



MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 25 OCTOBER 2023
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor Maura Connolly (Chairman)
Councillors S Bull, N Cox, T Deffley, J Dunlop, G Hill, S Marlow (Vice-Chairman), V Smith, R Townsend, D Willcocks, F Woolf and J Wyllie

Substitutes

Conservative Group: Councillor I Devonshire and A Parsad-Wyatt
Liberal Democrat Group: Councillor M Adams
Green Group: Councillor G Williams and D Woollcombe
Labour Group: Councillor C Redfern

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

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- 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.

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AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes - 7 June 2023 (Pages 5 - 10)

To approve the Minutes of the meeting of the Committee held on Wednesday 7 June 2023.

3. Minutes of the Licensing Sub-Committee meetings - 22 May, 6 June, 14 August, 22 August, and 12 September 2023 (Pages 11 - 45)

To receive the Minutes of the Licensing Sub-Committee meetings held on 22 May, 6 June, 14 August, 22 August, and 12 September 2023.

4. Chairman's Announcements

5. Declarations of Interest

To receive any Members' declarations of interest.

6. Consideration of Mandating Card Payment Facilities in Licensed Vehicles (Pages 46 - 69)

7. Review of Licensing Activity for Quarters 1 and 2 of 2023 Financial Year (01 April 2023 - 30 June 2023 and 01 July 2023 - 30 September 2023) (Pages 70 - 91)

8. 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.

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 7 JUNE 2023,
AT 7.00 PM

PRESENT: Councillor M Connolly (Chairman)
Councillors N Cox, T Deffley, I Devonshire,
J Dunlop, G Hill, S Marlow, V Smith,
R Townsend, D Willcocks and J Wyllie

ALSO PRESENT:

Councillors B Crystall and V Glover-Ward

OFFICERS IN ATTENDANCE:

Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Katie Mogan	- Democratic Services Manager
Brad Wheeler	- Senior Licensing and Enforcement Officer

33 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor Cox and seconded by Councillor Hill that Councillor Marlow be appointed as Vice-Chairman of the Committee for 2023/2024. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Marlow be appointed as Vice-Chairman of the Committee for 2023/2024.

34 APOLOGIES

An apology for absence was received from Councillor Bull. Councillor Devonshire was substituting in his place.

35 MINUTES - 15 MARCH 2023

It was moved by Councillor Wyllie and seconded by Councillor Townsend, that the Minutes of the meeting of the Committee held on 15 March 2023 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken the motion was declared CARRIED.

RESOLVED – that the Minutes of the Committee meeting held on 15 March 2023 be confirmed as a correct record and signed by the Chairman.

The Chairman said there was a recommendation from the previous Licensing Committee that the new Committee should visit the taxi ranks in the District in the day and at night. The Chairman said she would like to take this recommendation forward so the Committee have an opportunity to look at the licensing activity in the District. She said she would like to broaden the remit to look at more areas than just taxis and said she would work with Officers to get some dates in Members' diaries.

36 MINUTES OF THE LICENSING SUB-COMMITTEE - 27 APRIL 2023

The Committee received the minutes from the Licensing Sub-Committee held on 27 April 2023.

37 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Members of the Committee that training for the Licensing Sub-Committee would be held on Tuesday 27 June at 6pm in the Council Chamber. She said that the training was mandatory for Members and requested that the few Members that had already attended training for the earlier sub-committees attend the training again as there would be a session on the wider remit of the Licensing Committee.

38 DECLARATIONS OF INTEREST

There were no declarations of interest.

39 REVIEW OF LICENSING ACTIVITY IN QUARTER 4 2022-23

The Service Manager for Licensing and Enforcement presented the quarterly report to the Committee. He said that the quarterly reports were required to ensure public oversight of licensing activities in the District. He gave an overview of the report and said that the Committee could amend the format of the report depending on what information they wanted to look at.

Councillor Townsend said he was aware that there was a restriction on the number of Hackney Carriage vehicles in

the District and asked if there was a restriction on any other types of licences.

The Service Manager for Licensing and Enforcement said that there was no limit on other licences. He said that the cumulative impact could be considered on licence applications but there was not a restriction on their numbers.

Councillor Dunlop referred to the 145 Temporary Event Notices (TEN) that had been received with no objections. He asked the background to this and if there was a lot of work in the background to mitigate the objections.

The Service Manager for Licensing and Enforcement said that a lot of work was done in the background. He said that if the police or Environmental Health had any concerns, they would contact the applicant and have a discussion which could lead to the application being amended or withdrawn. He said that for premises that already had a licence, conditions could be attached to the TEN or agree to put measures in place. This meant that objections were often withdrawn.

The Chairman asked the Service Manager to pass on the Committee's congratulations to the team for achieving all of their performance targets.

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

RESOLVED - That Members review and comment on the Licensing activity in Quarter 4 of 2022-23

40 REVIEW OF ANNUAL LICENSING ACTIVITY IN THE FINANCIAL YEAR 2022-23

The Service Manager for Licensing and Enforcement presented the annual report to the Committee. He ran through the highlights of the report and referred to the drop in taxi inspections. He explained that the Licensing Enforcement Officers had carried out more out of hours inspections which had reduced the time available in the week to carry out the day to day work. He assured the Committee that taxis had MOTs and the team responded to any complaints.

The Service Manager also referred to paragraph 3.5 and the points scheme for taxi drivers. He highlighted that 30 points had been issued between four drivers.

Councillor Devonshire asked how the taxi licence points system worked.

The Service Manager said that taxi licence points scheme meant that drivers could only accumulate 12 points within a two year rolling period, if they exceeded that number, they would have to attend a Licensing Sub-Committee. He said the council could prosecute drivers but this was time consuming and would not be in the public interest which was why the scheme was implemented. He said that the trade knew about it and no one had come before the Committee in several years so it did work.

Councillor Townsend asked if there was a restriction on where Hackney Carriage vehicles could pick up.

The Service Manager said that Hackney Carriages could only pick up in the area they were licenced.

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

RESOLVED - That Members review and comment on the Licensing activity in the financial year 2022-23.

41 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.22 pm

Chairman

Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 22 MAY 2023, AT
10.00 AM

PRESENT: Councillor J Dunlop (Chairman)
Councillors S Bull and T Deffley

ALSO PRESENT:

Councillors R Townsend and V Smith

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE

Mr Robert Behan	- Interested Party
Mr Thomas Connolly	- Applicant
Andrew Dempsey	- Applicant
Mr Nick Kirby	- Interested Party

1 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Deffley and seconded by Councillor Bull, that Councillor Dunlop be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Dunlop be appointed Chairman for the meeting.

2 APOLOGIES

There were no apologies for absence.

3 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 MINUTES - 27 APRIL 2023

It was moved by Councillor Deffley and seconded by Councillor Bull that the Minutes of the meeting held on 27 April 2023 be confirmed be signed by the Chairman. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED - that the minutes of the meeting held on 23 April 2023 be signed by the Chairman.

6 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the Summary of Procedure which was included in the agenda pack at pages 9 – 15.

7 APPLICATION FOR A NEW PREMISES LICENCE FOR HERTFORDSHIRE OKTOBERFEST, HARTHAM COMMON PARK, HARTHAM LANE, HERTFORD, HERTFORDSHIRE

The Sub-Committee received a report on the application for a New Premises Licence for Hertfordshire Oktoberfest, Hartham Common Park, Hartham Lane, Hertford, Hertfordshire.

The Senior Licensing and Enforcement Officer presented the report and there were no questions from the Sub-Committee, the applicant or the interested parties. The applicant presented the application and answered questions from the Sub-Committee, the Litigation and Advisory Lawyer, the Senior Licensing and Enforcement Officer and the interested parties.

Following an intervention by the Litigation and Advisory Lawyer and advice the Senior Licensing and Enforcement Officer, the applicant confirmed they were amending the application to one event covering three consecutive days.

Councillor Dunlop proposed and Councillor Deffley seconded, a motion for an adjournment from 10:40 to 10:50, to allow copies of the security plan to be circulated by the Senior Licensing and Enforcement Officer. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the meeting be adjourned for 10 minutes from 10:40 to 10:50.

The meeting reconvened at 10:50 and an interested party asked a further question in respect of security points.

Councillor Dunlop proposed and Councillor Deffley seconded, a motion for an adjournment from 10:55 to 11:10, to allow the Sub-Committee and the interested parties to look at the security plan. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the meeting be adjourned for 10 minutes from 10:55 to 11:10.

The meeting reconvened at 11:13.

The interested parties presented their objections to the application and answered questions from the Sub-Committee and the applicant.

In line with procedure, at the conclusion of the closing submissions, the Sub-Committee retired at 11:30 to consider the evidence presented to the hearing by the applicant's legal representative and an objector to the

application. They were accompanied by the Democratic Services Officers and the Litigation and Advisory Lawyer.

The Sub-Committee reconvened in public session at 12:25 to allow the Sub-Committee to question the applicant in respect of Rig and De-rig times and concerns regarding disturbance for residents. The applicant was also questioned in respect of static security for Thornton Street and the plan for attendees who had tickets for both event sessions.

Councillor Dunlop proposed and Councillor Deffley seconded, a motion that the Sub-Committee adjourn at 12:32 to make the decision. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the meeting be adjourned at 12:32 for the Sub-Committee to make the decision.

The Sub-Committee left the room at 12:32 accompanied by the Democratic Services Officers and the Litigation and Advisory Lawyer. The Sub-Committee reconvened in public session at 13:10 and the Chairman said that the Licensing Sub-Committee had considered the application for a premises licence for Hertfordshire Oktoberfest, Hartham Common Park, Hartham Lane, Hertfordshire (23/0362/PL) and read and listened to the comments of the Senior Licensing and Enforcement Officer, the Applicant, and the Interested parties.

In determining this matter, the Sub-Committee have decided to grant the application for:

- 1) For the sale of alcohol on the premises only
Friday 14:00 - 22:15, Saturday 11:00 - 22:15 and
Sunday 12:00 - 20:00,
- 2) Live and recorded music
Friday 14:00 - 22:30, Saturday 11:00 - 22:30 and
Sunday 12:00 - 20:00
- 3) Premises open to the public
Friday 14:00 - 23:00, Saturday 11:00 - 23:00 and
Sunday 12:00 - 21:00

And subject to the following conditions offered up by the Applicant:

- To amend the application to include only one event to be licensed over 3 consecutive days
- To provide static security at Thornton Street, Hertford:
Friday 14:00 - 23:30, Saturday 11:00 - 23:30 and Sunday 12:00 - 21:30
- To send a site map to all attendees of the event referencing transport hubs and toilet facilities.
- Rig and De-rig of all equipment to be limited to 8am - 6pm to those days specified within the EMP.

In coming to its decision, the Sub-Committee was mindful to strike a healthy balance between residents'

interests and supporting the local economy. Members were mindful of the concerns addressed by the Interested parties in relation to anti-social behaviour to include noise, litter, urination and vomiting and whilst the applicant has taken steps to minimise these concerns, the refusal to grant alcohol for consumption off the premises will further alleviate the concerns within the representations received and assist in the swift dispersal of attendees.

Members were satisfied that no Responsible Authorities had objected to the application. Members were mindful that the conditions agreed with Police and Environmental Health and those offered within the operating schedule and the additional conditions offered up today were appropriate to promote the licensing objectives and will address many of the representations received.

This decision will be sent to you in writing and there is the right of appeal within 21 days to the magistrate's court.

