



MEETING : LICENSING COMMITTEE
VENUE : ONLINE MEETING - LIVESTREAMED
DATE : WEDNESDAY 10 MARCH 2021
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)

CONTACT OFFICER: WILLIAM TROOP

01279502173

William.Troop@eastherts.gov.uk

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.)

Public Attendance

East Herts Council provides for public attendance at its virtual meetings and will livestream and record this meeting. The livestream will be available during the meeting on the East Herts District YouTube channel (available from YouTube and then searching for the channel) or at this link: <https://www.youtube.com/user/EastHertsDistrict/live>.

If you would like further information, email democratic.services@eastherts.gov.uk or call the Council on 01279 655261 and ask to speak to Democratic Services.

Accessing the agenda pack

To obtain a copy of the agenda, please note the Council does not generally print agendas, as it now has a paperless policy for meetings. You can view the public version of the agenda for this meeting on the Council's website in the section relating to meetings of Committees. You can also use the ModGov app to access the agenda pack on a mobile device. The app can be downloaded from your usual app store.

Implementing paperless meetings will save East Herts Council approximately £50,000 each year in printing and distribution costs of agenda packs for councillors and officers.

You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device. Visit <https://www.eastherts.gov.uk/article/35542/PoliticalStructure> for details.

AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes - 25 November 2020 (Pages 7 - 16)

To approve the Minutes of the meeting of the Committee held on Wednesday 25 November 2020.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' declarations of interest.

5. Licensing Sub-Committee Minutes - 20 November, 9 December 2020, 8 January, 5 February 2021 (Pages 17 - 64)

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

20 November 2020

9 December 2020

8 January 2021

5 February 2021

6. Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards – Consultation Responses (Pages 65 - 88)

7. Review of Licensing Activity in Quarter 3 of 2020 (Pages 89 - 106)

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.

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD AS AN
ONLINE MEETING ON WEDNESDAY 25
NOVEMBER 2020, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors R Bolton, K Crofton, B Crystall,
M Goldspink, A Hall, J Jones, T Page, S Reed,
D Snowdon and N Symonds

ALSO PRESENT:

Councillor M Stevenson

OFFICERS IN ATTENDANCE:

Steven King	- Finance Management Trainee
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
William Troop	- Democratic Services Officer

267 APOLOGIES

No apologies for absence were received.

268 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make to the
Committee.

269 DECLARATIONS OF INTEREST

There were no declarations of interest.

270 MINUTES - 11 MARCH 2020

It was moved by Councillor Jones and seconded by Councillor Page, that the Minutes of the meeting of the Committee held on 11 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 Committee meeting held on 11 March 2020 be confirmed as a correct record and signed by the Chairman.

271 LICENSING SUB-COMMITTEE - 13 MARCH, 23 APRIL, 1 JUNE, 5 JUNE 2020

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 13 March, 23 April, 1 June and 5 June 2020, be received.

272 RESPONSE TO DEPARTMENT FOR TRANSPORT (DFT) STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

The Service Manager for Licensing and Enforcement presented the report to the Committee and briefly explained the main points.

Councillor Wilson asked whether there had been any instances of the Council revoking drivers' licences due

to sexual offences committed during their duty and, if so, could Members be confident checks were sufficiently stringent. He also asked whether the whistleblowing policy for staff could be extended so that drivers or operators could report concerns.

The Manager said licences had been revoked for sexual offences in the past. However, he was confident that checks could not be any more stringent at initial licensing or renewal. The lessons learnt were that the Council should maintain a close relationship with the Police to build intelligence, and to take a cautious approach. The Council had revoked licences and had the option to later reinstate them should allegations or intelligence prove to be unfounded. In relation to whistleblowing, the Council had a good relationship with most operators and they were a good source of intelligence. A review of operating conditions would take place and this would formalise the reporting process.

The Chairman said that the Council operated to a different evidential standard than the Police. There had been occasions in the past where the criminal standard had not been met, but the Council had revoked a licence.

Councillor Wilson asked whether directly contacting the Police circumvented the Disclosure and Barring Service (DBS) process, which the Department for Transport (DfT) discouraged. He also asked whether the Council would need justification for the policy of refusing or revoking a licence on the basis of drug possession (or a similar offense) until ten years after

the offence, rather than the five years the DfT recommended. He said these offences were often committed by addicts and he felt that the Council's policy was harsh.

The Chairman asked whether the DfT's recommendations were mandatory or advisory. The Manager said the Council could justify its contact with the Police as they would only disclose relevant information.

Members were advised that, in the past, this approach had highlighted issues relevant to licensing that were not visible on an enhanced DBS check. The Council must have regard to the DfT's recommendations in the formulation of its policy, and have valid justification for departing from them. The Council's more stringent standards were subject to public consultation and deemed appropriate by Members at the time. However, this could be reconsidered at the end of the consultation period if Members so wished.

Councillor Wilson said it seemed contradictory that some standards, such as those relating to driving offences, were the subject of proposed amendments due to the recommendations of the DfT, yet the Council had departed from its guidance in other areas.

Councillor Bolton asked how the Council could evaluate whether someone was alcohol or drug dependent, and if they had been free from alcohol or drugs for five years.

The Manager said that applicants were required to

declare all relevant facts. The Council may also rely on other intelligence and could insist an applicant take a test to support their claim to be free from alcohol or drug use, at their own expense, if there was a compelling reason to do so. However, the only reasonable assumption that the Council could make if there had been no convictions for alcohol or drug related offences in the last five years would be that the applicant was free from drug and alcohol misuse and dependence.

Councillor Bolton asked if the Council was considering specifying other offences similar to the use of a handheld device whilst driving. She also asked for the Manager's thoughts on the proposed Joint Authorisation of Enforcement Officers pilot.

The Manager said the suitability policy included wording that made clear similar offences to those listed were also relevant, and the list was not exhaustive. Regarding the pilot, discussions on how the funding for the scheme would work had been extensive. All drivers would be required by law to speak to Enforcement Officers from either Authority, although any enforcement action would be handled by the driver's home Authority.

The Chairman said that these measures were welcome, as drivers licensed by other Authorities could often be seen in Hertford on weekends. Councillor Bolton said she was impressed with the Council's existing procedures, but asked if the public complaints process would be improved, and, if so, how.

The Manager said the Council had been working to improve this process. One measure to make the process easier was to improve the visibility and clarity of external credentials on vehicles. Licensing would use the opportunity of the consultation to inform a wide range of taxi users how they could complain about a driver or operator.

Councillor Jones said that it seemed unduly harsh that an application would likely be rejected within five years of an offence relating to a handheld device. He said he deemed it to be a lesser offence that driving under the influence of alcohol or drugs. He also asked if the Council had considered the use of QR codes for taxi users to access details of drivers' licenses to assist in making complaints.

The Chairman said he felt the two offences were comparable and Central Government had recently made laws on this offence more robust. He added he would like to see QR codes prominently displayed in vehicles.

The Manager said this was being considered, although there were a number of technological challenges to overcome. Councillor Page asked if the Council's licensing policies and activity was externally scrutinised.

The Chairman said that applicants who disagreed with the Council's licensing decisions could appeal to the magistrates court. The Manager said the Council, including Licensing, was also periodically audited by the Shared Internal Audit Service (SIAS).

Councillor Symonds asked how the Council could differentiate between those who were drug dependent and those who used drugs in a casual or recreational manner. The Manager said the Council would rely on any intelligence it had. There were several legal difficulties around random roadside testing of drivers.

It was moved by the Chairman and seconded by Councillor Bolton that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the report be received; and

(B) Officers be instructed to carry out an eight week public consultation.

273 REVIEW OF LICENSING ACTIVITY IN QUARTER 1 AND QUARTER 2 OF 2020

The Service Manager for Licensing and Enforcement presented the report to the Committee and briefly explained the main points. He thanked his Officers for their hard work under the difficult circumstances of the COVID-19 pandemic. He also explained the Council's Travel with Confidence scheme, which included online training for drivers and some funding to allow drivers to claim reimbursement for installation of a screen in their vehicles. The scheme would soon be going county-wide.

Councillor Crystall asked if Members were able to attend Licensing Appeals and how they could find details of upcoming hearings. The Chairman said the

Jungle Bar appeal hearing had been delayed. Members were able to attend and the Manager could register Councillor Cystall's interest in this application.

Councillors Bolton and Symonds asked about the responsibility for street trading moving to the Licensing and Enforcement team and when it would happen and whether the team had enough capacity for this.

The Manager said there was no fixed date but the change would happen as soon as possible. He was confident the Licensing and Enforcement team had enough capacity to take on this extra responsibility. The food safety aspect would still be dealt with by Environmental Health.

Councillor Jones asked about the reimbursement of drivers and operators for vehicle screens, and whether this could be extended to personal protective equipment (PPE) and also cover the drivers of community buses.

The Manager said the funding came from Public Health England and initially allowed the training of 100 drivers for the Travel with Confidence scheme. Accredited drivers could apply for reimbursement of the cost of the screen. Most drivers had already purchased face coverings, so the inclusion of PPE was not deemed necessary. Community buses were not a service that came under the remit of Licensing and Enforcement, but the Manager said he would be happy to assist the relevant service with an application for funding, given his experience of the process.

Councillor Jones asked what checks were in place in relation to pavement licenses. He said there had been very few applications but a considerable number of businesses had outdoor seating available. This seemed unfair on businesses which had followed due process.

The Manager said there had not been any enforcement action in relation to the licences. This could be pursued if Members so wished, but the option of pursuing struggling hospitality businesses during the pandemic would not be favourable.

The Chairman said it was best to be pragmatic, particularly as it was moving towards winter and outdoor seating would be less sought after. The Chairman, with the support of the Committee, said the Committee recognised the difficulties that hospitality, taxi and licensed businesses were facing and commended their dignity and spirit in the face of the pandemic. He also thanked Officers for their reports and work.

