

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 14
NOVEMBER 2018, AT 7.00 PM

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

ALSO PRESENT:

Councillors P Phillips

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

265 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor N Symonds and seconded by Councillor J Jones that Councillor G Cutting be appointed Vice-Chairman of Licensing Committee for the 2018/19 civic year. After being put to the meeting, Councillor G Cutting was appointed Vice-Chairman of the Licensing Committee for the 2018/19 civic year.

RESOLVED – that Councillor G Cutting be appointed Vice-Chairman of Licensing Committee for the 2018/19 civic year.

266 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Brunton and M Stevenson.

267 MINUTES - 5 SEPTEMBER 2018

Councillor B Deering proposed and Councillor K Crofton seconded, a motion that the Minutes of the meeting held on 5 September 2018, be approved 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 held on 5 September 2018 be confirmed as a correct record and signed by the Chairman.

268 LICENSING SUB-COMMITTEE - 8 OCTOBER 2018

The Chairman thanked the Members of the Sub-Committee for determining an interesting and challenging application at Aces of Lanes, Anchor Street, Bishop's Stortford.

RESOLVED – that the Minutes of the Licensing Sub-Committee meeting held on 8 October 2018, be received.

269 STATEMENT OF GAMBLING PRINCIPLES 2019-2022 -
CONSIDERATION OF CONSULTATION RESPONSES

The Head of Housing and Health submitted a report inviting Members to consider the responses to the public consultation on the Draft Statement of Gambling Principles.

The Service Manager (Licensing and Enforcement) stated that this 2 month consultation had resulted in 1 response from Gosschalks on behalf of the Association of British Bookmakers. This had included a standard letter and one policy specific point as detailed at Essential Reference Paper B.

Members were advised that following the response from Gosschalks the policy had been amended and the Committee were invited to endorse the final wording as detailed in the report submitted.

Councillor B Deering proposed and Councillor G Cutting seconded, a motion that the final wording of the Draft Statement of Gambling Principles be endorsed and recommended to Council for adoption. After being put to the meeting and a vote taken, the motion was declared CARRIED. Members supported the recommendations now detailed.

RECOMMENDED – that the report be received and the final wording of the Draft Statement of Gambling Principles be adopted.

270 REVIEW OF LICENSED VEHICLE POLICY: VEHICLE AGES AND EMISSIONS

The Head of Housing and Health submitted a report that presented a draft of the Vehicle Age and Emissions Policy for consultation. The Service Manager (Licensing and Enforcement) advised that a primary function of taxi licensing was public safety and, in particular, ensuring the public were safe when travelling in licensed vehicles.

Members were reminded that vehicles should be less than 5 years old when first licensed and there were no clear criteria for exceptional cases. The Service Manager referred to the Department for Transport (DfT) guidance on whether older vehicles were suitable to be licensed. He also referred to the testing regime based on vehicle age.

The Service Manager detailed the benefits of reviewing the policy detailed at page 101 of the report submitted. He invited comments and questions from the Committee.

The Committee Chairman commented on there being insufficient wheelchair accessible vehicles. He questioned whether there could be any leeway or understanding regarding vehicle emissions to tackle this matter.

The Service Manager advised that Officers were aware of this and the Authority had offered a free licence for a wheelchair accessible vehicle for the first year and a 50% discount on all subsequent years' licensing fees.

There had been no take up on this offer in East Herts and taxi drivers had to demonstrate that all older vehicles had been serviced to the manufacturer's specifications.

The Service Manager confirmed to Councillor N Symonds that there were no electric vehicles licensed as taxis in East Herts. He emphasised that whilst such vehicles would meet emissions and age criteria, there was no infrastructure yet in place for electric taxis to be charged between journeys.

The Service Manager referred to the Herts 2025 project and a 3 year trial whereby there would be the option for drivers to purchase a vehicle at the end of the trial period. He also commented that older electric vehicles met emissions standards but did not have the range to be used as taxis.

In response to a comment from Councillor J Jones regarding licensed vehicle policy and encouraging the taxi trade, the Service Manager explained that all taxi licensing operated on a cost recovery basis. Members were advised that the Council would waive the initial vehicle application fee for any application to licence a fully Electric Vehicle (EV) received between 1 April 2019 and 31 March 2020.

