



*Alison Stuart  
Head of Legal and  
Democratic Services*

**MEETING** : LICENSING COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 14 MARCH 2018  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

**MEMBERS OF THE COMMITTEE**

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

**CONTACT OFFICER: PETER MANNINGS**  
**01279 502174**  
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## DISCLOSABLE PECUNIARY INTERESTS

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

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

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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 [democraticservices@eastherts.gov.uk](mailto:democraticservices@eastherts.gov.uk) or calling the Council on 01279 655261 and asking to speak to Democratic Services.

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## AGENDA

1. Apologies

*To receive apologies for absence.*

2. Chairman's Announcements

3. Declarations of Interest

*To receive any Members' declarations of interest.*

4. Minutes – 15 November 2017 (Pages 7 – 12)

*To approve the Minutes of the meeting of the Committee held on Wednesday 15 November 2017.*

5. Licensing Sub-Committee – 27 November 2017 (Pages 13 – 18)

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

*27 November 2017.*

6. Presentation – The Impact of Alcohol Misuse on the NHS

A Presentation on the Impact of Alcohol Misuse on the NHS.

7. Night Time Economy Position Statement (Pages 19 – 46)

8. Proposed Changes To East Herts Council Hackney Carriage And Private Hire Fees (Pages 47 – 58)

9. Proposed Changes to East Herts Council Hackney Carriage Fares Tariff  
(Pages 59 – 70)
  
10. Report on Licensing Activity Quarter 3 of 2017/18 Financial Year  
(Pages 71 – 86)
  
11. Urgent Business

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

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MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 15  
NOVEMBER 2017, AT 7.00 PM

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PRESENT: Councillor D Andrews (Chairman)  
Councillors P Ballam, R Brunton,  
Mrs R Cheswright, G Cutting, B Deering,  
J Jones, M McMullen, T Page and  
R Standley.

ALSO PRESENT:

Councillors L Haysey and P Ruffles.

OFFICERS IN ATTENDANCE:

Jonathan Geall	- Head of Housing and Health
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

247 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors N Symonds and J Taylor.

248 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to a number of unexpected or  
unanticipated outcomes following on from decisions of the  
Licensing Sub-Committee. He stated that Licensing and  
Legal Officers had been looking at case law in  
consultation with the Chairman.

Members were advised that the Executive Member for  
Environment and the Public Space had been in touch with

the Local Government Association (LGA) on this matter. The Chairman commented on the possibility of the Executive Member meeting with a government minister on the subject of recent decisions of the magistrate's court regarding appeals.

The Chairman advised that the presentation on Public Health, Alcohol Misuse and Licensing had been deferred to the March 2018 meeting as the speaker was unfortunately unavailable at short notice.

249 MINUTES – 28 JUNE 2017

RESOLVED – that the Minutes of the meeting held on 28 June 2017 be confirmed as a correct record and signed by the Chairman.

250 LICENSING SUB-COMMITTEE – 26 JUNE, 4 AUGUST, 25 AUGUST AND 16 OCTOBER 2017

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 26 June, 4 August, 25 August and 16 October 2017, be received.

251 PRESENTATION – THE IMPACT OF ALCOHOL MISUSE ON POLICE RESOURCES

Hertfordshire Constabulary Police Sergeant Clare Ramirez gave a presentation covering the night time licensed economy and the impact on police resources. She referred to certain reported incidents and reported crime linked to these activities being higher over the night time than at other times. She also referred to incidents of noise and anti-social behaviour, such as intoxicated persons relieving themselves on street, as well as incidents of fighting when door staff of licensed premises had ejected intoxicated persons.

Sergeant Ramirez referred to assaults involving friends on nights out or those which were domestic incidents.



Allegations were also received by Police in relation to assaults against or by door staff of licensed premises. She referred to criminal damage involving cars and drug related arrests when door staff or police located controlled substances on people.

Sergeant Ramirez highlighted reports of drinks being spiked, which was classified as Actual Bodily Harm (ABH). She also commented on sexual assaults and the theft of bags and phones. She detailed the shift patterns required to cater for the policing of the licensed night time economy in East Herts.

Members were advised of the accepted principle that alcohol impaired judgement and reduced inhibitions. Sergeant Ramirez commented on the principle that it was frequently 20% of people causing 80% of the problems for the Police.

The Licensing Committee was reminded of the importance of working closely with the police on the introduction of Scannet, a form of Live ID. Sergeant Ramirez commented on the importance of door staff being trained in conflict and premises management as well as how to effectively use Live ID systems.

She concluded by detailing what actions were necessary in ensuring a healthy night time economy in East Herts. She also commented on the importance of training for the Police and Officers who worked in Licensing at East Herts Council.

Sergeant Ramirez responded in detail to a wide range of questions from the Committee. Members received the presentation.

RESOLVED – that the presentation be received.

252 LICENSING ACTIVITY QUARTER 1 AND QUARTER 2 OF  
2017

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The Head of Housing and Health submitted a report updating Members in relation to statistics on processing licences, enforcement activity and implementation of the Service Plan for Quarters 1 and 2 of the 2017/18 financial year. The Service Manager (Licensing and Enforcement) provided a summary of the report and referred to Essential Reference Papers 'B' and 'C' regarding licensing data for the relevant period.

The Service Manager referred in particular, to the revocation of taxi drivers' licences and a successful appeal against a revocation. He also reported that Officers had recently been informed that they had been successful in seeking to have a decision judicially reviewed.

Members were provided with a detailed breakdown of the licensing activity in both quarter 1 and quarter 2. The Service Manager advised that in August 2017, the Shared Internal Audit Service (SIAS) had audited the arrangements for making decisions under the Council's Convictions Policy. SIAS had reported that full assurance could be provided that there were effective controls in operation for the elements of the risk management processes that were covered by the review.

The Head of Housing and Health advised that Officers would draft a position statement regarding licensing decision making related to Licensed Premises. This would form part of the Council's Statement of Licensing Policy. Members were advised of the matters that would be captured within the position statement including details of relevant stakeholders and details of reasonable expectations of the licensing process.

The position statement would include the expectations of responsible authorities, notably, how they could make representations so as to ensure that decisions were

transparent, evidence-based and robust. Officers were also reviewing any policies which had not be reviewed over the last 18 months including, amongst others, gambling and the distribution of free literature. This would culminate in revised policies coming to Licensing Committee for consideration prior to being submitted to Council. It was anticipated that this work would be completed by the end of March 2018.

The Committee Chairman commented on the law governing evidence submitted at Licensing Sub-Committee hearings. The Head of Housing and Health emphasised that decision making had to be evidence based and decisions were open to challenge. The position statement would also set out that there had to be evidence for enforcement action.

The Committee Chairman commented on the situation where an interested party could negotiate with Officers right up to the start of a Licensing Sub-Committee hearing whereas local residents were excluded from this part of the process. The Head of Housing and Health noted that if the public raised concerns during the consultation period, Officers and others, such as the police, could negotiate to deal with any concerns right up to the point of decision. Councillor P Ballam emphasised that the public needed to become more inclined to complain to and engage with Officers where there were problems with a licensed premises.

Councillor T Page commented on online gambling and the damage that could be caused by fixed odds betting. The Service Manager commented that this was being monitored by betting establishments in consultation with the Gambling Commission.

Councillor T Page commented on charity street collectors calling on residents. The Service Manager referred to a list of charities that carried out such activities. The Committee Chairman referred to a national scheme of resident organised no cold call zones coordinated by

neighbourhood watch organisers. No cold calls to residential properties were permitted and residents could report cold calling to the police 101 number.

The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 8.52 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON MONDAY 27 NOVEMBER  
2017, AT 10.00 AM

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PRESENT: Councillor M McMullen (Chairman)  
Councillors P Ballam and B Deering.

OFFICERS IN ATTENDANCE:

Peter Agbley	- Licensing Officer
Meyrem Flint	- Solicitor
Peter Mannings	- Democratic Services Officer
Fabien Simms	- Environmental Health Technical Officer
Clare Stokes	- District Environmental Health Officer

17 APPOINTMENT OF CHAIRMAN

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

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

18 MINUTES – 25 AUGUST AND 16 OCTOBER 2017

RESOLVED – that the Minutes of the meetings held on 25 August and 16 October 2017 be confirmed as correct records and signed by the Chairman.

19 APPLICATION BY MICHELLE BRACE FOR A TEMPORARY  
EVENT NOTICE FOR THE WHEATSHEAF PUBLIC HOUSE,  
28 NORTHGATE END, BISHOP'S STORTFORD, HERTS,  
CM23 2EU

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The Chairman outlined the procedure to be followed. All those present were introduced. The Licensing Officer advised that the case was a contested Temporary Event Notice (TEN) application at the Wheatsheaf Pub, 28 Northgate End, Bishop's Stortford.

Members were advised that the date for the proposed temporary event was 15 December 2017 and the premises currently operated as a Public House for the sale of alcohol for consumption on the premises. The Licensing Officer summarised the application and detailed the temporary activities being requested by the TEN.

The Sub-Committee was advised that Environmental Health had objected to the TEN on the grounds that allowing the premises to be used in accordance with the notice would undermine the Prevention of Public Nuisance licensing objective. The applicant had been in contact with Environmental Health Officers and following this discussion the objection had not been withdrawn.