RESOLVED – that the report be received.

The meeting closed at 8.06 pm

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
ZOOM ON FRIDAY 20 NOVEMBER 2020, AT
10.00 AM

PRESENT: Councillor B Crystall (Chairman)
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

ALSO IN ATTENDANCE:

Mr Harry Garbutt	- Applicant (Director of Premium Alcohol Delivery)
Mr William Thomas	- Applicant (Director of Premium Alcohol Delivery)

8 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Bolton and seconded by Councillor Andrews, that Councillor Crystall be appointed Chairman for the meeting. After being put

to the meeting and a vote taken, the motion was declared CARRIED.

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

9 APOLOGIES

There were no apologies.

10 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 MINUTES - 1 AND 5 JUNE 2020

It was moved by Councillor Andrews and seconded by Councillor Bolton that the Minutes of the meetings held on 1 and 5 June 2020 each 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 1 and 5 June 2020 each be confirmed as a correct record and signed by the Chairman.

13 APPLICATION FOR A NEW PREMISES LICENCE FOR PREMIUM ALCOHOL DELIVERY LTD (20/0750/PL)

The Democratic Services Officer assisted the Chairman by summarising the procedure for the Sub-Committee hearing. All those present were introduced or introduced themselves. The Senior Licensing and Enforcement Officer referred Members to the report covering a new premises licence application under Section 17 of the Licensing Act 2003.

The Sub-Committee was advised that on the 31 August 2020, Premium Alcohol Delivery Ltd submitted an application for a new premises licence for Office Six, Broadmeads Pumping Station, Hertford Road, Ware. The application was solely for the supply of alcohol off the premises between 18:00 hours to 06:00 hours Monday to Sunday. Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives.

The Senior Licensing and Enforcement Officer said that the public would not have access to the premises at any time as the business model was for delivery only and an age verification scheme would be in use. The Sub-Committee was advised that all windows would be closed and the applicant's private vehicles would be used from onsite parking and loading bays. The Officer referred to the intended use of blackout blinds and he said that these measures were further strengthened by the conditions agreed with Hertfordshire Constabulary.

The Sub-Committee was advised that 12

representations had been received from local residents and interested parties during the consultation period regarding the prevention of public nuisance, the prevention of crime and disorder and public safety licensing objectives.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts statement of licensing policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives and Members must consider if the applicant had evidenced whether the application would not undermine the licensing objectives and this should be balanced against the evidence given by interested parties and residents.

The Senior Licensing and Enforcement Officer said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be approved. Members were advised that if they believed that the application would not promote the 4 objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the application should only be refused as a last resort and the Members' decision should be evidence based, justified and appropriate.

Councillor Bolton asked if there had been representations from the responsible authorities. The Senior Licensing and Enforcement Officer confirmed that there had been no such representations. He also confirmed for Councillor Bolton that this was a

commercial office site with no residents living there and there were no other premises.

Councillor Andrews commented on his assumption that there was no change of use meaning that planning permission was not required. The Senior Licensing and Enforcement Officer confirmed that this was a commercial site and there had been no replies from Planning Officers.

Councillor Crystall posed a question as to whether the gates to the site were locked at night. The applicant, Mr Thomas, was assured that the Sub-Committee had received the statement that he had issued. He confirmed that he believed that the gates to the site were not locked at night.

Mr Thomas said he believed that the nature of the application had been misinterpreted as being for a large scale warehouse and he could understand that concern. He said that the business had been run for two years from a residential area without there having been any complaints.

Mr Thomas referred to noise and said that the nearest residential premises was 70 metres away and he felt that this was a substantial amount of ground. He said that the concern of safety of access was not an issue as there would be no delivery drivers or forklifts as Premium Alcohol Delivery Ltd was a small independent company with 2 directors using personal vehicles meaning that there would be no significant build up in traffic due to this application.

Mr Thomas said that Sally Bannister from Hertfordshire Constabulary had inspected the premises regarding crime and disorder and some conditions had been attached and the police had no objections to the application. Councillor Andrews posed a question to the applicant in terms of the steps to be taken to protect minors from accessing alcohol.

Mr Thomas said that all customers were required to confirm age when placing an order online or by phone. He said that the terms and conditions confirmation also covered a declaration that customers were over 18. He said that a challenge 18 policy would be used and most people would be ID checked to prove their identity on delivery.

Councillor Andrews was assured by Mr Thomas that parking and loading could take place behind the premises if that was required as a condition on the application. He said that there was only one entrance and no HGVs or forklift trucks would be used by Premium Alcohol Delivery Ltd.

Councillor Bolton made the point that some 15 years old looked 18. Mr Thomas confirmed that he and his fellow director were very aware of what was required and would never sell alcohol to anyone who was not 18. He said that checks would be carried out when required and any further delivery personnel would be over 18 and trained in ID work and would also need to have a clean driving record.

The Sub-Committee was advised by Mr Thomas that he would accept a condition on a minimum age of

delivery driver and would be happy to operate a challenge 21 or 25 policy. He confirmed to Councillor Bolton that there had been no complaints with regards to his current licence in a residential street and he did not believe that many residents on this street were actually aware that the business existed and was operating from this site.

Councillor Crystall referred to a public nuisance matter in the event that gates were locked at night with a chain and padlock arrangement. Mr Thomas emphasised that the gates were open at night and there was an office linked intercom system in case the gates did happen to be locked. He said that all products were packed in an office and then loaded straight into a vehicle to minimise noise. He assured Councillor Crystall that there was not going to be a high volume of orders, perhaps around 30 in a typical weekend.

Councillor Crystall asked about the proposed hours until six in the morning. Mr Thomas said that this was to allow for potential growth of the business and the hours would initially stay the same prior to future expansion. He also stated that it was not the plan to use courier vans to visit wholesalers as he and his fellow director collected direct from wholesalers. He explained that a courier company might be used to deliver solely to the business in future.

Mr Thomas made a brief 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 and the applicant and the Sub-Committee have taken into account concerns raised by the interested parties.

The Chairman said that the Sub-Committee had decided to grant the application, subject to the following additional conditions, along with the steps agreed with the Police to promote the licensing objectives and subject to the following additional conditions:

- Only a car / small van (Light Goods Vehicle) will be used for stock receipts and deliveries;
- That no vehicle used outside normal office hours of 09:00 –17:00 should be fitted with a reversing alarm;
- No mechanical / material handling equipment to be used at anytime
- That condition 2 of paragraph 3.6 be replaced with a “Challenge 25” policy to be used.

In coming to its decision, the Sub-Committee believed that the applicant had provided evidence that the granting of the licence would promote and not undermine the

licensing objectives. The evidence was balanced against the representations that had been made by residents.

RESOLVED – that the application for a New Premises Licence for Premium Alcohol Delivery Ltd, be granted subject to the additional steps agreed with the Police to promote the licensing objectives and subject to the following additional conditions:

- Only a car / small van (Light Goods Vehicle) will be used for stock receipts and deliveries;
- That no vehicle used outside normal office hours of 09:00 –17:00 should be fitted with a reversing alarm;
- No mechanical / material handling equipment to be used at anytime
- That condition 2 of paragraph 3.6 be replaced with a “Challenge 25” policy to be used.

14 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.13 am

Chairman
Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD AS AN
ONLINE MEETING ON WEDNESDAY 9
DECEMBER 2020, AT 10.00 AM

PRESENT: Councillor J Jones (Chairman)
Councillors M Goldspink and C Wilson

ALSO PRESENT:

Councillors D Andrews and R Bolton

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Mr Thomas Day	- Applicant
Mr Ben Fathers	- Local Resident (Interested Party)

15 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Goldspink and seconded by
Councillor Wilson, 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.

16 APOLOGIES

There were no apologies.

17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable Councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Licensing Sub-Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

18 DECLARATIONS OF INTEREST

There were no declarations of interest.

19 APPLICATION FOR A NEW PREMISES LICENCE FOR FRENCH AND DAY LTD (20/0885/PL)

The Chairman summarised the procedure for the Sub-

Committee hearing. All those present were introduced or introduced themselves. The Senior Licensing and Enforcement Officer presented his report covering a new premises licence application under Section 17 of the Licensing Act 2003.

The Sub-Committee was advised that on the 19 October 2020, French and Day Ltd submitted an application for a new premises licence for 55 High Street, Ware. The application was for the supply of alcohol for consumption both on and off the premises between 9:00 hours to 23:00 hours, Monday to Sunday. Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives.

Members were also advised that the applicant, in consultation with Environmental Health and Hertfordshire Constabulary, had also varied the application to include a number of extra measures, including a 'Challenge 25' policy and measures to limit noise transference to neighbouring properties.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts statement of licensing policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives and Members must consider if the applicant had evidenced whether the application would not undermine the licensing objectives and this should be balanced against the evidence given by interested party.

The Senior Licensing and Enforcement Officer said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable activity. The application should only be refused as a last resort and the Members' decision should be evidence based, justified and appropriate.

The applicant briefly explained the nature of the business, which would be a delicatessen specialising in the sale of local produce and also serving beers, wines and spirits. It was hoped, if the license was granted, that occasional evening events would be held, such as wine tasting sessions.

The Chairman asked about the planned opening hours and how many evening events it was foreseen would be held.

The applicant said opening hours would likely be 10am – 7pm. The evening events would be a maximum of once a month, with around 15 to 20 people attending. It was foreseen that the rear sales floor would be used, and attendees would have to book in advance, with food being served.

The Chairman and Councillor Goldspink asked the applicant where the premises adjoined the

neighbouring residential property.

