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Chairman and Members of the
Licensing Committee

Your contact: Peter Mannings
Extn: 2174
Date: 28 June 2017

cc. All other recipients of the
Licensing Committee agenda

Dear Councillor,

LICENSING COMMITTEE – 28 JUNE 2017

Please find attached the following reports which were marked “to follow” on the agenda for the above meeting:

6. Licensing Sub-Committee – 9 June and 12 June 2017 (Pages 3 – 10)

To receive the Minutes of meetings of the Licensing Sub–Committee held on:

9 June 2017
12 June 2017

Yours faithfully,

Peter Mannings
Democratic Services Officer
East Herts Council
peter.mannings@eastherts.gov.uk

MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 28 JUNE 2017
TIME : 7.00 PM

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 9 JUNE 2017, AT
2.00 PM

PRESENT: Councillor Jeff Jones (Chairman)
Councillors D Andrews and N Symonds.

ALSO PRESENT:

Councillors Mrs R Cheswright.

OFFICERS IN ATTENDANCE:

Mayrem Flint	- Solicitor
Claire Mabbutt	- Licensing Enforcement Officer
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Jeanette Thompson	- Senior Lawyer and Deputy Monitoring Officer

1 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor N Symonds and seconded by Councillor D Andrews that Councillor J Jones be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor J Jones be appointed Chairman of the Licensing Sub-Committee for the meeting.

2 MINUTES – 13 APRIL 2017

RESOLVED – that the Minutes of the meeting held

on 13 April 2017 be confirmed as a correct record and signed by the Chairman.

3 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution to pursuant to Section 100 (A) (4) of the Local Government Act 1972 as amended, to exclude the press and public during consideration of the business referred to in Minute 4 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.

4 TAXI DRIVERS LICENCE DD127 – DUAL DRIVER WITH 12 LICENSING RECORD POINTS

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillor Mrs R Cheswright and a Solicitor in training could remain in the room to observe the meeting. The Service Manager – Licensing and Enforcement summarised why the matter had been reported to the Licensing Sub-Committee, as per the details in the licensing report including the statements of the Licensing Officer and two Police Officers.

The Service Manager (Licensing and Enforcement) advised that it was for the Authority to demonstrate whether the Taxi Driver remained a fit and proper person to hold the Licence. He referred to the Local Government (Miscellaneous Provisions) Act 1976 and the powers the Act granted to the Authority.

Members were advised that although the Taxi Driver had been bought before the Licensing Sub-Committee under the Licensing Record Points Scheme (12 points in the last 6 months), the Sub-Committee should consider the Taxi Driver's conduct whilst he was being spoken to by Officers involved in the joint operation detailed in the report submitted.

The Service Manager advised that the points alone should not be taken as an indication of whether a licence should be suspended or revoked but could be considered as an indication that there were matters that Members should consider with regards to fitness and propriety. Members had the option of extended the period of time that points remained on the Taxi Driver's licence. Members also had to be mindful of public safety as well as the safety of the travelling public. The Licensing Points Scheme step-approach was explained as well as the fact that the Taxi Driver had breached a Traffic Regulation Order twice in the same location in the last 6 months. Police video evidence had been recorded during a joint operation (via Police-worn body cameras) of the interaction with the Taxi Driver.

The Sub-Committee was shown the video evidence of the Taxi Driver's conduct towards Licensing Officers and the Police during the joint operations.

In his submissions, the Taxi Driver stated that he had been a driver for 25 years and had never received any complaints from the travelling public or from the general public. He alleged that he was unable to observe whether there were spaces on the taxi rank if he had parked anywhere other than where he had parked when being spoken to by Officers and the police. He commented that there were too many taxis for the 7 rank spaces available.

The Taxi Driver admitted to being animated and frustrated with the difficulties of accessing a space on taxi ranks in East Herts. He referred in particular to the taxi ranks in Hertford and Ware. Councillor J Jones put it to the Taxi Driver that his reasons for knowingly parking his taxi illegally were that he felt he had no other option as the Taxi Rank was full. Councillor N Symonds questioned the Taxi Driver in terms of whether a better reaction would have been to walk away rather than demonstrating the behaviour Members had observed in the video evidence.