RESOLVED – that the application for a premises licence for Hertfordshire Oktoberfest, Hartham Common Park, Hartham Lane, Hertfordshire (23/0362/PL) be granted for the following:

- 1) The sale of alcohol on the premises only
Friday 14:00 - 22:15, Saturday 11:00 – 22:15
and Sunday 12:00 – 20:00,
- 2) Live and recorded music

Friday 14:00 – 22:30, Saturday 11:00 – 22:30
and Sunday 12:00 – 20:00

- 3) Premises open to the public
Friday 14:00 – 23:00, Saturday 11:00 – 23:00
and Sunday 12:00 – 21:00

subject to the following conditions offered up by
the Applicant:

- To amend the application to include only one event to be licensed over 3 consecutive days
- To provide static security at Thornton Street, Hertford:
Friday 14:00 – 23:30, Saturday 11:00 – 23:30
and Sunday 12:00 – 21:30
- To send a site map to all attendees of the event referencing transport hubs and toilet facilities.
- Rig and De-rig of all equipment to be limited to 8am – 6pm to those days specified within the EMP.

The Chairman advised that the decision would be issued in writing, and that there was the right of appeal within 21 days to the magistrate's court.

8 URGENT BUSINESS

There was no urgent business.

The meeting closed at 1.13 pm

Chairman
Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 6 JUNE 2023, AT
10.00 AM

PRESENT: Councillor M Connolly (Chairman)
Councillors S Bull and D Willcocks

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE

Mr Jim Angell	- Applicant
Mr Steve Birch	- Designated Premises Supervisor (DPS)
Karen Ives	- Estate Manager (Local Resident)
Mr Liam O'Hare	- Applicant's Agent

9 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Willcocks and seconded by Councillor Bull, that Councillor Connolly be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Connolly be appointed Chairman for the meeting.

10 APOLOGIES

There were no apologies for absence.

11 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements. Councillor Connolly reminded all participants to use their microphones as the meeting was being webcasted.

12 DECLARATIONS OF INTEREST

There were no declarations of interest.

13 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the Summary of Procedure which was included in the agenda pack at pages 5 – 11.

14 APPLICATION FOR A NEW PREMISES LICENCE FOR CAMPO SANCHO, WALKERN HALL, CLAY END ROAD, WALKERN, HERTFORDSHIRE, SG2 7HZ (23/0511/PL)

The Sub-Committee received a report on the application for a New Premises Licence for Campo Sancho, Walkern Hill, Clay End Road, Walkern, Hertfordshire, SG2 7HZ (23/0511/PL).

The Senior Licensing and Enforcement Officer presented the report and summarised the application. Members of the Sub-Committee and the applicant asked questions. The applicant's agent and the applicant presented the application and they answered questions from the Sub-Committee.

In line with procedure, at the conclusion of the closing submissions, the Sub-Committee retired to consider the evidence presented to the hearing by the applicant's agent and the applicant. They were accompanied by the Democratic Services Officer and the Litigation and Advisory Lawyer.

The Sub-Committee reconvened in public session to give its decision. The Chairman said that the Sub-Committee have considered the application for a premises licence for Campo Sancho Limited, Walkern Hall, Clay End Road, Walkern, Hertfordshire, SG2 7HZ (23/0511/PL). Members had read and listened to the comments of the Senior Licensing and Enforcement Officer, the Applicant, and the written representation from the Interested party.

In determining this matter, the Sub-Committee have decided to grant the application for an annual festival consisting of four consecutive days (Thursday to Sunday) with a maximum capacity of:

- a) 1250 persons in 2023
- b) 1350 persons in 2024
- c) 1500 persons in 2025

For the following licensable activities:

- (i) Plays, Films, Live Music, Performance of Dance
(Indoors and Outdoors)
Friday – Sunday 12:00 - 00:00*

*Live music times are weather dependent, If the weather and forecast are good live music will be performed outside, if poor then this will be performed inside. If outside live music will stop at 21:00. If indoors live music will stop at 00:00

- (ii) Recorded music (Indoors and Outdoors)
Thursday 18:00 – 23:00*
Friday 12:00 – 03:00*
Saturday 12:00 – 04:00*
Sunday 12:00 – 00:00*

*Recorded music is described as 'background' and from 21:00 recorded music is proposed to be performed inside only

- (iii) Late night refreshments (Outdoors)
Friday 23:00 – 03:00
Saturday 23:00 – 04:00
Sunday 23:00 – 00:00

- (iv) The supply of alcohol (for consumption on the premises)
Thursday 18:00 – 23:00

Friday	10:00 – 03:00
Saturday	10:00 – 04:00
Sunday	11:00 – 23:50

Premises open to the public

Thursday	18:00 – 23:00
Friday	10:00 – 03:00
Saturday	10:00 – 04:00
Sunday	10:00 – 00:00

And subject to the conditions agreed between the Applicant and Hertfordshire Constabulary, Hertfordshire County Council's Public Health and Trading Standards and Environmental Health noting the amendment to condition 10 which shall now read:

A telephone number shall be designated for complaints and must be active throughout the event in case of noise disturbance. This should be in the hands of a nominated person who will answer. The telephone number shall be made available 7 days before the event, provided to Environmental Health and published clearly on the front page of the event website. The telephone number shall be made available to Benington Parish Council 14 days before the event.

A copy should also be affixed to the entrance to the event and should anyone not have access to the event website. The telephone number for noise complaints and any future public consultation notices will be posted on the fence on the side of the event site facing Walkern Hall where a bridleway from Benington runs alongside.

In coming to its decision, the Sub-Committee is mindful to strike a healthy balance between residents' interests and supporting the local economy. Members were mindful of the concern addressed by the Interested party. However, due to the non-attendance of the Interested Party, Members were unable to verify whether the complaint requesting the event to finish at midnight related to noise concerns attributed to the music or another source. Mindful of the Applicant's willingness to monitor noise levels at points surrounding the festival site throughout the duration of the event to include the vicinity of the Interested Party and the conditions agreed between the Applicant and Environmental Health, Members were satisfied that the Licensing objectives could be met.

Members are mindful that the conditions agreed with Police and Environmental Health and those offered within the operating schedule are appropriate to promote the licensing objectives and will address many of the representation received.

This decision will be sent to you in writing and there is the right of appeal within 21 days to the magistrate's court.

RESOLVED – that the application for a New Premises Licence for a new premises licence for Campo Sancho, Walkern Hall, Clay End Road, Walkern, Hertfordshire, SG2 7HZ (23/0511/PL), be granted.

15 URGENT BUSINESS

There was no urgent business.

The meeting closed at 12.35 pm

Chairman

Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 14 AUGUST 2023,
AT 10.00 AM

PRESENT: Councillor J Dunlop (Chairman)
Councillors S Bull and R Townsend

ALSO PRESENT:

Councillors T Deffley and G Williamson

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Claire Spendley	- Senior Environmental Health Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

John Ampem	- Promoter for Applicant
Richard Bennett	- Objector
Joseph Cannon	- Barrister
Tommy Clee	- Hertfordshire County Council
Police Sergeant Nathan Howson	- Hertfordshire Constabulary
Police Sergeant Clare Ramirez	- Hertfordshire Constabulary
Josh Silver	- Applicant

16 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Townsend and seconded by Councillor Bull that Councillor Dunlop be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Dunlop be appointed Chairman for the meeting.

17 APOLOGIES

There were no apologies for absence.

18 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all participants to the meeting and asked that they use their microphones when speaking as the meeting was being webcast.

19 DECLARATIONS OF INTEREST

There were no declarations of interest.

20 MINUTES - 22 MAY AND 6 JUNE 2023

It was moved by Councillor Townsend and seconded by Councillor Bull that the Minutes of the Sub-Committee meetings held on 22 May 2023 and 6 June 2023 be confirmed as correct and signed by the Chairman. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the Sub-Committee meetings held on 22 May 2023 and 6 June 2023 be signed by the Chairman.

21 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the Summary of Procedure which was included in the agenda pack at pages 22 - 28.

22 APPLICATION FOR A NEW TIME LIMITED PREMISES LICENCE FOR AMA FEST, SILVER LEYS POLO CLUB, MILLFIELD LANE, BURY GREEN, LITTLE HADHAM, HERTFORDSHIRE (23/0781/PL)

The Head of Legal and Democratic Services advised the hearing that additional evidence had been received from the Applicant on 10 August 2023. He said that this evidence had been received outside of the required timeframe, which was no later than five working days before the date of the hearing.

The Head of Legal and Democratic Services said that in line with hearing regulations the late additional evidence received from the Applicant could be included at the acceptance of the other participants.

The Chairman asked each of the Interested Parties and the Responsible Authorities if they were happy to accept the additional late evidence received from the Applicant.

After receiving the agreement of each of the Interested Parties and the Responsible Authorities, the Chairman advised the hearing that redacted copies of the late evidence received from the Applicant would be made available. He said that there would be an adjournment of forty-five minutes to allow all participants to read and digest these papers.

Councillor Dunlop proposed and Councillor Bull seconded a motion to adjourn the meeting for forty-five minutes to allow all participants to read and digest the late additional evidence received from the Applicant. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the meeting be adjourned for approximately forty-five minutes.

The meeting reconvened at 10.50, with all participants in agreement that they were happy to proceed.

The Chairman asked the Senior Licensing and Enforcement Officer if he had anything to add with regards to the late additional evidence received from the Applicant. The Senior Licensing and Enforcement

Officer said he would let the Applicant address the late additional evidence, which now sought a licence to allow 7000 event attendees.

The Senior Licensing and Enforcement Officer presented his report and summarised the application. There were no questions from the applicant, the Responsible Authorities or the Interested Parties.

The Applicant's legal representative presented the application and questions were answered from the Sub-Committee and the Interested Parties. There were no questions from the Responsible Authorities or officers.

The Responsible Authority (Hertfordshire Constabulary) gave their submission and introduced their witness from Hertfordshire County Council. Questions were answered from the Applicant, the Sub-Committee and the Interested Parties. There were no questions from Officers.

The Interested Parties made their submissions and questions were answered by the Applicant. There were no questions from the Sub-Committee, the Responsible Authorities or Officers.

In line with procedure, at the conclusion of closing statements, the Sub-Committee retired to consider the evidence presented to the hearing by the Applicant and the Applicant's Legal Advisor, the responsible authorities and the interested parties. They were accompanied by the Democratic Services Officer and the Head of Legal and Democratic Services.

The Sub-Committee reconvened in public session to give its decision. The Head of Legal and Democratic Services set out the legal advice which he had given to the Sub-Committee during their deliberations.

The Chairman said that the Sub-Committee had considered the application for a new time limited premises licence for AMA Fest, Silver Leys Polo Club, Millfield Lane, Bury Green, Little Hadham, Hertfordshire (23/0781/PL). Members had read and listened to the comments of the Senior Licensing and Enforcement Officer, the Applicant, the Responsible Authorities, and the representations from the Interested Parties.

In determining this matter, the Sub-Committee had decided:

DECISION OF LICENSING SUB COMMITTEE

To grant the application for the following licensable activities:

- 1) For the sale of alcohol on the premises only
Saturday, 2nd September 2023 11:00 – 23:00,
- 2) Live and recorded music
Saturday, 2nd September 2023 11:00 – 23:00
- 3) Premises open to the public
Saturday, 2nd September 2023 10:00 – 00:00 on
Sunday 3rd September 2023

And subject to the following conditions:

- To limit the capacity of the event to 4,999 attendees plus staff of 499.
- That the licence be conditional on the Applicant submitting a traffic management plan that is acceptable to the Highway Authority, inclusive of all information around Traffic Regulation Orders.
- That the licence be conditional on the Applicant submitting a final Event Management Plan/Event Safety Management Plan, that is acceptable to the responsible authorities, no fewer than 14 days before the event.
- That sound checks only take place within a one-to-two-hour window between 12:00 and 19:00.
- That measures be put in place, including traffic marshals and the installation of trackway material to avoid degrading of the verge, at the junction of Millfield Lane and the unnamed road (near Cradle End) to manage the traffic moving along the road during all times that the event is open to the public.
- That the Applicant takes measures to manage taxis arriving at the site, including signage and active marshalling, to ensure that attendees are only dropped off/picked up in the designated pick up and drop off location.

