails he believed had corrected his insurance oversight and had not realised his license and insurance were invalid. He did not believe he needed any further proof and had been in touch with the taxi office regarding working as a private hire driver. He acknowledged that he had picked up customers whilst being unlicensed.

Councillor R Brunton referred to the fact that the taxi driver had worked in this capacity for 20 years and reminded him that the Authority set the bar for public safety very high. Mr Clarke stated that driving unlicensed was not an intentional act and he had made an honest mistake.

Mr Clarke made a final statement along the lines that he had enjoyed his work for 20 years and had never been the subject of any complaints. At the conclusion of the

representations, the Sub-Committee withdrew with the Legal Adviser and Democratic Services Officer to consider the evidence.

Following this they returned and the Legal Adviser explained that he had taken no part in the decision making process and had been there to advise Members on points of law and the Democratic Services Officer had been present to record the decisions.

The Sub-Committee listened carefully to the comments of Mr Clarke and Officers and decided to extend the period for which the Licensing Record Points remained 'live' from the standard 2 years, to 3 years. The applicant was advised of his right to appeal to the Magistrates' Court within 21 days of receiving the decision notice.

RESOLVED – that the period of time the Licensing Record Points remained 'live' on the Taxi Drivers Licence be extended from the standard 2 years to 3 years for the reasons now detailed.

Reasons:

1. The Sub-Committee was not impressed by the licence holder's lack of attention to detail pertaining to important matters around the validity of his taxi licence, however were mindful that the licence holder's period of operating with a lapsed licence was minimal.
2. The Sub-Committee had regard to the licence holder's long history as a driver, spanning 20 years, and would expect him to pay proper attention to the matters relating to his licence and insurance going forward.

29 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 Minute 30 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.

30 TAXI DRIVERS LICENCE 030172 – CONSIDERATION OF THE FITNESS AND PROPRIETY OF AN EXISTING LICENSED DRIVER

The Chairman outlined the procedure to be followed. The Taxi Driver was accompanied by a friend to assist with interpretation if required. The Senior Specialist Licensing Officer stated that there had been an allegation made against the taxi driver by a 16 year old female. Hertfordshire Constabulary had arrested the driver and he had been released on bail with a number of conditions which no longer applied as no further action had been taken by the police.

As the mother of the female passenger was not available and as the driver had consistently denied the alleged version of events, Members of the Sub-Committee had to consider, on the balance of probabilities, which version of events they believed to be true based on the available evidence.

The Senior Specialist Licensing Officer referred to the statements included in the report now submitted and advised that if the Sub-Committee considered there to be an element of doubt regarding the conduct of a Taxi Driver, then Members should exercise their duty to protect the travelling public. He confirmed to Councillor D Andrews who had provided the written statements included with the report now submitted.

Councillor R Brunton commented on the credibility of the witnesses. The Senior Specialist Licensing Officer stated that he had spoken to the female passenger and her mother and had no reason to doubt the creditability of their statements. The police had also believed them to be

credible based on the actions they had taken in arresting and bailing the taxi driver.

The taxi driver gave his version of the events on the night in question and confirmed to Councillor R Brunton what had been said in the taxi office following the alleged incident. The taxi driver stated that the alleged conversation referred to in the statement of the female passenger had never occurred.

The taxi driver confirmed to the Sub-Committee that his only reaction to the report was that the alleged incident had not occurred and he had continued to work until he was arrested by the police on the Monday following the night in question.

Councillor J Jones questioned the taxi driver as to whether there was any reason why the witness statements would have been made up. The taxi driver was unable to give a rational reason as to why his female passenger or her mother had said what was included in their statements. He answered a number of questions regarding the timings of the taxi journey and the subsequent phone calls and meetings with the taxi office.

The taxi driver emphasised that he had worked in the Bishop's Stortford area for 7 years and had never received any previous complaints. He stated that he had been shocked at the allegations and was concerned at the effect on his family and career. The legal adviser reminded all present that the effect of these proceedings on the career or family life of the taxi driver could not be taken into account by Members.