The Licensing Officer referred to the additional papers that had been circulated prior to the hearing by Democratic Services. He set out the options for the Sub-Committee when determining the application.

Officers from Environmental Health referred to complaints of noise nuisance and they detailed a number of dates where noise nuisance complaints had been received. Members were advised that the Wheatsheaf was located in a residential area and due to the poorly organised layout of the pub, low frequency bass noise from bands or karaoke could be considered to be a noise nuisance and there was residential accommodation opposite the Wheatsheaf.

The Environmental Health Officer advised that as part of noise complaint investigations, on 28 July 2017, whilst a music event was being held at the pub, he had entered a residential property from 9.50 pm and remained there for 90 minutes. Music from the Wheatsheaf had been clearly audible in four separate rooms with the house windows closed throughout the property. He stated that following this visit, no paperwork or schedule of works had been received from the applicant regarding future noise mitigation at the premises.

The applicant confirmed that she had visited a number of nearby residential properties and was not aware of any other residents who had heard noise from the Wheatsheaf aside from the resident who had contacted Environmental Health. She confirmed that windows were often open in the pub during the summer months although they had been closed during the second half of the evening on 28 July 2017. The applicant emphasised that she was not prepared to spend £1700 on a noise assessment to the BS4142 industry standard when she had been advised that such a high standard was not necessary for a pub.

The Environmental Health Officer confirmed that carrying out a noise assessment in line with BS4142 was a recognised British Standard for measuring the impact of commercial noise on background noise levels. Officers confirmed that any competent acoustician would be aware of BS4142 methodology and it could be adapted to allow its basic principles to be applied to these commercial premises.

The applicant confirmed that she did not consider it to be practical or possible for her to comply with a noise assessment to the BS4142 standard. Officers commented that this was normal practice in relation to regulated entertainment in licensed premises. This was followed by a number of comments and questions regarding the contact between the applicant and Environmental Health regarding the acoustic report and

noise.

Environmental Health Officers stressed that the Authority was not responsible for the installation and calibration of noise limiters in licensed premises. Officers emphasised that they could assist in setting levels for the noise limiter but it was the licence holder's responsibility to install, maintain and use it correctly to control noise.

The applicant detailed the nature of the event that had led to the application for a TEN. She emphasised that all doors and windows would be closed and a single DJ would be in attendance instead of a band. She confirmed that she would be prepared to accept less time than the hour and half extension detailed in the application.

The applicant and Officers were given the opportunity to make closing comments and at the conclusion of this the applicant, the Licensing Officer and Environmental Health Officers withdrew to allow Members to consider the evidence.

Following this the applicant and Officers returned and the Chairman announced that the Sub-Committee had listened to the comments of the Licensing Officer, Environment Health Officers and the applicant and had decided to issue a counter notice to the premises user.

RESOLVED – that the application for a Temporary Event Notice for the Wheatsheaf Public House, 28 Northgate End, Bishop's Stortford, Herts, CM23 2EU, be refused for the reasons now detailed.

Reasons:

1. Members considered that the statements set out by the Environmental Health Officers led them to believe that the Licensing Objective of the Prevention of Public Nuisance had not been met.



- 2. The proposed conditions, whilst having been considered by the Sub-Committee, were not considered by Members to be sufficient.

The applicant will be informed of this decision in writing within 21 days and there was a right of appeal to the magistrates' court within 21 days from receipt of this decision notice.

The meeting closed at 11.42 am

Chairman .....
Date .....

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EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 MARCH 2018

REPORT BY HEAD OF HOUSING AND HEALTH

NIGHT TIME ECONOMY POSITION STATEMENT

WARD(S) AFFECTED: ALL

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## **Purpose/Summary of Report**

- To consider the Draft position statement 'Licensing Decision Making relating to the Night Time Economy'.

<b><u>RECOMMENDATION FOR LICENSING COMMITTEE:</u></b>	
<b>(A)</b>	<b>That the wording of the draft position statement be agreed and the need for public consultation be noted.</b>

### 1.0 Background

1.1 Section 5 of the Licensing Act requires the Licensing Authority to determine its Licensing Policy and publish every 5 years the Statement of Licensing Policy that sets out the principles it applies in exercising its functions under the Licensing Act 2003. The Statement must be published before the Licensing Authority carries out any licensing functions under the 2003 Act. The Act also requires that the Statement of Licensing Policy is kept under review, and appropriate revisions are made.

1.2 The current policy was determined in January 2014 for a period of 5 years and so must be re-determined at Full Council by 31 January 2019 at the latest.

- 1.3 Following a number of applications for new and varied licences, some of which were ultimately decided by a licensing sub-committee, members of the licensing committee expressed concerns that some parties did not fully understand or engage with the process.
- 1.4 As a result the licensing team undertook to draft a position statement relating to how licensing decisions are made relating to the night-time economy. The Draft position statement can be found at **Essential Reference Paper B**.
- 1.5 This first draft was produced as an addition to the Licensing Policy and is aimed at making it far clearer how decisions are made with regard to licensed premises applications. Topics covered are:
- who the relevant 'stakeholders' are, going beyond responsible authorities alone, and what should their reasonable expectations be of the licensing process;
  - the Licensing Team's expectations of how the responsible authorities could make their representations so as to make decision-making as transparent and robust as possible;
  - triggers for enforcement action;
  - an articulation of the benefits of well-run licensed premises to the district – economic and cultural/entertainment;
  - how the council will proactively support best practice in the night time economy, for example, by promoting the use of Live ID and making best use of CCTV.

## 2.0 Report

- 2.1 The statutory framework within which decisions under the Licensing Act 2003 are made can often be complicated and lengthy.

- 2.2 Some applications involve public consultations of between 14 and 28 days, depending on the type of application, whilst others involve only consultation with 'responsible authorities'. If these opportunities to comment are missed then often valid comments cannot be considered when decisions are made.
- 2.3 The draft position statement seeks to clarify how the process works and interlinks with other regimes, how to make comments, what the authority expects of those making comments and what can be expected of the Licensing Authority.
- 2.4 It is in no way meant to replace the Statement of Licensing Policy which is subject to periodic review but is an addition in light of recent lessons learned and a response to concerns raised by Members of the Licensing Committee.
- 2.5 The position statement is a document which, in a similar way to the Statement of Licensing Policy, can be evolved as our towns and night time economy evolves. It is a living document which seeks to assist all stakeholders in reaching resolutions which meet the needs of all parties.
- 2.6 The position statement will need to be the subject of extensive consultation with all stakeholders and the responses to the consultation will need to be considered, and any amendment's made, by Licensing Committee before the document is recommended to Full Council.
- 2.7 The proposal, once Members have approved the wording for consultation, would be to start an 8 week consultation from 2<sup>nd</sup> April 2018 to 28<sup>th</sup> May 2018 and then to bring any responses seeking substantive changes back to Licensing Committee for consideration.
- 2.8 If the consultation results in no substantive changes then the position statement could be taken straight to full Council.

### 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 – Portfolio Holder for Community Safety and Protection.  
[Graham.McAndrew@eastherts.gov.uk](mailto:Graham.McAndrew@eastherts.gov.uk)

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594. [jonathan.geall@eastherts.gov.uk](mailto:jonathan.geall@eastherts.gov.uk)

Report Author: Oliver Rawlings – Service Manager Licensing and Enforcement, Extn: 1629.  
[oliver.rawlings@eastherts.gov.uk](mailto:oliver.rawlings@eastherts.gov.uk)

## 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 3 – Enable a flourishing local economy
Consultation:	Any change or addendum to the Licensing Policy that the Authority seeks to rely upon must be subject to public consultation and any responses to be considered before approval by Full Council
Legal:	If the correct process is not followed then any reliance the authority places on the position statement would be open to challenge
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer
Health and wellbeing – issues and impacts:	Resident's health and wellbeing can be affected by badly run licensed premises in their vicinity. The position statement supports the authority's position that where this occurs it will seek to take the appropriate action to mitigate these impacts

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**East Herts Council**

**Licensing Decision Making relating to the Night Time Economy**

**POSITION STATEMENT**

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## **1. Introduction**

- 1.1 East Herts Council is the licensing authority responsible for considering, granting and enforcing permissions covering the sale of alcohol, entertainment and the provision of late night refreshment. Establishments concerned with these activities are herein termed 'licensed premises'. This term covers both premises already operating with a licence and those applying for a licence for the first time.
- 1.2. As required by statute, the council has adopted a Statement of Licensing Policy (herein referred to as the 'Licensing Policy') with regard to which it will determine licence applications. This position statement should be considered an addendum to the Licensing Policy and should be read in conjunction with it. This position statement provides more detail on how stakeholders, including the public, can raise issues and concerns about new applications or applications to vary a licence or seek a review of an existing licence.
- 1.3 In recent years there has been an increase in proposals related to the night time economy (NTE), that is, the economic activity taking place in the evening, such as eating and drinking, entertainment and nightlife, broadly between the hours of 9pm and 5am, often seven days a week. At the same time, there appears to have been a change in the type and style of offer they provide for customers, sometimes with existing premises seeking to extend their hours of operation later into the night, for example, shifting the closing time from 2.00am to 3.00am. On occasion, applications, whether for new premises or extensions to existing operating hours, have caused concern among the local residential population regarding their quality of life.
- 1.4 The council has many jurisdictions; in addition to being the licensing authority, the council is also the planning authority and environmental health authority and may have a

relationship with the applicant as a landlord. As a consequence, the council will interact with applicants and applications in a number of ways. Of particular relevance here, as a regulatory authority, the council will always need to strive to balance the benefits of a prosperous local night time economy with minimising any detrimental impacts on the quality of life and amenity of residents in a way that continues to make East Herts an attractive place to live and visit.

