

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 26 OCTOBER
2022, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors R Bolton, K Crofton, J Jones,
T Page, C Redfern, D Snowdon and
R Townsend

ALSO PRESENT:

Councillors J Goodeve and P Ruffles

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Claire Mabbutt	- Licensing Enforcement Officer
Rosalyn Morris	- Licensing Enforcement Officer
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

182 APPOINTMENT OF VICE-CHAIRMAN 2022/23

It was moved by Councillor Andrews and seconded by Councillor Page that Councillor Bolton be appointed as

Vice-Chairman of the Committee for 2022/2023. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor Bolton be appointed as Vice-Chairman of the Committee for 2022/2023.

183 APOLOGIES

There were apologies for absence from Councillors Hall, Reed, Symonds and Wilson.

184 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

185 DECLARATIONS OF INTEREST

There were no declarations of interest.

186 MINUTES - 13 OCTOBER 2021

It was moved by Councillor Bolton and seconded by Councillor Jones, that the Minutes of the meeting of the Committee held on 13 October 2021 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken the motion was declared CARRIED.

RESOLVED – that the Minutes of the Committee meeting held on 13 October 2021 be confirmed as a correct record and signed by the Chairman.

187 MINUTES OF THE LICENSING SUB-COMMITTEE - 13 OCTOBER 2021, 15 OCTOBER 2021, 8 NOVEMBER 2021, 5 MAY 2022, 9 MAY 2022, 29 JUNE 2022, 8 JULY 2022, 8 AUGUST 2022, 20 SEPTEMBER 2022

It was moved by Councillor Snowdon and seconded by Councillor Jones that the Minutes of the Sub-Committee held on 13 October 2021, 15 October 2021, 8 November 2021, 5 May 2022, 9 May 2022, 29 June 2022, 8 July 2022, 8 August 2022 and 20 September 2022 be received. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - that the Minutes of the Sub-Committee held on 13 October 2021, 15 October 2021, 8 November 2021, 5 May 2022, 9 May 2022, 29 June 2022, 8 July 2022, 8 August 2022 and 20 September 2022, be received.

188 LICENSING ANNUAL REPORT 2021-2022

The Licensing Enforcement Officer introduced the report alongside Agenda Item 8 - the Review of Licensing Activity Report – Quarter 1, 2022/2023.

The Licensing Enforcement Officer drew Members' attention to paragraph 3.1 of the report. She explained that although the number of enforcement visits recorded for the last financial year was zero, this did not include the Covid visits which officers had conducted every weekend during this period.

The Licensing Enforcement Officer said that the relaxation of lockdown measures had seen both activity and the number of events increase, thus increasing the number of complaints being received. She said that the two live cases highlighted in the report were ongoing, requiring substantial investigation (including PACE interviews) to enable resolution. These live cases had therefore carried into the Quarter 1 report and would carry again into the forthcoming Quarter 2 report.

Councillor Redfern said that there were lots of complaints being received from constituents regarding town centre street nuisance from licenced premises and asked if such complaints fell under the remit of Licencing.

The Licensing Enforcement Officer said that when complaints were received, they were dealt with in a stepped approach. She said that the Police and Environmental Health would first look at the complaints under the relevant Crime and Disorder and Noise Nuisance legislation, before taking any formal action themselves. The Licensing Enforcement Officer said that enforcement action from Licencing would be the last resort, with matters only proceeding to a Licencing Sub-Committee if the premises was called to review for being in breach of a current license, or if an application for a new premises licence had been objected to.

The Licensing Enforcement Officer said that such constituent's complaints should be directed to Licencing. She advised the Committee that out of

hours enforcement work was being stepped up in partnership with the Police, with Officers being out in Hertford and Ware last weekend.

Councillor Snowdon referred to page 152 of the Review of Licencing Activity – Quarter 1, 2022/2023 report and asked for some context to the decrease in the number of taxi licences, noting the slump in licence numbers since the pandemic.

The Chairman reminded Members that a policy had been adopted by the Committee to keep taxi licence numbers to a level of around 200, and that no pressure had been felt to increase this since.

Councillor Snowdon said that he was receiving a rising number of complaints from Bishop's Stortford residents regarding the lack of availability of taxis, and that this was an issue which he had been asked to raise at the Licensing Committee. He asked if it was felt that the limit on licence numbers was still appropriate and if more could be done to attract more taxi drivers. He added that Uber was not prevalent in Bishop's Stortford causing a reliance in the area upon local taxis.

The Senior Licencing and Enforcement Officer said that the limitation to taxi licence numbers was made three years ago. He said that the Unmet Demand Survey would be carried out again in June of next year, which would specifically look at the number of taxis.

The Chairman asked if Members from Bishop's Stortford could monitor the taxi ranks, as he did in his

own area. The Licensing Enforcement Officer said that in her experience people in Bishop's Stortford preferred to call a licenced vehicle to pick them up as opposed to using the taxi rank space. She said that this was different to Ware and Hertford and may be why the rank in Bishop's Stortford could appear empty, with drivers instead waiting for business within the town. Councillor Snowdon agreed with the Licensing Enforcement Officer and said that the only real operating taxi rank in Bishop's Stortford was at the train station. He reiterated that a shortage of taxis in Bishop's Stortford was becoming more of a pressing issue.