The applicant said that the properties adjoined on the first floor, flying over Water Row. His premises comprised only of the basement and ground floor, with the first and second floors being retained by the landlord. Councillor Wilson asked whether the applicant had explored any soundproofing options.

The applicant said he had not. Due to the listed status of the building, including wooden panelling on the walls, soundproofing would not be achievable.

The Legal Services Manager asked the applicant about any measures that would be taken to avoid nuisance being caused by the premises.

The applicant said that in relation to the adjoining wall, as this was at the first floor level, this was not within his premises and would be retained by the landlord. He believed that this would be used as an office space.

The interested party confirmed that that the applicant's description of how the properties were adjoined was correct. He said that the applicant's business sounded like a good fit for the area and made it clear he did not wish to be an unnecessary hindrance.

Members were advised that his employment often meant that he worked through the night and slept early. The noise transference was therefore of particular concern, which had been noticeable but less problematic when the adjoining premises was used as

a bank. There was also the potential worsening of the existing problem of people urinating on Water Row, although he accepted the expected clientele of the delicatessen did not sound likely to be very intoxicated or rowdy. These issues could have an effect on the value of his property. He added that soundproofing in his property could be explored as the doors were the only listed feature in his home.

The Chairman said that the license could be reviewed at a later date if any problems did arise and were raised by residents or responsible authorities. This was confirmed by the Legal Services Manager.

The interested party said he would be satisfied with a limit being placed on the number of evening events which could be held and proposed a figure of one a month. The applicant confirmed this would be acceptable to him.

The applicant made a brief closing submission before the Sub-Committee retired to make its decision. At the conclusion of the closing submission, 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 Licensing Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant and the interested party and the Sub-Committee had taken into account concerns

raised by the interested party. The Sub-Committee decided to grant the application, subject to an additional condition along with the steps agreed with the Police and Environmental Health to promote the licensing objectives.

Additional Condition:

- Licensed hours are limited from 9am – 7pm from Monday to Sunday, apart from during pre-arranged events that are to take place no more than once monthly, during which licensed hours will extend from 9am – 11pm (the sale of alcohol finishing 15 minutes before closing time at 10:45pm).

In coming to its decision the Sub-Committee believed that the applicant had provided evidence that the granting of the licence would promote and not undermine the four licensing objectives. The evidence was balanced against the representations made by the interested party.

RESOLVED – that the application for a New Premises Licence for French and Day Ltd, be granted subject to the additional steps agreed with the Police and Environmental Health to promote the four licensing objectives and subject to the following additional condition:

- Licensed hours are limited from 9am – 7pm from Monday to Sunday, apart from during pre-arranged events that are to take place no more than once monthly, during which

licensed hours will extend from 9am – 11pm
(the sale of alcohol finishing 15 minutes
before closing time at 10:45pm).

The meeting closed at 11.20 am

Chairman
Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD AS AN
ONLINE MEETING ON FRIDAY 8 JANUARY
2021, AT 10.00 AM

PRESENT: Councillor R Bolton (Chairman)
Councillors J Jones and D Snowdon

ALSO PRESENT:

Councillors D Andrews and S Reed

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Sergeant Fitzgerald	- Hertfordshire Constabulary (Observing)
Stuart Matthews	- Applicant's Head of Security Team
Guy McCallan	- Hertfordshire Constabulary (Traffic)

	Management)
Brittany Melly	- Applicant's Management Team
Police Licensing Sergeant Saab Minichello	- Hertfordshire Constabulary
Community Safety Sergeant Clare Ramirez	- Hertfordshire Constabulary
Eric Stuart	- Applicant's Safety Advisor
Tom Wilkes	- Applicant

20 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Jones and seconded by Councillor Snowdon, that Councillor 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 Bolton be appointed Chairman for the meeting.

21 APOLOGIES

There were no apologies.

22 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of

Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable Councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Licensing Sub-Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

23 DECLARATIONS OF INTEREST

There were no declarations of interest.

24 MINUTES - 20 NOVEMBER AND 9 DECEMBER 2020

It was moved by Councillor Jones and seconded by Councillor Snowdon that the Minutes of the meetings held on 20 November and 9 December 2020 each 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 20 November and 9 December 2020 each be confirmed as a correct record and signed by the Chairman.

25 APPLICATION FOR A NEW PREMISES LICENCE,
WATERBRIDGE 2021 AT WATERBRIDGE, FROGMORE HILL,
WATTON AT STONE, HERTFORD

The Chairman summarised the procedure for the Sub-

Committee hearing. All those present were introduced or introduced themselves. The Senior Licensing and Enforcement Officer presented his report covering a new premises licence application under Section 17 of the Licensing Act 2003. The Sub-Committee was advised that on the 29 October 2020, an application was received for a location known as at Waterbridge, Frogmore Hill, Watton at Stone.

The Senior Licensing and Enforcement Officer said that the application sought a number of licensable activities including the performance of plays, the exhibition of films and live and recorded music. The hours applied for were Friday to Sunday between 10 am and 11 pm and the applicant had also applied to supply alcohol on the premises between 11 am and 11 pm. The application was for numerous events between May and September 2021.

The Senior Licensing and Enforcement Officer said that steps to promote the licensing objectives had been included with the application and these included the use of SIA door staff and stewarding, CCTV and an incident book. The Sub-Committee was advised that all events would be seated and entry to the site would be staggered. A challenge 25 policy would be in use and there would be a prohibition of certain items being brought onto the site.

The Senior Licensing and Enforcement Officer said that event and fire risk assessments would be in place and volume levels would be limited and monitored on the site and no glass bottles or cups would be permitted. Members were advised that all of these steps would be

supported by conditions as agreed with Environmental Health Officers.

The Sub-Committee was advised that family entertainment in the form of outdoor cinema, theatrical performances, live and DJ music and comedy and events would be held on 2 days every other weekend between 1 May 2020 and 27 September 2021, except for the August Bank Holiday weekend and the following weekend of the 3rd, 4th, and 5th September.

The Senior Specialist Licensing Officers said that during the consultation period there had been a representation from the police acting as a responsible authority. The concerns of Hertfordshire Constabulary related to the number of proposed events and the intended numbers due to be present. The police were also concerned about the impact of traffic, noise and litter on the neighbouring area. The Sub-Committee was advised that the licensing objectives relating to the prevention of public nuisance, prevention of crime and disorder and public safety were all triggered by the police objection.

The Sub-Committee should determine the application with a view to promoting the four licensing objectives and if Members believed that the application would not undermine the licensing objectives, it should be granted as requested. If the Sub-Committee believed that the application would undermine the licensing objectives, it was within the remit of Members to take appropriate and proportionate steps to address their concerns.

The Senior Licensing and Enforcement Officer said that the application could be refused entirely if the Sub-Committee did not believe that there were any steps that could be taken to address concerns, but this should be the last resort.

The Sub-Committee was advised that the determination of Members should be evidence based and justified based on the promotion of the four licensing objectives. The decision of the Sub-Committee should also be proportionate in terms of what Members were seeking to achieve.

Councillor Bolton said that there was current licence in place in for 3 weekends for 3 day events. The Senior Licensing and Enforcement Officer confirmed that this was the case and said that this application was in addition to that existing licence.

Mr Wilkes, owner and organiser for this premises, said that he had lived in the area for 35 years. He introduced Brittany Melly, health and safety and event management, and Stuart Matthews, head of security and also Eric Stuart, who was an event security consultant.

Mr Wilkes said that his intention was to hold events on a maximum of 12 weekends between the beginning of May and the end of September. He said that the events would range from theatrical performances, open air cinema, orchestra and DJ and band events and these would all end at the latest by 11 pm. The events would be for a maximum of 1500 people and would be held

over two days on Friday, Saturday and Sunday.

Mr Wilkes referred to concerns raised in respect of traffic and noise and said that he had held larger events on this site for 12 years with a good safety record and these events had met with the full approval of Hertfordshire Constabulary, Hertfordshire Fire and Rescue and Environmental Health, with no review of the licence. He said that he believed that for these much smaller events, the traffic could be managed without any significant disruption.

Mr Wilkes said that he was happy to take advice from and work with the police on traffic management for these smaller events. He said the record of this site as regards noise was always within regulations and his intention was to provide safe COVID-19 compliant events for the local community. He stated that he suggested conditions to mitigate the concerns that had been raised by the Police and his management team were happy to find mutually acceptable solutions to satisfy the four licensing objectives. He said that there had been no objections from the public or from Datchworth and Aston Parish Council.

Councillor Snowdon asked for the applicant to articulate how he planned to address difficulties people might encounter in accessing public transport from this site, given the challenges in accessing the station at Watton at Stone and also the fact that public transport from that location would have ceased by 11 pm anyway.

Mr Wilkes said that he had held a number of events

since 2012 whereby over 2,000 people had exited the site safely without a TTRO or any other form of traffic management within 20 minutes. He said that attendance rate of taxis had been much better in 2019 and he acknowledged that there had been an issue back in 2018.

Councillor Snowdon asked Mr Wilkes about assistance offered to vulnerable people. Mr Wilkes said that security staff would escort intoxicated or vulnerable people to Aston and security personnel would be posted in Aston to prevent vehicles coming back to the site from Aston village at night.

Councillor Jones asked Mr Wilkes how he would be deciding which 2 days an event would take place on over a 3 day weekend period. He also asked whether Wilkesfest would still go ahead in 2022 should this licence be granted. Councillor Jones asked whether the 12 weekend events would be run under the provisions of a TTRO.

Mr Wilkes said that he could not confirm exactly which acts would be present on any given day at this stage. He confirmed to Councillor Jones that it could be a film on the first day and a theatrical performance or DJ set on the second day. He said that Wilkestock would be held under the provisions of this licence, if granted, as a day event for 1500 people only. He confirmed that the original licence for Wilkestock would not be used in 2021 should this licence be approved today.