REASONS FOR DECISION

1. The Licensing Sub-Committee considered all of the evidence before it including the written representations made by the interested parties. Members had regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and the guidance promulgated pursuant to Section 182 of that Act.
2. The Licensing Sub-Committee is required to adopt a presumption in favour of granting a premises licence unless there is clear evidence upon which to base a refusal or modification. There was insufficient evidence before the Sub-Committee to rebut that presumption.
3. In coming to its decision, the Sub-Committee is mindful to strike a healthy balance between residents' interests and supporting the local economy. Members were mindful of the concerns addressed by the Interested parties in relation to access to and from the site, however the Sub-Committee are confident that an acceptable traffic management strategy that is acceptable to the Highway Authority will assist in the swift dispersal of attendees.
4. Members are mindful that the conditions agreed with Environmental Health and those offered up today are appropriate to promote the licensing objectives and will address many of the representations received.

The Chairman advised that the decision would be issued in writing, and that there was the right of appeal within 21 days to the magistrate’s court.

RESOLVED – that the application for a new time limited premises licence for AMA Fest, Silver Leys Polo Club, Millfield Lane, Bury Green, Little Hadham, Hertfordshire (23/0781/PL), be granted.

23 URGENT BUSINESS

There was no urgent business.

The meeting closed at 3.04 pm

Chairman
Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 22 AUGUST 2023,
AT 10.00 AM

PRESENT: Councillor D Willcocks (Chairman)
Councillors S Bull and S Marlow

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

ALSO IN ATTENDANCE:

Adrian Bell	- Premises Licence Holder
Police Sergeant Nathan Howson	- Hertfordshire Constabulary
James McLaughlin	- Premises Licence Holder and Designated Premises Supervisor

Saab Minichiello - Hertfordshire
Constabulary
Senior Licensing
Officer

24 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Bull and seconded by Councillor Marlow that Councillor Willcocks be appointed Chairman for the meeting. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Willcocks be appointed Chairman for the meeting.

25 APOLOGIES

There were no apologies.

26 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded those present to use the microphones when addressing the meeting.

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the Summary of Procedure which was included in the main agenda pack at pages 6 – 12.

29 EXCLUSION OF PRESS AND PUBLIC

Councillor Willcocks proposed, and Councillor Bull seconded, a motion to exclude the press and public during the discussion of the next item, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

1. Information relating to an individual.

After being put to the Sub-Committee and a vote taken, the motion was declared CARRIED.

RESOLVED – that pursuant to Section 100 (A) (4) of the Local Government Act 1972 as amended, the press and public be excluded during consideration of the business referred to in Minute 30 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

1. Information relating to an individual.

30 APPLICATION FOR A SUMMARY REVIEW AT THE HORN AT THE HALF MOON, 31 NORTH STREET, BISHOP'S STORTFORD, CM23 2LD (23/1101/PLR)

Full details in the restricted minutes.

31 URGENT BUSINESS

There was no urgent business.

The meeting closed at 3.55 pm

Chairman

Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 12 SEPTEMBER
2023, AT 10.00 AM

PRESENT:

Councillors T Deffley, J Dunlop and
S Marlow

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licencing Enforcement Officer

ALSO IN ATTENDANCE:

Henry Jacob	- Applicant
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32 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Marlow and seconded by Councillor Dunlop that Councillor Deffley be appointed Chairman for the meeting. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Deffley be appointed Chairman for the meeting.

33 APOLOGIES

There were no apologies.

34 CHAIRMAN'S ANNOUNCEMENTS

The Chairman apologised that the Chamber microphones were not working, and that therefore the meeting would not be webcast. He asked that everyone spoke up and advised the Panel to say if they could not hear what was being said.

35 DECLARATIONS OF INTEREST

There we no declarations of interest.

36 MINUTES - 14 AUGUST 2023

It was moved by Councillor Dunlop and seconded by Councillor Marlow that the Minutes of the Sub-Committee meeting held on 14 August 2023 be confirmed as correct and signed by the Chairman. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the Sub-Committee meetings held on 14 August 2023 be signed by the Chairman.

37 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the Summary of Procedure which was included in the main agenda pack at pages 15 – 20.

38 APPLICATION FOR A NEW PREMISES LICENCE FOR THE LOUNGE, UNIT 25, THE MALTINGS BUSINESS CENTRE, ROYDON ROAD, STANSTEAD ABBOTTS, WARE, HERTFORDSHIRE, SG12 8HG (23/0804/PL)

The Senior Licensing and Enforcement Officer presented his report and summarised the application. There were no questions from the applicant or the Sub-Committee.

The Applicant presented the application and answered questions from the Sub-Committee. There were no questions from officers.

In line with procedure, there being no closing statements, the Sub-Committee retired to consider the evidence presented to the hearing by the Senior Licensing and Enforcement Officer and the Applicant. They were accompanied by the Democratic Services Officer and the Litigation and Advisory Lawyer.

The Sub-Committee reconvened in public session to give its decision.

The Chairman said that the Licensing Sub-Committee had considered the application for a new premises Licence for The Lounge, Unit 25 The Maltings Business Centre, Roydon Road, Stanstead Abbots, Ware, Hertfordshire, SG12 8HG (23/0804/PL) which has included the application, the report, the representations from Interested Parties and Applicant, the conditions agreed between the Applicant and Hertfordshire Constabulary. In addition, the Licensing Sub Committee had listened to the comments of the

Senior Licensing and Enforcement Officer and the Applicant. He said that the Interested Parties had not attended.

The Chairman said that in determining this matter the Sub-Committee had noted the Applicant had amended the application:

- a) to remove the licensable activity from the outdoor area;
- b) to restrict the sale of alcohol on and off the premises to 18:00 each day except for 35 event days per year when the hours will be as requested in the application (Sun – Thurs 12:00 – 23:00 and Fri – Sat 12:00 – 00:00). The Police and Licensing Authority to be notified a minimum of 24 hours in advance of event days and a log of events is to be kept at the premises;
- c) No more than 6 people will be allowed to smoke outside at any given time which will be managed by a host.

The Chairman said that Members had determined to grant the application subject to conditions 1-12 and 16 as agreed between the Applicant and Hertfordshire Constabulary. Members had amended conditions 13, 14 and 15 to read:

- No open vessels to be taken outside the premises.
- No more than six (6) people to use the designated outside area for smoking at any one

time.

- The designated outside area for smoking shall be agreed with Hertfordshire Constabulary Licensing Team and appended to the licence.

The Chairman said that in coming to its decision, the Sub-Committee was mindful to strike a healthy balance between residents' interests and supporting the local economy. He said that Members were mindful of the concerns addressed by the Interested parties and were pleased that the Applicant had taken time to engage with them, which had resulted in the Applicant having amended the application to allay their representations. He said that Members noted the Applicant had withdrawn the use of the outside area from any licensable activity which would further negate any noise nuisance from these premises and Members had further addressed these concerns by removing the capability for patrons to take open vessels outside of the premises.

The Chairman said that Members were satisfied that the conditions agreed with Hertfordshire Constabulary and amendments to these conditions were appropriate to promote the licensing objectives and would address many of the representations received.

The Chairman said that the decision would be sent out in writing and there was the right of appeal within 21 days to the magistrate's court.

RESOLVED – that the application for a New Premises for the Lounge, Unit 25, The Maltings

Business Centre, Roydon Road, Stanstead
Abbotts, Ware, Hertfordshire, SG12 8HG
(23/0804/PL), be granted.

39 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.29 am

Chairman
Date

Agenda Item 6

East Herts Council Report

Licensing Committee

Date of Meeting: 25 October 2023

Report by: Oliver Rawlings, Service Manager – Licensing & Enforcement

Report title: Consideration of mandating card payment facilities in licensed vehicles

Ward(s) affected: All

Summary

This report outlines a proposal to require taxi licence holders to have the ability to take card payments.

RECOMMENDATIONS FOR Licensing Committee:

- a) **That Members review and provide comments to the Executive Member for Planning & Growth on the proposal to introduce a requirement to provide card payment facilities in all vehicles licensed by East Herts to inform the Executive's consideration of any recommendation to Council for approval.**

1.0 Proposal(s)

- 1.1 That the report is received by members of the Licensing Committee and the consultation responses and draft policy are scrutinised.

2.0 Background

- 2.1 East Herts is an authority that grants licenses for hackney carriage and private hire drivers, vehicle proprietors and operators.
- 2.2 The key purpose of the hackney carriage and private hire licensing regimes is to ensure public safety. This proposed change will ensure that persons will be able to pay for a hackney carriage or private hire vehicle and get home.
- 2.3 It is proposed that the ability to take electronic payments is made mandatory due to the swift changes in how we all make payments. Work with the local licensing trade indicates that only 5%-10% of taxi licence holders do not already allow card payments – see section 3 of this report. Covid accelerated an already growing trend towards electronic payments, with fewer people carrying cash. We need to ensure that our licensed vehicles are accessible to all, as they form a vital and safe form of transport for members of the public.
- 2.4 Non-payment is an ever-present risk for drivers, adding another method of payment makes this less likely rather than more likely. Drivers would still be able to accept other existing forms of payment.
- 2.5 The statutory taxi and private hire vehicle standards issued by the Department for Transport (DfT) has a section which covers 'Changing licensing policy and requirements'. This section suggests that a pragmatic approach should be taken to the time scales for implementing changes in Policy.
- 2.6 Given this view, it is proposed to give existing licence holders a period of three months from the decision being taken to implement the Policy for them needing to evidence compliance. This is considered more than adequate for the 5-10% of the trade that don't already have card payment facilities to arrange this.
- 2.7 Scrutiny by the Licensing Committee is now being sought, with any comments and suggestions being passed to the Executive

Member for Planning & Growth for consideration prior to presentation to the Executive on 28th November 2023 seeking approval to recommend the policy change to Council on 13th December 2023. If the Policy is approved by Council on that date, then all licensed vehicles would be required to have card payment facilities in place by 13th March 2024.

- 2.8 Should the Policy be implemented, then changes will be made to East Herts webpages to inform customers of the changes and remind them of their responsibility to be able to pay for a journey regardless of the means used. Officers will also update the webpages to inform prospective licence applicants of the change and provide them with links to an updated handbook with the new Policy wording included.

3.0 Reason(s)

- 3.1 In March 2023, a short four question survey was sent to the whole East Herts licensed hackney carriage and private hire trade to gain some information regarding the use of card payment facilities in licensed vehicles. In total, 97 responses were received which equated to approximately a third of all licence holders at that time. The results of this survey are **Appendix 'A'**.
- 3.2 The results showed that nearly 95% of the respondents already had card payment facilities in their vehicle and that nearly 55% thought it should be mandatory to have card payment facilities.
- 3.3 On the May 2023 all of the East Herts licensed hackney carriage and private hire trade were contacted and told that the formal consultation on mandating facilities to take card payments was open until 31st May 2023. The consultation letter, which went out via email or hardcopy, included the proposed wording for the Policy for consideration. There was a link to an online survey that also had the full wording of the proposed Policy and details of which parts of the existing

Policy would be amended if the change was implemented.

