



James Ellis
Head of Legal and Democratic
Services

MEETING : LICENSING COMMITTEE
VENUE : ONLINE MEETING - LIVESTREAMED
DATE : WEDNESDAY 25 NOVEMBER 2020
TIME : 7.00 PM

PLEASE NOTE TIME

MEMBERS OF THE COMMITTEE

Councillor D Andrews (Chairman)

Councillors R Bolton (Vice-Chairman), K Crofton, B Crystall, M Goldspink,
A Hall, J Jones, T Page, S Reed, D Snowdon, N Symonds and C Wilson

Substitutes

Greens: Councillor J Frecknall

*(Note: Substitution arrangements must be notified by the absent Member
to Democratic Services 24 hours before the meeting)*

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 11 March 2020 (Pages 7 - 16)

To approve the Minutes of the meeting of the Committee held on Wednesday 11 March 2020.

5. Licensing Sub-Committee - 13 March, 23 April, 1 June, 5 June 2020
(Pages 17 - 50)

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

13 March 2020

23 April 2020

1 June 2020

5 June 2020.

6. Response to Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards (Pages 51 - 84)

7. Review of Licensing Activity in Quarter 1 and Quarter 2 of 2020
(Pages 85 - 104)

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 11 MARCH
2020, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors B Crystall, M Goldspink, A Hall,
J Jones, T Page, S Reed, M Stevenson and
C Wilson

OFFICERS IN ATTENDANCE:

Oliver Rawlings	- Service Manager, Licensing and Enforcement
Andre Ferreira	- Democratic Services Officer

383 APOLOGIES

Apologies were received from Councillors R Bolton, M McMullen and N Symonds.

384 CHAIRMAN'S ANNOUNCEMENTS

None.

385 DECLARATIONS OF INTEREST

None.

386 MINUTES - 30 OCTOBER 2019

Councillor Jones, seconded by Councillor Crystall, proposed

that the Minutes of the meeting held on 30 October 2019 be confirmed as a correct record and signed by the Chairman.

RESOLVED – that the minutes of the meeting held on 30 October 2019 be confirmed as a correct record and signed by the Chairman.

387 LICENSING SUB-COMMITTEES - 21 OCTOBER, 4 NOVEMBER, 11 NOVEMBER, 26 NOVEMBER 2019, 30 JANUARY AND 11 FEBRUARY 2020

Councillor Jones, seconded by Councillor Crystall, proposed that the minutes of the Licensing Sub-committees noted in item five of the Agenda be received.

RESOLVED – that the minutes of the Licensing Sub-Committees held on 21 October 2019, 4 November 2019, 11 November 2019, 26 November 2019, 30 January 2020 and 11 February 2020 be received.

388 CONSIDERATION OF CONSULTATION RESPONSES IN RELATION TO MANDATING SUBSCRIPTION TO THE DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Service Manager, Licensing and Enforcement (the Service Manager) provided a summary of the report, and said that the Council, as an authority that issued drivers licences, had a legal obligation to only grant licences to persons believed to be “fit and proper” to hold such licence.

He highlighted the following:

- Part of the “fit and proper” test was a criminal record check which was currently done annually, with the applicant bearing the cost. The applicant had to make a new application each year, which involved visiting the Council offices.
- The use of the DBS Update Service allowed the Council to check the current criminal record of any individual driver at any time. Such a check would show a change in a driver’s record since the last Enhanced DBS check and officers could then deal with this promptly, rather than it only being identified at renewal.
- This would save licensed drivers time and money over the life of their driver’s licence, which was normally three years.
- A trade consultation was held over six weeks in November and December 2019 and each driver licensed by East Herts Council was contacted, but no responses were received.
- The registration for drivers with the DBS would start on 1 June 2020 and over the next three years all drivers would have to register with the scheme.
- In effect, a driver would not be able to renew a licence if they were not registered with the DBS.

In response to a question from Councillor Page, the Service Manager confirmed that the renewal date for DBS registration would coincide with the expiry of a driver’s licence. The Council could suspend a driver’s licence if they failed to maintain their DBS registration or where there was a change in their status which had not been declared.

In response to a question from Councillor Andrews, the Service Manager said that a list of drivers who had not renewed their DBS check was available.

Councillor Wilson asked if there was a mechanism for drivers to appeal a DBS update, as the DBS check could be wrong in certain instances. The Service Manager said an appeals process was available and as long as the proper process was followed, the Council would wait for the outcome of the appeal. However, the authority shared data with the Police allowing disputed DBS certificates to be quickly checked so the process should not be held up.

Councillor Andrews requested that where a driver was to be suspended, that the Chairman of the Licensing Committee be consulted. (*Action: Service Manager*)

In response to a question from Councillor Andrews on how drivers were consulted, the Service Manager said that all drivers had been invited to the two trade consultations; 13 drivers attended, but nobody raised the DBS Update Service as an issue.

Councillor Page, seconded by Councillor Hall, proposed that the recommendation detailed in the report be approved.

RESOLVED – that the Licensing Committee recommend to Council that as from 1 June 2020 it adopts the policy of requiring all Hackney Carriage and Private Hire drivers licensed by East Herts Council to register to the Disclosure

and Barring Service (DBS) Update Service and maintain that registration for the life of their Dual Driver or Private Hire Driver's Licence.

389 REVIEW OF 2019/20 LICENSING ACTIVITY AND FUTURE WORK PLAN FOR 2020/21

The Service Manager, Licensing and Enforcement (the Service Manager), submitted a report on Licensing activity from 2019/2020 and the proposed work plan for Licensing in 2020/2022, and highlighted certain issues in the report, specifically:

- The report contained data that showed a year-on-year comparison (and highlighted directions) on processing and enforcement; delegated decisions and Licensing Sub-Committee involvement on licences, notices, permits and applications.
- While taxi complaints showed a downward trend, licensing complaints had increased. Although there were more complaints about premises, the number of premises the complaints related to remained roughly the same.
- The licensing "Nuisance Team" investigated 228 complaints received regarding 161 premises, which were a mix of commercial and leisure premises.
- A breakdown of complaints would be provided in the next report to the committee. (*Action: Service Manager*)

Councillor Goldspink asked why there had only been 17 taxi inspections and investigations in 2018/2019 when there had been 23 taxi complaints. The Service

Manager said there was possibly duplication with complaints received directly by the Council, but that he would provide a detailed breakdown to the next meeting of the Committee. (*Action: Service Manager*)

The Service Manager said complaints and compliments slips had also been handed out. Complaints mostly related to allegations of overcharging; rudeness; drivers on mobiles whilst driving and dangerous driving. A small percentage of complaints from taxi drivers about passengers were received. All complaints had been fully investigated and concluded.

In response to a comment by Councillor Andrews that the number of invoice visits/chase-ups showed a big increase, the Service Manager said that this related mostly to the payment of the annual maintenance fee. The statutory procedure made provision for three letters to be sent to licence holders by the Enforcement Team and one reason for the increased number could be that the invoices were sent after invoices had been paid. The Service Manager stressed that the Authority did not make money out of the payment of this fee.

In response to questions from Councillors Page and Crystall on complaints received about premises, the Service Manager said that the report which he would submit to the next meeting would contain a detailed breakdown of all complaints, including which part of the licensing provisions premises had not adhered to. The breakdown would also include details of complaints relating to Temporary Event Notices.

The Service Manager said that the management of the “Nuisance Team” would soon revert back to the Environmental Health and the officers would serve any notices. Councillor Andrews commented that this could pose a problem, as these reports would in future not be submitted to the Licensing Committee, but to another committee. He said that the Licensing Committee was best suited to look at these complaints and requested that a report from Environmental Health on nuisance issues still be submitted to the Licensing Committee. The relevant officer from Environmental Health should also attend the Licensing Committee meetings. *(Action: Service Manager and Environmental Health Service Manager)*

Councillor Page asked if complaints relating to gambling had also been investigated and noted that a briefing session for Members on problems relating to gambling had been arranged by GamCare on 21 April 2020. The Service Manager confirmed that visits relating to gambling had been carried out by East Herts Council, although the Gambling Commission had withdrawn logistical support for these visits.

Councillor Andrews said that certain councils had done scrutiny reviews on gambling, and the wider problems relating to gambling could not be over-estimated.

Councillor Stevenson referred to the overview of licences, specifically licenses relating to animal activities, and said that a large number of new applications were being considered. The Service Manager said that Environmental Health had details of the applications, and details of these and the other

licensing applications mentioned in the report could be submitted to the next meeting of the committee
(Action: Service Manager and Environmental Health Service Manager)

With reference to the licensing of street trading, the Service Manager said that there was a current consultation regarding a proposed change in the policy and he would send a link to members with the relevant information. *(Action: Service Manager)*

In response to a question from Councillor Andrews on the large number of Temporary Event Notices (TENs) being received, the Service Manager said that Central Government fees for TENs had not changed since 2005 and were still set at £21 per event. Councillor Andrews said that the Central Government should be approached about an increase in TENs application fees, and this could be done by lobbying the relevant Minister at the annual meeting of the Local Government Association.

