

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 7 NOVEMBER
2013, AT 4.30 PM

PRESENT: Councillor R Beeching (Chairman).
Councillors W Ashley, P Ballam, E Bedford,
E Buckmaster, Mrs R Cheswright,
Mrs D Hone, M McMullen, P Ruffles, J Taylor
and B Wrangles.

ALSO PRESENT:

Councillors D Andrews.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer

341 **FEEDBACK ON CONSULTATION ON STATEMENT OF
LICENSING POLICY**

The Director of Neighbourhood Services submitted a report that summarised the consultation responses in respect of the Statement of Licensing Policy.

Members were advised that Section 5 of the Licensing Act 2003 required the Licensing Authority to determine and publish its Licensing Policy at least every 3 years (extended to 5 years for future reviews).

The Senior Specialist Licensing Officer advised that, as the current policy had been determined in February 2011 for a period of 3 years, the policy needed to be re-determined by Council by 31 January 2014. The Statement of Licensing Policy set out the principles that the Authority would apply when

exercising its functions under the Licensing Act 2003. The Act also required that the Statement of Licensing Policy be kept under review and revisions made as appropriate.

Members were advised that, during the 3 month public consultation, one response had been received from Hertfordshire Constabulary. This was detailed at paragraphs 2.3 – 2.7 of the report now submitted, along with Officers' observations on the validity of the response.

The Senior Specialist Licensing Officer advised that Officers agreed with Hertfordshire Constabulary's clarification that premises users should be made aware that they can agree to appropriate conditions being attached to a Temporary Event Notice (TEN).

Members were advised that, under the Licensing Act 2003, conditions could only be attached to a TEN after the Licensing Authority had decided not to issue a counter notice. This was a decision for a Licensing Sub-Committee so in all cases the attaching of conditions would require a hearing.

The Senior Specialist Licensing Officer suggested that the wording of paragraph 17.7 of the policy should be amended to say: 'Such conditions must be appropriate to the licensable activity requested and can be agreed by the premises user but can only be attached by a Licensing Sub-Committee'.

Members expressed their gratitude to Hertfordshire Constabulary for their suggestions and clarification. The Committee recommended the revised Statement of Licensing Policy, as now detailed.

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

(B) the revised statement of Licensing Policy,

as now submitted, be approved.

342 APOLOGIES

Apologies for absence were submitted on behalf of Councillors G Jones and A Warman. It was noted that Councillor P Ruffles was substituting for Councillor A Warman.

343 CHAIRMAN'S ANNOUNCEMENTS

The Chairman provided the Committee with a pack of guidance for the conduct of Licensing Sub-Committee hearings, following discussions between the Licensing Committee, Officers and the Democratic Services Team Leader. The pack included guidance regarding the Chairman's opening remarks as well as recommended procedures to ensure a good profile was presented during the quasi judicial Licensing Sub-Committee hearings.

Councillor J Taylor commented that she had never sat on a Sub-Committee where the proceedings had been anything other than well run and professional.

344 MINUTES – 11 JULY 2013

RESOLVED – that the Minutes of the meeting held on 11 July 2013 be approved as a correct record and signed by the Chairman.

345 LICENSING SUB-COMMITTEE MINUTES – 13 AUGUST 2013, 4 OCTOBER 2013, 14 OCTOBER 2013 AND 25 OCTOBER 2013

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 13 August, 4 October, 14 October and 25 October 2013, be received.

346 REPORT ON LICENSING ACTIVITY – QUARTER 2 OF 2013

The Director of Neighbourhood Services submitted a report providing an update on processing licences, enforcement activity and the implementation of the Service Plan for Quarter 2, the detail of which was set out in the report now submitted.

Members were advised that, under the licensing points system, a total of 77 points had been issued to 32 licence holders between 1 April and 30 June 2013. This formed part of the Council's continued efforts to improve standards and behaviour amongst taxi drivers and proprietors.

In response to a query from the Chairman, the Senior Specialist Licensing Officer undertook to circulate information regarding the Licensing Points policy that related to taxi drivers. This information would detail the grounds on which the Authority could issue points and the number or range of points that could be applied.

Members were advised that this information was particularly relevant as there were a number of cases on the Licensing Sub-Committee agenda for 19 November 2013, where taxi drivers had accumulated points via the penalty points scheme.

Councillor B Wrangles raised the issue of taxi drivers parking on pavements in Bircherley Green, Hertford and causing an obstruction. The Chairman confirmed that Councillors B Wrangles and Mrs R Cheswright had raised this issue on a number of occasions.

Councillor P Ruffles stated that some form of widely used sanction or discipline was needed to prevent this practice continuing. The Senior Specialist Licensing Officer advised that the police would be very unlikely to get involved with parking enforcement issues. He undertook to liaise with the Executive Member for Economic Development in respect of the possibility of a financial

penalty for taxi drivers who continually parked on Bircherley Green.

Members received the report.

RESOLVED – that the report be received.

347 REPORT ON LICENSING ACTIVITY – QUARTER 3 OF 2013

The Director of Neighbourhood Services submitted a report providing an update on processing licences, enforcement activity and the implementation of the Service Plan for Quarter 3, the detail of which was set out in the report now submitted.

The Committee was advised that, under the licensing points system, a total of 80 points had been issued to 40 licence holders between 1 July and 30 September 2013.

The Senior Specialist Licensing Officer advised that 2 taxi drivers would be attending a Licensing Sub-Committee hearing having accumulated 12 or more points. This was part of the Council's continued efforts to improve standards and behaviour amongst taxi drivers and proprietors.

In reference to some taxi drivers' concerns that significant numbers of new drivers had been approved and were taking their livelihood away, the Senior Specialist Licensing Officer confirmed that East Herts Council had only approved 2 additional taxi drivers during quarter 3 of 2013.

The Chairman confirmed that the Authority did not approve taxi driver applications lightly, in an 'ad hoc' manner or in large numbers.

Councillor Mrs R Cheswright commented on the low take up of CCTV cameras in taxis in East Herts. Members were advised that 20 cameras were in operation and no incidents had been reported in relation to the footage

captured by those cameras.

Members were invited to inform Officers of any other information they wanted to see as regards quarterly licensing activity data. The Senior Specialist Licensing Officer advised that concerns that some taxi drivers were overcharging customers and refusing fares had not been backed up by any firm evidence following recent investigations.

Members were advised however, that concerns remained that some taxi drivers had a poor command of English and a poor geographic knowledge of the District. Various Members expressed the view that a good command of English and a solid geographic knowledge of East Herts were essential prerequisites for taxi drivers.

The Senior Specialist Licensing Officer advised that there was no knowledge test for private hire vehicle drivers. Members were advised however, that a suitable test could be explored for private hire drivers and the existing knowledge test could be amended to include a test for a good command of English. A failure of this element of the test could be designated as a trigger for a failure of the test as a whole.

Councillor P Ballam commented on whether anything was being done to tackle the problem of taxi drivers from outside East Herts parking at Ware Train Station and taking trade away from local taxi drivers.

Members were advised that police officers did have powers to stop any vehicles that were breaking the law. The Senior Specialist Licensing Officer advised that Officers were in conversation with other local authorities regarding joint enforcement operations that targeted drivers from other local authority areas in East Herts.

The Chairman advised that the Head of Community Safety and Health Services was very keen to see joint enforcement operations in East Herts.

Members received the report.

RESOLVED – that the report be received.

348 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Finance and Support Services submitted a report detailing Members’ attendance at Licensing Sub-Committees including those attending as observers. Members received the report.

RESOLVED – that the report be received.

The meeting closed at 5.12 pm

Chairman
Date