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

Following this they returned and the Legal Adviser explained that he had taken no part in the decision making process and had been there to advise Members

on points of law and the Democratic Services Officer had been present to record the decisions.

The Chairman announced that the Sub-Committee had listened carefully to the comments of the Taxi Driver and Officers and had decided to revoke the Taxi Drivers Licence for the reasons now detailed. The applicant was advised of his right of appeal to the magistrates' court within 21 days of receiving the decision notice.

RESOLVED – that the Taxi Drivers Licence be revoked for the reasons now detailed.

Reasons:

1. The Sub-Committee was faced with two conflicting versions of events surrounding a taxi journey that took place in the early hours on 24 April 2016. Having considered the evidence provided at the hearing, the Sub-Committee felt that on the balance of probabilities, it preferred the version given by the passenger over the one provided by the licence holder. The Sub-Committee found no reason to doubt the evidence provided by the passenger and proceeded on the basis that her statement was a true account of what took place during the journey.
2. Having made the determination outlined at point 1 above, the Sub-Committee was then faced with deciding whether such conduct was consistent with someone who remained to be a fit and proper person to hold a licence, and determined that it was not.
3. In so determining that the licence holder was no longer a fit and proper person to hold a licence, the Sub-Committee had no option other than to revoke the licence.

The meeting closed at 5.00 pm

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 11
JANUARY 2017, AT 10.00 AM

PRESENT: Councillor R Brunton (Chairman)
Councillors P Ballam and J Taylor.

ALSO PRESENT:

Councillors D Andrews and G McAndrew.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
James Ellis	- Legal Adviser
Oliver Rawlings	- Senior Specialist Licensing Officer

31 APPOINTMENT OF CHAIRMAN

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

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

32 MINUTES – 4 NOVEMBER 2016

RESOLVED – that the Minutes of the meeting held on 4 November 2016 be confirmed as a correct record and signed by the Chairman.

33 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution to 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 Minute 34 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.

34 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE – APPLICANT WITH A SPENT CONVICTION

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors D Andrews and G McAndrew could remain in the room as observers. The Senior Specialist Licensing Officer summarised why the matter had been reported to the Licensing Sub-Committee.

The applicant explained in detail the background leading up to his conviction. He explained that, in the light of his personal financial circumstances he had naïvely accepted the offer of a job which he had immediately regretted. He stated that the decision he took at the time was due to his immaturity and a lack of good judgement. He assured the Sub-Committee that this was not an excuse for his actions but that he hoped he could move on.

The applicant explained that he had come to England to work and that since the conviction, had held a number of paid positions of trust and responsibility within the catering industry. As part of that process he had applied for and received a Personal Alcohol Licence which had helped him secure promotion within that industry.

The applicant hoped that the fact that he had subsequently held a number of paid positions of trust and responsibility served to illustrate that he had matured and was both a “fit and proper person” and could be entrusted if a private hire driver’s licence was to be granted.

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

Following this they returned. The Chairman announced that the Sub-Committee had carefully considered all the evidence detailed in the report, the detailed explanation received from the applicant and had due regard to the conviction policy in place at the time the application had been made.

The Sub-Committee considered that, having posed the question *“would you allow your son or daughter, spouse or partner, mother or father, grandson or grand-daughter or any other person for whom you care, to get into a vehicle with this person alone?”*, and the fact that the applicant was three quarters of the way through the spent conviction, the Sub-Committee was satisfied, after hearing the applicant’s presentation that he had demonstrated that he was a “fit and proper” person to hold such a licence. After considering the evidence put forward, the Sub-Committee unanimously agreed that the application for a Private Hire Drivers Licence be approved.

The applicant was advised that if there was any cause to question his continued fitness and propriety, the incident would be reviewed again before appropriate Officers.

The Legal Adviser explained that he took no part in the decision making process and was there to advise Members on points of law and what they could and could not do within the law.

RESOLVED – that the application for a Private Hire drivers’ licence be approved for the reasons now detailed:

Reasons:

1. The Applicant fully accepted the

consequences of his lack of judgement and immaturity and provided an open and detailed account of the circumstances that led to his conviction for fraud. In mitigation, the Applicant pointed to a number of paid positions of trust and responsibility he had held within the catering industry following his conviction demonstrating that he was a “fit and proper person” in this regard.

