



James Ellis
Head of Legal and Democratic
Services

MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 7 JUNE 2023
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor Maura Connolly (Chairman)
Councillors S Bull, N Cox, T Deffley, J Dunlop, G Hill, S Marlow, V Smith,
R Townsend, D Willcocks, F Woolf and J Wyllie

CONTACT OFFICER: MICHELE AVES
01279 502177
michele.aves@eastherts.gov.uk

Disclosable Pecuniary Interests

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.

Public Attendance

East Herts Council welcomes public attendance at its meetings and meetings will continue to be live streamed and webcasted. For further information, please email democratic.services@eastherts.gov.uk or call the Council on 01279 655261 and ask to speak to Democratic Services.

The Council operates a paperless policy in respect of agendas at committee meetings and the Council will no longer be providing spare copies of Agendas for the Public at Committee Meetings. The mod.gov app is available to download for free from app stores for electronic devices. 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.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office).

Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Appointment of Vice-Chairman

2. Apologies

To receive apologies for absence.

3. Minutes - 15 March 2023 (Pages 5 - 19)

To approve the Minutes of the meeting of the Committee held on Wednesday 15 March 2023.

4. Minutes of the Licensing Sub-Committee - 27 April 2023 (Pages 20 - 23)

To receive the Minutes of meetings of the Licensing Sub-Committee held on 27 April 2023.

5. Chairman's Announcements

6. Declarations of Interest

To receive any Members' declarations of interest.

7. Review of licensing activity in Quarter 4 2022-23 (Pages 24 - 38)

8. Review of annual licensing activity in the financial year 2022-23 (Pages 39 - 49)

9. Urgent Business

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

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 15 MARCH
2023, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors R Bolton, J Jones, T Page,
S Reed and C Wilson

ALSO PRESENT:

Councillors J Goodeve

OFFICERS IN ATTENDANCE:

| | |
|-------------------|---|
| Michele Aves | - Democratic Services Officer |
| Oliver Rawlings | - Service Manager (Licensing and Enforcement) |
| Dimple Roopchand | - Litigation and Advisory Lawyer |
| Paul Thomas-Jones | - Service Manager – Environmental Health |

394 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Crofton, Redfern and Townsend.

395 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Members for their contributions to the Committee over the term, with special mention to those who had taken part in Licensing Sub-Committees.

396 DECLARATIONS OF INTEREST

There were no declarations of interest.

397 MINUTES - 26 OCTOBER 2022

It was moved by Councillor Jones and seconded by Councillor Bolton, that the Minutes of the meeting of the Committee held on 26 October 2022, 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 meeting of the Committee held on 26 October 2022, be confirmed as a correct record and signed by the Chairman.

398 MINUTES OF THE LICENSING SUB-COMMITTEE - 19 OCTOBER 2022

RESOLVED – that the Minutes of the Licensing Sub-Committee meeting held on 19 October 2022 be received.

399 CONSIDERATION OF THE RESULTS OF THE HACKNEY
CARRIAGE UNMET DEMAND SURVEY

The Licensing and Enforcement Service Manager presented the report. He said that under Section 16 of the Transport Act 1985, the council had the power to limit the number of hackney carriage vehicles where there was no significant unmet demand for services. He said that the 2019 results from the survey showed no significant unmet demand and a decision was made to cap the number of vehicle licences at 200.

The Licensing and Enforcement Service Manager said the unmet demand survey should be carried out at least every three years. At the end of 2022, the survey was carried out and it showed that there was a significant unmet demand in the district for services of hackney carriage vehicles. He said that a significant proportion of unmet demand was created by private train station taxi ranks, availability of rank space and demands on it were heavily influenced by public parking illegally on taxi ranks. He said that the public had expressed frustration at vehicles not being available for prebooking.

The Licensing and Enforcement Service Manager said that hackney carriages were carrying out much more prebooked, school and contract work than rank work. There was a national shortage of drivers and increasing the number of vehicles wouldn't necessarily increase the number of drivers. As a result of the survey, the report was recommending that the limit should be increased by 5% over the existing cap. He said this would increase the number from 203 to 213.

He said that the 5% increase should be enough to see the level of demand decreasing when it is measured by the next unmet demand survey. The implications of increasing the frequency of the survey were that hackney carriage vehicle licences would become more expensive as the cost of the survey is included in the fee. The more frequent the survey, the more expensive a licence was.

The Chairman asked if the council had a waiting list for people who want to come forward to apply for a licence. The Licensing and Enforcement Service Manager said there was not a waiting list and the licence limit had not been reached.

The Chairman asked if the council would be publicising the increase to the limit of taxi licences.

The Licensing and Enforcement Service Manager said the team had contacted the hackney carriage trade to let them know of the potential increase and they had already had some enquiries. He said he didn't want to start a waiting list until the decision had been made regarding the criteria for which vehicles would be acceptable. The Licensing and Enforcement Service Manager used fully wheelchair accessible vehicles as an example.

The Chairman asked how the criteria would be worked through and whether it be brought back to committee. He said he was keen to see more vehicles with wheelchair access.

