

NORTH HERTFORDSHIRE DISTRICT COUNCIL



16 October 2020

Our Ref LAC – 26.10.20
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To: Members of the Committee: Councillor Lisa Nash (Chair), Councillor Daniel Allen (Vice-Chair), Councillor Ian Albert, Councillor David Barnard, Councillor Elizabeth Dennis-Harburg, Councillor Jim McNally, Councillor Gerald Morris, Councillor Sam North, Councillor Mike Rice, Councillor Adem Ruggiero-Cakir, Councillor Richard Thake, Councillor Tom Tyson and Councillor Michael Weeks

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE LICENSING AND APPEALS COMMITTEE

to be held as a

VIRTUAL MEETING

On

MONDAY, 26TH OCTOBER, 2020 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda

Part I

Item		Page
1.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
2.	APOLOGIES FOR ABSENCE	
3.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
4.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5.	ADOPTION OF A TAXI AND PRIVATE HIRE LICENSING POLICY REPORT OF THE LICENSING MANAGER To consider the responses to a public consultation and adopt a revised Taxi and Private Hire Licensing Policy.	(Pages 5 - 192)
6.	ADOPTION OF A STATEMENT OF LICENSING POLICY REQUIRED BY VIRTUE OF SECTION 5 OF THE LICENSING ACT 2003 REPORT OF THE LICENSING MANAGER To consider the draft policy prepared by officers and any public consultation responses in order to recommend the adoption of a Statement of Licensing Policy to Full Council.	(Pages 193 - 392)

7. LICENSING SERVICE ANNUAL REPORT
REPORT OF THE LICENSING MANAGER

(Pages
393 -
428)

To provide the Licensing and Appeals Committee a summary of the work undertaken by the licensing service over the previous twelve months, an update on existing projects and an overview of future proposals.

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LICENSING AND APPEALS COMMITTEE
26 OCTOBER 2020

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: ADOPTION OF A TAXI AND PRIVATE HIRE LICENSING POLICY

REPORT OF: THE LICENSING MANAGER

EXECUTIVE MEMBER: HOUSING AND ENVIRONMENTAL HEALTH

COUNCIL PRIORITIES: BUILD THRIVING AND RESILIENT COMMUNITIES / RESPOND TO CHALLENGES TO THE ENVIRONMENT

1. EXECUTIVE SUMMARY

- 1.1 To consider the responses to a public consultation and adopt a revised Taxi and Private Hire Licensing Policy.

2. RECOMMENDATIONS

- 2.1. That the Committee be recommended to:

- (a) Consider the responses to the public consultation; and
- (b) Adopt the revised Policy attached as Appendix D, subject to any amendments proposed by the Committee

3. REASONS FOR RECOMMENDATIONS

- 3.1 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.
- 3.2 The main content of the existing policy was most recently updated with effect from 4 April 2018.
- 3.3 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.
- 3.4 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.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Consideration was given to a range of options as part of the public consultation however the limited responses proved inconclusive.
- 4.2 In determining the proposed amendments from the range of options included in the consultation, officers have balanced the financial and administrative impact on licence holders against the Policy objectives of safeguarding the public and maintaining the existing high standard of taxi and private hire provision.
- 4.3 Officers have also had regard to the newly published Statutory Taxi and Private Hire Vehicle Standards and the need to comply with them in the absence of a justifiable reason to depart from them in favour of a local standard.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Housing and Environmental Health was consulted during the drafting of the proposed policy prior to public consultation and was involved in the selection of the proposals contained therein.
- 5.2 Prior to the public consultation the Taxi and Private Hire Consultative Forum, which represents the licensed trade, was advised of the proposals and were generally supportive. The Forum's proposals were also included in the draft policy published for public consultation.
- 5.3 The consultation with the Forum however took place before the Covid-19 restrictions therefore its views did not reflect the current financial challenges faced by the trade.
- 5.4 The public consultation was published on the Council's website and was live from 1 June 2020 to 21 August 2020. All proposals, including several options for some of them, were highlighted in red for ease of reading.
- 5.5 An email was sent to all licence holders outlining the main proposals with a link to the relevant page of the website.
- 5.6 The Council's Communications Team regularly posted reminders of the consultation on social media and contacted the Citizens Panel.
- 5.7 All Members were informed of the consultation by way of an Information Note in MIS on 5 June 2020.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. A Taxi and Private Hire Licensing Policy was first adopted by the Council on 7 January 2008. It has been kept under constant review since then with regular opportunities for Members to review the Policy following public consultations.

- 7.2 In order to ensure a consistent and transparent interpretation of the legislation and Government Guidance, the publication of a Policy will assist applicants and licence holders to understand the licensing requirements of North Hertfordshire. This is particularly relevant given the subjective nature of licensing standards and the fact that the two main Acts governing taxi and private hire licensing are historic:
- Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
- 7.3 It will also inform the public of the standards required for taxi and private hire licensing in North Hertfordshire, in particular explaining the difference between taxis and private hire vehicles
- 7.4 The Policy should give the public confidence to use licensed vehicles given the high standards expected by the Council.
- 7.5 The Policy seeks to strike a balance between appropriate regulation and ensuring no disproportionate administrative burdens for businesses. It outlines the Council's expectations of licence holders in promoting its licensing objectives and the sanctions available for any licence holder not upholding the standards required.

8. RELEVANT CONSIDERATIONS

- 8.1. Some of the proposed amendments were minor and merely reflected current administrative practices or clarification of wording. These attracted no representations and are not expanded upon within this report. Comments are concentrated on proposals that offered various options and those that attracted comments.
- 8.2 Hackney carriage is an historic term that is no longer relevant and rarely understood by the public who tend to use the term taxi. This approach is supported by Government who named the new national standards as Taxi and Private Hire Standards. To avoid confusion, the policy has been renamed the Taxi and Private Hire Policy.

Statutory taxi and private hire vehicle standards

- 8.3 The Government published these national standards mid-consultation however the proposed policy had covered most of the new proposals contained in the standards.
- 8.4 All Council's will have to report back to Government by the end of January to confirm whether or not they have adopted the national standards. As with all national standards, there is the opportunity to depart locally if there is a justifiable reason to do so.
- 8.5 The only local standard proposed in Appendix D is the continuation of officer decision making as opposed to creating an additional Taxi and Private Hire Committee or Sub-Committee.
- 8.6 The reason the national standards ask Councils to consider a Committee is to ensure that the decision-maker is not involved in the application or enforcement investigation.

- 8.7 Although the licensing team is small, the 2018 Senior Management Team and then Licensing Team reorganisation in 2019 means the licensing manager has no involvement with applications or enforcement actions unless the matter is referred to him, therefore he is able to determine the applications/enforcement issues with an unfettered mind in the same way as a Committee would, with a sufficient level of separation as envisaged under the national standards¹.
- 8.8 Case law in taxi and private hire licensing is constantly evolving and the creation of a Committee would require Members to receive initial and frequent ongoing training to be able to sit on the Committee. Additionally, in matters of public safety an immediate decision may be required which could potentially place the public at risk with the delay involved in constituting a Committee and preparing the committee report, as well as other resource implications for the Council's Committee, Member and Scrutiny staff and Members themselves.
- 8.9 All decisions of the licensing manager regarding applications and enforcement actions have a right of appeal to the Courts in any event, and Members should note that the Council has not lost an appeal.
- 8.10 As the current arrangements for officer decision making are working well and in the overall thrust of the new national standards, it is proposed to continue with the existing arrangements. This proposal is supported by the Executive Member.

No idling

- 8.11 Regular complaints are received from the public about licensed vehicles idling, which is currently only enforceable by the police.
- 8.12 By introducing a no idling requirement in the policy, licensing officers can utilise the penalty points scheme to enforce against drivers that do not comply.
- 8.13 This supports the Council's declaration of a Climate Emergency and climate change strategic approach.

Restricted use taxi ranks

- 8.14 When the infrastructure is in place, it is intended to restrict use of prime location taxi ranks to environmentally friendly vehicles.
- 8.15 This serves both as an incentive for licence holders to purchase environmentally friendly vehicles and addresses the issue of vehicle emissions in residential areas such as town centres.
- 8.16 This supports the Council's declaration of a Climate Emergency and climate change strategic approach.

¹ Statutory Taxi & Private Hire Vehicle Standards recommendations recognises that officers could deal with 'less contentious' matters under delegation in any event, which is not defined under the standards.

Environmentally friendly fleet

- 8.17 There were mixed responses during the consultation as the public generally support moving to environmentally friendly vehicles as soon as practicable however the licensed trade prefer to wait for the Government's preferred date.
- 8.18 To support the Council's declaration of a Climate Emergency and climate change strategic approach, it is preferable to introduce local regulations rather than wait for the Government however regard has to be given to the financial impact on the trade given the current financial situation caused by the Covid-19 pandemic.
- 8.19 In order to allow for future technological developments, rather than focus on electric vehicles, the proposal is to require all new and replaced vehicles from 2028 to be ultra-low emission vehicles (ULEVs).
- 8.20 This allow the trade time to prepare financially for the change whilst supporting a move to environmentally friendly vehicles ahead of the Government's intended date.

Wheelchair accessible vehicles (WAVs)

- 8.21 It is proposed that the current requirement for 10% of the taxi fleet to be WAVs is retained as there is little evidence of unmet demand on taxi stands.
- 8.22 Increasing the percentage in the absence of demand would only seek to restrict new entrants into the taxi fleet due to the additional cost of a WAV compared to a non-WAV.
- 8.23 The only evidence of lack of demand is occasional complaints that WAVs cannot be booked in advance. Additionally, taxi licence holders feel that no requirement for WAVs in the private hire fleet is an unfair balance between the two arms of the licensed trade.
- 8.24 It is proposed to introduce a requirement for 10% of the private hire fleet to be WAVs to address this imbalance and increase the provision to meet the small unmet demand.
- 8.25 Both percentages will be kept under review to ensure that sufficient vehicles, both WAV and non-WAV, are available to meet demand.

Personal use of a licensed vehicle

- 8.26 Case law has established that a licensed vehicle remains a licensed vehicle 24/7 until the licence expires, is surrendered, is suspended or is revoked. As a licensed vehicle, it must remain compliant with the policy at all times.
- 8.27 Whilst licensed vehicle owners may use their vehicles for personal use, they are still a licensed vehicle therefore must display the vehicle plate and the driver should display the driver badge. Additionally, the vehicle must not be driven by a partner/spouse/family member/friend/etc. unless they hold a valid licence from the Council to drive that vehicle.
- 8.28 The Council is aware of licence plate thefts or break-ins being an issue therefore has made an allowance that the vehicle licence plate need not be displayed whilst parked overnight outside the driver's home.

External advertising

- 8.29 Currently there are restrictions on external advertising for licensed vehicles. In the current financial climate, additional advertising revenue could be helpful to licence holders therefore this restriction has been removed providing any advertising is in good taste and non-offensive.

Seating in multi-passenger vehicles (MPVs)

- 8.30 Currently there are a number of restrictions on seating arrangements in MPVs which are causing confusion and problems for licence holders. Vehicles are required, in some instances, to have rear facing seats which are unpopular with passengers, and some seats are automatically precluded from use if there is not unobstructed access to the doors.
- 8.31 It is proposed to allow, in principle, any manufacturers' specification seating for MPVs provided that the other requirements of the policy can be met, for example small child seats in MPVs will not be permitted for use by adult passengers.

Child seats

- 8.32 During compliance testing, officers have raised concerns about some of the child seats provided by drivers and the safety of children travelling in them.
- 8.33 To rectify these concerns, it is proposed that passengers travelling with children that require car seats provide their own car seats for the journey. This will protect the children travelling in the vehicle and the driver in the case of a car seat that injures, or fails to protect, a child.

Fire extinguishers

- 8.34 Currently, all licensed vehicles are required to carry a fire extinguisher in the vehicle.
- 8.35 Advice has been received from the Fire Service that, in the event of a car fire, the driver and passengers should exit the vehicle and retreat to a safe distance rather than attempting to tackle the fire.
- 8.36 Additionally, during the hot summers, vehicle fire extinguishers are at risk of exploding under high temperatures.
- 8.37 It is proposed to remove the requirement for a fire extinguisher from licensed vehicles on safety grounds.

Boot space

- 8.38 A small number of complaints have arisen where a person travelling in a folding wheelchair has been refused by a driver due to lack of boot space for the wheelchair.
- 8.39 This is totally unacceptable, and a requirement is proposed whereby all licensed vehicles, other than WAVs, must have sufficient boot space to carry a folding wheelchair.

Calendar meters and printers

- 8.40 At a previous Licensing and Appeal Committee meeting, in response to evidence of overcharging and the incorrect use of manually set tariffs, that from 1 April 2021 all taxis must be fitted with a calendar meter and an attached receipt printer.
- 8.41 Due to the advancement in technology, many drivers are already able to offer receipts by way of email or text messaging and the expense of purchasing and maintaining a printer that is unlikely to be used is no longer practicable.
- 8.42 It is proposed that the requirement to fit a printer is removed however the requirement for a calendar meter remains. Several years notice of the calendar meter requirement has been given and it is an important step in ensuring the correct tariff is charged.

Card payments

- 8.43 Due to the advancement in contactless card technology, the public are carrying less cash and have suggested that card payments in licensed vehicles would be a logical step. Many drivers already offer this facility and, when it was discussed at a previous Taxi and Private Hire Consultative Forum, no objection was raised to card payments.
- 8.44 It is proposed that from 1 April 2022 all licensed vehicles must offer a facility for passengers to pay by card, preferably contactless. In addition to convenience for the public, this will be a valuable protection for drivers as they will be carrying less cash.

Accident reporting

- 8.45 There is a legislative requirement that all accidents involving licensed vehicles are reported to the Council within seventy-two (72) hours. This risks a potentially unsafe vehicle, or a vehicle that no longer complies with policy, being able to continue to operate for seventy-two hours before informing the Council.
- 8.46 It is proposed that a local requirement of twenty-four (24) hours is introduced to ensure that officers can assess a vehicle to decide whether or not it can continue to operate. A caveat has been added that this timescale can be extended in the case of a driver hospitalised or arrested following an accident and unable to contact the Council within this time period.

Protective screens

- 8.47 To allow drivers to safely operate during the current pandemic, temporary permission for protective screens was given provided that are approved by the Council. Approval is necessary as there are many screens available for purchase that would risk the safety of the passengers and driver.
- 8.48 This provision has been made permanent in the policy to allow protective screens to be fitted at any time for driver safety or during pandemics, provided approval is obtained from the Council. A specification has been included to assist drivers when seeking to purchase a protective screen.

Private hire operator management and office staff

- 8.49 The Council is aware that all persons involved in the management and staffing of private hire operator businesses have access to sensitive information that may impact on public safety and are in a position where they may be able to recognise safeguarding issues.
- 8.50 It is proposed that all private hire operator management and staff are required to undertake a basic Disclosure & Barring Service (DBS) disclosure at the operator's expense. This is supported by the new national standards.
- 8.51 Additionally, any person involved in the day-to-day management of a private hire operator business is required to attend a Council safeguarding course and ensure that office personnel are trained accordingly. This is supported by the new national standards.

Referrals to the licensing manager

- 8.52 To ensure transparency of current processes where the licensing manager determines applications and enforcement issues, a new Appendix has been introduced to explain the process to the public and the trade.

9. LEGAL IMPLICATIONS

- 9.1 Section 8.2.3 (c) of the Council Constitution states that the Licensing and Appeals Committee shall meet to:

“to consider and amend other non-executive Licensing Policies...”

- 9.2 By virtue of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, taxi and private hire licensing is a function *‘not to be the responsibility of an authority’s Executive’*.

Schedule 1 lists the following functions as non-executive functions:

- *Power to license taxis and private hire vehicles*
- *Power to license drivers of taxis and private hire vehicles*
- *Power to license operators of taxis and private hire vehicles*

- 9.3 The Statutory Taxi & Private Hire Vehicle Standards are issued by the Secretary of State for Transport under the Policing and Crime Act 2017. There is expectation that the recommendations be implemented unless *(as indicated above)* there is a compelling local reason not to. Paragraphs 8.5 - 8.10 above set out those local compelling reasons for Members considerations.

10. FINANCIAL IMPLICATIONS

- 10.1 The amended policy would have no additional financial implications for the Council. Case law has determined that a Council can recover its reasonable costs of administration and enforcement through licensing fees with any surplus or deficit balancing out over a three-year cycle.

- 10.2 As part of the fee setting process, costings are undertaken to ensure that the fees set adequately cover the Council's reasonable costs in compliance with fee setting case law.
- 10.3 There would be (as yet unquantified) resource implications for establishing another Committee or Sub-Committee as detailed in paragraph 8.8 above.

11. RISK IMPLICATIONS

- 11.1 The risk to the Council of not periodically reviewing and amending policy is that the Policy may become outdated and no longer fit for purpose. Given that the Policy is a fundamental element of consistent decision making, a policy that was not fit for purpose would increase the risk of legal challenge.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The proposed policy does not place any barriers or unique requirements on any person on the grounds of ethnicity, gender, religion or any other protected characteristic. Officers work with all applicants and licence holders, where appropriate, to ensure that the Council's duty under the Equality Act 2010 is met.
- 12.3 The Policy deals specifically with the duty under the Equality Act 2010 to protect the vulnerable using taxis and private hire vehicles, specifically persons relying on assistance dogs and persons in wheelchairs. Section 167 of the Equality Act 2010 provides for the Council to designate licensed wheelchair accessible vehicles under this section making it a criminal offence to refuse to carry passengers in wheelchairs; the Council has designated all licensed wheelchair accessible taxis and private hire vehicles

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. One of the key considerations of the new proposals is to support the Council's declaration of a Climate Emergency and Climate Change Strategy.
- 14.2 Proposals include measures such as:
- A no idling requirement for licensed vehicles
 - Timescales for the phasing out of the most polluting vehicles
 - Preferential rank provision for the most environmentally friendly vehicles
 - Other incentives, such as discounted fees, to encourage environmentally friendly vehicles

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The policy will not place any new human resource implications on the Council unless the additional Committee or Sub-Committee is implemented and, in that situation, additional resource requirements will apply as detailed in paragraph 8.8 above.

16. APPENDICES

- 16.1 Appendix A - Draft policy published for public consultation including all options
- 16.2 Appendix B - Summary of consultation responses with officer comments
- 16.3 Appendix C - Full consultation responses
- 16.4 Appendix D - Proposed policy

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18. BACKGROUND PAPERS

- 18.1 [Statutory Taxi and Private Hire Vehicle Standards](#)



Hackney Carriage and Private Hire Licensing Policy

Effective from: **TBC**

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1.1 Powers and Duties

- 1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on North Hertfordshire District Council ("the Council") the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.

1.2 Policy Objectives

- 1.2.1 Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available or for those with mobility difficulties.
- 1.2.2 In setting out its policy, the Council seeks to promote the following objectives:
- (i) **Public safety;**
 - (ii) **The protection of the environment;**
 - (iii) **Ensuring an efficient and effective hackney carriage and private hire provision;**
 - (iv) **To provide and maintain a professional and respected hackney carriage and private hire trade by continued monitoring and improvement of standards of service.**
- 1.2.3 The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Council's wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public, whilst maintaining the current high standard of service provision.
- 1.2.4 When considering this Policy, the Council have tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

1.3 Departure from the Policy

- 1.3.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out therein.
- 1.3.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.
- 1.3.3 Substantial departure from Policy
Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Licensing Manager may authorise a departure from the Policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors of such decisions via the Members Information Service (MIS).
- 1.3.4 Minor departure from Policy
Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Licensing Manager may authorise a licence to be issued.

1.4 Policy Duration

- 1.4.1 This Policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice.
- 1.4.2 Administrative amendments to this Policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made by the Licensing Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.
- 1.4.3 The Policy will be periodically reviewed to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation by the relevant Executive Member.

1.4.4 Minor amendments to the Policy may be authorised by the Licensing Manager in consultation with the relevant Executive Member and the Chair of the Licensing and Appeals Committee.

For the purposes of this section, a minor amendment is any amendment that does not fall within section 1.4.2 above or section 1.4.5 below.

- 1.4.5 In the event of any significant amendment to the Policy, a full public consultation will be undertaken prior to consideration by the Licensing and Appeals Committee **who may amend the Policy as it deems appropriate.**

For the purpose of this section, a significant amendment is defined as one that:

- will have significant financial impact on applicants, licence holders or the public
- will have a significant procedural impact on applicants, licence holders or the public
- may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

PART 2 - VEHICLES

2.1 Limitation of Numbers

- 2.2.1 The Council currently has no limit on the number of hackney carriages which may be licensed within the District and has no intention of introducing one unless evidence of 'no significant unmet demand' can be provided. The cost of any 'unmet demand' survey would need to be borne by the existing licence holders.
- 2.2.2 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

2.2 Specifications and Conditions

- 2.2.1 Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles and The Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.
- 2.2.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public; however it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

- 2.2.3 Part 2 of this Policy sets out the Council's minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. This specification will need to be met prior to licensing and maintained throughout the duration of the licence. This will be achieved by attaching the following licence condition to all hackney carriage and private hire vehicle licences:

"This licence is granted subject to compliance with the Council's Hackney Carriage and Private Hire Licensing Policy vehicle specification requirements (Part 2 of the Policy) throughout the duration of the licence period."

2.3 Accessibility

- 2.3.1 The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

"Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible."

- 2.3.2 It is arguable that different accessibility considerations should apply between hackney carriages and private hire vehicles in that hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver whereas private hire vehicles can only be booked through an operator.
- 2.3.3 The Council considers it particularly important that a person with a disability should be able to hire a suitable accessible vehicle with the minimum delay or inconvenience. Having an acceptable proportion of accessible hackney carriages and private hire vehicles available helps ensure that this is possible; therefore the Council will actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and any subsequent equalities legislation.
- 2.3.4 Section 167 of the Equality Act 2010 allows the Council to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of the Council's desire to provide accessible transport for those with disabilities, all wheelchair accessible hackney carriages and private hire vehicles will be designated for this purpose.
- 2.3.5 Drivers who, for medical reasons, are unable to accept wheelchair passengers or assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of appropriate medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times whilst licensed as a hackney carriage or private hire vehicle. In the absence of a medical exemption certificate from the Council, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog or a passenger with a wheelchair, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog or wheelchair.

2.4 Environmental Considerations

- 2.4.1 The Council have given careful consideration to the recommendation in the Guidance that, in the interests of the environment, tougher emissions standards should be introduced for all licensed

vehicles and considers its responsibility in protecting the environment to be a predominate factor within licensing policy, **particularly given the Council's declaration of a climate emergency.**

- 2.4.2 That said, the Council believes that its requirement for all new vehicles to be less than five (5) years old when first licensed, therefore meeting Euro 5 emission standards, coupled with its six-monthly testing requirements for all vehicles over seven (7) years old is sufficient not to require tougher emission standards for licensed vehicles.
- 2.4.3 Clearly emissions from hackney carriages and private hire vehicles could be further reduced through education and raised awareness of environmental issues. Simple measures such as:
- (i) better and more frequent vehicle maintenance and servicing; or
 - (ii) switching off engines when stationary or idling, particularly at hackney carriage ranks, can make a significant environmental impact considering the number of licensed vehicles. The Hackney Carriage and Private Hire Consultative Forum have an important role to play in raising awareness of environmental issues.
- 2.4.4 The Council will seek to strike an appropriate balance between protecting the environment and ensuring sufficient transport provision in the District as it is aware that many elderly and/or vulnerable residents are dependant on hackney carriages and private hire vehicles to undertake essential journeys i.e shopping, social interaction and medical appointments.

Idling

OPTION ONE

- 2.4.5 All hackney carriage and private hire vehicles **MUST** switch off engines when stationary; **NO** vehicle is to be idling at any time particularly at hackney carriage ranks, when parked and whilst awaiting passengers. This will have a significant positive environmental impact considering the number of licensed vehicles within North Hertfordshire.

OR

OPTION TWO

- 2.4.5 All hackney carriage and private hire vehicles **MUST** switch off engines when stationary for more than one (1) minute. Vehicles are not to idle for any longer than one (1) minute, particularly at hackney carriage ranks, when parked and whilst awaiting passengers. This will have a significant positive environmental impact considering the number of licensed vehicles within North Hertfordshire.

- 2.4.6 All licensed hackney carriages and private hire vehicles will be required to display an anti-idling sticker provided by the Council inside the front windscreen or on the front dashboard reminding drivers of the need to switch off the engine when stationary.

Reduced Licence Fees

- 2.4.7 The Council encourages the use of cleaner, low emission vehicles as hackney carriages or private hire vehicles and will offer a subsidised licence fee for electric or hybrid vehicles to encourage vehicle owners to consider changing to cleaner fuels.

Hackney Carriage Ranks

- 2.4.8 The Council is aware of the limited hackney carriage rank provision in the District and the potential for hackney carriages to congregate in areas such as town centres, particularly as part of

the late-night economy. This often causes increased emissions in high density residential areas having an adverse impact on public health and the environment

- 2.4.9 There is a balance to strike between placing hackney carriage ranks away from town centres and the need to provide a method of quickly dispersing the public as part of the night time economy.

OPTION ONE

- 2.4.10 The Council will seek to establish new hackney carriage ranks in town centres that will be limited to use by electric vehicles only; these ranks will have electric charging facilities. All other hackney carriages will have to use the existing hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.
- 2.4.11 Private hire vehicles will only be permitted in the town centres to collect pre-booked customers.
- 2.4.12 An Appendix will be added to this Policy outlining the areas considered as a 'town centre' for the purposes of this section of the Policy at the appropriate time.

OR

OPTION TWO

- 2.4.10 The Council will seek to establish new hackney carriage ranks in town centres that will be limited to use by electric or hybrid vehicles only; these ranks will have electric charging facilities. All other hackney carriages will have to use the existing hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.
- 2.4.11 Private hire vehicles will only be permitted in the town centres to collect pre-booked customers.
- 2.4.12 An Appendix will be added to this Policy outlining the areas considered as a 'town centre' for the purposes of this section of the Policy at the appropriate time.

