

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 21 AUGUST
2019, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors S Bell, R Bolton, B Crystall,
A Hall, T Page, M Stevenson, N Symonds
and C Wilson

ALSO PRESENT:

Councillors P Ruffles, A Ward-Booth and
McDonald

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Brad Wheeler	- Senior Licensing and Enforcement Officer

110 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor D Andrews and seconded by Councillor T Page that Councillor R Bolton be appointed Vice Chairman of Licensing Committee for the civic year 2019/20. After being put to the meeting

and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor R Bolton be appointed Vice Chairman of Licensing Committee for the civic year 2019/20.

111 APOLOGIES

Apologies for absence were received from Councillors J Jones and M McMullen.

112 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all Members to the meeting. He explained that Mr Ian McDonald (Licensed Vehicles Survey Assessment) would be providing Members with a presentation on the results of the Hackney Carriage Unmet Demand Survey in relation to Agenda item 7.

113 MINUTES - 19 MARCH 2019

Councillor T Page proposed and Councillor M Stevenson seconded a motion that the Minutes of the meeting held on 19 March 2019 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 March 2019 be confirmed as a correct record and signed by the Chairman.

114 LICENSING SUB-COMMITTEE - 3 APRIL, 20 MAY, 21 JUNE AND 23 JULY 2019

Councillor T Page proposed and Councillor R Bolton seconded a motion that the Minutes of the Licensing Sub Committees held on 3 April, 20 May, 21 June, and 23 July 2019 be received.

RESOLVED – that the Minutes of the Licensing Sub Committees held on 3 April, 20 May, 21 June and 23 July 2019 be received.

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

The Chairman drew Members' attention to a study which had been undertaken by LVSA (Licensed Vehicle Surveys and Assessment) which sought to identify unmet demand in relation to the licensed Hackney Carriage trade and whether there were any particular sectors whose needs were not being met. He referred to what action the Council might take if there was no "significant" unmet demand.

The Service Manager (Licensing and Enforcement) explained that there had been some concerns about over supply and that standards had fallen; of concerns about vehicles being wheelchair accessible and support of green initiatives such as electric cars. Members were reminded that if a decision were to be taken to limit the number of Hackney Carriage licences to figure below the current level, then the policy would have to go back out to consultation with the trade. Responses would be brought back to Members for consideration and then to Council for determination.

Mr McDonald (LVSA) provided the context of the survey in terms of the consultations carried out and highlighted the key points. The survey concluded that there was no significant unmet demand. Mr McDonald referred to the demand profiles in relation to Hertford and Bishop's Stortford, adding that the majority of hirers were pre-bookings and that migration of drivers between the towns did not appear to be an issue.

Councillor S Bell sought and was provided with clarification regarding the possible impact of UBER on the Hackney Carriage trade. It was noted that in this District, private hire operators primarily worked on the basis of the loyalty of customers and that UBER hires were more effective in cities.

In response to a query from Councillor C Wilson, Mr McDonald explained the parameters of the survey adding that all of the trade, including sole traders, had been included in the survey. The Chairman commented that the survey had revealed that private hire work represented the bulk of Hackney Carriage trade. He further commented that East Herts might have approximately 47 too many Hackney carriage vehicles and that to limit numbers to 200 might be an aspiration going forward, with a reduction in numbers occurring by natural wastage and policies being applied flexibly.

Councillor C Wilson commented that new applicants might have newer vehicles. The Service Manager (Licensing and Enforcement) agreed that there was a need to be flexible and to apply licensing policies in an open minded manner but that existing policies such as

the vehicle age and emissions policy were already driving up standards

It was moved by Councillor D Andrews and seconded by Councillor N Symonds that the Hackney Carriage trade be limited to 200 with a flexible approach being taken in terms of the application of policy in relation to wheelchair accessible vehicles and electric vehicles. The overall number to be reduced by natural wastage and that this approach be adopted as a basis for further consultation. After being put to the meeting and a vote taken, the motion was declared carried.

RESOLVED – that the number of Hackney Carriage vehicle licences issued by this authority should be capped. The Hackney Carriage trade to be consulted on the proposed limit of 200 licences with the results of that consultation to be brought back to Licensing Committee for consideration.

116 CONSIDERATION OF THE RESPONSES TO THE DRAFT REVISED TAXI LICENSING SUITABILITY POLICY

The Head of Housing and Health submitted a report setting out the responses received during the consultation on the revised “Suitability Policy” to be applied to the licensed Hackney Carriage and Private Hire Trade. The Service Manager (Licensing and Enforcement) provided a summary of the report.

Councillor R Bolton sought and was provided with clarification that enhanced DBS checks were carried out every three years on every driver. Councillor

Bolton suggested that paragraph 3.2 should be amended by the inclusion of a further category "assault to emergency services officers". The Service Manager (Licensing and Enforcement) explained that an assault on such an officer would be treated with the same seriousness as an assault on a Police Officer.

Councillor C Wilson was concerned that the policy was too draconian and might put off applicants who had committed minor offences many years before. The Service Manager (Licensing and Enforcement) explained that rarely did people interested in becoming a licensed driver read the authority's policies even though they were freely available. When Officers were contacted by potential applicants, any past convictions were discussed and individuals were told that they were not a bar to applying but that the policy was a guide to how certain convictions might be viewed.

Councillor C Wilson acknowledged that licensed drivers were exempt from the Rehabilitation of Offenders Act but would still like to have seen a policy that was closer to the time scales within that Act with regards to when convictions were considered "spent". People could reform and should sometimes be given a chance.

The Chairman explained that he and the Head of Housing and Health regularly reviewed Hackney Carriage and Private Hire driver applications from those with convictions and that some had been allowed to be licensed when the individual circumstances and evidence had been explained.

The Service Manager (Licensing and Enforcement) explained the advice provided by his service to applicants generally and in relation to fees being returned if the applicant was unsuccessful. He added that it was the applicant's responsibility to ensure that they provided evidence that they were "fit and proper" to hold an appropriate licence.

Members supported the endorsement of the "Suitability Policy" as amended and that the revised policy be submitted to Council on 23 October 2019 for adoption to take effect from 1 November 2019.

It was moved by Councillor R Bolton and seconded by Councillor N Symonds that the revised "Suitability Policy" as amended be endorsed and submitted to Council on 23 October 2019 for adoption for the policy to be effective from 1 November 2019. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the "Suitability Policy" as amended be endorsed;

(B) the revised policy be submitted to Council for adoption on 23 October 2019 to take effect from 1 November 2019.

117 REPORT ON LICENSING ACTIVITY 2018-19

The Head of Housing and Health submitted a report on the activity of the licensing department in relation to processing licences, enforcement activity and other issues in relation to the implementation of the Service

Plan. The Service Manager (Licensing and Enforcement) explained that going forward, Members could let him know if they would like other information to be highlighted and included within future reports.

Councillor T Page was advised that there had been no complaints in relation to gambling. Members suggested that trends in complaints might be identified within further reports on licensing activities. This was supported.

It was moved by Councillor A Hall and seconded by Councillor C Wilson that the report, as amended, be received. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the report be received.

The meeting closed at 8.00 pm

Chairman
Date