

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## LICENSING AND APPEALS COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING  
ON MONDAY, 26TH OCTOBER, 2020 AT 7.30 PM**

### MINUTES

**Present:** *Councillors: Lisa Nash (Chair), Daniel Allen (Vice-Chair), Ian Albert, Elizabeth Dennis-Harburg, Jim McNally, Gerald Morris, Sam North, Mike Rice, Adem Ruggiero-Cakir, Richard Thake and Tom Tyson*

**In Attendance:** *Jeanette Thompson (Service Director - Legal and Community), Steve Cobb (Licensing Manager), Molly Shiells (Licensing Officer) and Hilary Dineen (Committee, Member and Scrutiny Manager)*

## **1 WELCOME AND INTRODUCTION**

Audio recording – 13 seconds

The Chair welcomed everyone to the meeting and advised that it was being conducted with Members and Officers at various locations, communicating via audio/video and online. There was also the opportunity for the public and press to listen and view proceedings.

The Committee, Member and Scrutiny Manager undertook a roll call of Members and Officers to ensure that they could hear and be heard and gave the following advice.

The meeting was being streamed live on the Council's You Tube channel and also recorded via Zoom. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable period then the remaining business would be considered at a later date.

Please stay in view of the camera at all times.

If for any reason the meeting was not quorate an Officer would notify attendees by interjecting the meeting. The meeting would adjourn immediately. Once the meeting was quorate the meeting would resume. If connection could not be restored within a reasonable period, then the remaining business would be considered at a later date.

If a remote Member lost connection the Chair may adjourn the meeting for a short period to enable connection to be re-established. If the Chair did not adjourn the meeting the Member would be deemed to have left the meeting at the point of failure and be deemed to have returned at the point of re-establishment. Only Members present for the entirety of debate and consideration of an item are entitled to vote.

Mobile phones and other noise emitting devices should be muted and the mute button on tablets and computers should be muted when not speaking.

When requested to vote, voting would be via the Green tick for "Yes", Red Cross for "No" and Blue Raise Hand for "abstain" functions.

The Chair, Councillor Lisa Nash, started the meeting proper.

**2 APOLOGIES FOR ABSENCE**

*Audio recording – 4 Minutes*

Apologies for absence were received from Councillor David Barnard.

**3 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – 4 minutes 11 seconds*

There was no other business notified.

**4 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 4 minutes 16 seconds*

- (1) In accordance with Council policy this meeting was being audio recorded as well as filmed. The audio recordings would be available to view on Mod.gov and the film recording via the NHDC YouTube channel.
- (2) Members were reminded to make declarations of interest before an item, the detailed reminder about this and speaking rights was set out under Chair's Announcements on the agenda.

**5 PUBLIC PARTICIPATION**

*Audio recording – 4 minutes 44 seconds*

There were no presentations by members of the public.

**6 ADOPTION OF A TAXI AND PRIVATE HIRE LICENSING POLICY**

*Audio recording – 4 minutes 49 seconds*

The Licensing Officer presented the report entitled Adoption of a Taxi and Private Hire Licensing Policy together with the following appendices:

- Appendix A - Draft Policy Published for Public Consultation Including all Options;
- Appendix B - Summary of Consultation Responses with Officer Comments;
- Appendix C - Full Consultation Responses;
- Appendix D - Proposed Policy.

The following Members asked questions and took part in the debate:

- Councillor Daniel Allen;
- Councillor Richard Thake;
- Councillor Mike Rice;
- Councillor Sam North;
- Councillor Gerald Morris;
- Councillor Jim McNally.

In response to questions the Licensing Officer advised that:

- Taxi owners had been asked to complete expression of interest forms in respect of non-wheelchair accessible taxis when the 10% was reached and the same process will be applied to private hire vehicles;
- Every new vehicle must be wheelchair accessible;
- The majority of customers requiring disabled access preferred to pre-book.

The Licensing Manager advised:

- That there was a robust system in place regarding the granting of taxi licences.

The Service Director – Legal and Community informed Members that:

- Here had been cases referred to appeal none of which have been lost.

Councillor Richard Thake proposed, Councillor Sam North seconded and it was:

**RESOLVED:**

- (1) That the responses to the public consultation on the Taxi and Private Hire Licensing Policy be noted;
- (2) That the following amendments be made to the Taxi and Private Hire Licensing Policy:
  - That the following be added into the driver code of conduct: If a driver witnesses a crime they are required to report it to the Police;
  - That Section 7 of the Policy refer to Taxi instead of Hackney Carriage.
- (3) That, subject to the amendments in (2) above, the revised Policy attached as Appendix D be adopted.