OR

OPTION THREE

- 2.4.10 The Council will seek to establish new hackney carriage ranks in town centres that will be limited to use by electric, hybrid or ultra-low emission (uLEV) vehicles only; these ranks will have electric charging facilities. All other hackney carriages will have to use the existing hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.
- 2.4.11 Private hire vehicles will only be permitted in the town centres to collect pre-booked customers.
- 2.4.12 An Appendix will be added to this Policy outlining the areas considered as a 'town centre' for the purposes of this section of the Policy at the appropriate time.

Environmentally Friendly Fleet

- 2.4.13 The Council is aware of the Government's intention to introduce a ban on the sale of new petrol, diesel and hybrid cars in the UK by 2035 at the latest.

OPTION ONE

- 2.4.14 From 1 January 2028 all new vehicles must be ultra-low emission vehicles (uLEVs).
- 2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below, until such time as they are replaced at which point they will be considered to be a new vehicle and must comply with section 2.4.14 above.
- 2.4.16 From 1 January 2035 no petrol, diesel or hybrid vehicle will be licensed by the Council.

OR

OPTION TWO

- 2.4.14 From 1 January 2028 all new vehicles must be ultra-low emission vehicles (uLEVs).
- 2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below, until such time as they are replaced at which point they will be considered to be a new vehicle and must comply with section 2.4.14 above
- 2.4.16 From 1 January 2028 no petrol, diesel or hybrid vehicle will be licensed by the Council.

OR

OPTION THREE

- 2.4.14 From 1 January 2028 all new vehicles must be electric vehicles.
- 2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below, until such time as they are replaced at which point they will be considered to be a new vehicle and must comply with section 2.4.14 above
- 2.4.16 From 1 January 2035 no petrol, diesel, uLEV or hybrid vehicle will be licensed by the Council.

OR

OPTION FOUR

- 2.4.14 From 1 January 2035 all new vehicles must be electric vehicles.
- 2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below, until such time as they are replaced at which point they must be replaced with either an electric or uLEV.
- 2.4.16 From 1 January 2035 no petrol, diesel, uLEV or hybrid vehicle will be licensed by the Council.

Other Assistance

- 2.4.17 The Council will continue to encourage applicants and licence holders to change to cleaner, low emission vehicles by researching and promoting Government schemes offering subsidies and/or other help-to-buy alternatives for more environmentally friendly vehicles.

2.5 Maximum Age of Vehicles

- 2.5.1 The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. The limits set by the Council are considered necessary and proportionate to promote public safety and the other objectives of this Policy however it is accepted that a greater frequency of testing may be appropriate for older vehicles.
- 2.5.2 When first licensed by the Council, all vehicles must be less than five (5) years old from the date of first registration.
- 2.5.3 Hackney carriages and private hire vehicles may be licensed until such time that the vehicle cannot comply with the Council's testing requirements (see section 2.6).
- 2.5.4 A licensed Hackney carriage may be transferred to a private hire vehicle at any time provided it complies with the Council's vehicle testing requirements (see section 2.6).
- 2.5.5 A licensed private hire vehicle may be transferred to a hackney carriage provided the private hire vehicle matches the vehicle it is replacing. For clarity, if a hackney carriage is a wheelchair accessible vehicle the private hire vehicle replacing it must be a wheelchair accessible vehicle. The vehicle must comply with the Council's vehicle testing requirements (see section 2.6).

2.6 Vehicle Testing

- 2.6.1 In order to comply with the Council's vehicle testing requirements a vehicle must obtain a current MOT pass certificate and a current Certificate of Compliance pass certificate from the Council's nominated testing facility, both of which must be dated no earlier than two calendar (2) months prior to the licence commencement date.
- 2.6.2 Vehicles that are less than one (1) year old will be exempt from producing a current MOT pass certificate but will be required to obtain a Certificate of Compliance pass certificate.
- 2.6.3 All vehicles will be subject to annual testing requirements (MOT and Compliance Test) until they reach seven (7) years old. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of testing requirement (section 2.6.1) compliance.
- 2.6.4 Once a vehicle reaches seven (7) years old it will be subject to six-monthly testing requirements (MOT and Compliance Test) . Each application for a grant or renewal of a vehicle licence must be accompanied with proof of testing requirement (section 2.6.1) compliance.
- 2.6.5 For the avoidance of doubt, any vehicle renewal application that would take the licence beyond the age of seven (7) years and six (6) months from date of first registration will only be renewed for the period up to and including seven (7) years and six (6) months from date of first registration. This will facilitate the vehicle being tested at six-monthly intervals as required by section 2.6.4 above.
- 2.6.6 The licence of any vehicle which fails its testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained.

The Council may retain the vehicle licence plate until such time as the inspection requirements are met.

MOT Advisories

- 2.6.7 With public safety being a significant objective of this Policy, the Council expects licensed vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres or brakes must be rectified before a licence is granted. The Council also reserve the right to extend this requirement to other MOT advisories where they deem it necessary for the protection of the public.

Accident Damage

- 2.6.8 With the safety of the public being a predominate factor of this Policy all vehicles involved in an accident, however minor, will be required to obtain a licensing officer's approval to continue operating. Upon inspection following an accident, any vehicle that would fail to meet the vehicle testing requirements (section 2.6.1) will be automatically suspended until such time as the vehicle has been re-examined and the necessary approval given
- 2.6.9 In the case of only cosmetic damage following inspection by a licensing officer, a timescale for repair will be set by the Council at the end of which the vehicle must be re-presented to a licensing officer for a compliance test. If the vehicle is not presented for re-inspection by the prescribed date, or the vehicle fails the inspection, it will be automatically suspended until such time as the vehicle meets the Council's compliance test requirements.
- 2.6.10 In addition to the above testing requirements, the Council will undertake its own unannounced program of inspections between formal testing dates. Sections 2.6.8 and 2.6.9 will apply during an unannounced inspection.
- 2.6.11 The Council's nominated testing facility is:
- (i) MOT
Any testing facility currently registered with the Department for Transport to undertake MOT testing.
 - (ii) Certificate of Compliance
Undertaken by **Council licensing Officers** in Letchworth Garden City

2.7 Vehicle Type

- 2.7.1 Left-hand drive vehicles will not be considered suitable for licensing, save for stretched limousines which will be subject to the specification requirements detailed in **Appendix E**. This is to ensure that passengers travelling in the front passenger seat are able to exit the vehicle directly onto the footway rather than directly into the carriageway.
- 2.7.2 The Council is aware of its duty under the Equality Act 2010 to ensure that there is sufficient provision of wheelchair accessible hackney carriages and private hire vehicles. It is equally aware that many persons that travel in wheelchairs prefer to travel in a salon vehicle as opposed to a purpose-built wheelchair accessible vehicle (WAV).
- 2.7.3 To ensure adequate provision, the Council will endeavour to ensure that a suitable percentage of the licensed vehicles are purpose-built wheelchair accessible vehicles and that all other vehicles have sufficient space to carry a folding wheelchair.

OPTION ONE

2.7.4 New hackney carriages

All vehicles for new hackney carriage licence applications must be either:

- (i) a 'London' type hackney carriage, or
- (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 10% of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when the criteria is not met.

OR

OPTION TWO

2.7.4 New hackney carriages

All vehicles for new hackney carriage licence applications must be either:

- (i) a 'London' type hackney carriage, or
- (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 15% of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when the criteria is not met.

OR

OPTION THREE

2.7.4 New hackney carriages

All vehicles for new hackney carriage licence applications must be either:

- (i) a 'London' type hackney carriage, or
- (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 20 % of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when the criteria is not met.

OPTION ONE

2.7.5 New private hire vehicles

All vehicles for new private hire licence applications must be either:

- (i) a saloon, estate, MPV or hatchback vehicle with a least four (4) side doors, or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

OR

OPTION TWO

2.7.5 New private hire vehicles

All vehicles for new private hire licence applications must be a suitable wheelchair accessible vehicle, approved by the Council until a minimum of 5% of the total number of licensed private

hire vehicles meet this criteria at which time this restriction will no longer apply. This restriction will apply at any time when the criteria is not met.

OR

OPTION THREE

2.7.5 New private hire vehicles

All vehicles for new private hire licence applications must be a suitable wheelchair accessible vehicle, approved by the Council until a minimum of 10% of the total number of licensed private hire vehicles meet this criteria at which time this restriction will no longer apply. This restriction will apply at any time when the criteria is not met.

OR

OPTION FOUR

2.7.5 New private hire vehicles

All vehicles for new private hire licence applications must be either:

- (i) be a suitable wheelchair accessible vehicle, approved by the Council until a minimum of 5% of the total number of licensed private hire vehicles meet this criteria; or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

When the minimum of 5% of the total number of private hire vehicles being wheelchair accessible is met, the criteria will no longer apply.

OR

OPTION FIVE

2.7.5 New private hire vehicles

All vehicles for new private hire licence applications must be either:

- (i) be a suitable wheelchair accessible vehicle, approved by the Council until a minimum of 10% of the total number of licensed private hire vehicles meet this criteria; or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

When the minimum of 10% of the total number of private hire vehicles being wheelchair accessible is met, the criteria will no longer apply.

Procedure for when the Wheelchair Accessible Criteria is Met

2.7.6 When the relevant percentage criteria is met and the requirements for wheelchair accessible vehicles no longer applies, the following process will be followed:

- a notice will be placed on the Council website on the [Information for Taxi and Private Hire Drivers](#) page
- all existing drivers and operators will be sent an email with a link to the notice
- applicants must complete an application form provided by the Council specifying the new vehicle details with proof they are the registered keeper (applications will not be accepted for vehicles not owned by the applicant)
- applications must be accompanied by full payment of the appropriate fees

- 2.7.7 Plates will be granted on a first come first served basis for fully completed applications; there will be no waiting list available for pre-registering an interest.
- 2.7.8 It is the responsibility of the drivers and operators to ensure that the Council holds a current contact email address. The Council will accept no claims of being disadvantaged from drivers or operators not receiving an email.

Renewal applications

- 2.7.9 Any hackney carriage or private hire vehicle with a valid licence as at <adoption date of Policy> may be renewed, or transferred to a new vehicle, without having to meet the new vehicle requirements of sections 2.7.4 or 2.7.5 above.
- 2.7.10 Once licensed as a wheelchair accessible vehicle, a hackney carriage or private hire vehicle can only be replaced with a wheelchair accessible vehicle.

Vehicle Type Approvals

- 2.7.11 Licensed vehicles shall ordinarily have European Community Whole Vehicle Type Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>) and be compliant with the relevant Road Vehicles (Construction and Use) Regulations in effect at the time of application.
- 2.7.12 In the absence of European Community Whole Vehicle Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles can be considered for licensing that have:
- (i) National Small Series Type Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>), or
 - (ii) Individual Vehicle Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>)

However, Individual Type Approval will not be accepted:

- (a) where the seatbelts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval, or
- (b) where the vehicle has been fitted with seating/wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle except where suitable evidence is provided by the applicant(s) that this is not the case.

All Vehicles

- 2.7.13 All hackney carriage and private hire vehicles must:
- (i) be capable of carrying not less than four (4) nor more than eight (8) passengers,
 - (ii) have no damage affecting the structural safety of the vehicle,
 - (iii) not have been written off for insurance purposes at any time,
 - (iv) have sufficient means by which any passenger in the vehicle may communicate directly with the driver,
 - (v) be maintained in sound and roadworthy condition at all times,
 - (vi) serviced in accordance with manufacturers' recommendations.

2.8 Signage

Hackney carriages

- 2.8.1 Hackney carriage vehicles must be fitted with an illuminated external sign mounted on or above the roof of the vehicle or have a built-in illuminated roof sign. The sign may display either:
- (i) the word "TAXI",
 - (ii) the name and/or telephone number of the hackney carriage company,
 - (iii) the words "FOR HIRE", or

(iv) any combination of the above.

The roof sign and lettering shall be of an appropriate size to enable it to be clearly identifiable to the public.

- 2.8.2 The mounted roof sign or built-in roof sign must be switched off when the vehicle has been hired and illuminated when available for hire.
- 2.8.3 An internal “FOR HIRE” sign may be fitted in licensed hackney carriages but must comply with the requirements of 2.8.2 with respect to illumination.

Private hire vehicles

- 2.8.4 A private hire vehicle must not carry a roof sign of any description, mounted or built-in, or any markings that may give the impression that it is a hackney carriage.

2.8.5 Internal “FOR HIRE” signs are not permitted in any private hire vehicles.

- 2.8.6 A private hire vehicle must display Council-approved signage on both front doors of the vehicle stating that the vehicle is only able to undertake pre-booked journeys. Any private hire vehicle not meeting the requirements of this section will be automatically suspended until such time as the requirements are met and the suspension has been removed by a licensing officer.

2.9 Livery

- 2.9.1 The Council believes that the requirements of this policy ensure that hackney carriages and private hire vehicles are easily distinguishable and that there is no current requirement for specific vehicle livery
- 2.9.2 However, the Council will keep the issue of livery under review and if it believes that livery would be of benefit to the public, either in terms of specific vehicle colours and/or a Council logo, then a public consultation will be undertaken prior to any livery being introduced.

2.10 Licence plates

- 2.10.1 For the avoidance of doubt a licenced vehicle is always a licenced vehicle including when being used for private purposes. At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, unless an exception has been granted under subsection 2.10.4, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle. Plates attached by magnets must not be removed when the licenced driver is not working at any time, save for when parked overnight outside the driver’s home.
- 2.10.2 At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, the vehicle must display the internal vehicle licence plate provided by the Council, securely fixed to the upper left of the windscreen (passenger side).
- 2.10.3 The licence plates must be clearly identifiable and legible to the public at all times.
- 2.10.4 Exemption to the requirements of subsection 2.10.1 may be given to private hire vehicles used for executive hire, corporate contracts, school contracts or work of a similar nature. In order to qualify for exemption:
- (i) a written letter of exemption issued by the Council must be carried in the vehicle at all times,
 - (ii) the licence plate must be carried in the vehicle at all times,

- (iii) a 'tax disc' style exemption disc issued by the Council must be displayed on the front windscreen of the vehicle, and
 - (iv) the vehicle must be undertaking the nature of work for which the exemption was granted.
- If any of these four criteria are not met, subsection 2.10.1 will apply.

For the avoidance of doubt, vehicles that are used for a combination of 'exempt' work and normal private hire work will be required to display external licence plates at all times when the exemption does not apply.

2.11 Advertising

- 2.11.1 No more than five (5) external advertisements shall be permitted on hackney carriages or private hire vehicles. External advertisements shall be confined to the door panels or the rear of the vehicle.
- 2.11.2 Any advertisement on the front door panels or rear of the vehicle must be restricted to the name, logo or insignia, telephone number, **social media** or other contact details of the owner or operator of the vehicle. No other advertisement is permitted on the front door panels or rear of the vehicle.
- 2.11.3 **No advertising of any other business is permitted on the exterior of the vehicle.**
- 2.11.4 No advertisement shall obliterate, obscure or be confused with the vehicle's Licence Plate.
- 2.11.5 Internal advertisements are permitted on the windscreen or rear window but must be:
 - (i) no more than ten (10) centimetres in height,
 - (ii) positioned so that they do not obstruct the driver's view in any way, and
 - (iii) be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle.
- 2.11.6 For the purpose of this section, the display of 'no smoking' signage as required by legislation or signage indicating that the vehicle is able to convey passengers in wheelchairs (provided that the vehicle has been manufactured or properly adapted for that purpose) is not considered to be advertising.
- 2.11.7 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community.
- 2.11.8 The owner of any vehicle displaying an advertisement that does not conform to this section of the Policy will be required to remove the offending advertisement. Until such time as the offending advertisement has been removed, the vehicle licence will be suspended.
- 2.11.9 Any advertising or signage on a private hire vehicle must not include the words "taxi", "cab", "hackney carriage" or "for hire", **save for the word "taxi" being part of the company name.**

2.12 Seating in Multi-Passenger Vehicles

- 2.12.1 The Council will licence vehicles for seating arrangements of up to eight (8) passengers where all licensing requirements are satisfied.
- 2.12.2 **All vehicles licensed to carry in excess of four (4) passengers will only be licensed in accordance with the Original Manufacturer's Specification; however, if the Council's licensing officer deems the layout unsuitable for the conveyance of passengers a decision will be made by the licensing**

manager in accordance with the process in Appendix G. It should not be assumed that permission will automatically be granted.

2.13 Doors

- 2.13.1 All licensed hackney carriages or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.
- 2.13.2 All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

2.14 Tyres

- 2.14.1 The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 2.14.2 Run-flat tyres and 'space-saver' tyres are acceptable on licensed vehicles provided they conform to the Original Manufacturers' Specification.
- 2.14.3 If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.
- 2.14.4 Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

2.15 Drivers' Vehicle Mirrors

- 2.15.1 External rear view mirrors must be fitted to both sides of all licensed vehicles.
- 2.15.2 All licensed vehicles must have an internal rear view mirror appropriately fitted in accordance with appropriate legislation and/or manufacturers' specification.

2.16 Passenger Comfort

- 2.16.1 There must be sufficient space between the seat cushions and the lowest part of the roof, and the front and back seats, to safely accommodate the driver and passengers in reasonable comfort.

2.17 Seats

- 2.17.1 Passenger seats must allow a reasonable width per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle.
- 2.17.2 Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one (1) passenger only.
- 2.17.3 Smaller seats in the rear of multi-passenger vehicles will ordinarily be deemed not suitable for carrying passengers.

2.18 Seat Belts

- 2.18.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.
- 2.18.2 In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.
- 2.18.3 No operator or drivers are to supply children's car seats for the use of any passengers. Should the parent/guardian of the child wish for a child to be seated in a car seat, the parent/guardian must:
- supply the seat
 - secure the seat
 - remove the seat at the end of the journey.
- Under no circumstance is the driver to assist in the fitting of the seat or securing of the child.

NOTE: Previous section 2.19 – Fire Extinguishers has been removed

2.19 National Flags

- 2.19.1 On the occasion of major sporting or non-sporting events (for example, a world cup, coronation, royal wedding, etc.) a maximum of two (2) national flags may be flown on a licensed vehicle. The flags must be of a size and manufacture that will not obstruct the driver's view in anyway, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor's own risk.

2.20 Ventilation

- 2.20.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing not less than one (1) window on either side of the vehicle in both the front and rear passenger compartments.
- 2.20.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.
- 2.20.3 In adverse weather conditions, for example rain, the driver is entitled to refuse to open windows in order to protect the interior of the vehicle provided suitable air conditioning is in operation.

2.21 Luggage

- 2.21.1 Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.
- 2.21.2 In order for a vehicle to be licensed, there must be sufficient boot space to:
- (i) carry luggage for the numbers of persons the vehicle is licensed to carry; and
 - (ii) carry a foldable wheelchair
- 2.21.3 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover to prevent luggage from entering the rear passenger compartments.

2.22 Maintenance and Condition of the Vehicle

- 2.22.1 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
- (i) be free of large and/or sharp-edged dents,
 - (ii) be free of visible rust,
 - (iii) be free of unrepaired accident damage,
 - (iv) have uniform paintwork equivalent to that applied by the manufacturer, and
 - (v) be maintained in an acceptable state of cleanliness.
- 2.22.2 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:
- (i) be free of all stains to the upholstery,
 - (ii) be free of all splits and tears to the seats,
 - (iii) be maintained in an acceptable state of cleanliness, and
 - (iv) provide seats functioning in accordance with the Original Manufacturers' Specification.
- 2.22.3 For the avoidance of doubt, any vehicle that would not pass a Certificate of Compliance inspection or a MOT must not be used until such time as the requirements of the Certificate of Compliance and MOT testing can be met.

2.23 Modifications

- 2.23.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without compliance with road traffic legislation, section 2.7 of this Policy, insurance requirements, and written approval for the change(s) from the Council.

2.24 Dual Plating

- 2.24.1 The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another licensing authority.

2.25 Communications Devices

- 2.25.1 All two-way radio equipment must be of a type currently approved by, and must be fitted securely in accordance with guidelines published by, the Radio Communications Agency.
- 2.25.2 The use of radio scanning devices is prohibited and such devices must not be fitted or carried in the vehicle.

Personal Digital Assistants (PDA), or similar

- 2.25.3 The use of a PDA or smart phone communication/mapping devices is permitted however they must be fitted where all passengers have an unobstructed view but must not be in a position to distract the driver.
- 2.25.4 Should the PDA/or smart phone display a fare this must be calibrated in accordance with the approved Council fare tariff and match the display on the fitted meter at all times.
- 2.25.5 For private hire vehicles the pre-agreed fare should be displayed on the PDA/smart phone device. Should the private hire vehicle be fitted with a meter, and the customer requests that the journey is made using the meter, the driver must remove the previously agreed fare displayed on the PDA/smart phone and comply with section 2.25.4 above.

2.26 Meters

Hackney carriages

- 2.26.1 An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

OPTION ONE

- 2.26.2 By 1 April 2021, all licensed hackney carriage must comply with the following requirements:

*An approved **calendar** taximeter must be fitted in all hackney carriages and:*

- (i) must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure,*
- (ii) must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation,*
- (iii) must not be capable of being manually overridden to ensure that the correct tariff is charged based on the actual date and time of the journey, and*
- (iv) must be set at the correct date and time at all times throughout the period of the vehicle licence.*

The taximeter must be connected to a receipt printer which can print details of the journey including date, journey times, distance and fare charged. A printed receipt must be given at the conclusion of every journey including details of the driver and licence plate number of the vehicle used.

OR

OPTION TWO

- 2.26.2 The Council recognises the impact of creating unnecessary paper waste and recognises that digital smart technology is widely available offering a receipt facility. The Council also acknowledges the use of such technology is beneficial to passengers, drivers and operators alike.
- 2.26.3 By the 1 April 2022 all licensed hackney carriages must be fitted with a credit or debit card reader to enable passengers the option to pay by credit or debit card. The card reader/device must be capable of providing the option to the passenger to supply an email address or alternative communication for a receipt or capable of printing a receipt. All passengers should be provided with a receipt unless they advise the driver that they do not require one.
- 2.26.4 Should a passenger wish to pay by cash the driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date, driver number, journey detail and fare. All receipts must be produced on carbon paper. The driver is to retain all receipts given and produce to a licencing officer upon request. Failure to produce a receipt upon request could see the driver liable to enforcement action being taken.

OR

OPTION THREE

- 2.26.2 The Council recognises the impact of creating unnecessary paper waste and recognises that digital smart technology is widely available offering a receipt facility. The Council also acknowledges the use of such technology is beneficial to passengers, drivers and operators alike.
- 2.26.3 By the 1 April 2022 all licensed hackney carriages and private hire vehicles must be fitted with a credit or debit card reader to enable passengers the option to pay by credit or debit card. The card reader/device must be capable of providing the option to the passenger to supply an email address or alternative communication for a receipt or capable of printing a receipt. All passengers should be provided with a receipt unless they advise the driver that they do not require one.
- 2.26.4 Should a passenger wish to pay by cash the driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date, driver number, journey detail and fare. All receipts must be produced on carbon paper. The driver is to retain all receipts given and produce to a licencing officer upon request. Failure to produce a receipt upon request could see the driver liable to enforcement action being taken.
- 2.26.5 The taximeter shall be positioned so that the display on the face of the meter may clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.
- 2.26.6 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- 2.26.7 An official copy of the Council's fare tariff must be securely attached and displayed on the dash board in front of the passenger seat at all times. The fare tariff document will be emailed to individual hackney carriage drivers when a grant or renewal of a plate is completed. It is the driver's responsibility to ensure the tariff is printed and to ensure that it is visible to passengers.
- 2.26.8 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of hackney carriages. **For the avoidance of doubt, the taximeter should not be started until the passenger is in the vehicle ready to commence the journey.**
- 2.26.9 In the event of such a journey commencing in but ending outside the District, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.
- 2.26.10 On occasions, a journey will commence during one tariff period and end within another tariff period. **For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.**
- Private Hire
- 2.26.11 Private hire vehicles are not required to be fitted with a taximeter however where a taximeter or other device for recording fares is fitted, it must be of a type approved by the Council.

- 2.26.12 Private hire operators must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed. If the operator intends to use the taximeter to calculate the fare, they must seek agreement from the passenger(s) at the time of accepting the booking, including the agreed point at which the meter would be engaged.

2.27 Trailers

- 2.27.1 Trailers may only be used with the prior approval of the Council and then subject to the following requirements:
- (i) the driver's DVLA driving licence must cover the categories that allow the towing of trailers,
 - (ii) the trailer must at all times comply with all requirements of road traffic legislation and the current Road Vehicles (Construction and Use) Regulations,
 - (iii) the vehicle insurance must include cover for towing a trailer,
 - (iv) trailers must not be left unattended anywhere on the highway,
 - (v) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
 - (vi) trailers must display an identical licence plate to the licensed vehicle,
 - (vii) trailers cannot be used on a hackney carriage rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

2.28 Disability Access

- 2.28.1 In the case of all licensed vehicles which are built or adapted for disabled passengers, the design of the vehicle should ordinarily ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side it is aware that rear-loading vehicles better suit certain types of motorised wheelchair, therefore each vehicle will be assessed on its own merits.
- 2.28.2 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- (i) access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,
 - (ii) internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
 - (iii) a suitable restraint must be available for the occupant of a wheelchair.
 - (iv) access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
 - (v) ramps and lifts must be securely stored in the vehicle before it may move off,
 - (vi) access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.
- 2.28.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307).
- 2.28.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to safely load and convey wheelchair bound passengers.
- 2.28.5 At any time when a wheelchair accessible vehicle is unable to carry passengers in a wheelchair or with other disabilities, either due to a mechanical fault or driver incapacity, the vehicle will automatically be suspended and should not be used to carry passengers until full wheelchair and other disability access is available.

