

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 13 OCTOBER
2021, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors R Bolton, M Goldspink, A Hall,
T Page, C Redfern, S Reed, N Symonds and
C Wilson

ALSO PRESENT:

Councillors J Goodeve and J Ranger

OFFICERS IN ATTENDANCE:

Claire Mabbutt	- Licensing Enforcement Officer
Katie Mogan	- Democratic Services Manager
Rosalyn Morris	- Licensing Enforcement Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer

189 APOLOGIES

Apologies for absence were received from Councillor Jones
and Councillor Snowdon.

190 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

191 DECLARATIONS OF INTEREST

Councillor Wilson declared that he worked as a Licensing Manager for Transport for London which involved input into policies for taxi licences.

192 MINUTES - 23 JUNE 2021

It was moved by Councillor Goldspink and seconded by Councillor Snowdon, that the Minutes of the meeting of the Committee held on 23 June 2021 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 Committee meeting held on 23 June 2021 be confirmed as a correct record and signed by the Chairman.

193 LICENSING SUB-COMMITTEE - 27 MAY, 14 JUNE, 9 JULY, 16 JULY AND 17 AUGUST 2021

It was moved by Councillor Symonds and seconded by Councillor Hall, that the Minutes of the meetings of the Sub-Committee held on 27 May, 14 June, 9 July, 16 July and 17 August 2021 be received. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the Sub-Committee meetings held on 27 May, 14 June, 9 July, 16 July and 17 August 2021, be received.

194 CONSIDERATION OF THE REVISED DRAFT LICENSING RECORDS POINTS SCHEME FOLLOWING CONSULTATION

The Licensing Enforcement Officer presented the proposed Licensing Records Points Scheme following a consultation. At the previous meeting, the Committee agreed that the draft scheme should go out for consultation for a period of eight weeks. The consultation was due to take place between 19 July and 10 September 2021. However, it had been brought to Officers attention that the consultation had possibly not reached the whole trade and therefore, the consultation was extended to 22 September 2021. The Licensing Enforcement Officer highlighted the two responses received at Appendix A of the report from East Herts licence holders. They had raised a number of points but were dealt with separately with a response from Officers. As a result of the consultation, no amendments had been proposed to the draft scheme but the current scheme was in need of an update and no negative views had been expressed with the scheme in the past.

The Chairman referred to page 83 and the two responses received from the consultation. He said that although they did not relate to the consultation, he shared their concerns. He asked the Officers to investigate the issues raised and report back to the Committee with an update to see if there was a solution.

Councillor Wilson proposed an amendment to the scheme. He referred to paragraph 31 on page 91 and was unsure

how late applications for a renewal of a licence would affect public safety. He said that the legislation stated that a driver must be fit and proper and he could not understand how a late application would impact on those criteria.

The Licensing Enforcement Officer said that she would be happy for this to be removed. She said that research had been conducted into what other Local Authorities do in the case of late renewal applications and the six points was common.

The Chairman added that East Herts worked together with Watford and Dacorum so schemes should be kept in sync.

Councillor Wilson suggested a further amendment at paragraph 22. He asked for wording to be added around the use of racist, sexist, homophobic or other discriminatory language to send a clear message that East Herts did not tolerate its use. The Licensing Enforcement Officer said that she was happy to find the wording and add into the scheme.

The Chairman asked Councillor Wilson to discuss the additional wording with the Licensing Enforcement Officer and get it agreed with himself and the Vice-Chairman outside of the meeting. He then added that there were not many matters for which three points would be awarded in the scheme.

Councillor Goldspink said that she felt six points for a late renewal was unreasonable. She said that if a driver's licence had expired, they could not trade

anyway. She understood the need to keep in step with the other authorities but felt there should be no penalty.

The Chairman asked Officers if trading when a licence has expired was covered in the policy. The Licensing Enforcement Officer said that it would be covered under legislation as it was an offence to continue trading with no licence.

