

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 15 MARCH
2023, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors R Bolton, J Jones, T Page,
S Reed and C Wilson

ALSO PRESENT:

Councillors J Goodeve

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Dimple Roopchand	- Litigation and Advisory Lawyer
Paul Thomas-Jones	- Service Manager – Environmental Health

394 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Crofton, Redfern and Townsend.

395 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Members for their contributions to the Committee over the term, with special mention to those who had taken part in Licensing Sub-Committees.

396 DECLARATIONS OF INTEREST

There were no declarations of interest.

397 MINUTES - 26 OCTOBER 2022

It was moved by Councillor Jones and seconded by Councillor Bolton, that the Minutes of the meeting of the Committee held on 26 October 2022, be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting of the Committee held on 26 October 2022, be confirmed as a correct record and signed by the Chairman.

398 MINUTES OF THE LICENSING SUB-COMMITTEE - 19 OCTOBER 2022

RESOLVED – that the Minutes of the Licensing Sub-Committee meeting held on 19 October 2022 be received.

399 CONSIDERATION OF THE RESULTS OF THE HACKNEY
CARRIAGE UNMET DEMAND SURVEY

The Licensing and Enforcement Service Manager presented the report. He said that under Section 16 of the Transport Act 1985, the council had the power to limit the number of hackney carriage vehicles where there was no significant unmet demand for services. He said that the 2019 results from the survey showed no significant unmet demand and a decision was made to cap the number of vehicle licences at 200.

The Licensing and Enforcement Service Manager said the unmet demand survey should be carried out at least every three years. At the end of 2022, the survey was carried out and it showed that there was a significant unmet demand in the district for services of hackney carriage vehicles. He said that a significant proportion of unmet demand was created by private train station taxi ranks, availability of rank space and demands on it were heavily influenced by public parking illegally on taxi ranks. He said that the public had expressed frustration at vehicles not being available for prebooking.

The Licensing and Enforcement Service Manager said that hackney carriages were carrying out much more prebooked, school and contract work than rank work. There was a national shortage of drivers and increasing the number of vehicles wouldn't necessarily increase the number of drivers. As a result of the survey, the report was recommending that the limit should be increased by 5% over the existing cap. He said this would increase the number from 203 to 213.

He said that the 5% increase should be enough to see the level of demand decreasing when it is measured by the next unmet demand survey. The implications of increasing the frequency of the survey were that hackney carriage vehicle licences would become more expensive as the cost of the survey is included in the fee. The more frequent the survey, the more expensive a licence was.

The Chairman asked if the council had a waiting list for people who want to come forward to apply for a licence. The Licensing and Enforcement Service Manager said there was not a waiting list and the licence limit had not been reached.

The Chairman asked if the council would be publicising the increase to the limit of taxi licences.

The Licensing and Enforcement Service Manager said the team had contacted the hackney carriage trade to let them know of the potential increase and they had already had some enquiries. He said he didn't want to start a waiting list until the decision had been made regarding the criteria for which vehicles would be acceptable. The Licensing and Enforcement Service Manager used fully wheelchair accessible vehicles as an example.

The Chairman asked how the criteria would be worked through and whether it be brought back to committee. He said he was keen to see more vehicles with wheelchair access.

The Licensing and Enforcement Service Manager said

the decision process for the criteria would be the same route as this decision and would be scrutinised in the same way. He said wheelchair access vehicles had been promoted in the past as a niche market to service. However, previous wheelchair accessible vehicles had not made enough income on just accessible journeys. He said that the criteria would need to be looked at carefully to determine which vehicles could satisfy the demand.

The Chairman asked if anyone had explored the potential number customers in East Herts that might need to use accessible vehicles.

The Licensing and Enforcement Service Manager said that no specific work had been carried out but the unmet demand survey contacted retirement homes and other stakeholders to see what demand was out there. He said that the team received 3 – 4 enquiries a year from people requesting details of accessible cars and had had responses from people saying they booked vehicles from Stevenage to cover their needs.

Councillor Reed said East Herts had previously limited the amount of taxi drivers for East Herts and were now saying there was a shortage of drivers. He asked if the taxi trade knew that limit was still 200. He suggested that it might be better if it was increased to 250 so that other people can come into East Herts and be taxi drivers.