With reference to the proposed Licensing work plan for 2020/2021, the Service Manager said that the Statement of Licensing Policy needed a review and it would be done in the coming civic year.

In response to a question from Councillor Andrews on the progress made with the licensing of scrap dealers, the Service Manager said that all licensed sites were visited every year. These visits were unannounced and most scrap dealers were found to be broadly compliant. One problem was that as soon as one unlicensed dealer was closed down, another popped-

up somewhere else. Officers were now involved in joint mobile operations with the police, but many police officers were unsure on how to deal with unlicensed dealers.

Councillor Andrews said all scrap dealers should display their badges and where this was not done, scrap should not be accepted by anyone. The Service Manager said there were not enough powers and deterrents to enforce and manage this sufficiently.

Councillor Goldspink, seconded by Councillor Reed, proposed that the recommendations detailed in the report, be approved.

RESOLVED – that the Committee notes the report on the Licensing activity in 2019/2020 and the proposed work plan for 2020/2021.

The meeting closed at 7.55 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 13 MARCH 2020, AT
2.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Goldspink and M Stevenson

ALSO PRESENT:

Councillors D Andrews and R Bolton

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

42 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Stevenson and seconded by Councillor Goldspink that Councillor Page be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Page be appointed Chairman for the meeting.

43 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to a number of housekeeping matters.

44 MINUTES - 30 JANUARY AND 11 FEBRUARY 2020

It was moved by Councillor Goldspink and seconded by Councillor Stevenson that the Minutes of the meetings held on 30 January and 11 February 2020 each be confirmed as correct records and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 30 January and 11 February 2020 each be confirmed as correct records and signed by the Chairman.

45 APPLICATION FOR A NEW PREMISES LICENCE BY WANASEE LTD (STONE VALLEY SOUTH) FOR EVENTS AT HILLSIDE FARM, HILLSIDE LANE, GREAT AMWELL, WARE, HERTFORDSHIRE, SG12 9SH

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Licensing and Enforcement Officer summarised the application submitted on 30 December 2019 for a new premises licence by Wanasee Ltd (Stone Valley South) for events in a field adjacent to Hillside Farm, Hillside Lane, Great Amwell, Ware.

The Senior Licensing and Enforcement Officer said that the applicant intended to have 2 events each year on

separate weekends in May and August. The application was for the following licensable activities:

Day	Licensable Activity	Hours applied for
Fri - Sun	Supply of alcohol for consumption on and off the premises	11:00 – 23:00
Fri - Sun	Late Night Refreshment	23:00 – 00:00
Fri - Sun	Recorded Music	11:00 – 23:00
Fri - Sun	Live Music	11:00 – 23:00
Fri - Sun	Performance of Dance	11:00 – 23:00

The Sub-Committee was advised that the conditions proposed by applicant included an Event Management Plan (EMP) to be submitted to the responsible authorities no later than 10 April each year and to the Safety Advisory Group/ This plan will seek to satisfy all requirements and concerns of each authority.

The Senior Licensing and Enforcement Officer referred to drugs being prohibited, a leave no trace policy and challenge 25 policy being in place. A traffic management plan would also have to be submitted by 10 April each year and the Security Industry Authority (SIA) security team would be expected to wear body worn cameras. The Sub-Committee were advised that the event would have a capacity of 3000.

The Senior Licensing and Enforcement Officer said that 3 Environmental Health Conditions detailed in paragraph 3.10 of the report had been agreed as such Environmental Health had withdrawn their representation.

The police had also made a representation and requested 30 police conditions detailed on pages 85 to 94 to promote the licensing objectives.

Five representations had also been received from interested parties under public safety and to prevent public nuisance Licensing objective. The Sub-Committee was advised that a particular concern was that there should be no public access from Hillside Lane.

The Senior Specialist and Licensing Officer said that Members must be satisfied that the application, if granted, would promote the licensing objections and would not undermine them. The Sub-Committee was advised that Members should grant the licence as requested if the application did not undermine the licensing objectives.

The Senior Licensing and Enforcement Officer emphasised that any action taken by the Sub-Committee should be appropriate and proportionate in order to promote the licensing objectives. The decision of the Sub-Committee must also be evidence based and justified.

Councillor Page questioned why the EMP and associated traffic management plan had not been submitted given that the application had been submitted on 30 December 2019.

The applicant said that Stone Valley South in 2020 would be an identical event to that which had been

held in 2019. He said that the same conditions and operating schedule could be applied. He concluded that the EMP document to satisfy the requirements of the Police would be produced.

Councillor Goldspink asked why the EMP had not been produced this year as there had been plenty of time for this to be submitted. The applicant said that he believed this had been down to a misunderstanding and it had not occurred to him that he needed to submit this document again for this year's Stone Valley South events. The applicant said that last year's EMP was being re-written as a working draft for 2020.

Police Sergeant Fitzgerald said that the EMP for the event on 24 May should be submitted by 23 March 2020 and 3 months before any subsequent event. He said the event was acceptable so long as all the other conditions were satisfied. He further confirmed that in 2019, a model EMP had been submitted in advance of the event and this year nothing had been submitted.

Councillor Goldspink asked about the noise monitoring planned for this year's events. The applicant confirmed that the monitoring would replicate that which was in place in 2019. Councillor Page said he would like to know if there had been any reported incidents reported at last year's event. Sergeant Fitzgerald confirmed that there had been no reported incidents.

The applicant explained the guidelines for background noise monitoring to a local resident who had written to the Senior Licensing and Enforcement Officer

regarding this application. The applicant summarised the outcome of his consultation with Environmental Health Officers.

The local resident explained that he had heard the 2019 Stone Valley South event inside above television noise. He said that the wind direction carried sound from the open and high location used for Stone Valley South. The applicant acknowledged that wind was an issue and pointed out that sound was subjective in that some people had different perceptions of noise. The local resident summed up his position with reference to the suggested conditions and the submission of the EMP 3 months in advance of the event.

The applicant said that Hillside Lane, to the rear of the site, would not be used except in emergency situations. He stated that there would be no access permitted from the site onto Hillside Lane, other than to emergency (blue light) services.

Sergeant Fitzgerald reiterated that the police would wish to see 100% polycarbonate vessels used on site. The applicant summed up by stating that the Noise Council guidelines contained scope for manipulation. He said that a professional hotline would be available for Stone Valley South. He was not aware of any complaints in 2019.

Councillor Page asked the applicant about on and off-sales of alcohol at Stone Valley South. The applicant said that the off-sales element was ancillary to the main event and was to allow alcohol to be taken to the campsite area. He emphasised that no alcohol would

be allowed to leave the site.

Councillor Page referred to the quantity of consumption in terms of units per person. The applicant said that he could at any time restrict the sale of alcohol on site. The applicant confirmed to Councillor Page that a traffic plan would be an appendix to the EMP.

At the conclusion of the closing submissions, the Sub-Committee, the Legal Services Manager and the Democratic Services Officer withdrew from the meeting to allow the Sub-Committee to consider the evidence.

Following these deliberations, the Sub-Committee, the Legal Services Manager and the Democratic Services Officer returned. The Chairman announced that the Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant, the police and a local resident and read the representations made by the interested parties. Having regard to the 4 licensing objectives, the Sub-Committee decided to grant the application, subject to the following:

- a) The Licence is time limited for 2020 only.
- b) The event management plan shall be submitted by 23 March 2020.
- c) Police conditions from Appendix C including the amendment to condition 25 to allow for a polycarbonate or non-glass recyclable.
- d) Environmental Health conditions in paragraph 3.10 of the report to become conditions.

- e) That alcohol is restricted from leaving the site.
- f) That no access to the site be allowed from Hillside Lane, Great Amwell, with the exception by the blue light services during an emergency.

The Sub-Committee noted that the applicant has previously provided a helpline and Members hoped that this would continue this year.

The Sub-Committee, after having listened to each party at the hearing and read all the interested parties' representations, felt that with these conditions added, the application would promote the licensing objectives.

RESOLVED – that the application for a new premises licence by Wanasee Ltd (Stone Valley South) for events at Hillside Farm, Hillside Lane, Great Amwell, Ware, Hertfordshire, SG12 9SH, be granted, subject to the following:

- a) The Licence is time limited for 2020 only.
- b) The event management plan shall be submitted by 23 March 2020.
- c) Police conditions from Appendix C including the amendment to condition 25 to allow for a polycarbonate or non-glass recyclable
- d) Environmental Health conditions in paragraph 3.10 of the report to become conditions
- e) That alcohol is restricted from leaving the site.
- f) That no access to the site be allowed from Hillside Lane, Great Amwell, with the exception by the blue light services during

an emergency.

All parties to a hearing have a right of appeal against this decision to the Magistrates Court within 21 days (beginning with the day on which the applicant was notified of the decision by the Licensing Authority).