### ***Licensing objectives***

1.5 Licensing Act 2003 requires each licensing authority to carry out its duties, including determining licensed premises applications, with a view to promoting the licensing objectives specified in the Act. These are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

1.6 Reference throughout this Position Statement to the licensing objectives should be read as meaning the promotion of these objectives.

## 2. Who has a stake in licensing matters?

2.1 The council, as the licensing authority, has a duty to ensure that various parties are aware of an application for a new premises licence or a variation to an existing one. The table below lists these parties and how they are made aware of an application.

<b>Table 1: Parties which the council has a duty to make aware of applications</b>	
<b>Party</b>	<b>Made aware by</b>
<p>Responsible authorities:</p> <ul style="list-style-type: none"> <li>• Licensing Authority – East Herts Council</li> <li>• Hertfordshire Police</li> <li>• Environmental Health – East Herts Council</li> <li>• Planning Service – East Herts Council</li> <li>• Fire Authority – Hertfordshire Fire &amp; Rescue Service</li> <li>• Hertfordshire Safeguarding Children Board</li> <li>• Trading Standards – Hertfordshire County Council</li> <li>• Home Office – Alcohol Licensing Team</li> <li>• Public Health – Hertfordshire County Council</li> <li>• Health and Safety Executive <i>(only need to be consulted if they are the enforcing authority for Health and Safety at the premises)</i></li> </ul>	<ul style="list-style-type: none"> <li>• Applicant will submit copies of application documents directly to them at the same time as the documents are sent to the licensing authority</li> <li>• In the case of applications made online through the licensing portal, the council’s licensing team will send the application documents electronically to the responsible authorities immediately upon receipt</li> </ul>
<p>Residents and businesses, notably those living/working in the vicinity of the premises</p>	<ul style="list-style-type: none"> <li>• Written notices will be put up by the applicant (in a statutorily prescribed format), attached to or near the premises concerned and displayed for not less than 28 days</li> <li>• A public notice (in a statutorily prescribed format) submitted by the applicant will be published in a locally circulated newspaper</li> <li>• Information about pending applications will be displayed on the council’s website</li> </ul>

2.3 The council wishes to take a broad and inclusive view of who constitutes stakeholders in the development of and proper operation of a successful night time economy in East Herts and the licensing decisions related to this. So, in addition to the parties listed above, the council sees the following as having a stake in night time economy related matters:

- residents across the town centre concerned
- residents in East Herts area generally
- local businesses in the town centre concerned
- local businesses in East Herts area generally
- local chambers of commerce
- local transport undertakings – (bus and coach operators; taxis and local rail companies)
- Hertfordshire County Council as highway authority
- patrons and prospective patrons of late night venues in East Herts
- owners, managers and staff of late night venues in East Herts
- the local health services
- elected and non-elected community representatives
- the local media
- other enforcing authorities
  - the Security Industry Authority as regulators for door supervisors
  - HM Revenue and Customs.

2.3 Each of the stakeholders in the table and the list above has influence over the night time economy in different ways. They can affect the direction the NTE takes as consumers, patrons, investors, suppliers and landlords. The licensing process is only one of the ways.

2.4 To ensure as wide a range of stakeholders as possible can participate in discussions about the NTE, the council will publicise applications for new or varied licences on its website and make it clear to whom representations can be made.

- 2.6 All stakeholders have an ability to engage with the licensing process by making representations during the application consultation period for new licences and variations to existing licences.
- 2.7 Stakeholders will also be able to express their views by applying for a review of a particular premises licence where they have evidence that the licensing objectives are not being addressed.

### **3. Stakeholder engagement and representations**

#### ***The basis of decision making***

- 3.1 The process for making decisions on licensed premises applications is governed by the Licensing Act 2003 and associated regulations. Unlike other ways in which the local authority determines applications, for example planning applications, there is a presumption in licensing law that if:
- the licensing authority receives a valid application *and*
  - the application is properly advertised *and*
  - there is no objection raised by any responsible authority within the 28 day statutory consultation period *and*
  - there is no objection raised by any other person within the 28 day statutory consultation period *then*
  - on the 29<sup>th</sup> day after the valid application is received, the licence is ***automatically*** granted as applied for, that is, without any variation or condition.
- 3.2 It is within this context that the council will do its utmost to facilitate those wishing to make representations to do so in the most effective way and within the 28 days consultation period.

#### ***How responsible authorities can make their views known***

#### ***Licensed premises applications***

- 3.3 The council strongly encourages the responsible authorities listed in Table 1 above to engage in the consultation process

regarding applications and raise any points as representations to the licensing authority. This may include submitting an objection.

- 3.4 Evidence-based representations provide the council, when acting as the licensing authority deciding on applications, with the best means of assessing the merits, or otherwise, of applications under consideration.
- 3.5 While the type of representation and level of evidence will vary on a case-by-case basis, best practice would suggest representations should include wherever possible:
- whether the representation is for or against the application
  - reference to concerns over the undermining or potential undermining of the Licensing Objectives (as determined by legislation and listed in the council's Licensing Policy)
  - evidence to support the above.
- 3.6 The council encourages all responsible authorities to engage with applicants at the pre-application stage and give advice to assist applicants to amend their proposals to accommodate the issues raised and thus avoid the responsible authority making an objection. Whether the responsible authority engages or not, and whether or not the applicant works with the responsible authority, does not fetter the responsible authority's discretion over whether or not to object to an application. If an objection has been received, the council will wish to see efforts or continued efforts on the part of both the applicant and the responsible authority to accommodate the concerns raised.

### ***Temporary Event Notice applications***

- 3.7 The police and the council's Environmental Health team are the only responsible authorities the law requires to be notified of and have the right to object to Temporary Event Notices (TENs). They have an ability to assist the licencing authority by making

appropriate objections during the consultation period following submission of a TEN.

- 3.6 The format and content of representations are not defined in legislation or guidance. It would assist the licensing authority in their decision making if responsible authorities could include in their representations as much of the following information as possible in support of their position:
- a commentary on past events at the venue / event
  - any evidence of breaches of relevant statutory requirements
  - a summary of complaints, if any, from the public concerning the premises.

***How members of the public can make their views known***

- 3.7 In order to make informed decisions, the council is keen to hear from those with a view on a particular application.
- 3.8 As noted in Table 1 above, the legislation and guidance dictates that members of the public have a specific time period during which to raise issues. Of note, the Licensing Act 2003 established a very prescriptive procedure for the way in which applications are made and determined. Of note:
- the requirements concerning advertising of applications are set out in the Licensing Act 2003 (Premises Licences and Club Premises Certificates Regulations) 2005
  - Regulation 25 provides that the applicant shall advertise the application for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority by displaying a notice that complies with prescribed requirements
  - the applicant must also publish a notice at least once in a local newsletter or similar document circulating in the vicinity of the premises



- these regulations dictate the notice period during which members of the public can raise issues or concerns
- the Regulations oblige the council, as the licensing authority, to also advertise the application on its website for a period of no less than 28 consecutive days starting on the day after the day on which the application was given. The content of the advertisement is prescribed.

3.9 The council has considered the scope for raising awareness of applications in additional ways. Given that licensing matters are governed by statute and regulation, this is not quite as straightforward as it may seem. Of note, Westminster City Council has sought in the past to facilitate greater awareness by contacting properties in the vicinity of premises subject to a licence application by means of individual correspondence. The council was then challenged in the High Court by some residents who lived in the locality but outside of the 'perimeter' the council had drawn for consultation purposes and so had not been contacted directly by the council. The judgement was that the council did not need to send letters to residents but if they chose to do so then they should send letters to *all residents affected*. R. (on the application of Albert Court Residents Association) v Westminster City Council [2010] EWHC 393 (QB).

3.10 Having considered this case, it appears that any view on who constitutes *all* the residents affected will always be open to debate and thus such an approach is likely to place the council in a very difficult position. Therefore, it is the council's view that relying on the means of communication set by the relevant regulations, and detailed above, is a better way to proceed than attempting to directly contact those the council may deem at any one time to be affected.

3.11 That said, the council will do its utmost to ensure anyone wishing to make a representation is aware of the 28 day

window for responding and the central importance of this given that, unfortunately, the council cannot vary this time period.

3.12 Within the relevant legislation, regulations and case law discussed above, the council will strive to facilitate resident engagement, including emphasising the 28 day consultation window. The council will:

- encourage applicants to hold informal discussions with local residents and businesses, the responsible authorities and others prior to submitting formal licence applications
- ensure applicants meet their statutory obligations to publicise their applications; advertising in a local newspaper and posting a notice at or near the premises – when such notices are removed or become defaced the council will require them to be replaced and if appropriate the consultation time period to be restarted
- advertise applications on the council's website
- alert ward members and parish/town councils of applications in their areas to enable them to discuss matters with residents should they wish

3.13 When deciding on applications, it would be particularly helpful if members of the public making representations could provide the following:

- whether the representation is for or against the application
- reference to concerns over the undermining or potential undermining of the Licensing Objectives (as determined by legislation and listed in the council's Licensing Policy)
- evidence to support the above.

