

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 14 MARCH
2013, AT 4.30 PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors W Ashley, P Ballam, E Bedford,
R Beeching, E Buckmaster, K Crofton,
Mrs D Hone and B Wrangles.

ALSO PRESENT:

Councillors D Andrews and P Ruffles.

OFFICERS IN ATTENDANCE:

Marian Langley	- Scrutiny Officer
Peter Mannings	- Democratic Services Officer
Paul Newman	- Licensing Manager

690 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors M McMullen and J Taylor.

691 MINUTES – 1 NOVEMBER 2012

RESOLVED – that the Minutes of the meeting held
on 1 November 2012 be approved as a correct
record and signed by the Chairman.

692 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the Licensing
Sub-Committee meetings held on 14 January, 28
January, 13 February 2013, be received.

693 TAXI LICENSING POLICY: RECOMMENDATIONS FROM
COMMUNITY SCRUTINY COMMITTEE

The Director of Neighbourhood Services submitted a report presenting the findings of the Community Scrutiny Committee and, in particular, recommendations for Members to consider for inclusion in taxi licensing policy.

The Licensing Manager advised that the Leader of the Council had made a commitment to a review of taxi licensing services following a series of articles in the press regarding the criminal convictions of taxi licence holders. Members were reminded that Community Scrutiny Committee had set up a Task and Finish Group to undertake a review of the Taxi Licensing process.

The Task and Finish Group had been led by Councillor R Beeching and was assisted by Councillors K Crofton, Mrs D Hollebon, M Pope and M Wood, with Councillor Mrs R Cheswright attending as an invited observer. The Task and Finish Group had considered whether the taxi driver licensing process was effective, efficient and economic.

Members had considered evidence from taxi driver representatives and from Members and Officers involved with Development Control at face to face meetings. Best practice from other Authorities had been gathered through desk-based research, which had been reviewed alongside models from lead bodies of both the car insurance and the security licensing (doormen) industry. Members had also taken written evidence from the local police.

The Community Scrutiny Committee, at its meeting held on 20 November 2012, had endorsed the approach and findings of the Task and Finish group, and resolved to recommend to the Licensing Committee that a robust Convictions Policy be introduced, with some powers delegated to Officers.

Members were referred to Essential Reference Papers 'B'

and 'C' for the recommendations from the Task and Finish Group. Members were also invited to consider the convictions grid suggested by the Task and Finish Group. Members were advised that there had been a degree of benchmarking with other Local Authorities and East Herts Council's approach was more robust than a number of other Councils in Hertfordshire.

Councillor E Bedford commented that the Authority should have a convictions policy for Taxi Driver Licensing. Councillor R Beeching stated that a lot of work had been done by Officers and the Task and Finish Group in considering the economy, efficiency and reliability of the Taxi Licensing function. He stressed that Members had considered the delegated decision making process used by Development Control Officers when considering planning applications. He also stated that this report sought Members' endorsement in principle of a Convictions Policy, as detailed in Essential Reference Paper 'B'.

In response to a query from Councillor E Buckmaster, the Licensing Manager commented that the Rehabilitation of Offenders Act did not apply to Taxi Drivers. Members were advised that the risk categories proposed by the Task and Finish Group focussed on the risk to the public rather than the severity of a taxi driver's previous offences and subsequent convictions.

The Licensing Manager drew Members' attention to proposed additional changes to the Taxi Licensing Policy set out in Essential Reference Paper 'C'. Officers had identified these matters as suitable for change as part of the ongoing process of keeping the Policy under constant review.

Members received the report.

RESOLVED – that (A) the recommendations of Community Scrutiny Committee, as detailed in Essential Reference Paper 'B' to the report now

submitted, be approved for incorporation into the Taxi Licensing Policy, subject to consultation with the licensed taxi trade, further consideration of consultation responses and further consideration by the legal department; and

(B) Officers' proposals, as detailed in Essential Reference Paper 'C' to the report now submitted, subject to deletion of the words 'a reasonable amount of' on page 35, be considered as further amendments of the Taxi Licensing Policy, subject to consultation with the licensed taxi trade and further consideration of consultation responses.

694 REVIEW OF STATEMENT OF LICENSING POLICY

The Director of Neighbourhood Services submitted a report updating Members in respect of the timetable for consultation on the review of the statement of licensing policy under the Licensing Act 2003.

Members were advised that Officers would submit a draft amended Statement of Licensing Policy to Licensing Committee on 11 July 2013.

The Licensing Manager stated that feedback to statutory consultation would then be presented to Licensing Committee on 14 November 2013. Members would, at that stage, make recommendations on a final draft of the Statement of Licensing Policy to Council for approval.

The approved Statement of Licensing Policy would then be published for a five year period, expiring on 31 January 2019.