The Licensing and Enforcement Service Manager said the decision process for the criteria would be the same route as this decision and would be scrutinised in the same way. He said wheelchair access vehicles had been promoted in the past as a niche market to service. However, previous wheelchair accessible vehicles had not made enough income on just accessible journeys. He said that the criteria would need to be looked at carefully to determine which vehicles could satisfy the demand.

The Chairman asked if anyone had explored the potential number customers in East Herts that might need to use accessible vehicles.

The Licensing and Enforcement Service Manager said that no specific work had been carried out but the unmet demand survey contacted retirement homes and other stakeholders to see what demand was out there. He said that the team received 3 – 4 enquiries a year from people requesting details of accessible cars and had had responses from people saying they booked vehicles from Stevenage to cover their needs.

Councillor Reed said East Herts had previously limited the amount of taxi drivers for East Herts and were now saying there was a shortage of drivers. He asked if the taxi trade knew that limit was still 200. He suggested that it might be better if it was increased to 250 so that other people can come into East Herts and be taxi drivers.

The Licensing and Enforcement Service Manager said that there is a limit on hackney carriage vehicles but

not drivers. There are less drivers about and they could earn more money doing contract work than rank work. He said there wasn't a way of promoting more drivers and said they were not going to get more than the number of vehicles currently. He explained that there was such a national shortage of drivers and the county council were crying out for school drivers so had pushed the work out to hackney carriage drivers meaning there were less taxis on the ranks and then demand goes up for rank work. A lot of people had left the trade and not come back after the pandemic. He said there was not an easy solution currently.

Councillor Wilson said he agreed with what had previously been said and the unmet demand for private hire led to an unmet demand for hackney carriage vehicles. He said that his experience in Bishop's Stortford was that there was a lack of taxis available. He emphasised that taxis were public transport which serviced vulnerable people and there needed to be a solution. He asked how feasible it would be to have marshals at taxi ranks and if the council had looked at external grants for wheelchair accessible vehicles. He said he was also concerned about the excessive hours worked by drivers and asked if the council could promote safe working hours.

The Licensing and Enforcement Service Manager said that there were taxi marshals in Hertford paid for by the Town Council and HCC. Bishop's Stortford train station was operated by a private company that paid for a marshal and Bishop's Stortford Town Council previously contributed towards marshals over the Christmas period. In relation to the station ranks,

Hertford North was operated by the train provider and they limited the number of licences to 26 and currently had 23 licence holders. He said that the taxi rank at Bishop's Stortford was also operated by the train company and contracted this to a private operator. He said they were desperate for drivers and had no limit on the number of permits.

Councillor Wilson asked if the council could restrict the number of taxis at the station or influence the train operators.

The Licensing and Enforcement Service Manager said the council could not dictate what a private company could do on its own land. He said that Licensing had previously spoken to the trade to explain working hours and the team had previously interviewed drivers if they were working long hours to remind them about safety. He said he would be happy to add a reminder into the newsletter.

Councillor Jones said he was concerned about the working hours and hoped it was a typing error in the report. He said that Bishop's Stortford station was the biggest issue and was concerned that the train company had a monopoly on it. He asked if it could be challenged or investigated in respect of putting an alternative rank on public which was cost effective.

The Chairman agreed and felt the council had missed out on providing a taxi rank in the Goods Yard development.

Councillor Jones felt the stations were taking advantage and not supplying the demand. He asked what could be done about private cars parking on the taxi ranks.

The Licensing and Enforcement Service Manager said in an ideal world the council could see where the demand was and put a rank in that location, but it had to be agreed with Highways. He said from experience, if people can't see where the taxi rank was, they would rarely walk to it and prefer to wait for a taxi at the empty rank. He said that parking on public ranks was a real problem and if parking enforcement Officers were working in the evening, they could ticket cars. He said a consistent approach was needed to stop people parking in ranks, which was resource heavy.

Councillor Bolton thanked the Licensing and Enforcement Service Manager for his report and questioned the frequency of the Unmet Demand Surveys.

The Licensing and Enforcement Service Manager said that with the end of the Pandemic and the changes occurring in the district he would like to see the survey carried out annually. He said however, that as the cost of the survey was borne by the trade (via the cost of the vehicle licences), every two years may be more beneficial.

Councillor Jones asked why the council was not paying for the survey and therefore not helping the trade.

The Licensing and Enforcement Service Manager said that Department for Transport (DfT) guidance advised that no one company within the trade should pay for the survey, but that the council could pass the costs on to the trade via the cost of vehicle licences. He questioned if the council would be subsidising the trade should it pay for the survey.

Councillor Page referred to a complaint within the report which referenced a taxi customer who had agreed a price with a company and had then been charged more due to a problem with the driver's app. He asked if not all vehicles were metered.

The Licensing and Enforcement Service Manager said that the respondent was probably referring to a private hire vehicle and not a Hackney Carriage. He said that private hire drivers should be charging the fare agreed at the time of the booking being made. Hackney carriages had to charge the metered rate or less unless the journey started or ended outside of the district. In those cases, a fare could be negotiated or metered. He said that complaints relating to such matters should be directed to the Licensing Department.