***How comments made by members of the public feed into the decision making process***

3.14 So long as comments from members of the public are received by the council within the 28 day consultation period, they will

be fed into the decision-making process. Thus, comments from members of the public have a significant role to play in the decision making process. The council will share comments with other responsible authorities where the comments relate to that authority's remit. This will:

- provide information which the responsible authority can draw on when considering what representations, if any, it wishes to make
- assist the responsible authority in determining what conditions, if any, it would wish to see attached to a grant approval
- enable the responsible authority to assess whether it needs to carry out any further investigations itself.

3.15 The council will also share comments with the applicant as required by law. This will:

- assist the applicant to better understand how the proposal could impact on local people
- enable the applicant to make amendments to, or withdraw, the application to mitigate or allay concerns raised
- provide the applicant with the opportunity to better explain what is proposed and/or address any misunderstandings; this in itself may mitigate or allay concerns

3.16 To be a valid representation then the person making the representation must be clearly identifiable and give their address. The representation must be 'relevant', and must not be 'vexatious' or 'frivolous'.

3.17 A representation is 'relevant' if it is argued that the granting of the licence would be likely to have an impact on at least one of the licensing objectives. So, for example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would *not* be

relevant as prevention of a detrimental impact on other commercial premises is not one of the four licensing objectives.

- 3.18 A representation may be considered 'vexatious' if it appears intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses.
- 3.19 'Frivolous' representations are essentially those lacking seriousness. Frivolous representations could concern issues which are, at most, minor and/or for which no remedial steps would be warranted or proportionate.
- 3.20 Any person who is aggrieved by a rejection of their representations as either vexatious or frivolous may lodge a complaint through the council's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 3.21 If the issues raised by members of the public cannot be mitigated by the applicant through informal discussion, nor allayed to the satisfaction of the responsible authorities, then the council will, within 28 days of the close of the consultation, hold a public hearing of the Licensing Committee, or a sub-committee, to consider and determine the application.
- 3.22 Determining applications is dealt with in Section 4 below.

### ***Expressing views through the planning process***

- 3.22 Another key route by which stakeholders can express their views is through the planning process, either when neighbourhood plans are being developed or when particular planning applications are considered. The mechanisms and procedures governing how interested parties can input to planning decisions is covered in the council's planning policies – see <https://www.eastherts.gov.uk/planning>

## **4. Determining applications**

- 4.1 Where at all possible, the council will assist in enabling the applicant and those making representations to find common ground thus mitigating or removing the concerns raised. As stated above, however, the timescale for this is extremely tight. Section 3 above has detailed the way in which responsible authorities, the public and others can make representations and how these can affect the proposed application.
- 4.2 If the issues raised by members of the public cannot be mitigated by the applicant through informal discussion, nor allayed to the satisfaction of the responsible authorities, then the council will, within 28 days of the close of the consultation, hold a public hearing of the Licensing Committee, or a sub-committee, to consider and determine the contested application. This also applies to contested applications for variations to a licence or a review of a licence.
- 4.3 At the hearing all responsible authorities and other persons who have made valid representations will be entitled to attend and make their representations in person. Those who have made representation do not have to attend and all valid representations whether made in person or in writing will be considered.
- 4.4 The council's Licensing Committee, or a sub-committee of this Committee, will consider the oral and written evidence before them. In determining the weight to place on the evidence before them, the members of the Committee will consider how the application supports or otherwise the four licensing objectives specified in the Licensing Act 2003:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance and
  - the protection of children from harm.

4.5 These four objectives underpin the council's Licensing Policy. The Policy goes on to state that the legislation supports a number of other key aims and purposes and that these too are vitally important and thus are key to decision making. These additional aims and purposes consist of:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

4.6 The Licensing Committee, or sub-committee, is required under the legislation to make a decision on the application at that hearing; there is no power to defer a decision.

### ***Interplay between planning decision making and licensing decision making***

4.7 While the development control and planning consent processes are separate jurisdictions to licensing decision making there are links between them. The council as a planning authority is a

responsible authority under the Licensing Act 2003. Intelligence sharing and representations are routinely made between officers involved in processing applications under the two decision making regimes. The decision making processes and enforcement criteria under each regime, however, are different so that action taken in response to particular circumstances involving a given venue may not be the same under both regimes.

## **5. Enforcement action**

- 5.1 Enforcement covers a wide range of actions from giving advice through to prosecution and closure of premises. The council recognises that it is good practice for enforcement activity to be intelligence-led and proportionate.
- 5.2 In common with other local authorities, the council as the licensing authority does not routinely monitor all licensed premises for compliance with specific licensing conditions. This would be unnecessary as most premises conduct their business in a responsible way, keeping to the conditions of their licence.
- 5.3 Thus, the council's enforcement action needs to be targeted. Decisions about which premises to investigate will be:
  - reactive – based on a specific complaints or resulting from intelligence from partners that strongly suggests a breach of the licence has occurred/is on-going and/or
  - proactive – this may take the form of one-off or periodic follow-ups based on previous complaints.

### ***Raising concerns about licensed premises***

- 5.4 Given the council's desire to be as responsive as possible to concerns, it is likely that most enforcement action will be reactive. It is therefore paramount that individuals, organisations and other authorities report incidents and concerns about specific licensed premises when they arise so

that timely investigation and intelligence gathering can take place.

- 5.5 Wherever possible, the council would expect such concerns to be raised with the Premises Licence Holder or Designated Premises Supervisor in the first instance. Often, the business may not have realised that its operation is causing nuisance or problems and raising the issue is sufficient to ensure a prompt and adequate remedy.

***The licensing authority's approach to enforcement***

- 5.6 If raising concerns with particular premises does not remedy the situation, the council may become involved. In such circumstances, the council may:
- arrange meetings between various parties, including members of the public if appropriate, to jointly explore how best to remedy the situation
  - direct the Premises Licence Holder or Designated Premises Supervisor, business owner or occupier as appropriate to take action. This could take the form of issuing advice and guidance or may be more directive, for example, though not limited to, requiring specific remedies for noise nuisance or imposing variations to the conditions of the licence via a review
  - visit the premises in an attempt to witness the problem directly.
- 5.7 Sometimes, issues may arise within an area or on a particular street where it is not clear which establishment(s) is causing the issues. It can be the case that an issue arises from the interaction of venues and patrons purely because of the geographical proximity, for example, a pub or club, late night food take-away and/or taxi ranks all located in close proximity may encourage concentrations of noise and/or other nuisance.



- 5.8 In the short-to-medium term, in such circumstances council officers will seek to identify which establishment(s) is/are causing the issues and then make appropriate interventions as discussed above.
- 5.9 In the longer term, the council, in its wider capacity than simply being the licensing authority, recognises it has a role to play with partners in identifying, addressing, mitigating and if at all designing-out the types of nuisance that can arise from the night time economy.

### ***Partners' roles in enforcement activities***

- 5.10 Enforcement activity may be undertaken by one or more of the responsible authorities separately based on the extent to which the issue in question relates to their particular jurisdiction.
- 5.11 The statutory guidance issued to licensing authorities by the Home Office under section 182 of the Licensing Act 2003 (last amended in 2017) states *"It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority"*.
- 5.12 On that basis the lead authorities would be:
- **Crime and disorder** – Hertfordshire Constabulary
  - **Noise and other nuisance** – East Herts Council as Environmental Health authority

- **Public safety issues** – East Herts Council as Environmental Health authority; Hertfordshire County Council as Fire Authority
- **Prevention of children from harm** - Hertfordshire Constabulary; Hertfordshire County Council as Social Services and Education Authority.

5.13 Where the issues are wider, enforcement may be taken by the responsible authorities working together in partnership. The council is committed to partnership working. This could involve, for example:

- sharing intelligence, joint monitoring visits and intervention meetings with licence holders
- bringing forward a review of the licence for an individual licensed premises
- seeking changes to the East Herts Council's Statement of Licensing Policy on the basis of the evidence for, and articulation of, particular amendments.

### ***The licensing authority's ability to act as a responsible authority***

5.14 East Herts Council recognises that the Licensing Act 2003 includes licensing authorities within the list of responsible authorities. In certain circumstances it may be appropriate for the council to take action as a responsible authority in the absence of action by other responsible authorities, although it is important to note the statutory guidance accompanying the Act clearly states:

*“Licensing authorities are **not** expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to*

*expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority. [Emphasis added]*

- 5.15 It is the council's view that it would not be appropriate for the council, in its role as licensing authority, to seek to usurp the ability of other responsible authorities, residents or other stakeholders to raise and articulate their own concerns. The Licensing Act 2003 has both explicitly and implicitly empowered a broad range of organisations and individuals to raise concerns about applications, make representations on, including objections to, applications and/or seek a review of an existing licence.
- 5.16 The council acting as the licensing authority does not wish to become, nor be seen as, the primary body which makes representations as officers exercising the licensing authority's functions would not be able to draw on the expertise held by others, such as the police, fire service and the like, or the direct experience of residents, and so the evidence for action would almost inevitably be diminished and the likelihood of securing effective interventions lessened.
- 5.16 Given the above, the council, acting as the licensing authority, will determine on a case-by-case basis whether the wider interests of the community and/or partner agencies would be best served by taking on the role of a responsible authority.
- 5.17 Regardless of the origin of the need for any enforcement sanction, the council will act in accordance with the council's published enforcement policy <https://www.eastherts.gov.uk/article/35499/Environmental-Health---Enforcement> and will only act in cases which are in the public interest and where there is sufficient evidence to do so.