The meeting closed at 3.23 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
 LICENSING SUB-COMMITTEE HELD IN THE
 PLEASE NOTE THAT THIS MEETING WILL BE
 HELD VIRTUALLY VIA ZOOM. ON
 THURSDAY 23 APRIL 2020, AT 2.00 PM

PRESENT: Councillor J Jones (Chairman)
 Councillors A Hall and T Page

ALSO PRESENT:

Councillors D Andrews, R Bolton, B Crystall,
 J Goodeve and S Reed

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

46 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Page and seconded by Councillor Hall, that Councillor Jones be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Jones be appointed Chairman for the meeting.

47 APOLOGIES

None.

48 CHAIRMAN'S ANNOUNCEMENTS

The Chairman explained that this was the first meeting of the Licensing Sub-Committee being held virtually at East Herts Council. He said that, in accordance with legal advice, the Chairman had the authority to eject people from the virtual meeting should inappropriate material be broadcast or if they were causing a disruption.

49 DECLARATIONS OF INTEREST

None.

50 MINUTES - 13 MARCH 2020

It was moved by Councillor Page and seconded by Councillor Hall that the Minutes of the meeting held on 13 March 2020 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 13 March 2020 be confirmed as a correct record and signed by the Chairman.

51 APPLICATION FOR A VARIATION OF A PREMISES LICENCE
FOR LOMO RESTAURANT, 25A ST ANDREWS STREET,
HERTFORD, SG14 1HZ

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Licensing and Enforcement Officer summarised the application for the variation of a Premises Licence for Lomo Restaurant, 25a St Andrew Street, Hertford, SG14 1HZ.

The Senior Licensing and Enforcement Officer said the application had been submitted on 20 February 2020 and sought approval for the times for existing licensable activities to be increased and to extend the licensed area to the 1st floor and to the outside area.

The Sub-Committee was advised that the application was further seeking approval to add both late night refreshment from 23:00 on a Monday through to Saturday and the supply of alcohol off the premises until 23:00 on a Monday through to Saturday.

The Senior Licensing and Enforcement Officer said that the requested hours for licensable activities were as set out in the table at paragraph 3.4 of the report. He referred in particular to the additional steps the applicant proposed to take to promote the 4 licensing objectives. The Sub-Committee was also advised of the amended to the application made during the 28 day consultation period to include conditions which had been drafted in consultation with responsible authorities.

The Senior Licensing and Enforcement Officer referred to the representations in respect of noise from music and from shouting and fighting in outside garden areas. The decision of the Sub-Committee should be based on evidence that, if granted, the variation application would promote the four licensing objectives and would not undermine them.

The Sub-Committee was advised that the decision of Members must be evidence based, justified and proportionate and any action such as conditions or a limitation of opening hours should also be appropriate and proportionate in promoting the licensing objectives. The Senior Licensing and Enforcement Officer reminded the Sub-Committee that refusing the application should be an action of last resort.

The applicant said that Lomo Restaurant would be community based and he looked forward to working with the local community. He stated that there would be no loud music and there would be a sound management plan in place. He concluded that he hoped that the restaurant would be a success, with the support of the local community.

A local resident who had made representations said that noise, loud music and fights in the outside area had been a cause for concern in the past and between December 2019 and January 2020, the same matters had been a cause for concern in respect of the current applicant and the variation application. He referred in particular to a lack of control over people leaving the premises and related noise. The resident said that conditions could provide some relief to residents from

noise.

A second local resident said that he had no issue with the premises as a restaurant. He said that these premises and the nearby dwellings were listed buildings that did not contain music noise at the levels in use at Lomo. He questioned the need for the premises to be open beyond 11 pm and said that music could be heard until 2 am and this was impairing sleep.

The local resident questioned the need to be open beyond 11 pm. Whilst he was supportive of a good steak restaurant in Hertford, he expressed concerns in respect of the smoking area and the outside area to the front of the garden. Two other local residents expressed concerns regarding the changing nature of the premises from a restaurant to a late night venue and the impact this could have on their ability to sleep.

Councillor Page asked why the applicant intended to increase the off sales of alcohol. He also questioned how the use as a restaurant and the increase in the facilities for late night drinking and casual drinking would be managed.

The applicant said that the new grill and the increase in opening times would avoid customers having to leave Lomo earlier than they would wish. He confirmed to Councillor Jones that Lomo would remain a food led business with excellent chefs. The applicant confirmed to Councillor Page that the plan to extend to the off sales of alcohol was to allow customers to relax with a drink following an evening meal. He also confirmed to

Councillor Jones that the capacity of Lomo was 60 downstairs and a further 30 upstairs.

Councillor Hall questioned the nature of the business as a restaurant and questioned the applicant on the loud music referred to by residents. The applicant explained that the premises would be run as a restaurant and the sound system had a back office controlled limit that could not be exceeded.

Councillor Page commented on the public in Hertford after 11 pm seeking to solely consume more alcohol. The applicant said that he was no seeking to attract these customers to Lomo. Councillor Jones commented on the measures the applicant intended to take to manage temperature in terms of windows or the use air conditioning.

The Applicant said that a ventilation system was in place as air condition was not possible due to building regulations. He said that windows would not open after 11 pm. The residents present for the virtual meeting asked a number of further questions of the applicant that did not cover any new issues.

One of the local residents asked whether the applicant would be willing to consider not admitting new customers after the last orders for food at 10:30 pm. The applicant said that this suggestion would prove to be an issue for the business.

The applicant, local residents and the Senior Licensing and Enforcement Officer were all given the opportunity to sum up. After this, the Sub-Committee, the Legal

Services Manager and the Democratic Services Officer left the meeting to consider the evidence.

The Sub-Committee, the Legal Services Manager and the Democratic Services Officer re-joined the meeting and the Chairman said that the Licensing Sub Committee had listened to the comments of the Applicant, the Senior Licensing and Enforcement Officer, and the residents and Members were mindful of the powers available to the Sub-Committee, and of the need to exercise them with a view to achieving the licensing objectives.

In reaching their decision, the Licensing Sub Committee had regard to the East Herts Statement of Licensing Policy, the Section 182 Guidance, Licensing Act 2003, and all representations contained within the agenda pack, and representations made during the hearing.

It was decided that the application for the variation of the premise licence be granted, subject to the conditions proposed by the applicant, with the following amendments made:

- The Premises Licence Holder or Designated Premises Supervisor and / or Duty Manager is on the premises during opening hours to ensure groups of people will not be allowed to gather / loiter outside the premises.
- Additional door supervisors shall be employed at the premises on occasions as deemed necessary by

the Designated Premises Supervisor and/or premises management following a risk assessment and on occasions following consultation with the Police and this risk assessment will be available for viewing at the request of the Licensing Officer.

The following additional condition be added:

- The capacity of the premises will be limited to 100.

Reason: In order to promote the licensing objective of the Prevention of Public Nuisance.

We have sympathy and we note that the residents' concerns in respect of noise and we are encouraged by the positive attitude of the applicant to work with the residents to alleviate these concerns.

RESOLVED – that the application for the variation of the premises licence at Lomo Restaurant, 25a St Andrews Street, Hertford, SG14 1HZ, be approved subject to the following amended conditions:

- The Premises Licence Holder or Designated Premises Supervisor and / or Duty Manager is on the premises during opening hours to ensure groups of people will not be allowed to gather / loiter outside the premises.
- Additional door supervisors shall be employed at the premises on occasions as

deemed necessary by the Designated Premises Supervisor and/or premises management following a risk assessment and on occasions following consultation with the Police and this risk assessment will be available for viewing at the request of the Licensing Officer.

And subject to the following additional condition:

- The capacity of the premises will be limited to 100.

Reason: In order to promote the licensing objective of the Prevention of Public Nuisance.

The meeting closed at 4.23 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
 LICENSING SUB-COMMITTEE HELD IN THE
 PLEASE NOTE THAT THIS MEETING WILL BE
 HELD VIRTUALLY VIA ZOOM ON MONDAY 1
 JUNE 2020, AT 2.00 PM

PRESENT: Councillor R Bolton (Chairman)
 Councillors B Crystall and A Hall

ALSO PRESENT:

Councillors D Andrews and G Williamson

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager
John Williams	- Electoral Services Manager

ALSO IN ATTENDANCE:

Mr D Collins	- Applicant
Mr W Compton	- Applicant
Mr Scott	- Local Resident
Liz Lloyd-Williams	- Little Hadham Parish Council

1 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Crystall and seconded by Councillor Hall, that Councillor R Bolton be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor R Bolton be appointed Chairman for the meeting.

2 APOLOGIES

None.

3 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 MINUTES - 23 APRIL 2020

Councillor Crystall proposed and Councillor Hall seconded, a motion that the minutes of the meeting held on 23 April 2020 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the minutes of the Licensing Sub-Committee held on 23 April 2020 be

confirmed as a correct record and signed by the Chairman.

6 APPLICATION FOR A NEW PREMISES LICENCE FOR HADHAM BREWERY AT UNIT 6B, HADHAM INDUSTRIAL ESTATE, CHURCH END, LITTLE HADHAM, HERTS SG11 2DY

The Chairman summarised the procedure to be followed for the hearing and those present were introduced. The Senior Licensing and Enforcement Officer said that an application had been received on 6 April 2020 for a new premises licence at Hadham Brewery Limited at Unit 6b, Hadham Industrial Estate, Church End, Little Hadham, SG11 2DY.