2. The Applicant had provided a criminal record certificate from his country of origin, Romania, which showed that he had not received a criminal record in connection with any offence during the time he had been resident there.
3. The Applicant was open and honest, making no attempt to shirk responsibility for his actions and in doing so, demonstrated to the Sub-Committee that he had learnt from his mistakes and was unlikely to suffer a similar lapse of judgement in the future.
4. When considering the above, the Sub-Committee had due regard to the conviction policy appropriate at the time of the application and noted that, whilst the conviction was spent for less than the 4 years specified in that policy, the Applicant was three quarters of the way through this period at the time of making his application.
5. Having posed the question “*would you allow your son or daughter, spouse or partner, mother or father, grandson or grand-daughter or any other person for whom you care, to get into a vehicle with this person alone?*”, the Sub-Committee was satisfied after hearing the applicant’s presentation that he had demonstrated that he was a “fit and proper” person to hold such a licence.

The meeting closed at 11.20 am

Chairman

Date

This page is intentionally left blank

EAST HERTS COUNCIL

LICENSING COMMITTEE – 16 MARCH 2017

REPORT BY HEAD OF HOUSING AND HEALTH

AMENDMENTS TO LICENSING RECORD POINTS SCHEME

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To inform the Licensing Committee of minor updates to Licensing Records Points Scheme which have been made so it remains fit for purpose.

RECOMMENDATION FOR LICENSING COMMITTEE: That	
(A)	The minor updates be noted and the Head of Housing and Health be advised of Members' comments.

1.0 Background

1.1 East Herts, as an authority that licenses hackney carriage and private hire drivers, vehicles and operators, can set its own criteria to ensure the safety of the public.

1.2 The policies, conditions and schemes that have been put in place to ensure public safety are reviewed regularly and updated as and when necessary to ensure they are effective.

2.0 Report

2.1 The Licensing Records Point Scheme was introduced as an aid to compliance. It details both legislative and policy matters and a range of penalty points that can be applied for breaches of regulations where appropriate.

2.2 In order for the policy to be enforceable there must be a route of appeal and this has been in place from the time that the scheme came into operation.

- 2.3 As other updates were required to the policy it seemed appropriate to add an additional paragraph clearly detailing the appeals process.
- 2.4 Other minor updates have been made to the wording of the original 11 paragraphs in order to keep them accurate and these can be found at **Essential Reference Paper 'B'**.
- 2.5 The scheme currently details four offences under the Disability Discrimination Act 1995 but this Act has been repealed and replaced by the Equality Act 2010.
- 2.6 The same offences that were detailed in the DDA 1995 appear in the Equality Act 2010, if slightly revised to reflect the difference between Hackney Carriages and Private Hire. The new legislation also imposed an explicit responsibility on Private Hire Operators to not discriminate against persons wishing to be accompanied by assistance dogs. The changes to the scheme can be seen at **Essential Reference Paper 'C'**.
- 2.7 In the last 12 months 73 drivers have received a total of 266 licensing record points between them. With the average number of drivers licenses held during this period being 327 this equates 22.3% of our licensed drivers receiving licensing record points.
- 2.8 Of these only two drivers have received twelve or more and been required to attend Licensing Sub-Committee. One driver was revoked and the other had the time the points remained live extended from 2 years to three years.
- 2.9 A full review of the scheme is planned for later this 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

None.

Contact Member: Councillor Graham McAndrew – Executive Member for Environment and the Public Space.

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594.

Report Author: Oliver Rawlings – Senior Specialist Licensing
Officer, Extn: 1629.

