

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 8 MARCH
2012, AT 4.30 PM

PRESENT: Councillor M McMullen (Chairman).
Councillors W Ashley, P Ballam, E Bedford,
R Beeching, E Buckmaster, A Burlton,
Mrs R Cheswright, K Crofton, J Demonti,
N Poulton, J Taylor and B Wrangles.

ALSO PRESENT:

Councillor P Ruffles.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Paul Newman	- Interim Licensing Manager

679 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors A Warman and N Wilson.

680 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that John Ivens, Hertfordshire
Constabulary, was in attendance as on observer in
relation to Police related matters.

681 DECLARATIONS OF INTEREST

Councillor M McMullen declared a personal and
prejudicial interest in respect of the matter referred to at
Minute 689 – Expression of Interest from Road
Worthiness Garages, on the grounds that he had his car
serviced at one of the 10 garages authorised to conduct

vehicle condition tests on behalf of East Herts Council. He left the room and Councillor A Burlton chaired the meeting during the debate on this matter.

Councillor P Ruffles declared a personal and prejudicial interest in respect of the matter referred to at Minute 689 – Expression of Interest from Road Worthiness Garages, on the grounds that he had his motorcycle serviced at MRH Motor Repairs Ltd. He left the room during the debate on this matter.

682 MINUTES - 3 NOVEMBER 2011

RESOLVED – that the Minutes of the meeting held on 3 November 2011 be approved as a correct record and signed by the Chairman.

683 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 19 December 2011, 20 January and 6 February 2012 be received.

684 REVIEW OF TAXI LICENSING CONDITIONS AND PROPOSED AMENDMENTS TO TAXI LICENSING POLICY

The Director of Neighbourhood Services submitted a report on proposed amendments to Taxi Licensing Policy and also in relation to a review of Taxi Licensing Conditions.

Members were advised that the Authority currently had a policy whereby no taxis would be dual plated. The Interim Licensing Manager advised that Officers now considered it appropriate to make the dual plating of vehicles available but only as a grandfather right.

The Committee was advised that the new DVLA two part driving licences meant that the photo card licence must be valid and in date before a taxi drivers' licence could be

granted or renewed, otherwise insurance policies might be invalid.

The Interim Licensing Manager advised that Members should consider whether to scrap the age limit on licensed vehicles and instead consider whether to licence or relicense a vehicle based on its current mileage. Members were requested to consider the level at which a vehicle should not be relicensed.

Councillor A Burlton stated that the figure of 350,000 miles as a limit for not relicensing a vehicle was too high and should be 250,000 miles at the most. He commented that limits of 100,000 miles for a first licence and 140,000 miles for purpose built taxis were largely irrelevant and should be removed from the proposed policy amendment. This was agreed by Members.

Councillor R Beeching stressed that both parts of the DVLA driving licence had to be presented in court. The Interim Licensing Manager advised that Officers could already request to see both parts of a taxi driver's DVLA licence.

In response to a query from Councillor Mrs R Cheswright, the Interim Licensing Manager provided a definition of the grandfather rights of taxi drivers under the provisions of the Licensing Act 2003.

Councillor B Wrangles raised an issue relating to Herford Taxi Drivers parking on the pedestrian footway adjacent to Bircherley Green Multi-storey Car Park. She commented on whether the Police or Civil Enforcement Officers (CEOs) could take any action to prevent taxis parking in this location, as pedestrians, particularly disabled people, were having to move out into the road to get past.

The Interim Licensing Manager advised that CEOs had to observe an illegally parked vehicle for 5 minutes before a Penalty Charge Notice (PCN) could be issued. He

believed that this was unlikely to be a high priority issue for Hertfordshire Constabulary.

Members were advised that Officers could issue penalty points to address a particular pattern of illegal parking, but an accumulation of 12 points would result in a Licensing Sub-Committee hearing. Members were advised that on receipt of a third warning letter, a Taxi Driver would attend a hearing and Members would have to consider whether it was appropriate to revoke the licence.

The Interim Licensing Manager commented that Members could consider whether to extend the period for penalty points remaining live on a Taxi Driver's Licence. Members would need to consider whether it was appropriate to jeopardise a Taxi Driver's livelihood for parking in a pedestrian area.

The Committee received the report.

RESOLVED – that (A) amendments to the Taxi Licensing Policy, as now amended, be approved;

(B) amendments to the code of conduct and penalty points scheme be approved; and

(C) the Committee Chairman write to the Executive Member for Planning Policy and Economic Development in respect of options to address the issue of Hertford Taxi Drivers parking on the pedestrian footway adjacent to Bircherley Green Multi-storey Car Park.

685 REPORT ON HOME OFFICE FEEDBACK TO
CONSULTATION: RELAXATION OF ALCOHOL LICENSING
HOURS FOR THE QUEEN'S DIAMOND JUBILEE ON
FRIDAY 1 JUNE TO TUESDAY 5 JUNE 2012

The Director of Neighbourhood Services submitted a report informing Members about feedback to Home Office Consultation in respect of licensing restrictions in alcohol

licensed premises from 1 to 5 June 2012. Members were referred to page 49 of the report now submitted for the analysis of the consultation responses.

The Committee received the report.

RESOLVED – that the report be received.