The Chairman asked Members for their thoughts on recommending to the future Licensing Committee that they visit the taxi ranks in Ware, Hertford and Bishop's Stortford for observation.

Members supported this recommendation and were in agreement that visits to the district's taxi ranks should include both a daytime and a weekend 'night-time

economy' visit.

It was also agreed that Committee Members should be accompanied on these visits by an engineer from Hertfordshire County Council's (HCC) Highways Department, to give opinion on ranks and potential new rank sites.

It was further agreed that in the interim Officers should be looking at alternative rank provision going forward.

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

RESOLVED – that it is recommended that the future Licensing Committee:

- Visit the taxi ranks in Ware, Hertford and Bishop's Stortford for observation.
- Are accompanied on these taxi rank visits by a HCC engineer, for their opinion on ranks and potential new rank sites.
- That in the interim Officers should be looking at alternative rank provision going forward.

Councillor Page asked that the Executive Member for Planning and Growth (who was present as an observer) provide feedback to the planning department that more standing should be given to Licensing Officers within Planning reports. The

Executive Member for Planning and Growth acknowledged this request.

The Chairman then referred Members to paragraph 4.0 of the report which listed the options open to the Committee for recommendation to the Executive Member for Planning and Growth. He said that Option 2 was the option recommended by the Licensing department and would see an increase in the number of Hackney Carriage vehicle licences issued by 10 (approximately 5%) over the number currently issued. He agreed that with monitoring this was the correct option to recommend, and Members also supported this.

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

RESOLVED – that following review of the consideration of the results of the Hackney Carriage Unmet Demand Survey, Members recommend to the Executive Member for Planning and Growth that Option 2 (an increase in the number of Hackney Carriage vehicle licences issued by East Herts Council be increased by 10 (approximately 5%) over the number currently issued) be taken forward.

400 REVIEW OF LICENSING ACTIVITY - QUARTER 2 AND QUARTER 3, 2022

The Licensing and Enforcement Service Manager introduced the report and confirmed that further details relating to any trends/types of complaints being received by the department had been included as per Members' requests.

The Licensing and Enforcement Service Manager drew Members' attention to paragraphs 3.7 and 3.8 of the report, which detailed the licensing points issued to two drivers during Quarter 2 and Quarter 3, and the performance monitoring figures for the department for the same period.

Councillor Bolton asked for assurance that the Police and Environmental Health had oversight of the significant increase in the number of Temporary Event Notices (TENs). The Licensing and Enforcement Service Manager said that the increase in TENs was post pandemic, during which there were no events. He confirmed that the Police sent a response to every TEN, which would be flagged for scrutiny should problems be known to exist and he clarified that the Licensing and Environmental Health departments shared a system for recording investigations and complaints.

The Environmental Health Service Manager said that Environmental Health prioritised TENs, carrying out visits and trying to rectify issues where appropriate.

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

RESOLVED – that the Review of Licensing Activity in Quarter 2 and Quarter 3 of 2022 be reviewed and received.

401 AN UPDATE ON ENVIRONMENTAL HEALTH LICENSING AND REGISTRATION

The Environmental Health Service Manager introduced the report, which was accompanied by a presentation. He highlighted several key areas to Members, including Animal Activity Licenses, Approved Premises and Food Business Registration, Dangerous Wild Animal and Zoo Licensing and Houses of Multiple Occupation (HMO's).

The Chairman referred to the report and asked if the zero-figure attributed to the number of campsite licenses currently issued within the district was due to the caravan club being exempt from application. The Environmental Health Service Manager said that this was correct, as the caravan club had met government standards.

The Chairman asked how the council ensured that those trading from vans and trailers were selling food fit for human consumption. The Licensing and Enforcement Service Manager said that the Licensing department had taken this function from Environmental Health, and that such sellers required permission from the landowner (for example, the pub landlord) and a Street Trading Consent to operate. He said that a Street Trading Consent was a laminated certificate, which included photo ID of the applicant, which should be displayed. He asked that any

unlicensed traders be reported to the Licensing department, who would then investigate.

The Chairman asked that a sample Street Trading Consent be circulated to the Members of the Committee following the meeting.

The Environmental Health Service Manager said street traders who sold food were also required to register their food business and would be awarded a food hygiene rating once inspected. He said that traders may be registered with a different local authority, but that ratings were shared between authorities. He said that any concerns regarding street food traders should be reported to Environmental Health, giving a description of the vehicle and its registration number as they were reliant on such intelligence.

Councillor Reed asked for clarification of the Licensing requirements for those street trading Christmas trees and fireworks. The Licensing and Enforcement Service Manager said that these activities were classed as street traders, and that those selling fireworks would also be required to register with Trading Standards.

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

RESOLVED – that the Update on Environmental Health Licensing and Registration be scrutinised and received.