2.29 Vehicles Powered by Liquid Petroleum Gas (LPG)

- 2.29.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice.
- 2.29.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that a reasonable amount of space shall remain free for the stowage of passenger luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

2.30 Tinted Windows

- 2.30.1 The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.
- 2.30.2 The rear windscreen of any vehicle shall not have been treated so that less than 75% of light is transmitted through it, nor the rear passenger compartment side windows of any vehicle so that less than 70% of light is transmitted through them, unless the following criteria can be met:
- (i) the vehicle is licensed as private hire vehicle only,
 - (ii) the vehicle is a stretched limousine vehicle,
 - (iii) the vehicle will not be engaged at any time for the carriage of school children,
 - (iv) the private hire operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.
- This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

2.31 Insurance

- 2.31.1 There shall be a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1972, throughout the duration of the vehicle licence including appropriate cover for hackney carriage or private hire (as applicable).
- 2.31.2 Certificates of Insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by the Council. Failure to comply with this requirement will preclude a licence from being issued.
- 2.31.3 Where a cover note is provided as part of a licence application, a full Certificate of Insurance must be provided prior to the expiry of the cover note.
- 2.31.4 The registered owner of the licensed vehicle shall ensure that it is adequately insured to the satisfaction of the Council and all relevant legislation at all times that it is available for the carrying of passengers. In the absence of appropriate insurance, the licensed vehicle cannot be used for the carrying of passengers.
- 2.31.5 As case law has established that a vehicle licensed as a hackney carriage or private hire vehicle remains a licensed vehicle at all times until the licence expires or is surrendered, only appropriately licensed hackney carriage or private hire drivers may drive the vehicle. The Council will not, therefore, accept any Certificate of Insurance that includes persons that do not hold a valid hackney carriage or private hire driver licence (as appropriate) for the vehicle.

2.32 Change of Ownership

- 2.32.1 Any change to the person(s) or company named on a vehicle licence must be notified to the Council within fourteen (14) days of such change.
- 2.32.2 When the holder of a vehicle licence wishes to transfer the licence to another person they must notify the Council, in writing, using the prescribed application form and paying the appropriate fee before such change takes place. Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

2.33 Inspection

- 2.33.1 All hackney carriage and private hire vehicles must be available for inspection, at any location within the District, at all times when requested by an Authorised Officer of the Council or a Police Officer.
- 2.33.2 All vehicle documentation must be produced within twenty four (24) hours, or such other time as specified, when requested by an Authorised Officer of the Council or a Police Officer.

2.34 Unauthorised Use

- 2.34.1 The proprietor of a hackney carriage or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current hackney carriage or private hire driver licence issued by the Council.
- 2.34.2 For the avoidance of doubt, case law has established that once licensed as a hackney carriage or private hire vehicle, the vehicle remains a licensed vehicle at all times until the licence expires, is surrendered, is suspended or is revoked. Even if a licensed vehicle is being used for private purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a licence plate, complying with all requirements of this Policy and being driven by a licensed driver.

2.35 Intended Use (hackney carriages only)

- 2.35.1 One of the Council's licensing policy objectives is public safety and licensing authorities' enforcement powers are generally restricted to their own districts/boroughs. It therefore follows that it would not ordinarily be in the public interest to grant a licence for a hackney carriage that intended to operate predominately or wholly outside of North Hertfordshire. Whilst a North Hertfordshire licensed hackney carriage would not be able to ply for hire or park on ranks in other districts/boroughs, it could operate by means of pre-bookings or by accepting work from a private hire operator.
- 2.35.2 In order to ensure that the Council retains local control over the hackney carriages it licenses, applicants will be asked as part of the application process which town they intend to predominately operate from, without prejudice to their ability to operate anywhere within North Hertfordshire. It will be incumbent on the applicant to demonstrate to the Council's satisfaction that they intend to ply for hire to a material extent within North Hertfordshire.
- 2.35.3 Ordinarily, applicants who do not intend that the hackney carriage will be used to a material extent to ply for hire within North Hertfordshire will not be granted a vehicle licence.
- 2.35.4 In circumstances where the applicant intends to ply for hire to a material extent within North Hertfordshire but intends to undertake significant work outside of the district, the application will be ordinarily refused.

- 2.35.5 This section of the Policy is not intended to be a restraint of trade, indeed applicants may make applications to any local authority in whose district/borough they intend to ply for hire, its intention is to retain local control and protect the public. That said, each application will be determined on its own merits however the Council would only expect licences to be granted for vehicles operating significantly or predominately outside of North Hertfordshire under exceptional circumstances.

2.36 Accident Reporting

OPTION ONE

- 2.36.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:
- i) the safety, performance or appearance of the vehicle, or
 - ii) the comfort or convenience of the passengers,
- must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.
- 2.36.2 The Council encourages the reporting of all accidents at the earliest opportunity.

OR

OPTION TWO

- 2.36.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:
- i) the safety, performance or appearance of the vehicle, or
 - ii) the comfort or convenience of the passengers,
- must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.
- 2.36.2 To ensure public safety, the Council requires all accidents to be reported to them as soon as reasonably practicable, and in any case, within forty eight(48) hours of the accident.

OR

OPTION THREE

- 2.36.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:
- i) the safety, performance or appearance of the vehicle, or
 - ii) the comfort or convenience of the passengers,
- must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.
- 2.36.2 To ensure public safety, the Council requires all accidents to be reported to them as soon as reasonably practicable, and in any case, within twenty-four (24) hours of the accident.

- 2.36.3 In the case of an accident occurring on a Council non- working day an email is to be sent to licensing@north-herts.gov.uk which will be considered as reporting the accident within the required time period.

- 2.36.4 Following an accident or damage to a licensed vehicle, if it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected immediately by a Council licensing officer to determine its fitness for continued use. If the Council's licensing officer determines that the vehicle is fit for continued use, a time-scale for any cosmetic repairs will be determined by the inspecting officer.
- 2.36.5 The Council may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the Council's testing requirements.

Temporary Vehicles

- 2.36.6 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:
- (i) the damage to, or defect in, the vehicle has been reported to the Council within **the required time frame**.
 - (ii) an application is made in the prescribed manner for a temporary vehicle licence,
 - (iii) the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes,
 - (iv) **the vehicle licence plate is returned to the Council Offices**
- 2.36.7 A temporary replacement vehicle will not be permitted for a licensed vehicle off the road for non-mechanical reasons i.e. cosmetic damage.
- 2.36.8 A temporary replacement vehicle will be licensed for a maximum period of one (1) month or the time needed for the repair of the vehicle, whichever is shorter.
- 2.36.9 In exceptional circumstances, a further maximum one (1) month temporary replacement vehicle will be licensed when repairs have not been completed in accordance with section 2.36.8. Upon the expiry of any additional temporary replacement vehicle under this section, no further extension will be permitted.
- 2.36.10 Once the original vehicle has been repaired it must be inspected by a Council licensing officer prior to it being used as a licensed vehicle to ensure it meets the Council's testing requirements. The original licence plate will only be returned once a Council licensing officer has approved the use of the vehicle and the temporary replacement vehicle licence plate has been returned to the Council.

2.37 Security/CCTV

- 2.37.1 The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance and CCTV cameras can be a valuable deterrent. That said, mandatory CCTV is not a requirement as the Council considers this a matter best left to the judgement of the owners and drivers themselves. If CCTV is installed in a vehicle, it will be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner.

2.38 Protective Screens

- 2.38.1 For reasons of driver personal safety, or during national emergency circumstances such as a public health pandemic, the use of protective screens between the driver and passengers may be

permissible subject to Council approval.

2.38.2 The principles of the specification for a protective screen are:

- **Screen fixings**
It is important that the screens are professionally installed by specialist fitters to ensure passenger safety. The best type of fitting is mounting the screen onto a frame attached to the vehicle 'B post'. Each screen needs to be assessed against suitability for the specific vehicle type so as not to prevent the successful operation of any side air bags.
A certificate of fitting would be required from the fitting company.
- **Air-conditioning**
The fitting of a protective screen is no reason for the air conditioning system not to be used. This doesn't preclude the ability for passengers to be able to open the vehicle windows to ensure adequate ventilation and fresh air circulation.
- **Insurer approval**
Proof would be needed from the car insurance provider that the screen is acceptable under the current certificate of insurance.
- **Number of passengers**
The number of passengers that the vehicle is licensed for is a maximum number based on the seating availability. If a screen is fitted and no passengers are allowed to travel in the front seat, the maximum number of passengers would automatically be reduced by the unavailable seating without the need to issue a new plate. For example, a normal saloon vehicle licensed for 4 passengers would automatically be reduced to 3 passengers if the front seat was not available, 4 passengers would not be permitted to travel in the rear.
- **Payment facility**
The screen should allow provision for payments to be made either by card or cash.
- **Regular cleaning**
Drivers should clean the protective screen regularly to maintain the high standards of vehicle cleanliness required by this Policy.

Additional requirements for national pandemics such as coronavirus

If the virus is not an airborne virus and is transmitted via droplets projected by a cough or sneeze onto a hard surface or a person then:

- (i) the screen does not need to be airtight; and
- (ii) there appears to be no reason why the air conditioning system shouldn't be used.
During a pandemic it is more important than normal that passengers should be able to open the vehicle windows to ensure adequate ventilation and fresh air circulation.

Ideally cash transactions should be avoided during a pandemic and contactless card payments are the preferred payment method.

In order to ensure effectiveness of a protective screen, drivers should clean the passenger compartment, screen and door handles after every journey.

2.38.3 Each application will be considered on its own merits against the criteria in section 2.38.2 above.

2.38.4 Until written approval has been received from the Council, a protective screen must not be used in a licensed vehicle.

2.38.5 Once written approval has been given, no modification can be made to the protective screen without further written approval by the Council.

2.39 Stretched Limousines

- 2.39.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.
- 2.39.2 For the purposes of this Policy, a stretch limousine is defined as follows:
"A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;
(i) is capable of carrying up to but not exceeding 8 passengers;
(ii) save for this Policy could not currently be licensed by the Council as a private hire vehicle;
and
(iii) is not a decommissioned military or emergency service vehicle."
- 2.39.3 Any stretched limousines capable of carrying eight (8) passengers or less which are offered for private hire do require a licence from the Council. In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits. Any stretched limousine capable of carrying more than eight (8) passengers requires licensing by the Traffic Commissioners as a public service vehicle.
- 2.39.4 Any stretched limousine approved for licensing as a private hire vehicle will be subject to specification set out in **Appendix E**, which will be attached as conditions to all limousines licensed as a private hire vehicle.
- 2.39.5 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the booking includes "free alcohol", the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

2.40 Funeral and Wedding Vehicles

- 2.40.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.
- 2.40.2 A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered to be licensable activity.

2.41 Courtesy Cars

- 2.41.1 The Council takes the view that vehicles, which are used as "courtesy cars", i.e. for transporting customers to and from garages, airports, hotels and night-clubs, without charge but with an obvious business benefit, are likely to need to be licensed under the private hire licensing scheme. Whilst there may not be a separate charge for using the vehicles, they are being supplied with a driver for a specific purpose which is likely to result in a 'business benefit', for example a customer using that particular business as opposed to one that doesn't offer the same transport service.

2.42 Ambulances and Other Patient Transport

- 2.42.1 All ambulances meeting the following requirements will be exempt from private hire vehicle licensing:

“vehicles constructed to original manufacturer’s specification and equipped and used for the carriage of sick, injured or disabled people with a permanent rear compartment and means of conveying passengers in a recumbent position together with an attendant seat for use by accompanying medical professionals, readily identifiable as a vehicle used for the carriage of such people by being marked “Ambulance” on both sides.”

- 2.42.2 Other patient transport services provided by either Primary Care Trusts or voluntary organisations are likely to require licensing as private hire vehicles.

2.43 Voluntary Sector Transport

- 2.43.1 The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.
- 2.43.2 The Council is of the view that licensing requirements apply where it can be proven that the business obtains a benefit or are using drivers whose services go beyond that of mere social kindness. In all such circumstances, the business and/or driver will be contacted by the Council to consider the specific circumstances of the service provided.

2.44 Miscellaneous

- 2.44.1 The proprietor of a hackney carriage or private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.
- 2.44.2 Nothing in this Policy shall be interpreted as overriding the provisions of:
- (i) the Town Police Clauses Act 1847, as amended,
 - (ii) the Local Government (Miscellaneous Provisions) Act 1976, as amended,
 - (iii) or any other relevant legislation.

PART 3 - DRIVERS

3.1 Licences

- 3.1.1 The statutory and practical criteria and qualifications for a private hire driver are broadly identical to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers unless otherwise stated.
- 3.1.2 The Council requires that separate driver licences be ordinarily held in respect of hackney carriage and private hire vehicles. The Council will offer drivers of either discipline the other type of driver licence (known as a ‘dual licence’) for an administrative cost only, providing all licensing requirements are satisfied.

3.2 Age and Experience

- 3.2.1 A licence will not be granted to anyone who has not held a full driving licence, issued in accordance with the Road Traffic Act 1972 (as amended), for a period of at least twelve (12) months immediately prior to the application.

- 3.2.2 An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a full UK driving licence within twelve (12) months of the issue of the hackney carriage or private hire driver licence. Where this requirement is not satisfied, the hackney carriage or private hire driver licence will be automatically suspended pending compliance. This policy requirement is to ensure appropriate regulation of any penalty points issued by the courts in relation to road traffic offences. The Council consider this to be an integral part of the 'fit and proper person' test.

3.3 Driver Knowledge Tests

- 3.3.1 Hackney carriage drivers clearly need a good working knowledge of the District for which they are licensed, because hackney carriages can be hired immediately, directly with the driver at ranks or on the street. In order to determine fitness to hold a licence, applicants for a hackney carriage driver's licence are required to undertake a computerised knowledge test based on local geography, in addition to any other requirements the Council may prescribe from time to time. In addition, applicants are required to take a short verbal test of their knowledge in relation to customer care, the Council's Licensing Policy and basic numeracy.
- 3.3.2 The Council recognises that private hire drivers also require a working knowledge of the district as a whole; however as private hire vehicles must be pre-booked, the Council acknowledges that the same instant knowledge is not required as there would be an opportunity to research the required route. Accordingly, there is no requirement for an applicant for a private hire driver licence to undertake a computerised knowledge test. The applicant will, however, be required to undertake a short verbal test in relation to customer care, the Council's Licensing Policy and basic numeracy.
- 3.3.3 A knowledge test pass is only valid for a period of six (6) months. If a driver licence has not been granted within a period of six (6) months following the successful knowledge test, a further knowledge test pass will be required prior to a licence being granted.
- 3.3.4 Further details of the respective tests are set out in Part 5 of this Policy.

3.4 Driving Proficiency and Qualifications

- 3.4.1 The Council believes that as a profession, hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare paying passengers. Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire, the Council would encourage drivers to do so.
- 3.4.3 If the Licensing Manager, when considering enforcement action related to driving standards, decides that a licence holder's driving standard calls into question their ability to remain a licensed driver, they may require the driver to pass a suitable driving assessment.

3.5 Medical Examination

- 3.5.1 In order to promote the Council's public safety licensing objective, it will be a requirement to produce a medical assessment from a registered medical practitioner confirming the applicant/licence holder's fitness to drive if:
- (i) The applicant is a new driver; or
 - (ii) The licence holder is over seventy years of age; or
 - (iii) The applicant/licence holder has a health condition that may impact upon their ability to drive a hackney carriage or private hire vehicle

Applicants may still apply for a three year licence, however, must produce further medical certification annually or at a shorter period where recommended by the medical practitioner.

- 3.5.2 The medical assessment required by this section must:
- (i) be completed on the Council's prescribed medical form (available on the Council website),
 - (ii) be completed by the applicant's GP, a member of the applicant's GP's surgery, or a GP having access to the applicant's full medical history,
 - (iii) less than six (6) month's old at the licence start date,
 - (iv) contain an assessment of fitness to drive based on the DVLA Group 2 Medical Standards for Vocational Drivers.
- 3.5.3 If required to obtain a medical certificate, the applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the confidential assessment must be submitted to the Council accompanied by any relevant supporting documentation.
- 3.5.4 Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of a current medical assessment, will not be required to undergo a further medical examination provided the requirements of subsection 3.5.2 are met.
- 3.5.5 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonably practicable however this list is not exhaustive:
- (i) any heart-related condition
 - (ii) any eyesight related condition
 - (iii) diabetes (Type 1 or Type 2)
 - (iv) epilepsy
 - (v) sudden attacks of giddiness or fainting
 - (vi) conditions causing excessive daytime sleepiness such as sleep apnoea
 - (vii) alcohol or drug dependency
 - (viii) mental or psychological disorders
 - (ix) any national or worldwide virus that impacts on public safety i.e. coronavirus
 - (x) any other condition that may affect the ability to drive
- Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical assessment by a Doctor appointed by the Council, at the applicant's own expense.

3.6 Medical Exemption Certificates

- 3.6.1 Carriage of wheelchairs: medical exemption certificates
Given that the main reasons for a hackney carriage or private hire vehicle driver to request a medical exemption are likely to be back or muscle-related injuries, which are not likely to be conducive to driving for long periods, the Council expect the number of drivers likely to be eligible for an exemption to be low.
- Drivers will need to provide medical evidence to support their application. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner and the Council will require evidence of the condition to be provided from them.
- 3.6.2 Carriage of assistance dogs: medical exemption certificates
The main reasons a hackney carriage or private hire vehicle driver may wish to apply for a medical exemption are:
- i) if they have a condition such as severe asthma, that is aggravated by contact with dogs;

- ii) if they are allergic to dogs; or
- iii) if they have an acute phobia to dogs.

The Council therefore expect the number of drivers likely to be eligible for an exemption to be very low.

Drivers will need to provide medical evidence to support their application. If a driver has severe asthma or a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. If a driver has a chronic phobia to dogs, the Council would expect this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

3.6.3 Suitable medical professionals: medical exemption certificates

Examples of suitable medical professionals include, but are not limited to:

- i) medical specialist / consultant;
- ii) specialist nurse (for example, an asthma nurse); or
- iii) the Council's nominated independent doctor.

In exceptional circumstances, where no other alternatives are available, the Council may consider evidence from the applicant's General Practitioner. The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.

3.7 **Disclosure & Barring Service (DBS) Disclosures**

- 3.7.1 A DBS check on a driver is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence, therefore an Enhanced Disclosure provided by the Disclosure & Barring Service is required by all applicants, whether new or renewal applications.
- 3.7.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences, therefore applicants are required to disclose all convictions, including those that would normally be regarded as spent.
- 3.7.3 Before an application for a driver licence will be considered, the applicant must provide a current (less than three months old) Enhanced DBS Disclosure; the only exception would be where an applicant has registered with the DBS for the online checking service and the Council has seen the latest DBS to which the online check refers.
- 3.7.4 The Council is an accredited Disclosure & Barring Service body therefore applicants can deal with the Disclosure & Barring Service through the Council. The applicant will be responsible for the payment of the appropriate fee.
- 3.7.5 It is a requirement that all drivers register their DBS with the DBS' online checking service and maintain registration throughout the period of their licence by paying the annual registration fee. This allows the Council to undertake periodic checks throughout the licence period, and on renewal, to ensure that the applicant/licence holder continues to meet the 'fit and proper' person test.
- 3.7.6 When performing an online check, if the Council establish that there has been a change to the DBS that has not been notified to the Council, the driver will be automatically suspended until such time as a new DBS has been obtained and registered with the online checking service.

- 3.7.7 When performing an online check, if the Council establish that the online registration has not been maintained, the driver will be automatically suspended until such time as a new DBS has been obtained and registered with the online checking service.
- 3.7.8 In the case of applicants with less than five (5) years residence in the UK, a Certificate of Good Conduct will be required from the relevant Embassy in addition to an Enhanced DBS Disclosure covering their time in the UK. All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.
- 3.7.9 The Council is bound by rules of confidentiality and will not divulge information obtained to any third party. The applicant for a DBS certificate will be sent a certificate to their home address and will need to provide the certificate to the Council who do not receive a copy. Once the Council have obtained the necessary information from a DBS certificate, no information from the DBS will be retained by the Council however periodic online checks may be made during the licence period.
- 3.8 Relevance of Convictions and Cautions**
- 3.8.1 In relation to the consideration of convictions and cautions recorded against applicants, the Council will adopt the guidelines set out in **Appendix B** of this Policy.
- 3.8.2 Appendix B does not standalone and is part of the overall consideration of 'fit and proper' defined in Appendix A.
- 3.9 Convictions during period of licence**
- 3.9.1 Where offences resulting in conviction are committed by licensed drivers in the course of their business or otherwise, it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their hackney carriage or private hire driver's licence.
- 3.9.2 **Driver's licence holders, who are convicted or cautioned for any criminal or motoring offence during the period covered by their existing licence, must disclose the conviction or caution and the penalty involved to the Council within seven (7) days of the conviction.** In the case of a deferred sentence, the penalty must be disclosed to the Council within seven (7) days of sentencing. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction. Any breach of this subsection will become the subject of disciplinary action by the licensing manager in accordance with Appendix G.
- 3.9.3 The Council will conduct periodic checks of individual DBS records at any time during the licence period using the online checking service. Should any new information be discovered that has not been notified to the Council, the individual driver may face disciplinary action by the licensing manager in accordance with Appendix G.
- 3.10 Safeguarding Training**
- 3.10.1 The Council acknowledges the importance of safeguarding training for all licensed drivers regarding vulnerable adults and children as they are in a position to witness potential victims of abuse or exploitation.
- 3.10.2 As from 1 August 2019, it is mandatory requirement for every licenced hackney carriage/private hire/dual driver to attend the safeguarding awareness training delivered by Council licensing officers.

- 3.10.3 Safeguarding training dates will be published on the Council website.
- 3.10.4 All drivers are required to attend the mandatory training as part of every licence grant or renewal.
- 3.10.5 Failure to attend safeguarding training will preclude a licence being granted or renewed until such time as the training requirement has been fulfilled.
- 3.10.6 All drivers, new or existing, are permitted to attend the mandatory safeguarding training up to three (3) months prior to the grant or renewal of a licence.

3.11 Right to Work

- 3.11.1 All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

3.12 Conditions of Licence

- 3.12.1 The Council is not permitted to attach conditions to a hackney carriage driver's licence however it is empowered to attach such conditions to a private hire driver's licence as are considered necessary.
- 3.12.2 For consistency, conditions will not be attached to driver licences however the Council consider continued compliance with this Policy as an essential requirement of the 'fit and proper' person test defined in Appendix A. Failure to comply with all policy requirements is likely to result in enforcement action in accordance with Part 6 of this Policy.

3.13 Driver Code of Conduct

- 3.13.1 Adopting a Driver Code of Conduct for hackney carriage and private hire licence holders serves to promote the Council's licensing objectives in respect of the hackney carriage and private hire trades; the standards expected of licence holders are detailed in **Appendix C**. This Code of Conduct is an integral part of the 'fit and proper' assessment.

3.14 DVLA Licence Checking

- 3.14.1 In order to ensure that the Council have a driver's complete driving history, thus enabling a fully informed decision to be made in respect of an application, the Council may check the DVLA database for all new and renewal driver applications. The application form includes a section where the applicant signs to give their consent for this check, the cost of which is borne by the applicant.
- 3.14.2 Any anomalies between the DVLA record and the applicant's driving licence will be brought to the attention of the DVLA and the Police.

PART 4 - PRIVATE HIRE OPERATORS

4.1 Requirements and Obligations

- 4.1.1 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator Licence. A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator licence.

Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

- 4.1.2 A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver licence. All three licences, private hire operator, private hire vehicle and private hire driver, must be issued by the same licensing authority.
- 4.1.3 It is for the Council to decide whether the applicant is a 'fit and proper person' to hold a private hire operator licence.

4.2 Disclosure & Barring Service (DBS) Disclosures

- 4.2.1 Private hire operators cannot be required to produce an Enhanced DBS disclosure therefore a Basic Disclosure from the Disclosure & Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the policy objectives. A reference covering the applicant's financial record and/or business history may also be considered appropriate in addition to these requirements in some instances.
- 4.2.2 Before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current hackney carriage or private hire driver licence with the Council will be exempt from this requirement.

Private Hire Management and Staff

- 4.2.3 The Council is aware that all persons involved in the management and staffing of private hire operator businesses have access to sensitive information that may impact on public safety. Unless the business is able to demonstrate to the Council that they have already undertaken appropriate DBS checks on their management and staff, the following sections will apply upon grant and renewal of private hire operator licences.
- 4.2.4 All private hire operators will be subject to a basic DBS disclosure unless they are already registered with the DBS online checking service as a driver. In the case of a company being the licence holder, all directors of the company will be required to provide a basic DBS disclosure.
- 4.2.5 Any person involved in the operation of a private hire business with access to sensitive information, for example office managers and call handlers, will be required to provide the Council with a basic DBS disclosure.

4.3 Conditions

- 4.3.1 The Council has power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The following condition will be attached to all private hire operator licences issued by the Council:

"This licence is granted subject to compliance with the requirements of Part 4 of the Council's Hackney Carriage and Private Hire Licensing Policy throughout the duration of the licence period."

4.4 Public Liability Insurance

- 4.4.1 It is considered appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public. Before an application for a

private hire operator licence is granted, the applicant must either produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed or sign a declaration that their premises is not open to the public.

4.5 Licence Duration

- 4.5.1 The Council will ordinarily issue a successful applicant for a private hire operator licence with a five-year licence from the date of grant, subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances.
- 4.5.2 Where a licence is granted part way through a month, that month will be included within the five-year period as though it had been a full month.

