

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 28 JUNE
2017, AT 7.00 PM

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

ALSO PRESENT:

Councillors M Allen and P Ruffles.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

78 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor T Page and seconded by Councillor B Deering that Councillor G Cutting be appointed Vice–Chairman of Licensing Committee for the 2017/18 civic year.

After being put to the meeting, Councillor G Cutting was appointed Vice–Chairman of the Licensing Committee for the 2017/18 civic year.

RESOLVED – that Councillor G Cutting be appointed Vice–Chairman of Licensing Committee for the 2017/18 civic year.

79 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Standley and J Taylor.

80 CHAIRMAN'S ANNOUNCEMENTS

The Committee Chairman welcomed Members to the meeting. He thanked the Sub-Committee Members for determining a challenging application during a well handled hearing held on 26 June 2017. He stated that he had attended a seminar on the use of CCTV in taxis and he referred to resistance from the Taxi trade over the installation of CCTV inside taxis due to concerns linked to the Information Commissioners Office (ICO).

The Committee Chairman referred to some statistics from Brighton and Hove Council regarding the interrogation of a number of CCTV systems in Taxis and the types of issues this data was used to address. He commented on his initial opinions regarding whether East Taxi drivers needed CCTV. At this point, the Committee viewed footage recorded by a taxi driver who had had the presence of mind to record the abuse he had suffered during a recent incident inside his taxi between Hertford and Hoddesdon.

The Chairman stated that the ICO were more concerned with the audio elements of CCTV recording rather than the actual video. Councillor G Cutting detailed some more information regarding the incident viewed by the Committee. Members had a general debate regarding the use of CCTV in East Herts licensed vehicles.

The Service Manager (Licensing and Enforcement) referred to a trial of systems being carried out with Watford Borough Council. Councillor B Deering commented that many systems were in use ranging from single dash cams to complex multi camera systems.

Councillor J Jones stated that the Committee could look

at the issue again following analysis by Officers of the results of the Watford trial. Members agreed that a report be submitted by the Service Manager to the Committee once the results of the trial were known.

81 MINUTES – 16 MARCH 2017

RESOLVED – that the Minutes of the meeting held on 16 March 2017 be confirmed as a correct record and signed by the Chairman.

82 LICENSING SUB-COMMITTEE – 13 APRIL, 9 JUNE AND 12 JUNE 2017

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 13 April, 9 June and 12 June 2017, be received.

83 EAST HERTS COUNCIL SAFEGUARDING 2016/17 – SHARED INTERNAL AUDIT SERVICE REPORT

The Head of Housing and Health submitted a report updating the Licensing Committee on the results and recommendations of the Safeguarding Audit carried out by the Shared Internal Audit Service (SIAS).

The Service Manager (Licensing and Enforcement) referred to well publicised national incidents of child sexual exploitation involving taxis and the subsequent review of East Herts safeguarding carried out by SIAS. He explained that overall there was substantial assurance that the Council had effective controls for those elements of the risk management processes covered by this review.

Members were advised that, in respect of safeguarding responsibilities in relation to taxi licensing the report concluded that there were comprehensive licensing and driver conviction policies in existence and the Council had a strong process for application checks, including the requirement to provide details of convictions from outside

the UK. Other factors such as demeanour, general character and non-criminal behaviour were considered alongside convictions when determinations were made as to whether an individual was a fit and proper person to hold a licence.

The Service Manager advised that the audit had identified that the quarterly report had been withdrawn as Members had found the information included in it of limited use. It had been suggested that a revised report be put to the Licensing Committee on a quarterly basis with the content reflecting the needs of Members. A report would now be made to the Licensing Committee on a quarterly basis commencing in June 2017.

The SIAS had indicated that as regards Safeguarding, the audit had indicated that the direction of travel was moving towards full assurance. The work of the Committee had been reflected in the revocations of taxi drivers' licences and in training that had been arranged. A number of appeals had been dealt with by the Head of Housing and Health and some of these decisions had been taken with immediate effect.

The Service Manager referred to a recent judicial review application following the legal opinion that Stevenage Magistrates Court had made an unlawful decision. The court appeared to have elected to not make a decision regarding fitness and propriety. Members were reminded of the circumstances of this matter regarding the inappropriate behaviour of a taxi driver towards a 16 year old female passenger and the subsequent revocation of his Taxi Drivers licence by the Licensing Sub-Committee on 4 November 2016.

Councillor N Symonds referred to a campaign by the Royal National Institute of Blind People (RNIB) to prevent taxi drivers from refusing to take passengers with assistance dogs. The Service Manager explained that this could leave some blind people largely housebound if taxi drivers refused to take them. The Service Manager

updated the Committee regarding the prosecution of an East Herts Licensed Driver for refusing to take an assistance dog.

Following a comment from Councillor R Brunton regarding purple flag status for licensed premises in East Herts, the Service Manager explained the significant amount of work involved. The Service Manager detailed the range of activities that would have to occur if an application was made for purple flag status. Following a comment from Councillor J Jones, the Service Manager confirmed that a dedicated Officer or a consultant on a fixed term contract could prepare and co-ordinate an application for purple flag status.

Councillor G Cutting referred to the Overview and Scrutiny Committee and a possible piece of work around allowing a greater insight into licensing policies and alcohol licences and the effect these had on the emergency services.

The Service Manager confirmed to Councillors P Ballam and J Jones that he had been in conversations with Officers from Broxbourne Council regarding drivers from other areas occupying spaces on taxi ranks in East Herts. Members received the report.

RESOLVED – that (A) the information detailed in the report be noted; and

(B) Members' comments now detailed, be forwarded to the Head of Housing and Health.

84 LICENSING ACTIVITY – QUARTER 4 OF 2016/17
FINANCIAL YEAR

The Head of Housing and Health submitted a report updating Members in relation to statistics on processing licences, enforcement activity and implementation of the Service Plan for Quarter 4 of the 2016/17 financial year. The Senior Specialist Licensing Officer provided a

summary of the report and referred to Essential Reference Paper 'B' regarding licensing data for the relevant period.

The Committee Chairman referred to the possibility of more multi-agency campaigns on a number of issues detailed in the SIAS report. He referred in particular to complaints and test purchasing activity. Questions were asked regarding where Environmental Health report to regarding the licences they issue such as street trading and acupuncture. The Service Manager said that he would respond to Members with this information.

Councillor Mrs R Cheswright referred to the percentage of taxi drivers who had been issued with licensing record points. The Service Manager confirmed that this figure currently stood at 20%. Councillor Cheswright detailed a number of incidents she had witnessed involving Taxi Drivers.

Following a general debate regarding the conduct of taxi drivers, Members commented on a hardening of the policy approach towards taxi drivers and their conduct. Members referred in particular, to the issue of licensing record points, the expiry of documents and the reminders issued by the Authority. The Service Manager undertook to report back on this at the next meeting of the Committee.

Members debated the matters they would like to see reported to them within the reintroduced quarterly performance and update report. This report would be revised to reflect the needs of the Committee and Members' responses should be submitted to the Chairman. The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 8.16 pm