Mr Wilkes confirmed that he had been under the impression that a TTRO was not required for a smaller

event for 1500 people but he was happy to work with the police to implement a TTRO if this worked better between 9:30 pm and 1 am.

Councillor Bolton asked for clarification regarding the TTRO for 2019 events. Mr Wilkes confirmed that in 2019 there had been a traffic management plan in place as well as a road closure and one way system. He commented on the complaints that had been received regarding the back and beyond event in 2018 and also in July 2019. He also made the point that there was no public representation at the hearing or any complaints from the Parish Council.

Councillor Bolton asked for Mr Wilkes to clarify the number of days that would be run from this site should this licence be granted. Mr Wilkes confirmed that 12 two day events equated to 24 days on this site.

Councillor Bolton asked about the Event Management Plan and the possibility of tickets being sold at the entry point for these events. Mr Wilkes said that an event Management Plan would be submitted as a blue print for how each event would be run. He also said that some tickets could be sold at the gate depending on the number that had been sold in advance.

Mr Wilkes confirmed to Councillor Bolton that the events would not involve any camping and would only be daytime events. Councillor Bolton asked about the challenge 25 policy and how this would work with table service. Mr Wilkes and his health and safety event manager confirmed that the table arrangement was run via an app and the people serving the drinks would

verify age on arrival at the table.

Police Sergeant Clare Ramirez said that Mr Wilkes had been holding events at this location for a number of years. She commented at length of the numbers of people that were estimated to have been present at various events on this site. She expressed concerns over dispersal from the site and said that Mr Wilkes had not demonstrated that access and egress to and from the site could be achieved in a controlled manner.

Councillor Bolton proposed and Councillor D Snowdon seconded, a motion that the press and public be excluded from the meeting to allow for CCTV to be shown to the Sub-Committee, as it might be possible for individuals to be identified in the CCTV footage. This motion was supported by the Sub-Committee and was declared CARRIED.

The hearing continued live on zoom after the CCTV footage had been viewed. Police Sergeant Ramirez said that the matters that had been highlighted were the main issues that police had had to assist with in managing events at this location. She said that it was worth noting that the role of the police was to manage the impact on police resources rather than monitoring all the ins and outs of every aspect of an event.

Sergeant Ramirez drew the attention of the Sub-Committee to her report and the issues detailed within it. She referred to the photos of narrow lanes in the vicinity of this site and the associated limitations in terms of access and egress. She said that numbers

should be limited to 1000 where those present were all due to leave that same night and the numbers leaving in the dark could have been managed better in the dark on country lanes at past events.

The Sub-Committee was advised that the police had worked closely with Mr Wilkes since 2016 on his event management plans (EMP) to ensure that they were of a certain standard. Sergeant Ramirez said that she could not understand why Mr Wilkes was still unable to submit an EMP without significant input from the police.

The Sub-Committee was advised that the police had a reasonable expectation that an event organiser should be able to produce, with the assistance of experts in certain fields, adequate event management plans for a safe event with minimal input from the police.

Sergeant Ramirez expressed a number of concerns about the approach of Mr Wilkes in not producing adequate EMPs to manage risks and he had 'cut corners', unless pushed to take action by the police. She said the police had constantly had to chase Mr Wilkes for unmet conditions and missing items from EMPs and it was his responsibility to ensure these matters were covered and it was not the job of the police.

Sergeant Ramirez refuted the assertion made by Mr Wilkes that the residents were informed and happy with the application. She said that she had spoken to a resident who had been unaware of the application, as were other residents he had been in contact with. She

suggested that given the location of the event, it was not realistic to expect residents to be aware of the application under the provisions of the licensing act for publicising applications.

The Sub-Committee was advised that Mr Wilkes had failed to adhere to current conditions on his licence for the submission of EMPs and had shown an unwillingness to work with police unless forced to do so.

Sergeant Ramirez concluded that she did not believe there were any conditions that could mitigate the risks of this application and she believed it should be refused as it would pose risks to public safety, and result in public nuisance and crime and disorder.

Guy McCallan, Hertfordshire Constabulary, said that the site presented challenges in terms of traffic management, some of which could be mitigated by a traffic management plan. An early version of the plan was too generic and lacked sufficient detail and did not include a TTRO. He commented on the need for specific details of changes required by the different audience profiles for each planned event. He highlighted a number of specific concerns regarding pedestrians such as the lack of a footway on narrow country lanes.

Mr McCallan commented on a number of suggestions that had been made to Mr Wilkes such as providing a segregated pedestrian route between this location and a footway on the public highway network. Another suggestion had been for the provision of a minibus to

convey people between the venue and an identified safe location. The Sub-Committee was advised the Hertfordshire County Council (HCC) had concerns in relation to the frequency and number of events planned on this site. Mr McCallan referred to other events and planned works in the area, including HCC closures, which would mean that there would be insufficient road space for the events Mr Wilkes had planned for this site.

Sergeant Ramirez expressed a concern that the applicant had not consulted with Mr McCallan or Mr David Morgan of Hertfordshire Highways prior to submitting this application, as suggested in the Council's Statement of Licensing Policy.

Councillor Jones asked Sergeant Ramirez about a number of possible conditions that might make the application more acceptable to the police. Sergeant Ramirez said that her concern was that for events happening every other weekend, her concerns would not be alleviated by reducing the numbers attending. Her principle concern was that in 2018 and 2019, important information was not forthcoming from Mr Wilkes and she did not believe he could ensure the safe running of events every other weekend.

Sergeant Ramirez stressed that the police do engage with applicants to ensure safe events but it was not the role of police to write event management plans and the onus was on the applicant to provide the police with an adequate document. She also said that Mr Wilkes was not adhering to the conditions on his existing licence.

Councillor Bolton asked the police about the matter of blue light access and their thoughts on this. Sergeant Ramirez expressed a concern that the blue light access referred to in the application was not one that would be kept sterile from other traffic or pedestrians, particularly as there was no TTRO in place for each event.

The Legal Services Manager put a question to the police via the Chairman about whether there was an acceptable marker for the police in terms of the number of events. Sergeant Ramirez said that her concern was the ability of Mr Wilkes to manage the number of events and she would not wish to see more than 3 events, as per the terms of the existing licence.

Mr Wilkes referred to the 2018 event and the CCTV footage that had been shown. He said that the problems shown were down to the security company and this firm had not been used since that event. He asked Sergeant Ramirez on what basis was it required that he submit a TTRO for an event under 1,500 people. She confirmed that since the issues at the 2018 event, the police had informed Mr Wilkes that a TTRO should in place for all events on this site.

Mr Wilkes asked Sergeant Ramirez if there had been any reports of crime and disorder in this area, within the last 12 years. Sergeant Ramirez said that there was certainly an issue in terms of disorder, as stated by residents who had said that they had been disturbed. She confirmed that running an event was about identifying risks and managing those risks.

Mr Wilkes asked the police in respect of any complaints received from residents in respect of public nuisance. Sergeant Ramirez confirmed that she had received eight emails from residents.

The Senior Licensing and Enforcement Officer confirmed to the applicant's safety adviser that had been no breach of procedure regarding this application under the terms of the licensing act 2003.

The safety adviser, Mr Eric Stuart, asked the police if there had been recorded calls to 999 or 111 regarding crime or public disorder for events at this site in the last 12 years. Sergeant Ramirez said that she could not comment for the last 12 years and there had been no reported crimes aside from the incident with the fire extinguisher.

Mr Stuart asked whether the licence had been called into review after the 2018 event. Sergeant Ramirez said that a review was certainly something that had been considered following the 2018 event. She said that police had been reassured by Mr Wilkes about future event management. She said that based on her review of the situation regarding the 2019 events and past correspondence, she was minded to believe that the current licence might need to be reviewed based on that information.

Mr Wilkes asked the police if there was evidence that he was incompetent in terms of being able to run safe events. Sergeant Ramirez said that she had supplied evidence of the incompetent way that events had been

managed, in terms of cutting corners and breaches of the licence.

Mr Wilkes asked for further evidence to back up the concerns raised by the police. Sergeant said that she did not believe that Mr Wilkes organised and planned safe events that managed all possible identified risks. A representative of the police, Saab Minichello, confirmed that there had been a call to the police about a sexual assault in September 2019.

The Police and the applicant both made a brief closing submission before the Sub-Committee retired to make its decision. At the conclusion of the closing submission, 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 Licensing Sub-Committee had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant and the police as the responsible authority.

The Sub-Committee had significant concerns over the serious issues raised by the police as the responsible authority regarding historic events and the ability of the applicant to run a responsible event. The Sub-Committee were sympathetic to the applicant's wish to hold entertainment events to support the community.

The Sub-Committee had considered possible

conditions but could not identify any that were appropriate and proportionate to mitigate the concerns of the police and to ensure that the following licensing objectives would not be undermined:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance

The application is therefore refused. This decision will be issued in writing and there is the right of appeal within 21 days to the magistrate’s court.

RESOLVED – that the application for a new Premises Licence at Waterbridge, Frogmore Hill, Watton at Stone, Hertford, be refused.

26 URGENT BUSINESS

There was no urgent business.

The meeting closed at 12:55

Chairman
Date

This page is intentionally left blank

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD AS AN
ONLINE MEETING ON FRIDAY 5 FEBRUARY
2021, AT 10.00 AM

PRESENT: Councillor B Crystall (Chairman)
Councillors M Goldspink and C Wilson

OFFICERS IN ATTENDANCE:

Katie Mogan	- Democratic Services Manager
William Troop	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Mr Alex Hutchinson	- Applicant
Mrs F Adams	- Local Resident (Interested Party)

27 APPOINTMENT OF CHAIRMAN

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

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

28 APOLOGIES

There were no apologies.

