

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 11 JULY 2013,
AT 4.30 PM

PRESENT: Councillor R Beeching (Chairman).
Councillors P Ballam, E Bedford,
E Buckmaster, Mrs R Cheswright, K Crofton,
Mrs D Hone, J Jones, M McMullen, J Taylor,
A Warman and B Wrangles.

ALSO PRESENT:

Councillors D Andrews and P Ruffles.

OFFICERS IN ATTENDANCE:

| | |
|--------------------|---|
| Richard Kalu | - Senior Specialist Licensing Officer |
| Peter Mannings | - Democratic Services Officer |
| Paul Newman | - Licensing Manager |
| Brian Simmonds | - Head of Community Safety and Health Services |
| Michelle Whittaker | - Licensing Officer |

115 **TAXI LICENSING POLICY: FEEDBACK FROM
CONSULTATION WITH THE LICENSED TAXI TRADE**

The Director of Neighbourhood Services submitted a report that summarised the responses to public consultation in respect of the proposals for amendments to taxi licensing policy.

Members were advised that the Leader of the Council had made a commitment to a review of taxi licensing. Community Scrutiny Committee had subsequently set up a Task and Finish Group to review Taxi

Licensing in East Herts.

The Task and Finish group had reported back on 20 November 2012 and Community Scrutiny Committee had resolved to recommend to Licensing Committee that a robust convictions policy be introduced, with some powers delegated to Officers.

Members were advised that Licensing Committee had supported the recommendations of Community Scrutiny Committee in March 2013 and had agreed to further proposals for amendments from Officers for incorporation in the revised Taxi Licensing policy.

The Licensing Committee was invited to consider the responses to public consultation and whether the draft revised policy should be altered before being recommended to Council for approval.

The Licensing Manager detailed the questions that had been asked by the public consultation in respect of the revised policy. Members were provided with a summary of the consultation responses.

Members were advised that the Authority was now permitted to suspend a taxi driver's licence where a taxi driver had accrued penalty points on his or her licence. There was a general discussion regarding the ongoing problem of taxi drivers parking irresponsibly and blocking pavements in Hertford. Members were advised that a replacement Enforcement Officer had recently been recruited by the Authority.

Councillor Mrs R Cheswright commented on whether notices should be displayed in private hire vehicles explaining that the occupant was not insured if the taxi had not been pre-booked. The Licensing Manager confirmed that the occupant of a private hire vehicle would not be insured in such situations.

Members requested that the Taxi Licensing Policy be

amended so that all private hire vehicles must display a warning notice in respect of this issue. This was supported. The Committee recommended the Taxi Licensing Policy, as now revised.

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

(B) the revised Taxi Licensing Policy, subject to the inclusion of wording that ensured that private hire vehicles must display a warning notice stating that occupants were not insured if the private hire Taxi had not been pre-booked, be approved.

116 **APPOINTMENT OF VICE-CHAIRMAN**

It was moved by Councillor K Crofton and seconded by Councillor J Taylor that Councillor M McMullen be appointed Vice-Chairman of the Licensing Committee for the 2013/14 civic year.

After being put to the meeting and a vote taken, Councillor M McMullen was appointed Vice-Chairman of the Licensing Committee for the 2013/14 civic year.

RESOLVED – that Councillor M McMullen be appointed Vice-Chairman of the Licensing Committee for the 2013/14 civic year.

117 **APOLOGY**

An apology for absence was submitted on behalf of Councillor W Ashley.

118 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman provided a detailed breakdown of some proposed changes for the way Licensing Sub-Committee hearings were conducted. The Chairman invited Members to give their views. Members made a number of comments in respect of the proposed changes.

The Chairman emphasised that objectivity on the part of Licensing Sub-Committee Members was of paramount importance. He stated that careful operation of procedures and policies was also very important. He concluded that Members should attend as many Sub-Committee meetings as possible to watch and learn from the process.

The Chairman stated that crime and disorder, public safety and the protection of children from harm, as well as residents' concerns, were all taken into account by Licensing Sub-Committees. He stressed that public health should also be considered and all of the Hertfordshire District Authorities would be invited to a seminar on this issue in September or October 2013.

Finally, the Chairman passed on the appreciation of the Licensing Committee to the Licensing Manager for his consistently sound grasp of the changing principles of Licensing Policy.