4.6 Address from which an Operator may Operate

- 4.6.1 Upon the grant of a private hire operator licence, the Council will specify on the licence the address from which the operator may accept bookings and despatch vehicles. This address will ordinarily be the address stated on the application form.
- 4.6.2 The operator must notify the Council in writing of any proposed change of address during the period of the licence in order that the Council can consider its suitability. The operator may not change operating address until such time as the change has been approved in writing by the Council. The operator must also provide proof of public liability insurance for the new premises, or sign a declaration that their new premises is not open to the public prior to the change being approved.

4.7 Operating Bases outside the District of North Hertfordshire

- 4.7.1 The Council will not grant a private hire operator licence for an operating base that is outside the District of North Hertfordshire District Council. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade as the operator may apply to the local authority responsible for the location of the proposed operating base.

4.8 Operating Bases inside the District of North Hertfordshire

- 4.8.1 A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the District of North Hertfordshire District Council. Accordingly, all vehicles and drivers operating from that base will require appropriate licences issued by the Council. This is to ensure that proper regulation and enforcement measures may be taken by the Council and that all vehicles operating with North Hertfordshire meet the Council's policy objectives.

4.9 Right to Work

- 4.9.1 All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

4.10 Gaming Machines

- 4.10.1 Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal

offence under the Gambling Act 2005 and may give rise to doubts regarding the operator's suitability to hold a licence.

4.11 Sub-contracting of Private Hire Bookings

- 4.11.1 Legislation now allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, whether in the same district or not. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.
- 4.11.2 All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licensed in district B. They can however sub-contract the booking to the operating base in district B using a vehicle and driver licensed in district B.
- 4.11.3 The initial booking must be taken within the area in which the operator is based and the sub-contracted booking must be taken within the area in which the sub-contracted operator is based.

4.12 Standards of Service

- 4.12.1 The operator shall:
 - (i) provide a prompt, efficient and reliable service to members of the public,
 - (ii) ensure that their office staff act in a civil and courteous manner at all times,
 - (iii) ensure that booked vehicles arrive punctually at the appointed place,
 - (iv) ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated with adequate seating facilities,
 - (v) ensure compliance with legislation regarding the length of employee working hours.

4.13 Records

- 4.13.1 Booking records shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively, or in an appropriate electronic format.
- 4.13.2 Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle accepted:
 - (i) date of the booking ,
 - (ii) name and address of the hirer,
 - (iii) time of pick-up
 - (iv) address of the point of pick-up,
 - (v) destination,
 - (vi) licence number (or other identification) of the driver allocated to the booking,
 - (vii) plate number (or other identification) of the vehicle allocated to the booking,
 - (viii) fare agreed between the operator and hirer at the time of booking.
- 4.13.3 The operator shall keep the following records of the particulars of all private hire vehicles operated by them:
 - (i) type, make, model, colour and engine size of vehicles,
 - (ii) year when the vehicle was first licensed for private hire,
 - (iii) vehicle registration numbers,
 - (iv) number of seats for passengers,
 - (v) owners of the vehicles,
 - (vi) insurance details of vehicles,
 - (vii) method of charging, i.e. whether or not a meter is fitted,
 - (viii) private hire vehicle plate number.

- 4.13.4 The operator shall keep the following records of the particulars of all drivers of private hire vehicles operated by them:
- (i) driver's name, address and call sign,
 - (ii) date employment commenced,
 - (iii) date employment ceased,
 - (iv) any change of address, including the date the address changed
 - (v) any illness, disability or condition which may affect the driver's ability to safely carry out his duties,
 - (vi) expiry date of driver licence

- 4.13.5 All records maintained by the operator shall be kept for at least twelve (12) months after entry and shall be produced for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

4.14 Complaints

- 4.14.1 The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from their business that they feel prudent to do so, for example for their own protection against frivolous or vexatious complaints or allegations of misconduct against a driver. Such notification must include the action taken, or proposed, as a result of the complaint.

4.15 Disclosure of Convictions

- 4.15.1 The operator shall, within seven (7) days of conviction, notify the Council in writing of any conviction or fixed penalty imposed on them during the period of duration of his operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty.

4.16 Private Hire Insurance

- 4.16.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by them under the operator licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

4.17 Private Hire Driver Licences

- 4.17.1 The operator shall ensure that every driver engaged by them has obtained a private hire driver licence from the same licensing authority which issued the private hire operator licence. The operator shall use their best endeavours to ensure that all drivers have a badge issued by the Council and that the drivers wear the badge at all times whilst available for hire.

4.18 Planning Consent

- 4.18.1 To operate a private hire business from home, planning permission may be required. A private hire operator licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the limited use proposed.

4.19 Safeguarding Training

- 4.19.1 The Council acknowledges the importance of safeguarding training for all private hire operators regarding vulnerable adults and children as they are in a position to witness potential victims of abuse or exploitation.

- 4.19.2 As from < date of policy adoption >, it is a mandatory requirement for all private hire operators to attend the safeguarding awareness training delivered by Council licensing officers.
- 4.19.3 If the private hire operator is an individual that has attended safeguarding training as a current licensed driver, there will be no requirement to attend as a private hire operator.
- 4.19.4 If the private hire operator is a company, any person involved in the day-to-day management of the business will be required to attend safeguarding training as part of all grants and renewals.
- 4.19.5 Safeguarding training dates will be published on the Council website.
- 4.19.6 All private hire operators are required to attend the mandatory training as part of every licence grant or renewal.
- 4.19.7 Failure to attend safeguarding training will preclude a licence being granted or renewed until such time as the training requirement has been fulfilled.
- 4.19.8 All private hire operators, new or existing, are permitted to attend the mandatory safeguarding training up to three (3) months prior to the grant or renewal of a licence.

PART 5 – APPLICATION PROCEDURE

5.1 General

- 5.1.1 This Part of the Policy is intended to give an indication of the application process relating to all application types. In line with its commitment to smarter ways of working, the Council reserve the right to make changes to the administrative process provided that the focus of the policy objectives is maintained.
- 5.1.2 Where the administrative process is amended, the licensing manager may amend this Part of the Policy in accordance with the delegation set out in subsection 12.2.1

5.2 Vehicles

- 5.2.1 An application for a vehicle licence will only be considered complete when all of the following components have been received:
 - (i) prescribed application form, fully completed
 - (ii) appropriate fee
 - (iii) V5 registration document
 - (a) which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s);
 - (b) once the V5 has been provided for the grant of a new vehicle licence, it need not be re-submitted with subsequent renewal applications unless the details of the vehicle or registered keeper change.
 - (iv) current valid insurance certificate or cover note
 - (a) the certificate must include the appropriate usage as a hackney carriage or private hire vehicle;
 - (b) the certificate must cover a minimum of one (1) calendar month from the start date of the licence;
 - (c) the certificate must not contain the name(s) of any driver not licensed with the Council;
 - (d) if a cover note is provided, a full certificate of insurance must be provided before the expiry date of the cover note.

- (v) MOT certificate (not more than two calendar months old at the start date of the licence)
- (vi) Certificate of Compliance (not more than two calendar months old at the start date of the licence)

5.3 Drivers

- 5.3.1 An application for a driver licence will only be considered complete when all of the following components have been received:
- (i) prescribed application form, fully completed
 - (ii) appropriate fee
 - (iii) a current valid full driving licence
 - (iv) enhanced Disclosure & Barring Service (DBS) disclosure, **in accordance with section 3.7 above**
 - (v) knowledge test passes (new applicants only)
 - (vi) medical certificate (new applicants or renewals where the applicant is 70yrs of age or more)
 - (vii) proof of right to work in the UK (new applicants and where applicable)
 - (viii) a passport-sized, clear and easily identifiable photograph of the applicant
 - (ix) **safeguarding training attendance in accordance with section 3.10 above**
- 5.3.2 All new applicants must obtain the appropriate knowledge test passes, **safeguarding training** and DBS disclosure prior to submitting an application and accompanying fee and documentation.

5.4 Operators

- 5.4.1 An application for an operator licence will only be considered complete when all of the following components have been received:
- (i) prescribed application form, fully completed
 - (ii) appropriate fee
 - (iii) inspection of the operating premises by a licensing officer
 - (iv) basic Disclosure & Barring Service (DBS) disclosure(s) **in accordance with section 4.2 above**
 - (v) **safeguarding training attendance in accordance with section 4.19 above**

5.5 Submitting and Collecting Documentation

- 5.5.1 Application forms, appropriate fees and all supporting documentation should be submitted at least twenty eight (28) days prior to the expiry of the previous licence. Incomplete applications may be returned to the applicant for resubmission when complete. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. It is the licence holder's sole responsibility for ensuring they make their application in accordance with this Policy.
- 5.5.2 When submitting renewal applications, applicants should be aware that it may take up to five (5) working days to process and issue a licence once all relevant information and the fee have been received. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received.
- 5.5.3 Documentation, with the exception of DBS disclosures, should ordinarily be posted to the Council at the address shown on the Council's website; original documentation will be returned to the applicant. Documentation may be left at the Customer Service Centre however it will be forwarded to the address on the Council's website and may delay the processing of the application. DBS disclosures should be delivered in person to the Council Offices.

- 5.5.4 Licence plates and licence badges can be collected from the Customer Service Centre by prior arrangement upon production of the existing plate or badge which can be displayed immediately. No plate or badge will be released until such time as the original plate or badge is returned.
- 5.5.5 Paper licences and documentation to be returned to the applicant will ordinarily be included with the plate or badge for collection from the Customer Service Centre.

5.6 New Driver Knowledge Tests

5.6.1 Hackney Carriage Drivers

In order to maintain the high standards that the Council expects of its hackney carriage drivers operating within the District, all new drivers are required to pass a knowledge test consisting of two parts, one computerised and one verbal; both parts must be passed to be considered for a hackney carriage driver licence.

5.6.2 Private Hire Drivers

In order to maintain the high standards that the Council expects of its private hire drivers operating within the District, all new drivers are required to pass a verbal knowledge test.

Computerised Test Composition

- 5.6.3 Applicants will be tested on their knowledge of North Hertfordshire and significant locations in the surrounding areas where they are likely to be required to travel to. Questions for the computerised test may include:

- i) the shortest route between locations based on the town where the applicant will predominately ply for hire;
- ii) the shortest route between prominent locations based on the District as a whole and neighbouring Districts;
- iii) the locations of prominent points of interest across the District such as hotels, surgeries, schools, etc;
- iv) the highway code;
- v) the Council's Hackney Carriage and Private Hire Licensing Policy and relevant legislation;
- vi) customer care; and
- vii) basic numeracy, including the calculation of change for a given fare.

- 5.6.4 Sixty (60) minutes is allowed for the forty (40) question computerised test and a pass must be achieved in each section as follows:

(i)	Shortest Routes (Town)	8 out of 10
(ii)	Shortest Routes (District)	3 out of 4
(iii)	Points of Interest	4 out of 5
(iv)	Highway Code	4 out of 5
(v)	Policy/Law	4 out of 5
(vi)	Customer Care	5 out of 6
(vii)	Numeracy	4 out of 5

- 5.6.5 Three (3) attempts are permitted at passing the computerised knowledge test ; each section of the computerised test need only be passed once, therefore, any re-test following a failed attempt will only consist of the sections previously failed. After three failed attempts to pass the computerised test, passes obtained in the individual sections of those three tests will not be carried forward to any subsequent re-test.

Verbal Test Composition

- 5.6.6 Fifteen (15) minutes is allowed for the fifteen (15) question verbal test and the pass mark is twelve (12) correct answers. In addition, all three (3) safeguarding questions contained within the test must be answered correctly.
- 5.6.7 In addition to scoring twelve (12) correct answers, a licensing officer must be satisfied that the applicant has sufficient communication skills for a licensed driver therefore the test may be recorded.
- 5.6.8 Driver Test Failure
Three (3) attempts to pass a knowledge test are permitted in any one twelve (12) month period commencing from the date of the first test. Additionally, after a third failure no further tests will be permitted until a period of six (6) months from the date of the third test has elapsed. A fee will be charged for each test attempt.
- 5.6.9 Booking Tests
Both computerised and verbal knowledge test are available every Wednesday, save for exceptional circumstances. All bookings must be accompanied by the appropriate test fee paid at the time of booking; a cancellation fee will be charged for non-attendance without twenty-four (24) hours prior notice.

5.7 Disclosure & Barring Service (DBS) Disclosures

- 5.7.1 No application for a hackney carriage or private hire driver licence will be considered without an enhanced DBS disclosure satisfying the requirements of this Policy.
- 5.7.2 Appointments are available every Wednesday, save for exceptional circumstances. All bookings must be accompanied by the appropriate fee paid at the time of booking; a cancellation fee will be charged for non-attendance without twenty-four (24) hours notice. In the event that not all relevant paperwork is brought to the appointment and the DBS cannot be processed, a new appointment will need to be made and a further administrative fee will be charged.
- 5.7.3 The Council requires applicants to register with the online DBS checking service. This will enable the Council to check an existing DBS annually during the term of the licence (and at any other time as appropriate) and upon each renewal, only requiring a new DBS disclosure if the existing DBS has changed.

5.8 The consideration of applications

- 5.8.1 Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied.
- 5.8.2 In order for an application to be considered as a renewal application, the fully completed application form and correct fee must be received prior to the expiry date of the previous licence. Accompanying documentation can then follow as it becomes available. Failure to comply with this requirement will ordinarily result in the applicant having to re-apply as a new applicant and meet all the requirements of this Policy in respect of new applications.
- 5.8.3 Unsuccessful applicants will be informed of the Council's reasons for the refusal and their right of appeal against the Council's decision to the Courts.

5.9 Return of licence plates and licence badges

- 5.9.1 All licence plates and licence badges remain the property of the Council and must be returned:
- (i) at the point of collection of any renewed plate or badge,
 - (ii) upon written request within seven (7) days of such a request,
 - (iii) within seven (7) days of expiry (when not renewed) or surrender,
 - (iv) immediately upon suspension or revocation,
 - (v) when a vehicle is off the road as it does not meet the Council's testing requirements, or
 - (vi) when a temporary replacement vehicle plate is issued
- 5.9.2 A licence plate and a licence badge signify the existence of a current valid licence but are not licences in their own right therefore there is no reason why a renewed licence plate or licence badge cannot be displayed from the point of receipt.
- 5.9.3 Renewed licence plates and licence badges will only be issued therefore upon the return of the existing plate or badge at the point of collection. In exceptional circumstances, where licence plates or licence badges are posted to the licence holder, the existing plate or badge must be returned within seven (7) days of receipt.

PART 6 – DISCIPLINARY AND ENFORCEMENT MEASURES

6.1 Enforcement

- 6.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade. In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.
- 6.1.2 Primarily, all enforcement action will be based upon the seriousness of the breach and the possible consequences arising from it. Enforcement action will not normally, therefore, constitute a punitive response to minor technical contraventions of legislation. Repeated minor technical contraventions, however, will be subject to appropriate action.
- 6.1.3 Enforcement action must always be consistent, proportionate and reasonable whilst ensuring that the public receive adequate protection. Determination of enforcement action may consider, but will not be limited to, the following:
- (i) seriousness of any offence(s);
 - (ii) driver's or operator's past history;
 - (iii) consequence of non-compliance;
 - (iv) likely effectiveness of the various enforcement options;
 - (v) risk to the public.
- 6.1.4 The Council will ensure that its enforcement is reasonable, transparent and proportionate and, notwithstanding this Policy, the Council will also consider the Housing and Public Protection Enforcement Policy.
- 6.1.5 The Council will consider reports of offences or breaches of this Policy from any other licensing authority or enforcement body such as the police or civil enforcement officers. Evidence from these authorities or bodies will be given appropriate weight as though the evidence was provided by a Council licensing officer.

6.2 Penalty Points Scheme

- 6.2.1 In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test, a penalty points system will be utilised as described in Appendix D. This will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement,
- 6.2.2 The adoption of the Penalty Points System will not, however, compromise the Council's ability to enforce breaches of statute or the Council's Licensing Policy in the Courts should an offence necessitate such action.

6.3 Referrals to the Licensing Manager

- 6.3.1 Whilst the day to day enforcement of hackney carriage and private hire licensing, including the issuing of penalty points, is a function carried out by licensing officers under the supervision of the licensing manager, serious disciplinary matters will be referred to the Licensing Manager. Serious disciplinary matters will include, but are not limited to:
- (i) an accumulation of twelve (12) or more penalty points as detailed in **Appendix D**;
 - (ii) refusal to carry a passenger without good reason;
 - (iii) unlawful plying for hire;
 - (iv) more than one offence of touting for business;
 - (v) insurance offences;
 - (v) overcharging; and
 - (vi) any conviction relevant to **Appendix B**.
- 6.3.2 The Licensing Manager will consider the impact of transgressions of the law, or an accumulation of penalty points, on the fitness of an individual to hold a hackney carriage or private hire licence and take appropriate action.

6.4 Appearances before the Licensing Manager

- 6.4.1 Where the Licensing Manager is considering disciplinary and/or enforcement action against an individual or company, the individual or company, **the process detailed in Appendix G will apply.**
- 6.4.2 The Licensing Manager may decide to take one or more of the following actions:
- (i) no action;
 - (ii) informal action (verbal or written warnings or penalty points);
 - (iii) require the production of driving licences or other specified documentation at the Council Offices;
 - (iv) use statutory notices (s68 stop notices, etc.);
 - (v) suspend a licence;
 - (vi) revoke a licence;
 - (vii) authorise a fixed penalty notice (where appropriate);
 - (viii) authorise a Simple Caution;
 - (ix) authorise prosecution action;
 - (x) other appropriate action as deemed necessary, including any combination of the above.
- 6.4.3 Alternative to enforcement action for first time smoking offences
To support the initiatives of NHS Hertfordshire, in addition to offering health benefits to offenders, first time smoking offenders may be offered a fixed period of time, at the Council's discretion, to attend an official 'stop smoking' course.

6.4.4 Alternative to enforcement action when there are driving standards concerns

Where concerns are raised in respect of a driver's standard of driving, the driver may be required to pass an appropriate driving standard assessment at the discretion of the Council. Failure to achieve a pass within a specified period of time will result in the suspension of the driver until such time as a pass is achieved. Where necessary for public safety, a driver may be suspended immediately until such time as a pass is achieved.

6.5 **Informal Action**

6.5.1 Informal action to secure compliance includes offering advice, verbal or written warnings, and the issuing of penalty points.

6.5.2 Informal enforcement action may be appropriate in, but not limited to, the following scenarios:

- (i) the act or omission is not serious enough to warrant formal action;
- (ii) it can reasonably be expected that informal action will achieve future compliance;
- (iii) confidence in the driver or operator is ordinarily high; or
- (iv) the consequences of non-compliance will not pose a significant risk to public safety.

6.6 **Suspension**

6.6.1 Vehicles

Hackney carriage and private hire vehicles must be kept in an efficient, safe, tidy and clean condition at all times. Compliance with the vehicle specification and conditions of this Policy is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the licence holder setting out the defect(s) and the required action.

Where there is a risk to public safety the further use of the vehicle will be suspended until the defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test at the Council's nominated testing facility, at the licence holder's expense, and meets the testing requirements of this Policy.

6.6.2 Drivers

The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period at the discretion of the Licensing Manager. Where a licence holder has been referred to the Licensing Manager because they have been convicted of a serious criminal offence, or have accumulated twelve or more penalty points under the Council's penalty points system, the Licensing Manager may order the suspension of the licence for a specified period at the discretion of the Licensing Manager.

Ordinarily, such action will only be taken where informal action is deemed inappropriate and formal legal action is not proportionate.

Ordinarily, any suspension is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the licensing manager may determine that a suspension takes immediate effect and is not held pending an appeal.

6.7 **Section 68 (Stop) Notices**

6.7.1 An Authorised Officer of the Council or a Police Officer may serve notice in writing for a hackney carriage or private hire vehicle, or the taximeter affixed to such a vehicle, to be examined at the Council's nominated testing facility at a time specified in the notice. This notice may only be served if there are concerns as to the condition of the vehicle or the accuracy of the taximeter.

6.7.2 In addition to subsection 6.6.1, the vehicle licence may be suspended until such time as the Council's testing requirements have been complied with if it is deemed necessary for public

safety. The suspension notice will remain in force until the issuing officer has issued written confirmation that the Council's testing requirements have been met.

- 6.7.3 If the issuing officer is not satisfied that appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two (2) months from date of issue, the vehicle licence will be deemed automatically revoked.

6.8 Revocation

- 6.8.1 Where a licence holder has been referred to the licensing manager because they have:
- (i) committed a criminal offence;
 - (ii) have accumulated twelve (12) or more penalty points issued under **Appendix D**;
 - (iii) no longer meet the 'fit and proper' test set out in **Appendix A**; or
 - (iii) for any other reason whereby the policy objectives would not be met,
- the licensing manager may revoke the licence. Ordinarily, any revocation is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the licensing manager may determine that a revocation takes immediate effect and is not held pending an appeal.

6.9 Refusal to Renew

- 6.9.1 As an alternative to revocation, the licensing manager may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The licensing manager may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

- 6.9.2 Ordinarily, any refusal to renew a licence is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the licensing manager may determine that the refusal to renew a driver licence takes immediate effect and is not held pending an appeal.

6.9 Simple Cautions

- 6.9.1 The purpose of a Simple Caution as an alternative to prosecution is to:
- (i) deal quickly and efficiently with less serious offences;
 - (ii) divert less serious offences away from the Courts; and
 - (iii) reduce the likelihood of repeat offences.
- 6.9.2 In the interests of natural justice, the following criteria must be met before a Simple Caution is administered:
- (i) there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
 - (ii) the offender must admit the offence; and
 - (iii) the offender must understand the significance of the caution and give informed consent to be cautioned.
- 6.9.3 Where a person declines the offer of a Simple Caution, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

6.10 Fixed Penalty Notices

- 6.10.1 Where the option is available to administer a Fixed Penalty Notice (FPN), the Licensing Manager may determine that an FPN is an appropriate alternative to prosecution for the same reasons as detailed in subsection 6.9.1

- 6.10.2 In the interests of natural justice, the following criteria must be met before a FPN is administered:
- (i) there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
 - (ii) the offender must admit the offence; and
 - (iii) the offender must understand the significance of the FPN and give informed consent that they accept the FPN.

- 6.10.3 Where a person declines the offer of an FPN, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

6.11 Prosecution

- 6.11.1 The decision to prosecute is significant as it may impact on the licence holder's future employability. Generally, the circumstances that may warrant a prosecution include, but are not limited to:
- (i) blatant disregard for legislation and/or this Policy, particularly where the economic benefits are substantial and provide advantage of those licence holders who are law-abiding and compliant with this Policy;
 - (ii) when there has been blatant and/or reckless disregard for the safety of passengers or other road users;
 - (iii) where there has been repeated breaches of legislation or the requirements of this Policy;
 - (iv) where a particular type of offence is prevalent and a clear message needs to be sent; or
 - (v) where a particular contravention has caused serious public concern.
- 6.11.2 A decision on whether to prosecute may consider, but is not limited to, the following:
- (i) the seriousness of the offence or contravention;
 - (ii) the risk or harm to the public;
 - (iii) identifiable victims (including the impact on the victims);
 - (iv) failure to comply with statutory notices, warnings, or other enforcement sanctions;
 - (v) disregard of public safety for financial reward;
 - (vi) the offender's previous history, in particular repeated offences or contraventions;
 - (vii) the ability and willingness of witnesses to co-operate;
 - (viii) the likelihood of future compliance;
 - (ix) the probable public benefit of a prosecution and the importance of the case in establishing precedent or addressing public concern;
 - (x) whether other action, such as a Simple Caution or FPN, would be more appropriate or effective.

6.12 Complaints against Drivers

- 6.12.1 Complaints against hackney carriage and private hire drivers are relatively low in North Hertfordshire, however, when received usually relate to overcharging or unprofessional behaviour. All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.
- 6.12.2 The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to a senior officer who will reach a decision in accordance with the **Corporate Enforcement Policy** and this Policy. For the purposes of this paragraph, a senior officer is the investigating officer's immediate supervisor or line manager.
- 6.12.3 The outcome of any complaint will be advised to the complainant in the form of a written response.

PART 7 – FARES

7.1 Hackney Carriages

- 7.1.1 Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. The Council considers it good practice to review the fare scales at regular intervals, and will, therefore, consider the fare scales on an annual basis.
- 7.1.2 When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.
- 7.1.3 The fare for any journey that starts and ends within the District of North Hertfordshire cannot exceed the metered fare based on the Council's maximum fare tariff. The meter should only be started when the passenger(s) is/are in the vehicle and the journey commences.
- 7.1.4 The fare for any journey that starts or ends outside of the District of North Hertfordshire can be negotiated prior to the commencement of the journey without using the meter. Unless such an agreement is reached prior to the journey commencing, the fare should comply with the requirements of subsection 7.1.3
- 7.1.5 The maximum fares currently prescribed by the Council are set out on the Council's website. A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.
- 7.1.6 The Council will review the fares tariff on an annual basis, ordinarily with a view to setting a tariff from 1 November each year. The Council will consult with the trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.
- 7.1.7 A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.

7.2 Private Hire Vehicles

- 7.2.1 The fare for a journey in a private hire vehicle must be agreed with the private hire operator at the time of booking. The driver should charge no more than the fare agreed with the operator at the time of booking.
- 7.2.2 The agreement between the hirer and the operator can either be for a fixed monetary sum, or an agreement that the fare will be calculated using the meter within the vehicle. In the case of a metered fare, the starting point for engaging the meter must be agreed at the time of booking.
- 7.2.3 A private hire driver must, if requested by the passenger, provide a written receipt for the fare paid.

PART 8 – LICENCE FEES

8.1 Fee Structure

- 8.1.1 The legislation and established case law provides that licence fees should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles. In simple terms, the

Council can only set fees on a 'reasonable cost recovery' basis and cannot make a profit from licence fees when analysed over a typical three-year cycle.

