

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 11 MARCH
2020, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors B Crystall, M Goldspink, A Hall,
J Jones, T Page, S Reed, M Stevenson and
C Wilson

OFFICERS IN ATTENDANCE:

Oliver Rawlings	- Service Manager, Licensing and Enforcement
Andre Ferreira	- Democratic Services Officer

383 APOLOGIES

Apologies were received from Councillors R Bolton, M McMullen and N Symonds.

384 CHAIRMAN'S ANNOUNCEMENTS

None.

385 DECLARATIONS OF INTEREST

None.

386 MINUTES - 30 OCTOBER 2019

Councillor Jones, seconded by Councillor Crystall, proposed

that the Minutes of the meeting held on 30 October 2019 be confirmed as a correct record and signed by the Chairman.

RESOLVED – that the minutes of the meeting held on 30 October 2019 be confirmed as a correct record and signed by the Chairman.

387 LICENSING SUB-COMMITTEES - 21 OCTOBER, 4 NOVEMBER, 11 NOVEMBER, 26 NOVEMBER 2019, 30 JANUARY AND 11 FEBRUARY 2020

Councillor Jones, seconded by Councillor Crystall, proposed that the minutes of the Licensing Sub-committees noted in item five of the Agenda be received.

RESOLVED – that the minutes of the Licensing Sub-Committees held on 21 October 2019, 4 November 2019, 11 November 2019, 26 November 2019, 30 January 2020 and 11 February 2020 be received.

388 CONSIDERATION OF CONSULTATION RESPONSES IN RELATION TO MANDATING SUBSCRIPTION TO THE DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Service Manager, Licensing and Enforcement (the Service Manager) provided a summary of the report, and said that the Council, as an authority that issued drivers licences, had a legal obligation to only grant licences to persons believed to be “fit and proper” to hold such licence.

He highlighted the following:

- Part of the “fit and proper” test was a criminal record check which was currently done annually, with the applicant bearing the cost. The applicant had to make a new application each year, which involved visiting the Council offices.
- The use of the DBS Update Service allowed the Council to check the current criminal record of any individual driver at any time. Such a check would show a change in a driver’s record since the last Enhanced DBS check and officers could then deal with this promptly, rather than it only being identified at renewal.
- This would save licensed drivers time and money over the life of their driver’s licence, which was normally three years.
- A trade consultation was held over six weeks in November and December 2019 and each driver licensed by East Herts Council was contacted, but no responses were received.
- The registration for drivers with the DBS would start on 1 June 2020 and over the next three years all drivers would have to register with the scheme.
- In effect, a driver would not be able to renew a licence if they were not registered with the DBS.

In response to a question from Councillor Page, the Service Manager confirmed that the renewal date for DBS registration would coincide with the expiry of a driver’s licence. The Council could suspend a driver’s licence if they failed to maintain their DBS registration or where there was a change in their status which had not been declared.

In response to a question from Councillor Andrews, the Service Manager said that a list of drivers who had not renewed their DBS check was available.

Councillor Wilson asked if there was a mechanism for drivers to appeal a DBS update, as the DBS check could be wrong in certain instances. The Service Manager said an appeals process was available and as long as the proper process was followed, the Council would wait for the outcome of the appeal. However, the authority shared data with the Police allowing disputed DBS certificates to be quickly checked so the process should not be held up.

Councillor Andrews requested that where a driver was to be suspended, that the Chairman of the Licensing Committee be consulted. (*Action: Service Manager*)

In response to a question from Councillor Andrews on how drivers were consulted, the Service Manager said that all drivers had been invited to the two trade consultations; 13 drivers attended, but nobody raised the DBS Update Service as an issue.

Councillor Page, seconded by Councillor Hall, proposed that the recommendation detailed in the report be approved.

RESOLVED – that the Licensing Committee recommend to Council that as from 1 June 2020 it adopts the policy of requiring all Hackney Carriage and Private Hire drivers licensed by East Herts Council to register to the Disclosure

and Barring Service (DBS) Update Service and maintain that registration for the life of their Dual Driver or Private Hire Driver's Licence.