The Licensing and Enforcement Service Manager said that there is a limit on hackney carriage vehicles but not drivers. There are less drivers about and they

could earn more money doing contract work than rank work. He said there wasn't a way of promoting more drivers and said they were not going to get more than the number of vehicles currently. He explained that there was such a national shortage of drivers and the county council were crying out for school drivers so had pushed the work out to hackney carriage drivers meaning there were less taxis on the ranks and then demand goes up for rank work. A lot of people had left the trade and not come back after the pandemic. He said there was not an easy solution currently.

Councillor Wilson said he agreed with what had previously been said and the unmet demand for private hire led to an unmet demand for hackney carriage vehicles. He said that his experience in Bishop's Stortford was that there was a lack of taxis available. He emphasised that taxis were public transport which serviced vulnerable people and there needed to be a solution. He asked how feasible it would be to have marshals at taxi ranks and if the council had looked at external grants for wheelchair accessible vehicles. He said he was also concerned about the excessive hours worked by drivers and asked if the council could promote safe working hours.

The Licensing and Enforcement Service Manager said that there were taxi marshals in Hertford paid for by the Town Council and HCC. Bishop's Stortford train station was operated by a private company that paid for a marshal and Bishop's Stortford Town Council previously contributed towards marshals over the Christmas period. In relation to the station ranks, Hertford North was operated by the train provider and

they limited the number of licences to 26 and currently had 23 licence holders. He said that the taxi rank at Bishop's Stortford was also operated by the train company and contracted this to a private operator. He said they were desperate for drivers and had no limit on the number of permits.

Councillor Wilson asked if the council could restrict the number of taxis at the station or influence the train operators.

The Licensing and Enforcement Service Manager said the council could not dictate what a private company could do on its own land. He said that Licensing had previously spoken to the trade to explain working hours and the team had previously interviewed drivers if they were working long hours to remind them about safety. He said he would be happy to add a reminder into the newsletter.

Councillor Jones said he was concerned about the working hours and hoped it was a typing error in the report. He said that Bishop's Stortford station was the biggest issue and was concerned that the train company had a monopoly on it. He asked if it could be challenged or investigated in respect of putting an alternative rank on public which was cost effective.

The Chairman agreed and felt the council had missed out on providing a taxi rank in the Goods Yard development.

Councillor Jones felt the stations were taking advantage and not supplying the demand. He asked

what could be done about private cars parking on the taxi ranks.

The Licensing and Enforcement Service Manager said in an ideal world the council could see where the demand was and put a rank in that location, but it had to be agreed with Highways. He said from experience, if people can't see where the taxi rank was, they would rarely walk to it and prefer to wait for a taxi at the empty rank. He said that parking on public ranks was a real problem and if parking enforcement Officers were working in the evening, they could ticket cars. He said a consistent approach was needed to stop people parking in ranks, which was resource heavy.

Councillor Bolton thanked the Licensing and Enforcement Service Manager for his report and questioned the frequency of the Unmet Demand Surveys.

The Licensing and Enforcement Service Manager said that with the end of the Pandemic and the changes occurring in the district he would like to see the survey carried out annually. He said however, that as the cost of the survey was borne by the trade (via the cost of the vehicle licences), every two years may be more beneficial.

Councillor Jones asked why the council was not paying for the survey and therefore not helping the trade.

The Licensing and Enforcement Service Manager said that Department for Transport (DfT) guidance advised that no one company within the trade should pay for

the survey, but that the council could pass the costs on to the trade via the cost of vehicle licences. He questioned if the council would be subsidising the trade should it pay for the survey.

Councillor Page referred to a complaint within the report which referenced a taxi customer who had agreed a price with a company and had then been charged more due to a problem with the driver's app. He asked if not all vehicles were metered.

The Licensing and Enforcement Service Manager said that the respondent was probably referring to a private hire vehicle and not a Hackney Carriage. He said that private hire drivers should be charging the fare agreed at the time of the booking being made. Hackney carriages had to charge the metered rate or less unless the journey started or ended outside of the district. In those cases, a fare could be negotiated or metered. He said that complaints relating to such matters should be directed to the Licensing Department.

The Chairman asked Members for their thoughts on recommending to the future Licensing Committee that they visit the taxi ranks in Ware, Hertford and Bishop's Stortford for observation.

Members supported this recommendation and were in agreement that visits to the district's taxi ranks should include both a daytime and a weekend 'night-time economy' visit.

It was also agreed that Committee Members should be

accompanied on these visits by an engineer from Hertfordshire County Council's (HCC) Highways Department, to give opinion on ranks and potential new rank sites.

It was further agreed that in the interim Officers should be looking at alternative rank provision going forward.