## **6. The night time economy**

- 6.1 All the council policies and procedures regarding the licensing of premises recognise that there are significant benefits to the district of a well-run late evening and night time economy.
- 6.2 The provision of local entertainment facilities for the local population enables residents to have a good night out without having to travel to London or other towns and cities. It brings in additional income to local businesses providing sustainable employment and ensures town centres remain at the heart of the community and do not become ghost towns after dark. Facilities which enable individuals to meet in a safe, vibrant and accessible area enhance community cohesion and social inclusion especially when amenities are attractive to a wider age group.
- 6.3 The council recognises that for the night time economy to work well from the perspective of a broad range of stakeholders, it is important to have a variety of different venues and a diverse cultural offer that can attract people of different ages and backgrounds to the district's centres in the evening and night time. An imbalance or preponderance of one type of establishment will not achieve this. A mixture of cafes and restaurants, traditional pubs, 'vertical drinking' establishments (aimed at a younger audience and often associated with music or sports screens) and a late night club offer is usually needed. The local theatres, cinemas and music venues are also important as are sports facilities. The greatest benefits will be achieved where customers patronise a range of different venues for food, drink and entertainment during their night out.

### ***Encouraging and facilitating best practice***

- 6.4 The council is committed to facilitating a vibrant, varied and safe night time economy for residents and visitors alike. The

council already funds, supports and/or promotes best practice to achieve this, including:

- provision and use of CCTV in town centres and around individual premises
- the use of industry-accredited door supervisors
- Live ID technology to check the ID of late night establishment patrons and bar entry to those using fake ID or with a history of anti-social behaviour
- noise impact assessments and the proper use of sound limiting devices
- appropriate signage requesting patrons to respect local neighbours
- appropriate siting and robust management of smoking shelters and related facilities
- robust management of venues' last entry times
- active live communication between venues and also the police, for example via radio links, to issues alerts about developing issues
- taxi marshalling schemes and robust taxi licensing practices
- good liaison with local transport companies

6.5 In time, the council wishes to work with local stakeholders to achieve Purple Flag status for the district's town centres. This is an accreditation process similar to the Green Flag award for parks and the Blue Flag for beaches. It is operated by the Association of Town and City Centre Management. The accreditation process takes towns and cities through a comprehensive set of standards, management processes and good practice examples all designed to ensure standards of excellence are met in managing the night time economy.

## 7. References

Home Office statutory Guidance

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627825/revised\\_182\\_guidance\\_05\\_04\\_17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627825/revised_182_guidance_05_04_17.pdf)

East Herts Statement of Licensing Policy 2016

<https://www.eastherts.gov.uk/article/35119/Licensing-Policy>

DRAFT

EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 MARCH 2018

REPORT BY HEAD OF HOUSING AND HEALTH

PROPOSED CHANGES TO EAST HERTS COUNCIL HACKNEY CARRIAGE  
AND PRIVATE HIRE FEES

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WARD(S) AFFECTED: ALL

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## **Purpose/Summary of Report**

- To consider consultation responses to the revised Taxi Licensing fees and charges for the financial year 2018/19.

<b><u>RECOMMENDATIONS FOR LICENSING: That</u></b>	
<b>(A)</b>	<b>The proposed fees for 2018/19 be considered in the light of the consultation responses; and</b>
	<b>and</b>
<b>(B)</b>	<b>The schedule of taxi fees and charges for 2018/19 included in Essential Reference Paper B of this report be recommended to the Head of Strategic Finance and Property for approval.</b>

### 1.0 Background

1.1 East Herts Council has not varied its taxi licensing fees since 2013.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 gives a Local Authority the power to determine the fees for Hackney Carriage and Private Hire drivers licences (section 53(2)) and for Vehicles and Operators licences (section 70(1)).

- 1.3 The Drivers fees must be set 'with a view to recovering the costs of issue and administration'.
- 1.4 The Vehicle and Operator fees 'may be sufficient in the aggregate to cover in whole or in part:
  - (a) The reasonable cost of carrying out...inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
  - (b) The reasonable cost of providing hackney carriage stands; and
  - (c) Any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriage and private hire vehicles.
- 1.5 Any variation in the fees for vehicles and operators has the additional requirement that:
  - (a) A notice is published in at least one local newspaper circulating in the area specifying specific information; and
  - (b) That a copy of the notice referred to in the newspaper advert shall be displayed in the council offices for 28 days from the date of publication of the notice in the newspaper.
- 1.6 If no objection is made to the variation or if all objections are withdrawn the new fees will come into effect on the expiration date specified on the notice or when the last objection is withdrawn, whichever is later.
- 1.7 If objections remain then a further date, not later than two months after the first specified date shall be set when the new fees come into force, with or without modification.
- 1.8 On the 1<sup>st</sup> February 2018 the required notices regarding the proposed variations to the vehicle and operator fees were published in both the Observer and the Mercury. On the same



day notices were placed in both the Bishops Stortford and Hertford Council offices.

1.9 In addition to the statutory requirement for consultation an email (or letter where an email address has not been supplied) was sent to all licensed drivers and operators detailing the 28 day consultation period and containing all the proposed variations to the fees.

1.10 The proposed fees for the financial year 2018/19 can be found at **Essential Reference Paper 'B'**.

## 2.0 Report

2.1 The statutory framework for taxi licensing fee allows the Local Authority to recover the reasonable costs for administering taxi licensing.

2.2 The fees are calculated using the known costs of issuing licences but some assumptions have to be made regarding numbers of applications expected to be received so fee setting is not an exact science.

2.3 As a result taxi fees operate in a three year cycle. The fees set for the financial year 2018/19 are set based on comprehensive work carried out with colleagues in the finance team. The accuracy of the fees will not be known until the start of the financial year 2019/20 so any adjustment to the fees will not be made until 2020/21.

2.4 As a result the legislation allows and authority to make a surplus or a deficit in a financial year and carry this over to the following year. Where a surplus is made then it should then be applied to the fees, essentially lowering the fees until the surplus is gone. Where a deficit is made the authority can vary the fees to recover this amount.

- 2.5 During the 28 day consultation 4 responses were received. These were all from members of the licensed taxi trade and can be found at **Essential Reference Paper 'C'**. Only 2 of the 4 responses were objections.
- 2.6 Response 1, from the holder of a Dual Driver licence, refers to the increasing numbers of drivers and operators meaning that there is less work. It additionally refers the effect that Uber drivers being in the area has had and that taxi fares have not been increased for a number of years.
- 2.7 The amount of work that is available within the District does not directly impact on the level at which fees are set. As the variation in the fees is set at cost recovery level then any shortfall would need to be funded from elsewhere to subsidise the taxi trade. This would be similar to the Council subsidising any other type of business that was not able to make a profit.
- 2.8 The hackney carriage trade has complained that there are too many licensed vehicles in East Herts for a number of years. As a result of this it is planned to carry out an unmet demand survey later in 2018 which is required if the number of hackney carriage vehicle licences is to be limited. The cost of this survey is recovered from hackney carriage vehicle licence fees and forms part of the proposed increase.
- 2.9 Officers agree that the hackney carriage fares tariff has not been changed since 2011. As a result of this a separate report is before Licensing Committee seeking to recommend a variation of the table of fares to the Executive which would then be formally consulted upon.
- 2.10 Response 2, from the holder of a Dual Driver licence, mentions the changes to the vehicle inspection regime that came into effect on the 1<sup>st</sup> January 2018. This places more responsibility on the approved testing stations and means that ultimately less vehicle inspections will be carried out by licensing officers at renewal of a vehicle licence. This has been taken into

consideration when setting the fees but the benefits from the change in regime will not be fully realised until the financial year 2019/2020. If at this point the fees have resulted in a surplus then the fees will be adjusted accordingly.

- 2.11 Response 3, from the holder of a Dual Driver licence, simply stated 'Approved'.
- 2.12 Response 4, from a private hire operator, stated 'No problems from this side with the proposed revisions'.
- 2.13 It should be noted that the fees and charges attached to this report slightly differ from the draft fees and charges put before full council on the 1<sup>st</sup> March 2018. These initial figures were based on some financial modelling which has now been updated to accurately reflect cost recovery. The income projections for the 2018/19 financial year have been based on the fees enclosed in this report and consulted upon.
- 2.14 Officers would suggest that none of the responses receive should result in the proposed fee levels being amended.