402 URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.22 pm

Chairman

Date

Agenda Item 4

LS

LS

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 27 APRIL 2023,
AT 10.00 AM

PRESENT: Councillor R Bolton (Chairman)
Councillors J Jones and C Redfern

OFFICERS IN ATTENDANCE:

| | |
|------------------|--|
| Peter Mannings | - Democratic Services Officer |
| Dimple Roopchand | - Litigation and Advisory Lawyer |
| Brad Wheeler | - Senior Licensing and Enforcement Officer |

ALSO IN ATTENDANCE

| | |
|---------------|--|
| Mrs Downes | - Interested Party |
| Ewen McGregor | - Legal Representative for the Applicant |

40 APPOINTMENT OF CHAIRMAN

It was moved by Councillor Jones and seconded by Councillor Redfern, 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.

41 APOLOGIES

There were no apologies for absence.

42 CHAIRMAN'S ANNOUNCEMENTS

There were no declarations of interest.

43 DECLARATIONS OF INTEREST

There were no declarations of interest.

44 MINUTES - 19 OCTOBER 2022

It was moved by Councillor Redfern and seconded by Councillor Jones that the Minutes of the meeting held on 19 October 2022 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 meeting held on 19 October 2022 be confirmed as a correct record and signed by the Chairman.

45 SUMMARY OF PROCEDURE

The Chairman drew the hearings attention to the Summary of Procedure which was included in the agenda pack at pages 10 – 16.

46 APPLICATION FOR A NEW PREMISES LICENCE FOR WH SMITH, BISHOPS STORTFORD RAILWAY STATION, STATION ROAD, BISHOPS STORTFORD, HERTFORDSHIRE, CM23 3BL
(23/0300/PL)

The Sub-Committee received a report on the application for a New Premises Licence for WH Smith, Bishop's Stortford Railway Station, Bishop's Stortford, Hertfordshire, CM23 3BL.

The Senior Licensing and Enforcement Officer presented the report and Members of the Sub-Committee, the applicant and the interested party asked questions. The applicant's legal representative presented the application on behalf of the applicant and he answered questions from the Sub-Committee and the interested party.

The interested party presented her objections to the application and answered questions from the Sub-Committee and the applicant's legal representative.

In line with procedure, at the conclusion of the closing submissions, the Sub-Committee retired to consider the evidence presented to the hearing by the applicant's legal representative and an objector to the application. They were accompanied by the Democratic Services Officer and the Litigation and Advisory Lawyer.

The Sub-Committee reconvened in public session to give its decision.

RESOLVED – that the licence for a New Premises

Licence for WH Smith, Bishop’s Stortford Railway Station, Bishop’s Stortford, Hertfordshire, CM23 3BL be granted for the sale of alcohol for consumption off the premises, Monday - Friday 08:00 – 19:00, Saturday 08:00 – 18:00 and Sunday 08:00 – 16:00, subject to the conditions offered up in the operating schedule and the further conditions offered up during the consultation period.

The Chairman advised that the decision would be issued in writing, and that there was the right of appeal within 21 days to the magistrate’s court.

47 URGENT BUSINESS

There was no urgent business.

The meeting closed at 11.26 am

| |
|----------------|
| Chairman |
| Date |

Agenda Item 7

East Herts Council Report

Licensing Committee

Date of Meeting: 07 June 2023

Report by: Oliver Rawlings (Service Manager - Licensing & Enforcement)

Report title: Review of licensing activity in Quarter 4 2022-23

Ward(s) affected: All

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

RECOMMENDATIONS FOR Licensing Committee:

(a) That Members review and comment on the Licensing activity in Quarter 4 of 2022-23.

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 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 from the fourth quarter of the

2022 / 2023 financial year (1st January 2023 – 31st March 2023) 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)

Complaints handling

- 3.1 Members have previously requested that details be provided in relation to any trends in the types of complaints received. During Q4 the majority of complaints related to concerns about noise disturbances three regarding music from the licensed premises, one from deliveries to licensed premises and one relating to street trading.
- 3.2 The number of complaints in Q4, when compared with the same period in 2022, have increased. This appears to still relate to the pandemic and subsequent lifting of restrictions and that people's tolerance levels appear to have altered since the restrictions were in place.
- 3.3 It is worth bearing in mind that enforcement of licensing conditions is not a statutory matter, it is a discretionary function for individual councils to choose to provide should they wish. To date, the council has chosen to have a licensing enforcement function and it is the council's 1.1 FTE licensing enforcement officers who, due to the increase in complaints, have undertaken increased out of hours observations in the evenings and at weekends, including into the early hours of Sunday mornings. This allows the team to witness any issues and reach a conclusion regarding the validity of a complaint.

- 3.4 The team also carries out regular weekend market inspections to ensure compliance.
- 3.5 The team has assisted with inspections of licensed premises during Friday and Saturday evenings and has supported the Police and Environmental Health with enforcement where requested. A stepped approach is taken when dealing with issues with the key role being to support licence holders to achieve compliance while helping to gather evidence where necessary.