The Sub-Committee was advised that the application had been varied on 14 May 2020 to include the sale of alcohol for consumption on and off the premises. This amendment had removed the late night refreshment and all regulated entertainment from the application. The amended hours were as detailed in paragraph 3.4 of the submitted report.

The Senior Licensing and Enforcement Officer said that the Sub-Committee should ensure that the application, if granted, would promote and not undermine the Licensing objectives. Any action taken by the Sub-Committee should be appropriate or proportionate in terms of what Members were seeking to achieve.

Members asked a number of questions of the Officer. Before the applicant was able completely present his case in support of the application, the hearing was adjourned at 14:55 due to a Member of the Sub-

Committee being unable maintain a virtual presence on Zoom.

RESOLVED – the Sub-Committee hearing be adjourned.

The meeting closed 14:55

Chairman
Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
PLEASE NOTE THAT THIS MEETING WILL BE
HELD VIRTUALLY VIA ZOOM ON FRIDAY 5
JUNE 2020, AT 2.00 PM

PRESENT: Councillor R Bolton (Chairman)
Councillors B Crystall and A Hall

ALSO PRESENT:

Councillors G Williamson

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Mr D Collins	- Applicant
Mr W Compton	- Applicant
Mr Scott	- Local Resident
Liz Lloyd Williams	- Little Hadham Parish Council

7 APPLICATION FOR A NEW PREMISES LICENCE FOR
HADHAM BREWERY AT UNIT 6B, HADHAM INDUSTRIAL
ESTATE, CHURCH END, LITTLE HADHAM, HERTS SG11 2DY

The Chairman thanked everyone for reconvening this afternoon on Zoom and stated that Agenda items 1 to 5 had already been covered. She said that Agenda item 6 was the summary of procedure on pages 17 to 24 of the papers and the Chairman checked that everyone had seen the procedure and was happy to proceed with the hearing.

The Chairman said that the Senior Licensing and Enforcement Officer had already presented his report and questions had been asked of him at the previous adjourned hearing. She advised that this reconvened meeting would commence with the applicant presenting his application.

The Chairman referred to a revised submission from Little Hadham Parish Council that had been sent to all parties. The applicant and managing director of Hadham Brewery said that planning permission had been granted in 2014 to become a micro-brewery at Hadham Industrial Estate. He confirmed that he had complied with and would continue to comply with the 4 planning conditions.

The applicant explained that he needed to create new routes to market and this had necessitated a premises license to open an online shop for merchandise and alcohol plus an onsite shop and the use of a tap room for guests, supporters and clients. He referred to a number of Temporary Event Notices that had been

applied for in 2019 to facilitate Brewery Tours for anything up to 50 people.

The applicant said that there had been zero complaints and no issues had been raised by anyone in relation to these events. He said that colleagues who ran the microbrewery had received advice from Environmental Health Officers and there had been similar positive dialogues with Officers from Hertfordshire Constabulary.

The Sub-Committee was advised that all 3 people involved in running the brewery were holders of personal licences and had considerable experience of running licensed premises. They also had experience of complying with the 4 licensing objectives. The applicant said that he had tried to consult on the application and he had received messages of support from Hadham Hall.

Councillor Crystall sought clarification as to how the Tap Room would be run. He also asked questions about the outside area, music and the provisions in place for smokers. The applicant explained to the Sub-Committee how the Tap Room would operate. He said that beer, soft drinks, teas and coffees would be available to customers. He also confirmed that the outside space would be small and was purely for people to enjoy the drinks from the Brewery.

The applicant emphasised that he did not plan to broadcast live or recorded music and anything quieter than an acoustic guitar would not be heard in any event. The Senior Licensing and Enforcement Officer

addressed the Committee in respect of the provisions of the live music act. He said however that any event outside would require a Temporary Event Notice (TEN).

Councillor Bolton commented on the size of the Tap Room and its capacity. The applicant's colleague said that the Tap Room could accommodate 20 to 30 customers. He responded to a further query from Councillor Bolton by stating that the whole Brewery was used for the Brewery tours.

At the invitation of the local ward Member, Councillor Williamson, the applicant explained what local area consultation had taken place prior to this hearing. The applicant responded to a query from Mr Scott, a resident, by advising that the Tap Room would be open Thursdays to Saturdays on a regular basis each week. Beer and soft drinks would be served and there would be no music. The applicant said that this was a very good source of income and was a common occurrence at microbreweries.

Councillor Williamson said that he did not wish to stifle a local business. He referred to a number of local concerns from residents and said that he did not believe that the activities applied needed to continue until 11 pm. He said that this could give rise to instances of public nuisance and matters that could compromise public safety.

Councillor Williamson, as the local ward Member, said that Church End was fundamentally a residential area with properties situated very close to the road. He stressed that the road was narrow and was unlit and

there were speed humps that were not visible after dark and there were no footpaths. He said part of this road was not classified as adopted highway and he urged the Sub-Committee to take these points into consideration.

Councillor Hall referred to the speed humps on the approach to the microbrewery. Councillor Bolton commented that the access road was not an adopted highway. Councillor Williamson confirmed that the road between the Church and Hadham Industrial Estate was not an adopted highway.

Liz Lloyd Williams said that the initial concern of the Parish Council regarding noise and disturbance from a nightclub style venue had gone away following the amended application. She referred to the much calmer nature of the proposed microbrewery and said Little Hadham Parish would be quite keen to support a local business.

Liz Lloyd Williams expressed concerns on behalf of local residents in respect of noise and traffic in the vicinity of Hadham Hall and Church End. She said that the opening hours were unsuitable for the local area and she referred to noise pollution for families with young children. She concluded by expressing concerns in respect of the operation of the evening Tap Room.

Mr Scott, a local resident, said that Liz Lloyd Williams had already made a lot of his points. He said that late night opening was contrary to everything that had occurred before on this site. He said that the site was unsuitable for late night opening and he was

supportive of day time opening. He expressed concerns regarding late night nuisance and he said that the area did get very dark and he was concerned regarding the safety of school children.

The applicant explained that CCTV in place at the premises had been used to apprehend thieves. He said that there was no working time directive imposed by the planning permission and he was not aware of any complaints linked to 8 Temporary Event Notices (TENS) held at Hadham Brewery.

All parties made a closing submission before the Sub-Committee retired to make its decision. At the conclusion of the closing submissions, the Sub-Committee, the Legal Services Manager and the Democratic Services Officer withdrew from the main Zoom session to allow Members to consider the evidence.

Following this, Members and the Democratic Services Officer returned and the Chairman announced that the Sub Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant, the local ward Member, the Parish Council and local residents.

The Sub-Committee had taken into account concerns raised by these interested parties, particularly with regard to the only access to the site along a narrow, rural lane, which was unlit, had no footpath and was partly unadopted.

The Sub-Committee had been aware that the road was

lined by residential properties and there are unmarked speed bumps. Members felt that consideration needed to be made for local residents, in order to address public safety and avoid public nuisance, both of which were licensing objectives.

We have therefore decided to approve the new premises application, subject to the following amendments and conditions:

Supply of Alcohol for
Consumption **OFF**

The premises

(Online Shop)

Monday to Sunday 8 am to 5 pm

Supply of Alcohol for
consumption **OFF**

the premises

(Retail Shop)

Monday to Saturday 9 am to 9 pm

Sunday 12 pm to 5 pm

Supply of Alcohol for
consumption **ON** the
premises

(Tap Room)

Monday to Thursday 12 Noon to 6 pm

Friday and Saturday 12 Noon to 10 pm

Sunday 12 pm to 5 pm

Conditions:

- Only beer brewed on the premises maybe sold from

the premises along with teas and coffees and soft drinks.

- The above must be consumed on the premises only and not off.

Subject to all of the conditions set out by the Senior Licensing and Enforcement Officer in paragraph 3.34 of the report. The Sub-Committee were satisfied that with these amendments and conditions imposed, the licensing objectives would be met and promoted.

RESOLVED – that the application for the new of the premises licence be approved, subject to the following amendments and conditions:

Supply of Alcohol for
Consumption **OFF**
The premises
(Online Shop)

Monday to Sunday 8 am to 5 pm

Supply of Alcohol for
consumption **OFF**
the premises
(Retail Shop)

Monday to Saturday 9 am to 9 pm
Sunday 12 pm to 5 pm

Supply of Alcohol for
consumption **ON** the
premises

(Tap Room)

Monday to Thursday 12 Noon to 6 pm
Friday and Saturday 12 Noon to 10 pm
Sunday 12 pm to 5 pm

Conditions:

- Only beer brewed on the premises maybe sold from the premises along with teas and coffees and soft drinks.
- The above must be consumed on the premises only and not off.

Subject to all of the conditions set out by the Senior Licensing and Enforcement Officer in paragraph 3.34 of the report.