It was moved by Councillor Jones and seconded by Councillor Reed that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that it is recommended that the future Licensing Committee:

- Visit the taxi ranks in Ware, Hertford and Bishop's Stortford for observation.
- Are accompanied on these taxi rank visits by a HCC engineer, for their opinion on ranks and potential new rank sites.
- That in the interim Officers should be looking at alternative rank provision going forward.

Councillor Page asked that the Executive Member for Planning and Growth (who was present as an observer) provide feedback to the planning department that more standing should be given to Licensing Officers within Planning reports. The Executive Member for Planning and Growth acknowledged this request.

The Chairman then referred Members to paragraph 4.0 of the report which listed the options open to the Committee for recommendation to the Executive Member for Planning and Growth. He said that Option 2 was the option recommended by the Licensing department and would see an increase in the number of Hackney Carriage vehicle licences issued by 10 (approximately 5%) over the number currently issued. He agreed that with monitoring this was the correct option to recommend, and Members also supported this.

It was moved by the Chairman and seconded by Councillor Wilson that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that following review of the consideration of the results of the Hackney Carriage Unmet Demand Survey, Members recommend to the Executive Member for Planning and Growth that Option 2 (an increase in the number of Hackney Carriage vehicle licences issued by East Herts Council be increased by 10 (approximately 5%) over the number currently issued) be taken forward.

400 REVIEW OF LICENSING ACTIVITY - QUARTER 2 AND QUARTER 3, 2022

The Licensing and Enforcement Service Manager introduced the report and confirmed that further details relating to any trends/types of complaints being received by the department had been included as per

Members' requests.

The Licensing and Enforcement Service Manager drew Members' attention to paragraphs 3.7 and 3.8 of the report, which detailed the licensing points issued to two drivers during Quarter 2 and Quarter 3, and the performance monitoring figures for the department for the same period.

Councillor Bolton asked for assurance that the Police and Environmental Health had oversight of the significant increase in the number of Temporary Event Notices (TENs). The Licensing and Enforcement Service Manager said that the increase in TENs was post pandemic, during which there were no events. He confirmed that the Police sent a response to every TEN, which would be flagged for scrutiny should problems be known to exist and he clarified that the Licensing and Environmental Health departments shared a system for recording investigations and complaints.

The Environmental Health Service Manager said that Environmental Health prioritised TENs, carrying out visits and trying to rectify issues where appropriate.

It was proposed by Councillor Bolton and seconded by Councillor Wilson that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Review of Licensing Activity in Quarter 2 and Quarter 3 of 2022 be reviewed and received.

401 AN UPDATE ON ENVIRONMENTAL HEALTH LICENSING AND REGISTRATION

The Environmental Health Service Manager introduced the report, which was accompanied by a presentation. He highlighted several key areas to Members, including Animal Activity Licenses, Approved Premises and Food Business Registration, Dangerous Wild Animal and Zoo Licensing and Houses of Multiple Occupation (HMO's).

The Chairman referred to the report and asked if the zero-figure attributed to the number of campsite licenses currently issued within the district was due to the caravan club being exempt from application. The Environmental Health Service Manager said that this was correct, as the caravan club had met government standards.

The Chairman asked how the council ensured that those trading from vans and trailers were selling food fit for human consumption. The Licensing and Enforcement Service Manager said that the Licensing department had taken this function from Environmental Health, and that such sellers required permission from the landowner (for example, the pub landlord) and a Street Trading Consent to operate. He said that a Street Trading Consent was a laminated certificate, which included photo ID of the applicant, which should be displayed. He asked that any unlicensed traders be reported to the Licensing department, who would then investigate.

The Chairman asked that a sample Street Trading

Consent be circulated to the Members of the Committee following the meeting.

The Environmental Health Service Manager said street traders who sold food were also required to register their food business and would be awarded a food hygiene rating once inspected. He said that traders may be registered with a different local authority, but that ratings were shared between authorities. He said that any concerns regarding street food traders should be reported to Environmental Health, giving a description of the vehicle and its registration number as they were reliant on such intelligence.

Councillor Reed asked for clarification of the Licensing requirements for those street trading Christmas trees and fireworks. The Licensing and Enforcement Service Manager said that these activities were classed as street traders, and that those selling fireworks would also be required to register with Trading Standards.

It was proposed by Councillor Page and seconded by Councillor Jones that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Update on Environmental Health Licensing and Registration be scrutinised and received.

402 URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.22 pm

Chairman
Date