This page is intentionally left blank

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	<i>Not applicable as the changes are a legal requirement</i>
Legal:	<i>We are the issuing authority for driver, vehicle and operator licences and without the wording being updated it may be considered that we cannot take action under the scheme without the risk of the decision being legally challenged.</i>
Financial:	<i>If the scheme was challenged then there would be cost implications in defending that challenge.</i>
Human Resource:	<i>None identified.</i>
Risk Management:	<i>None identified.</i>
Health and wellbeing – issues and impacts:	<i>The scheme is in place to aid compliance and the updated legislation relates specifically to persons with disabilities who have assistance dogs for which taxis are a key mode of transport. Failure to be able to travel easily can hugely impact on the standard of life for this section of the community.</i>

This page is intentionally left blank

PREVIOUS WORDING:

The Licensing Record 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 licensing record 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 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 points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose 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 points.
5. When issued, the 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 dependent 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 points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with points, or has been formally cautioned, for similar offences, the Council reserve the right to cancel the points and deal with the matter in accordance with the Community Safety and Licensing Enforcement Policy.

11. The 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.

UPDATED WORDING (Changes underlined and deletions in brackets):

The Licensing Record Points Scheme will operate as follows:

- 1 The Council's 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 licensing record points system is appropriate, the points will be issued in accordance with this appendix. If this scheme 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 points are issued there must be, in the enforcing Officers opinion, sufficient evidence to prove the offence or breach of licensing requirements. (DELETED: 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 points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose 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, driver or operator will be confirmed in writing within ten working days from the decision to impose points.
- 5 When issued, the 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 month 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/she will be required to attend a Licensing Sub-Committee, where the appropriate action will be decided in accordance with (DELETED: this) Policy.
- 6 Where a driver is brought before a Licensing Sub-Committee, the options available to them will include suspension or revocation of the (DELETED: driver's) licence, where appropriate. If the Licensing Sub-Committee 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 is issued with regards to (DELETED: his) future conduct.
- 7 Periods of suspension of a licence will be dependent on the nature of the breaches 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. However, if the "live" period is extended or a written warning given the points will remain "live" for the normal two-year period, or for such extended period as imposed by the Sub-Committee.
- 9 A driver will retain the right to be represented at any meeting with the Licensing Sub-Committee, either legally or otherwise, and to state any mitigating circumstances he/she deems relevant.
- 10 Even though points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with points, or has been

formally cautioned or convicted, for similar offences, the Council reserve the right to cancel the points and deal with the matter in accordance with the Licensing Enforcement Policy.

- 11 The points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by Policy.
- 12 Where licensing points are issued a licence holder has ten working days, from the date of the letter notifying of the decision to issue points, to appeal that decision or the number of points given. Appeals must be made in writing to either:
licensing.enforcement@eastherts.gov.uk or Licensing Enforcement, East Herts Council, Wallfields, Pegs Lane, Hertford, Hertfordshire, SG13 8EQ.

Appeals will be decided by the Head of Housing and Health (or in his/her absence another Head of Service at east Herts Council) and the results will be notified to the appellant in writing.

This page is intentionally left blank

ESSENTIAL REFERENCE PAPER 'C'

PREVIOUS OFFENCES (repealed):

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

UPDATED OFFENCES:

Equality Act 2010		
Section	Offence	Points
168(2a)	Refusal to carry a guide, hearing or other assistance dog in a hackney carriage without a valid certificate of exemption	8-12
168(2b)	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	8-12
170(1)	Private Hire operator refusing or failing to accept a booking because a disabled passenger will be accompanied by an assistance dog	8-12
170(2)	Private hire operator charging an additional cost for the carrying of an assistance dog	8-12
170(3)	Private hire driver failing or refusing to carry out a booking accepted by the operator because a disabled passenger will be accompanied by an assistance dog	8-12

This page is intentionally left blank

EAST HERTS COUNCIL

LICENSING COMMITTEE – 16 MARCH 2016

REPORT BY HEAD OF HOUSING AND HEALTH

POLICY CHANGES FOLLOWING THE WITHDRAWAL OF THE DVSA TAXI DRIVER ASSESSMENT

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To inform the Licensing Committee of minor updates following the Driver and Vehicle Standards Agency (DVSA) withdrawing its Taxi Driver Assessment.

<u>RECOMMENDATION FOR LICENSING COMMITTEE: That</u>	
(A)	The information be noted and Members' comments be addressed by the Head of Housing and Health.