Taxis

- 3.6 The enforcement team's work involves ensuring that all documentation for taxi drivers and vehicles is up-to-date and therefore ensuring licences are valid. The enforcement team ensures that the council's records are kept up-to-date and that people with expired documents are suspended until they produce the required documents.
- 3.7 In Q4 no points were issued under the licensing points scheme which was implemented to aid a stepped approach to compliance with the various licensing regimes and conditions .
- 3.8 Five complaints were received in relation to licensed vehicles and these related to:
- dispute over a pre-booked journey
 - report of poor driving standards
 - parking
 - behaviour falling below the standard expected of a licence holder - two complaints.

Street trading

- 3.9 Two complaints were received regarding street traders operating without the appropriate consent.

Performance monitoring

3.10 The figures for the quarterly performance indicators for licensing for Q4 are detailed in the table below with the 2021/22 overall figures for comparison.

| Performance indicator – cumulative (reported quarterly) within the year unless otherwise stated | 2021/2022 performance | 2022/23 target | Q4 2022 performance |
|---|------------------------------|-----------------------|----------------------------|
| Percentage of valid personal licences processed within 2 weeks | 98% | 85% | 100% |
| Percentage of valid temporary event notices processed within 72 hours | 90% | 90% | 100% |
| Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to date of determination) | 100% | 99% | 100% |
| Percentage of driver’s licences issued within 30 working days of validation | 95% | 95% | 100% |

3.11 Further details on decision making and project and policy work can be found at **Appendix A**.

3.12 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 members.

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

None

Financial

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

Health and Safety

Some parts of the regulatory regimes covered in this report contribute to health & safety by ensuring standards are maintained.

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.

- 7.2 **Appendix B** – Performance data from 1st January 2023 to 31st March 2023. Year on Year comparison figures for applications and granted licences, notices, and other permissions.

Contact Member

Councillor Vicky Glover-Ward (Executive
Member for Planning & Growth)

Vicky.glover-ward@eastherts.gov.uk

Contact Officer

Jonathan Geall (Head of Housing & Health)

Contact Tel No 01992 531594

Jonathan.geall@eastherts.gov.uk

Report Author

Oliver Rawlings (Service Manager – Licensing & Enforcement)

oliver.rawlings@eastherts.gov.uk

Licensing Activity report: Q4 1st January 2023 to 31st March 2023

1. Context

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

Licensing of food premises and other commercial businesses subject to regulatory activity is carried out by the Environmental Health team. This activity is reported to the Licensing Committee separately.

Licensing matters managed by the Licensing & Enforcement Team

2. Taxis

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

| | |
|---|---|
| New driver applications | 20 (10 Private Hire Drivers, 10 Dual Drivers) |
| Renewals | 21 (21 Dual Drivers) |
| New applicants who have attended training | 10 |
| Resits of knowledge test | 3 |
| Existing drivers who have attended update training | 8 |
| English Competency tests taken | 17 |
| English competency tests taken with appropriate adjustments | 1 |
| Passes | 6 |
| Fails | 12 |
| Number of individuals | 9 |
| Decisions taken by Service Manager – Licensing & | 5 (Vehicle applications |

| | |
|---|---|
| Enforcement under delegated powers | outside of policy, 4 granted & 1 refused) |
| Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman of the Licensing Committee | 2 (decision regarding fitness and propriety of new applicant with convictions – both refused) |
| Upheld | n/a |
| Dismissed | n/a |
| Appeals of decision – decision by court | 0 |
| Upheld <i>council not successful in defending its decision</i> | n/a |
| Dismissed <i>council successful in defending its decision</i> | n/a |
| Prosecution sought | 0 |
| Successful | n/a |
| Unsuccessful | n/a |
| 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 and Hertfordshire Climate Change Sustainability Partnership work has been ongoing with regards to introducing a Countywide vehicle emissions policy. A draft policy and committee documents have been circulated to all Hertfordshire local authorities with a proposed timeline for implementation.

Together with the Hackney Carriage trade, we have started a review of the ranks across the district to ensure that they are in the right location and service the needs of the customers and support the trade. There are a number of factors affecting rank use, as illustrated

by the recent unmet demand survey, so the Licensing Team is taking a holistic approach to addressing these.

3. Premises

During Q4 of the last financial year no applications were decided by Licensing Sub-Committees.

4. Temporary Event Notices (TENs)

The number of TENs received by the authority in Q4 of 2022/23 was 145 which was 43 more than in the same period of 2021/22.

It is worth noting that only the Police and Environmental Health can object to a TEN.

Q4 Data – 1st January 2023 – 31st March 2023**Licensing Act 2003**

| Premises Licence Applications | Quarter 4 |
|--|------------------|
| New | 7 |
| Variation | 4 |
| Minor Variation | 3 |
| Transfer of premises licence | 2 |
| Change of designated premises supervisor | 20 |
| Interim Authority notice | 0 |
| Review | 0 |
| Suspended | 0 |

| Club Premises Certificates Applications | Quarter 4 |
|--|------------------|
| New | 0 |
| Variation | 0 |
| Minor Variation | 0 |
| Transfer of premises licence | 0 |
| Interim Authority notice | 0 |
| Review | 0 |
| Cancelled/surrendered | 0 |
| Suspended | 0 |

| Personal Alcohol Licences Applications | Quarter 4 |
|---|------------------|
| New | 18 |
| Amendments (change of address etc) | 0 |
| Refused | 0 |

| Temporary Event Notices Received | Quarter 4 |
|---|------------------|
| TENs received | 145 |
| Objections (Police or Environmental Health) | 0 |
| Refused | 0 |
| Complaints regarding TEN's | 0 |