The Chairman asked for Bishop's Stortford Members to monitor taxi availability and to feedback to himself and the Vice-Chairman. He asked if it was practical for the Unmet Demand Survey to be brought forward and/or if an exercise could be done specifically for Bishop's Stortford.

The Senior Licencing and Enforcement Officer said that he did not believe that the Unmet Demand Survey could be done just for Bishop's Stortford, he said that Officers could however carry out monitoring within the area. He said bringing forward the Unmet Demand Survey would be dependent on budgetary demands, and this was not an immediate decision which he could make. The Chairman said that this matter was therefore a conversation which could be had between interested parties outside of the meeting.

Councillor Jones asked for clarity regarding Pavement Licences, noting that 8 were issued in Quarter 1 of

2021/2022, and only 3 had been issued in Quarter 1 of 2022/2023 (as seen in the Review of Licencing Activity in Quarter 1 2022/2023 Report). The Senior Licencing and Enforcement Officer said that temporary Pavement Licences were brought in for District Councils under the Business and Planning Act 2020, he said that these differed from the permanent licenses issued by the County Council under the Highways Act 1980. The Senior Licencing and Enforcement Officer said when Pavement Licences were introduced there were numbers being applied for, but due to uncertainty regarding the extension of the regime beyond 30 September 2023 applicants were instead now opting to obtain permanent licences from the County Council. He added however that it was under consultation that the regimes be streamlined and brought under the control of the District Council.

Councillor Crofton asked why active taxi complaints from 2022 had not been concluded. The Licensing Enforcement Officer said that taxi complaints were being dealt with within four weeks, and that there were none currently outstanding. She said that the two complaints referenced earlier in the meeting where complaints pertaining to premises and not taxis.

Councillor Page referred to page 137 of the Licencing Annual Report 2021/2022 and said that the application for a new Betting Premises Licence was unusual. The Licensing Enforcement Officer said that the licence in question was for a betting premises in Ware which was now under new ownership by Betfred. Councillor Page asked if the Betfred application would enable the premises to have a gaming machine. The Senior

Licencing and Enforcement Officer said that the Betting Premises Licence gave automatic entitlement for a number of gaming machines within the premises.

Councillor Bolton referred to page 134 of the Licencing Annual Report 2021/2022 and asked for clarification of the two reviews received during the financial year.

The Senior Licencing and Enforcement Officer said that the first review related to the Wilkestock Festival of July 2021, where the licence was revoked, and which the applicant had appealed. He said that there was negotiation between parties and a consent order was produced via legal with extra conditions added to the reinstated licence.

The Litigation and Advisory Lawyer said that independent legal advice was sought from a leading licensing barrister. She said that consideration was given to the costs of the appeal to the Council, and the stringent conditions which were added and accepted by the applicant to become part of the reinstated licence.

The Chairman said that the situation was highly unusual, and that a settlement was reached just before the appeal hearing. He said that the stringent conditions added to the reinstated licence had alleviated Police concerns, and that no other events had since been applied for. He reiterated that the Council did not acquiesce the appeal.

The Senior Licencing and Enforcement Officer said that should notification of another event be received

Licensing would work with the Police and Environmental Health.

Councillor Bolton asked that the consent order be distributed to the Members of the Committee for their perusal.

The Licensing Enforcement Officer said that the second review involved The Mixer in Ware, and that conditions had been added to the licence following resident's complaints regarding noise. She said that these noise complaints fell under the remit of Environmental Health, but unfortunately the complainant was unable to support the use of noise recording equipment to gather supporting evidence. The Licensing Enforcement Officer said that when Licensing officers were in the area, they monitored the premises and that any further complaints would be investigated.

The Chairman referred to page 133 of the Licensing Annual Report 2021/2022 and asked how the attempt to cheat the taxi driver's English Competency Test was discovered. The Senior Licensing and Enforcement Officer said that the testing system recorded applicants both audially and visually, and used artificial intelligence software to monitor behaviour. He said that upon review it was clearly audible that a driver was being assisted by a colleague in an attempt to cheat the test. He said that as a result of this evidence the driver's renewal application was refused.

The Chairman asked for more detail on what a taxi inspection involved and where such inspections took place. The Licensing Enforcement Officer said that taxi

inspections were conducted at the roadside to check the condition of vehicles, and that requirements were being met, such as vehicles being equipped with fire extinguishers and drivers having identification badges.

The Licensing Enforcement Officer said that unlike the Police, Licensing Officers did not have the powers to stop vehicles. She said that Hertfordshire Police were keen to set up a joint taxi operation, using Wickes carpark in Hertford to carry out vehicle inspections.

The Chairman said that taxi insurance was above that of normal vehicle use and was expensive. He asked how checks were being made to ensure that drivers had the correct valid insurance, especially as policies could be taken on a daily and weekly basis.

The Senior Licensing and Enforcement Officer said that Officers could request to see a driver's insurance certificate, and that the Police could run checks for both vehicle insurance and MOTs.

The Chairman thanked Officers for their comprehensive reports.

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

RESOLVED – that Members review and comment on the Licensing Annual Report 2021/2022.

189 REVIEW OF LICENSING ACTIVITY - QUARTER 1 2022/2023

Members reviewed and commented on the report alongside Agenda Item 7 – The Licensing Annual report 2021/2022. The narrative for this item can be seen in the minutes for Agenda Item 7.

It was moved by Councillor Jones 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 Members review and comment on the Review of Licensing Activity for Quarter 1 of 2022/2023.

190 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.45 pm

Chairman
Date