- 8.1.2 Discretionary services that do not fall within the remit of subsection 8.1.1, such as pre-application advice, knowledge testing, DBS appointments, etc. will be charged for separately utilising the same 'reasonable cost recovery' basis. This is to ensure that the cost of these applicant-specific services is not incorporated into the licence fees paid by existing licence holders.
- 8.1.3 The fees currently payable for the grant and renewal of hackney carriage and private hire licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.

8.2 Payments

- 8.2.1 The Council is able to accept payment by debit or credit card, cheques, postal orders or BACS payments. Cheques or postal orders must be made payable to North Hertfordshire District Council.
- 8.2.2 The Council is unable to accept cash payments, save for exceptional circumstances.

8.3 Refunds and Duplicate Copies

- 8.3.1 In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, the Council may make a refund in respect of the whole months of the unexpired portion of the licence fee.
- 8.3.2 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.
- 8.3.3 In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made by the Council.

PART 9 – HACKNEY CARRIAGE STANDS

9.1 Appointed Stands (commonly known as ranks)

- 9.1.1 The Council will periodically review the provision of hackney carriage stands within the District. In the event that there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments. Comments are welcomed from either the trade or the public in regards to the suitability of existing provision.

9.2 Waiting on Stands

- 9.2.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.
- 9.2.2 Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example 'comfort breaks'. Leaving a hackney carriage unattended on a stand for any other circumstances, for example shopping, will be dealt with as an offence in accordance with this Policy.

9.3 Plying for Hire

- 9.3.1 For the avoidance of doubt, the Council does not have a by-law requiring hackney carriages to return to a taxi stand between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

9.4 Restricted Use Ranks

- 9.4.1 If the Council introduce restricted use ranks in accordance with section 2.4.10 of this Policy, any hackney carriage not meeting the restrictions on use will have to use the existing unrestricted use hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.
- 9.4.2 An Appendix H will be added to this Policy outlining the areas considered as a 'town centre' for the purposes of this section of the Policy at the appropriate time and any hackney carriage driver and/or proprietor failing to observe the town centre restrictions will be subject to enforcement action.

PART 10 – TRADE CONSULTATIVE FORUM

- 10.1 The Council wishes to encourage discussions between the trade and the licensing authority in order to promote a successful working relationship. To facilitate this aim the Council will host the Hackney Carriage and Private Hire Consultative Forum that will be open to applications for membership from any licence holder within North Hertfordshire.
- 10.2 Membership, terms of reference and work plan will be determined in accordance with prevailing circumstances and further details will be contained within a Forum Page on the Council's website.

PART 11 – RIGHT OF APPEAL

- 11.1 The Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 52 and 77 detail an applicant's right of appeal.
- 11.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence, or impose conditions on a licence the applicant has a right of appeal to the local Magistrates' Court. The only two exceptions are:
- (i) in the case of a refusal to grant or renew a hackney carriage vehicle licence where the appeal lies directly to the Crown Court, and
 - (ii) the decision to suspend a hackney carriage or private hire vehicle licence under s68 of the 1976 Act against which there is no right of appeal
- 11.3 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.
- 11.4 A further right of appeal against the decision of the Magistrates' Court lies with the Crown Court.

PART 12 – DELEGATED POWERS

12.1 Authorised Officers

- 12.1.1 All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Licensing Policy, save for any issues reserved for the Licensing Manager, Service Director – Legal & Community or relevant Executive Member.
- 12.1.2 All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations may issue penalty points in accordance with **Appendix D**.

12.2 Licensing Manager

- 12.2.1 The following powers are specifically reserved to the Licensing Manager (or in their absence, any officer delegated to act in the Licensing Manager's absence) :
- (i) the management of the Council's Authorised Officers as detailed in subsection 12.1.1,
 - (ii) the authorisation of applications that are compliant with this Policy,
 - (iii) minor departures from Policy in accordance with subsection 1.3.4,
 - (iv) changes to the administrative process set out in Part 5 of this Policy,
 - (v) substantial departures from Policy in accordance with subsection 1.3.3,
 - (vi) the issuing of Stop Notices under s68 of the 1976 Act,
 - (vii) temporary suspension of licensed drivers pending a disciplinary hearing before the Licensing Manager,
 - (viii) suspension or revocation of existing licences
 - (ix) refusal to renew existing licences,
 - (x) refusal of new applications,
 - (xi) any amendments to this Policy in accordance with subsection 1.4.2 or 1.4.4

12.3 Service Director - Legal & Community

- 12.3.2 The following powers are specifically reserved to the Service Director – Legal & Community (or in their absence, any officer delegated to act on the Service Director – Legal & Community's absence):
- (i) setting of hackney carriage and private hire licensing fees and charges,
 - (ii) setting of hackney carriage fare tariffs

12.4 Executive Member

- 12.4.1 The ongoing review and amendment of the Council's Hackney Carriage and Private Hire Licensing Policy in accordance with subsection 1.4.3

PART 13 – DEFINITIONS

- 13.1 All references in this policy document to the following terms imply the definition below:

Term	Definition
the 1976 Act	the Local Government (Miscellaneous Provisions) Act 1976
Authorised Council Officer	Any officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution

Best Practice Guidance	Best Practice Guidance on Taxi and Private Hire Vehicle Licensing issued by the Department for Transport (dated March 2010)
the Council or the Licensing Authority	North Hertfordshire District Council
the trade	any holder of a current driver, vehicle or operator licence issued by North Hertfordshire District Council
the District	The geographical region contained within the boundaries of North Hertfordshire District Council
the relevant Executive Member	The Elected Member responsible for Licensing (or the appropriate service area following any subsequent restructure) who is a member of the Cabinet
the Service Director - Legal & Community	The current post-holder (or the Service Director of the appropriate service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
the licensing manager	The current post-holder (or the manager of the service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
the licence plate or the plate	The vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles
this Policy	North Hertfordshire District Council's Hackney Carriage and Private Hire Licensing Policy
proprietor licence	either a hackney carriage or private hire vehicle licence
Registered Medical Practitioner	Any person with suitable qualifications in medicine and currently registered with the General Medical Council that is suitably qualified to perform the function of a General Practitioner (Doctor) or higher
driver Licence	Any reference to the term driver licence, unless prefixed by DVLA, refers to a hackney carriage or private hire driver's licence (within the context of the specific paragraph) issued by the Council
vehicle licence	Any reference to the term vehicle licence refers to a hackney carriage or private hire proprietor licence (within the context of the specific paragraph) issued by the Council

Hackney Carriage (as defined by s 38 of the Town Police Clauses Act 1847)

Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe such carriage: Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

Private Hire Vehicle (as defined by s 80 of the Local Government (Miscellaneous Provisions) Act 1976)

A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

APPENDIX A

THE DEFINITION OF 'FIT AND PROPER'

- A.1 The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a 'fit and proper' person. **This Appendix details the definition of fit and proper used by the Council (section A.4 below) and other factors the Council will consider as part of this determination. Compliance with this Policy is an integral part of the fit and proper person test.**
- A.2 At the time of an application, **the onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not.**
- A.3 When considering disciplinary or enforcement action, **the onus is on the Council to demonstrate that the licence holder no longer meets this requirement.**
- A.4 Definition of 'Fit and Proper'
 In the absence of a judicially approved definition of "fit and proper", the Council use the test of:
"Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?"
- The wording of this test originates from Mr J T H Button BA, Solicitor, MIL, MCI Arb, a well-known and respected solicitor widely acknowledged as an authority in licensing legislation, particularly that of hackney carriages and private hire, and has generally been accepted by the Courts.
- A.5 **In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving records, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.**
- A.6 It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:
- (i) Honesty and trustworthiness
 Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign persons; or they have opportunities to abuse their position of trust. For example, all passengers would expect to be charged the correct fare for the journey and be given the correct change; they would expect any lost property to be handed over to the police; and they would expect confidentiality to be maintained between themselves and the driver.
 - (ii) Professionalism
 Drivers are often subject to unpleasant, abusive or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour, the Council expects drivers to remain professional at all times and unacceptable behaviour by passengers does not excuse in any way aggressive or abusive conduct by drivers. Confrontation should be avoided and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.
 - (iii) Good and safe driving ability
 Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this Policy and drive in a professional, lawful and safe manner at all times.

APPENDIX B

THE RELEVANCE OF CAUTIONS AND CONVICTIONS

B.1 General Principles

- B.1.1 The over-riding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within subsection 1.2.2 of this Policy, in particular public safety.
- B.1.2 **Notwithstanding the existence of this Policy, each application will be determined on its own merits against the definition of ‘fit and proper’ contained within Appendix A.**
- B.1.3 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this Appendix is to formulate guidelines, consistent with national guidance, which detail the Council’s current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for hackney carriage and private hire vehicle, driver and operator licences.
- B.1.4 **If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.**
- B.1.5 For the purpose of this Policy, the acceptance of a Fixed Penalty Notice will be treated as a conviction. A caution may be treated as a conviction depending on the individual merits and mitigating circumstances of each case.
- B.1.6 **Period free from conviction**
Any reference to a period free from conviction relates to the period commencing from either:
(i) where a custodial sentence has been imposed, from the end of the custodial period; or
(ii) in any other case, from the date of conviction.

B.2 History

- B.2.1 The Council may take into account an applicant’s history as a licence holder with this, or any other, Council. In considering whether or not a person is ‘fit and proper’ the Council may consider such matters as the applicant’s complaint history, their compliance with this Policy, their co-operation with licensing officers’ requests, and any other reasonable matters.

B.3 DVLA Penalty Points

- B.3.1 Hackney carriage and private hire drivers should provide a professional service to the public and must be aware of the safety of passengers and other road users at all times. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.
- B.3.2 Convictions or cautions for traffic offences will not automatically preclude an applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. In some circumstances it may be appropriate to issue a licence together with a written warning as to future driving standards detailing the likely effect of further offences.

Where there is a significant history of driving offences, an application is likely to be refused.

B.3.3 Five unspent penalty points or less on a current DVLA driving licence

In cases of five (5) unspent penalty points or less on an applicant's DVLA driving licence, an application will usually be granted. A licence granted under these circumstances is likely to be issued together with a verbal warning as to future driving standards detailing the likely effect of further offences.

B.3.4 Six to nine unspent penalty points on a current DVLA driving licence

In cases of six (6) to nine (9) unspent penalty points on an applicant's DVLA driving licence, an application may be granted depending on the nature of the offences and the frequency. A licence granted under these circumstances is likely to be issued together with a written warning as to future driving standards detailing the likely effect of further offences.

B.3.5 Ten or more unspent penalty points on a current DVLA driving licence

In cases of ten (10) or more unspent penalty points on an applicant's DVLA driving licence, an application will be refused.

B.4 Major Traffic Offences

B.4.1 For the purposes of this section, major traffic offences includes, but is not limited to:

- (i) dangerous driving,
- (ii) driving whilst disqualified,
- (iii) failure to stop after an accident,
- (iv) driving without valid insurance,
- (v) careless driving, and
- (vi) driving a vehicle with mechanical defectives (such as brakes, steering, tyres, etc.)

B.4.2 If the applicant has been convicted of one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least three (3) years free from conviction.

B.4.3 If the applicant has been convicted of more than one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least seven (7) years free from conviction. Where the combination of offences are considered to be of increased risk to the public, a period longer than seven (7) years may be substituted by the Council dependant on the extent of the risk to the public.

B.4.4 If the applicant has been convicted of a combination of three (3) or more offences of no valid insurance and/or driving whilst disqualified then the Council believes that person causes an unacceptable risk to public safety and a licence will ordinarily be refused.

B.4.5 "Totting Up" under section 35 of the Road Traffic Offenders Act 1988

Where an applicant/licence holder has been disqualified from driving by the courts under the "totting up" procedure, the Council will normally refuse an application until there has been a period of twelve (12) months free of relevant convictions. If the applicant has demonstrated to the court "exceptional hardship" and avoided a driving disqualification, applications will still normally be refused until there has been a period of twelve (12) months free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.

B.4.6 Failure to Declare Motoring Offences

Where an applicant/licence holder fails to disclose motoring offences on their application form, even if they have been declared on previous applications or are spent, the Council will normally deal with this by way of the issuing of penalty points. If, however, the Council determines that there was a premeditated intention to deceive, the matter will be considered as an offence of dishonesty and dealt with in accordance with that section of this policy.

B.5 Major Traffic Offences resulting in Death

- B.5.1 The driving offences of causing death by:
- (i) dangerous driving,
 - (ii) careless driving,
 - (iii) driving under the influence of alcohol or drugs, or
 - (iv) driving unlicensed, disqualified or uninsured,
- due to their nature, will be considered by the Council to be an unacceptable risk to public safety and an application will be refused.

B.6 Drunkenness

- B.6.1 Separate consideration will be given to convictions for drunkenness whilst in charge of a vehicle as opposed to drunkenness whilst not in charge of a vehicle due to the differing risk to the public.

B.6.2 In Charge of a Motor Vehicle

The Council considers driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence causing a high element of risk to the public; however an isolated incident will not automatically preclude an application from being granted.

- (i) A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five (5) years from the restoration of the DVLA driving licence.
- (ii) More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will be refused.

D4.3 Not in Charge of a Motor Vehicle

An isolated conviction for drunkenness not associated with driving or being in charge of a motor vehicle will not automatically preclude an application.

- (i) Where there is an isolated conviction for disorder and/or drunkenness, a licence will normally be granted together with a verbal warning as to future driving standards detailing the likely effect of further offences.
- (ii) More than two (2) convictions for disorder and/or drunkenness will normally lead to refusal of an application until such time as a period of three (3) years free of convictions has elapsed.

B.7 Drug Offences

- B.7.1 The Council considers all offences related to controlled substances as a serious risk to the public.
- B.7.2 An applicant with one conviction for any Class A drug related offence, including supplying or trafficking, will be required to show a period of ten (10) years free of convictions before an application is considered.
- B.7.3 An applicant with more than one conviction for any Class A drug related offence, including supplying or trafficking, will be considered an unacceptable risk to public safety and an application will be refused.

- B.7.4 An applicant with a conviction for any Class B drug related offence, including supplying or trafficking, will be required to show a minimum period of five (5) years free of convictions before an application is considered. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.
- B.7.5 An applicant with a conviction for any Class C drug related offence will be required to show a period of at least three (3) years free of convictions before an application will be considered.
- B.7.6 In all cases, where an applicant has been medically classed as an addict, an application will be precluded until such time as a period of five (5) years has elapsed since the completion of a recognised detoxification programme.

B.8 Sexual or Indecency Offences

- B.8.1 As hackney carriage and private hire drivers often carry unaccompanied and/or vulnerable people, any applicant with a conviction or caution for any sexual or indecency offence (other than a major offence – see subsection B.8.2 below) will normally be refused a licence until such time as they have been free of convictions for a period of seven (7) to twelve (12) years. The length of period over and above the minimum seven (7) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

B.8.2 Major Sexual or Indecency Offences

For the purpose of this Policy, the following offences will be considered as major sexual or indecency offences with the highest element of risk to the public:

- (i) rape;
- (ii) indecent or sexual assault;
- (iii) assault by penetration;
- (iv) making, distributing or possession of child pornography;
- (v) trafficking and/or preparatory offences (defined by the Sexual Offences Act 2003); or
- (vi) sexual offences involving children or vulnerable adults

Any applicant with a conviction for a major sexual or indecency offence will be considered an unacceptable risk to the public and any application will be refused.

B.9 Violent Offences

- B.9.1 The Council considers all violence related offences as a serious risk to the public; offences of criminal damage and public order will be treated as violent offences for the purposes of this Policy.
- B.9.2 An application will be refused where the applicant has been convicted of:
- (i) murder or attempted murder,
 - (ii) manslaughter,
 - (iii) any offence involving the possession of a firearm,
 - (iv) any terrorism-related offence, or
 - (v) racially aggravated grievous bodily harm or malicious wounding.
- B.9.3 An application will be refused where the applicant has been convicted of:
- (i) arson,
 - (ii) possession of a weapon (other than a firearm),
 - (iii) any racially aggravated offence (other than those in B.9.2 above),
 - (iv) any offence that may be categorised as domestic violence,
 - (v) violent disorder or riot.
- unless there has been a period of ten (10) years free of conviction.

B.9.4 An application will normally be refused where the applicant has a conviction for a violent offence, other than those listed in B.9.2 or B.9.3 above, unless there has been a period of five (5) to ten (10) years free of convictions. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

B.9.5 Multiple Offences

Whilst an isolated conviction for a violent offence, other than those listed in B.9.2 above, will not normally permanently preclude an application, the Council will have grave concern for public safety if an applicant has committed multiple violent offences.

An application will be refused in cases where an applicant has:

- (a) two (2) or more separate convictions for violent offences listed within subsection B.9.3, or
- (b) three (3) or more separate convictions for violent offences.

B.10 Dishonesty

B.10.1 Hackney carriage and private hire drivers are expected to be persons of trust; it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the difference in currency and become vulnerable to an unscrupulous driver. Equally, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle. As members of the public entrust themselves to the care of licensed drivers, the Council considers offences involving dishonesty as a serious risk to public safety.

B.10.2 An applicant that has been convicted of an offence related to dishonesty will normally be refused a licence until such time as they have been free of convictions for a period of five to ten years. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

B.11 Other Offences and Special Circumstances

B.11.1 If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, or the specific circumstances of the application justify it, the application may be referred to the Licensing Manager for determination in line with the principles of this policy.

B.11.2 In particular, if an applicant/licence holder is not precluded by any one section of this policy but has a series of convictions that in their totality cause concern as to their ability to meet the 'fit and proper' test, the licensing manager may refer the applicant/licence holder to the Licensing Manager for determination in line with the principles of this policy.

B.12 Summary

B.12.1 Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently precluded from obtaining a hackney carriage or private hire driver's licence.

B.12.2 The Council believe that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

B.12.3 The Council consider that there are, however, certain offences that are so serious in nature or frequency that an applicant should be precluded from obtaining or retaining a licence. The

Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.

- B.12.4 By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of hackney carriage and private hire drivers, proprietors and operators within North Hertfordshire.

B.13 Existing Licence Holders

- B.13.1 Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions as though they were a new applicant. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.
- B.13.2 Existing licence holders should be aware that if the Council receives notification from the police that a driver is being investigated for an offence that would preclude the grant of a licence or is likely to result in the revocation of an existing licence, their licence will normally be revoked with immediate effect pending the outcome of the investigation.
- (i) In the event that no charges are laid against the licence holder, the licence will ordinarily be reinstated for its original duration.
 - (ii) In the event that the licence holder is found not guilty, the licence will ordinarily be reinstated for its original duration, save for any previous or ongoing concerns relating to the licence holder's ability to meet the 'fit and proper' test.

B.14 Principles of the Rehabilitation of Offenders Act 1974 ("the 1974 Act")

- B.14.1 Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation, and the length of time before rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the conviction can never be spent.
- B.14.2 Despite the above general principles, the Act does not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of these vehicles is listed as a "regulated occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- B.14.3 Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a 'fit and proper person' to hold a licence. The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.

B.15 Referrals to the Licensing Manager

- B.15.1 Where the Licensing Manager is considering whether an applicant meets the 'fit and proper' person test, the process outlined in Appendix G will be followed.

APPENDIX C

DRIVER CODE OF CONDUCT

C.1 General Responsibilities of a Licensed Driver

- C.1.1 Licensed drivers shall use their best endeavours to promote the image of the trade by:
- (i) complying with all aspects of this Policy,
 - (ii) maintaining their vehicles in a safe and satisfactory condition at all times,
 - (iii) attending punctually when undertaking pre-booked hirings,
 - (iv) assisting passengers entering into and alighting from the vehicle,
 - (v) offering passengers reasonable assistance with luggage, and
 - (vi) behaving in a civil, orderly and responsible manner at all times.
- C.1.2 To avoid nuisance to residents when picking up or waiting for a fare, a licensed driver shall:
- (i) not sound the vehicle's horn illegally to attract the passenger's attention,
 - (ii) keep the volume of all audio equipment to a reasonable level, and
 - (iii) switch off the engine when required to wait.
- C.1.3 Whilst waiting on hackney carriage ranks, in addition to the requirements of subsection C.1.2, a licensed driver shall:
- (i) rank in an orderly manner and proceed promptly along the rank in accordance with rank protocol, and
 - (ii) remain in the vehicle, save for alighting to smoke or for comfort breaks.
- C.1.4 Whilst waiting at private hire operator premises, in addition to the requirements of subsection C.1.2, a licensed driver shall:
- (i) not undertake servicing or repair of vehicles on the highway,
 - (ii) not undertake servicing or repair of vehicles on the premises unless appropriate planning permission has been obtained, and
 - (iii) take whatever action is necessary to ensure that the business operation does not cause unnecessary disturbance to residents.

C.2 Driver Dress Code

- C.2.1 The Council believes that licensed drivers have a responsibility to dress professionally and appropriately whilst undertaking hackney carriage or private hire work to promote confidence amongst members of the public, especially visitors to the District.
- C.2.2 The following are deemed to be unacceptable standards of dress for a licensed driver **and are not to be worn:**
- (i) bare chests,
 - (ii) clothing or footwear which is unclean or damaged,
 - (iii) clothing printed with wording, logos or graphics which may offend,
 - (iv) sports shirts e.g. football, rugby or cricket tops, or track suits,
 - (v) footwear that prevents the safe operation of the vehicle,
 - (vi) headgear **such as baseball caps, or any headgear** that partially or completely conceals the face or the identity of the driver
 - (vii) any shorts, other than smart tailored shorts.
- This list is not exhaustive and Authorised Officers will assess whether standards of dress are acceptable. If an Authorised Officer deems a driver's standard of dress to be unacceptable, the decision will have effect as though it were included in the above list.

C.3 Driver Conduct

- C.3.1 The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.
- C.3.2 The driver shall at all times, when acting in accordance with the drivers licence granted to them, wear or display such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
- C.3.3 The driver shall not lend the badge to any other person or cause or permit any other person to wear it.
- C.3.4 On termination or surrender of a driver's licence, the driver shall return the badge to the Council immediately.
- C.3.5 The driver shall behave in a civil, polite and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.
- C.3.6 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any information illegible.
- C.3.7 The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- C.3.8 The driver, when hired to drive to a particular destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as roadworks, delays, etc.
- C.3.9 The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.
- C.3.10 The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
- C.3.11 The driver must not solicit, by calling out or otherwise importune any person to hire or be carried for hire.
- C.3.12 The vehicle shall be presented in a clean and tidy condition for each journey **and free from any unpleasant odours.**
- C.3.13 The driver shall not smoke or 'vape' in a licensed vehicle at any time.
- C.3.14 The driver shall not drink or eat in the vehicle whilst conveying passengers.
- C.3.15 The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
- C.3.16 The driver shall not operate the horn as a means of signalling that the vehicle has arrived.
- C.3.17 Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.

- C.3.18 The driver must notify the Council within a period of seven (7) days of:
- (i) any criminal conviction, caution, or fixed penalty notice,
 - (ii) any driving endorsement,
 - (iii) any change of medical condition that may impact on the ability to drive, or
 - (iv) any change of name or address
- whilst the licence is in force.

C.4 Lost Property

- C.4.1 A licensed driver shall diligently search the vehicle periodically for any property which may have been accidentally left therein.
- C.4.2 In the event of lost property being found that is identifiable to a known passenger the driver shall either return the property to the passenger forthwith or contact the passenger to arrange its return.
- C.4.3 Any property found that is not identifiable to a passenger and not subsequently claimed within seven (7) days should be reported to the police and/or left in the custody of a police officer after obtaining a receipt. If advised to do so by the police, the licence holder can retain the property for the period advised by the police or taken to the Council offices.

C.5 Carriage of Animals

- C.5.1 A driver may not carry any animal not belonging to a passenger in a licensed vehicle whilst available for hire or carrying passengers.
- C.5.2 Animals, other than assistance dogs, in the custody of passengers may be carried at the driver's discretion, provided they are restrained in a safe manner.
- C.5.3 Assistance Dogs
A driver must carry assistance dogs when requested to do so by a passenger unless they have been issued with a medical exemption certificate. Assistance dogs include guide dogs for blind or partially sighted persons, hearing dogs for the hard of hearing or deaf persons, and any other assistance dog which assist a disabled person with a physical or mental impairment.

C.6 Carriages of Passengers with Wheelchairs

- C.6.1 Passengers with wheelchairs often prefer to travel in normal saloon, estate or multi-passenger vehicles rather than a specially adapted wheelchair accessible vehicle. In these circumstances, a driver **must** carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.
- C.6.2 Drivers of wheelchair accessible vehicles must:
- (i) not refuse to carry any passenger with a wheelchair,
 - (ii) not charge any additional fare for passengers with wheelchairs,
 - (iii) be fully conversant with the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
 - (iv) ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
 - (v) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are available in full working order at all times the vehicle is available for hire.

APPENDIX D

PENALTY POINTS SCHEME

The Penalty Points Scheme will operate as follows:

- D.1 The Council's Corporate Enforcement Policy will be fully considered by the enforcing officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this Appendix
- D.2 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominately an internal management tool for ensuring that drivers who repeatedly contravene regulations and/or this Policy are referred to the licensing manager to consider whether or not they continue to meet the fit and proper person requirements of Appendix A. As part of that referral, the driver's penalty offences will be re-considered in light of any mitigating circumstances the driver wishes to be considered.
- D.3 Points issued to either a proprietor or driver will be confirmed in writing within ten (10) working days from the discovery of the contravention or the conclusion of an investigation into a complaint, whichever is the later.
- D.4 When issued, the penalty points will remain "live" for a period of two (2) years from the date they are imposed so that only points accumulated in a rolling twenty four (24) months period will be taken into account.
- D.5 If a driver, proprietor or operator accumulates twelve (12) or more points within a period of two (2) years from the date they are imposed, they will be required to attend a disciplinary meeting with the licensing manager, where the appropriate action to be taken in accordance with this Policy.
- D.6 More than one accumulation of penalty points in excess of the twelve (12) point threshold in any four (4) year period will result in the licensing manager revoking a licence due to the person failing to satisfy the 'fit and proper person' test as defined in **Appendix A**.
- D.7 Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for the normal two-year period.
- D.8 Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with penalty points, or has been formally cautioned, for similar offences, the Council reserve the right to cancel the penalty points and deal with the matter in accordance with the **Corporate** Enforcement Policy and the provisions of Part 6 of this Policy. The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this Policy.
- D.9 In assessing whether penalty points are appropriate to address the concerns raised, the enforcing officer will have regard to matters such as, but not limited to:
- (i) previous warnings
 - (ii) previous penalty point offences
 - (iii) mitigating circumstances
 - (iv) seriousness of the misconduct

- (v) effect of the misconduct on the passengers, public or other drivers
- (vi) the likelihood of the misconduct being repeated
- (vii) acceptance of the misconduct/remorse for their actions
- (viii) co-operation with any investigation

D.10 There is no right of appeal against the award of penalty points by an Authorised Officer of the Council as this is not a formal sanction in its own right.