GAMBLING ACT 2005

| New Applications | Quarter 4 |
|--|------------------|
| Club Machine Permits | 0 |
| Small Society Lotteries | 18 |
| Betting Premises Licence (Betting shops) | 0 |
| Licensed Premises Gaming Machine Permit | 0 |
| Notification of Gaming Machines | 0 |

CHARITY COLLECTIONS

| New Applications | Quarter 4 |
|-------------------------|------------------|
| House to House | 4 |
| Street Collections | 14 |

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

| | Quarter 4 |
|------------------|------------------|
| New Applications | 1 |

TAXIS

| Dual Drivers | Quarter 4 |
|---------------------|------------------|
| New | 10 |
| Renewed | 21 |

| Private Hire Drivers | Quarter 4 |
|-----------------------------|------------------|
| New | 10 |
| Renewed | 0 |

| Private Hire Operators | Quarter 4 |
|-------------------------------|------------------|
| New | 2 |
| Renewed | 0 |

| Hackney Carriage Vehicles | Quarter 4 |
|----------------------------------|------------------|
| New | 3 |
| Renewed | 37 |
| Change of vehicle | 20 |
| Courtesy vehicles | 6 |

| Private Hire Vehicles | Quarter 4 |
|------------------------------|------------------|
| New | 6 |
| Renewed | 8 |
| Change of vehicle | 1 |
| Courtesy vehicles | 1 |

PAVEMENT LICENCES

| | Quarter 4 |
|------------------------|------------------|
| New Applications | 1 |
| Refused | 0 |
| Invalid | 0 |
| Total currently issued | 3 |

STREET TRADING

| | Quarter 4 |
|------------------------|------------------|
| New Applications | 15* |
| Total currently issued | 22 |

*11 for Street Food Hero events in Hertford

MARKET TRADERS

| | Quarter 4 |
|------------------------|------------------|
| New Applications | 7 |
| Total currently issued | 9 |

TOTALS NUMBERS OF LICENCES

| Type of Licence | Sept 22 (End Q2) | Dec 22 (End Q3) | Mar 23 (End Q4) |
|--|-----------------------------|----------------------------|----------------------------|
| Premises Licence | 633 | 636 | 636 |
| Club Premises Certificates | 34 | 34 | 34 |
| Personal Alcohol Licences | 2205 | 2218 | 2256 |
| Betting Premises Licence | 15 | 15 | 13 |
| Dual Drivers | 224 | 213 | 209 |
| Hackney Carriage Vehicles (including suspended plates) | 207 (14 Suspended) | 205 (11 Suspended) | 200 (10 Suspended) |
| Private Hire | 46 | 50 | 52 |

| Type of Licence | Sept 22 (End Q2) | Dec 22 (End Q3) | Mar 23 (End Q4) |
|--|-----------------------------|----------------------------|----------------------------|
| Drivers | | | |
| Private Hire Vehicles (including suspended plates) | 52 (1 Suspended) | 58 (0 Suspended) | 57 (1 Suspended) |
| Private Hire Operators | 29 | 30 | 30 |

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

| Date | Number of Hackney Carriage vehicles | Number of Private Hire 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 |
| December 2020 | 219 | 40 |
| February 2021 | 208 | 41 |
| March 2021 | 206 | 40 |
| April 2021 | 200 | 42 |
| May 2021 | 205 | 41 |
| June 2021 | 209 | 43 |
| July 2021 | 204 | 42 |
| August 2021 | 204 | 42 |
| September 2021 | 200 | 42 |
| October 2021 | 207 | 40 |
| November 2021 | 209 | 42 |
| December 2021 | 208 | 45 |
| January 2022 | 213 | 44 |
| February 2022 | 212 | 45 |
| March 2022 | 204 | 47 |
| April 2022 | 199 | 48 |
| May 2022 | 198 | 49 |
| June 2022 | 201 | 47 |
| August 2022 | 208 | 54 |
| September 2022 | 207 | 52 |
| October 2022 | 207 | 56 |

| Date | Number of Hackney Carriage vehicles | Number of Private Hire vehicles |
|---------------|--|--|
| November 2022 | 203 | 60 |
| December 2022 | 205 | 58 |
| March 2023 | 200 | 58 |

| | |
|---|---|
| Hackney Carriages numbers above the cap | 0 |
|---|---|

Hackney Carriage vehicle numbers: The table above shows fluctuation in the overall numbers of licensed vehicles. This is for the following reasons:

- During the pandemic a special provision was made for licence holders whereby they could allow licences to expire if they were not working but then come back at a later date and reapply for the same licence. That provision has ended.
- Some of the figures prior to June 2022 did not take into account vehicles which had been suspended. Whilst the licence still existed it was not picked up in a search for the currently issued licences. The system which is in place for processing and recording licence numbers does not allow us to check numbers of licences retrospectively so once a date has passed the figure cannot be double checked.
- The limit on Hackney carriage vehicles is not a blank policy as this would be illegal. Each application is considered on its own merit and licences have been granted above the cap during and post pandemic.