### 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.

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## 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 3 – Enable a flourishing local economy
Consultation:	There is a statutory requirement to carry out a 28 day public consultation including a notice being placed in a local newspaper and notices in the Council offices.
Legal:	If the statutory process is not followed correctly then it would be unlawful to charge the proposed fee and the authority would be open to challenge
Financial:	The proposed fees have been to advertise the in two local newspapers and this cost is recoverable from licence fees. If the fees for taxi licensing are not varied to meet full cost recovery then the authority would run at deficit and the costs would have to be covered from other funding. The expected income from the fees is £159,000
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer
Health and wellbeing – issues and impacts:	No issues identified by report author or contact officer

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## ESSENTIAL REFERENCE PAPER 'B'

Application	CURRENT 2017/18 fee (£)	PROPOSED 2018/19 fee (£)
<b>Vehicles - Hackney Carriage &amp; Private Hire</b>		
PH Vehicle (new) - 1 year	308.00	286.00
PH Vehicle (renewal) - 1 year	274.00	280.00
HC Vehicle (New) - 1 year	308.00	371.00
HC Vehicle (Renewal) - 1 year	274.00	291.00
<b>Drivers - Hackney Carriage &amp; Private Hire</b>		
Private Hire Driver (New) - 3 year	369.00	384.00
Private Hire Driver (Renewal) - 3 year	264.00	277.00
Dual Driver (New) - 3 year	369.00	384.00
Dual Driver (Renewal) - 3 year	264.00	277.00
<b>Private Hire Operators</b>		
Private Hire Operator - 5 year (New)	258.00	295.00
Private Hire Operator - 5 year (Renewal)	258.00	289.00
Each additional vehicle above 6	30.00	N/A
<b>Change of Vehicle</b>		
Change of Vehicle (new vehicle on old plate number)	78.00	54.00
Change of Vehicle (courtesy car)	156.00	83.00
<b>Change of Licence Details</b>		
Private Hire Driver converted to Dual Driver	45.00	50.00
Private Hire Vehicle converted to Hackney Carriage	45.00	99.00
Change of Vehicle proprietor	45.00	37.00
Change of DVLA details (registration number etc)	45.00	56.00
Change of Drivers address	-	11.00
<b>Knowledge test and training</b>		
Knowledge test and training day (All new applicants)	97.50	98.00
Resit of both routes and rules & regulations tests	67.50	52.00
Resit of routes test only	35.00	34.00
Update training for existing drivers	58.75	59.00
<b>Criminal Record Checks</b>		
Enhanced DBS Online	51.20	62.00
Basic Disclosure Online	32.20	43.00

<b>Ancillary Items (including VAT@20%)</b>		
Roof light (complete)	82.00	74.00
Roof light (top cover or base plate) (Note: New cost for top cover ONLY)	44.00	37.00
Roof light (base)	44.00	28.00
Replacement badges	27.00	24.00
Replacement plate (or additional for a trailer)	44.00	40.00
Roof light bulbs	2.50	3.00
Magnets (sold as a pair)	8.00	6.00
Executive Disc (private hire vehicles only)	13.00	11.00



## **ESSENTIAL REFERENCE PAPER 'C'**

1. **Dual Driver:**

I would like to say thank you for giving drivers an opportunity to share our views.

The taxi work is getting quieter coz of many factors like increasing numbers of taxi drivers and operators. Uber has affected us a lot as well and no of uber drivers is significantly can be monitored everywhere in the district. Taxi fares have not been increased for so many years and running cost including fuel prices is going up. So I would request you not to increase the fee and also increase the fare please.

Hope you will understand my concern.

2. **Dual Driver:**

I am against fee increases because now that the garages are going to be doing more of your work when they inspect the vehicles for Mot and road worthiness which will cost us more money, you pointed out in a previous email that this would save us money, how can this be the case when you are considering increasing the fees and doing less work, if anything there should be a reduction

3. **Dual Driver:**

Approved.

4. **Private Hire Operator:**

No problems from this side with the proposed revisions, thanks and regards.

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## EAST HERTS COUNCIL

### LICENSING COMMITTEE – 14 MARCH 2018

#### REPORT BY HEAD OF HOUSING AND HEALTH

#### PROPOSED CHANGES TO EAST HERTS COUNCIL HACKNEY CARRIAGE FARES TARIFF

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WARD(S) AFFECTED: ALL

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#### **Purpose/Summary of Report**

- To consider the proposal to change the fares tariff that can be charged by East Herts Licensed Hackney Carriages.

<b><u>RECOMMENDATIONS FOR LICENSING COMMITTEE:</u></b>	
<b>(A)</b>	<b>The proposed variation to the table of fares listed in paragraph 2.8 and the requirement for consultation be noted; and</b>
<b>(B)</b>	<b>If a variation is thought appropriate, the proposed variation to the table of fares be recommended to the Executive for approval before the consultation commences.</b>

#### 1.0 Background

1.1 The table of fares (tariff) for East Herts Licensed Hackney Carriages has not been varied since 2011.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 s.65 gives a Local Authority the power to determine the table of fares for the hire of Hackney Carriages.

- 1.3 The Drivers fees must be set 'with a view to recovering the costs of issue and administration'.
- 1.4 Any variation in the table of fares has the requirement that:
- (a) A notice containing the table of fares is published in at least one local newspaper circulating in the area specifying a period of not less than 14 days from the publication of that notice, within which objections to the variation can be made. The notice must also specify the manner in which objection can be made; and
  - (b) That a copy of the notice referred to in the newspaper advert shall be displayed in the council offices for 14 days from the date of publication of the notice in the newspaper.
- 1.5 If no objection is made to the variation or if all objections are withdrawn the new fares will come into effect on the expiration date specified on the notice or when the last objection is withdrawn, whichever is later.
- 1.6 If objections remain then a further date, not later than two months after the first specified date shall be set when the new fares come into force, following consideration of the objections. The final fares can be as consulted upon or as modified by the authority in light of any objections.
- 1.7 The current table of fares which has been in place since 2011 is attached to this report at **Essential Reference Paper 'B'**.

## 2.0 Report

- 2.1 As detailed above the statutory framework for taxi licensing allows the Local Authority to set the table of fares at the level it sees appropriate following a statutory consultation.
- 2.2 Before bringing the proposed variation before Licensing Committee the taxi trade within East Herts was asked for their

opinions regarding if there should be any variation and if so what that variation should be.

- 2.3 9 responses were received with 8 suggesting an increase in the table of fares and 1 against. These are contained within **Essential Reference Paper 'C'**.
- 2.4 As can be seen from the existing table of fares there are many elements to be considered when reviewing an entire table of fares.
- 2.5 The table of fares has not be varied for 6 years so if this work were completed and all the elements of the fares increased in one go, then the increase in the table of fares would be dramatic and may affect the level of custom for hackney carriages adversely. As a result the proposal is to only raise the flag fare (the initial charge for hiring a taxi) at this time rather varying the yardage and waiting amounts as well. This gradual increasing in the fares is an approach advocated by parts of the trade.
- 2.6 The proposal would be to review the fares again 6 months after any variation comes into force and then to instigate an annual review. This does not guarantee an increase on every occasion but is ensuring that the fares are reviewed regularly.
- 2.7 Having viewed the responses from the trade the officer suggestion would be that a 10% increase in the flag fare (for up to the 1<sup>st</sup> 1000 yards or the entire journey if less than 1000 yards) should be consulted upon. By changing the initial fare this increase will go onto every journey regardless of length.
- 2.8 This would change the table of fares in the following way:

Rate	Current starting rate	<b>Proposed starting rate</b>	Increase
Rate 1	£3.00	<b>£3.30</b>	30p
Rate 2	£4.00	<b>£4.40</b>	40p

Rate 3	£5.00	<b>£5.50</b>	50p
Rate 4	£6.80	<b>£7.50</b>	70p

- 2.9 When each rate applies can be seen on the current table of fares attached at **Essential Reference Paper 'B'**.
- 2.10 The proposal of a 10% increase was suggested in response 2 and closely matches the figures given in response 8 contained within **Essential Reference Paper 'C'**.
- 2.11 Although a 10% increase may seem a large increase in monetary terms it should be remembered that the table of fares has not been varied for 7 years so the largest increase, to rate 4, equates to 10p per year. This increase would only be applied on 5 days a year and to vehicles carrying 5 or more passengers.
- 2.12 The smaller monetary increases to rates 1 and 2 are the ones which will apply to the majority of journey's and with no change in the charges beyond the initial 1000 yards of a journey the overall fare will only increase by the amounts in the table above regardless of the length of the journey.
- 2.13 There is a monetary cost to each meter being recalibrated when the table of fares is varied and this cost is met by the licence holder.
- 2.14 The options open to Members are:
- Recommend the suggested variation to Executive; or
  - Propose a different variation to Executive which they believe is more appropriate; or
  - Decide that an increase in the table of fares is not appropriate.
- 2.15 The proposal would be for the recommended variation, if made, to go before Executive for decision on 24th April 2018. The consultation on the variation to the table of fares would

last for 14 days between the 26th April 2018 and 10th May 2018. Thereafter if no objections are received the new table of fares would come into effect on the 11th May 2018.

2.16 If during the consultation objections were received then these would be considered by Executive on the 12th June 2018. At this meeting the final table of fares would be set to come into effect on 13th June 2018.

2.17 Should an increase in the table of fares come into effect then this would be the maximum amount that could be charged by an East Herts licensed hackney carriage for a journey starting and ending within the District. This would not limit a driver's ability to agree a fixed price for other journeys or to discount that rate if they felt it would negatively impact on trade.