The Committee had a general discussion in respect of start stop technology, emissions testing and exceptions to Licensed Vehicle Policy. The Service Manager explained that a blanket policy with no exceptions would be unlawful as each case had to be assessed on its own merits. Older vehicles were tested

twice annually and any vehicles with any significant MOT failures would not be licensed. Councillor G Cutting commented on the possibility of educating motorists in idle free initiatives to reduce vehicle emissions.

The Service Manager stated that taxi driver training included a section on driving economically. The Chairman commented on the importance of maintaining correct tyre pressures. In response to a comment from Councillor T Page, the Service Manager explained that there would be a charge for inspecting vehicles over 5 years old from 1 April 2019 where a licence was being sought for the first time.

Councillor K Crofton proposed and Councillor J Jones seconded, a motion that the Committee endorse the draft Vehicle Age and Emissions Policy for consultation and Officers commence an 8 week public consultation regarding the draft Vehicle Age and Emissions Policy. After being put to the meeting and a vote taken, the motion was declared CARRIED. Members supported the recommendations now detailed.

RESOLVED – that (A) the draft Vehicle Age and Emissions Policy be endorsed for consultation;
and

(B) Officers commence an 8 week public consultation regarding the draft Vehicle Age and Emissions Policy.

271 NIGHT TIME ECONOMY POSITION STATEMENT
CONSULTATION RESPONSES

The Head of Housing and Health submitted a report inviting Members to consider the responses to the public consultation on the draft position statement 'Licensing Decision Making relating to the Night Time Economy'.

The Service Manager (Licensing and Enforcement) advised that 11 responses had been received from various parties. The responses were detailed at Essential Reference Paper 'B' of the report submitted and all the points raised had been responded to and taken on board. Members were referred, in particular, to a response from a licensing solicitor on behalf of a licence holder.

Members were also referred to page 145 of the report submitted for the final wording of the Night Time Economy Position Statement. The Service Manager explained that Members were being asked to endorse the final wording and recommend this to Council for adoption as an addendum to the Council's Statement of Licensing Policy.

Councillor Mrs R Cheswright commented that the Solicitor's response on behalf of the licence holder was relevant and helpful. The Service Manager advised that Officers had tried to ensure that the wording was in plain English as most of this submission had come directly from legislation.

The Chairman emphasised that having policies worded

in plain English would assist Members in explaining and justifying decisions to the public. Councillor T Page referred to the lack of a response from Bishop's Stortford. He was assured by the Service Manager that the consultation had been open to all and that all licence holders had been contacted directly.

Members had a discussion in respect of the differing dynamics of the night time economies in Bishop's Stortford and Hertford. Councillor N Symonds stated that Hertford at Midnight to 1 am was very busy whilst Bishop's Stortford at the same time was comparatively quiet. Councillor B Deering referred to the Blackbirds pub in Hertford as being the only premises perceived by Hertfordshire Constabulary to not be operating live ID in the town.

The Service Manager stated that the police were free to review premises licences and he believed that the Blackbirds situation was a case where the police meant that this was a licensed premises, where they would like to see live ID rather than this being the only venue in Hertford that did not have this system.

The Chairman commented on the significant costs involved in clearing up after the night time economy in Hertford. Councillor K Crofton referred to the possibility of Members observing the work of Hertfordshire Constabulary in reference to the policing of the night time economy. The Service Manager commented on the possibility of this being arranged in the run up to Christmas.

Councillor Mrs R Cheswright praised the positive work

carried out by the Street Pastors in assisting with managing the impact of the late night economy. Councillor M McMullen proposed and Councillor N Symonds seconded, a motion that the wording of the position statement be endorsed and the final wording be recommended to Council as an addendum to the Council's Statement of Licensing Policy.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Members supported the recommendations now detailed.

RECOMMENDED – that the report be received and the final wording of the position statement be endorsed as an addendum to the Council's Statement of Licensing Policy.

The meeting closed at 7.50 pm

Chairman
Date