Members received the report.

RESOLVED – that the report be received.

695 LICENSING ACT 2003 AS AMENDED POLICE REFORM
AND SOCIAL RESPONSIBILITY ACT 2011: EARLY
MORNING RESTRICTION ORDERS AND LATE NIGHT
LEVY

The Director of Neighbourhood Services submitted a report setting out the arrangements for declaring an Early Morning Restriction Order. He invited the Committee to debate the extent to which an Early Morning Restriction Order (EMRO) should be implemented in the East Herts area.

Members were advised of the operational elements of a Late Night Levy and EMRO and the implications for the Authority and the Police in terms of the funding that would be raised by imposing a Late Night Levy. Members were advised that 70% of the levy would go to Hertfordshire Constabulary.

The Licensing Manager advised that an EMRO would reimpose a restriction on the time that premises could open until across East Herts. Members were reminded that licensing hours had been previously deregulated as a blanket closing time of 11 pm had presented significant challenges for police. The staggered closing times currently in place allowed the police to plan shift patterns around when premises closed.

Members were advised that Hertfordshire Constabulary were more in favour of EMROs in terms of controlling crime and disorder, so long as the problems associated with an 11 pm blanket closure were not replicated by all premises closing at the same time early in the evening. The police were also not in favour of a blanket late closure as this would cause problems with managing shift patterns.

The Licensing Manager referred to Cumulative Impact Areas as an additional or alternative option for Members to consider, as the police had previously requested for this to be considered in Hertford and Ware. Members

were reminded that such a measure should only be implemented if this was appropriate for the promotion of the 4 licensing objectives and there must be support from the business community.

Councillor R Beeching stated that there must be more information for Members and Officers to consider before EMROs, Late Night Levies or Cumulative Impact Areas were put in place. Councillor K Crofton stated that he would not support these measures without more supporting evidence from the police. The Licensing Manager stated Officers had sought more evidence from Hertfordshire Constabulary.

Members received the report and deferred a decision on the recommendations now detailed to the next meeting on 11 July 2013, subject to the receipt of information from Hertfordshire Constabulary in respect of crime and disorder and the need for an EMRO and/or Late Night Levy.

RESOLVED – that (A), subject to the receipt of information from Hertfordshire Constabulary in respect of crime and disorder and the need for an Early Morning Restriction Order (EMRO) and/or Late Night Levy, a decision on the principle of an EMRO and/or Late Night Levy being implemented in East Herts be deferred; and

(B) the consideration of the potential advantages of Cumulative Impact Areas as an alternative to either or both the Late Night Levy and EMROs be deferred.

696 OPTIONS FOR IMPROVEMENT OF BISHOP'S STORTFORD TAXI RANK PROVISION

The Director of Neighbourhood Services submitted a report detailing the options for additions to taxi rank provision in Bishop's Stortford. He also sought authorisation for consultation with the licensed taxi trade for further evaluation of the available options.

Members were reminded that the main taxi rank in Bishop's Stortford was a significant distance from the upper town area of North Street and South Street. The Licensing Manager stated that a number of suggestions for alternative provision had come to light following a walk around the town centre with Town Councillors. These were discussed.

Members received the report.

RESOLVED – that the consultation with the licensed taxi trade to further evaluate the options for additional taxi rank space in Bishop's Stortford be approved.

697 EXPRESSION OF INTEREST FROM TAXI VEHICLE CONDITION GARAGES

The Director of Neighbourhood Services submitted a report in respect of expressions of interest from 5 garages to provide taxi vehicle condition certificate testing facilities. Members were advised that 4 of these garages had since confirmed their expressions of interest in writing.

The Licensing Manager advised that a taxi vehicle condition garage had been removed from the approved list as the garage had lost its capacity to conduct MOT tests. Members were advised that Officers had contacted a number of garages that had previously expressed an interest in working with the Authority.

Members were advised that Hertford Autocentre had first approach East Herts Council in 1992 in respect of assisting the Authority with vehicle condition certificate tests.

Members received the report and supported the addition of one or more garages to the Council's approved list of Taxi Vehicle Condition Certificate garages, and selected

Hertford Autocentre for inclusion on the list.

RESOLVED – that Hertford Autocentre be approved for inclusion on the Council’s approved list of Taxi Vehicle Condition Certificate garages.

698 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. Councillor Mrs R Cheswright commented that she had attended the 13 February 2013 meeting of the Licensing Sub-Committee as an observer.

Members received the report.

RESOLVED – that the report be received.

699 REPORT ON LICENSING ACTIVITY QUARTER 4 OF 2012

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 4, the detail of which was set out in the report now submitted.

Members received the report.

RESOLVED – that the report be received.

The meeting closed at 6.13 pm

Chairman
Date