3.4 By 24th May 2023, only five responses had been received so all the licensed trade were contacted again to remind them that they only had seven days left in which to make their views known.

3.5 When the survey closed, a total of 34 responses had been received. Twenty-five responses were from the hackney carriage trade with the remaining nine being from the private hire trade. As part of Question 3, 'Do you agree with the proposal to make card payment facilities mandatory in all vehicles licensed by East Herts Council?', respondents were required to explain why they had given a particular answer. The consultation wording and survey results are **Appendix 'B'**.

3.6 There were several issues raised in the respondents' explanations that are addressed below:

- *Network coverage:*

This is an existing issue that drivers are aware of, as highlighted in the driver's response. It is likely that if a passenger asks to go to a destination where reception is poor that the driver will know and can raise this at the start of the journey. Whilst the Policy would mandate having card payment facilities available, all other forms of payment would still be accepted.

- *72-hour time period to get card facilities fixed or replaced:*

This is brought up as a concern by several respondents so officers would suggest that '72 hours' be replaced by 'one week' in the final wording of the Policy.

- *Will help to stop drivers picking and choosing jobs off taxi ranks:*

Anecdotally the Licensing Team have been told that drivers have refused short journeys due to not having card payment facilities. The Policy should help to address this and drivers that claim that their card payment facilities are not working to avoid short journeys may face enforcement

action.

- *What if a customer doesn't have enough money on his or her account:* Regardless of the chosen form of payment, it is always the passenger's responsibility to ensure that they have the ability to pay for their journey. Where a passenger cannot, or refuses to, pay for a journey, there is a variety of options open to the driver from simply driving the person to a cash point through to reporting the matter to the Police. This Policy does not change these options or create an excuse for customers not to ensure they can pay their fare.
- *There is a cost in obtaining the equipment and there are also fees. A while ago the regulations regarding card payment fees meant drivers cannot pass on this cost to customers:*
From both surveys it appears that 90-95% of the licensed trade have already invested in card payment facilities so there will be no additional cost to those individuals. If this was not economically viable then the take up would have been much smaller among the trade so far. Those that must invest in card facilities as a result of the Policy change should see the same benefits as those that have already made the change. The respondent is correct that a hackney carriage cannot charge an additional amount for accepting a card payment as they can only charge the meter fare.
- *I believe it's down to the individual to decide whether they want to take card payments, I don't think it should be a contributing factor as to whether you get relicensed. There is still a great need for cash, for the times when card readers aren't working either to having no signal in the area your dropping off of if the system is down:*
This Policy does not mean that drives will no longer be able to take cash. The intention is to increase the available payment options not to move to only allowing card payments.
- *Drivers should be allowed to take a fee of £0.50 per*

transaction:

Private hire vehicles and hackney carriages doing private hire work or taking a journey ending outside East Herts can set their own prices for a journey so the cost of taking a card payment can be included. As detailed above for journeys on the meter, the metered fare is the maximum that can be charged.

- *I do not believe that it should be mandatory, it should be an individual's choice, it should be up to each individual how they wish to run their business. This is not a health and safety issue, there are many taxis in the town that have that facility if you are worried about choice, should we mandate every taxi has a charging cable for every phone for convenience, should every taxi have a fridge in the boot for convenience. At what point do we draw the line, convenience leads to apathy, with the current climate of heading towards CBDC [sic] many people are concerned for the push for cashless society that will lead to the exclusion of swaves of society who for reasons out of their control can not get bank accounts much less debit cards. I am firmly against mandates on how one should run their business:*
The respondent does not believe that this is addressing a 'Health & Safety' issue, but it is a public safety issue. Even in the other responses drivers themselves have identified that people have been refused journeys due to a lack of card payment facilities. This is about giving every member of the public a better opportunity to get home safely in an East Herts licensed vehicle. It avoids the need to drive passengers to a cash point at their expense and giving those that wish to run off without paying an additional opportunity. Phone charging facilities and making a fridge available were raised but neither is relevant to this Policy. The Policy does not stop people from paying a fare with cash or even push them towards card payments, it merely adds another option to the remaining 5-10% of vehicles that currently don't provide this. The Policy is inclusive and will not exclude people with out cards or bank accounts

from using licensed vehicles. Whilst the respondent believes the Policy is mandating how he runs his business, it is being proposed to promote public safety, and other than requiring him to offer a facility to his customers does not fetter his discretion to run his business how he wishes.

- *This shouldn't be made mandatory for Private Hire. I can understand it might be wise to make it mandatory for Hackney Carriage as they can be flagged down and passengers may only have cards on them. With Private Hire we are pre-booked. I explain to my customers at the time of booking that I take either cash or BACS payments which my customers are happy to do and all is arranged in advance, I have had no issue with not having card payment facilities. I feel it therefore shouldn't be made mandatory but up to the individual companies to implement this if they feel it necessary. Also its another monthly expense to have the facility for card payments. This business is hard enough without another expense!!!!:*

The respondent details the way in which his business operates successfully without card payment facilities and that his customers are happy to pay by cash or BACS. Whilst this might be the case with his particular business, the Policy will apply to all private hire businesses ensuring a consistent service to customers across the district. The cost of acquiring card payment facilities is addressed above and whilst it is an additional expense 90-95% of the licensed trade find it economically viable and it may encourage more customers to use this particular business in the long run.

- 3.7 The consultation responses show that 76% of respondents were supportive of the Policy and 94% already have card payment facilities.
- 3.8 In addition to the online survey, one Dual Driver and one Private Hire Driver emailed some additional comments to the Licensing Team. These are **Appendix 'C'**.
- 3.9 The Dual Driver raised four points which were:

1. cost to the trade: Card Payment facilities will cost drivers at the time of initial purchase and there is a fee for each transaction
 2. network coverage: There are locations in East Herts where you get no signal and card payment facilities may not work
 3. smartphones used for payment. Inability to pay fare at the end of a journey
 4. it should be the passenger's responsibility to ensure they are able to pay the fare.
- 3.10 These are all points were considered prior to the informal and formal consultations. They have been addressed in the points above raised by the respondents to the online survey.

4.0 Options

- 4.1 There are several options that Licensing Committee can recommend to the Executive Member for consideration.
- 4.2 **Option 1** – Leave the current Policy unchanged (Not recommended). Having identified that the Policy will have a positive impact on public safety, the core purpose of the licensing regime, and for the licensed trade this option is not considered appropriate. Whilst eight respondents said that card payment facilities should not be made mandatory the author of this report believes that those points have been addressed in this report such that they do not carry much weight.
- 4.3 **Option 2** – Endorse the Policy wording presented at Appendix D (Recommended). The Policy will promote public safety and have positive benefits for the licensed trade in East Herts. The comments regarding 72 hours possibly being too short for a faulty card machine to be replaced or repaired have been taken on board and the Policy wording changed to reflect this.
- 4.4 **Option 3** – Recommend a Policy with amended wording (Not

recommended). If the members of the Licensing Committee believe that the Policy should be amended, then reasons should be given for this. The Executive Member would then consider the suggested amendments and the need to consult the licensed trade again. Anything other than minor changes to wording, that do not change meaning, should be consulted upon.

5.0 Risks

5.1 Having identified that the Policy change would support public safety, failing to take appropriate action, would fail to promote public safety.

6.0 Implications/Consultations

6.1 Trade consultation was carried out twice:

- Informally in March 2023; and
- Formally in May 2023.

Community Safety

Ensuring that passengers have as many ways to pay a fare as possible promotes public safety. By ensuring that all vehicles have card payment facilities in a society where carrying cash is less and less common means that the public should always be able to get home safely.

Conflict between drivers and passengers for non-payment should be less likely as there will be more ways to pay.

Data Protection

No

Equalities

Currently 42% of the licensed trade were born outside the UK but are now British citizens or have a right to work in the UK.

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Failure to implement any Policy in the correct way would leave the authority open to legal challenge.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Department for Transport, Statutory taxi and private hire vehicle standards (25/22/2022):
<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards/statutory-taxi-and-private-hire-vehicle-standards>
- 7.2 **Appendix A** – Licensed trade responses to informal consultation.
- 7.3 **Appendix B** – Licensed trade responses to formal

consultation.

7.4 **Appendix C** – Other trade responses.

7.5 **Appendix D** – Final proposed Policy wording.

Contact Member

Councillor Vicky Glover-Ward (Executive
Member for Planning and Growth)

vicky.glover-ward@eastherts.gov.uk

Contact Officer

Jonathan Geall (Head of Housing & Health)

Contact Tel No 01992 531594

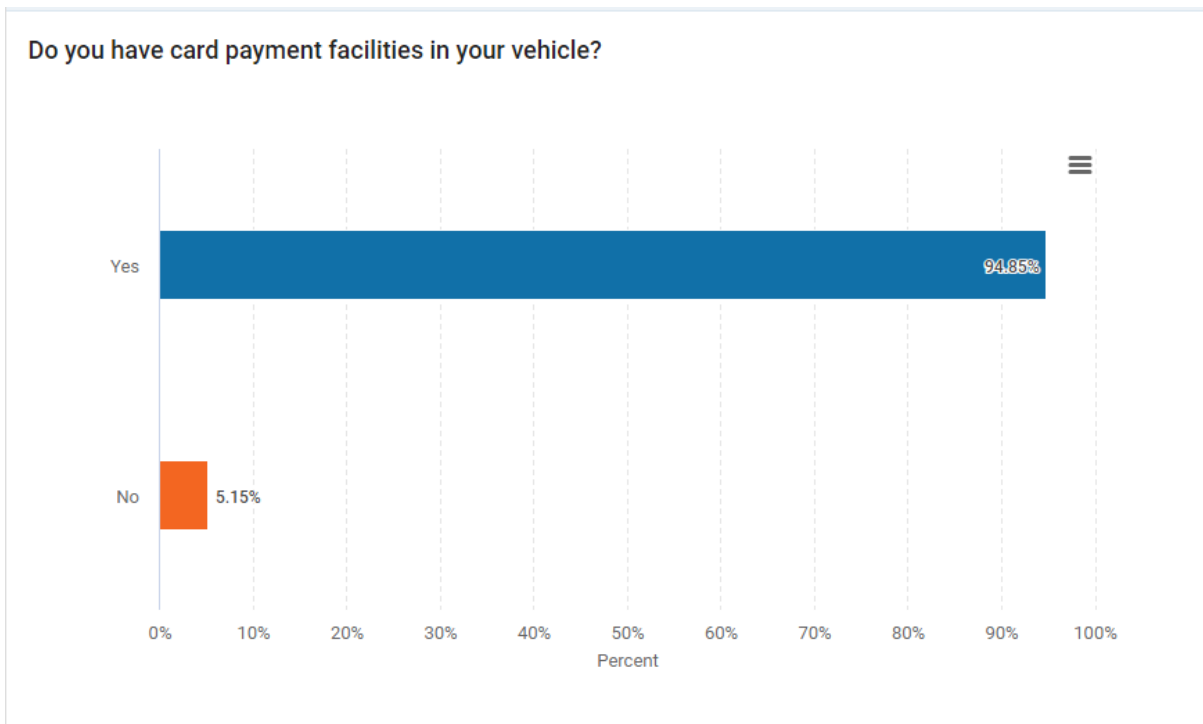
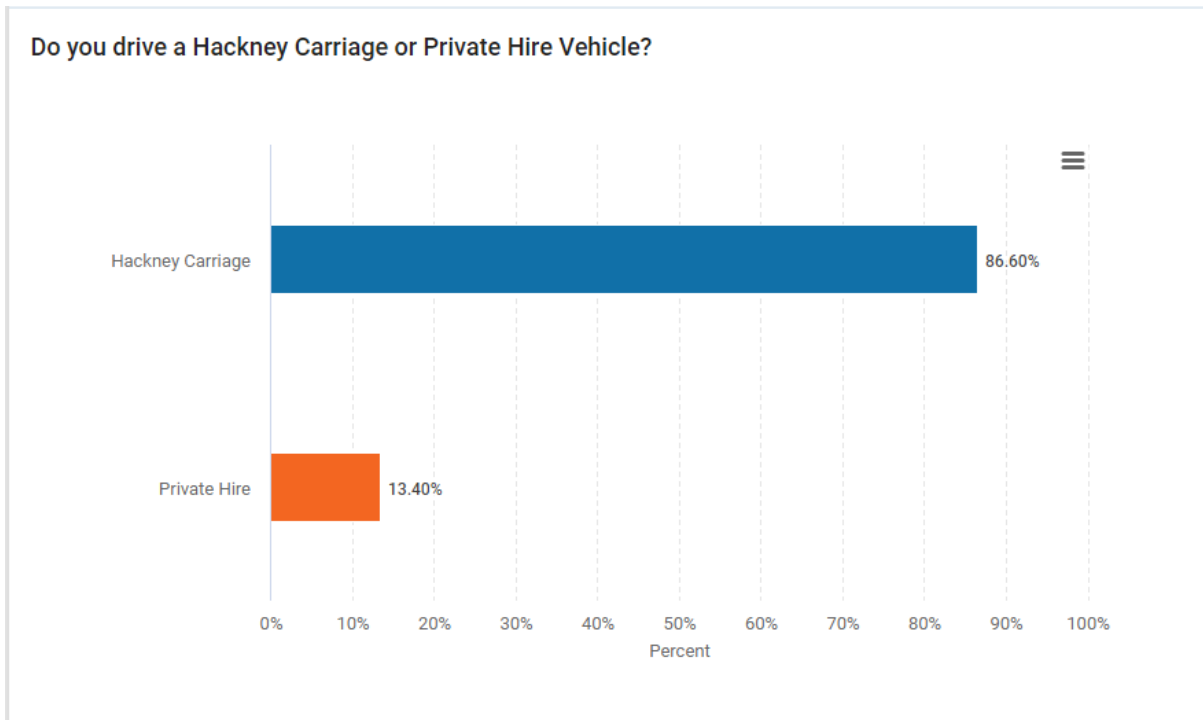
Jonathan.geall@eastherts.gov.uk

