

MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 11 MARCH  
2010, AT 4.30 PM

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PRESENT: Councillor M P A McMullen (Chairman)  
Councillors W Ashley, P R Ballam,  
R Beeching, A L Burlton,  
Mrs R F Cheswright, J Demonti, N C Poulton,  
R A K Radford, P A Ruffles, J J Taylor,  
R I Taylor, N Wilson and B M Wrangles

ALSO PRESENT:

Councillor D Andrews

OFFICERS IN ATTENDANCE:

Linda Bevan	- Committee Secretary
Chris Clowes	- Licensing Enforcement Manager
Paul Newman	- Licensing Process Manager
Oliver Rawlings	- Licensing Enforcement Officer

1 APOLOGY

An apology was submitted on behalf of Councillor K A Barnes.

RESOLVED ITEMS

2 MINUTES

RESOLVED – that the Minutes of the meeting held on 4 November 2009 be confirmed as a correct record and signed by the Chairman.

3 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the meetings held on 11 November 2009, 15 December 2009 and 19 February 2010 be received.

4 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Internal Services submitted a report on details of Members' attendance at Licensing Sub-Committees.

The Chairman commented on the benefit to Members of attending a number of Sub-Committees as observers.

The Committee decided to receive the report.

RESOLVED – that the report be received.

5 LICENSING UPDATE

The Director of Neighbourhood Services submitted a revised format report providing information on the various licences issued by the Council under the Licensing Act 2003, Gambling, Sex Shop and Taxi Licensing.

In response to a question, the Licensing Process Manager confirmed that a property referred to in Essential Reference Paper B should read Blue Coat, Hertford not Blue Coat, Ware.

The Committee decided to receive the report.

RESOLVED – that the report be received.

6 ENFORCEMENT UPDATE

The Director of Neighbourhood Services submitted a report on compliance and enforcement activities. Visits and inspections had included taxi, premises and gambling licences and house to house collections. The Licensing Enforcement Officer gave some details of these and explained that in future a four

monthly report would be submitted to each Committee meeting.

He said there had been a successful prosecution of Tubay Food, Bishop's Stortford. In response to a suggestion from a Member, he agreed to liaise with the Alcohol and Drugs Working Group on the new equipment for detecting drugs in licensed premises.

The Committee decided to receive the report.

RESOLVED – that the report be received.

## 7 REVIEW OF TAXI LICENSING CONDITIONS WORKING PARTY AND PROPOSED TAXI LICENSING POLICY

The Director of Neighbourhood Services submitted a report on the findings of a taxi conditions Working Party and a taxi licensing policy which would be the subject of consultation with the taxi trade.

Taxi vehicle and licensing conditions had been reviewed in 2007 and were published in the taxi handbook. A formal written statement of taxi licensing policy would help ensure that decisions consistent with the policy could be successfully defended on appeal.

It was reported that the aim of local authority licensing was to protect the public but give them reasonable access to taxi services. The public should be confident that the driver did not have a criminal record for assault and the vehicle was safe. In addition to public safety, the licensing authority could adopt such other principles as it saw fit based on its licensing policy. The Working Group had decided a number of principles should guide taxi licensing conditions policy. These included the protection of public safety, protection/promotion of the health, safety, comfort and convenience of taxi passengers, access to transport, protection of the environment and promotion of a professional taxi trade.

The Licensing Committee had agreed it was very important for

elected Members to keep control of the decision making process. This could be achieved by a written policy setting out the matters that would normally result in the refusal of a licence unless there were special reasons why the licence should not be refused. It would be for the applicant to state on his application form any such reasons that they considered should influence a decision of the Sub-Committee not to refuse the licence in line with policy in that particular case. It would be up to the Sub-Committee to decide not to uphold the policy or to refuse the application.

Members considered the details of the draft policy and asked for some drafting amendments to be made. They decided to retain the suggested conditions for two wheeled motorcycle private hire taxi bikes in the draft policy as these would be the subject of consultation and further consideration.