29 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Licensing Sub-Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

30 DECLARATIONS OF INTEREST

There were no declarations of interest.

31 APPLICATION FOR A NEW TIME LIMITED PREMISES LICENCE FOR STONE VALLEY SOUTH / INTEGRATED ENTERTAINMENT LTD AT HILLSIDE FARM, HILLSIDE LANE, GREAT AMWELL, HERTS, SG12 9SH (19/2389/PL)

The Chairman summarised the procedure for the Sub-Committee hearing. All those present were introduced or introduced themselves. The Senior Licensing and

Enforcement Officer presented his report covering a new premises licence application under Section 17 of the Licensing Act 2003.

The Sub-Committee was advised that on 13 December 2020, Integrated Event Management Ltd submitted an application for a new limited time premises licence for a venue in fields adjacent to Hillside Farm, Hillside Lane, Great Amwell, in order to accommodate a festival, Stone Valley Festival South (SVFS). The application was for a number of licensable activities including the supply of alcohol for consumption on and off the premises, late night refreshment and regulated entertainment. It was proposed that the event would take place on one weekend between 24 May and 17 September 2021, with the sale of alcohol and regulated entertainment between 11:00 – 23:00. It was proposed that late night refreshment would be provided between 23:00 – 01:00.

Members were advised that the applicant had proposed a number of steps that could be taken to promote the four licensing objectives, including, but not limited to, the production of a comprehensive management plan, a risk assessment exercise and the employment of Security Industry Authority (SIA) licenced security team equipped with body-worn CCTV cameras.

Members were also advised that the applicant had agreed with Environmental Health to limit noise levels, facilitated by ongoing noise monitoring. He would also produce a comprehensive noise management plan, as well as a COVID-19 risk assessment six weeks before

the event. The applicant had also agreed to supply an Event Management Plan to Police three months prior to the event.

The Senior Licensing and Enforcement Officer said that the report covered the East Herts statement of licensing policy and the revised guidance under Section 182 of the Licensing Act 2003. The Sub-Committee should determine the application with a view to promoting the four licensing objectives and Members must consider if the applicant had evidenced whether the application would not undermine the licensing objectives and this should be balanced against the evidence given by interested parties.

The Senior Licensing and Enforcement Officer said that three representations from interested parties had been received, which raised concerns regarding noise, traffic, waste and the ongoing COVID-19 pandemic. These representations engaged the prevention of public nuisance and public safety licensing objectives.

He also said that if the Sub-Committee believed that the licensing objectives would not be undermined then the application should be granted. Members were advised that if they believed that the application would not promote the four licensing objectives, they should take appropriate and proportionate action to address these concerns. The Senior Licensing and Enforcement Officer said that the Sub-Committee could attach conditions, limit the hours or restrict licensable activities. The application should only be refused as a last resort and the Members' decision should be

evidence based, justified, appropriate and proportionate.

Councillor Wilson asked the Senior Licensing and Enforcement Officer to respond to the suggestion made in the representations by interested parties that there had been procedural irregularities with the application, which might have necessitated an extension of the consultation period.

The Senior Licensing and Enforcement Officer said that the applicant was required to display 'blue notices' around the site notifying residents of the application, as well as publicise this in the local newspaper, which the applicant had done. There had been an error in the address displayed on the Council's website, which had been immediately corrected once realised, but the process could not be extended due to this error being on the part of the Council.

The applicant briefly explained why he believed that the application should be accepted. He said that it was effectively a continuation of a previously granted licence, given that the 2020 edition of the festival was cancelled due to the pandemic, although it was time limited on this occasion. He said that the expansion in capacity by around 2000 attendees to 4999 was in line with the original plan for the festival, which had been held successfully in 2019. He felt that all the concerns raised by interested parties had been addressed by the proposed conditions.

The Chairman and Councillor Wilson asked what the applicant's strategy was to monitor noise levels and

respond to any complaints from residents.

The applicant said that SVFS would employ an acoustician whose role it would be to monitor and adapt noise levels accordingly. There would be a 24/7 hotline available for residents to call if the noise levels were considered to be unsatisfactory. If a call was received, staff would be dispatched to the address to take measurements of the noise level. If they were above legal limits, they would be immediately reduced. If they were legal but unsatisfactory to residents, an effort to reach a compromise would be made. Four weeks prior to the event, a letter would be sent to the addresses of residents that the acoustician believed would be in range of the noise to supply the hotline telephone number, and this would also be displayed on SVFS' website.

Councillor Goldspink said that the proposed increase in the number of attendees was large and asked the applicant if the number of car parking spaces would be sufficient.

The applicant said he was confident that they would be. The proposed number of attendees was the amount SVFS had projected would be possible prior to the 2019 edition, but it was decided that the lower number would be tested initially, and only around 60% of the site was utilised.

Councillor Wilson asked why the licence had been applied for on a time limited basis and if the proposal to serve late night refreshments until 01:00 would also apply on Sunday evening.

The applicant said that the time limited application was submitted to allow SVFS some flexibility to postpone the festival if necessitated by the ongoing COVID-19 pandemic. It was proposed to allow late night refreshments on the final night of the festival, but in practise, this comprised of one catering van and no more than 30 people queuing in the middle of the field, so would not cause a disturbance.

Councillor Wilson asked whether the alcohol policy allowed each attendee to bring up to 16 cans of alcohol on-site, as this seemed rather a lot. The Legal Services Manager asked whether it would be permitted for attendees to consume this alcohol in the festival arena, or only within the camping area.

The applicant said the alcohol allowance was the total amount allowed over three days, which he did not believe to be excessive. He also explained that the alcohol could only be consumed in the camping area, but on arrival attendees would need to walk through the festival arena to access this.

Councillor Crystall asked the applicant what COVID-19 secure measures he envisaged introducing and whether the proposed noise levels were the same as in 2019.

The applicant said that the only guidance from government was that events between May-June 2021 could likely be held with social distancing measures in place and from 1 July 2021 onward, in a similar manner as they were pre-pandemic. However, he had been

working on the assumption that increased levels of hygiene, personal protective equipment and immunised staff might be necessary. Noise levels would be set at the same level as the previous edition.

The interested party asked the applicant how many attendees there were at the previous edition of the festival, and whether residents of the '100 Acre Estate' would receive letters, as they had been affected by noise nuisance previously, but did not receive letters.

The applicant said there had previously been 2620 attendees. He also said he would ensure that those residents received letters if the application was granted. The interested party said that the 'blue notices' could have been displayed more prominently in areas more likely to be seen by residents.

The applicant said in his closing statement that he wished to stress that if the event could not be held safely due to the ongoing COVID-19 pandemic, it would not take place. SVFS would not be an event which sought to circumnavigate COVID-19 guidelines or give the false impression that it could take place safely and subsequently put the local community at risk.

At the conclusion of the closing submission, the Sub-Committee, the Legal Services Manager, Democratic Services Manager and the Democratic Services Officer withdrew from the main Zoom session to allow Members to consider the evidence.

Following this, Members and Officers returned and the Chairman announced that Licensing Sub-Committee

had listened to the comments of the Senior Licensing and Enforcement Officer, the applicant and interested party and the Sub-Committee had taken into account concerns raised by the interested parties. The Sub-Committee decided to grant the application, subject to additional and amended conditions, along with the steps agreed with the relevant responsible authorities to promote the licensing objectives.

Additional and amended conditions:

- In relation to condition 8f, the wording, “in line with conditions set by Herts Fire and Rescue” to be removed as Fire and Rescue had not set such conditions;
- In relation to condition 8i, the wording “in line with the conditions set by Environmental Health” to be removed;
- In relation to condition 8l, to incorporate the following additional amended wording, “Where any person is suspected of dealing in drugs, following a search or otherwise, that person will be ejected or refused entry and the person concerned will be detained by the security company/door men and police will be contacted immediately”;
- In relation condition 19, to include “No alcohol sold under the licence will be permitted to leave the perimeter of Hillside Farm”.

The Chairman said that in coming to its decision, the

Sub-Committee believed that the applicant had provided evidence that the granting of the licence would promote and not undermine the licensing objectives. The evidence was balanced against the representations made by the interested parties. The Sub-Committee believed that the applicant had shown a willingness to have regard to local residents in relation to noise nuisance. The Sub-Committee had also noted the applicant's willingness to extend the area noise notification letters were sent to, to include residents of the '100 Acre Estate'.

RESOLVED – that the application for a new limited time Premises Licence for Stone Valley Festival South, be granted subject to additional/amended conditions, along with the steps agreed with the relevant responsible authorities to promote the licensing objectives:

- In relation to condition 8f, the wording, "in line with conditions set by Herts Fire and Rescue" to be removed as Fire and Rescue had not set such conditions;
- In relation to condition 8i, the wording "in line with the conditions set by Environmental Health" to be removed;
- In relation to condition 8l, to incorporate the following additional amended wording, "Where any person is suspected of dealing in drugs, following a search or otherwise, that person will be ejected or refused entry and the person concerned will be detained by the

security company/door men and police will be contacted immediately”;

- In relation condition 19, to include “No alcohol sold under the licence will be permitted to leave the perimeter of Hillside Farm”.

The applicant and interest party were advised that this decision would be issued in writing and there was the right of appeal within 21 days to the magistrate’s court.

The meeting closed at 11.50 am

Chairman
Date

This page is intentionally left blank

East Herts Council Report

Licensing Committee

Date of meeting: 10 March 2021

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

Report title: Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards – Consultation Responses

Ward(s) affected: All

Summary

The Department for Transport (DfT) has issued the “Statutory Taxi and Private Hire Vehicle Standards” document. 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. Following agreement by Licensing Committee to the terms of the consultation this report contains the responses and conclusions.

