

Licensing Activity report: 1st April 2021 to 31st March 2022

1. Context

The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal handling and gambling.

Licensing matters managed by the Licensing & Enforcement Team

2. Taxis

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

New applications	42
New applicants who have attended training	13
Resits of knowledge test	21
Existing drivers who have attended update training	55
Decisions taken by Service Manager – Licensing & Enforcement under delegated powers	4 (Suspension for non-production of documents)
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman of the Licensing Committee	3 (1 Suspension, 1 refusal to renew, 1 grant with a shorter expiry date)
Appeals against licensing points – decision by Service Manager	2 (13 Licensing Record Points issued)
Upheld	1 (9 Licensing Record Points removed)
Dismissed	1
Appeals of decision – decision by court	0
Upheld <i>council not successful in defending its decision</i>	0
Dismissed <i>council successful in defending its decision</i>	0
Prosecution sought	0
Successful	0
Unsuccessful	0
Judicial reviews	0

There is a strong desire among both Members and officers to build on the council's work to promote high quality taxi licensing. In July 2020 the DfT statutory taxi and private hire vehicle standards were published. The standards resulted in a number of changes the most significant of which was the implementation of English competency testing for both new and renewing drivers. The team has spent a significant amount of time assisting drivers at renewal to ensure they can demonstrate they meet the required standard.

Approaches by renewing drivers have varied from those that have engaged early, and even taken courses to improve their English, to others who have ignored the requirement until the day before their renewal. Many renewing drivers have been exempt from the testing by virtue of other qualifications.

There has been one attempt to pass the test by cheating but this was flagged up by the artificial intelligence (AI) software which monitors applicants whilst taking the test. The driver's renewal application was refused as a result.

The team has been supporting applicants to comply with the requirements to provide tax checks before applications can be accepted. This requirement only came into effect in the new financial year but the preparation and assistance to the trade started during 21/22.

The authority has required drivers to sign up to the DBS update service to allow for the required 6 monthly criminal record checks to be carried out but again the response from the trade has varied. Where a driver has failed to sign up to the Update service they are required to apply for a full Enhanced DBS check every 6 months, which involves time and expense. Where we are not in possession of a suitable check licences can be suspended in order to ensure the public are protected.

3. Premises

During the 2021/22 financial year 9 applications were decided by Licensing Sub-Committees. There were a further 1 Adjourned hearing, which was then determined approximately a month later and 1 postponed hearing. The details of the matters brought before Licensing Sub-Committees are shown below.

Premises/Person	Location	Type of application	Resolved
Tesco – Lancaster Way	Bishop’s Stortford	Premises Licence Variation	Granted with amendments
Tesco – Ware Road	Hertford	Premises Licence Variation	Granted with amendments
Silver Leys Polo Club	Little Hadham	New Premises Licence	Granted with Conditions
Proove	Hertford	New Premises Licence	Granted with Conditions
Wilkestock	Watton-at-Stone	Review - Police	Revoked - appealed
Beer Shop – Northgate End	Bishop’s Stortford	New Premises Licence	Granted with Conditions
Redricks Lakes	Sawbridgeworth	TEN	Refused
Town Express	Hertford	Variation	Granted
The Mixer	Ware	Review - Resident	Modified Conditions

During this financial year applications for two reviews were received, one bought by the Police and another bought by a local resident.

The Police review of the Wilkestock licence resulted in it being revoked, a decision which was subsequently appealed by the licence holder. In the lead up to the appeal hearing negotiations took place resulting in a consent order being signed which dispensed with the appeal.

The second review was brought by a resident living in the vicinity of The Mixer in Ware. The resident declined to attend the licensing sub-committee hearing which decided the application. The sub-committee members took the decision to modify the conditions attached to the premises licence. Complaints have continued to be received from the resident and are being dealt with by both Environmental Health and Licensing. Should evidence of a breach be identified then the appropriate action will be taken.

4. Temporary Event Notices

As Members are aware only the Police and Environmental Health can object to TENs. Often informal agreement is reached with premises users, TENs are modified or even withdrawn meaning that a hearing is not required.

The authority received 465 TENs by premises users. Only one TEN received an objection and went to a hearing. The objection was from the Police and the TEN was for Redrick's Lakes. The TEN was given to allow the supply of alcohol and the provision of regulated entertainment in the car park of the premises for a Halloween themed event. The TEN would be in addition to the licensable activity allowed on the premises located next to the car park.

Concerns were raised at the Safety Advisory Group (SAG) by a number of the partners involved. The objection by the Police was in relation to the Event Management Plan (EMP) and concerns over the prevention of public nuisance, crime and disorder and public safety if the event went ahead. Members refused the TEN and a counter notice was issued.