The Taxi Driver confirmed to the Legal Adviser that he

was aware that he had parked his licensed vehicle illegally in breach of the Traffic Regulation Order. Police Sergeant May arrived in the hearing at this point and confirmed that the Taxi Driver was certainly agitated and upset and had been shaking when speaking to him and Licensing Officers during the exchanges. He confirmed that the Taxi Driver had snatched the Penalty Charge Notice (PCN) from Officers and had ripped it up and discarded it into a bin.

Councillor D Andrews put it to the Taxi Driver that Police Sergeant May had acted in a very measured and calm manner when trying to calm down the situation on 16 March 2017. The Taxi Driver commented on his attitude at the time, stating that he had felt trapped as he was the only one who received a (PCN) ticket that day. The Taxi Driver, however, acknowledged that Police Sergeant May had been doing his job and that he had parked illegally.

Councillor J Jones referred to whether the Taxi Driver had seen the code of conduct. The Taxi Driver confirmed that he had not seen or been sent the book containing the code of conduct. The Service Manager explained that the Authority did not routinely issue the code of conduct to Taxi Drivers but they were expected to be able to demonstrate an awareness of the code of conduct. It was on the website and the Licensing Records Points Scheme had been in place for a number of years. The Taxi Driver would have been notified of the Scheme and the right of appeal each time.

Copies of the letters were then sought from the Licensing Officers and distributed to Members. The uniform system confirmed that the letters had been sent. They showed that on each occasion the Taxi Driver had been notified of the Licensing Records Points Scheme, a link provided to the website where the code of conduct was and a right of appeal had been set out. No appeal had been received against any of the point issued.

The Taxi Driver accepted he had received these Points

notification letters.

Councillor D Andrews put it to the Taxi Driver that he should have had an awareness of the code of conduct and be aware of how the Licensing Record Points Scheme operated. At the conclusion of the final representations, the Sub-Committee withdrew with the Legal Adviser and Democratic Services Officer to consider the evidence.

Following this they returned and the Chairman announced that the Sub-Committee had considered the report, the video evidence submitted and had listened carefully to the comments of the Licensing Enforcement Officer, the Police Officer and in particular the Taxi Driver. The Sub-Committee was not satisfied that the Driver had exhibited the standard required of an East Herts Taxi Driver. The Taxi Driver had consistently ignored Traffic Regulation Orders and the Taxi Drivers Code of Conduct and the Sub-Committee was concerned about the behaviour to the Licensing Officers and the Police Officers. Members were concerned how this type of behaviour towards Officers in public would have been perceived. Members have concerns about the Taxi Driver’s behaviour towards the travelling public. The Taxi Driver was not therefore considered to be a fit and proper person to hold a dual taxi-licence.

RESOLVED – that the Taxi Driver’s Licence DD127 be revoked for the reasons now detailed.

The meeting closed at 3.20 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 12 JUNE 2017,
AT 2.00 PM

PRESENT: Councillor George Cutting (Chairman)
Councillors R Brunton and J Jones.

ALSO PRESENT:

Councillors D Andrews, Mrs R Cheswright
and N Symonds.

OFFICERS IN ATTENDANCE:

Alimat Adenekan	- Environmental Health
Peter Agbley	- Licensing Officer
Lorraine Blackburn	- Democratic Services Officer
Jimmy Demetriou	- Assistant Environmental Health Officer
James Ellis	- Legal Advisor
Mayrem Flint	- Solicitor
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

5 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Jones and seconded by Councillor R Brunton that Councillor G Cutting be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor G Cutting be appointed Chairman of the meeting.

6 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed everyone and asked those present to introduce themselves.

7 APPLICATION BY SWIM PRODUCTIONS LIMITED FOR A NEW PREMISES LICENCE FOR THE "CAMPO SANCHO" FESTIVAL

The Chairman drew attention to the fact that new information had been received from the applicant on Friday 9 June and expressed concern that there had been insufficient time to assimilate the late information and compare this to what had been enclosed with the original Agenda papers. Responsible Authorities also confirmed that they had not had an opportunity to read through the additional information.

The Chairman reminded the applicant of the statutory requirement to ensure that the Sub-Committee had five working days to consider new information. In the circumstances he suggested that the meeting be adjourned to consider the new information. This was supported.

It was proposed by Councillor R Brunton and seconded by Councillor J Jones that the meeting be adjourned and reconvened on Monday 26 June 2017 at 2.00 pm.

RESOLVED – that the meeting be adjourned and reconvened to meet on Monday 26 June 2017 at 2.00 pm.

The meeting closed at 2.08 pm

Chairman
Date