

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 25
OCTOBER 2023, AT 7.00 PM

PRESENT: Councillor M Connolly (Chairman)
Councillors S Bull, N Cox, T Deffley,
J Dunlop, G Hill, S Marlow, V Smith,
R Townsend, D Willcocks and J Wyllie

ALSO PRESENT:

Councillors

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Dimple Roopchand	- Litigation and Advisory Lawyer
Brad Wheeler	- Senior Licensing and Enforcement Officer

195 APOLOGIES

There were no apologies for absence.

196 MINUTES - 7 JUNE 2023

It was moved by Councillor Cox and seconded by Councillor Marlow, that the Minutes of the meeting of the Committee held on 7 June 2023 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 7 June 2023 be confirmed as a correct record and signed by the Chairman.

197 MINUTES OF THE LICENSING SUB-COMMITTEE MEETINGS - 22 MAY, 6 JUNE, 14 AUGUST, 22 AUGUST, AND 12 SEPTEMBER 2023

The Committee received the minutes from the Licensing Sub-Committee meetings held on 22 May, 6 June, 14 August, 22 August and 12 September 2023.

198 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all to the meeting. She said that a Members briefing was to be organised to provide training on how the application process works and the handling of Licensing complaints from constituents.

199 DECLARATIONS OF INTEREST

There were no declarations of interest.

200 CONSIDERATION OF MANDATING CARD PAYMENT FACILITIES IN LICENSED VEHICLES

The Licensing and Enforcement Service Manager introduced his report and outlined that the key purpose of the hackney carriage and private hire licensing regimes was to ensure public safety. He said that the proposed policy to mandate card payment facilities in all licensed vehicles would help ensure that people would be able to pay for a hackney carriage or private hire vehicle and get home safely. He therefore asked that the members of the Licensing Committee scrutinise the consultation responses and the draft Policy.

The Licensing and Enforcement Service Manager said that the East Herts licensed trade were surveyed regarding the use of card payment facilities in March

2023. He said that 97 responses were received and 95% of the respondents already operated card payment facilities. He drew Members' attention to the survey results contained in Appendix A of the report.

The Licensing and Enforcement Service Manager said that the licensed trade were formally consulted in May 2023 regarding the Policy to mandate the provision of card payment facilities. He said that the consultation document included the proposed wording for the Policy and a link to an online survey to respond. He said that when the survey closed on 31 May 2023, 34 responses had been received, and drew Members' attention to the consultation wording and responses at Appendix B of the report.

The Licensing and Enforcement Service Manager said that several possible issues with the Policy were raised in the responses, and these are addressed at paragraph 3.6 of the report. He said that in addition to the online survey responses, 2 licensed drivers sent in additional emails which raised the four points shown at paragraph 3.9 of the report. He drew Members' attention to these emails which could be seen in Appendix C of the report and raised similar issues to those addressed in paragraph 3.6.

The Licensing and Enforcement Service Manager said that overall, 76% of the responses to the formal consultation were supportive of the Policy and that 94% already had card facilities. He said that this was a very similar figure to that found through the informal survey.

The Licensing and Enforcement Service Manager advised Members that the final proposed wording for the policy was amended following the consultation, and that this could be found at Appendix D of the report. He said that where the Policy, if implemented, would require changes to other parts of the existing Policies this was also highlighted in Appendix D. He said that the Licensing Committee's comments will be passed to the Executive Member for Planning and Growth for her consideration

prior to a report going to the Executive.

Councillor Marlow said that he was generally in favour of the policy, and asked if it could be legislated that fares could still be paid in cash should a passenger wish.

The Licensing and Enforcement Service Manager said that this was possible.

Councillor Willcocks asked if a working card payment machine would be included in a taxi vehicle check.

The Licensing and Enforcement Service Manager said that should the policy be agreed, a working card payment machine would be included in a taxi vehicle check. He said that there would be a three-month period to enable vehicles to have a card payment machine installed, and that this would then be an item to be checked in accordance with the vehicle's inspection cycle.

Councillor Townsend said that it was good that both cash and other means of fare payment would be accepted. He asked for clarification on the process for faults and failures with a vehicle's card payment machine, and how long would be given for drivers to resolve such issues.

The Licensing and Enforcement Service Manager said that there was originally expectation for such faults to be repaired/replaced within 72 hours, but this had since been amended to one week in line with neighbouring Councils' Policies. He said that if there was no resolution to the issue within that period then the reasons for this would be looked at. And that any action taken by the Licensing Team would be based on the individual circumstances of the case.