RECOMMENDATION FOR LICENSING COMMITTEE

(a) That the Licensing Committee recommends the Policy changes detailed in Appendix A (a to f) to Council for adoption with a commencement date of the 1st June 2021.

1.0 Proposal(s)

1.1 That the Members of the Licensing Committee recommend for adoption the proposed policy changes to Council on 12th May 2021 to take effect on the 1st June 2021.

2.0 Background

2.1 On the 21st July 2020 the DfT issued a detailed update of the “Best Practice Guidance” issued by the DfT in 2010. This came in the form of the “Statutory Taxi and Private Hire Vehicle Standards” document 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.

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

- 2.4 The document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their functions.
- 2.5 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.
- 2.6 “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.
- 2.7 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.
- 2.8 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).

3.0 Reason(s)

3.1 On 25th November 2020 the Licensing Committee instructed officers to carry out an eight week public consultation regarding proposed Taxi policy changes to bring East Herts Council in line with the standards set by the DfT.

3.2 As part of the consultation the following steps were taken:

- a consultation page was set up on East Herts Council website;
- all the Hackney Carriage or Private Hire licence holders were contacted directly twice;
- community groups and organisations whose details were provided by the Community & Wellbeing team were contacted;
- local Pub Watches and representatives of the Night Time Economy were contacted;
- a wide variety of groups, including those with wider transport interests were contacted;
- all of the members of the Herts & Beds Licensing Group were sent the consultation and this includes all the LA's in Hertfordshire, Bedfordshire and our neighbouring LA in Essex.

3.5 The consultation closed at midnight on 21st February 2021. During the eight week consultation eight responses were received and these can be found as **Appendix B**.

3.6 Response 1 was received from the representative of a Community Group within East Herts. The response simply asked why the consultation had been received so officers responded further explaining its possible relevance but no further comments were received.

- 3.7 Response 2 was received from a Family Support Worker from one of the organisations that were sent the consultation. The response raises issues about nuisance being caused by licensed vehicles but does not have any relevance to the proposals that formed part of the consultation.

Officers have contacted the respondent to see if they can assist with the issues being raised separately to this piece of work.

- 3.9 Response 3 is from a member of the public and states that they 100% agree with the proposed changes. Within the specific comments there is support for CCTV being introduced in vehicles which will form part of future work and further consultation.

There is reference to proposal 11 which will require operators to ensure that when they outsource booking or dispatch staff functions that the same standards are applied as would be if this service were provided by direct employees.

The respondent suggests that where this work is outsourced customers should be informed. Officer would suggest that this is not a necessary requirement to impose on operators as where an operator outsources the booking and dispatch of their own vehicles the customer would not notice any difference or suffer any detriment or risk from not knowing.

- 3.10 Response 4 is from a member of the public and applauds the steps being taken and supports the compulsory use of CCTV in licensed vehicles. There is specific reference to the issue of grooming gangs and a number of suggested steps the authority should take to address this risk. Officers have responded directly explaining that safeguarding is taken very seriously and the steps that are in place to ensure public safety.

3.11 Response 5 was from the Hertfordshire LEP and thanks the authority for offering the opportunity to comment on the proposals but made no specific comments about the proposals.

3.12 Response 6 was from Women's Aid and advised that it would be best to contact the local domestic abuse service. The Herts Area Service were contacted but no response was received.

3.13 Response 7 was from a Private Hire Operator and also represented the views of four individuals licensed as Dual Drivers. This response agrees with many of the proposals but raises a number of queries and points of clarity which are addressed below:

- In reference to proposal 3 the response suggests that the proposed period of needing five years to have elapsed following conviction for using a hand-held mobile telephone or a hand-held device whilst driving is too long. As detailed in paragraph 2.3, the DfT have stated that they expect "these recommendations to be implemented unless there is a compelling local reason not to". The current Suitability Policy could require a similar length period depending on the penalty imposed upon conviction for this offence so this is an increase in the minimum period stipulated but does not increase the maximum period that could have already been imposed. Officers do not consider that there is a compelling local reason to not implement this proposal.
- In reference to proposal 12 the response suggests a stronger position on employee convictions than is recommended in the DfT document. Whilst we applaud the Operators position, this would mean that employees that received any conviction that would appear on a basic DBS Check, regardless of its relevance, could not be employed. It is considered that the criteria which would apply in these circumstances from the "Taxi Licensing Suitability Policy" are

clear and, should an Operator have any concerns, they could contact the Licensing Team for advice.

- In reference to proposal 13 officers made contact with the Operator to discuss the grey areas that were referenced. The concerns were that there are instances where an operator may not have some of the information that the DfT recommends is kept and what should happen if that information cannot be obtained.

Practical examples were given where this might happen, for example a hotel or supermarket service desk may not have a passenger's name. If someone is booking a number of vehicles to transport a group they themselves may not be a passenger and may not know any of the passenger's names. Similarly a destination may be a town or a leisure park rather than a particular house in a street or particular venue.

Officers consider that a minor amendment to operator licence conditions proposed by the DfT would allow for appropriate records to be maintained without being overly prescriptive for operators. The requirement to record the "name of the passenger" to be amended to read "name of the passenger (where this is not available then the details of the hirer should be recorded whether this is an individual, company or other legal entity)".

Officers consider that it is not necessary to amend the requirement to record the destination as this does not specify the level of detail an operator is required to obtain unlike the requirement to obtain the "name of the passenger".

- 3.14 Response 8 was from a Private Hire Driver. This response commented on three particular subjects (Criminal convictions and rehabilitation, English language proficiency and CCTV in licensed vehicles) whilst supporting the other changes.

- The response suggests that the newly proposed time scales for the offences of drink/drug driving and using a hand held device are excessive. As previously explained the DfT expect the standards within their document to be implemented unless *“there is a compelling local reason not to”*. Officers do not consider there is a compelling local reason not to implement proposals 2 and 3. Regardless of the level set for any offence each case still has to be considered on its own merits so should an applicant demonstrate a compelling reason to depart from policy then a licence could still be granted.
- The response agrees with having English proficiency testing for new applicants for driver licences but suggests that requiring all renewing drivers to be tested is excessive. It is suggested that the testing at renewal could be only for those that have been granted a new licence in the last 2 years. The DfT standards state at paragraph 3.14 that *“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”*. This section makes it clear that as an authority we must ensure that all individuals that we licence must reach the same standard. However in response to this point officers have amended the proposed requirement for renewing drivers so that there are exemptions to the need to be tested where suitable evidence of an English qualification is provided.
- The respondent believes that CCTV in vehicles is a good idea in certain circumstances but that it shouldn't be compulsory and the decision should be left to individuals or companies. With regards to the option to have audio recording it is again stated that this should be left to the individual to decide. As previously stated the issue of CCTV will be the

subject of further consultation once the evidence to support any proposal has been gathered.

4.0 Options

- 4.1 Having given due consideration to the consultation responses, to recommend to Council the policy changes as detailed in the recommendations contained within Appendix A of this report. This would meet the requirement to give the standards due regard and would implement the recommendations of the DfT making our Policies less open to challenge.
- 4.2 To recommend to Council the policy changes as detailed in the recommendations contained within Appendix A of this report having made any amendments considered appropriate having given due consideration to the consultation responses. There would need to be compelling local reasons to implement any changes that fell below the standards set by the DfT or our Policies would be open to challenge.
- 4.3 Not recommend any changes to Policy following the eight week consultation on the requirements of "The Statutory Taxi and Private Hire Vehicle Standards". This is not recommended 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." As the standards have been set directly to address the safeguarding of the public we would be failing to meet this obligation.

5.0 Risks

- 5.1 If the council cannot demonstrate that it has given due regard to the DfT Statutory Taxi and Private Hire Vehicle Standards then it could find it difficult to successfully defend a legal challenge from any party feeling they have been aggrieved by the council's insufficient regard for this guidance

- 5.2 If the council cannot demonstrate that it has carried out consultation at a local level then it could find it difficult to successfully defend a legal challenge from any party feeling they have been aggrieved by the application of the policy amendments recommended in this report.
- 5.3 Failure to adhere to the standards without sufficient justification could be detrimental to the authority's successful defence of any legal challenge by any party feeling aggrieved by the council's reference to, or lack of reference to, the standards.
- 5.3 If the authority does not have robust policies and procedures in place then its ability to safeguard the public could be compromised with the corollary being there may be a risk to the safety of a member of the public and consequent reputational risk.

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

Officers do not anticipate any equality concerns arising from the policy changes recommended in this report, however, in order for Council to determine the matter in light of equalities considerations, an Equalities Impact Assessment will be conducted prior to recommendation to Council.

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

See section 5 for a discussion of risks relating to legal challenge

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – Recommendations for final policy changes

7.2 Appendix B – Consultation responses

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)
Peter.Boylan@eastherts.gov.uk

Contact Officer Jonathan Geall (Head of Housing and Health)
Contact Tel No. 01992 531594
Jonathan.geall@eastherts.gov.uk

Report Author Oliver Rawlings (Service Manager – Licensing and Enforcement)
Contact Tel No. 01992 531629
oliver.rawlings@eastherts.gov.uk

Appendix A – Recommendations for final policy changes

a) That the Licensing Committee recommends to Council the following amendments to the “Taxi Licensing Suitability Policy” for adoption with a commencement date of the 1st June 2021:

- i. paragraph 2.4 of the “Taxi Licensing Suitability Policy” to be amended to read:

Existing holders or those with open applications are required to notify the Council in writing within 48 hours (email is acceptable) of the following matters:

- *driving licence endorsement;*
- *fixed penalty notice, police caution, criminal conviction or other criminal proceedings (including acquittal as part of a criminal case);*
- *arrest and release, charge or conviction for any matter.*

Failing to notify the Council within this time period will raise serious questions for the Council as to the honesty of the individual and will be taken into account in relation to the fitness and propriety of that person.