Report Author

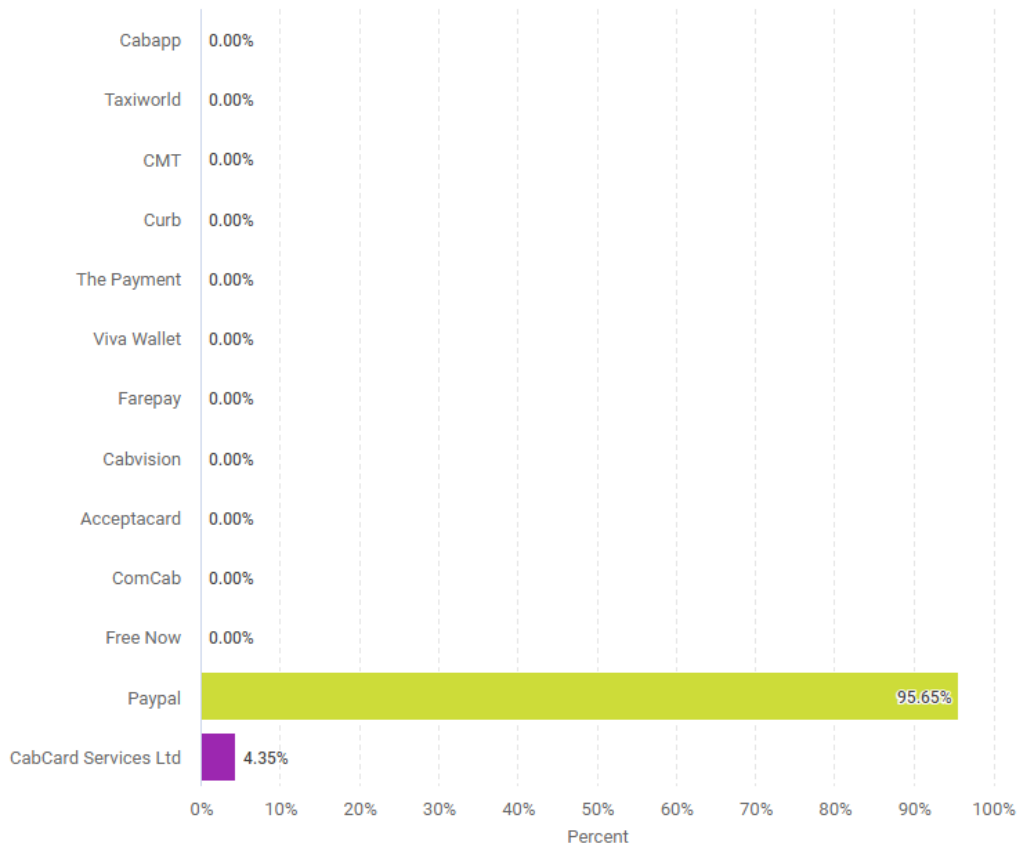
Oliver Rawlings (Service Manager - Licensing &
Enforcement)

oliver.rawlings@eastherts.gov.uk

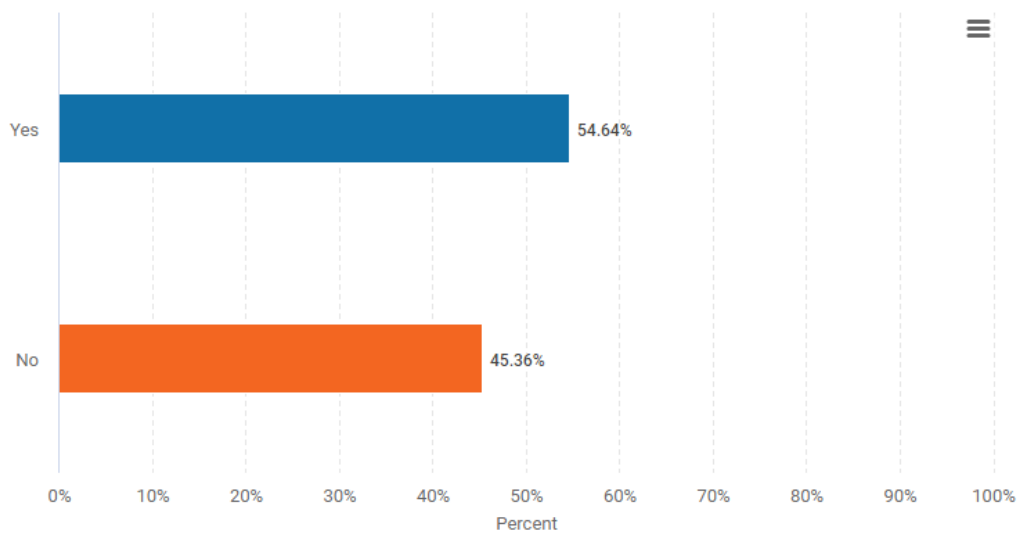
Licensed vehicle card payments



If you do have card payment facilities which do you use? Please select all those that apply



Do you think it should be mandatory for all licensed vehicles to provide facilities to take card payments?



Consultation on making card payment facilities mandatory in East Herts licensed vehicles

Dear Licence Holder

East Herts is considering making it mandatory for all licensed vehicles to have facilities to take card payments as well as cash. This proposal is based on the risk to public safety posed to individuals that may not be able to get a licensed vehicle due to not having the cash to pay for it.

The consultation is open from 1st May 2023 until 31st May 2023 (midnight).

The details of the proposed changes are:

- By (date to be determined), all licensed Hackney Carriages vehicles, must always have available, an electronic device that allows contactless or card payments to be made. The driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date of the journey, driver number and fare.
- By (date to be determined) all licensed Private Hire vehicles, must always ensure, they can provide a means for passengers to pay for fares by card or as a contactless payment. This can be, but is not limited to, electronic card payment devices or operator websites and apps.

Insert into Appendix E, the Licensing Record Points Scheme, the following which will apply to the vehicle proprietor:

Offence / Breach of condition - Failure to provide operational card payment facilities

No of points - 1st offence 3, 2nd offence 6, 3rd offence 9.

Insert into Appendix B, Vehicle and Trailer Specifications and Conditions, the following:

All licensed Hackney Carriages vehicles, must have available at all times, an electronic device that allows contactless or card payments to be made. A receipt which accurately states the time and date of the journey, driver number and fare, must be provided if requested by a passenger.

All licensed Private Hire vehicles, must ensure at all times, they can provide a means for passengers to pay for fares by card or as a contactless payment. This can be, but is not limited to, electronic card payment devices or operator websites and apps.

All card payment devices must:

- a) comply with the requirements of the current UK banking industry standards as stipulated by the Financial Conduct Authority (FCA).*
- b) be checked regularly and maintained to operational standards, including repairs after any damage. Any damage preventing the device from functioning must be notified to the Licensing Team and be repaired within 72 hours. If the device cannot be repaired, it must be replaced in 72 hours. Failure to do so will lead to Licensing Record Points being issued or the vehicle licence being suspended. If the vehicle is suspended it will be until such a time as a functional device is in operation.*
- c) meet all requirements and standards as stipulated by the card scheme companies in terms of connections to a host such as GPRS, 3G, 4G, Bluetooth or other connection methods to complete payment transactions.*
- d) provide the functionality to protect the confidentiality of critical data (in particular PINs) whilst the card transaction is being processed.*
- e) payments through apps are permitted, if a passenger has access to the app via their own phone or device. Drivers must not enter card details into their own phone or device to process a payment.*

Licence holders are reminded, they are legally obliged to comply with the requirements of data protection legislation in respect of all transaction processes, data management and storage. This includes the UK General Data Protection Regulation (GDPR), the Data Protection Act 2018 and any subsequent data protection legislation. You can find out more about your obligations from the Information Commissioner's Office (ICO). This is relevant when handling personal information such as names, addresses, email addresses and telephone numbers. All such processing must comply with the requirements of data protection legislation. Breaches of data protection legislation may impact on the ability to hold a licence with the Council.

Proposed implementation process and time scale: Vehicle proprietors will have 3 months in which to ensure that card payment facilities are operational within their vehicle. The 3 month period will start from the date the decision is made.