The meeting closed at 4.09 pm

Chairman
Date

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East Herts Council Report

Licensing Committee

Date of meeting: 25th November 2020

Report by: Oliver Rawlings (Service Manager – Licensing and Enforcement)

Report title: Response to Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards

Ward(s) affected: All

Summary – The Department for Transport (DfT) has issued “Statutory Taxi and Private Hire Vehicle Standards”. As an authority that issues both Hackney Carriage and Private Hire licences we “must have regard” to the document when exercising our functions and formulating policy. This report is the first step in that process.

RECOMMENDATIONS FOR Licensing Committee:

- a) That Members review and comment on proposals detailed in this report; and
- b) That Officers are instructed to carry out an 8 week public consultation regarding the proposed changes.

1.0 Proposal(s)

- 1.1 That the report is received by Members of the Licensing Committee.

2.0 Background

- 2.1 On the 21st July 2020 the DfT issued its long awaited update of the “Best Practice Guidance” issued by the DfT in 2010. This

came in the form of “Statutory Taxi and Private Hire Vehicle Standards” which despite its title covers matters relating to drivers, operators and vehicles.

2.2 The DfT states the following in the introduction of the document:

- There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.
- Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups.
- The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department’s Best Practice Guidance.

3.0 Reason(s)

3.1 The DfT therefore expects these recommendations to be implemented unless there is a compelling local reason not to.

3.2 The document sets out a framework of policies that, under section 177(4), licensing authorities **“must have regard”** to

when exercising their functions.

These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.

- 3.3 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 3.4 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 3.5 East Herts as a licensing authority has, in relation to Taxi and Private Hire Licensing, generally created and implemented policies that either meet or exceed the newly issued standards.

- 3.6 The relevant parts of the 40 page Standards document has been reproduced in the appendices to this report.
- 3.7 Appendix A highlights relevant paragraphs and areas that need attention. Officers have commented on the contents of the Standards and where necessary made suggestions for solutions. The relevant sections are shaded grey for clarity.
- 3.8 As part of the DfT standards there is an annex called "Assessment of Previous Convictions" which is the DfT recommendation on how to assess previous convictions. East Herts has had a "Suitability Policy" in place for a number of years which has operated successfully and it is not proposed to replace this document with the DfT's annex. The DfT document is based on a document originally drafted by the Institute of Licensing and this document was considered when the Suitability Policy was last reviewed in 2019.
- 3.9 Annex B to this report compares the approach recommended by the DfT to East Herts existing Policy and it is evident that they mirror each other quite closely with regards to time periods. Although the Suitability Policy will not be replaced two recommendations for amendments to section 4, Driving and Traffic Offences have been made.
- 3.10 Officers are seeking members' comments regarding the steps proposed in order to meet the requirements of the DfT Standards before a full consultation on the changes is undertaken. The results of that consultation will be brought back to Licensing Committee for consideration on 10th March 2021.

4.0 Options

- 4.1 Not consult on the proposed changes resulting from “The Statutory Taxi and Private Hire Vehicle Standards”. This would go against the requirement for consultation at a local level detailed in the standards and would leave any policies or decisions open to challenge.
- 4.2 Not propose any changes to following the publication of “The Statutory Taxi and Private Hire Vehicle Standards”. As an authority we are required to give the standards due regard and the DfT “expects these recommendations to be implemented unless there is a compelling local reason not to.”

5.0 Risks

- 5.1 If they authority cannot demonstrate that it has given due regard to the DfT Statutory Taxi and Private Hire Vehicle Standards then the authority will be open to legal challenge.
- 5.2 Failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence of any legal challenge.
- 5.3 If the authority does not have robust policies and procedures in place then it is unable to limit, as far as is possible, the risks to the public.

6.0 Implications/Consultations

Community Safety

See paragraph 5.3.

Data Protection

No changes are proposed to how data will be held or handled so no additional implications.

Equalities

None as these are national statutory standards which apply to all licence holders.

Environmental Sustainability

None

Financial

None as implementing any changes will be possible within existing budgets or fees can be adjusted to balance any shortfall.

Health and Safety

None

Human Resources

None

Human Rights

None

Legal

None

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Appendix A - DfT analysis & proposals

7.2 Appendix B – Comparison of conviction time scales

7.3 Department for Transport, Statutory Taxi & Private Hire Vehicle Standards:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

7.4 East Herts, Taxi Licensing Suitability Policy:

<https://eastherts.fra1.digitaloceanspaces.com/s3fs-public/2019-11/Taxi%20Licensing%20Suitability%20Policy.pdf>

Contact Member Councillor Peter Boylan (Executive Member for Neighbourhoods)
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Appendix A - DfT analysis and proposals

1. Introduction

1.3	The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.	This requires a full review of our policies and procedures.
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2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

2.6	The document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.	Report on 25/11/2020 is the first step to demonstrating that we have had regard to the standards
2.7	“Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated. It is not a question of box ticking; the standards must be considered rigorously and with an open mind.	Report on 25/11/2020 is the first step to demonstrating that we have had regard to the standards
2.8	Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these. The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).	Meetings are public and the minutes of Licensing Committee and other meetings are published on the internet.

3. Administering the Licensing Regime

3.5	One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.	We do this
3.8	It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly. A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.	Procedures in place for reporting of concerns.
3.10	It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, local authorities should ensure they have an effective 'whistleblowing' policy and that all staff are aware of it. If a worker is aware of, and has access to, effective internal procedures for raising concerns then 'whistleblowing' is unlikely to be needed.	The policy is on the website and has been brought to the Licensing Teams attention: https://www.eastherts.gov.uk/about-east-herts-0/fraud-and-whistleblowing-policies
3.12	Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women's groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy's activities.	We have always held robust public consultations officers will draw up, publish and maintain a list of consultees for taxi matters to formalise this.

3.13	Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.	Service Manager - Licensing & Enforcement Chairs the Herts & Beds Licensing Group which has created a number of working groups. Councillor liaison could be looked at.
3.14	Any changes in licensing requirements should be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.	We were the first authority in Hertfordshire to apply new standards retrospectively in 2016 and we will continue to do so.
3.15	Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.	We do this and our policies clearly state that exceptions will be made where the merits of the particular case warrant it.

4. The Disclosure and Barring Service

4.2	The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.	We have annual checks currently which are more frequent than most other authorities.
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4.3	<p>Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the DBS. As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the statutory guidance issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).</p>	<p>Checks made directly with the Police often show matters that are not disclosed on an enhanced DBS check but that we would still consider to be relevant.</p> <p>Enhanced DBS checks can often be inconsistent with regards to what content is disclosed.</p> <p>Without further conversations with the Police the Authority would have to take a candidates word for what conduct lead to a conviction or caution as this is not included on the DBS.</p>
4.4	<p>It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a ‘right of access’ to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual’s criminal records is through an enhanced DBS and barred lists check.</p>	<p>We do not require individuals to exercise their subject access rights. Applicants explicitly consent to us making checks directly with the Police.</p>
4.5	<p>Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual’s consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.</p>	<p>We have mandated this since 1st June 2020 for all new applicants and drivers requiring an Enhanced DBS Check.</p>
4.7	<p>Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the DBS.</p>	<p>We Are working closely with St Albans on this but it has been delayed by changing priorities due to the pandemic.</p>

Common Law Police Disclosure

4.10	Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.	In practice this does not work in the same way that the previous scheme did. It relies on Police officers being aware of common law disclosure, asking if someone is a taxi driver and then considering it relevant information.
4.11	This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.	We maintain close links with Police officers where we can but it is impossible to do this with all officers in East Herts and even more difficult further afield.

Licensee self-reporting

4.12	Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.	We currently require this within 3 days. Proposal: Amend the requirements so that notification must be within 48 hours. We do have the mechanism in place to swiftly review licences.
4.13	Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.	This is clearly detailed in our policy.

Referrals to the Disclosure and Barring Service and the police

4.14	In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the DBS.	Whilst we have the ability to do this there is a need for a clearly documented process which will be communicated to all team members.
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Working with the Police

4.17	The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, action taken by the licensing authority as a result of information received should be fed-back to the police. Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.	"Appropriate information" is provided when we request it. There is a national issue that most front line police officers do not see the significances of matters relating to taxis. Locally this works well. We do give feedback.
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Sharing licensing information with other licensing authorities

4.20	As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.	This is part of our application form.
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4.21	<p>The LGA's Councillors' Handbook on taxi and private hire vehicle licensing advises that those responsible for licensing should "communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.</p>	<p>Through Herts & Beds Licensing Group we have been a driver for high standards and Countywide consistency.</p> <p>We have uploaded data onto NR3 and all officers have access to the system.</p>
4.22	<p>For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.</p>	<p>We do.</p>
4.23	<p>All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.</p>	<p>We do.</p>
4.24	<p>If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies</p>	<p>We do.</p>

4.25	Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.	This is clearly covered in our policy.
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Complaints against licensees

4.29	Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.	We do.
4.30	Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.	We do and it is assisted by the use of Licensing Record Points scheme.
4.31	To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.	We have a complaints form on our website and display licensing enforcements contact details. We do not display ways to complain in the vehicle but as we have an internal vehicle plate we will be able to implement this. The Enforcement Officers are looking at suitable options.