Councillor M McMullen added his thanks to those of the Chairman and he wished the Licensing Manager the best of luck for the future.

119 MINUTES – 14 MARCH 2013

RESOLVED – that the Minutes of the meeting held on 14 March 2013 be approved as a correct record and signed by the Chairman.

120 LICENSING SUB-COMMITTEE MINUTES – 11 MARCH 2013, 22 MARCH 2013, 24 APRIL 2013, 26 APRIL 2013, 31 MAY 2013 (AM) AND 31 MAY 2013 (PM)

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 11 March, 22 March, 24 April, 26 April, 31 May 2013 (am) and 31 May 2013 (pm), be received.

121 DECISION OF LICENSING SUB-COMMITTEE
CONSIDERED ON APPEAL – DECISION TO REFUSE AN
APPLICATION FOR A TAXI DRIVER'S LICENCE

The Director of Neighbourhood Services submitted a report updating Members in respect of the outcome of an appeal against a decision of the Licensing Sub-Committee to refuse an application for a taxi driver's licence.

Members were advised that a district court judge with expertise in taxi matters had presided over a magistrate court hearing that had upheld the decision of the Sub-Committee to refuse the application.

Councillor J Taylor commented that East Herts Council had been complimented in respect of the way the Licensing Sub-Committee hearing had been conducted. The Chairman stated that a scheme of delegation allowing Officers to refuse licence applications by taxi drivers was due to be implemented by the Authority.

Members received the report.

RESOLVED – that the report be received.

122 TAXI DRIVER ACCREDITATION SCHEME: IDEAS FOR
DISCUSSION FOLLOWING SUGGESTIONS FROM
COMMUNITY SCRUTINY TO RAISE STANDARDS AMONG
THE LICENSED TAXI TRADE

The Director of Neighbourhood Services submitted a report that invited discussion in respect of ideas aimed at raising standards among the licensed taxi trade.

Members were reminded that Licensing Committee had agreed to consider recommendations from Community Scrutiny Committee and further proposals for amendment from Officers, for incorporation into a Taxi Licensing Policy.

Community Scrutiny Committee had recommended that

Officers should explore the idea of having a 'gold standard' driver accreditation scheme aimed at generally raising and maintaining high local standards amongst the licensed taxi trade.

Members were advised that a number of taxi drivers had approached Officers to enquire whether there was any way to restrict taxi driver numbers, as there was a reduced amount of work for them at present. Officers were aware that, as of 1 April 2013, there had been a net increase of 1 taxi vehicle.

The Licensing Officer stated that an accreditation scheme might have a number of elements and taxi drivers could achieve accreditation by fulfilling a number of different criteria. These criteria could include a pass in specified modules of the CQF or equivalent NVQ qualification in road passenger driving for hackney carriage and private hire drivers.

In response to a query from Councillor K Crofton, the Licensing Manager advised that there were no other Local Authority examples of a taxi driver accreditation scheme in Hertfordshire. A number of taxi drivers were in attendance and they raised the following points:

- Both private hire and hackney carriage drivers must pass the knowledge test before working as a taxi driver;
- Taxi Marshalls should be Enforcement Officers so that a code of conduct can be enforced in order to maintain high standards amongst taxi drivers;
- There should be set standards for taxi drivers' vehicles as some cars were being used which were unsuitable for carrying the driver plus 4 passengers;
- East Herts Council should raise the bar in terms of what was required in respect of general expertise amongst East Herts taxi drivers;

- Taxi drivers should all have access to CCTV to deter recurrences of a recent attack on a taxi driver in Stanstead Abbots.

The Licensing Manager stated that it was required that all taxis had a certain capacity of engine or minimum Brake Horse Power, and a minimum rear seat width. Members were advised that London style black taxis were generally less comfortable than a modern saloon car.

Members were advised however, that East Herts Council did not prevent London style taxis operating in the District. The Authority was not in a position to restrict the number of taxi drivers providing that applicants had met the required standards.

East Herts Council was also not permitted to restrict the number of private hire vehicles. The knowledge test was not expected of private hire drivers as these were co-ordinated by a central controller, whereas Hackney Carriage drivers were expected to know how to drive anywhere within the District.

