

ESSENTIAL REFERENCE PAPER 'C'

Licensing Activity: April to September 2017

Licensing matters managed by the Licensing and Enforcement Team

1. Taxis

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

New applications	42
New applicants who have attended training	42
Resits of knowledge test	20
Existing drivers who have attended update training	14
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman on the Licensing Committee	2 + 1 deferred decision (a) revocation for disqualification from driving resulting from 12 DVLA points for two instances of driving without insurance (b) revocation for 12 DVLA points for three instances of speeding (within 11 months) (c) deferred decision pending interview as the Applicant is in the armed services currently serving abroad
Decisions taken by Licensing Sub-Committee	1 (a) revocation due to repeated illegal parking and abuse of East Herts Council enforcement officer
Appeals against licensing points – decision by Head of Housing and Health	0
Upheld	n/a
Dismissed	n/a
Appeals of decision – decision by court	4 (<i>including one case heard on 23 June</i>)
Upheld <i>council not successful in defending its decision</i>	2 (a) revocation due to illegal parking and abuse of police officer (b) revocation due to

	repeated illegal parking and abuse of East Herts Council enforcement officer
Dismissed <i>council successful in defending its decision</i>	2 (a) revocation due to alleged sexual misconduct (b) revocation due to alleged sexual misconduct
Pending appeals <i>yet to be heard</i>	2 (a) revocation for 12 DVLA points for three instances of speeding (within 11 months). Stevenage Magistrates 20/11/2017 (b) revocation due to alleged sexual misconduct. Magistrates dismissed appeal and driver has appealed to Luton Crown Court, 24/11/2017
Prosecutions sought	1
Successful	0
Unsuccessful	1 (a) failure to accept passenger with a guide dog. Note: case to be considered separately under the council's policies
Judicial reviews	1 – the Judge has decided that there is a case to answer and the JR has been allowed

There is a strong desire among both members and officers to build on the council's work to promote high quality taxi licensing. To this end:

- the Service Manager – Licensing and Enforcement is currently carrying out a peer review of Uttlesford DC's taxi licensing policies and procedures. This is taking around one day a week from October to December inclusive. This peer review gives the opportunity to promote best practice from East Herts and learn from Uttlesford's strengths. As Uttlesford drivers can operate in East Herts, any actions to implement similar standards across the

boundary will have beneficial results in East Herts. Furthermore, reviewing their approach may enable Uttlesford to more successfully rebut approaches from drivers' whose applications have already been rejected by East Herts. The council is being reimbursed by Uttlesford at a level commensurate with the cost of the consultant backfilling the Service Manager.

- the Executive Member for Environment and Public Space is seeking a meeting with the minister responsible to taxi policy to discuss, among other issues:
 - different interpretations of 'fit and proper' being applied by different districts which can undermine efforts to raise standards in the wider locality
 - the need for all elements of the process to have a shared understanding of the licensing legislation. Is there a role for government in sponsoring / brokering joint training/awareness raising among licensing authorities, the courts, the police and so on?
 - the need to revisit the sub-contracting arrangements allowed for private hire whereby operators can, and regularly do, sub-contract work to taxis licensed outside of a district
 - promotion of electric taxis.

2. Premises

Applications that received representations during the statutory consultation period:

Premises	Application	Objector(s)	Outcome
Sainsbury's, Thorley, Bishop's Stortford	Extended hours for alcohol sales	Police	Objection withdrawn following amendment to application – no hearing required
Stone House, Hertford	Extended hours	Environmental Health	Objection withdrawn following amendment to application – no hearing required
Club 7, Bishop's Stortford	Extended hours	Another licensed premises and a resident	Granted by Licensing Committee with amended conditions

3. Policy development

The interplay between public health outcome and licensing decisions, particularly in regard to alcohol sales, is an interesting area that the licensing profession has grappled with for some time on a national basis.

The Licensing Act 2003 does not include public health outcomes as a material consideration when deciding on an application, apart from in instances where an evidence-based case can be made to pin a detrimental public health outcome very specifically to the premises in question and/or that premise's application.

To assist members' understanding and decision-making in this area, the following actions are underway:

- Licensing Committee, 15 November 2017 – Police and Public Health colleagues are attending to discuss the impact of alcohol misuse in their areas. The Service Manager – Licensing and Enforcement will facilitate a discussion between members and these attendees to explore if there is more that we can do to assist.
- in recognition of the growing night time economy in both Hertford and Bishop's Stortford and the residential growth in the town centres, officers have been asked to draft a position statement regarding licensing decision-making related to the night time economy. It is anticipated that a first draft will have been produced by the end of January 2018. Much of this is already covered in the council's Statement of Licensing Policy – see <https://www.eastherts.gov.uk/article/35119/Licensing-Policy> however, officers will draft a position statement encompassing:
 - who the relevant 'stakeholders' are, going beyond responsible authorities alone, and what should their reasonable expectations be of the licensing process
 - an outline of the Licensing Team's expectations of how the responsible authorities could make their representations so as to make decision-making as transparent and robust as possible
 - triggers for enforcement action
 - an articulation of the benefits of well-run licensed premises to the district – economic and cultural/entertainment

- how the council will proactively support best practice in the night time economy, for example, by promoting the use of Live ID and making best use of CCTV
- the Licensing Team is currently reviewing the remaining policies which have not be reviewed over the last 18 months, including, among others, gambling and distribution of free literature. This work will culminate in revised policies coming to Licensing Committee for consideration prior to seeking approval from Full Council. It is anticipated that this work will be completed by the end of March 2018.

4. Audit of taxi driver decision-making

In August 2017, the Shared Internal Audit Service (SIAS) audited the council's arrangements for making decisions under its Convictions Policy.

SIAS reported that:

“We reviewed a sample of taxi licences and applications that were either refused or revoked by the Head of Housing and Health under delegated powers for compliance with the Taxi Licensing Convictions Policy. Our sample, which covered new applications, renewals and existing licences were found to be appropriately assessed and determined, and documentation held supported the decision made and would be adequate should an appeal be lodged.”

*“Based on the work performed during this audit, we can provide overall **full assurance** that there are effective controls in operation for those elements of the risk management processes covered by this review.”*

Licensing matters managed by the Environmental Health Team

5. Overview of licences

This section provides an overview of the number of active licences and those in the process of being reviewed/considered as at 13 October 2017.

Licensable activity	Active licences	Applications being considered / licences being reviewed
Animal boarding	15	0
Animal boarding (at home)	10	0
Animal boarding (day care)	0	1
Camping	1	0
Caravan sites	8	1
Dangerous wild animals	1	0
Houses in multiple occupation (HMOs)	45	10
Pet shops	6	0
Riding establishments	6	1
Skin piercing (personal)	187	5
Skin piercing (premises)	101	0
Street trading consent (mobile)	4	1
Street trading consent (occasional)	0	2
Street trading consent (static)	6	8
Zoos	2	0