1.0 Background

1.1 For a number of years it had been a requirement of being granted either a dual driver or private hire driver licence that the applicant passed the Driver and Vehicle Standards Agency (DVSA) Taxi Driver Assessment.

1.2 Since August 2016 it has been a requirement of the Driver Convictions Policy that an existing driver that accumulates 9 or more (but less than 12) points on their DVLA licence has to pass the DVSA driving test within 6 weeks or their licence will be suspended until the test is successfully completed.

1.3 The DVSA served notice of their intention to withdraw the provision of the driving test. The notice stated that the test would no longer be provided from 31 December 2016.

1.4 Prospective drivers and existing drivers required by policy to undertake the DVSA driving test would have been unable to comply with the requirement if changes hadn't been made.

2.0 Report

2.1 The DVSA have, with very short notice, withdrawn the Taxi driver assessment.

2.2 A number of companies emerged offering similar tests to the DVSA Taxi Driver Assessment and the Licensing Team have looked closely at these.

2.3 Some of the providers did not offer tests locally but a number were willing to offer a bespoke service locally. Factors such as costs to applicants, appointment booking systems etc. have all been examined.

2.4 To avoid a similar issue arising again it is the intention to approve a minimum of two providers so that if one ceases to provide the service we can continue test drivers to the required standard without delay.

2.5 The requirement for new drivers was changed to the following:

That after 16th March 2017 any applicant for a driver's licence is required to undertake and pass the Council approved driving test.

2.6 The DVSA test is mentioned in paragraph 12.1 of the Taxi Licensing Convictions policy and this reference was also changed to read 'Council approved driving test'.

2.7 Since the change of provider 35 individuals have taken the revised test, 31 new applicants and 3 drivers with 9 or more DVLA penalty points. 4 drivers have failed at their first attempt but have subsequently successfully passed the test.

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

Drivers Handbook and Driver Convictions Policy

<http://www.eastherts.gov.uk/article/22111/Taxi-Policy-and-Handbook>

Contact Member: Councillor Graham McAndrew – Executive Member for Environment and the Public Space.

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594.

Report Author: Oliver Rawlings – Senior Specialist Licensing Officer, Extn: 1629.

This page is intentionally left blank

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	<i>Not applicable</i>
Legal:	<i>We are the issuing authority for driver licences and without the policy changes it may be considered that we are placing an artificial barrier to entering the trade. This position could be open to legal challenge.</i>
Financial:	<i>If the policy was challenged then there would be cost implications in defending that challenge.</i>
Human Resource:	<i>None identified</i>
Risk Management:	<i>None identified</i>
Health and wellbeing – issues and impacts:	<i>None identified</i>

This page is intentionally left blank

EAST HERTS COUNCIL

LICENSING COMMITTEE – 16 MARCH 2017

REPORT BY HEAD OF HOUSING AND HEALTH

TAXI LICENSING UPDATE

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To update the Licensing Committee of the results following the introduction of a new Convictions Policy and mandatory training for licensed drivers.
- To look at future work in this area.

<u>RECOMMENDATION FOR LICENSING COMMITTEE: That</u>	
(A)	The information be noted and Members' comments be addressed by the Head of Housing and Health.

1.0 Background

1.1 On the 14th July 2016 the Licensing Committee made the following decisions:

- To approve the revised convictions policy to come into effect on 15th July 2017;
- To introduce mandatory training and testing for all new driver applicants from 1st August 2016;
- To introduce mandatory update training for all renewing drivers from 1st January 2016.

1.2 This report is to update Members on the impact that these changes have had regarding public safety and the lessons learned.

1.3 The final section of the report will inform Members of the work it is proposed to carry out in 2017 with regards to taxi licensing.

2.0 Report

2.1 **Driver Convictions Policy**

2.2 The Driver Convictions Policy has been applied to every new driver or renewing applicant since it came into force on 15th July 2016. There were 7 matters that had occurred before this date, but were considered after this date, so had to be considered under the policy that existed at that time.

2.3 The approval of the Convictions Policy delegated some decision making to the Head of Housing & Health, or in his absence to the Chief Executive, in consultation with the Chair of the Licensing Committee.