4.35	Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information	We do this and require a certificate of good conduct from anyone who has spent six months or more overseas (where other checks cannot be made).
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5. Decision Making

Administration of the licensing framework

5.1	The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation	We have a clear scheme of delegation with matters siting at the appropriate level.
5.2	Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.	We do regular training which is documented.

Training decision makers

5.3	All individuals that determine whether a licence is issued should be required to undertake sufficient training. As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.	We do regular training which is documented.
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5.6	It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.	We have a clear scheme of delegation with matters sitting at the appropriate level.
5.7	It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for: <ul style="list-style-type: none"> • Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority. • Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date. 	We are aware of these matters and they were considered when the delegations were made by the Licensing Committee.
5.10	Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.	We have delegated to an individual officer but decisions are made in consultation with LC Chair rather than a panel of officers. This has been tested in court on a number of occasions without issue.
5.11	Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.	Delegated to Head of Housing & Health and their absence CE.

5.14	Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.	Documented in our policy and followed.
5.16	Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.	The recommendations made in the Annex are generally identical or less strict than we already have in place except in relation to two driving offences, Drink driving/driving under the influence of drugs and Using a hand-held device whilst driving ¹ . Proposal: That the Suitability Policy be amended to explicitly reference the two offences detailed above.
5.17	These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.	See 5.16 above.

¹ **NOTE:** See Appendix B for comparison of Annex – Assessment of previous convictions and East Herts current Suitability Policy.

6. Driver Licensing

6.2	<p>All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.</p>	<p>We have mandated the update service but not everyone would be on it until June 2023 with the current policy.</p> <p>Proposal: That all existing drivers that are not on the update service are required to do an Enhanced DBS AND sign up to the update service when a criminal record check is next due (regardless of whether that check would have normal only been to a basic level).</p> <p>This will mean that all licensed drivers will be on the Update Service and subject to 6 monthly checks within 12 months of the policy change.</p>
6.3	<p>Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list. Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.</p>	<p>Covered in our existing Policy.</p>

Safeguarding awareness

6.6	<p>All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:</p> <ul style="list-style-type: none"> • provide a safe and suitable service to vulnerable passengers of all ages; • recognise what makes a person vulnerable; and • understand how to respond, including how to report safeguarding concerns and where to get advice. 	<p>We do training for all new drivers and at renewal.</p> <p>We currently have a back log of renewed drivers due to the suspension of face to face training but we are working on other options. This requirement is detailed in East Herts Safeguarding Policy and Procedure.</p>
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County lines' exploitation

6.11	<p>Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:</p> <ul style="list-style-type: none"> • Children and young people travelling in taxis or private hire vehicles alone; • travelling at unusual hours (during school time, early in the morning or late at night); • travelling long distances; • unfamiliar with the local area or do not have a local accent; • paying for journeys in cash or prepaid. 	<p>We do for all new drivers and at renewal.</p> <p>We currently have a back log of renewed drivers due to the suspension of face to face training but we are working on other options.</p>
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Language proficiency

6.14	<p>A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.</p>	<p>This is covered by the training days. If a candidate cannot write in English or express themselves verbally then they do not pass. This test is could be considered subjective which is not ideal.</p>
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6.15	A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.	With the move towards virtual training we need to look at the options of how to test written English. Proposal: Consult on the introduction of a spoken English test for both new applicants and renewing drivers.
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7. Vehicle Licensing

Criminality checks for vehicle proprietors

7.2	Enhanced DBS and barred list checks are not available for vehicle licensing. Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.	All our vehicle proprietors are also licensed drivers. Proposal: Amend the vehicle policy to require an annual basic DBS from any vehicle proprietor that does not hold either a driver or operator licence with this authority.
7.3	However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.	This is how we operate the current system and will continue to do so.
7.4	A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate	This is how we operate the current system and will continue to do so.

	information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.	
7.9	All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.	Proposal: As part of the consultation seek views from all parties regarding CCTV in licensed vehicles.
7.11	The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.	This will be looked at after the consultation if there is evidence that indicates that the installation of CCTV would have a positive impact overall.
7.12	CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.	Systems that offer audio recording are more complicated and more expensive. If the consultation justified imposing a CCTV condition there would then need to be an assessment of whether audio were also necessary.
7.13	Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).	Again this can be looked at after the consultation depending on the outcome.

8. Private Hire Vehicle Operator Licensing

Criminality checks for private hire vehicle operators

8.2	<p>Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.</p>	<p>We currently require this upon application and renewal (which is every 5 years). Proposal: Amend the Policy so that holders of operator licences are required to carry out a basic disclosure annually.</p>
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Booking and dispatch staff

8.8	<p>Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.</p>	<p>We do not currently do this. Proposal: To amend Private Hire Operator licence conditions to require a register of all staff.</p>
8.9	<p>Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a ‘responsible organisation’ to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.</p>	<p>We do not currently do this. Proposal: To amend Private Hire Operator licence conditions to require a register of all staff</p>

8.11	Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.	We do not currently do this. Proposal: To amend Private Hire Operator licence conditions so that where booking and dispatch is outsourced operators are required to evidence that the outsourced staff are vetted to the same level as if they worked directly for the operator.
8.12	Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.	We do not currently do this. Proposal: To amend Private Hire Operator licence conditions so that the authority's standards which apply to Operators (as detailed in the "Suitability Policy") must be applied by the operator to their staff carrying out booking and dispatch.

Record Keeping

8.13	Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking: <ul style="list-style-type: none"> • the name of the passenger; • the time of the request; • the pick-up point; • the destination; • the name of the driver; • the driver's licence number; • the vehicle registration number of the vehicle; • the name of any individual that responded to the booking request; • the name of any individual that dispatched the vehicle. 	Most of this is covered. Proposal: To amend Private Hire Operator licence conditions so that they require this information to be recorded as a minimum.
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8.14	This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.	We currently require this information to be held for longer. Proposal: Amend the minimum period for which information must be held to 6 months.
8.16	PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.	We do not currently do this. Proposal: To amend Private Hire Operator licence conditions to reflect this requirement.

9. Enforcing the Licensing Regime

Joint authorisation of enforcement officers

9.2	Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the LGA Councillors' handbook.	No authority in Hertfordshire currently does this but it has been discussed at Herts & Beds Licensing Group. We are working closely with St Albans to pilot this.
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Setting expectations and monitoring

9.3	Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.	We regularly remind licence holders of their obligations and operate a points based scheme (which we will revise and update as part of this work).
9.4	The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.	We do this but it could be improved, linked back to displaying information in vehicles.

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Appendix B – Comparison of conviction time scales

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

East Herts current Suitability Policy: Refuse or revoke.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

East Herts current Suitability Policy: Refuse or revoke.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: 10 years or revoke. History of two or more convictions of this nature application refused.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: 7 years elapsed or revoke. History of two or more convictions of this nature application refused.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

East Herts current Suitability Policy: Refuse or revoke including those on Sex Offenders Register or barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years has elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: 7 years elapsed or revoke.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: Refuse or revoke (supply related offence).

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these

circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

East Herts current Suitability Policy: 10 years elapsed or revoke (possession related offence).

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: Conviction in last 7 years refused or revoked. Only 1 conviction and over 7 years old then licence will be granted if the applicant can demonstrate thorough understanding of Equality Act. More than one conviction then refused.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

East Herts current Suitability Policy: Driving offence resulting in loss of life, refuse or revoke. There is then a sliding scale of minor offences, major offences and disqualification. New applicant with 7 or more points on their DVLA licence will be refused. Existing drivers accumulating 9 or more points must pass the

council approved driving test. 12 or more points on a DVLA licence and an application will be refused or licence revoked.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

East Herts current Suitability Policy: As licence holders are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while exceeding the legal limit or under the influence of drink or drugs.

If an individual has previously been an addict then they will be required to show evidence of 5 years free from alcohol or drug taking after detoxification treatment.

The time period that a person would have to remain conviction free would vary from between 1 – 5 years depending on the penalty imposed upon conviction.

PROPOSAL: that the Suitability Policy be amended so that a person who is convicted of drink driving or driving under the influence of drugs will not be granted a licence until at least 7 years have elapsed since completion of any sentence or period of disqualification, whichever is the later. Existing licence holder convicted of drink driving or driving under the influence of drugs to be revoked.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

East Herts current Suitability Policy: This offence is not explicitly detailed in the Suitability Policy so the time period that a person would have to remain

conviction free would vary from between 1 – 5 years depending on the penalty imposed at conviction.

PROPOSAL: that the Suitability Policy be amended so that a person who is convicted for using a held-hand mobile telephone or a hand- held device whilst driving will not be granted a licence until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

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East Herts Council Report

Licensing Committee

Date of Meeting: 25 November 2020

Report by: Claire Mabbutt (Licensing Enforcement Officer)

Report title: Review of Licensing Activity in Quarter 1 and Quarter 2 of 2020

Ward(s) affected: All

Summary – Quarterly reports are presented to Licensing Committee to ensure oversight of these areas of regulation and allow the authority to evidence that it is fulfilling its statutory responsibilities.