Councillor Reed said he used to be a taxi driver in East Herts and in his experience, many taxi drivers were aware of when their licence was coming up for renewal. He said he would rather have a strict penalty instead of being lenient and have the risk of drivers operating without a licence.

The Chairman suggested that the Committee amend the scheme to three points for a late licence renewal instead of the six proposed.

Councillor Bolton said she agreed with the change and felt three points was a more appropriate sanction. Councillor Page asked if extenuating circumstances were taken into account when a licence renewal was late.

The Licensing Enforcement Officer confirmed that Officers would look at a licence on a case by case basis and the council have a process whereby drivers can apply to suspend their licence before it expires.

Councillor Symonds asked if a late renewal of a licence would invalidate a driver's insurance. Councillor Reed

confirmed it did not.

Councillor Hall proposed and Councillor Page seconded a motion to amend the Licensing Records Points Scheme as follows:

- (A) To reduce the penalty for a late renewal licence from six points to three points.
- (B) To add wording around the use of racist, sexist, homophobic and other discriminatory language, delegated to Councillor Wilson and Officers with agreement from the Chairman and Vice Chairman.

On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Licensing Records Points Scheme be amended as above.

Councillor Symonds proposed and Councillor Reed seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the final version of the Licensing Records Points Scheme as amended by the Committee be endorsed for presentation to the Executive.

195 CONSIDERATION OF THE REVISED DRAFT STATEMENT OF GAMBLING PRINCIPLES 2022-2025 FOLLOWING CONSULTATION

The Senior Licensing and Enforcement Officer

presented a report on the revised draft Statement of Gambling Principles 2022-25 following a consultation. He said that the Gambling Act 2005 requires each Local Authority to adopt and publish a Statement of Principles every three years. The consultation ran for four weeks from 22 August – 22 September 2021 and no responses were received. Officers suggested that the lack of responses did not reflect the quality of the consultation but was possibly a result of a combination of factors like the proposed changes were minor with little or no impact on licence holders and there have been no negative impacts from the previous statement. He also said that gambling has mostly moved online and the impact of the pandemic had further accelerated the shift. He confirmed there were no amendments to the draft Statement.

The Chairman acknowledged the work done by some Members who had fed into the Statement.

Councillor Bolton proposed and Councillor Goldspink seconded a motion supporting the recommendation in the report. On being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the final version of the Statement of Gambling Principles 2022-2025 be endorsed for presentation to the Executive.

196 REVIEW OF LICENSING ACTIVITY IN QUARTER 1 OF 2021

The Licensing Enforcement Officer presented the Quarter 1 report on Licensing Activity and said that the figures were skewed due to the pandemic. She drew

Members attention to Annex B, Part 3 and the Pavement Licences where a row had been omitted from the report. She confirmed that there were two new applications in Quarter 1 with six existing licences coming to a total of eight issued licences. She said that Officers intended to look at how the report was presented and how the information was displayed and asked Members for any feedback.

The Chairman said that he was pleased to see new applications and drivers passing their knowledge tests. He asked if figures could be recorded on the number of drivers who leave the taxi trade.

The Senior Licensing and Enforcement Officer said the information could be provided in the future.

Councillor Wilson said that there was national shortage of taxi drivers and said he had been unable to get a taxi in Bishop's Stortford. He asked if it was possible to record the number of licences that are issued but not used.

The Licensing Enforcement Officer said an unmet demand survey was carried out 18 months ago and a cap had been placed on the number of Hackney carriage vehicle licences the authority would issue. She said that operators were reporting that they cannot employ enough drivers from East Herts and taxis were used differently across the District. It was common for people to go to the taxi rank in Hertford but in Bishop's Stortford, phoning for a taxi was more common.

Councillor Symonds thanked Officers for their work in

an enforcement case in her ward.

Councillor Redfern proposed and Councillor Goldspink seconded a motion supporting the recommendation in the report. On being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - That the report be considered and reviewed.

197 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.30 pm

Chairman
Date