### 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 – Portfolio Holder for Community Safety and Protection.  
[Graham.McAndrew@eastherts.gov.uk](mailto:Graham.McAndrew@eastherts.gov.uk)

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594. [jonathan.geall@eastherts.gov.uk](mailto:jonathan.geall@eastherts.gov.uk)

Report Author: Oliver Rawlings – Service Manager Licensing and Enforcement, Extn: 1629.  
[oliver.rawlings@eastherts.gov.uk](mailto:oliver.rawlings@eastherts.gov.uk)

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**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 3 – Enable a flourishing local economy
Consultation:	The licensed taxi trade has been asked for their opinion regarding a variation in the table of fares and the response received are included in the report. If a variation is recommended by the Licensing Committee it will go out to a 28 day public consultation including being advertised in a local newspaper and notices in the Council offices.
Legal:	If the statutory process is not followed correctly then any variation to the table of fares would be unlawful and open to challenge
Financial:	If a variation is proposed then the authority will have to pay to advertise the proposed variation in at least one local newspaper. If the variation subsequently comes into effect then new tariff cards would have to be printed. These cost are recoverable through the fees charged for licences.
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer
Health and wellbeing – issues and impacts:	No issues identified by report author or contact officer

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# TABLE OF FARES FOR HACKNEY CARRIAGES From 10 January 2011

*Rates 1, 2 and 3 apply to vehicles licensed to carry up to 4 passengers and vehicles licensed to carry up to 8 passengers, but carrying 4 or less passengers.*

*Rates 2, 3 and 4 apply to vehicles licensed to carry up to 8 passengers when carrying 5 or more passengers, at the times/days which apply to rates 1, 2 and 3 respectively.*

If the distance does not exceed 1000 yards, for the whole distance	Fare up to 1000 yards	each additional unit of 190 yards or part thereof
<b>Rate 1</b> For hirings between 6.30am and 10pm Monday to Saturday inclusive	£3.00	£0.20
<b>Rate 2</b> For hirings begun between 10pm and 6.30am Monday to Friday inclusive and from 10pm on Saturday to 6.30am on Monday, and all day on Bank Holidays.	£4.00	£0.30
<b>Rate 3</b> For hirings on Christmas Day, Boxing Day, New Year's Day and after 6pm on Christmas Eve and New Year's Eve.	£5.00	£0.40
<b>Rate 4</b> For hirings on Christmas Day, Boxing Day, New Year's Day and after 6pm on Christmas Eve and New Year's Eve.	£6.80	£0.60

Metric Conversions
1000 yards = 914 metres (approx)
190 yards = 174 metres (approx)

Fares are charged at both time and distance.

**Waiting time:-**

Rate 1 - £18 per hour  
Rates 2, 3 & 4 £24 per hour.

(ALL FARES ARE INCLUSIVE OF VAT WHERE APPLICABLE)

Complaints should be made to the Taxi Licensing Officer (01279 655261, extension 1467) quoting the vehicle registration mark/licence number or the driver's badge number.

CONTINUED OVER

[www.eastherts.gov.uk](http://www.eastherts.gov.uk)

### EXTRAS

- For luggage carried outside passenger compartment ..... 20p per item (max £1.00)
- Trained dogs to assist the blind or hard of hearing ..... no charge
- Other dogs (carried at driver's discretion) ..... 20p
- The driver may recover from the hirer a cost not to exceed £100 if fouling/soiling occurs leading to the vehicle being taken out of service

For each additional passenger (other than the first passenger), a charge of £0.20 per passenger up to a maximum of £0.60 for any one journey

The driver may require the hirer, or the passenger, to pay the congestion or toll charge if the journey includes roads that are subject to that charge.

**TAXIS MUST USE THE METER ON ALL JOURNEYS WHICH START AND END WITHIN EAST HERTS.** The meter need not be used on journeys which terminate beyond East Herts District boundary, and when the hirer and the driver have agreed the price before the journey commences.

### INSTRUCTIONS for when plying for hire

**DOGS** trained to assist the blind or hard of hearing **MUST** be carried unless the driver is medically exempt. Other animals are carried at the driver's discretion.

**FOR HIRE** lights must be extinguished when the vehicle is booked. When the hire lights are lighted the driver cannot refuse a hiring, without a reasonable excuse and the 'For Hire' light can only be switched on within the area of East Herts.

### NOTE

It is an offence to dishonestly make off without payment for goods or services, knowing the payment on the spot was required and expected. Contrary to Section 3 Theft Act 1978

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Responses in **support** of a variation in the table of fares:

1. I suggest the flag rate 1-4 should increase by £1.
2. My feelings on this subject are that it should be increased & more importantly should be automatically reviewed on a regular basis involving the trade as deemed necessary. In view that the last increase was made effective from 11 Jan. 2011 & that even the lowly paid nurses/civil servants managed a 1% annual increase during the same period, compounded this would probably be around a 10% figure over a 7 year period. Therefore I think that bringing in the Rates 1/2/3 by a 10% increase (i.e. Rate 1 start at £3.30, Rate 2 £4.40 etc.) would not be unreasonable especially as this wouldn't come into play at the earliest until the start of 2018. The incremental amounts could either stay as is or have a small increase, but I would avoid the total fares at any stage running at less than 10p units, as change is becoming an issue in certain areas.
3. Taxi Fares. Our position is on record. We consider that Taxi Fares should be REVIEWED annually and that any increases should be considered in context of that annual review. We believe an upward lift in fares is overdue. One notable area of concern is the level of idling/waiting time as roads become more congested and this should be addressed as part of a comprehensive tariff review.
4. Thank you for giving us opportunity to draw your attention to the fare increase. Please increase the fare as the cost of living has gone up and running cost of taxi including fuel, maintenance and other expenses has gone up. The minimum fare should be at least 4 pounds on rate one. Sometimes we have to wait for an hour to get a job. The minimum wage is going up yearly but the fare is same.

5. I would like to have a Taxi fare increase. I suggest that the flag rate is increased on Rate 1 to at least £4.00, with no increase on distance. Rate 2 should be increased to at least £5.50 on the flag rate, and no increase on distance.
6. As for the increase in the fairs I would like to suggest a 50p on each flag.
7. If there is too much of a worry about fares being increased too much for the day time, at least make the fares for rate 2 be fare and ½. i.e. every job done after 22:00 loses 50p per journey, every journey on rate 3 loses £1, and every job using rate 4 loses £1.20.
8. If enough agree to a price rise for all tariffs my suggestion would to only increase the start fare

Rate1: £3 to £3.20

Rate2: £4 to at least £4.40

Rate3: £5 to at least £5.60

Rate4: £6.80 to at least £7.50

Responses **against** a variation in the table of fares:

1. Regarding the possible increase in the fare tariff, I am against any increase there are too many taxis and not enough work, already we have the additional pressure from companies like uber discounting the fares which make our tariff look expensive. The economy looks uncertain people are cutting back on expenses and not going out as much, any increase in our own operating costs in the short to medium term I think we have to absorb until market conditions become more favourable.

EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 MARCH 2018

REPORT BY HEAD OF HOUSING AND HEALTH

REPORT ON LICENSING ACTIVITY QUARTER 3 OF 2017

WARD(S) AFFECTED:            ALL

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## **Purpose/Summary of Report**

To update members on activity in the licensing department:

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

<b><u>RECOMMENDATION FOR DECISION:</u></b>	
<b>(A)</b>	<b>That the report be received.</b>

### 1.0 Background

1.1 The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal dealing and gambling.

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

- Alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003,

- Gaming under the Gambling Act 2005,
- Taxi drivers, vehicle proprietors and operators.

1.3 The report also contains details of projects being undertaken and service development.

## 2.0 Report

2.1 See **Essential Reference Paper 'B'** for performance data for quarter 3 01 October 2017 – 31 December 2017. This contains the numbers of applications or notices received, and totals of current licences.

2.2 During quarter 3 of 2017 the enforcement team have undertaken 68 actions which are divided between visits, inspections and investigations. These have been analysed further and are recorded as:

Type	2017/18 Quarter 2	2017/18 Quarter 3
Taxi inspections and investigations	0	25
Taxi complaints	11	12
Taxi camera investigations	0	0
Licensing Act 2003 complaints	9	7
Licensing Act 2003 premises visits	3	7
Checks of statutory notices	18	4
Gambling visits/complaints	0	2
Invoice visits/chase ups	35	11
Charity collection complaints	3	0
<b>Total actions</b>	<b>79</b>	<b>68</b>

All complaints have been fully investigated and have resulted in the appropriate action being taken in line with policy.



- 2.3 Following comments from Councillor Page at the last Licensing Committee meeting the Gambling Commission were contacted in regards to visits to our gambling premises. An officer from the commission accompanied East Herts enforcement officers on visits to 2 of the 15 licensed premises. This is the start of a rolling series of inspections which will see all gambling premises visited in the next financial year.
- 2.4 In respect of premises licensed under the Licensing Act 2003, the breaches of the licences have been addressed in accordance with our Licensing Enforcement Policy.
- 2.5 At the time of reporting there are 47 outstanding invoices for annual fees which are for annual fees under either the Gambling Act 2005 or the Licensing Act 2003. There have been 6 premises suspended under the Licensing Act and no premises licence revoked due to non-payment of fees.
- 2.6 This increased figure over the previous quarter is due to the number of invoices that fall due in October and November. 60% of all the invoices are issued in these months and the period for which overdue invoices are outstanding is normally very short.
- 2.7 The enforcement team's work involves insuring that all documentation for taxi drivers and vehicles is up-to-date and therefore ensuring licences are valid. During the last quarter 23 documents have not been produced before the expiry date on record.
- 2.8 Under the licensing points system a total of 7 points have been issued to 3 licence holders.
- 2.9 For the year 2017/2018 new performance indicators for licensing have been included in the Housing and Health Service Plan and these can be reported on quarterly. These are detailed in the table below.