- ii. that the table at 4.3 in section 4 (Driving & traffic offences) of the “Taxi Licensing Suitability Policy” be amended to include the following:
 - *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.*
 - *a person who is convicted for using a hand-held 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.

- b)** That the Licensing Committee recommends to Council for adoption with a commencement date of the 1st June 2021 that that all existing holders of taxi driver licences that are not registered with the Disclosure and Barring Service (DBS) Update Service are required to apply for an Enhanced DBS and sign up to the DBS Update Service before a criminal record check is next due (regardless of whether that check would normally be a basic DBS check).
- c)** That the Licensing Committee recommends to Council for adoption with a commencement date of the 1st June 2021 that taxi driver application requirements be amended so that:
- upon first application an applicant must pass the Council approved test of their proficiency in spoken and written English before a licence can be granted. Such test to be at the applicants own expense; and
 - that existing licensed drivers are required to pass the Council approved test of their proficiency in spoken and written English before their next renewal is granted. Such test to be at the applicants own expense.
- Applicants for renewal can be exempt from this requirement if they can demonstrate (by producing the original certificate and/or examination transcript) that they have previously passed a relevant English language qualification at a suitable level, which was assessed by a recognised and accredited qualification awarding body. Acceptable qualifications are:

- i. GCSE or GCE in English (grade C or above);
- ii. TOEFL – Test of English as a Foreign Language at CEFR level B2 or higher ;
- iii. IELTS – International English Language Test System at CEFR level B2 or higher;
- iv. ESOL – English forSpeakers in other languages at CEFR level B2 or higher.

Such test to be at the applicants own expense.

d) That the Licensing Committee recommends to Council for adoption with a commencement date of the 1st June 2021 that the application requirements for holding a vehicle licence be amended so that:

- where an applicant for a vehicle proprietors licence is not already either an East Herts licensed driver or operator they must provide a basic DBS upon application and then annually thereafter.

e) That the Licensing Committee recommends to Council for adoption with a commencement date of the 1st June 2021 that with regard to DBS checks on private hire operators:

- Individual applicants are required to supply a Basic DBS check when making an application (either new or renewal) and then annually throughout the life of the licence; and
- Where the applicant is a company, partnership or other legal entity, all the Directors, partners, etc. are each required to supply a Basic DBS when making an application (either new or renewal) and then annually throughout the life of the licence.

f) That the Licensing Committee recommends to Council for adoption with a commencement date of the 1st June 2021 that the Private Hire Operators licence conditions include the following requirements:

- a register of all staff that will take bookings or dispatch vehicles to be kept either electronically or in hardcopy.
- ensure that annual Basic DBS checks are carried out on every one included in their register of staff. The certificate numbers of the checks to be recorded in the register of staff so that it is clear which individuals have been checked and when.
- the results of the DBS checks must be viewed by the holder of the operator's licence and the time and date that the certificate was viewed must be recorded in the register of staff.
- in the absence of an operator having their own stricter policy in relation to employing ex-offenders East Herts standards which apply to Operators (as detailed in the "Taxi Licensing Suitability Policy") must be applied by the operator to all staff in their register and any other individuals that have contact with the public.
- where booking and dispatch is outsourced operators are required to evidence that the outsourced staff have been vetted to at least the same level as if they worked directly for the operator.
- operators are required to record the following information as a minimum for every booking:
 - i. the name of the passenger (where this is not available then the details of the hirer should be recorded whether this is an individual, company or other legal entity);

- ii. the time of the request;
 - iii. the pick-up point;
 - iv. the destination;
 - v. the name of the driver;
 - vi. the driver's licence number;
 - vii. the vehicle registration number of the vehicle;
 - viii. the name of any individual that responded to the booking request;
 - ix. the name of any individual that dispatched the vehicle.
- where an operator dispatches a public service vehicle (PSV) to undertake a private hire booking they must not do so without the informed consent of the booker/hirer. Such consent must be recorded in addition to the other recording requirements for private hire bookings.

This page is intentionally left blank

Appendix B – DfT Standards Consultation responses

Response 1 – Community Group

Errm, why did i receive this?

Response 2 – Family Support Worker

In regard to allowing taxi firms to open 24hours.
Taxi's should not be allowed to wait outside their premises in a residential road with engines running.
This causes a public nuisance to residents and is also an environmental issue.
The amount of taxi's parked outside their premises at any one time needs to be less and monitored.
Local residents should be consulted when allowing taxi premises to be open 24hours.
These are the main points that I and other residents would like to see changed.

Response 3 – Member of the public

I am writing having reviewed the proposed changes to the above.
I am 100% in agreement with the proposed changes by East Herts.
Specific comments: -
7.1 - CCTV should be installed in all vehicles - will provide additional comfort to users and drivers. Very much welcome this proposal.
11.0 It is essential that any outsourced contracts comply with the same standards. Additionally the service purchaser (passenger/booker) should be informed that an outsourced service is being used.
14.0 This is a welcome change and will be of great assistance for elderly and disabled who may find it difficult to board a minibus /

PSV.

Many thanks for offering the opportunity to respond.

Response 4 – member of the public

It seems that a great many of the taxi drivers in this area (and most areas) are Muslims of Pakistani origin.

It has been shown that grooming gangs from this background have been raping and sexually abusing white English girls throughout the country in large numbers.

This was swept under the carpet for many years, despite complaints from the victims, due to political correctness. and fear of being called racist.

I once saw a young girl of about 13 talking to a taxi driver outside a station. She was not a fare, as they chatted for a while, and then he took a fare and came back again. Eventually he drove off with her. I reported it to the police, but they weren't interested.

Young girls can appear flirty, but at that age they have no idea what they're doing.

I applaud you for taking steps to put a stop to this, but once they are convicted it's too late.

A little girl may have had her life ruined.

Maybe it should be compulsory for all cars to have video cameras, and for the drivers to wear cameras as the police do.

Maybe all drivers, when applying for a licence, should be warned that they will be monitored, and at any hint of bad behaviour they will be treated severely.

And of course they should have a clean record before getting a licence.

And maybe you could pressure the police to make this a priority so that it doesn't become the huge problem involving thousands of children, as it has in Rotherham and many other cities.

I'll happily be called a racist if it stops one little girl from being gang raped by these lowlifes.

I hope you feel the same way.

Response 5 - Hertfordshire LEP

Thank you for the invitation to respond to your consultation on hackney carriage and private hire licences.

On this occasion it is unlikely that the LEP will wish to respond however I will check with colleagues (by email copy) if they indeed wish to comment

Response 6 - Woman's Aid

Hello,

Thank you for contacting Women's Aid.

As the National Women's Aid we do not provide any face to face support or case work with survivors. The best people to speak to about your email would probably be your local domestic abuse service.

You can find contact details for your local service via our online

directory: <https://www.womensaid.org.uk/domestic-abuse-directory/>

Best wishes,

Women's Aid

Response 7 – Private Hire Operator and 4 individual Dual Drivers

The following observations/comments are made on behalf of:-

REDACTED

REDACTED

As Operators, and:-

REDACTED

REDACTED

REDACTED

REDACTED

As individual Licensed Drivers.

1. S4.12 Agreed
2. S5.16 Proposal 3. We think that this approach (5 years) may be too far detached from statutory penalties and might be unreasonable (although we have no issue with explicit reference to the offence nor to the principal of a (reasonable/measured) conviction free period).
3. See above
4. S6.2 Agreed. This will eliminate some unnecessary admin.
5. S6.15 Agreed. Will this be brought into the Driver Training Process? Also will you need to refine the licence suspension regulations to capture the possibility for test failure by an existing licensed driver?
6. S7.2 Agreed
7. S7.9 Could you please clarify whether within this consultation process you are opening a further consultation process regarding CCTV in licensed vehicles or whether you are proposing to open another consultation process (which would seem to be appropriate).

8. S8.2 Agreed
9. S8.8 Agreed
10. S8.9 Agreed. Note we already hold clear annual DBS checks for all office staff who do not also hold a Taxi Licence
11. S8.11 Agreed. You would need to find a method to police this change – without possibility for oversight it might become “tick box”. It’s worth mentioning that most Major platform providers provide the possibility for outsourcing booking/despatch often to overseas providers. We do not adopt this practice but it has become more widespread across C19 to compensate for lower inhouse requirements.
12. S8.12 Agreed. However, we think that this could be simplified and licensing made safer if the Operator were simply obliged to hold a clear current (1 year + 1 month max for renewal) DBS check for all office employees and agency staff. There would be no subjective view of safety if threshold had to be met.
13. S8.13 Agreed (in principal). However, there are grey areas here that require clarification with specific regard to Passenger Names and Destinations so we will call to discuss.
14. S8.16 Agreed.

Response 8 – Private Hire Driver

Proposed Changes to Policy, Standards Consultation

To whom it may concern

I am writing in reply to your proposed changes to policy and my thoughts on certain subjects you have highlighted.

2+3 Criminal Convictions and Rehabilitation paragraph 5.16.

Drink/Drug driving.

In no way do I approve of anyone drink/drug driving but I think your Proposal 2 is excessive. I think this policy should stay at 1-5yrs.

Someone could have had a momentary lapse due to illness , family pressures and within a year could have turned their lives around. If

you left this at 1-5years it would give someone the chance to get back on track and you can access every case on it's own merit, 7 years wouldn't give much incentive to get back to driving.
Proposal 3 seems excessive to and would be better to stay as it is.

5 Language Proficiency Paragraph 6.15 of the standards
Proposal 4 is a good idea for new drivers but proposal 5 in certain cases seems extreme. Could proposal 5 be for all new drivers in the last 2 years. Are you really saying that someone like me who has been doing this job for 29 years would have to come in to be tested on my spoken written English that seems to be very belittling.