686 HOME OFFICE CONSULTATION ON SECONDARY
LEGISLATION FOR EARLY MORNING RESTRICTION
ORDERS AND THE LATE NIGHT LEVY

The Director of Neighbourhood Services submitted a report seeking Members' views for an Officer response to the Home Office consultation in respect of secondary legislation to implement Early Morning Restriction Orders and the Late Night Levy.

Members advised that Early Morning Restriction Orders (EMROs) and the Late Night Levy were mutually exclusive so it was a case of one or the other in East Herts. The Interim Licensing Manager explained the rationale behind both options. He stated that 70% of the Late Night Levy would go to the police with the remaining 30% going to East Herts Council. Members were reminded that the funds raised could only be used to mitigate the effects of the late night economy.

The Interim Licensing Manager explained that the Late Night Levy could be allocated very specifically in East Herts. The Police had indicated a preference for EMROs so that resources could be allocated in advance across the District.

Councillor N Poulton suggested that a small informal group of Licensing Committee Members meet with Hertfordshire Constabulary and review the consultation in detail and respond accordingly. John Ivens indicated that he was happy to attend a meeting with a fellow senior Officer from Hertfordshire Constabulary.

Members received the report and decided to authorise the Interim Licensing Manager, in consultation with the informal group of Licensing Committee Members to respond to the Home Office Consultation now detailed.

RESOLVED – that (A) the report be received; and

(B) the Interim Licensing Manager, in consultation with the informal group of Licensing Committee Members (Councillors Mrs R Cheswright, K Crofton and M McMullen), be authorised to respond to the Home Office Consultation on secondary legislation for Early Morning Restriction Orders (EMROs) and the Late Night Levy.

687 GAMBLING ACT 2005 - TIMETABLE FOR REVISION OF STATEMENT OF LICENSING PRINCIPLES

The Director of Neighbourhood Services submitted a report detailing the timetable for review and implementation of the Statement of Licensing Principles under the Gambling Act 2005.

The Interim Licensing Manager set out the full timescale for the consultation and stated that he would submit a further report on this matter to the next Committee meeting. The revised Statement of Licensing Principles would be submitted for approval at the first meeting of the Committee in 2013.

The Committee received the report.

RESOLVED – that (A) the report be received; and

(B) Officers submit a further report to the next Committee meeting.

688 REPORT ON LICENSING ACTIVITY QUARTER 4 2011

The Director of Neighbourhood Services submitted a report updating Members on activity in the Licensing

Section including the processing of licences, enforcement activity and the implementation of the Service Plan.

The Interim Licensing Manager advised that there was one additional private hire operator in Hertford and some progress had been made in the operations of this new operator. Members were referred to pages 127 and 128 of the report now submitted for a full breakdown of the quarter 4 licensing activity.

Members were advised that 21 in-car CCTV systems had been purchased and there had been a number of positive outcomes achieved in collaboration with Hertfordshire Constabulary. Members were also advised that, under the penalty points system, a total of 60 points had been imposed against 28 licence holders.

Officers hoped that this would contribute to improving drivers' and proprietors' behaviour, particularly as Taxi Drivers generally tried to avoid being called to attend Licensing Sub-Committee hearings to address issues of sub-standard behaviour.

The Committee received the report.

RESOLVED – that the report be received.

689 EXPRESSION OF INTEREST FROM ROAD WORTHINESS GARAGES

The Director of Neighbourhood Services submitted a report relating to expressions of interest from MOT testing stations to provide taxi vehicle condition certificate testing facilities, and whether an increase in the number of garages was appropriate.

The Interim Licensing Manager stated that two new expressions of interest had been received, as detailed on page 130 of the report now submitted. Councillor N Poulton believed that the existing number of testing stations was sufficient.

The Committee received the report and decided that the number of roadworthiness garages should remain at 10.

RESOLVED – that (A) the report be received; and

(B) the number of roadworthiness garages should remain at 10.

690 FEEDBACK ON CONSULTATION WITH THE TAXI TRADE -
NEXT FARE TABLE INCREASE

The Director of Neighbourhood Services submitted a report relating to feedback from the licensed taxi trade in respect of consultation on whether a fare increase was appropriate.

Members were advised that any increases would be the first in East Herts for 18 months. The Interim Licensing Manager referred to inflation and in particular, rising fuel costs and VAT increases pushing up prices for tyres and general repairs.

The Committee was advised that Officers had consulted the taxi trade in January 2012 and there appeared to be no appetite for price increases in East Herts. The Interim Licensing Manager stated that Officers hoped to maintain 3 monthly contact with the taxi trade and would report back to the Licensing Committee if there was a subsequent appetite for price increases. Officers would ensure all relevant parties were consulted.

The Committee received the report.

RESOLVED – that the report be received.

691 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Internal Services submitted a report on details of Members' attendance at meetings of the Licensing Sub-Committee since 18 May 2011.

The Chairman stated that Officers had secured a balanced level of attendance at Licensing Sub-Committee meetings and he hoped this could continue. He referred to the training sessions planned for 25 and 26 April 2012. Members were reminded that, having attended this training they should have attended a minimum of two Sub-Committee meetings as an observer, before being eligible to sit on a Sub-Committee.

Members considered the number of Members that made up the Licensing Committee and felt that the status quo should be maintained.

The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 5.45 pm

Chairman

Date