RECOMMENDATIONS FOR Licensing Committee:

- (a) That Members review and comment on the Licensing Activity from Quarter 1 and 2 of 2020; and
- (b) Review and comment on the proposed work plan for 2020/2021.

1.0 Proposal(s)

- 1.1 That the report is received by members of the Licensing Committee.

2.0 Background

- 2.1 The council's Licensing and Enforcement Team covers the Hackney Carriage and Private Hire licensing, alcohol, entertainment and late night refreshment licensing and

notices, along with more infrequent applications relating to, among other things, scrap metal dealing and gambling.

2.2 This report presents data for the year to date on processing and enforcement, delegated decisions and Licensing Sub Committee involvement, on licences, notices, and permits, and applications including:

- Alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003;
- Gaming under the Gambling Act 2005;
- Taxi drivers, vehicle proprietors and operators.

3.0 Reason(s)

3.1 During Q1 and Q2 of this financial year, until August, the work of the enforcement team has been undertaken by the service manager and the senior licensing & Enforcement officer. This was due to maternity leave and a vacant post. During this period, particularly in light of the pandemic, statutory work had to be prioritised over enforcement.

3.2 Members requested that further detail be provided in relation to any trends in the types of complaints received. Currently the vast majority of complaints relate to concerns about compliance with Covid-19 regulations.

3.3 There has been a marked decrease in the number of complaints in the first half of 2020 when compared to the same period in 2019. This is related to the pandemic and subsequent lockdown.

3.4 The team has assisted with inspections of licensed premises during Friday and Saturday evenings and have supported the Police and Environmental Health with enforcement where requested. The key role has been to support compliance whilst helping to gather evidence where necessary.

- 3.5 The enforcement team’s work normally involves ensuring that all documentation for taxi drivers and vehicles is up-to-date and therefore ensuring licences are valid. This role has slightly changed as due to the pandemic many licensed drivers are not working and so are allowing checks relating to themselves and their vehicles lapse. The enforcement team is ensuring that our records are kept up-to-date and that people with expired documents are suspended until they are ready to go back to work and produce the required documents.
- 3.6 Under the licensing points system during Q1 and Q2 only 12 points have been issued and all to 1 licence holder. The points have been appealed to the Head of Housing & Health and if the appeal is dismissed the driver will be coming before a licensing sub-committee shortly. No points have been issued for failure to produce documents within this period.
- 3.7 The figures for the quarterly performance indicators for licensing for Q1 & Q2 are detailed in the table below with the 2019/20 overall figures for comparison.

Performance indicator – cumulative (reported quarterly) within the year unless otherwise stated	2019/2020 overall figures	2020 Q1 & 2	Target
Percentage of valid personal licences processed within 2 weeks	100%	100%	85%
Percentage of valid temporary event notices processed within 72 hours	90%	92%	90%

Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	90%	100%	99%
Percentage of driver's licences issued within 30 working days of validation	94%	81%*	95%

*This is due to face-to-face training being suspended until September 2020.

3.8 Further details regarding proposed future work, decision making, project and policy work and licensing matters dealt with by Environmental Health can be found at **Appendix A**.

3.9 Performance data and year on year comparison figures can be found in **Appendix B**.

4.0 Options

4.1 To not provide the members of the Licensing Committee with Quarterly reports. This option was dismissed as it would not allow for oversight of this area of regulation by Member.

5.0 Risks

5.1 None identified by author.

6.0 Implications/Consultations

Community Safety

Proper scrutiny of the work of the Licensing & Enforcement team helps to ensure that policies and procedures promote community safety.

Data Protection

None

Equalities

None

Environmental Sustainability

No

Financial

None as any work either carried out or proposed will be possible within existing budgets.

Health and Safety

None

Human Resources

None

Human Rights

None

Legal

None

Specific Wards

None

7.0 Background papers, appendices and other relevant material

- 7.1 **Appendix A** - Further details regarding decision making, project and policy work and licensing matters dealt with by Environmental Health
- 7.2 **Appendix B** – Performance data from 1st April 2020 to 30th September 2020. Year on Year comparison figures for applications and granted licences, notices and other permissions.

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Licensing Activity report: 1st April 2020 to 30th September 2020

1. Context

The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal handling and gambling.

Licensing of food premises and other commercial businesses subject to regulatory activity is carried out by the Environmental Health team and are included at point 7. Whilst Street Trading is currently an Environmental Health function it will shortly be moving over to the Licensing & Enforcement Team.

Licensing matters managed by the Licensing & Enforcement Team

2. Taxis

The activity over the period in question has been as follows:

New driver applications	7 (2 dual drivers & 5 private hire drivers)
New applicants who have attended training	8 (including 1 from Q4 of 2019/20)
Resits of knowledge test	0
Existing drivers who have attended update training	0 (face to face training events cancelled due to pandemic)
Decisions taken by Service Manager – Licensing & Enforcement under delegated powers	5 (vehicles outside Policy)
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman of the Licensing Committee	4 (2 driver renewals and 2 vehicles outside policy)
Appeals against licensing points – decision by Head of Housing and Health	0
Upheld	n/a
Dismissed	n/a

Appeals of decision – decision by court	0
Upheld <i>council not successful in defending its decision</i>	0
Dismissed <i>council successful in defending its decision</i>	0
Prosecution sought	0
Successful	0
Unsuccessful	0
Judicial reviews	0

There is a strong desire among both Members and officers to build on the council's work to promote high quality taxi licensing. Through the Herts and Beds Licensing Group work was started during the early part of the year to work towards unified standards in Taxi licensing across some parts of the County (St Albans, Dacorum, North-Herts, Watford and East Herts were involved). This work had to be reprioritised due to the pandemic but the new DfT Standards document published in July rekindled some of this work. to work towards unified taxi standards (as much as possible).

- New part-time taxi ranks came into force in Ware High Street and at The Wash in Hertford.
- Joint authorisation of officers being worked on with St Albans as a pilot for the County.
- Travel With Confidence scheme launched in East Herts following closely behind Watford. East Herts has driven this County Wide and successfully bid for PH funding for all 10 LA's to implement the scheme. In the first week 55 drivers signed up for the online infection control training and 39 had passed.

Measures have been put in place to assist the licensed taxi and private hire trade during this difficult time whilst ensuring we do not compromise public safety.

- Some exceptions have been made to the vehicle age and emissions policy in relation to vehicle renewals. The impact the pandemic has had on work of the licensed trade means that existing drivers are less able to replace their existing vehicles if they do not meet the emissions standard which came into effect in April. Where a renewing vehicle meets every other standard except the emission level licences have been granted on a case by case basis on the understanding that they will not be renewed again once the pandemic is over. A number of older vehicles that have failed to meet standards have been refused their renewals in the interests of public safety.
- Measures were put in place to ensure that drivers were able to avoid suspension in a period when they were unable to book medicals. Again this was done on a case by case basis to ensure public safety.
- Drivers that were or are not working were allowed to have their plates and badges suspended so that they were not continually chased for expired documents. Once drivers feel that they can come back to work they are required to satisfy all checks before the licences are unsuspended.
- Some Hackney Carriage drivers that had chosen not to work or were shielding were concerned that if their plate expired then they would not be able to get another due to the diminishing cap that's in place. Reassurance was given that plates would be granted as an exception to the cap where it was an application from a driver that was licensed before lockdown and that it was for the same or a newer vehicle.

Linked in with the Hackney Carriage trade we have started a review of the ranks across the district to ensure that they are in the right location and service the needs of the customers and support the trade. The new Ware High Street evening ranks and the evening rank

in The Wash , Hertford are now operational (where social distancing measures allow).

3. Premises

During the Q1 and Q2 of this financial year, 2 applications were decided by Licensing Sub-Committees. There is a significant amount of work for officers whenever there is a contested application and the costs of a Licensing Sub-Committee are not covered by the fees set by Central Government. The details of the matters bought before Licensing Sub-Committees are shown below.

Premises/Person	Location	Type of application	Resolved
Lomo	Hertford	Premises Licence Variation	Granted with conditions
Hadham Brewery	Stansted Abbots	New Premises Licence	Granted with amendments

The decision of the Licensing Sub-Committee in relation to the review of the Jungle Bar's premises licence has been appealed and is scheduled to be heard in Quarter 3.

In addition to those matters that were bought before a Licensing Sub-Committee 4 others received representations. Officers of the Licensing Authority mediated between the respective parties and satisfactory solutions were found resulting in representations being withdrawn and applications being granted without the need for a Licensing Sub-Committee to be held.

4. Temporary Event Notices

The number of TEN's received by the authority in Q1 & Q2 was over 400 less than in the same period of 2019. This is a result of the Covid-

19 regulations limiting the numbers of persons able to gather and the types of events allowed to proceed.

As Members are aware only the Police and Environmental Health can object to TEN's and they also both have powers under the regulation relating to Covid-19. As such contact was made by EH with all applicants for TEN's which either resulted in the TEN being withdraw or the premises user providing an adequate risk assessment.