Councillor Wyllie asked if the report's recommendation should also include wording to allow cash as a method of fare payment.

The Licensing and Enforcement Service Manager said

that this comment could be passed to the Executive Member for Planning and Growth, but that the policy was not advocating a move away from allowing fares to be paid by cash.

Councillor Townsend said that the policy was well thought through and asked for the time frame for its implementation.

The Licensing and Enforcement Service Manager said 94% - 95% of the trade already had card payment machines, and that therefore 3 months was a suitable and reasonable amount of time for those who did not have this facility to comply.

Councillor Dunlop asked who would report any card payment facilities faults or failures.

The Licensing and Enforcement Service Manager said that the vehicle owner would be required to report such faults or failures and repair them in the given timeframe. He said that any related complaints from the public would be investigated by the Licensing Team. He drew Members' attention to Appendix D of the report which gave the final proposed Policy wording and detailed changes to the Licensing Record Points scheme.

Councillor Dunlop asked if the Licensing Department had the resources to deal with any complaints regarding card payment facilities.

The Licensing and Enforcement Service Manager said that as 94% - 95% of vehicles already had card payment facilities he was not expecting a large number of complaints. He said that to date, the Licensing Department had received no complaints regarding taxis which did not have card payment facilities.

Councillor Marlow asked if taxis which had faulty card machines should put signs up to advise passengers.

The Licensing and Enforcement Service Manager said that this was not part of the policy, and that it would be expected that the driver would make passengers aware as they would want to get paid. He said that should this be included in the policy the type of sign, its wording, size and placement would have to be stipulated.

The Chairman thanked the Licensing and Enforcement Service Manager for his report.

It was proposed by Councillor Marlow and seconded by Councillor Willcocks that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - That Members review and provide comments to the Executive Member for Planning and Growth on the proposal to introduce a requirement to provide card payment facilities in all vehicles licensed by East Herts to inform the Executive's consideration of any recommendation to Council for approval.

201 REVIEW OF LICENSING ACTIVITY FOR QUARTERS 1 AND 2 OF 2023 FINANCIAL YEAR (01 APRIL 2023 - 30 JUNE 2023 AND 01 JULY 2023 - 30 SEPTEMBER 2023)

The Licensing and Enforcement Service Manager introduced the report which gave Members oversight of the Licensing activity for Quarters 1 and 2 of 2023. He said that all complaints received by the Licensing Department were detailed within the report, which also showed monitoring against performance indicators that the Department constantly met.

The Licensing and Enforcement Service Manager drew Members' attention to Appendix A of the report which gave detail on decision making, policy and project work and Appendix B of the report which gave year-on-year comparison figures.

Councillor Deffley asked if it was normal for no Licensing Record Points (LRP) to have been issued to taxi drivers within the period.

The Licensing and Enforcement Service Manager said that generally some points would be issued, but in some circumstances alternative resolutions had been applied, as detailed in the report. He said that due to the number of festivals which had taken place over the period, Enforcement Officers had not spent so much time out on the taxi ranks. He said that on average it would be expected that approximately 3% of the trade would be issued LRP over the quarter.

Councillor Smith referred to paragraph 3.5 of the report and asked how out of hours Licensing Enforcement was being managed with limited resources.

The Licensing and Enforcement Service Manager said that there was currently one vacancy within the Enforcement Team. He said that he would like to have more officers, but enforcement was not a statutory function and that the current level of enforcement being carried out meant that there was no increased risk to public safety.

Councillor Dunlop referred to page 87 of the report and asked if there was a reason for the decrease in dual driver taxi renewal applications.

The Licensing and Enforcement Service Manager said that the cycle for such renewal applications was previously every three years and was now annually. He said that there were therefore fewer renewals, but no less drivers. He cited page 89 of the report which detailed the increase to the 212 dual drivers who were licenced as of September 2023.

The Chairman thanked the Licensing and Enforcement Service Manager for his report.

It was proposed by Councillor Dunlop and seconded by Councillor Smith that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - that members review and comment on the Licensing activity from the first and second quarters of the 2023 financial year (01 April 2023 – 30 June 2023 and 01 July 2023 – 30 September 2023)

202 URGENT BUSINESS

There were no urgent items.

The meeting closed at 7.26 pm

Chairman
Date