<b>Performance indicator - cumulative (reported quarterly) within the year unless otherwise stated</b>	<b>Q2 2017/18</b>	<b>Q3 2017/18</b>	<b>Target</b>
Percentage of valid personal licences processed within 2 weeks	93%	100%	85%
Percentage of valid temporary event notices processed within 72 hours	91%	90%	90%
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	76%	80%	99%
Percentage of driver's licences issued within 30 working days of validation	87%	93%	95%

2.10 Work is ongoing with the last two performance indicators as the figures are being skewed due to applications which either received representations or applicants that have a criminal record or other matter outside of policy which must be considered.

2.11 Further details regarding decision making, project and policy work and licensing matters dealt with by Environmental Health can be found at **Essential Reference Paper 'C'**.

### 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 – Portfolio Holder for Community Safety and Protection.  
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Report Author: Oliver Rawlings – Service Manager Licensing and Enforcement, Extn: 1629.  
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**IMPLICATIONS/CONSULTATIONS**

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

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## ESSENTIAL REFERENCE PAPER 'B'

Quarter 3 data – 1st October 2017 to 31st December 2017

### Licensing Act 2003

<b>Premises Licence</b>	<b>Q2</b>	<b>Q3</b>	<b>17/18 cumulative</b>
New	5	1	12
Variation	12	3	20
Minor Variation	5	2	12
Transfer of premises licence	2	5	9
Change of designated premises supervisor	17	23	61
Interim Authority notice	2	0	2
Review	0	0	0
Cancelled/surrendered	0	0	0
Suspended	13	6	22

<b>Club Premises Certificates</b>	<b>Q2</b>	<b>Q3</b>	<b>17/18 cumulative</b>
New	0	0	0
Variation	0	0	0
Minor Variation	0	0	0
Transfer of premises licence	0	0	0
Interim Authority notice	0	0	0
Review	0	0	0
Cancelled/surrendered	0	1	1
Suspended	0	0	0

<b>Personal Alcohol Licences</b>	<b>Q2</b>	<b>Q3</b>	<b>17/18 cumulative</b>
New	5	21	77
Amendments (change of address etc)	12	10	39

<b>Temporary Event Notices</b>	<b>Q2</b>	<b>Q3</b>	<b>17/18 cumulative</b>
TENs received	174	195	610
Objections (Police or Environmental Health)	0	3	0
Refused	0	3	0

### GAMBLING ACT 2005

	<b>Q3</b>
--	-----------

Club Machine Permits – New	0
Small Society Lotteries – New	28
Betting Premises Licence – New	0
Licensed Premises Gaming Machine Permit – New	0
Notification of Gaming Machines – New	2

## CHARITY COLLECTIONS

	<b>Q3</b>
House To House – New	8
Street Collections – New	15

This figure does not include direct debit collections or those charities with a National dispensation to collect who simply notify us of their intention to collect in East Herts.

## TAXIS

	<b>Q2</b>	<b>Q3</b>	<b>Cumulative</b>
New <b>Dual Drivers</b>	13	4	25
Renewed Dual Drivers	1	1	16

	<b>Q2</b>	<b>Q3</b>	<b>Cumulative</b>
New <b>Private Hire Drivers</b>	7	7	28
Renewed Private Hire Drivers	1	0	5

	<b>Q2</b>	<b>Q3</b>	<b>Cumulative</b>
New <b>Private Hire Operators</b>	2	1	4
Renewed Private Hire Operators	0	0	0

	<b>Q2</b>	<b>Q3</b>	<b>Cumulative</b>
New <b>Hackney Carriage Vehicles</b>	89	6	172
Renewed Hackney Carriage Vehicles	91	63	243

	<b>Q2</b>	<b>Q3</b>	<b>Cumulative</b>
New <b>Private Hire Vehicles</b>	23	5	50
Renewed Private Hire Vehicles	31	14	77

	<b>Q2</b>	<b>Q3</b>	<b>Cumulative</b>
Courtesy vehicles	9	6	24



### TOTALS at 30/09/2017

	30/09/2017	31/12/2017	Variance
Premises Licence	484	485	+1
Club Premises Certificates	37	36	-1
Personal Alcohol Licences	1830	1851	+21
Betting Premises Licence	15	15	0
Dual Drivers	311	315	+4
Hackney Carriage Vehicles	259	265	+6
Private Hire Drivers	61	68	+7
Private Hire Vehicles	57	62	+5
Private Hire Operators	38	39	+1

Figures regarding licensed vehicle numbers are routinely recorded so figures are available from 2013.

Date	Number of HC vehicles	Number of PH vehicles
June 2013	250	46
June 2014	254	44
June 2015	257	57
June 2016	257	56
June 2017	266	58
December 2017	265	62

### LICENSING RECORD POINTS ISSUED

	Q2	Q3
Points issued	4	7
Number of drivers issued points	1	3
Percentage of licence holders issued points*	0.3%	0.9%

\*Based on 370 drivers

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## **Licensing Activity report: 1st October 2017 to 31st December 2017**

### **1. Context**

The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal handling and gambling. This report summarises activity in this area for quarter 3 of 2017/18.

Licensing of food premises and other commercial businesses subject to regulatory activity is carried out by the Environmental Health team. Detailed quarterly statistics will not be available on this activity until after the end of December

### ***Licensing matters managed by the Licensing & Enforcement Team***

### **2. Taxis**

The activity over the period in question has been as follows:

New applications	8
New applicants who have attended training	8
Resits of knowledge test	10
Existing drivers who have attended update training	14
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman on the Licensing Committee	0
Decisions taken by Licensing Committee	0
Appeals against licensing points – decision by Head of Housing and Health	0
Upheld	n/a
Dismissed	n/a
Appeals of decision – decision by court	1 (plus 1 adjourned to January)
Upheld <i>council not successful in defending its decision</i>	1 (parking matter)

	Dismissed	1 – by the Crown Court <i>Revocation due to alleged sexual misconduct</i>
	<i>council successful in defending its decision</i>	
Prosecution sought		1
	Successful	0 (refusal of assistance dog)
	Unsuccessful	n/a
Judicial reviews		0

There is a strong desire among both members and officers to build on the council’s work to promote high quality taxi licensing. To this end:

- the Service Manager – Licensing and Enforcement is continuing his peer review of Uttlesford DC’s taxi licensing policies and procedures. The draft final report has been given to the authority and they are now considering their priorities and resources. Once a decision is made it will be going to an extraordinary meeting of Uttlesford’s Environmental Health & Licensing Committee.

### **3. Premises**

There have been 34 applications made during this quarter; including 23 variations of DPS, 5 transfers and 1 new application.

### **4. Temporary Event Notices**

In this quarter, the team processed 195 temporary event notices.

### **5. Policy development**

The interplay between public health outcomes and licensing decisions, particularly in regard to alcohol sales, is an interesting area that the licensing profession has grappled with for some time on a national basis.

The Licensing Act 2003 does not include public health outcomes as a material consideration when deciding on an application, apart from in instances where an evidence-based case can be made to pin a

detrimental public health outcome very specifically to the premises in question and/or that premise's application.

Members remain keen to see the council's licensing decisions are made within the context of minimising crime and disorder and negative health impacts wherever possible. To this end, in December:

- three bids were made to the Police and Crime Commissioner's competitive community safety funding round. These covered Scannet Live ID, neighbourhood resolution (a form of mediation currently used in Cambridge as a means of tackling low level but potentially intractable neighbour disputes and the like) and a police-led drone project
- a report on the night time economy and emergency services, notably the impact of alcohol use on policing in the district, was considered by the Overview and Scrutiny Committee at its meeting on 12 December
- a first draft was produced of the addition to the Licensing Policy aimed at making it far clearer with regard to licensed premises applications. The addition to the Licensing Policy covers:
  - who the relevant 'stakeholders' are, going beyond responsible authorities alone, and what should their reasonable expectations be of the licensing process
  - the Licensing Team's expectations of how the responsible authorities could make their representations so as to make decision-making as transparent and robust as possible
  - triggers for enforcement action
  - an articulation of the benefits of well-run licensed premises to the district – economic and cultural/entertainment

- how the council will proactively support best practice in the night time economy, for example, by promoting the use of Live ID and making best use of CCTV.

### ***Licensing matters managed by the Environmental Health Team***

#### **7. Overview of licences**

This section provides an overview of the number of active licences and those in the process of being reviewed/considered as at 22 February 2018.

<b>Licensable activity</b>	<b>Active licences</b>	<b>Applications being considered / licences being reviewed</b>
Animal boarding	14	0
Animal boarding (at home)	8	1
Animal boarding (day care)	2	0
Camping	1	0
Caravan sites	9	0
Dangerous wild animals	1	0
Houses in multiple occupation (HMOs)	45	4
Pet shops	5	1
Riding establishments	6	0
Skin piercing (personal)	196	6
Skin piercing (premises)	101	0
Street trading consent (mobile)	6	0
Street trading consent (occasional)	0	0
Street trading consent (static)	7	3
Zoos	2	0