LICENSING RECORD POINTS ISSUED

| | Q4 2023 |
|------------------------------------|----------------|
| Number of drivers issued points | 0 |
| Total points issued | 0 |
| Successful appeals | 0 |
| Number of points removed | 0 |
| % of licence holders issued points | 0 |

East Herts Council Report

Licensing Committee

Date of Meeting: 07 June 2023

Report by: Oliver Rawlings (Service Manager - Licensing & Enforcement)

Report title: Review of annual licensing activity in the financial year 2022-23

Ward(s) affected: All

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

RECOMMENDATIONS FOR Licensing Committee:

(a) That Members review and comment on the Licensing activity in the financial year 2022-23

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 licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal dealing and gambling.
- 2.2 This report presents data for the last financial year on

processing and enforcement, delegated decisions and Licensing Sub Committee involvement, on licences, notices, and permits, and applications including:

- alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003;
- gaming under the Gambling Act 2005;
- taxi drivers, vehicle proprietors and operators.

3.0 Reason(s)

3.1 During the last financial year the 1.1 FTE members of the enforcement team have undertaken 117 actions which are divided between visits, inspections and investigations. These have been analysed further and are recorded as:

| Type | 2020/21 Totals | 2021/22 Totals | 2022/23 totals |
|-------------------------------------|-----------------------|-----------------------|-----------------------|
| Taxi inspections and investigations | 54 | 75 | 13 |
| Taxi complaints | 14 | 15 | 30 |
| Licensing Act 2003 complaints | 5 | 10 | 21 |
| Licensing Act 2003 premises visits | 0 | 8 | 16 |
| Checks of statutory notices | 22 | 35 | 32 |
| Gambling visits/complaints | 0 | 0 | 0 |
| Invoice visits/chase ups | 0 | 0 | 2 |
| Charity collection complaints | 0 | 0 | 0 |
| Street trading | 0 | 0 | 3 |
| Total actions | 95 | 143 | 117 |

- 3.2 All complaints have been fully investigated and have resulted in the appropriate action being taken in line with policy.
- 3.3 Members requested that further detail be provided in relation to any trends in the types of complaints received.
- 3.4 The number of taxi inspections was reduced over the previous year due to there being an increase in Licensing Act 2003 premises visits which are often more complex and time consuming. This led to time taken for Ad hoc taxi inspections being reduced.
- 3.5 Under the Licensing Record Points (LRP) scheme a total of 30 points have been issued split between 4 licence holders. One licence holder appealed the nine points that he was issued and upon review that appeal was upheld, and the points were removed. This leaves the final figure of Licensing Record Points issued in the year as 21 points between three licence holders (nine points, six points and six points respectively). This figure is slightly down on previous years.
- 3.6 The figures for the performance indicators for licensing in 2022/2023 are detailed in the table below and compared to that of 2021/2022.

| Performance indicator - cumulative within the year unless otherwise stated | 2021/2022 | Targets | 2022/2023 |
|---|------------------|----------------|------------------|
| Percentage of valid personal licences processed within 2 weeks | 98% | 85% | 100% |

| | | | |
|--|------|------------|------|
| Percentage of valid temporary event notices processed within 72 hours | 81% | 90% | 96% |
| Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) | 100% | 99% | 100% |
| Percentage of driver's licences issued within 30 working days of validation | 95% | 95% | 99% |

3.7 During the 2022/23 financial year nine applications were decided by Licensing Sub-Committees. There were a further one adjourned hearing, which was then determined approximately a month later and one postponed hearing. The details of the matters brought before Licensing Sub-Committees are shown below.

| Premises | Location | Type of application | Resolved |
|-----------------------------|-----------------------------------|-------------------------------------|-------------------------|
| Jungle Bar | Fore Street, Hertford | Premises Licence Variation | Granted with conditions |
| Lidl | Stansted Road, Bishop's Stortford | New Premises Licence | Granted |
| Stone Valley Festival South | Hillside Lane, Great Amwell, Ware | New Premises Licence (time limited) | Granted |

| | | | |
|-----------------------------|---------------------------------------|-------------------------------|---------------------------|
| Stone Valley Festival South | Hillside Lane, Great Amwell, Ware | New Premises Licence | Granted with amendments |
| White Horse Hotel | Hertingfordbury Road, Hertingfordbury | Variation of Premises Licence | Granted |
| Copper Tod | The Elms, Hertford | New Premises Licence | Granted |
| Brad & Dills | Market Place, Hertford | New Premises Licence | Representations withdrawn |
| Adnams | High Street, Bishops Stortford | New Premises Licence | Granted with Conditions |

3.8 Performance data and year-on-year comparison figures can be found in **Appendix A**.

6.0 Implications/Consultations

Community Safety

All decisions are taken and matters considered in line with the prevailing legislation and guidance which, arguably, is primarily concerned with maintaining and promoting community safety.