The Service Manager – Licensing & Enforcement has been involved in the setting up of, and sits on, the County Wide “Events Coordination Group”. The group was formed to provide a forum for supporting Safety Advisory Groups (SAG's) & Safety Advisory Teams (SAT's) across the county with a particular focus on ensuring any events are covid safe.

As part of this work all TEN's received by the Licensing Team are forwarded in a redacted form to East Herts Sag so that they are aware of events and can flag up concerns where necessary.

5. Pavement Licences

As part of the measures to assist the hospitality industry during this very difficult time Central Government introduced a fast track version of the Pavement Licensing regime administered by County Councils. The new regime was given to Local Authorities at very short notice and in a matter of a couple of weeks we had drafted a policy, guidance and application forms, selected consultees, set up our systems to be able to process applications and issued comms to promote the regime. Applications could be made from 23rd July and we were braced for the influx of applications which never happened.

6. Future work and Policy development

Events and Gatherings Coordination Group (EGCG)

The Service Manager – Licensing & Enforcement has been involved in the setting up of, and sits on, the County Wide “Events Coordination

Group". The group was formed to provide a forum for supporting Safety Advisory Groups (SAG's) & Safety Advisory Teams (SAT's) across the county with a particular focus on ensuring any events are covid safe.

As part of this work all TEN's received by the Licensing Team are forwarded in a redacted form to East Herts Sag so that they are aware of events and can flag up concerns where necessary.

Statement of Licensing Policy (Licensing Act 2003)

The Licensing Team had undertaken to review the authorities Statement of Licensing policy in 2019 but the decision was taken to delay this piece of work until the results of the "Community Voice" initiative were known. This work has been delayed by the pandemic and we are now in a position where we need to set a timetable for reviewing the policy rather than having the luxury of extra time.

Step	Date to be completed or meeting	Commencement date or deadline	Comments
Council	21 st July 2021	6 th July 2021	
Licensing Committee	23 rd June 2021	2 nd June 2021	Recommend final wording to Council
Amendments (if necessary)	1 st June 2021	12 th May 2021	3 weeks for any amendments
Formal consultation	10 th May 2021	10 th February 2020	12 week consultation
Drafting	5 th February 2021	1 st January 2021	Allows time to draft, circulate for comments and amend if necessary
Pre-consultation with RA's & Councillor's	26 th December 2020	26 th November 2020	
Licensing Committee	25 th November 2020	11 th November 2020	Mentioned in future work on quarterly reports for Member feedback

Areas already identified that will be looked at are:

- “Family Friendly” Town Centres;
- Open air events & festivals;
- Late night refreshment (takeaways).

We would invite all Members to review the current Statement of Licensing Policy and to send any comment, thoughts or suggestions to the Service Manager – Licensing & Enforcement.

Taxi Licensing

In 2019 a revised Suitability Policy was introduced which goes beyond just considering convictions and will be applied to those in the Hackney Carriage and Private Hire trade. Minor amendments will be suggested in some areas as a result of the DfT publishing its Statutory Taxi and Private Hire Vehicle Standards.

Work to promote greater continuity in taxi licensing across Hertfordshire remains ongoing with policies such as the vehicle age and emissions being adopted by neighbouring authorities. Through the Herts & Beds Licensing Group a working party was set up to specifically look at how to achieve county wide consistency. St Albans, East Herts, Watford, Dacorum and Broxbourne will look at having uniform policies (where possible) and authorising neighbouring authorities officers. The areas it was proposed to look at first were:

- New driver, vehicle and operator conditions; and
- Reviewing the Licensing Record Points scheme (introducing a scheme to authorities where there isn't one already).

However the DfT Standards have changed the focus slightly whilst also introducing some minimum standards that all authorities nationally must follow.

The “Travel With Confidence” initiative shows that with the right support all Hertfordshire authorities can do the same thing to achieve common goals.

Licensing matters managed by the Environmental Health Team

7. Overview of licences

This section provides an overview of the number of active licences and those in the process of being reviewed / considered in the Q1 and Q2 of 2020.

Licensable activity	Active Licences, Permits, Registrations & Consents	Renewals	New Applications
Animal Activities:			
Providing boarding for cats or dogs	37	21	2
Breeding of dogs	3	0	1
Selling animals as pets	6	4	0
Hiring out horses	4	4	0
Keeping or training animals for exhibition	3	0	0
Other Animal Licences:			
Dangerous Wild Animals	1	1	0
Zoo	2	1	0
Skin Piercing Activities:			
Acupuncture (Premises & Personal)	Prem: 45 Pers: 103	-	Prem: 0 Pers: 0

Ear piercing (Premises & Personal)	Prem: 20 Pers: 65	-	Prem: 4 Pers: 4
Electrolysis (Premises & Personal)	Prem: 47 Pers: 107	-	Prem: 2 Pers: 2
Others:			
Camping sites	2	0	0
Houses in multiple occupation	75	5	4
Mobile homes sites	0	0	0
Street trading	4	4	8

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Appendix B

Q1 & Q2 2019 Data – 1st April 2019 to 30th September 2019

Q1 & Q2 2020 Data – 1st April 2020 to 30th September 2020

Licensing Act 2003

Premises Licence Applications	Q1 & Q 2 2019	Q1 & Q 2 2020
New	19	9
Variation	10	8
Minor Variation	8	7
Transfer of premises licence	10	13
Change of designated premises supervisor	61	25
Interim Authority notice	0	0
Review	1	0
Suspended	8	0

Club Premises Certificates Applications	Q1 & Q 2 2019	Q1 & Q 2 2020
New	0	0
Variation	1	1
Minor Variation	0	0
Transfer of premises licence	0	0
Interim Authority notice	0	0
Review	0	0
Cancelled/surrendered	0	0
Suspended	0	0

Personal Alcohol Licences Applications	Q1 & Q 2 2019	Q1 & Q 2 2020
New	50	21
Amendments (change of address etc)	2	3
Refused	0	0

Temporary Event Notices Received	Q1 & Q 2 2019	Q1 & Q 2 2020
TENs received	475	73
Objections (Police or Environmental Health)	2	0
Refused	0	0

GAMBLING ACT 2005

New Applications	Q1 & Q 2 2019	Q1 & Q 2 2020
Club Machine Permits	1	0
Small Society Lotteries	18	5
Betting Premises Licence (Betting shops)	0	0
Licensed Premises Gaming Machine Permit	1	0
Notification of Gaming Machines	1	0

CHARITY COLLECTIONS

New Applications	Q1 & Q 2 2019	Q1 & Q 2 2020
House To House	19	2
Street Collections	72	2

This figure does not include direct debit collections or those charities with a National dispensation to collect who simply notify us of their intention to collect in East Herts.

DISTRIBUTION OF FREE LITERATURE

	Q1 & Q 2 2019	Q1 & Q 2 2020
New Applications	9	0
Total issued	28	25

TAXIS

Dual Drivers	Q1 & Q 2 2019	Q1 & Q 2 2020
New	33	2
Renewed	127	66

Private Hire Drivers	Q1 & Q 2 2019	Q1 & Q 2 2020
New	10	5
Renewed	19	3

Private Hire Operators	Q1 & Q 2 2019	Q1 & Q 2 2020
New	2	2
Renewed	0	0

Hackney Carriage Vehicles	Q1 & Q 2 2019	Q1 & Q 2 2020
New	12	9
Renewed	103	91
Change of vehicle	37	24

Private Hire Vehicles	Q1 & Q 2 2019	Q1 & Q 2 2020
New	10	6
Renewed	23	18
Change of vehicle	6	11

	Q1 & Q 2 2019	Q1 & Q 2 2020
Courtesy vehicles	10	4

Pavement Licences (since 23rd July 2020)

	Q 2 2020
New Applications	8
Refused	1
Invalid	2
Total issued	5

TOTALS NUMBERS OF LICENCES

Type of Licence	31/12/2017	06/06/2019	26/02/2020	30/09/2020
Premises Licence	485	497	538	537
Club Premises Certificates	36	36	36	36
Personal Alcohol Licences	1851	1983	2039	2073
Betting Premises Licence	15	14	14	14
Dual Drivers	315	305	285	272
Hackney Carriage Vehicles	265	251	254	229
Private Hire Drivers	68	70	59	60
Private Hire Vehicles	62	66	61	47
Private Hire Operators	39	43	43	44

Figures regarding licensed vehicle numbers are routinely recorded so figures are available from 2013.

Date	Number of HC vehicles	Number of PH vehicles
June 2013	250	46
June 2014	254	44
June 2015	257	57
June 2016	257	56
June 2017	266	58
December 2017	265	62
June 2019	251	66
February 2020	254	61
September 2020	229	47

LICENSING RECORD POINTS ISSUED

	18/19	19/20	20/21
Points issued	30	42	12
Number of drivers issued points	11	19	1
Percentage of licence holders issued points*	3%	5.5%	Less than 1%

*Based on 375 drivers in 18/19, 344 drivers in 19/20 & 332 drivers in 20/21