

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 16 MARCH
2017, AT 7.00 PM

PRESENT: Councillor R Brunton (Chairman)
Councillors D Andrews, P Ballam,
Mrs R Cheswright, G Cutting, B Deering,
J Jones, M McMullen, T Page, R Standley
and N Symonds.

ALSO PRESENT:

Councillors P Ruffles.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer

615 APOLOGY

An apology for absence was submitted on behalf of
Councillor J Taylor.

616 MINUTES – 14 JULY 2016

RESOLVED – that the Minutes of the meeting held
on 14 July 2016 be confirmed as a correct record
and signed by the Chairman.

617 LICENSING SUB-COMMITTEE – 16 AUGUST, 30
SEPTEMBER, 4 OCTOBER, 19 OCTOBER AND 4
NOVEMBER 2016 AND 11 JANUARY 2017

Councillor D Andrews referred to taxi driver cases and a
rise in revocations. He asked if Officers could report back
to Members in the event of an appeal and in particular if

an appeal was successful. The Senior Specialist Licensing Officer reminded Members that appeals could take some months to be heard at the Magistrates' Court.

Members were also reminded that even if a decision was made by the Chairman and the Head of Housing and Health to immediately revoke a taxi driver's licence, there was still a right of appeal.

The Senior Specialist Licensing Officer referred to a lack of a uniform standards being applied by Local Authorities in respect of taxi driver licensing. He referred to a recent appeal that had been upheld relating to the decision of East Herts Licensing Sub-Committee. Officers believed that the Magistrates' Court had erred in law in upholding this appeal and the authority was likely to appeal to a higher court.

The Chairman requested that the Senior Specialist Licensing Officer keep Members informed regarding the outcomes of appeals against the decisions of the Licensing Sub-Committee and Officers.

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 16 August, 30 September, 4 October, 19 October and 4 November 2016 and 11 January 2017, be received.

618 AMENDMENTS TO LICENSING POINTS RECORDS SCHEME

The Head of Housing and Health submitted a report to inform the Licensing Committee of minor updates to the Licensing Records Points Scheme which had been made so that it remained fit for purpose.

The Senior Specialist Licensing Officer advised that the Licensing Points Record Scheme had been in place for a number of years as an aid to compliance and as a tool for dealing with minor offences and more serious convictions.

Members were advised of incidents where private hire drivers had refused to carry passengers with assistance dogs as well as incidents of overcharging and other discrimination against these passengers. The Senior Specialist Licensing Officer advised that all East Herts Taxi Drivers were issued with guidance regarding passengers with assistance dogs.

Members were advised that, in the last 12 months, 73 drivers had received a total of 266 licensing record points between them. Given that the average number of drivers' licenses held during this period being 327, this equated to 22.3% of East Herts licensed drivers receiving licensing record points.

In response to Members' concerns regarding the attitude of taxi drivers towards passengers with assistance dogs, they were advised that assistance dogs were very well behaved and left very little hair behind. The Senior Specialist Licensing Officer confirmed that taxis drivers' actions regarding this issue often went unreported. Officers were aware that it had been reported nationally that, 8 out of 10 taxi drivers were routinely refusing to take passengers with assistance dogs.

Members felt that there were no excuses for this appalling behaviour and Councillor B Deering commented on whether there was an app for reporting this conduct to Officers. The Senior Specialist Licensing Officer confirmed that there was currently no app but the emerging digital East Herts initiative could facilitate reporting in the same way as done via an app.

The Committee received the report.

RESOLVED – that (A) the report be received;

(B) the Chairman of the Licensing Committee and the Senior Specialist Licensing Officer advise the Head of Housing and Health of Members'

comments.

619 POLICY CHANGES FOLLOWING THE WITHDRAWAL OF
THE DVSA TAXI DRIVER ASSESSMENT

The Head of Housing and Health submitted a report to inform the Licensing Committee of minor updates following the Driver and Vehicle Standards Agency (DVSA) withdrawing its Taxi Driver Assessment.

The Senior Specialist Licensing Officer advised that as the DVSA test had been withdrawn, this had necessitated policy changes and all new applicants for a taxi drivers' licence were now expected to undertake the Council approved driving test.

Officers intended to avoid a similar problem again by approving a minimum of two providers to ensure that taxi drivers can continue to be tested to the required standard without delay. Members were advised that since the change of provider, 35 individuals had taken the revised test including 31 new applicants and 3 drivers with 9 or more DVLA penalty points. 4 drivers had failed at their first attempt but had subsequently passed the test successfully.

The Senior Specialist Licensing Officer confirmed to Councillor Mrs R Cheswright that taxi drivers must be licensed where they predominantly work and should never wait at a taxi rank in a neighbouring Local Authority area. Private hire drivers were however, permitted to work across Local Authority borders as long as they were pre-booked. The Committee received the report.

RESOLVED – that the report be received.

620 TAXI LICENSING UPDATE

The Head of Housing and Health submitted a report updating the Licensing Committee of the results following the introduction of a new Convictions Policy and

mandatory training for licensed drivers. The report also covered future work in this area.

The Senior Specialist Licensing Officer summarised the decisions detailed in Essential Reference Paper 'B', all of which had been made since the new driver convictions policy had come into force in July 2016. He focussed in particular, on the decisions that had since been the subject of an appeal.

The Senior Specialist Licensing Officer reminded the Committee that taxi driver licenses could be revoked on the balance of probabilities. If a license was revoked by the Sub-Committee or immediately revoked by Officers in the most serious of cases, there was still a right of appeal. Officers had to work within the law and whilst an appeal was pending, a taxi driver was still permitted to work in East Herts.

Councillor T Page commented on whether a recommendation could be made for a stricter regime for taxi licensing. Members agreed that the Senior Specialist Licensing Officer and the Chairman should liaise with the Executive Member for Environment and the Public Space regarding this issue and the importance of the safety of the travelling public.

Members and Officers had a general debate around mandatory Licensing training being organised as a combined session for Hertfordshire Local Authorities. Councillor D Andrews commented on whether a representative from Rotherham Council could present at this training session.

The Senior Specialist Licensing Officer confirmed to Councillor T Page that enhanced Criminal Records Bureau (CRB) checks were required and other checks give an indication of Offences that had been committed in foreign countries. The Committee received the report.

RESOLVED – that (A) the report be received;

(B) the Senior Specialist Licensing Officer and the Chairman liaise with the Executive Member for Environment and the Public Space regarding a stricter regime for taxi licensing and the importance of the safety of the travelling public.

621 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Executive Member for Environment and the Public Space submitted a report detailing Members’ attendance at Licensing Sub-Committees including those attending as observers. Councillor G Cutting commented on whether this report should continue to be prepared given that attendance statistics for Members were already available on the Council’s website.

Members questioned the usefulness of this report and expressed concerns regarding the equitability of the system currently used to select Licensing Members for Licensing Sub-Committee hearings.

Councillor P Ballam commented that Members sometimes could not be on the Sub-Committee if a premises license application was for a site in their ward. Members requested that the format of this report be reviewed and Officers report back at the July meeting of the Committee. The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 8.45 pm

Chairman
Date