2.4 **Essential Reference Paper 'B'** contains details of the decisions made since the new policy came into effect.

2.5 Appeals have been lodged at magistrate's court against 4 of the decisions taken by the authority and we are preparing to defend these.

2.6 The Convictions Policy encourages applicants with convictions or other relevant non-conviction information to speak to the Licensing Team before submitting an application. This has happened on a number of occasions and often applications are not subsequently received. This figure is difficult to record as prospective applicants do not always give any details other than the type and number of convictions.

2.7 We are required by law to consider all applications for drivers licenses even if they are outside policy. This takes up a considerable amount of Officer time and if the application is refused the fee must be refunded. We have had 7 new driver applications with convictions since the new Convictions Policy came into effect. Two have been refused and the other 5 have been withdrawn chosen to withdraw their applications saving considerable cost and officer time.

2.8 Four drivers have accumulated 9 or more penalty points on their DVLA driver's licences since the new policy came into effect. Three have subsequently passed the approved driving test as required so the Authority is able to demonstrate that it has fulfilled its obligations regarding public safety.

- 2.9 The other driver who had received 9 DVLA penalty points decided that he would not renew his licence with us.
- 2.10 The robust and clear Convictions Policy appears to be having the desired effect by discouraging applications from persons with relevant convictions and being a useful tool to aid both Members and Officers in making decisions which ensure public safety.
- 2.11 **Mandatory Training and Testing**
- 2.12 The Mandatory Training and Testing for new applicants for driver's licences first took place on 12th October 2016 as the September date was cancelled due to a lack of candidates. This came as a surprise considering the number of applications that were being received in the year before the new training and testing and Convictions Policy were introduced.
- 2.13 It quickly became apparent that the number of people making applications to become East Herts licensed driver's had at least halved.
- 2.14 The decision was taken to combine the courses so that both East Herts and Watford candidates attend on the same day. This allowed both authorities to ensure cost recovery, without putting up fees, and to provide increased numbers of available dates.
- 2.15 To date 29 people have booked the training day and 5 people have failed to attend the course without notice so they have forfeited the fee.
- 2.16 Of the 24 that have attended 11 people have failed the routes tests and subsequently booked at least one resit. Applicants never resit the same test so are not able to simply learn the particular routes that they were previously asked. It is noticeable that with each resit candidates knowledge has improved so they are obviously taking the time to study.
- 2.17 Similarly applicants appear to be reading the 'Driver's Handbook' before attending the course as only two applicants have failed the rules and regulations part of the testing. This is a positive step forward and hopefully leads to newly licensed driver's having a better understanding of what is required of them by the Authority and what they can and cannot do.

- 2.18 Feedback from applicants, even those that failed the test part of the training day, has been very positive. The introduction of the scheme was reported in the Mercury and made the January edition of Private Hire and Taxi Monthly which is a national trade publication; see **ESSENTIAL REFERENCE PAPER 'C'**.
- 2.19 The course content is constantly being reviewed but no changes are proposed in the near future.
- 2.20 **Update Training**
- 2.21 Since the inception of the Update Training for existing licensed drivers at renewal there has been a legislation change that has impacted its delivery.
- 2.22 Originally driver's licences were of one year duration but a national legislation change means that the vast majority have moved to three year duration. This has significantly changed the pattern of renewals and means that the majority of the training to be delivered at renewal would not be delivered until 2019.
- 2.23 Between January 1st 2017 when the training started and December 31st 2018 there are only 94 driver renewals. Between January 1st 2019 and December 31st 2019 there are 319 driver renewals.
- 2.24 To date only 4 renewing drivers have attended the update training any there appears to a reluctance to attend. These were all individuals that have been licensed by East Herts for a number of years but despite this they all left commenting that they had learnt something.
- 2.25 As a result of the numbers of renewing drivers being so skewed the dates for update training have been cut back so that they can accommodate the renewals whilst allowing us time to make arrangements to bring the training of the remaining drivers forward.
- 2.26 There are a number of options being looked at to ensure that the update training can be delivered in a timelier manner and these will be brought before the Licensing Committee for a decision at a future date.