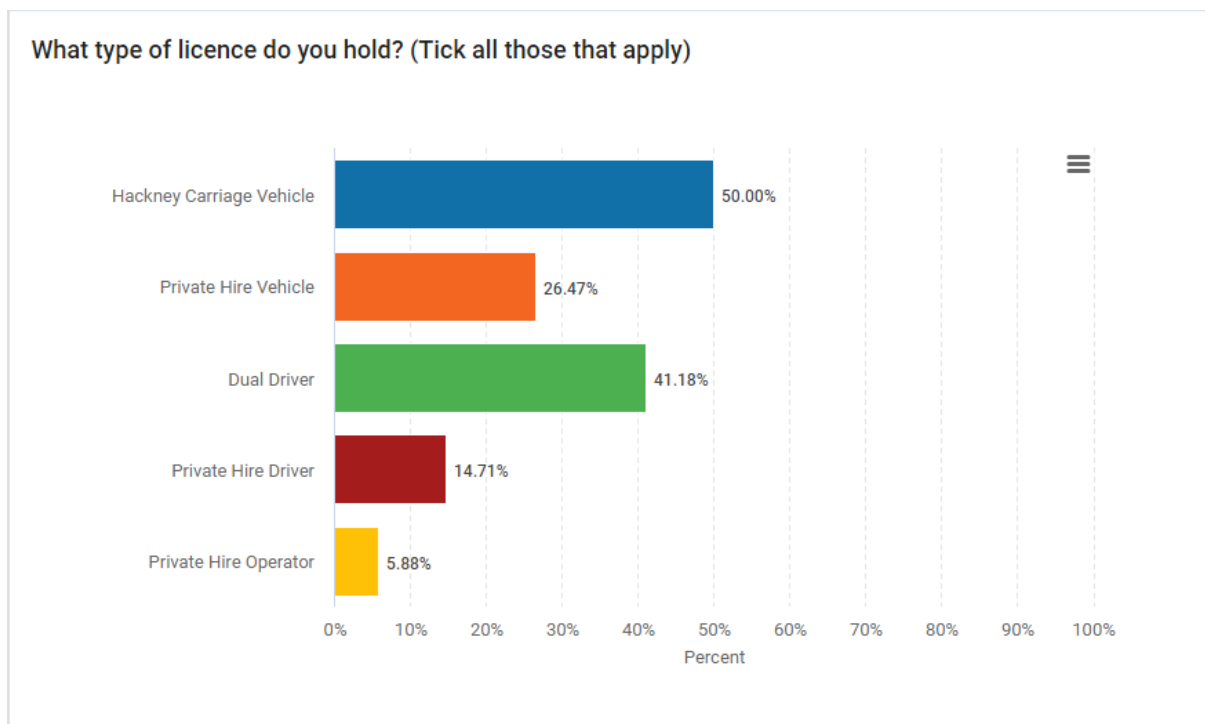
(Note: Taking into account the decision making process the implementation date is likely to be 26th October 2023 at the earliest).

Compliance checks: The requirement for card payment facilities will be added to the vehicle condition certificate (VCC). Additional checks by officers will also be carried out randomly and following any complaints.

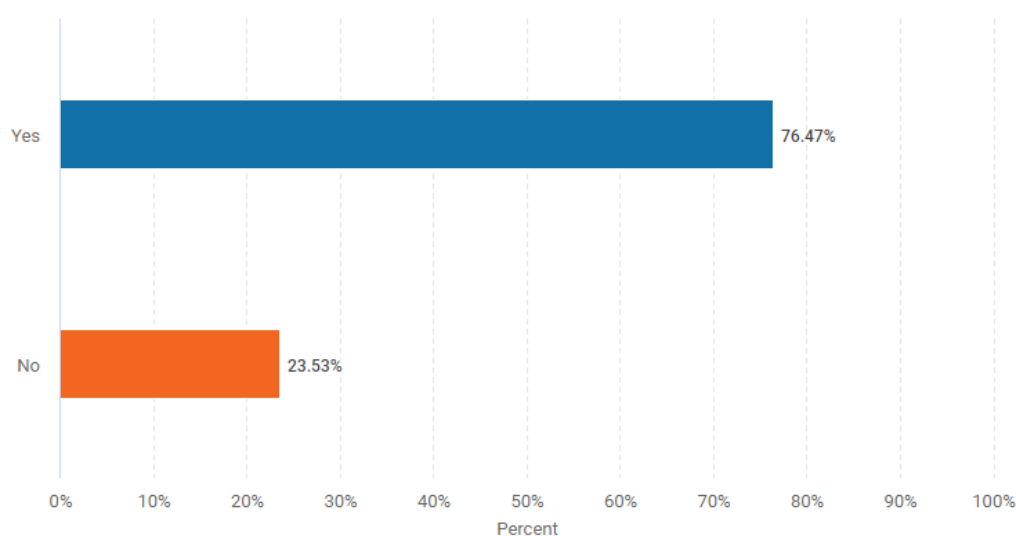
As a member of the licensed trade we would value your opinions. If you have any questions then please email them to licensing.taxis@eastherts.gov.uk or attend one of the trade meetings and ask us in person.

Regards

Licensing Team



Do you agree with the proposal to make card payment facilities mandatory in all vehicles licensed by East Herts Council?



Explanations for answers to question 3 of the consultation:

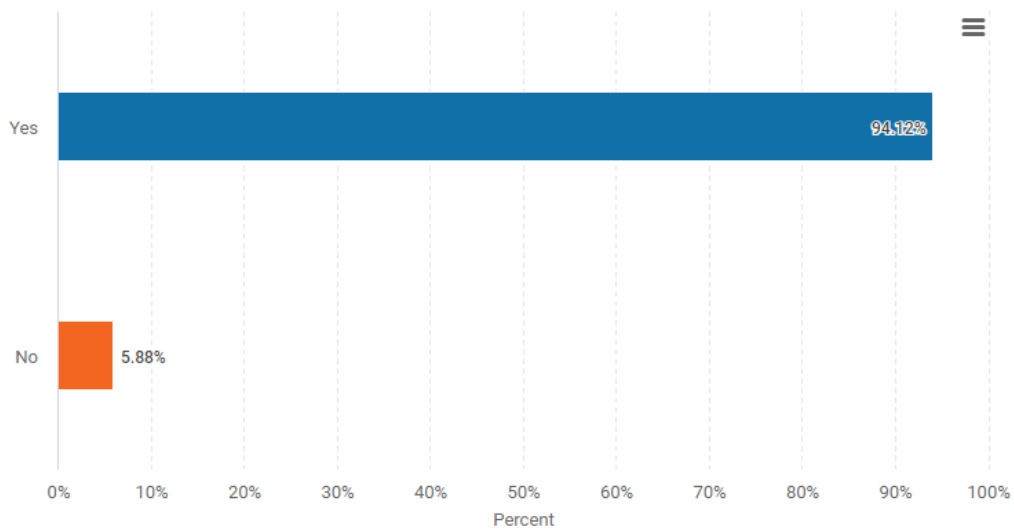
1. I already have card payments available it's easier
2. It's convenient and safe for customers and drivers as well.
3. Everyone has there own preference of payment and how they want to be paid.
4. As I mentioned below I do operate with a card reader but there are many places in the UK where the reception is very bad regardless of your phone or network operator. Many times you have to drop off passengers where the reception is to bad and you don't have signal (for example sometimes it happens even close to an airport, or if they live at some hidden places) so there are some circumstances when you can't use the card reader. Also sometimes it takes more than 72 hours to order and receive a new card reader in case you have to change it.
5. I've taken card payments since 2003 Also all corporate cards are only services only Also it provides a safe way to take out of area payments . It provides the consumer with a alternative payment method.
6. It makes sense to me and its better for the customer and no cash in the car.
7. Easier for customers to pay as everything is electronic
8. Easy facilities to take payments.

9. Many people don't carry cash and do not feel comfortable having it around them ..I believe that all retailers and services should make paying by card possible.
10. Majority of drivers offer card payments because it is customer's preferred payment method. 72 hours for replacement is too short period considering the card machine can't be just fixed, but sent to provide. If the card machine breaks on Friday it's unlikely I receive replacement on Monday. The card machine may not have the option to put license number on the receipt. Usually only name and address of the business is possible to add on the receipt.
11. Passenger convenience
12. Not all customers carry cash and these days it seems to be more convenient to pay by card.
13. Will make taxi more attractive to young people, who normally don't carry cash.
14. It makes it a lot easier for customers and drivers to process payments.
15. It's easy to take payment and the nowadays many people are asking for the card facilities.
16. I've had credit card facilities for over 15 years It's a service that the consumer will use Since c19 the ratio is now 75% card payments We're before c19 it was probably around 25% It's also a good security item you are carrying less Cash or if you have payment concerns you can take payment in advance.
17. For customers convenience and to stop drivers picking and choosing jobs off taxi ranks.
18. Making it easier for youngsters who generally use apple pay or card payments.
19. It easy than dealing with money.
20. Same time the costumer didn't have enough money on his account.
21. Keeping up with technology.
22. I had my credit card machine at least ten years. I was the first one down at Bishop's Stortford Stn, after that it court on. Some people don't to cash, they want to card. 2/3 per pay by card now.
23. I have a card reader, but I don't believe it fair to make it mandatory for all drivers. There is always a cost in obtaining the equipment, and then there are also fees. A while ago the regulations regarding card payment fees meant drivers cannot pass on this cost to customers. I would suggest that almost everyone who has a payment card can make direct transfer, and most drivers that work with a taxi company have this facility in the office.

- A lot of people still expect to pay cash, and irrespective of this there are still plenty of cash points about.
24. The general public are using cash less and less In everyday life .why should taxi /private hire fares be any different. In my experience especially after the pandemic most people expect to be able to use card / Apple Pay /Apple Watch etc to pay for their journey .
 25. I agree as a lot of customers prefer to use card machines to pay for taxi fares.
 26. I believe it's down to the individual to decide whether they want to take care payments, I don't think it should be a contributing factor as to whether you get re licensed. There is still a great need for cash, for the times when card readers aren't working either to having no signal in the area your dropping off of if the system is down.
 27. It's a fast-moving trade. If we were to compete with ride sharing companies (Uber, Bolt etc) we have to adapt to the new trends. In generally people don't carry cash anymore, so I support the motion, but the drivers should be allowed to take a fee of £0.50 per transaction.
 28. It's better to keep earnings amount of money.
 29. It's giving more business opportunity.
 30. Yes I agree.
 31. I do not believe that it should be Mandatory, it should be an individual's choice, it should be up to each individual how they wish to run their business. This is not a health and safety issue, there are many taxis in the town that have that facility if you are worried about choice, should we mandate every taxi has a charging cable for every phone for convenience, should every taxi have a fridge in the boot for convenience. At what point do we draw the line, convenience leads to apathy, with the current climate of heading towards CBDC many people are concerned for the push for cashless society that will lead to the exclusion of swaves of society who for reasons out of their control can not get bank accounts much less debit cards. I am firmly against mandates on how one should run their business.
 32. To ensure consistency in that all passengers will know they can pay by card. I can't see how a minicab driver can work successfully without a card reader as most passengers pay this way anyway.
 33. To make it more convenient for customers to give them options in payment options.
 34. This shouldn't be made mandatory for Private Hire. I can understand it might be wise to make it mandatory for Hackney Carriage as they can be

flagged down and passengers may only have cards on them. With Private Hire we are pre-booked. I explain to my customers at the time of booking that I take either cash or BACS payments which my customers are happy to do and all is arranged in advance, I have had no issue with not having card payment facilities. I feel it therefore shouldn't be made mandatory but up to the individual companies to implement this if they feel it necessary. Also its another monthly expense to have the facility for card payments. This business is hard enough without another expense!!!!

Do you already have facilities to take card payments?



Dual Driver response 1:

Dear sirs

I have read your letter about the proposal to make all drivers have card payment facilities .

Like most drivers I have taken card payments for many years now and many customers like this payment method option.

However if EHC is going to make it mandatory for drivers to accept card payments I have two comments on this

1). My card sum UP facility cost me about £35 for the payment machine
Every transaction costs me 1.69% of the fare. So to cover the cost of this mandatory requirement
Taxi Fares should rise by approx 2%

2). There are some locations in East Herts where it not possible to get a signal so taking card payments is not possible for all locations
The responsibility to pay the fare MUST lie with the passenger in cash if there is no signal at the destination
eg Much Hadham and Manuden.

Regards

Licensing Team response:

Dear Mr REDACTED

Thank you for taking the time to email.