**REASONS FOR DECISIONS:**

- (1) The existing policy has worked well since its adoption with effect from 4 April 2018, having been revised in accordance with the provisions for minor amendments where appropriate.
- (2) The main content of the existing policy was most recently updated with effect from 4 April 2018.
- (3) With the advancement in technology and the Council's declaration of a Climate Emergency, the Administration's Priorities as identified in the Council Plan, and updated Climate Change Strategy 2020 the existing policy needed re-visiting to ensure that it remains fit-for-purpose and supports these corporate policies / strategic intentions.
- (4) As responses to the public consultation were limited and raised no significant opposition to any of the proposals officers have proposed a revised policy which, in their professional opinion, meets the existing policy objectives and the Council's corporate priorities and strategy.

**7 ADOPTION OF A STATEMENT OF LICENSING POLICY REQUIRED BY VIRTUE OF SECTION 5 OF THE LICENSING ACT 2003**

*Audio recording – 44 minutes 51 seconds*

The Licensing Manager presented the report entitled Adoption of a Statement of Licensing Policy Required by Virtue of Section 5 of the Licensing Act 2003 together with the following appendices:

- Appendix A - Draft Policy Published for Public Consultation;
- Appendix B - Summary of Consultation Responses with Officer Comments;
- Appendix C - Full Consultation Responses;
- Appendix D - Proposed Policy.

The following Member asked questions:

- Councillor Sam North.

In response to questions the Licensing Manager advised that:

- Fees under the Licensing Act were set by the Government, however these did not go any way to meetings costs;
- Licensing fees were set by the Executive Member for Housing and Environmental Health or the Service Director – Legal and Community.

Councillor Mike Rice proposed, Councillor Richard Thake seconded and it was:

**RESOLVED:**

- (1) That the responses to the public consultation be noted;
- (2) That the proposed Statement of Licensing Policy attached as Appendix D be supported;

**RECOMMENDED TO COUNCIL:** That the Statement of Licensing Policy be adopted.

**REASONS FOR DECISIONS:**

- (1) Licensing authorities are required to publish a policy every five years by virtue of section 5 of the Licensing Act 2003 (“the Act”).
- (2) A new policy must be published by 7 January 2021 to comply with this statutory requirement.
- (3) The proposed policy builds on the success of the previous and existing versions of the policy, whilst reflecting legislative changes and the Council’s priorities.
- (4) Responses to the public consultation were limited and raised no significant opposition to any of the proposals.

## 8 LICENSING SERVICE ANNUAL REPORT

*Audio recording – 57 minutes 13 seconds*

The Licensing Manager presented the report entitled Licensing Service Annual Report together with the following appendices:

- Appendix A - Annual Licensing Report 2019 – 2020;
- Appendix B - Results of a survey of the taxi and private hire trade.

The following Members asked questions and took part in the debate:

- Councillor Daniel Allen;
- Councillor Ian Albert;
- Councillor Sam North;

- Councillor Gerald Morris;
- Councillor Richard Thake.

In response to questions the Licensing Manager advised that:

- Guidance stated that Licensing and Planning were separate regimes and should remain so;
- A Responsible Authorities Forum had been formed so that issues could be discussed;
- Updates and joint communications with the Public Health Team have been sent to licenced premises;
- Licenced premises have been signposted to those that can provide Covid support;
- Bars and Restaurants that had been closed during the pandemic had not been chased for Licensing fees and payment plans had been used wherever possible;
- Although public health was not a Licensing issue, support work for businesses was being undertaken and had increased;
- In respect of taxis, there were more cars than drivers as some companies had a fleet of cars, but no longer had sufficient drivers and some drivers held dual licences.

Councillor Richard Thake proposed, Councillor Jim McNally seconded and it was:

**RESOLVED:** That the Licensing Service Annual Report be noted.

**REASONS FOR DECISION:** Section 8.2.3 of the Council Constitution requires the Full Committee to meet at least twice per civic year and section 8.2.3 (d) requires the Committee 'to receive an annual report on licensing activities including performance information'.

The meeting closed at 8.47 pm

Chair