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 **Appendix A** – Performance data from 1 April 2022 to 31 March 2023. Year-on-Year comparison figures for applications and granted licences, notices and other permissions.

Contact Member

Councillor Vicky Glover-Ward (Executive
Member for Planning & Growth)

Vicky.glover-ward@eastherts.gov.uk

Contact Officer

Jonathan Geall (Head of Housing & Health)

Contact Tel No 01992 531594

Jonathan.geall@eastherts.gov.uk

Report Author

Oliver Rawlings (Service Manager - Licensing & Enforcement)

oliver.rawlings@eastherts.gov.uk

Licensing Act 2003

| Premises Licence Applications | 21/22 | 22/23 |
|--|--------------|--------------|
| New | 23 | 36 |
| Variation | 17 | 14 |
| Minor Variation | 16 | 9 |
| Transfer of premises licence | 12 | 27 |
| Change of designated premises supervisor | 80 | 81 |
| Interim Authority notice | 0 | 0 |
| Review | 2 | 0 |
| Suspended | 0 | 0 |

| Club Premises Certificates Applications | 21/22 | 22/23 |
|--|--------------|--------------|
| New | 0 | 0 |
| Variation | 0 | 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 | 21/22 | 22/23 |
|---|--------------|--------------|
| New | 84 | 73 |
| Refused | 0 | 0 |

| Temporary Event Notices (TENs) | 21/22 | 22/23 |
|---|--------------|--------------|
| TENs received | 465 | 688 |
| Objections (Police or Environmental Health) | 1 | 0 |
| Refused | 1 | 0 |

GAMBLING ACT 2005

| New Applications | 21/22 | 22/23 |
|--|--------------|--------------|
| Club Machine Permits | 0 | 0 |
| Small Society Lotteries | 66 | 84 |
| Betting Premises Licence (Betting shops) | 1 | 1 |
| Licensed Premises Gaming Machine Permit | 0 | 0 |
| Notification of Gaming Machines | 0 | 2 |

CHARITY COLLECTIONS

| New Applications | 21/22 | 22/23 |
|-------------------------|--------------|--------------|
| House To House | 15 | 16 |
| Street Collections | 28 | 48 |

These figures do 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

| | 21/22 | 22/23 |
|------------------|--------------|--------------|
| New Applications | 10 | 7 |
| Currently issued | 3 | 5 |

TAXIS

| Dual Drivers (Hackney Carriage and Private Hire) | 21/22 | 22/23 |
|---|--------------|--------------|
| New | 14 | 6 |
| Renewed | 61 | 118 |

| Private Hire Drivers | 21/22 | 22/23 |
|-----------------------------|--------------|--------------|
| New | 28 | 12 |
| Renewed | 10 | 13 |

| Private Hire Operators | 21/22 | 22/23 |
|-------------------------------|--------------|--------------|
| New | 13 | 5 |
| Renewed | 10 | 0 |

| Hackney Carriage Vehicles | 21/22 | 22/23 |
|----------------------------------|--------------|--------------|
| New | 42 | 10 |
| Renewed | 175 | 131 |
| Change of vehicle | 47 | 14 |

| Private Hire Vehicles | 21/22 | 22/23 |
|------------------------------|--------------|--------------|
| New | 24 | 18 |
| Renewed | 28 | 27 |
| Change of vehicle | 6 | 6 |

| | 21/22 | 22/23 |
|--------------------|--------------|--------------|
| Courtesy vehicles* | 15 | 25 |

*vehicles temporarily replacing those damaged in accidents.

LICENSING RECORD POINTS ISSUED

| | 20/21 | 21/22 | 22/23 |
|--|--------------|--------------|--------------|
| Points issued | 25 | 25 | 30** |
| Number of drivers issued points | 5 | 5 | 4 |
| Percentage of licence holders issued points* | 1.5% | 1.2% | 1.5% |

* Based on 321 drivers in 20/21, 293 drivers in 21/22 & 261 drivers in 22/23.

** 9 of the 30 Licensing Record Points were withdrawn following an appeal.

PAVEMENT LICENCES (Since new arrangements came into effect on 23rd June 2020)

| | 21/22 | 22/23 |
|------------------|--------------|--------------|
| New Applications | 15 | 9 |
| Refused | 1 | 0 |
| Invalid | 3 | 1 |
| Total Issued | 11 | 8 |

STREET TRADING (Since revised arrangements came into effect on 1st April 2021)

| | 21/22 | 22/23 |
|------------------|--------------|--------------|
| New Applications | 80 | 30 |

TOTALS NUMBERS OF LICENCES

| Type of Licence | End of year 21/22 | End of year 22/23 |
|----------------------------|-------------------|-------------------|
| Premises Licence | 637 | 636 |
| Club Premises Certificates | 35 | 34 |
| Personal Alcohol Licences | 2162 | 2256 |
| Betting Premises Licence | 14 | 13 |
| Dual Drivers | 246 | 209 |
| Private Hire Drivers | 47 | 52 |
| Private Hire Operators | 27 | 30 |