We completely agree that it is the passengers responsibility to ensure they have a means of payment (card, cash, charged phone, etc.) before commencing a journey.

Regards

Dual Driver response 2:

Dear Taxi Licensing

I have read your letter of 24th May 2023

Thank you acknowledging the point about the difficulties of card payments in areas where there is no reception.

Another problem which also arises with electronic payments is when passengers carry neither card nor cash but rely on their smartphones to pay by apple pay or similar and then their battery has died

It cannot be the drivers responsibility to have charging facilities on board to lend to the passengers at the end of the journey ?

These days many passengers do not carry any cash as a back up

So I can only repeat my concerns that in making it mandatory for drivers to have card payment facilities, the responsibility to carry cash as a back up means of payment must remain with passengers

Regards

Private Hire Drivers response:

Hi

Please note I never received this survey request previously, which may explain the low number of responses you received, as perhaps others also didn't receive it.

I have now completed the survey.

Regards

The proposal is that:

- *By (date to be determined), all licensed Hackney Carriages vehicles must always have available an electronic device that allows contactless or card payments to be made. The driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date of the journey, driver number and fare.*
- *By (date to be determined), all licensed Private Hire vehicles must always have available an electronic device that allows contactless or card payments to be made. This can be, but is not limited to, electronic card payment devices or operator websites and apps.*

Licence holders are reminded, they are legally obliged to comply with the requirements of data protection legislation in respect of all transaction processes, data management and storage. This includes the UK General Data Protection Regulation (GDPR), the Data Protection Act 2018 and any subsequent data protection legislation. You can find out more about your obligations from the Information Commissioner’s Office (ICO). This is relevant when handling personal information such as names, addresses, email addresses and telephone numbers. All such processing must comply with the requirements of data protection legislation. Breaches of data protection legislation may impact on the ability to hold a licence with the Council.

Insert into Appendix E, the Licensing Record Points Scheme, the following which will apply to the vehicle proprietor:

Offence / Breach of condition	No of points
<i>Failure to provide card payment facilities</i>	<i>1st offence 3 2nd offence 6 3rd offence 9</i>

Insert into Appendix B, Vehicle and Trailer Specifications and Conditions, the following:

- *By (date to be determined), all licensed Hackney Carriages vehicles must have available at all times an electronic device that allows contactless or card payments to be made. The driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date of the journey, driver number and fare.*
- *By (date to be determined), all licensed Private Hire vehicles must have available at all times an electronic device that allows contactless or card payments to be made. This can be, but is not limited to, electronic card payment devices or operator websites and apps.*

All card payment devices must:

- a) *comply with the requirements of the current UK banking industry standards as stipulated by the Financial Conduct Authority (FCA)*
- b) *be checked regularly and maintained to operational standards, including repairs after any damage. Any damage preventing the device from functioning must be notified to the Licensing Team and be repaired within one week ~~72 hours~~. If the device cannot be repaired, it must be replaced in one week ~~72 hours~~. Failure to do so will lead to Licensing Record Points being issued or the vehicle licence being suspended. If the vehicle is suspended it will be until such a time as a functional device is in operation*
- c) *meet all requirements and standards as stipulated by the card scheme companies in terms of connections to a host such as GPRS, 3G, 4G, Bluetooth or other connection methods to complete payment transactions*
- d) *provide the functionality to protect the confidentiality of critical data (in particular PINs) whilst the card transaction is being processed.*

Payments through apps are permitted, if a passenger has access to the app via their own phone or device. Drivers must not enter card details into their own phone or device to process a payment.

Agenda Item 7

East Herts Council Report

Licensing Committee

Date of Meeting: 25 October 2023

Report by: Rosalyn Morris, Licensing Enforcement Officer

Report title: Review of licensing activity for Quarters 1 and 2 of 2023 financial year (01 April 2023 – 30 June 2023 and 01 July 2023 – 30 September 2023).

Ward(s) affected: All

Summary – Quarterly reports are presented to Licensing Committee to ensure the supervision of key areas of regulation and allow the members to review the evidence to ensure the council is fulfilling its responsibilities.

RECOMMENDATIONS FOR Licensing Committee:

- (a) That members review and comment on the Licensing activity from the first and second quarters of the 2023 financial year (01 April 2023 – 30 June 2023 and 01 July 2023 – 30 September 2023)**

1.0 Proposal(s)

- 1.1 That the report is considered by members of the Licensing Committee.

2.0 Background

- 2.1 The council's Licensing and Enforcement Team covers Hackney Carriage and Private Hire licensing, alcohol,

entertainment and late-night refreshment licensing and notices, along with more infrequent applications relating to, among other things, scrap metal dealing, pavement licensing, street trading and gambling.

2.2 This report presents data from the first and second quarters of the 2023 financial year (1st April 2023 – 30th September 2023) on processing and enforcement, delegated decisions, and on 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 under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

3.0 Reason(s)

Complaints handling

3.1 Members have previously requested that details be provided in relation to any trends in the types of complaints received.

Licensing Act

3.2 During Q1 there were four complaints relating to purported breaches of the Licensing Act including:

- providing entertainment without a licence.

On investigation the premises were found to have applied for Temporary Event Notices to cover the occasions when entertainment had been provided.

- premises serving alcohol to underage persons.

This intelligence was passed to the police to investigate.

- opening beyond permitted hours.

The premises were spoken to regarding the complaint. The details of their licence were discussed and verbal advice was given.

- advertising alcohol as part of a pamper package at a hairdresser.

The premises was visited. Discussed the need for a licence if offering alcohol with any packages. Owner stated that they would remove alcohol from the price list and clients will be advised to bring their own if they so wished.

3.3 During Q2 there were the following complaints relating to licensed premises:

- 23 Complaints relating to AMA Fest festival:

The received complaints have all been logged on the system and the complainants have all received an acknowledgement with details of their complaint reference number. The service manager for licensing and enforcement is conducting the investigation. Once this is concluded the complainants will be notified of the outcome.

- 3 complaints relating to noise from premises.

The Environmental Health Team were notified of these complaints and were asked to lead on them as they have the necessary delegated powers to address noise issues.

- 1 complaint of a premises using their garden area outside of their permitted hours.

Premises spoken to and was informed that the garden was used as their private space when the premises had closed to customers.

- 1 allegation of a premises serving alcohol to underage persons.

Intelligence was passed to the police for them to investigate.

- 2 allegations of premises using their outside area for activities they were not licensed for – one for recorded music and the other for an outside bar.

Premises were spoken to and advised of the Live Music Act deregulation. Discussed what they were permitted to have in their outside area and management were confident that they were operating within their permissions as the recorded music being played was being played by a DJ who blends the tracks which would fall under live music rather than playing them from a play list which would be recorded music.

Officers were informed that drinks were only dispensed from the outside bar to relieve the pressure on the main bar when it was busy. Orders were taken by staff and payments were made at the main bar area. Premises have now applied for a variation of their premises licence to include the bar in the outside area.

- 1 allegation of a premises operating without a designated premises supervisor (DPS).

The officer was informed that the premises supervisor named on the licence was still in post. A few days later an email was received from the DPS stating that they no longer wished to be responsible for the premises. The agent was contacted and informed of this information along with the police who stated they would be following this up.

- 1 allegation of a premises breaching their licensing conditions.

Premises licence and conditions were looked at. From the allegations made no breaches could be found as the activities being complained about had stopped

during permitted hours.

- 3.4 The number of complaints received in Q1 and Q2, when compared with the same period in 2022, has increased. This is mainly due to the AMA Fest festival that took place on the 2nd September 2023. Other factors to consider regarding this increase could be that premises are now utilising outside areas more often later in the year due to the clement weather.
- 3.5 It is worth bearing in mind that enforcement of licensing conditions is not a statutory matter, it is a discretionary function for individual councils to choose to provide should they wish. To date, the council has chosen to have a licensing enforcement function. It is the council's part time licensing enforcement officer along with the support of the senior licensing and enforcement officer who has been undertaking increased out of hours observations in the evenings and at weekends, including into the early hours of Sunday mornings, to address the increase in complaints. Out of hours working allows officers to witness any issues and reach a conclusion regarding the validity of a complaint.
- 3.6 The team also carries out regular weekend market inspections to ensure compliance.
- 3.7 The team has assisted with inspections of licensed premises during Friday and Saturday evenings and has supported the Police and Environmental Health team with enforcement where requested. A stepped approach is taken when dealing with issues with the key role being to support licence holders to achieve compliance while helping to gather evidence where necessary.

Taxis

- 3.8 The enforcement team's work involves ensuring that all documentation for taxi drivers and vehicles is received, therefore ensuring licenses are valid. The enforcement team ensures that people with expired documents are suspended

until they produce the required proofs.

3.9 In Q1 and Q2, no Licensing Record Points (LRP) were issued. This is the scheme which was implemented to aid in a stepped approach to compliance relating to licensed drivers, vehicles and operators. Instead, drivers were issued with warnings, both verbally and in writing, as they were deemed as the most appropriate way of dealing with the matters that arose.

3.10 In Q1, four complaints were received in relation to private hire and hackney carriage licences, these related to:

- smoking in a licensed vehicle. Driver was issued a written warning for his actions and reminded of his responsibilities under the smoke free legislation.
- poor standard of driving. Driver was accused of purposely splashing a passenger as he drove through a puddle. Verbal advice was given to the driver as he did not recall an incident.
- jumping a red light. The driver was spoken to and stated he didn't realise that the temporary traffic light had turned red while passing through, he was just following the traffic in front. He apologised for his actions and a verbal warning was issued and recorded on his record.
- overcharging. Upon investigation the driver used an alternative route for the journey due to a road closure on part of the most direct route which, prolonged the journey causing an increase to the metered fare.

3.11 In Q2 ten complaints were received. These related to:

- 3 for aggressive behavior towards passengers. All 3 drivers have been contacted. 2 have given responses that contradict the complainants allegation, therefore the complaints have been difficult to prove resulting in words of advice being given to the drivers. A response is

still outstanding from the third driver accused of aggressive behaviour.

- 2 for poor driving standards. Both of these complaints are still under investigation as the officer is still awaiting a response from the drivers in question.
- 2 relating to allegations of drinking while on duty. One driver has been PACE interviewed and provided images of the zero alcohol lager he was witnessed drinking. The other driver has involved a solicitor and officers are awaiting a written statement as they do not want to attend an interview.
- 1 driver seen smoking in a petrol station. Driver was contacted and issued a written warning for their stupidity.
- 1 driver refused to take a single passenger. Driver was unable to be identified as complainant did not take note of any information that could have helped identify them.
- 1 complaint of out of area drivers parking on East Herts taxi ranks. Sporadic visits have been made to the rank in question. No out of area drivers have been identified during these visits. Officer will be contacting the local authority the vehicles are licensed with to try and obtain their contact details to inform them of their wrongdoings.

Street trading and pavement licenses

3.12 The enforcements teams work involves ensuring persons trading in the district of East Herts have the correct permissions to do so.

3.13 In Q1, there were three complaints. Two involved ice cream vans and one was about a fish and chip van:

- one van positioning themselves outside a school.
2 visits were made to the area to try and find the van. No van was seen on either occasion. Contacted the owner of the vehicle and brought the complaint to their attention. They stated that they didn't realise that there was a specific distance they needed to be from a school. During the investigation the vehicle was found to have an expired mobile street trading licence. The owner was also informed of this and that they were not permitted to trade until a new licence had been issued to them.
- one using their chimes after the permitted hours.
Owner was contacted and advised of the complaint. Owner stated that he had a new driver using the van and would ensure he was made aware of the permitted times.
- one van operating where their licence did not permit them to.
There was miscommunication during the renewal of their licence. The owner had applied for additional areas to trade on their renewal application. This is not permitted, and the owner should have applied for a new licence. The renewal was processed allowing trading only in existing areas. This has now been resolved and a new licence was granted.