SCHEDULE OF PENALTY POINTS

Misconduct	Points
Displaying an unpleasant manner towards a passenger or member of the public	4
Verbal abuse towards a passenger or member of the public	8
Physical abuse of any person	12
Rudeness towards, failure to co-operate with or obstruction of a council officer	10
Failing to ensure the safety of a passenger entering, alighting or whilst conveyed in a licensed vehicle	10
Failing to provide reasonable assistance with a passenger's luggage	4
Refusal to carry an assistance dog	12
Charging an additional amount for the carrying of an assistance dog	12
Failing to allow an assistance dog to travel in the passenger compartment with the passenger	10
Failing to assist a passenger with an assistance dog to enter or alight the vehicle	10
Refusal to carry a passenger in a wheelchair	12
Charging an additional amount for the carrying of the wheelchair	12
Failing to assist a passenger in a wheelchair to enter or alight the vehicle	10
Eating whilst conveying passengers	3
Consuming alcohol whilst available for hire	12
Smoking or vaping in a licensed vehicle at any time	6
Failure to correctly use the taximeter when hired for journeys starting and ending within North-Hertfordshire (hackney only)	12
Failing to agree a fare with the passenger for any out-of-district journey where the taximeter is not being used	12
Charging a hackney carriage passenger more than the metered or agreed fare	12
Failing to advise a private hire passenger of the fare prior to the start of the journey	12
Failing to display the current fare tariff card prominently within a hackney carriage	4
Private hire driver soliciting for hire in a private hire vehicle	12
Private hire driver accepting a fare that is not pre-booked directly with the private hire operator	12
Failing to display the specified door sign on a private hire vehicle	4
Displaying a sign or advertisement on a licensed vehicle contrary to this Policy or without Council consent (where required)	5
Failing to advise of a relevant medical condition as required by this Policy	10
Failing to provide a receipt when requested or when required by this Policy	4
Failing to notify the Council of a change of name and/or address	3
Failing to advise the Council of an accident as required by this Policy	4
Failing to advise the Council in writing of convictions during the period of a licence in accordance with this Policy	12
Failing to disclose previous convictions on an application form	12
Failing to ensure the exterior and/or interior of the licensed vehicle is maintained in a clean, sound and roadworthy condition	8

SCHEDULE OF PENALTY POINTS

Failing to display the external licence plate in accordance with the requirements of this Policy	10
Failing to display the internal licence plate	6
Using a hand-held mobile telephone or entertainment device whilst driving	12
Knowingly giving false information to passengers	6
Failing to collect pre-booked passengers or failing to arrive at a pre-booked location at the agreed time without reasonable excuse	6
Failure to comply with the no idling requirements of this Policy	4
Failure to WEAR a driver badge	6
Refusal to take a fare without reasonable excuse	12
Unnecessarily prolonging a journey	10
Travelling less than the lawful distance for an agreed fare	6
Waiting/parking in parking bays without a valid parking ticket	4
Waiting/parking on a loading bay, disable bay or bus stop	4
Waiting/parking on yellow lines or a footway	4
Carrying persons other than the hirer without the hirer's consent	6
Carrying more passengers than permitted	12
Using a licensed vehicle to ply for hire or to be made available for hire when in an unsafe and/or un-roadworthy condition	12
Driver leaving a hackney carriage unattended on a rank	3
Any other behaviour or misconduct not specified above (investigating officer to determine the number of points based on the nearest comparable offence above)	3 - 12

APPENDIX E ADDITIONAL CONDITIONS FOR LICENSING STRETCHED LIMOUSINES

- E1 Left-hand drive limousines will be permitted as private hire vehicles
- E2 Sideways facing seating will be permitted in limousines providing that it conforms to all relevant road traffic vehicle legislation.
- E3 All limousines licensed as private hire vehicles must hold a valid Individual Vehicle Approval Certificate and be fitted with tyres of appropriate size and grade for that Approval.
- E4 All limousines licensed as private hire vehicles must obtain six-monthly test certificates showing that the vehicle has satisfied the standards of the appropriate MOT Class. The vehicle licence holder is responsible for sourcing a garage approved to carry out such tests and providing documentation attesting to the garage's compliance with the Council's vehicle testing requirements.
- E5 All limousines licensed as private hire vehicles must:
- (i) reduce their seating capacity to a maximum of eight (8) passengers,
 - (ii) not carry more than eight (8) passengers, including children, at any time,
 - (iii) not carry passengers in any seats in the driver's compartment,
 - (iv) ensure that any advertising of the limousine states the maximum seating capacity.
- E6 Seatbelts complying to all relevant legislation must be fitted to all forward and rear facing seats and must be worn by passengers at all times the vehicle is in motion. There is no legal requirement for seatbelts to be fitted on sideways facing seats, however if they are fitted they must be worn by passengers at all times the vehicle is in motion.
- E7 If alcohol drinks are to be provided in the vehicle:
- (i) an appropriate licence under the Licensing Act 2003 must be in effect,
 - (ii) alcohol may only be sold whilst the vehicle is stationary,
 - (iii) whilst the vehicle is in motion, all receptacles containing alcohol shall be securely stored,
 - (iv) if any occupants of the vehicle are below the age of eighteen (18) years old, the vehicle must not contain any alcohol,
 - (v) all drinking receptacles used in the vehicle must be made of shatterproof glass, plastic or polycarbonate.
- E8 The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the youngest passenger in the vehicle.
- E9 Limousines licensed as private hire vehicles are not permitted to carry luggage within the passenger compartment of the vehicle.
- E10 Limousines licensed as private hire vehicles must carry a safety hammer capable of being used to break the window glass of the vehicle. The hammer must be securely located within the driver's compartment.
- E11 Limousines that are licensed private hire vehicles may only be booked from and despatched by a licensed private hire operator and driven by a licensed private hire driver; all three licences must be issued by the same licensing authority.

APPENDIX F

RIGHT TO WORK

- F.1 From 1 December 2016, the Council is under a new legal duty to ensure that driver and operator licences are only issued to applicants who have lawful immigration status and the right to work in the UK. By law, the Council cannot issue a licence to any applicant that does not satisfy this requirement. This change of law applies to all applicants regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.
- F.2 All applicants will need to attend the Council Offices where a council officer will check your original valid documentation evidencing your right to work in the UK (this can be arranged at the same time as attending for a knowledge test or a DBS appointment). You must attend in person and bring evidence of your right to work in the UK. Only certain types of documentation are acceptable.
- (i) For applicants who are British Citizens
All you need to provide is a British passport confirming you are a British Citizen
If you do not have a British passport you can produce any of the other documents contained within List A.
 - (ii) For applicants who are not British Citizens but have no restrictions on their right to work in the UK
All you need to provide is any of the other documents contained within List A.
 - (iii) For applicants who have restrictions on their right to work in the UK
You will need to produce any of the documents contained within List B. If your documentation proves a right to work that expires prior to the normal licence expiry date, your licence will only be granted for the period we have proof of a right to work.
- If you have a VISA that confirms your right to reside in the UK but it is attached to an expired passport we cannot accept this as proof. You will need to apply to the Home Office to obtain acceptable proof, such as a biometric residence permit. Once a valid application to the Home Office has been confirmed, a six month licence can be granted to allow time for the Home office to process the application.
- You must bring original documentation (not a photocopy) and it is your responsibility to make sure you can provide acceptable forms of documentation.
- The council officer will check that your documentation is acceptable based on either List A or List B (depending on your circumstances), check that the document is an original and relates to the person providing it, and take a photocopy for Council records.
- F.3 If the documentation you provide demonstrates that you have a permanent right to work in the UK (from List A) you will not be required to produce documentation for future applications. In other cases, you will be required to provide your documentation when you next apply to renew your licence so that your right to work can be verified again at that point in time.
- F.4 **List A**
- (i) A passport showing the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK.
 - (ii) A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
 - (iii) A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
 - (iv) A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- (v) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- (vi) A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- (vii) A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (viii) A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (ix) A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (x) A certificate of registration or naturalisation as a British Citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

F.5 List B

- (i) A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- (ii) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- (iii) A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- (iv) A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (v) A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. *This licence may be granted for six months from the date of the Certificate of Application.*
- (vi) A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. *This licence may be issued for six months from the date of the licence decision.*

APPENDIX G REFERRALS TO THE LICENSING MANAGER

G.1 Extent of this Appendix

G.1.1 This Appendix will apply to all referrals to the licensing manager for:

- determination of an applications
- departures from policy
- consideration of fit and proper person test
- suspensions and revocations
- any enforcement sanction

G.2 General Principles

G.2.1 The general principles of this Appendix are to ensure that all applicants and licence holders have a fair hearing balanced against the need to ensure the promotion of the licensing objectives, in particularly public safety.

G.2.2 Each referral will be considered on its own merits against the principles detailed in G.2.1 however the Council reserve the right to amend the processes detailed below should the merits of the particular referral warrant an alternative process.

G.3 Consideration of Applications (grants and renewals)Vehicles

G.3.1 The licensing manager will consider all available information provided with the application against the requirements of this Policy.

G.3.2 The applicant will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.

G.3.3 If the licensing manager wishes to inspect the vehicle the applicant may be requested to attend an appointment at the Council Offices for that purpose only.

G.3.4 Failure to attend any appointment at the request of the licensing manager can be considered as part of the determination process.

Drivers

G.3.5 Where the licensing manager is considering whether an applicant meets the 'fit and proper' person test, the applicant will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.

G.3.6 Prior to attending the meeting, the applicant will be provided with a case summary containing all the information necessary for the licensing manager to make his determination. The case summary will be provided to the applicant at least five (5) working days prior to the meeting.

Private Hire Operators

- G.3.7 Where the licensing manager is considering whether an applicant meets the requirements of this Policy, the applicant will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.3.8 Prior to attending the meeting, the applicant will be provided with a case summary containing all the information necessary for the licensing manager to make his determination. The case summary will be provided to the applicant at least five (5) working days prior to the meeting.

G.4 Enforcement Sanctions, including revocation and suspension

Vehicles

- G.4.1 Where the licensing manager is considering disciplinary and/or enforcement action against an individual or company, the individual or company will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.4.2 If the licensing manager wishes to inspect the vehicle the licence holder may be requested to attend an appointment at the Council Offices for that purpose only.
- G.4.3 Failure to attend any appointment at the request of the licensing manager can be considered as part of the determination process.
- G.4.4 In cases where the vehicle presents a risk to public safety or the taximeter is not correctly configured, a licensing officer may serve a s68 suspension notice until such time as the licensing manager can consider the case.

Drivers

- G.4.5 Where the licensing manager is considering disciplinary and/or enforcement action against an individual, the individual will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the individual may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.4.6 If the licensing manager is considering suspension or revocation as an option, the individual will ordinarily be offered the opportunity to attend a meeting with the licensing manager. The opportunity of a meeting may be waived in cases including, but not limited to:
- risk to the public by delaying a decision
 - all evidence being considered has been provided by the individual
 - the individual has received a caution/conviction/motoring offence that would ordinarily preclude them from holding a licence by virtue of Appendix B
- G.4.7 Prior to attending a meeting with the licensing manager, the individual will be provided with a case summary containing all the information necessary for the licensing manager to make his determination. The case summary will ordinarily be provided to the individual at least five (5) working days prior to the meeting. The period of five (5) days may be reduced in cases where the licensing manager believes that there would be a risk to the public of an unnecessary delay.

Private Hire Operators

- G.4.8 Where the licensing manager is considering disciplinary and/or enforcement action against an individual or company, the individual or company will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.4.9 If the licensing manager is considering suspension or revocation as an option, the individual or company will ordinarily be offered the opportunity to attend a meeting with the licensing manager. The opportunity of a meeting may be waived in cases including, but not limited to:
- risk to the public by delaying a decision
 - all evidence being considered has been provided by the individual or company
- G.4.10 Prior to attending a meeting with the licensing manager, the individual or company will be provided with a case summary containing all the information necessary for the licensing manager to make the determination. The case summary will ordinarily be provided to the individual or company at least five (5) working days prior to the meeting. The period of five (5) days may be reduced in cases where the licensing manager believes that there would be a risk to the public of an unnecessary delay.

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Summary of Responses to Statement of Licensing Principles

Please note: this is only a summary of the key points raised in consultation responses, the full responses are available to the sub-committee

Consultee (P=public, T=trade)	Observations	Comment / Action Taken	Amendments to Licensing Policy
Mr K S Minhas (T)	Hackney carriage wheelchair accessible percentage to be raised from 10% to 20%	The current 10% requirement is working well with some evidence of lack of demand which can be resolved by the proposed introduction of a similar percentage WAV requirement for private hire vehicles. A further increase would be restrictive to new entrants to the trade.	Section 2.7.4 Option 1 included in Policy
	Introduce a 20% wheelchair accessible percentage for private hire vehicles too	The Council has a duty to ensure sufficient WAV provision and ensure a balance between hackney carriages and private hire. Without a similar private hire percentage, new entrants to the private hire trade have an unfair advantage over new entrants to the hackney carriage trade	Section 2.7.5 Option 5 included in the Policy
H Jaspal (T)	No new vehicle plates to be issued	This would not be possible without an unmet demand survey, paid for by the licence holders, that demonstrated that it was reasonable to cap the number of available licences	None
	Double the cost for existing vehicle plates	Licensing fee case law prohibits a Council charging more than it's reasonable costs of administration and enforcement	None
	Ban all diesel vehicles	The Policy includes a proposal to move towards environmentally friendly vehicles	None
	Don't introduce 'no idling' as drivers need to keep warm in the winter	No idling is an important measure in support of the Council's declaration of a climate emergency	Option 1 included in Policy
Lee Harker (T)	Clarification of seating arrangements in MPV particularly removing the need to have rear facing seats	Original Manufacture's Specification will now be permitted providing that the Council are satisfied the vehicle is suitable	Included in Policy
	Consideration of a separate policy for executive private hire vehicles	Not necessary as the existing Policy adequately covers these vehicles	None
	Keep with Government guidelines for uLEVS and electric vehicles rather than introduce an earlier local requirement	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording
	Should not be mandatory for all vehicles to have sufficient boot space to carry a folding wheelchair, particularly if the vehicle is a wheelchair accessible vehicle	All vehicles other than WAVs should have sufficient boot space to carry a folding wheelchair	Policy amended
Krzysztof Kiersztejn (T)	Should we be removing the requirement for a licensed vehicle to carry a fire extinguisher?	It was confirmed by the Fire Service that there is a risk of extinguishers exploding in hot weather and their advice was to get out of the vehicle and not tackle a fire. Driver feedback during Compliance Tests confirmed that drivers would not use them in the case of an emergency.	None
	Section 2.4.4 is misleading and should be removed	Section 2.4.4 does not relate specifically to idling but to environmental considerations in general	None
	Section 2.4.5 Option 1 is recommended and the issuing of FPNs should be introduced for failure to comply with Rule 123 of the Highway Code, Reg 98 of the Road Vehicles Regulations 1986, Section 42 of the Road Traffic (vehicle emissions) Regulations 2002 and section 87 of the 1995 Environment Act	Council staff are not authorised to issue FPNs for road traffic offences, it's a matter for the police. Option 1 is supported by officers.	Option 1 included in Policy
	Section 2.4.6 supported	Agreed	Included in Policy
	Section 2.4.7 supported as well as a sliding scale of fees so that the most polluting vehicles pay higher fees	Licensing fee case law prohibits a Council charging more than it's reasonable costs of administration and enforcement so a 'pollution premium' is not lawful	None
	Section 2.4.10 Option 3 supported	Agreed, but will only be implemented when charging facilities and ranks have been created	Option 3 included in Policy
	Section 2.4.14 - 2.4.16 Option 1 supported but with immediate effect not from 1 January 2028 (with section 2.4.16 being 2025 not 2035) *	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording

Rod Hart (P)	Section 2.7.4 does not relate to the number of people claiming disability benefit so does not make sense. Additionally, wheelchair accessible uLEVS are not yet widely available	The number of WAVs is based more on an assessment of whether or not there are insufficient WAVs to meet the needs of our customers. Basing the percentage on statistics is not practicable for many reasons	None
	Section 2.7.5 all private hire vehicles should comply with section 2.4.14 Option 1 as amended (see above *)	The Council has a duty to ensure sufficient WAV provision and ensure a balance between hackney carriages and private hire. Without a similar private hire percentage, new entrants to the private hire trade have an unfair advantage over new entrants to the hackney carriage trade	Section 2.7.5 Option 5 included in the Policy
	Section 2.11.3 internal advertising should encourage passengers to report vehicles that leave their engines idling by providing reporting details	Section 2.11.3 relates to external advertising	None
	Section 2.19.1 not supported	The existing policy has caused no issues to date	None
	Section 2.29 not supported	LPG is still a viable environmentally friendly option	None
	Section 2.39 not supported and no limousines should be licensed	There are currently no limousines licensed by the Council however we should not have a policy to automatically preclude them	None
	Section 5.4.1 to be extended to include a statement of CO ₂ and NOX for non-uLEVs	The Policy includes a proposal to move towards environmentally friendly vehicles therefore this would be unnecessary	None
	Section C.1.3 to be extended to include not allowing a vehicle to idle whilst stationary	Agreed	Included in Policy
	Section C.1.4 to be extended to include not allowing a vehicle to idle whilst stationary	Agreed	Included in Policy
	Appendix D to be amended for failure to comply with no idling from 4 penalty points to 12 penalty points	Not supported, 12pts in reserved for the most serious offences and would be excessive in this case	None
	Appendix E to be amended to only allow uLEV limousines to be licensed	Not supported, uLEV limousines are not widely available	None
Mukthiar Singh Thind (T)	Transition to uLEVs or electric vehicles to be delayed due to the current financial climate	The date chosen reflects the current financial climate	None
	Clarification of whether the licence holder would be responsible for the cost of DBS checks for staff	The private hire operator would be responsible for the costs relating to their own staff	Clarification added to Policy
	No idling would impact on the drivers' ability to stay warm in cold weather	No idling is an important measure in support of the Council's declaration of a climate emergency	None
	Wheelchair accessible percentage of hackney carriages should be increased	The current 10% requirement is working well with some evidence of lack of demand which can be resolved by the proposed introduction of a similar percentage WAV requirement for private hire vehicles. A further increase would be restrictive to new entrants to the trade.	Section 2.7.4 Option 1 included in Policy
	Concerns over boot space requirements as a popular hybrid vehicle has a small boot	Sufficient boot space is an important requirement and each vehicle will be assessed against this Policy	None
	Clarification of seating arrangements in MPVs required when manufacturer's specification is currently prohibited	Original Manufacture's Specification will now be permitted providing that the Council are satisfied the vehicle is suitable	Included in Policy
	Printed receipts are not practicable or cost-effective given the advances in technology and the ability to text/mail a receipt	Agreed, printers will not be a mandatory requirement due to technological developments	Policy amended
	Prime location ranks should not be prioritised for environmentally friendly vehicles due to the lack of rank space in all towns	Incentives to encourage the transition to environmentally friendly vehicles supports the Council's declaration of a climate emergency	None
	Consideration needs to be given to the financial impact of changes on companies that own a number of vehicles in the current economic climate	The majority of the proposed amendments are included in the Government's Statutory Guidance and will become a national standard	None
	Further discussion with the trade on proposals should take place before implementation	The Committee will be adopting a Policy following a public consultation - a further consultation would only delay the decision and result in the need for a further of the Committee	None
	Section 2.4.5 Option 2 supported	Not supported as difficult to enforce	Option 1 is in the Policy
	Section 2.4.6 not supported	The inclusion of stickers is a valuable part of education and enforcement	None
	Section 2.4.8 not supported	Disagree	None
	Section 2.4.10 Option 3 supported with the inclusion of Euro 6 rated vehicles until Government phases out petrol and diesel vehicles	Agreed, but will only be implemented when charging facilities and ranks have been created - Euro 6 rated vehicles not included	Option 3 included in Policy

Saiful Hoque (T)	Section 2.4.14 Option 1 supported	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording
	Section 2.7.4 Option 1 supported	The current 10% requirement is working well with some evidence of lack of demand which can be resolved by the proposed introduction of a similar percentage WAV requirement for private hire vehicles. A further increase would be restrictive to new entrants to the trade.	Section 2.7.4 Option 1 included in Policy
	Section 2.7.5 Option 2 supported	The Council has a duty to ensure sufficient WAV provision and ensure a balance between hackney carriages and private hire. Without a similar private hire percentage, new entrants to the private hire trade have an unfair advantage over new entrants to the hackney carriage trade	Section 2.7.5 Option 5 included in the Policy
	Section 2.7.9 supported	Agreed	Included in Policy
	Section 2.8.5 supported	Agreed	Included in Policy
	Section 2.10.1 not supported	Disagree, case law has determined that once a vehicle is licensed it is licensed 24/7 even during private use. The Policy requirements must be met at all times unless an exemption certificate has been issued.	None
	Section 2.18.3 supported	Agreed	Included in Policy
	Section 2.20.3 supported	Agreed	Included in Policy
	Section 2.26.3 Option 3 supported	Agreed	Included in Policy
	Section 2.28.5 supported	Agreed	Included in Policy
	Section 2.36.2 Option 1 supported		Option 3 with a caveat that the time can be extended if the driver is in custody or hospital
		Disagree	
	Section 2.38 supported	Agreed	Included in Policy
	Concerns over the increased penalty points for most offences in the Penalty Point Scheme	Disagree, the penalty points scheme is proportionate to the range of offences	None
	Concerned about the impact of the proposed changes on businesses still suffering from the financial impact of the pandemic, particularly the bigger companies with a larger fleet of vehicles	The Policy seeks to ensure a reasonable balance between the financial impact on businesses, supporting the new National Statutory Standards, meeting the licensing principles and promoting the Council priorities	Reflected throughout the Policy
	Supports the removal of petrol and diesel vehicles from 2035 in line with Government proposals due to the financial impact on businesses and the poor availability of electric/hybrid vehicles in a fast changing technological age	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording
	Where possible keep hackney carriage and private hire requirements the same as the public are unlikely to be aware of the difference between the two vehicle types	Wherever possible this is the aim of the Policy however there are some necessary differences	None
	Section 2.4 supported	Agreed	Included in Policy
	Section 2.4.4 is too limited in its definition	Agreed	Definition extended
	Section 2.4.5 Option 2 supported	Not supported as difficult to enforce	Option 1 is in the Policy
	Section 2.4.6 not supported	The inclusion of stickers is a valuable part of education and enforcement	None
	Section 2.4.8 appears to focus on towns with ranks at the detriment to other towns and villages	The intention is to reduce emissions in the residential areas where a large number of licensed vehicles congregate	None
	Sections 2.4.10 - 2.4.12 Option 3 supported initially with a move towards Option 2 or 1 in 7 to 10 yrs.	Agreed, but will only be implemented when charging facilities and ranks have been created	Option 3 included in Policy
	Sections 2.4.14 - 2.4.16 Option 4 supported due to the financial impact on companies with multiple vehicles	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording
	Section 2.4.17 too vague	Deliberately vague to allow flexibility as more schemes/offers become available	None