The Licensing Manager advised that the Authority had subsidised 23 CCTV camera systems. Members were advised that there was insufficient funding for the provision of further systems but some taxi drivers had purchased their own equipment.

Members were also advised that East Herts Council had released CCTV footage to the police where a taxi driver had been recently attacked. Officers had been issued with a crime reference number relating to this incident.

Councillor K Crofton commented on whether a representative of East Herts taxi drivers should regularly attend Licensing Committee meetings. Councillor E Buckmaster stated that a public forum might be a sensible suggestion to address some of the concerns of taxi drivers. The Chairman thanked the taxi drivers present for their very useful feedback. Members received the report.

RESOLVED – that (A) the report be received;

(B) the suggested points from taxi drivers, as now detailed, be considered for incorporation into the taxi policy; and

(C) joint working with Broxbourne and East Herts Community Volunteer Service (CVS), with a view to establishing a driver assessment for use as part of a taxi driver accreditation scheme, be approved.

123 EXPRESSION OF INTEREST FROM A MEDICAL PRACTITIONER

The Director of Neighbourhood Services submitted a report that detailed an expression of interest from a medical practitioner to be added to the Council's approved list of taxi medical providers.

Members approved the report.

RESOLVED – that an expression of interest from a medical practitioner to be added to the Council's approved list of taxi medical providers, be approved.

124 CHANGES TO DEFINITION OF REGULATED ENTERTAINMENT UNDER THE LICENSING ACT 2003

The Director of Neighbourhood Services submitted a report that summarised the changes to the definition of Regulated Entertainment under the Licensing Act 2003. Members were advised that, with effect from 27 June 2013, the following activities no longer needed an entertainment licence:

- Performance of plays and exhibitions of dance, except performances of dance of an adult nature, taking place between 8 am and 11 pm for audiences of up to 500; and

- Indoor sporting events, other than boxing, wrestling, and other combined fighting sports including mixed martial arts, for audiences of up to 1000.

Members received the report.

RESOLVED – that the report be received.

125 DRAFT REVISED STATEMENT OF LICENSING POLICY

The Director of Neighbourhood Services submitted a report that presented a draft revised Statement of Licensing Policy. Members were advised that Section 5 of the Licensing Act 2003 required that the Licensing Authority determine its Licensing Policy and republish this document every 5 years.

The Licensing Manager advised that the Statement of Licensing Policy set out the principles that applied when the Authority exercised its functions under the Licensing Act 2003. The act also required that the Statement of Licensing Policy be kept under review.

Members were advised that the current policy had been determined in January 2011 for a period of 3 years. The Licensing Manager stated that Members must re-determine the Statement of Licensing Policy at Council by 31 January 2014. Members were provided with a detailed summary of the proposed changes to the East Herts Statement of Licensing Policy.

The Licensing Manager emphasised that East Herts Council was now classed as a responsible authority by the Licensing Act 2003 and could therefore object to premises license applications or apply for reviews of premises licenses. Members were advised that the Officers that dealt with such applications would have to be different from the Officers submitting reports to Licensing Sub-Committee.

The Licensing Manager concluded that, in addition to the Police, Environmental Health were also now permitted to

object to Temporary Event Notices (TENs). Members were advised that both the Police and Environmental Health were now permitted to make their objections on the grounds of any of the 4 Licensing Objectives.

Councillor K Crofton suggested that, when Council approved the draft revised statement of Licensing Policy prior to 31 January 2014, this should be for a period of 5 years. This was supported. Members received the report.

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

(B) Council be requested to approve the draft revised Statement of Licensing Policy prior to 31 January 2014, for a period of 5 years.

126 REPORT ON LICENSING ACTIVITY QUARTER 1 OF 2013

The Director of Neighbourhood Services submitted a report providing an update on processing licences, enforcement activity and the implementation of the Service Plan for Quarter 1, the detail of which was set out in the report now submitted.

Members received the report.

RESOLVED – that the report be received.

127 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Finance and Support Services submitted a report detailing Members' attendance at Licensing Sub-Committees including those attending as observers. Councillor P Ballam commented that she had not been recently invited to be a panel Member.

The Committee requested that Democratic Services Officers contact Members by e-mail as well as by phone when inviting Members to form the panel for Licensing Sub-Committee hearings.

Members received the report.

RESOLVED – that the report be received.

The meeting closed at 6.40 pm

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