3.14 In Q2, we received one complaint relating to an ice cream van, this was to do with a van persistently parking outside the complainants' house to trade. The licence holder was spoken with and the matter swiftly resolved. In addition to this we received two emails regarding two possible street traders operating without licences. Both businesses were contacted and given information regarding compliance. No further complaints have been received.

3.15 In Q2, we also received two pavement licence complaints,

one relating to tables and chairs blocking the highway in Hertford and one relating to tables and chairs causing an obstruction outside someone's house in one of the villages. The pavement licence complaints were passed to HCC Highways who are the enforcing authority.

Performance monitoring

3.16 The figures for the quarterly performance indicators for licensing for Q1 and Q2 are detailed in the table below with the 2022/23 overall figures for comparison.

Performance indicator - cumulative (reported quarterly) within the year unless otherwise stated	2022/2023 performance	2023/2024 target	Q1 & Q2 2023 performance	
			Q1	Q2
Percentage of valid personal licences processed within 2 weeks	100%	90%	100%	94%
Percentage of valid temporary event notices processed within 72 hours	100%	90%	99%	98%
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to date of determination)	100%	90%	100%	100%

Percentage of driver's licences issued within 30 working days of validation	99%	90%	100%	100%
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3.17 Further details on decision making and project and policy work can be found at **Appendix A**.

3.18 Performance data and year-on-year comparison figures can be found in **Appendix B**.

4.0 Options

4.1 To not provide the members of the Licensing Committee with quarterly reports. This option has been dismissed at previous meetings as it would not allow members to oversee this area of regulation.

5.0 Risks

5.1 None identified by author.

6.0 Implications/Consultations

Community Safety

Proper scrutiny of the work of the Licensing & Enforcement team helps to ensure that policies and procedures promote community safety.

Data Protection

None

Equalities

None

Environmental Sustainability

None

Financial

None as any work either carried out or proposed will be possible within existing budgets.

Health and Safety

Some parts of the regulatory regimes covered in this report contribute to health & safety by ensuring standards are maintained.

Human Resources

None

Human Rights

None

Legal

None

Specific Wards

None

7.0 Background papers, appendices and other relevant material

- 7.1 **Appendix A** – Further details regarding decision making, project and policy work.

- 7.2 **Appendix B** – Performance data from 01 April 2023 – 30 June 2023 and 01 July 2023 – 30 September 2023. Year on Year comparison figures for applications and granted licences, notices and other permissions.

Contact Member

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Licensing Activity report: Q1 & Q2 1 April 2023 to 30 September 2023

1. Context

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

Licensing of food premises and other commercial businesses subject to regulatory activity is carried out by the Environmental Health team.

Licensing matters managed by the Licensing & Enforcement Team

2. Taxis

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

	Q1	Q2
Private Hire Driver (PHD) and Dual Driver (DD) New applications	4 PHD 5 DD	13 PHD 7 DD
Private Hire Driver (PHD) and Dual Driver (DD) Renewal applications	13 PHD 1 DD	0 PHD 4 DD
New applicants who have attended training	14	6
Resits of knowledge test	7	4
Existing drivers who have attended update training	0	1
English Competency tests taken	16	24
English competency tests taken with appropriate adjustments	0	0
Passes	5	4
Fails	11	20
Number of individuals	12	13

Decisions taken by Service Manager – Licensing & Enforcement under delegated powers	0	0
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman of the Licensing Committee	0	0
Upheld	N/A	N/A
Dismissed	N/A	N/A
Appeals of decision – decision by court	0	0
Upheld <i>council not successful in defending its decision</i>	N/A	N/A
Dismissed <i>council successful in defending its decision</i>	N/A	N/A
Prosecution sought	0	0
Successful	N/A	N/A
Unsuccessful	N/A	N/A
Judicial reviews	0	0
Vehicle decisions taken under the 'Vehicle Age & Emissions Policy' by the Service Manager – Licensing & Enforcement	5	6
Granted	2*	4
Refused	4	2
*This includes one refused vehicle that was reinspected following work being undertaken on the vehicle, the application was subsequently granted		

Premises

During Q1 & Q2 of this financial year six applications were decided by Licensing Sub-Committees, three in Q1 and three in Q2.

The details of the matters brought before Licensing Sub-Committees are shown below.

Premises/Person	Location	Type of application	Resolved
Campo Sancho	Walkern	New Premises Licence	Granted with conditions
Hertfordshire Oktoberfest	Hertford	New Premises Licence	Granted with amendments and conditions
Horn and Half Moon	Bishop's Stortford	Summary review of premises licence	Conditions added to premises licence
The Lounge	Stanstead Abbots	New Premises Licence	Granted with conditions
WH Smiths	Bishop's Stortford	New Premise licence	Granted as per amended application
AMA Fest	Little Hadham	New time limited	Granted with conditions

Premises/Person	Location	Type of application	Resolved
		premises licence	

3. Temporary Event Notices

The number of Temporary Event Notices (TENs) received by the authority:

Q1 2022	Q1 2023	Q2 2022	Q2 2023
222	216	143	152

In Q1 of this year the authority received 6 fewer applications when compared with the same period of 2022 but 9 more applications when comparing with the Q2 figures. This means the team has processed 3 more temporary event notifications when comparing Q1 and Q2 figures with the same periods last year.

Only the Police and Environmental Health can object to a TEN.

Appendix B

Historic data:

Q1 2022 Data – 1st April to 30th June 2022

Q2 2022 Data – 1st July 30th September 2022

Current data:

Q1 2023 Data – 1st April to 30th June 2023

Q2 2023 Data – 1st July to 30th September 2023

Licensing Act 2003

Premises Licence Applications	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New	12	13	9	3
Variation	2	3	0	5
Minor variation	2	1	4	2
Transfer of Premises Licence	8	6	1	5
Change of designated premises supervisor	14	17	23	17
Interim Authority Notice	0	0	0	0
Review	0	0	0	1
Suspended	0	0	0	0

Club Premises Certificate Applications	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New	0	0	0	0
Variation	0	0	0	1
Minor variation	0	0	0	0
Transfer of Premises Licence	0	0	0	0
Interim Authority Notice	0	0	0	0
Review	0	0	0	0
Cancelled / Surrendered	0	0	0	0
Suspended	0	0	0	0

Personal Alcohol Licence Applications	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New	19	18	20	18
Amendments (change of address)	0	0	0	0
Refused	0	0	0	0

Temporary Event Notices Received	Q1 2022	Q2 2022	Q1 2023	Q2 2023
Notices receives	222	143	216	152
Objections (Police or Environmental Health)	0	0	0	0
Refused	0	0	0	0
Complaints regarding TEN's				

GAMBLING ACT 2005

New Applications	Q1 2022	Q2 2022	Q1 2023	Q2 2023
Club Machine Permits	0	0	0	0
Small Society Lotteries	17	7	12	6
Betting Premises Licence (Betting shops)	0	0	0	1
Licensed Premises Gaming Machine Permit	0	0	0	0
Notification of Gaming Machines	1	1	0	1

CHARITY COLLECTIONS

New Applications	Q1 2022	Q2 2022	Q1 2023	Q2 2023
House to House	2	3	3	2
Street Collections*	16	6	9	6

*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.

DISTRIBUTION OF FREE LITERATURE

	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New Applications	1	2	1	0

TAXIS

Dual Drivers	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New Application	4	7	5	7
Renewal	34	48	1	4

Private Hire Drivers	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New Application	17	15	4	13
Renewal	5	7	13	0

Private Hire Operators	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New Application	1	2	3	0
Renewal	0	0	1	0

Hackney Carriage Vehicles	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New Application	0	5	7	7
Renewal	56	50	46	47
Change of Vehicle	11	10	13	10
Courtesy vehicles	7	6	3	2

Private Hire Vehicles	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New Application	11	6	4	15
Renewal	6	18	13	13
Change of Vehicle	3	3	2	4
Courtesy vehicles	1	2	0	2

PAVEMENT LICENCES

	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New Application	4	4	6	3
Renewal	0	0	0	1
Refused	0	0	0	0
Invalid	1	0	1	0

STREET TRADING

New Application	Q1 2022	Q2 2022	Q1 2023	Q2 2023
Static	3	2	1	6
Mobile	0	1	4	0
Occasional	1	2	0	0

MARKET TRADERS

	Q1 2022	Q2 2022	Q1 2023	Q2 2023
New Applications	5	2	3	1
Renewal	5	2	8	1

TOTALS NUMBERS OF LICENCES – 2023

Type of Licence	April	May	June	July	August	September
Premises Licence	643	642	642	640	643	641
Club Premises Certificates	34	34	34	34	34	34
Personal Alcohol Licences	2243	2252	2256	2259	2266	2272
Betting Premises Licence	14	14	13	12	12	12
Dual Drivers	206	206	208	209	211	212
Hackney Carriage Vehicles (including suspended plates)	193 (12 Suspended)	188 (10 Suspended)	193 (5 Suspended)	191 (5 Suspended)	187 (6 Suspended)	184 (5 Suspended)
Private Hire Drivers	51	52	52	53	57	60
Private Hire Vehicles (including suspended plates)	56 (10 Suspended)	56 (10 Suspended)	56 (1 Suspended)	58 (1 Suspended)	61 (2 Suspended)	68 (1 Suspended)
Private Hire Operators	29	29	30	32	31	31

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

Date	Number of Hackney Carriage vehicles	Number of Private Hire 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
June 2019	251	66
February 2020	254	61
December 2020	219	40
February 2021	208	41
March 2021	206	40
April 2021	200	42
May 2021	205	41
June 2021	209	43
July 2021	204	42
August 2021	204	42
September 2021	200	42
October 2021	207	40
November 2021	209	42
December 2021	208	45
January 2022	213	44
February 2022	212	45
March 2022	204	47
April 2022	199	48
May 2022	198	49
June 2022	201	47
August 2022	208	54
September 2022	207	52
October 2022	207	56
November 2022	203	60
December 2022	205	58
January 2023	186	60
February 2023	190	59
March 2023	193	58
April 2023	193	56
May 2023	188	56

Date	Number of Hackney Carriage vehicles	Number of Private Hire vehicles
June 2023	193	56
July 2023	191	58
August 2023	187	61
September 2023	184	68

Hackney Carriage vehicle numbers: The table above shows a month-to-month fluctuation in the overall numbers of licensed vehicles. The following observations have been made.

- Some of the figures prior to June 2022 did not consider vehicles which had been suspended. Whilst the licence still existed it was not picked up in a search for the currently issued licences. The system which is in place for processing and recording licence numbers does not allow us to check numbers of licences retrospectively so once a date has passed the figure cannot be double checked.
- The decline in hackney carriage numbers could be due to the rise in the cost of living. Purchasing a vehicle and maintaining it to the standard required for licensing, the increasing cost of insurance and fuel may mean that it is no longer an affordable option to become or remain licensed.
- Of the vehicles that have been refused under the 'Vehicle Age & Emissions Policy' all have been subsequently replaced with compliant vehicles, so these decisions have not contributed to the decline. However, it is unclear if compliance with the Policy has influenced the decision of those that simply did not renew their licences.
- The limit on hackney carriage vehicles is not a blanket policy as this would be illegal. The limit on hackney carriage vehicle licences has been increased to 210 and the process for assigning those available plates will start shortly.