Jayne Bratton (P)	Section 2.7.4 and 2.7.5 supported in principle but concerns over the unsubstantiated percentage requirement - should each company be required to provide a percentage of their fleet as WAVs to ensure fairness?	The demand for WAVs is kept under review to ensure sufficient vehicles are available. A significant proportion of our licence holders are self-employed with one vehicle so a fleet percentage would be unfair	None
	Section 2.7.8 supported in principle but could be extended to include texts	The Council is looking at software that will allow text messaging and it will be included by way of a minor amendment once it is available	None
	Section 2.11.3 not supported as it seems an unfair restriction on income generation for licence holders and prevents local businesses from an advertising opportunity	Agreed, advertising revenue would benefit the trade in the current financial climate so this section will be removed	Removed from Policy
	Section 2.26.2 - 2.26.4 Option 2 supported initially moving to Option 3 in three years time	Technological advances mean that customers are carrying less cash so card payments, particularly contactless should be encouraged. It also increases driver safety as they are not carrying cash.	Option 3 included in Policy
	Section 2.36.1 and 2.36.2 Option 1 supported but more clarity required	It is important for maintaining public safety that any accident damage is reported at the first available opportunity to ensure the vehicle remains roadworthy and compliant with policy	Option 3 with a caveat that the time can be extended if the driver is in custody or hospital
	Section 2.36.4 could be expanded to include virtual inspections rather than the need to attend an inspection in person	The proposed wording does not preclude virtual inspections indeed photographic evidence has been accepted on a case-by-case basis	None
	Section 2.38 should be optional at all times not just during a pandemic	Agreed and the proposed wording allows for screens for reasons of driver safety not limited to pandemics	None
	Section 3.10 should make allowance for persons that have attended training elsewhere and should be extended to offer virtual training rather than attend in person	Every application is considered on a case-by-case basis so existing training may be deemed suitable. The section doesn't preclude virtual training so no amendment is required	None
	Section 4.2.3 and 5.4 needs further definition and should be provided at cost to assist businesses	The cost of additional DBS checks will be the responsibility of the applicant, the Council does not subsidise businesses	None
	Clarification needed in sections 5.5.4 and 5.5.5	Wording improved however this represents an existing provision that is working well	Improved wording
	Section C.4 needs a definition	A definition is not practicable due to the range of property that may be left in a vehicle - common sense should prevail	None
	Section G.1 should refer to the NHDC Complaints Policy if there is an issue with administration by the licensing team	Agreed	Policy amended to include this and the right of appeal to court
	Inconsistency in capitalisation of headings	Policy reviewed for inconsistencies	Amended
	The process of obtaining a licence is too long and prevents companies from recruiting drivers when they need them	All aspects of the components required to obtain a licence are essential to ensure that public safety is maintained and licence holders meet the high standards required in North Hertfordshire	None
Jalil Atoufi (T)	Assistance needed due to the over subscription of station permits	The issuing of station permits is a matter for the railway authorities	None
	Licences should be restricted to residents of North Hertfordshire	Not lawful	None
	Drivers on radio circuits should not be allowed to work at the station	This is not a matter within the control of the Council	None
Christina and Ivars Boss (T)	Section 2.18.3 supported	Agreed	Included in Policy
	Section 2.4.5 not supported as drivers will need to keep warm and will drive around town if they cannot idle so that defeats the environmental agenda	No idling is an important measure in support of the Council's declaration of a climate emergency	Option 1 included in Policy
	Section 2.10.1 not supported	Disagree, case law has determined that once a vehicle is licensed it is licensed 24/7 even during private use. The Policy requirements must be met at all times unless an exemption certificate has been issued.	None
G W Howe (P)	Encourage the transition to electric vehicles asap	The Policy includes a proposal to move towards environmentally friendly vehicles	None
	Section 2.4.5 Option 2 supported	Not supported as difficult to enforce	Option 1 is in the Policy
	Section 2.4.10 Option 3 supported	Agreed, but will only be implemented when charging facilities and ranks have been created	Option 3 included in Policy
	Section 2.4.14 Option 3 supported	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording

Keith Simpkins (P)	Section 2.7.4 Option 2 supported	The current 10% requirement is working well with some evidence of lack of demand which can be resolved by the proposed introduction of a similar percentage WAV requirement for private hire vehicles. A further increase would be restrictive to new entrants to the trade.	Section 2.7.4 Option 1 included in Policy
	Section 2.7.5 Option 1 supported	The Council has a duty to ensure sufficient WAV provision and ensure a balance between hackney carriages and private hire. Without a similar private hire percentage, new entrants to the private hire trade have an unfair advantage over new entrants to the hackney carriage trade	Section 2.7.5 Option 5 included in the Policy
	Section 2.26.2 Option 2 supported	Disagree, card payment should be available in all vehicles	Option 3 included in Policy
	Section 2.36.1 Option 3 supported	Agreed	Option 3 included in Policy
Lucy Pinkstone	Protective screens are sensible during the pandemic but under normal circumstances passengers should be allowed to sit in the front seat as those with a hearing difficulty need to be able to lip read the driver	There is no current restriction preventing the use of the front seat, it is the driver's discretion	None
	Licensed vehicles should be required to offer payment by card due to advances in technology	Supported with a caveat that it needs to be phased in	Policy amended
Syed Rahman (T)	The system of mileage charged by companies to drivers is unfair	This is not a matter within the control of the Council	None
Kathy O'Brien (P)	Section 2.4.5 Option 2 supported	Not supported as difficult to enforce	Option 1 included in Policy
	Section 2.4.10 Option 1 supported	Incentives to encourage the transition to environmentally friendly vehicles supports the Council's declaration of a climate emergency	Option 3 included in Policy
	Section 2.4.14 Option 3 supported	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording
	Section 2.4.16 Option 3 with date reading 2028 not 2035	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Option 2 included in Policy
	Section 2.7.4 Option 3 supported	The current 10% requirement is working well with some evidence of lack of demand which can be resolved by the proposed introduction of a similar percentage WAV requirement for private hire vehicles. A further increase would be restrictive to new entrants to the trade.	Section 2.7.4 Option 1 included in Policy
	Section 2.26.3 Option 3 supported	Agreed	Option 3 included in Policy
	Section 2.36.1 Option 2 or 3 supported	Agreed	Option 3 included in Policy
R F Carswell (P)	Section 2.4.4 'dependant' should be replaced with 'dependent'	Agreed	Policy amended
	Section 2.4.5 Option 2 supported	Not supported as difficult to enforce	Option 1 included in Policy
	Section 2.4.6 not supported	The inclusion of stickers is a valuable part of education and enforcement	None
	Sections 2.4.10 - 2.4.12 Option 3 supported with a further review in 5-10 years time	Agreed, but will only be implemented when charging facilities and ranks have been created	Option 3 included in Policy
	Sections 2.4.14 - 2.4.16 Option 1 supported	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording
	Section 2.7.4 Option 1 supported	The current 10% requirement is working well with some evidence of lack of demand which can be resolved by the proposed introduction of a similar percentage WAV requirement for private hire vehicles. A further increase would be restrictive to new entrants to the trade.	Section 2.7.4 Option 1 included in Policy

	Section 2.7.5 Option 1 supported	The Council has a duty to ensure sufficient WAV provision and ensure a balance between hackney carriages and private hire. Without a similar private hire percentage, new entrants to the private hire trade have an unfair advantage over new entrants to the hackney carriage trade	Section 2.7.5 Option 5 included in the Policy
	Sections 2.26.2 - 2.26.4 Option 3 supported	Agreed	Option 3 included in Policy
	Sections 2.36.1 - 2.36.2 Option 1 supported	It is important for maintaining public safety that any accident damage is reported at the first available opportunity to ensure the vehicle remains roadworthy and compliant with policy	Option 3 included in Policy
	Section 3.5.5 (ix) 'i.e.' should be replaced with 'e.g.'	Agreed	Policy amended
Avtar Mander (T)	Allow NHDC drivers to accept work from Apps like Uber or Ola	Agreed	Policy amended
Peter Ball (P)	Section 2.4.5 Option 2 supported	Not supported as difficult to enforce	Option 1 included in Policy
	Section 2.4.10 Option 3 supported	Agreed, but will only be implemented when charging facilities and ranks have been created	Option 3 included in Policy
	Section 2.4.14 Option 1 supported	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording
	Section 2.7.4 Option 2 supported	The current 10% requirement is working well with some evidence of lack of demand which can be resolved by the proposed introduction of a similar percentage WAV requirement for private hire vehicles. A further increase would be restrictive to new entrants to the trade.	Section 2.7.4 Option 1 included in Policy
	Section 2.9.2 - would support the introduction of an NHDC livery	This will be kept under review but is an unnecessary expense for the trade in the current financial climate	None
	Section 2.26.2 Option 3 supported including contactless payments	Agreed, most technology supports contactless payments	Option 3 included in Policy
	Section C2 should be extended from Driver Dress Code to Driver Dress Code and Personal Appearance.	Not supported	None
Sara Coles (P)	Section 2.4.5 Option 2 supported, including a requirement to enable start/stop technology if fitted	Not supported as difficult to enforce	Option 1 included in Policy
	Section 2.4.10 Option 1 or 3 supported	Incentives to encourage the transition to environmentally friendly vehicles supports the Council's declaration of a climate emergency	Option 3 included in Policy
	Section 2.4.11 should include 'or drop off pre-booked customers'	Agreed	Policy amended
	Section 2.4.13 Option 1 supported	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Option 2 included in Policy
	Section 2.7.4 Option 1 supported	The current 10% requirement is working well with some evidence of lack of demand which can be resolved by the proposed introduction of a similar percentage WAV requirement for private hire vehicles. A further increase would be restrictive to new entrants to the trade.	Section 2.7.4 Option 1 included in Policy
	Section 2.7.5 Option 1 supported	The Council has a duty to ensure sufficient WAV provision and ensure a balance between hackney carriages and private hire. Without a similar private hire percentage, new entrants to the private hire trade have an unfair advantage over new entrants to the hackney carriage trade	Section 2.7.5 Option 5 included in the Policy
	Section 2.26 Option 3 supported	Agreed	Option 3 included in Policy
	Section 2.36 Option 1 supported	It is important for maintaining public safety that any accident damage is reported at the first available opportunity to ensure the vehicle remains roadworthy and compliant with policy	Option 3 included in Policy
	Options 2 and 3 are contradictory in sections 2.36.1 and 2.36.2	This section explains the legislative position and the Council's own requirement for faster notification as a licence condition	None

Sonia Price (T)	Due to technological advances, private hire operators should be allowed to mobile work rather than hire a business premises	There is no current requirement to hire a business premises, a residential property can be used as an operating base provided it is within North Hertfordshire and officers are granted access	None
Fiona Allison (P)	Supports 'no idling'	Agreed	Included in Policy
	Supports the requirement for sufficient boot space to carry a folding wheelchair and/or passenger luggage but should be phased in as existing vehicles are replaced	Agreed	Included in Policy
Heather O'Dell (P)	Persons with a conviction for sexual offences should be precluded from being a licensed driver	The proposed policy is proportionate and allows for each case to be determined on its own merits	None
	Fire extinguishers should remain a requirement for licensed vehicles	It was confirmed by the Fire Service that there is a risk of extinguishers exploding in hot weather and their advice was to get out of the vehicle and not tackle a fire. Driver feedback during Compliance Tests confirmed that drivers would not use them in the case of an emergency.	None
Phil Calver (P)	CCTV in licensed vehicles should be mandatory to safeguard passengers	We encourage CCTV in licensed vehicles but do not mandate in the current financial climate as well as the difficulties of monitoring compliance with data protection regulations	None
Teimour Bakhtiar (T)	There are too many drivers competing for limited work so licences should be restricted geographically	Not lawful	None
Daniel Locke (T)	Reduce hackney carriage fares in line with neighbouring districts (approx. 20% reduction)	The setting of fares is a separate process within the remit of the Executive Member and will be subject to a separate consultation at the appropriate time	None
David Pearson (P)	For clarity, 'hackney carriage' should be replaced with 'taxi'	Agreed	Policy amended
Sue Kennedy (P)	Supports the policy but believes fire extinguishers should remain a requirement for licensed vehicles	It was confirmed by the Fire Service that there is a risk of extinguishers exploding in hot weather and their advice was to get out of the vehicle and not tackle a fire. Driver feedback during Compliance Tests confirmed that drivers would not use them in the case of an emergency.	None
Anna Redmond (P)	Supports no idling	Agreed	Included in Policy
Shamriz Khan (T)	Does not support no idling as drivers need the engine on to keep warm and charge their mobile phones	No idling is an important measure in support of the Council's declaration of a climate emergency	Option 1 included in Policy
Matthew Peirce (P)	Drivers should have mandatory bike awareness training	Not supported, any complaints about drivers will be investigated and appropriate action taken	None
Ivan Geddis (P)	Due to the likely obsolescence of electric battery vehicles now is not the time to set a policy removing certain fuel classes of vehicles; instead a maximum age limit of 20yrs for a vehicle would allow a gradual replacement with the most environmentally friendly vehicles	Disagree, 20yrs is too long to given the age of the majority of the current vehicles. The Policy includes a proposal to move towards more environmentally-friendly vehicles	None
Bill Stewart (T)	Companies are struggling financially due to the pandemic and the measures contained in the policy will create a financial burden; could the proposals be delayed or financial support offered?	No	None
	Supports no idling	Agreed	Included in Policy
	Supports the Government proposal of 2035 to remove diesel and petrol vehicles	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording
	Supports the current 10% WAV requirement for hackney carriages	Agreed	Included in Policy
	Does not support a percentage WAV requirement for private hire vehicles	The Council has a duty to ensure sufficient WAV provision and ensure a balance between hackney carriages and private hire. Without a similar private hire percentage, new entrants to the private hire trade have an unfair advantage over new entrants to the hackney carriage trade	Section 2.7.5 Option 5 included in the Policy
	Supports the boot size requirements	Agreed	Included in Policy
	Supports changing the MPV seating requirements to allow manufacturer's specification	Original Manufacture's Specification will now be permitted providing that the Council are satisfied the vehicle is suitable	Included in Policy
	Supports the removal of the requirement for fire extinguishers in licensed vehicles	Agreed	Included in Policy
	Does not support printers attached to taximeters due to the advancements in electronic technology	Agreed	Removed from Policy
	Supports the simplification of the penalty point scheme	Agreed	Included in Policy
	Does not support the need for private hire operator staff to undertake safeguarding training due to logistical and financial implications for companies	Disagree, booking staff are the main point of contact with the public and may be able to spot safeguarding issues	None

	Does not support the need for private hire operator staff to undertake DBS checks due to logistical and financial implications for companies	Disagree, this is a requirement of the new mandatory National Standards	None
Lynne Ceeney (P)	Section 2.4.5 Option 1 supported	Agreed	Option 1 included in Policy
	Section 2.4.11 Option 3 supported	Agreed, but will only be implemented when charging facilities and ranks have been created	Option 3 included in Policy
	The Council should be encouraging cycle rickshaws and other environmentally friendly methods of transport	Every application would be treated on its own merits	None
	Supports electronic rather than printed receipts however clear instructions must be given regarding GDPR and data retention	Agreed	Policy amended to include reference to GDPR
	Supports a reasonable level of English being a requirement for a driver	Drivers already have to display a suitable level of English through the verbal test requirement. Existing drivers can be suspended if there are communication problems until a verbal test has been passed	None
	Could NHDC work with the railway stations to ensure an adequate level of vehicles outside of traditional peak times as there is often a long wait	This is outside the Council's control as it cannot mandate what locations/hours drivers work	None
Tarek Elnemr (T)	Due to the financial impact of the pandemic, changing meters is not appropriate now	Sufficient notice was given of this requirement to allow for finances to be arranged	None
	NHDC should give all licence holders a free six-month licence due to the financial hardship being suffered	The Council does not subsidise businesses and needs to recharge its costs of administration and enforcement	None
Randhir Singh Bachra (T)	Supports DBS checks for all private hire operator staff	Agreed	Included in Policy
	Supports safeguarding training for all private hire operator staff	Agreed	Included in Policy
	Supports no idling where start/stop technology is not fitted to the vehicle	Agreed	Included in Policy
	Ultra low emission diesel vehicles (Adblue additives versions) should be included in future vehicle specification for prime location ranks	The Policy will remain under review as technological advances progress	None
	Removal of petrol and diesel vehicles should be 2035 in line with Government proposals	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording
	Hackney carriage WAV percentage should increase from 10% to 15%	The current 10% requirement is working well with some evidence of lack of demand which can be resolved by the proposed introduction of a similar percentage WAV requirement for private hire vehicles. A further increase would be restrictive to new entrants to the trade.	Section 2.7.4 Option 1 included in Policy
	Does not support the requirement for sufficient boot space to carry a foldable wheelchair if the WAV percentage is increased	Disagree, many wheelchair users refer travelling in non-WAV vehicles	None
	New vehicle licences should only be released when there is sufficient workload	This would not be possible without an unmet demand survey, paid for by the licence holders, that demonstrated that it was reasonable to cap the number of available licences	None
	Supports the removal of the fire extinguisher requirement	It was confirmed by the Fire Service that there is a risk of extinguishers exploding in hot weather and their advice was to get out of the vehicle and not tackle a fire. Driver feedback during Compliance Tests confirmed that drivers would not use them in the case of an emergency.	None
	Does not support the introduction of printers attached to taximeters due to the advance in technology	Agreed	Removed from Policy
Nafees Khan (T)	Supports the simplification of the penalty point scheme	Agreed	Included in Policy
	Section 2.4.5 Option 1 is not practical	No idling is an important measure in support of the Council's declaration of a climate emergency	Option 1 included in Policy
	Sections 2.4.10 - 2.4.12 not supported due to the financial impact and the fact that the technology is not currently in place	Incentives to encourage the transition to environmentally friendly vehicles supports the Council's declaration of a climate emergency	Option 3 included in Policy
	Sections 2.4.14 - 2.4.16 Option 4 supported as the others are not practical due to cost	The Council has declared a Climate Emergency and should not wait for the Government before taking appropriate steps. The choice of uLEVs rather than electric allows for further technological developments without precluding any future technology	Section 2.4.14 Option 2 included in Policy with amended wording

	Sections 2.10.1 not supported	Disagree, case law has determined that once a vehicle is licensed it is licensed 24/7 even during private use. The Policy requirements must be met at all times unless an exemption certificate has been issued.	None
	Section C.4.3 not supported as the police will not accept lost property	The police will accept a report of lost property so they can refer any enquiries to the person holding the property	None

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FULL CONSULTATION RESPONSES (sic)
with personal data removed

Dear Sir/madam

My view regarding the revised licensing policies are the following:

The 10% wheelchair accessible requirement for hackney carriages should be raised to 20% making wheelchair accessible vehicles more accessible to wheelchair users.

It should also be introduced to private hire firms as there is a lack of wheelchair accessible type vehicles in some private hire companies.

Yours sincerely

Mr. K.S. Minhas

Dear Steve.

Please do not issue any more hackney or private hire plates There is very little work. If you need more money simply double the money for current plates. If you really are serious about the environment then ban all diesel vehicles. As for idling, in the winter it gets cold so we need to keep cars running to keep warm.

H jaspal
Plate 240

I agree with the suggestions but is resignations from extinguishers a step in a right direction.
your sincerely,
Krzysztof Kiersztein

Dear sir.

Thank you for your mail regarding the comments . i have sent you an email last time regarding the same matter unfortunately I did not receive any feedback.

i hope this time I will get your valuable feedback. I am a hackney driver and working for a company , I have to pay the company mileage as other drivers doing the same. The drivers have to pay .83P for each mile. which is very high and unfair. I believe the council will look at this and help us out of this problem. We try to work hard to get some benefit but at the end of the day most of our income goes to companies pockets. for example if we go to Heathrow airport we take 105 pounds from customers where we have to drive 84 to 90 miles and spend more than 3 hours and we have to pay to company 84* .83P which means most of the money going to the company. Sometimes if we go to pick a customer and don't have pick up we have to pay for that journey in full. Which is going from our pocket. Sometimes some customers don't pay or run away , unfortunately we have to pay for that as well .

Therefore I request you please look at this matter and change the mileage system.

Kind regards Syed Rahman.

Hi Steve,

I just have three points to relay.

Clarification of the Acceptable seating arrangements in multi passenger vehicles (MPV)

I have long held the opinion that the Chauffeur, Executive Private Hire companies should have its own policy. Whilst probably 80% of what we do does come under the governance of the existing hackney carriage there are some key differences. All my company does 100% is take business clients and some private to Airports and Concerts and special events like Cheltenham etc. thus all long distance journeys. It is very difficult for them to travel over 250 miles backwards. No matter how good a driver you are, people get travel sick and constantly have to swap seats with other occupants. I would like to see a concession with this policy. All modern MPV's have sliding seats where occupants in the back can get out quickly and safely should anything happen. Secondly unless the vehicle is a long wheel base version their Knees constantly touch the people facing, Not Good. Also from an Health & Safety point of view whilst occupants shouldn't take their seat belt off, if they did for a second on a motorway at speed and we suddenly had to brake they would end up hitting the person facing. In this instance a seat in front would give better protection.

ULEVs Electric, Hydrogen Vehicles.

I believe we should stick to the current Government guidelines for target dates for swap over. All our work is distance work. The charging infrastructure is currently woefully inadequate. Electric cars at the moment do not give us anywhere near the range we need and is not economically viable at this time. I agree though if your working as a taxi in the town city centres this very much makes a lot of sense to reduce town pollution however, I think even then we should be sensible and wait to see how technology advances before realistically setting a date.

Boot Space for Wheelchair.

All my Vehicles have a boot that could take a wheel chair Audi A8 & S Class very expensive cars however, they wouldn't be able to take luggage to the Airport as well. The only vehicle on the very rare occasion over 17 years I've had a client with a wheelchair I used the multi seater vehicle. They managed to get into the vehicle safely and easily with the help of staff or relatives. This vehicle is not converted. I do not believe its right to make it mandatory to make all vehicles have a boot big enough to take a wheel chair in our sector. We already have the vehicle capable but apart from the Multi seater would not be able to take luggage.

NHDC I believe in my experience to have been very fair over the years and have always sought feedback to policy. I hope my points above are not in anyway seen to be Elitist but we are very different to standard Taxi, Hackney Carriage and most Private Hire in our day to day business. I would very much like to offer any further assistance in any future policy for our sector if required.

Regards

Lee Harker PHO 113 Operators Licence.

Groupec

NHDC TAXI CONSULTATION AUG2020
comments on draft v3

2.4.4 The Council will seek to strike an appropriate balance between protecting the environment and ensuring sufficient transport provision in the District as it is aware that many elderly and/or vulnerable residents are dependant on hackney carriages and private hire vehicles to undertake essential journeys i.e shopping, social interaction and medical appointments.

Comment: I fail to see how switching off taxi engines whilst stationary is in any way relevant to the above statement. So this statement is misleading and should be removed.

OPTION ONE 2.4.5 All hackney carriage and private hire vehicles MUST switch off engines when stationary; NO vehicle is to be idling at any time particularly at hackney carriage ranks, when parked and whilst awaiting passengers. This will have a significant positive environmental impact considering the number of licensed vehicles within North Hertfordshire.

OR

OPTION TWO 2.4.5 All hackney carriage and private hire vehicles MUST switch off engines when stationary for more than one (1) minute. Vehicles are not to idle for any longer than one (1) minute, particularly at hackney carriage ranks, when parked and whilst awaiting passengers. This will have a significant positive environmental impact considering the number of licensed vehicles within North Hertfordshire.

Rule 123 of the Highway Code, Reg 98 of the Road Vehicles Regulations 1986, Section 42 of the Road Traffic (vehicle emissions) Regulations 2002 and section 87 of the 1995 Environment Act

Comment: The above are the extant laws that prohibit “unnecessary idling whilst stationary” section 42 the Road traffic act can be enforced with fines of up to £2500, fixed penalty notices of a minimum £20 can also already be applied. The Royal Borough of Kensington and Chelsea has £40 fixed penalty notices for idling. Given this, option one can be the only one to be considered. The thing I find surprising is that local authorities consistently fail to uphold the law.

2.4.6 All licensed hackney carriages and private hire vehicles will be required to display an anti-idling sticker provided by the Council inside the front windscreen or on the front dashboard reminding drivers of the need to switch off the engine when stationary.

Comment: Yes good idea.

2.4.7 The Council encourages the use of cleaner, low emission vehicles as hackney carriages or private hire vehicles and will offer a subsidised licence fee for electric or hybrid vehicles to encourage vehicle owners to consider changing to cleaner fuels.

Comment: Yes good idea. This should be coupled with an increase licensed fee (on a sliding scale perhaps?) for drivers of larger and more polluting vehicles, this information is readily available, based on CO2 emissions and NOX levels for diesels, from vehicle manufacturers. This will discourage hackney carriage drivers from buying large diesel Mercedes (as many of them seem to run now). It should also be clearly articulated to drivers and operators. The benefits of greatly reduce running costs with uLEVs.

2.4.8 The Council is aware of the limited hackney carriage rank provision in the District and the potential for hackney carriages to congregate in areas such as town centres, particularly as part of

Draft v3 Page 6 the late-night economy. This often causes increased emissions in high density residential areas having an adverse impact on public health and the environment

Comment: Is there any such thing as a late-night economy in the post-Covid “New Normal”?

OPTION ONE 2.4.10 The Council will seek to establish new hackney carriage ranks in town centres that will be limited to use by electric vehicles only; these ranks will have electric charging facilities. All other hackney carriages will have to use the existing hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.

2.4.11 Private hire vehicles will only be permitted in the town centres to collect pre-booked customers.

2.4.12 An Appendix will be added to this Policy outlining the areas considered as a ‘town centre’ for the purposes of this section of the Policy at the appropriate time.

OR OPTION TWO

2.4.10 The Council will seek to establish new hackney carriage ranks in town centres that will be limited to use by electric or hybrid vehicles only; these ranks will have electric charging facilities. All other hackney carriages will have to use the existing hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.

2.4.11 Private hire vehicles will only be permitted in the town centres to collect pre-booked customers.

2.4.12 An Appendix will be added to this Policy outlining the areas considered as a ‘town centre’ for the purposes of this section of the Policy at the appropriate time.

OR OPTION THREE

2.4.10 The Council will seek to establish new hackney carriage ranks in town centres that will be limited to use by electric, hybrid or ultra-low emission (uLEV) vehicles only; these ranks will have electric charging facilities. All other hackney carriages will have to use the existing hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.

2.4.11 Private hire vehicles will only be permitted in the town centres to collect pre-booked customers. 2.4.12 An Appendix will be added to this Policy outlining the areas considered as a ‘town centre’ for the purposes of this section of the Policy at the appropriate time.

Comment: Option one is the most desirable and environmentally sound, however, this would curtail future use of uLEVs and may meet much more resistance in implementing, therefore, option three.

OPTION ONE

2.4.14 From 1 January 2028 all new vehicles must be ultra-low emission vehicles (uLEVs).

2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below, until such time as they are replaced at which point they will be considered to be a new vehicle and must comply with section 2.4.14 above.