389 REVIEW OF 2019/20 LICENSING ACTIVITY AND FUTURE WORK PLAN FOR 2020/21

The Service Manager, Licensing and Enforcement (the Service Manager), submitted a report on Licensing activity from 2019/2020 and the proposed work plan for Licensing in 2020/2022, and highlighted certain issues in the report, specifically:

- The report contained data that showed a year-on-year comparison (and highlighted directions) on processing and enforcement; delegated decisions and Licensing Sub-Committee involvement on licences, notices, permits and applications.
- While taxi complaints showed a downward trend, licensing complaints had increased. Although there were more complaints about premises, the number of premises the complaints related to remained roughly the same.
- The licensing "Nuisance Team" investigated 228 complaints received regarding 161 premises, which were a mix of commercial and leisure premises.
- A breakdown of complaints would be provided in the next report to the committee. (*Action: Service Manager*)

Councillor Goldspink asked why there had only been 17 taxi inspections and investigations in 2018/2019 when there had been 23 taxi complaints. The Service

Manager said there was possibly duplication with complaints received directly by the Council, but that he would provide a detailed breakdown to the next meeting of the Committee. (*Action: Service Manager*)

The Service Manager said complaints and compliments slips had also been handed out. Complaints mostly related to allegations of overcharging; rudeness; drivers on mobiles whilst driving and dangerous driving. A small percentage of complaints from taxi drivers about passengers were received. All complaints had been fully investigated and concluded.

In response to a comment by Councillor Andrews that the number of invoice visits/chase-ups showed a big increase, the Service Manager said that this related mostly to the payment of the annual maintenance fee. The statutory procedure made provision for three letters to be sent to licence holders by the Enforcement Team and one reason for the increased number could be that the invoices were sent after invoices had been paid. The Service Manager stressed that the Authority did not make money out of the payment of this fee.

In response to questions from Councillors Page and Crystall on complaints received about premises, the Service Manager said that the report which he would submit to the next meeting would contain a detailed breakdown of all complaints, including which part of the licensing provisions premises had not adhered to. The breakdown would also include details of complaints relating to Temporary Event Notices.

The Service Manager said that the management of the “Nuisance Team” would soon revert back to the Environmental Health and the officers would serve any notices. Councillor Andrews commented that this could pose a problem, as these reports would in future not be submitted to the Licensing Committee, but to another committee. He said that the Licensing Committee was best suited to look at these complaints and requested that a report from Environmental Health on nuisance issues still be submitted to the Licensing Committee. The relevant officer from Environmental Health should also attend the Licensing Committee meetings. *(Action: Service Manager and Environmental Health Service Manager)*

Councillor Page asked if complaints relating to gambling had also been investigated and noted that a briefing session for Members on problems relating to gambling had been arranged by GamCare on 21 April 2020. The Service Manager confirmed that visits relating to gambling had been carried out by East Herts Council, although the Gambling Commission had withdrawn logistical support for these visits.

Councillor Andrews said that certain councils had done scrutiny reviews on gambling, and the wider problems relating to gambling could not be over-estimated.

Councillor Stevenson referred to the overview of licences, specifically licenses relating to animal activities, and said that a large number of new applications were being considered. The Service Manager said that Environmental Health had details of the applications, and details of these and the other

licensing applications mentioned in the report could be submitted to the next meeting of the committee
(Action: Service Manager and Environmental Health Service Manager)

With reference to the licensing of street trading, the Service Manager said that there was a current consultation regarding a proposed change in the policy and he would send a link to members with the relevant information. *(Action: Service Manager)*

In response to a question from Councillor Andrews on the large number of Temporary Event Notices (TENs) being received, the Service Manager said that Central Government fees for TENs had not changed since 2005 and were still set at £21 per event. Councillor Andrews said that the Central Government should be approached about an increase in TENs application fees, and this could be done by lobbying the relevant Minister at the annual meeting of the Local Government Association.

With reference to the proposed Licensing work plan for 2020/2021, the Service Manager said that the Statement of Licensing Policy needed a review and it would be done in the coming civic year.

In response to a question from Councillor Andrews on the progress made with the licensing of scrap dealers, the Service Manager said that all licensed sites were visited every year. These visits were unannounced and most scrap dealers were found to be broadly compliant. One problem was that as soon as one unlicensed dealer was closed down, another popped-

up somewhere else. Officers were now involved in joint mobile operations with the police, but many police officers were unsure on how to deal with unlicensed dealers.

Councillor Andrews said all scrap dealers should display their badges and where this was not done, scrap should not be accepted by anyone. The Service Manager said there were not enough powers and deterrents to enforce and manage this sufficiently.

Councillor Goldspink, seconded by Councillor Reed, proposed that the recommendations detailed in the report, be approved.

RESOLVED – that the Committee notes the report on the Licensing activity in 2019/2020 and the proposed work plan for 2020/2021.

The meeting closed at 7.55 pm.

Chairman

Date

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