2.27 Future Work

2.28 Moving forward at the end of March we will embark on a 12 week consultation on the following matters:

- Vehicle conditions;
- Driver conditions;
- Driver code of conduct;
- Licensing Record Points Scheme;
- Authorised garages and whether to continue requiring Vehicle Condition Certificates;
- Medicals and whether to authorise one provider rather than various GP's;
- How to encourage more fully wheelchair accessible vehicles to be licensed in East Herts;
- How to encourage a greener taxi fleet;
- Is there a need for an English competency test?
- Possible amendments to the Convictions Policy.

2.29 Officers would welcome Members thoughts on any part of the current system of licensing and all the information has been pulled together in the 'Driver's Handbook' which can be found at: <http://www.eastherts.gov.uk/article/22111/Taxi-Policy-and-Handbook>

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 Graham McAndrew – Executive Member for Environment and the Public Space.

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594.

Report Author: Oliver Rawlings – Senior Specialist Licensing Officer, Extn: 1629.

This page is intentionally left blank

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	<i>None identified</i>
Legal:	<i>None identified</i>
Financial:	<i>None identified</i>
Human Resource:	<i>None identified</i>
Risk Management:	<i>None identified</i>
Health and wellbeing – issues and impacts:	<i>None identified</i>

This page is intentionally left blank

ESSENTIAL REFERENCE PAPER 'B'

Date	Decision maker	Reason	Officer recommendation	Decision
09/09/2016	Delegated	Existing licensed driver, arrested on suspicion of rape	Revoke with immediate effect	Revoked with immediate effect
30/09/2016	Licensing Sub-Committee	New applicant with a caution for soliciting a prostitute and other non-conviction information	Refuse	Refused
19/10/2016	Licensing Sub-Committee	New applicant with a caution for theft and other non-conviction information	Refuse	Refused
19/10/2016	Licensing Sub-Committee	Existing licensed driver, alleged consensual sexual contact with a passenger in a licensed vehicle	Revoke	Revoked
04/11/2016	Licensing Sub-Committee	Existing licensed driver, bought before the Licensing Sub-Committee under the Licensing Records Points Scheme for failure to where his drivers badge and two breaches of the Code of Good Conduct.	Revoke	Revoked
04/11/2016	Licensing Sub-Committee	Existing licensed driver, allegation of inappropriate behaviour towards a 16 year old female passenger.	Revoke	Revoked
04/11/2016	Licensing Sub-Committee	Existing licensed driver, bought before the Licensing Sub-Committee under the Licensing Records Points Scheme for plying for hire without a hackney carriage licence and driving with no or inadequate insurance.	Revoke	That the Licensing Record points stay live for 3 years rather than 2
02/12/2016	Delegated	Existing licensed driver, arrested on suspicion of kidnap and rape	Revoke with immediate effect	Revoked with immediate effect
13/12/2016	Delegated	New applicant with two periods of disqualification on his DVLA licence check relating to drink driving: DR10 and DR30	Refuse	Refused

13/12/2016	Delegated	Existing licensed driver, allegation of inappropriate behaviour towards a lone female passenger	Revoke	Revoked
11/01/2017	Licensing Sub-Committee	New applicant with a conviction for fraud	Refuse	Granted
27/01/2017	Delegated	New applicant with 20 separate spent convictions for 49 separate offences	Refuse	Refused
02/02/2017	Delegated	Existing licensed driver with a recent conviction for drink driving resulting in disqualification from holding a DVLA driving licence for 12 months	Revoke	Revoked

Delegated means that the decision was made under delegated authority by the Head of Housing and Health (or the Chief Executive Officer) in consultation with the Chair of the Licensing Committee.

**EAST HERTS:
DRIVERS ACE NEW COURSE**

The first taxi drivers from East Herts to attend a new compulsory driver training course have passed with flying colours.

The comprehensive one-day course has been introduced for all new and existing taxi drivers licensed by East Herts District Council.