Proposal 7

1: I believe camera's are a good idea in certain circumstances ie rank work.

2: You shouldn't make this compulsory. It should be up to the Individual Company's and Driver's if they want to have this. Times are hard enough right now most of us are just barely getting by and you want to add another expense on us. Driver's have enough to pay out making this compulsory could push them over the edge!!

3 Audio. I think this should be left to the individuals to decide.

The above changes were the only things that I wished to comment upon the rest seemed fine.

I thank you for taking the time to consider these points I have raised

Regards

East Herts Council Report

Licensing Committee

Date of Meeting: 10 March 2021

Report by: Claire Mabbutt (Licensing Enforcement Officer)

Report title: Review of Licensing Activity in Quarter 3 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 3 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 Members requested that further detail be provided in relation to any trends in the types of complaints received. Currently the vast majority of complaints continue to relate to concerns about compliance with Covid-19 regulations.

3.2 There has been a marked decrease in the number of complaints in Q3 when compared to the same period in 2019. This is relates to the pandemic and subsequent lockdown.

3.3 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.

3.4 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 records are kept up-to-date and that people with expired

documents are suspended until they produce the required documents.

- 3.5 The 12 points issued to 1 driver from Q2 were appealed to the Head of Housing & Health. The Head of Housing and Health upheld the appeal on this occasion and the outcome was a reduction in the points issued from 12 to 7. As the appeal was upheld the driver did not come before a licensing sub-committee.
- 3.6 During Q3 only 4 points have been issued to 2 licence holders, both for failure to produce documents within the required time scales.
- 3.7 During this period 4 licence holders were suspended for non-production of documents. The responsibility for suspension for non-production of documents was delegated to the Service Manager – Licensing and Enforcement on 17th October 2020.
- 3.8 The figures for the quarterly performance indicators for licensing for Q3 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	2020 Q3	Target
Percentage of valid personal licences processed within 2 weeks	100%	100%	100%	85%

Percentage of valid temporary event notices processed within 72 hours	90%	92%	90%	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%	100%	99%
Percentage of driver's licences issued within 30 working days of validation	94%	81%*	100%	95%

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

3.9 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**.

3.10 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 October 2020 to 31st December 2020. Year on Year comparison figures for applications and granted licences, notices and other permissions.

Contact Member Councillor Peter Boylan (Executive Member for Neighbourhoods)
Peter.Boylan@eastherts.gov.uk

Contact Officer Jonathan Geall (Head of Housing and Health)
Contact Tel No. 01992 531594
Jonathan.geall@eastherts.gov.uk

Report Author Claire Mabbutt (Licensing Enforcement Officer)
Contact Tel No. 01992 531643
claire.mabbutt@eastherts.gov.uk

Licensing Activity report: 1st October 2020 to 31st December 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 be moving over to the Licensing & Enforcement Team from 1st April 2021.

Licensing matters managed by the Licensing & Enforcement Team**2. Taxis**

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

New driver applications	10 (8 dual drivers & 2 private hire drivers)
New applicants who have attended training	1
Resits of knowledge test	0
Existing drivers who have attended update training	0 (face to face training events cancelled due to pandemic, online training will commence shortly)
Decisions taken by Service Manager – Licensing & Enforcement under delegated powers	7 (5 suspensions of drivers, 1 refusal of vehicle, 1 vehicle outside of policy.)
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman of the Licensing Committee	2 (1 scrap which was granted, 1 driver renewal decision outstanding.)
Appeals against licensing points – decision by Head of Housing and Health	1 (upheld and number of points issued reduced)
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 2020 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.

- Joint authorisation of officers ready to be signed off 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. East Herts now has approximately a third of its licensed drivers trained and the scheme now operates in 8 of the 10 Hertfordshire LA's.

Watford Borough Council

East Herts were approached by Watford Borough Council to provide management support for their licensing team. As a result the Service Manager – Licensing & Enforcement is now seconded as the Licensing Manager for Watford for two days a week for the next 6 months.

To ensure that licensing matters continue to progress at East Herts 2 days a week cover has been sourced. The candidate that has been engaged is experienced in local government and has previously managed a licensing team.

3. Premises

During the Q3 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 brought before Licensing Sub-Committees are shown below.

Premises/Person	Location	Type of application	Resolved
Premium Alcohol Delivery	Ware	New Premises Licence Application	Granted with conditions
French & Day Deli	Ware	New Premises Licence Application	Granted with conditions

The decision of the Licensing Sub-Committee in relation to the review of the Jungle Bar's premises licence has been appealed. The matter was settled by a consent order agreed between the applicant and this authority.

In addition to those matters that were brought before a Licensing Sub-Committee 1 other application received representations. Officers of the Licensing Authority mediated between the respective parties and satisfactory solutions were found resulting in representations being withdrawn and application 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 Q3 was 240 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. There are still very few applications under this temporary process and HCC are still able to issue Pavement Licences under their own legislation.

6. Future work and Policy development

Statement of Licensing Policy (Licensing Act 2003)

The Licensing Team has begun the process of gathering information for the revision of the statement of licensing Policy:

- A representative Member Reference Group has been set up;
- Responsible authorities and in particular the Police have been engaged in discussions;
- Data has been requested from Public Health;
- Residents groups are being engaged with.

The time table has been slightly revised but the final timeline for approval is below:

Step	Date to be completed or meeting	Commencement date or deadline	Comments
Council	21 st July 2021	6 th July 2021	Approval
Executive	6 th July	23 rd June	Recommend final wording to Council
Licensing Committee	23 rd June 2021	2 nd June 2021	Recommend final wording to Executive

Areas already identified that will be looked at are:

- “Family Friendly” Town Centres;
- Open air events & festivals;
- Late night refreshment (takeaways);
- Cumulative impact, do we have the evidence to support this?

We would again invite all Members to review the current Statement of Licensing Policy and to send any comments, 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. Following a consultation on the proposed changes a report will be before Members for consideration at this meeting.

Whilst the DfT standards have helped to make bring all LA's in line in some areas of taxi policy more work is needed. 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 by Environmental Health in Q3.

Animal Activities	In	3
	Progress:	
	Current:	13
	Total:	16

Street Trading Consent (Mobile)	In	6
	Progress:	
	Current:	5
	Total:	11

Street Trading Consent (Static)	In	17
	Progress:	
	Current:	1
	Total:	18

Street Trading Consent (Occassional)	In	0
	Progress:	
	Current:	1
	Total:	1

Skin Piercing - Personal	In	25
	Progress:	
	Current:	261
	Total:	286

Premises Registration - Skin Piercing	In	19
	Progress:	
	Current:	120
	Total:	139

This page is intentionally left blank

Appendix B

Q3 2019 Data – 1st October 2019 to 31st December 2019

Q3 2020 Data – 1st October 2020 to 31st December 2020

Licensing Act 2003

Premises Licence Applications	Q3 2019	Q3 2020
New	5	11
Variation	5	0
Minor Variation	8	3
Transfer of premises licence	5	5
Change of designated premises supervisor	20	14
Interim Authority notice	0	0
Review	1	0
Suspended	0	0

Club Premises Certificates Applications	Q3 2019	Q3 2020
New	0	0
Variation	1	0
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	Q3 2019	Q3 2020
New	16	16
Amendments (change of address etc)	0	0
Refused	1	0

Temporary Event Notices Received	Q3 2019	Q3 2020
TENs received	255	21
Objections (Police or Environmental Health)	2	1
Refused	0	0

GAMBLING ACT 2005

New Applications	Q3 2019	Q3 2020
Club Machine Permits	0	0
Small Society Lotteries	33	23
Betting Premises Licence (Betting shops)	0	0
Licensed Premises Gaming Machine Permit	1	0
Notification of Gaming Machines	1	1

CHARITY COLLECTIONS

New Applications	Q3 2019	Q3 2020
House To House	5	9
Street Collections	9	6

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

	Q3 2019	Q3 2020
New Applications	9	0
Total issued	28	25

TAXIS

Dual Drivers	Q3 2019	Q3 2020
New	48	8
Renewed	35	53

Private Hire Drivers	Q3 2019	Q3 2020
New	4	2
Renewed	6	2

Private Hire Operators	Q3 2019	Q3 2020
New	1	0
Renewed	0	0

Hackney Carriage Vehicles	Q3 2019	Q3 2020
New	17	8
Renewed	65	53
Change of vehicle	28	7

Private Hire Vehicles	Q3 2019	Q3 2020
New	2	1
Renewed	10	6
Change of vehicle	0	0

	Q3 2019	Q3 2020
Courtesy vehicles	0	0

Pavement Licences (since 23rd July 2020)

	Q2 2020	Q3 2020
New Applications	8	1
Refused	1	0
Invalid	2	0
Total issued	5	1

TOTALS NUMBERS OF LICENCES

Type of Licence	31/12/2017	26/02/2020	30/09/2020	31/12/20
Premises Licence	485	538	537	547
Club Premises Certificates	36	36	36	36
Personal Alcohol Licences	1851	2039	2073	2087
Betting Premises Licence	15	14	14	15
Dual Drivers	315	285	272	268
Hackney Carriage Vehicles	265	254	229	208
Private Hire Drivers	68	59	60	58
Private Hire Vehicles	62	61	47	41
Private Hire Operators	39	43	44	36

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
December 2020	208	41

LICENSING RECORD POINTS ISSUED

	18/19	19/20	20/21
Points issued	30	42	20
Number of drivers issued points	11	19	7
Percentage of licence holders issued points*	3%	5.5%	1.8%

*Based on 375 drivers in 18/19, 344 drivers in 19/20 & 342 drivers in 20/21