Councillor R Beeching raised concerns over the issue of penalty points. The Licensing Enforcement Officer explained that this was a skill which the Enforcement Officers would need to acquire. The intention was that this would provide evidence for the Licensing Sub-Committee where it was thought necessary to bring a driver before Members. It was agreed that the penalty points awarded would be further refined by Officers and the Working Party before the policy was consulted upon. Members thought the section referring to legislative offences and penalties should be removed from this policy.

It was agreed that no smoking in taxis by anyone, not just drivers, would be added to the policy.

A Member asked what safeguards were in place where taxi drivers were asked to transport a child not accompanied by an adult. It was explained that all licensed taxi drivers were the subject of an enhanced criminal records bureau check and were free to refuse the fare if they thought it necessary.

A system was being introduced for drivers carrying out school runs or transporting vulnerable adults. This was the Independent Safeguarding Authority Scheme (ISA). Officers

would monitor the progress on this scheme to see if it should be adopted by East Herts Council. The Licensing Enforcement Officer confirmed that the driver was responsible for compliance with seat belt legislation including that relating to booster seats for children.

Councillor D Andrews expressed concern that limousines were operating regularly in the District, illegally and were dangerous. The Licensing Process Manager agreed this was a problem but the licensing authority could not licence vehicles such as these where they could carry more than eight passengers. Limousines should be licensed by the Department of Transport which was responsible for enforcing this. The Licensing Enforcement Officer agreed to raise this with the Police and seek their help in addressing the problem.

The Committee decided to proceed with the policy as now detailed.

RESOLVED – that subject to further consideration of penalty points by Officers and the taxi licensing conditions Working Party , consultation with the taxi trade and further consideration by the Licensing Committee:

- (A) the draft taxi licensing policy be approved:
- (B) the draft vehicle conditions be approved;
- (C) the draft code of conduct and penalty points schemes be approved with the removal of the section referring to legislative offences and penalties; and
- (D) a system for approval of applications in principle, for specified categories of taxi application be implemented.

## 8 REPORT ON COUNCILLORS AS INTERESTED PARTIES

The Director of Neighbourhood Services reported that as from 29 January 2010 new provisions under section 33 of the Policing and Crime Act 2009 enabled Councillors to act as “interested parties” in licensing applications. Parish, Town and District Councillors could make representations about applications or premises licences in the areas they represented as well as in the capacity of an appointed representative of a local resident.

The Committee Secretary was asked to find out if it would be appropriate for Members of the Licensing Committee to act as “interested parties”.

The Committee decided to receive the report.

RESOLVED – that the report be received.

## 9 APPLICATION FOR TAXI BIKE

The Director of Neighbourhood Services submitted a report asking Members to consider an application in principle for a two wheeled motorcycle to be used as a private hire taxi vehicle for one passenger in advance of the possible adoption of guidelines on these vehicles in the taxi licensing policy. Members were asked whether they wished the application to be considered by a Licensing Sub-Committee.

Three other operations were known to provide similar services in London working under temporary permits issued by the Public Carriage Office, pending the results of a public consultation exercise. Members were given details of the existing operations. Members had also been given conditions that could be applied to this type of private hire vehicle when considering the taxi licensing policy.

The Committee noted the information provided on such a service and the positive comments of users. It decided it would like the application to be considered by a Licensing Sub-Committee.

RESOLVED – that the application for a taxi bike be considered by a Licensing Sub-Committee.

10 FIFA 2010 WORLD CUP - IMPLICATIONS

The Director of Neighbourhood Services reported on a potential peak in alcohol consumption at the time of screening of the Fifa 2010 World Cup in licensed premises.

The matches were expected to attract widespread public interest. Members were given a timetable showing possible England matches. The matches would be broadcast live and this was expected to increase the number of licensed premises that would screen matches. The timing of most of the matches also corresponded with early peak licensed premises business hours. Matches might also be shown in cinemas.

Experience of previous World Cup competitions showed there tended to be a “feel good” factor leading to an increase in general retail sales as well as alcohol sales. This could offer a wide economic benefit but could also lead to crime and disorder.

The Licensing Enforcement Officer said he was working closely with the Police on this and Pubwatch was already involved.

The Committee noted the dates and times of the matches and decided to receive the report.

RESOLVED – that the report be received.

The meeting closed at 6.20 pm

Chairman .....
Date .....

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