It covers all the key information required to be a competent and safe driver, including customer service, local knowl-

edge, driver safety, rules and regulations, the Highway Code, arithmetic, safeguarding and disability awareness. Inayut Allah, a taxi driver from Hertford, told the Hertfordshire Mercury: "It was a long day with lots of information. I really enjoyed it and all the trainers were very helpful. I did lots of preparation beforehand, and I think that helped me to pass."

Executive member

for environment and public space Graham McAndrew said: "Safety is paramount and this valuable training for all taxi drivers will help ensure that customers feel even safer using taxis in East Herts.

"It is a first step towards a county-wide standard for licensed drivers and we are pleased to demonstrate our commitment to be leaders in the field of customer safety."

<http://edition.pagesuite-professional.co.uk//launch.aspx?eid=a1aae81c-7ff2-470e-9752-64e7d8119801>

TAXI DRIVERS GO TO THE TOP OF THE CLASS

The first taxi drivers from East Herts to attend a new compulsory taxi driver training course passed with flying colours recently. The comprehensive one day course delivered by specialists from Watford Borough Council has been introduced for all new and existing taxi drivers licensed by East Herts Council. It covers all the key information required to be a competent and safe driver including customer service, local knowledge, driver safety, rules and regulations, the highway code, arithmetic, safeguarding and disability awareness.

Inayut Allah, a taxi driver for Hertford said: "It was a long day with lots of information, I really enjoyed it and all the trainers were very helpful. I did lots of preparation beforehand and I think that helped me to pass."

Mark Goddard, a taxi driver for Bishop's Stortford said: "The course was well run and the trainers really knew what they were doing. As it's a new test, I didn't know what to expect, but I found it straight forward and was really pleased to pass."

Executive member for environment and public space Graham McAndrew said: "Safety is paramount and this valuable training for all taxi drivers will help ensure that customers feel even safer using taxis in East Herts. It is a first step towards a county wide standard for licensed drivers and we are pleased to demonstrate our commitment to be leaders in the field of customer safety."



EAST HERTS COUNCIL

LICENSING COMMITTEE – 16 MARCH 2017

EXECUTIVE MEMBER FOR ENVIRONMENT AND THE PUBLIC SPACE

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 G McAndrew, Executive Member for Environment and the Public Space.
graham.mcandrew@eastherts.gov.uk

Contact Officer: Kevin Williams, Acting Head of Legal and Democratic Services, Extn: 2170.
kevin.williams@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 <i>(delete as appropriate)</i> :	<p>New Priorities for 2016/17:</p> <p>Priority 1 – Improve the health and wellbeing of our communities</p> <p>Delivering services to enhance the quality of life, health and wellbeing of our residents, particularly for those who are vulnerable and encouraging local communities to help themselves.</p> <p>Priority 2 – Enhance the quality of people's lives</p> <p>Focusing on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p>Priority 3 – Enable a flourishing local economy</p> <p>Focusing on economic opportunities and enhancing economic wellbeing.</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.

This page is intentionally left blank

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 18 May 2016							
D Andrews	3	02/06/16	04/10/16	04/11/16					
P Ballam	3	30/09/16	19/10/16	11/01/17					
R Brunton	5	16/08/16	30/09/16	04/10/16	04/11/16	11/01/17			
R Cheswright	1	02/06/16							
G Cutting	2	10/06/16	30/09/16						
B Deering	2	16/08/16	19/10/16						
J Jones	3	10/06/16	04/10/16	04/11/16					
M McMullen	1	02/06/16							
T Page	1	16/08/16							
R Standley	1	10/06/16							
N Symonds	1	19/10/16							
J Taylor	1	11/01/17							

Licensing Committee Members attending as Observer

Members	Total	From 18 May 2016							
D Andrews	2	16/08/16	11/01/17						
P Ballam	1	04/11/16							
R Brunton	2	10/06/16	19/10/16						
R Cheswright	5	10/06/16	16/08/16	30/09/16	04/10/16	19/10/16			
G Cutting									
B Deering									
J Jones	1	02/06/16							
M McMullen									
T Page	2	02/06/16	04/10/16						
N Symonds	4	02/06/16	16/08/16	04/10/16	04/11/16				
R Standley	1	30/09/16							
J Taylor									