2.4.16 From 1 January 2035 no petrol, diesel or hybrid vehicle will be licensed by the Council.

OR OPTION TWO

2.4.14 From 1 January 2028 all new vehicles must be ultra-low emission vehicles (uLEVs).

2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below, until such time as they are replaced at which point they will be considered to be a new vehicle and must comply with section 2.4.14 above

2.4.16 From 1 January 2028 no petrol, diesel or hybrid vehicle will be licensed by the Council.

OR OPTION THREE

2.4.14 From 1 January 2028 all new vehicles must be electric vehicles.

2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below, until such time as they are replaced at which point they will be considered to be a new vehicle and must comply with section 2.4.14 above

2.4.16 From 1 January 2035 no petrol, diesel, uLEV or hybrid vehicle will be licensed by the Council.

OR OPTION FOUR

2.4.14 From 1 January 2035 all new vehicles must be electric vehicles.

2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below, until such time as they are replaced at which point they must be replaced with either an electric or uLEV. 2.4.16 From 1 January 2035 no petrol, diesel, uLEV or hybrid vehicle will be licensed by the Council.

Comment: Option one is the only viable option but the 2.4.14 date of 1Jan 2028 is unacceptable, this should be replaced with the date of implementation of this policy, ie now!

The 2.4.16 date of 1 Jan 2035 is unacceptable and shouldn't be replaced with 1 Jan 2025

The dates currently proposed under sections 2.4.14 and 2.4.16 in option one are basically a) "kicking the can down the road!"; b) make the assumption, almost certainly incorrectly, that vehicles used as Hackney carriages have a working lifespan of longer than five years and c) will simply encourage Hackney carriage drivers to buy highly polluting vehicles in the last quarter of 2027.

2.7.3 To ensure adequate provision, the Council will endeavour to ensure that a suitable percentage of the licensed vehicles are purpose-built wheelchair accessible vehicles and that all other vehicles have sufficient space to carry a folding wheelchair.

Comment: What percentage?

OPTION ONE

2.7.4 New hackney carriages All vehicles for new hackney carriage licence applications must be either: (i) a 'London' type hackney carriage, or (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 10% of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when the criteria is not met.

OR OPTION TWO

2.7.4 New hackney carriages All vehicles for new hackney carriage licence applications must be either: (i) a 'London' type hackney carriage, or (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 15% of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when the criteria is not met.

OR OPTION THREE

2.7.4 New hackney carriages All vehicles for new hackney carriage licence applications must be either: (i) a 'London' type hackney carriage, or (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 20 % of the total number of licensed hackney carriages meet this criteria, at which time this restriction will no longer apply. This restriction will apply at any time when the criteria is not met.

Comment: Although some flexibility will need to be applied to 2.4.14 above until wheelchair accessible uLEVs become widely available, stipulating London Hackney type carriages is unacceptable unless these are uLEVs. At the present time I'm not sure any of them are.

Comment: Where do the percentage numbers come from in these three options above? NHDC's own website states that the number of people living in North Hertfordshire, claiming disability allowance is 4%. Although this is not an absolute number for people who require wheelchair access it's probably the best we have to go on, so none of the percentage numbers in the three options make any sense.

2.7.5 New private hire vehicles – all options

Comment: All new private hire vehicles, adapted for wheelchair access, including minibuses, should apply with the criteria in 2.4.14 option one dates amended as above.

2.11.3 No advertising of any other business is permitted on the exterior of the vehicle.

Comment: uLEVs Hackney carriage owners should be actively encouraged to advertise this fact on the outside of their vehicles and to have an internal advertising space promoting the benefits of uLEV transport to passengers.

Comment: For private hire vehicles and Hackney carriages that are not uLEVs internal advertising space should be provided to encourage passengers to report engines left idling whilst stationary with the reason why clearly articulated and a contact telephone number to report the incident.

2.19.1 On the occasion of major sporting or non-sporting events (for example, a world cup, coronation, royal wedding, etc.) a maximum of two (2) national flags may be flown on a licensed vehicle. The flags must be of a size and manufacture that will not obstruct the driver's view in anyway, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor's own risk

Comment: Really, why?

2.29 Vehicles Powered by Liquid Petroleum Gas (LPG)

Comment: These vehicles will not meet the criteria required in section 2.4.14 so should be discouraged or not licensed.

Temporary Vehicles

Comment: 2.36.11 Licences for temporary vehicles will only be permitted, provided the temporary vehicle meets the criteria defined in 2.4.14

2.39 Stretched Limousines

Comment: It is most unlikely that any stretched limousine or vehicle of this type will meet the criteria defined in 2.4.14. Therefore, no licences should be granted to stretched limousine owners and all existing licences should be withdrawn effective immediately.

2.41 Courtesy Cars

2.41.1 The Council takes the view that vehicles, which are used as "courtesy cars", i.e. for transporting customers to and from garages, airports, hotels and night-clubs, without charge but with an obvious business benefit, are likely to need to be licensed under the private hire licensing scheme. Whilst there may not be a separate charge for using the vehicles, they are being supplied with a driver for a specific purpose which is likely to result in a 'business benefit', for example a customer using that particular business as opposed to one that doesn't offer the same transport service.

Comment: All courtesy cars, providing the services listed in 2.41.1 above, shall be required to meet the criteria defined in 2.4.14

2.43 Voluntary Sector Transport

Comment: Any voluntary sector providing transport services should be actively encouraged to meet the criteria defined in 2.4.14

5.4 Operators

5.4.1 An application for an operator licence will only be considered complete when all of the following components have been received:

- (i) prescribed application form, fully completed**
- (ii) appropriate fee**
- (iii) inspection of the operating premises by a licensing officer**
- (iv) basic Disclosure & Barring Service (DBS) disclosure(s) in accordance with section 4.2 above**
- (v) safeguarding training attendance in accordance with section 4.19 above**

Comment (vi) a statement of CO2 and NOX (for non-uLEV vehicles) which clearly identifies the vehicle and the operator licence number.

6.1 Enforcement

Comment: Somewhere in section 6.1 there needs to be the ability for disciplinary action and strict and rigorous enforcement action to be taken against non-uLEV drivers who fail to comply with the no idling criteria defined in 2.4.5. Fixed penalty notices should be applied with the option of reporting to the police as civil law is being broken. The licensing manager should have the ability to apply a “three strikes and you’re out” type policy for persistent offenders. This needs the legal team to look at it.

9.2 Waiting on Stands

Comment: Need to include some of the wording from section 2.4.5 in section 9.2

13.1 All references in this policy document to the following terms imply the definition below:

Comment: Need to include references to these: *Rule 123 of the Highway Code, Reg 98 of the Road Vehicles Regulations 1986, Section 42 of the Road Traffic (vehicle emissions) Regulations 2002 and section 87 of the 1995 Environment Act* in the definitions table in section 13.1

C.1.3 Whilst waiting on hackney carriage ranks, in addition to the requirements of subsection C.1.2, a licensed driver shall:

- (i) rank in an orderly manner and proceed promptly along the rank in accordance with rank protocol, and**
- (ii) remain in the vehicle, save for alighting to smoke or for comfort breaks.**

Comment: (iii) Not allow vehicle to idle whilst stationary

C.1.4 Whilst waiting at private hire operator premises, in addition to the requirements of subsection C.1.2, a licensed driver shall:

- (i) not undertake servicing or repair of vehicles on the highway,**
- (ii) not undertake servicing or repair of vehicles on the premises unless appropriate planning permission has been obtained, and**
- (iii) take whatever action is necessary to ensure that the business operation does not cause unnecessary disturbance to residents.**

Comment: (iv) Not allow vehicle to idle whilst stationary

APPENDIX D PENALTY POINTS SCHEME

Comment: From the table in D10 schedule of penalty points, failure to comply with the no idling requirements of this Policy shall incur 12 penalty points, not 4 as stated.

APPENDIX E ADDITIONAL CONDITIONS FOR LICENSING STRETCHED LIMOUSINES

Comment: For quite clear environmental reasons licensing should we withdrawn from all stretch limousines, effective immediately, and no further licences for stretch limousine should be granted unless these can be demonstrated to be uLEVs.

END OF COMMENTS.

R.A. Hart

Aug 2020

Dear Sirs

Please consider the following when undertaking the policy review:

Under the present economic climate I do not think any policy change regarding the introduction of ULEV's or electric vehicles will be possible or financially viable for fleet operators without further consultation or discussion. Whilst I appreciate the reasoning in considering an introduction date, the current uncertainty for small businesses means their immediate concerns are trying to stay in business and not having to think of future financial commitments which may be introduced.

DBS Checks for Private Hire Operator Staff. Clarification as to who will pay for this service should be provided. Staff turnaround can be an issue so again if the cost is to be borne by the operator then this seems a little harsh. Also I would like this to be discussed in more detail as to the thinking behind this proposal.

No idling. Some drivers will idle on the ranks for periods of time during cold weather in order to keep the vehicle warm. Assume this proposal is a "green" proposal so again maybe need to be clarified further.

Following the recent release of non wheelchair accessible Hackney Carriage licence plates, I believe that the current percentage limit should be increased. Again under the current climate of uncertainty I understand a number of existing Hackney Carriage vehicle owners are looking to sell up thus numbers will potentially reduce.

Vehicle dimensions and boot space. May this can be considered but again a popular model of hybrid vehicle currently being licensed does seem to have a small boot space although its environmentally friendly. Maybe consider not licensing certain "hatchbacks", ie: Vauxhall Astra, VW Golf type vehicles. However, as vehicle come in all shapes and sizes there will be much to consider as I have seen 4x4 vehicles licenced as Private Hire vehicles.

Multi Seat Vehicles. Seating arrangements should be reviewed as some purpose built 8 seater vehicles (not purpose built taxis) have a manufacturers seating arrangement which can not meet the current rules so therefore it becomes difficult to comply. Further research into this aspect should be considered before applying any policy changes.

Printed receipts. As previously mentioned at a forum meeting, I feel that printers are old technology and an expensive one at that. Most drivers now have card readers which have the

ability to text or email receipts. Furthermore, the customer will have a record of the transaction on their bank statement. I am not sure what the rationale was to introduce printed receipts, but some fleet operators have invested in technology including passenger apps which provide a complete record of any bookings. I have a printer in my vehicle and the volume of receipts issued has been minimal. I think this part of the policy needs looking at further or the need for printed receipts to be scrapped.

At present I do not feel prime location ranks should have any vehicles prioritised. Rank space is an issue in most towns so I am not sure what purpose this would serve.

When considering any policy changes thought should be given to the fact the majority of licenced vehicle owners are individuals but some changes could have financial impacts on fleet operators and not so on individuals and as previously mentioned there is a massive uncertainty in the trade as a whole at present.

I feel once the consultation period is over and before any major changes are applied to the policy, a summary of the proposals should be published and further trade discussions should be held.

M S Thind
Hackney Carriage Drivers Badge: 1111
Taxi Forum Member

Good Afternoon

I would like to put my thoughts and comments forward regarding the consultation.
I will comment on what I feel is most relevant and important to me.

2.4.4 - Idling

I agree with option 2.

2.4.6 - Stickers, I feel it is unnecessary to have stickers in the car to remind drivers of anti-idling rules, if it becomes a rule the drivers should know and adhere to it just like all the other rules. Stickers will cause more clutter and confusion for customers.

2.4.8 - Hackney carriage ranks

I disagree with 2.4.8 as the town centres (Hitchin) are not deemed to be 'highly dense residential areas'. As always emissions and noise levels should be kept to a minimal in the evenings and regardless of the location.

If restrictions are put in place for the town centre ranks, and types of NHDC licenced vehicles, it will give others such as Uber/Lyft to congregate the town centre and emissions and public health will still be an issue?

I feel it's more of an educated approach that is needed then restrictive approach.

2.4.10 - I agree with option 3, however I feel Euro 6 vehicles should be included in the proposed rank until the government guidelines when they phase out petrol and diesel and euro 6 vehicles.

In this moment in time 'electric and hybrid vehicles are very expensive, and the volume of trade vs taxis/Uber available, I don't feel it will be a viable investment as such. I feel normal conventional vehicles are being penalised are being pushed further away from the centre and the priority is with

electric & hybrid vehicles which shows signs of prejudice and discrimination against older licenced vehicles.

2.4.14 - option 1 feels the fairest, in this moment in time.

2.5.4 and 2.5.5 I will need more clarity on this clause, and I didn't understand the proposal?

2.7.4 - Option 1 seems the fairest.

2.7.5 - Option 2 seems the fairest - As it adds WAV to private hire companies and operators' fleet, and not just on independents owner drivers.

2.7.9 - Agree with this option

2.8.5 - Agree with this option

2.10.1 - Licence plates,

I disagree with this option. As an independent owner driver, the vehicle is commonly used for private personal use. Occasionally the genral public get confused if you are for hire or not and attempt to get in the vehicle because the plates and the signage can cause them confusion whether you're on duty or not.

Also, it may seem the driver may be touting for business when they are not. Furthermore, if the vehicle is in unfamiliar territory/area/town the magnetic plates are prone for theft. For this reason, I strongly disagree with this option.

2.18.13 - Child seats - I agree with this option.

2.20.3 Windows - I agree with this option.

2.26.3 - Taxi meter - I agree with option 3, all Private and Hackney vehicles should offer the same level of payment options and facilities.

2.28/5 - Disability access - I agree with this option.

2.36/2 - Accident reporting - I agree with option 1.

2.38 - Protective screens - I agree with most points made on this proposal.

Penalty points scheme: I agree with points award scheme, however with 40 out of 50 offences been uprated it seems really unfair, increase of points per offence has been set significantly higher than the previous table.

I hope my thoughts and comments are considered and I am more than happy to give more input in the consultation and proposals of the policy.

Kindest Regards

Saiful Hoque

1648

Dear Licensing team at NHDC,

Thank you for inviting me to review the changes to Hackney Carriage and Private Hire Licensing Policy.

It was helpful that the areas of change were in red – I have never even looked at a Hackney Carriage and Private Hire Licensing Policy before and so it made the job of reviewing it so much easier. I have reviewed only those areas high-lighted in red. In this letter, I have summarised my key points and I can be available to discuss these, or other points relating to this policy.

I am writing from the position of a local resident and an experienced business growth consultant. I now run my own business in Royston, but my professional background is a qualified process and productivity specialist and therefore I have written and reviewed hundreds of policies. It is from these combined positions and experience I have reviewed the changes to this policy.

Generally, I believe that I understand your long-term goal with Hackney Carriage and Private Hire. However, the reason I have taken time out of serving my own customers to reply is I strongly feel that some of the changes you are suggesting are flawed and I have explained these below along with a number of other observations.

In summary, I believe that:

- You are not considering how big the business of covid have been and that businesses will need time to stabilise before significant changes such as having to invest in new cars and implement new processes is enforced.
- Small one-car companies may be able to apply these rules quicker than bigger companies with larger fleets which will really struggle.
- Businesses will likely have business plans for a minimum of 5-10 years ahead and the more expensive changes such as replacing cars with much more expensive hybrid/electric ones will need to be introduced to these plans – otherwise how are they going to fund it all?
- There is poor availability of electric/hybrid cars and those which are available are really expensive. Waiting for a few years to implement this policy will give time for the relative cost of the cars to be more in line with current cars. I understand that especially those suitable to carry wheel chairs etc are particularly difficult to get at a reasonable price? Your policy has time to be implemented as the government changes are to be from 2035 – given the current business climate I believe this should be the target date.
- Taking in to account that users of taxis are unlikely to be aware that there are Hackney Carriage and Private Hire, to them they are 'just' taxis, and therefore having different user facing processes are just confusing and therefore I suggest that they are kept the same, where possible, throughout the policy.

I feel that a number of areas in this policy has not been properly thought through, and as a local resident I am not amused that some decisions are being made without statistical reasoning.

Given the time I have spent reviewing this document, I trust you will take my concerns seriously and consider them especially as I have done this at your request. In return, I request a response to each point – along with the action (if any) you are going to take – and if no action, then an explanation as to why not.

You will see my comments refer to the reference number and then I have added a few additional comments at the bottom of the document.

PART 2 – VEHICLES

2.4 Environmental Considerations

I agree with this new focus on climate change - it is in keeping with what the larger global society is pushing for.

2.4.4

I think this is too limited as this refers only to the elderly and vulnerable. Not everyone has cars, people use taxis for save transport home after being out in the evening, it is a safe mode of transport for children/teenagers, the weather can make it impossible to cycle or walk, the bus services in this area (especially the more rural villages) are extremely poor and therefore often taxis are the only form of transport for some people.

2.4.5

I would like the aspiration to be Option 1, but I believe it is unrealistic for drivers to turn their engines off EVERY time and therefore for me it must be Option 2

2.4.6

“All licensed hackney carriages and private hire vehicles will be required to display an anti-idling sticker provided by the Council inside the front windscreen or on the front dashboard reminding drivers of the need to switch off the engine when stationary.” At a time we are trying to improve safety on the roads – why are you suggesting adding blockages to the visibility for the drivers – I think the location of this sticker this is a flawed idea.

2.4.8 Hackney Carriage Ranks

Not all towns and villages have taxi ranks and therefore a lot of this policy seems very heavy for areas like Royston and the villages. You state that “This often causes increased emissions in high density residential areas having an adverse impact on public health and the environment”, I am not aware that Royston and the local villages have any taxi ranks in residential areas and therefore this illustrates my observation that this policy does seem heavy.

2.4.10/2.4.11/2.4.12 Hackney Carriage Ranks

I understand what you are trying to achieve here and I propose that option 3 is implemented for now with a plan to change to option 2 or 1 in say 7-10 years once the availability of electric / hybrid cars has improved. This will give the business owners chance to change over to these more expensive vehicles and to build this extra costs in to their business plans – this also fits better with the Government’s intention to introduce a ban on the sale of new petrol, diesel and hybrid cars in the UK by 2035 at the latest.

2.4.14/2.4.15/2.4.16 Environmentally Friendly Fleet

I think some of these options are far too heavy handed. It may be fine for a small one-car company but some of the larger companies are going to really struggle. I feel that by pushing this through sooner you will be severely hampering the survival of some of these companies. For this reason, I propose that you implement option 4.

2.4.17 Other Assistance

Your comment of “Government schemes offering subsidies and/or other help-to-buy alternatives for more environmentally friendly vehicles” Is very vague – what does this support actually look like in terms of money for the businesses? How do business access this information?

2.7 Vehicle Type

2.7.4 and also 2.7.5

I absolutely agree with what you are trying to achieve here however I think you are fundamentally flawed in your approach. Your current options seem to me like you are just trying to hit a NHDC target rather than actually make an effective change to the users of taxis.

A small one/two-car firm will simply wait until the bigger businesses have picked up this cost, making this an economically unfair proposal. I would instead suggest that each firm must have at least 10/15/20% of their cars as wheelchair friendly. Which then covers all taxi firms and not just bigger ones and or those changing their car at that time.

As far as a % goes I suggest that again your approach is flawed. I would want to base my opinion on research of how many wheelchair journeys are requested and then go for slightly above that figure. Your proposal feels like a guess which is not professional and could severely underserve those in wheelchairs and/or have a huge cost impact for no reason on local businesses if it is overpredicted. Clearly this percentage should also not be based on the number of disabled people as not all disabled people are in wheelchairs and occasionally there will be temporary wheelchair users e.g. a broken leg. This point is one of the key reasons I feel this policy has not been properly thought through.

2.7.7 Procedure for when the Wheelchair Accessible Criteria is Met

This reads like you limit the number of taxis which can be given a license? If this is so, then on what statistical evidence / grounds do you make that decision?

2.7.8

Spam filters are very strong sometimes and messages get lost in the cloud. I think this point does not address the issues of current technology – could you add a text to this option?

2.11.3 Advertising

This is very confusing as a standalone statement – is this connected with 2.1.1?

Why such restrictions? London taxi firms do this all the time and get additional income from the advertising – why is this an issue?

By putting this clause, you are restricting the taxi business owners an opportunity of having an additional revenue stream from advertising and also help to promote other local businesses.

This feels like someone is making rules up without thinking through the business implication to the owners, when doing exactly what you are saying no to is part of British culture, are you going to stop London taxi companies travelling in to NHDC to drop off passengers?

2.26.2/2.26.3/2.26.4 Meters

Option 3 sounds modern, consistent, fair and straight forward.

However, given the current instability for businesses, I would propose start with option 2 and then say in 3 years move to Option 3.

2.36 Accident Reporting

2.36.1/2.36.2

Option 1 seems to make the most sense.

What type of accident do you want them to report in 2.36.2? If there is no damage to their vehicle, why would they report it to you? Are they going to have to report running a rabbit over?

Are they reporting accidents they witness? If so, then that surely is a police issue and not NHDC.

2.36.4

I would add the option to inspect virtually e.g. a driver/owner can show you around on video camera on their phone to save unnecessary pollution and tax payers money – only in exceptional circumstances should a taxi be needed to be inspected in person.

2.36.9

Is there ever a situation where the police want a vehicle as evidence in a case? If so, then maybe this needs to be covered here

2.38 Protective Screens

2.38.1

Why can these not be optional at all times?

2.38.4

Does this apply when there is national instruction from the government to fit them? It reads like regardless of the national law the taxi businesses need to wait for your approval. Surely this is not correct? Why do they need to get permission when it is their vehicle and it is now a recognised safety measure? Will the council use government funding to support critical small business with this type of measure? Will you set up arrangements with local suppliers? Or at the very least maybe you could research potential suppliers to create a list in support of the business owners – who will have so many issues to address and support that I am sure some support would be extremely welcome.

PART 3 - DRIVERS

3.7.6 Disclosure & Barring Service (DBS) Disclosures

Is the company that the driver works through, also informed that they are now suspended?

3.10 Safeguarding Training

Is this free? Are you going to cover the cost of wages?

What if they have similar training from another UK local authority? E.g. Cambridgeshire?

If you are expecting them to attend your training on top of other similar training, then that seems over the top and disruptive.

Are certain professionals exempt? I understand from my personal contacts that many drivers are serving or ex-police or ex-forces. Are you saying that professionals with a very high-level of safeguarding training also need to attend your course? If they need to learn how to apply their knowledge to NHDC why not a simple leaflet to read or short video?

It says from 1 August 2019 – so has this been happening anyway, even before it became policy?

Can this course be online or via video? This will also reduce NHDC costs, reduce impact on emissions and congestion from drivers and staff travelling to you, and it also a standard procedure which fits with any future covid situations.

Could you postpone these additional requirements to allow businesses to stabilise before adding more pressure on them and staffing.

PART 4 - PRIVATE HIRE OPERATORS

4.2.3 and 5.4 (v) Disclosure & Barring Service (DBS) Disclosures

Why are you managing this via a DBS? The legislation related to this is surely GDPR?

What if taxi firms want a short-term of temporary member of staff? What about a company cleaner or car mechanic or valet? Does this apply to family members answering the phone for a one-car business?

Does this include agency staff or consultants working in the business?

Are you offering a simple process for business to put their DBS requirements through yourself? It is not as easy for small businesses to get DBS checks as it is for large businesses. Maybe you could offer this as a service to help business owners at cost price – or do you already and therefore adding to the number of people needing DBS checks is being considered as an income stream?

I think 'all persons involved in the management and staffing' needs defining as to the scope of persons involved.

PART 5 – APPLICATION PROCEDURE

5.5.4 and 5.5.5 Submitting and Collecting Documentation

You state, 'upon production of the existing plate or badge'. This assumes that there is something to hand in, but this section is for 'relating to all application types'. This is confusing and I suggest is clarified.

C.4 DRIVER CODE OF CONDUCT

I think a definition of lost property would be useful. Technically an empty crisp package could be classed as lost property, or a dirty pair of socks, or a scarf. Which are to be classed as lost property, and which are rubbish or disposable items?

Could a perceived monetary value be useful here and if so, how will drivers decide what that is?

Some items may be precious to their owner but have no perceived value.

Why do they hold on to the items for only 7 days and why take them to the police?

Has anyone asked the police what level of lost property they would keep? Maybe that could be used to create this policy point – and then the instruction has some basis of substance.

G REFERRALS TO THE LICENSING MANAGER

This process does not seem to have communication back to the business owners/managers. E.g. 6.4.5/6.4.6/6.4.7

G.1

What about complaints over the administration by the licensing team.

What happens if the complainant has issues with the department? Do you have a separate complaints policy? If so, then this should be referred to here.

Other observations

1. I think ALL cars – not just taxis should be told to turn off their engines when idling for more than a minute – maybe this could be suggested to the highways committee?

2. You may be interested that there is some inconsistency in capitalisation of your headings – personally, I

prefer sentence case headings in my documents however I believe they should at least be consistent – e.g. 2.7.9 Renewal applications

3. I propose that the council looks at the time it takes to process the admin and applications of taxi firms. I imagine the types of processes this would include responding to correspondence, award licenses and test new drivers. After hearing comments from people applying to be taxi drivers with NHDC I believe that the NHDC processes and timescales are a significantly longer than neighbouring councils and in today's world of technology, and with my professional background in processes and productivity this all seems like it is taking too long. This will be unhelpful to the owners of business trying to recover from an unprecedentedly difficult year and recruit drivers with the uplift in demand, I imagine they will need people 'now' and those people will want to be in a job 'now'.

I look forward to hearing from you,
Regards
Jayne Bratton

Dear Mr Cob,

I hope this email finds you well during these unprecedented times.

Thank you very much for your email and to all staffs in taxi licensing department.

I first became a taxi driver in Letchworth back in 2003 and I remember we had to wait for six months to qualify and receive a station badge. However, I have noticed that nowadays anyone who applies for a station badge seems to receive this promptly and very easily. I don't feel this is fair for us. Therefore, I would like to ask if there is anything that you can do to support us Taxi Drivers who have more than 10 years of experience serving the community of Letchworth and their only way of any income is through passengers that we pick up from the Station as we do not have radios?

The second issue that I would like to bring to your attention is whether you feel it's right that those who are not a resident of Letchworth or North Hertfordshire are successfully becoming a Taxi driver in Letchworth? I don't think this should be acceptable and there should be extra measures in place to ensure this does not happen.

Thirdly, at the moment, drivers with the radio (such as Euro Cab) all join the queue at the station when they are quiet. For someone like me, with 17 years of experience, it's not fair when the only way of income for me is through passengers that I pick up at the station. I feel those drivers should go to the taxi rank outside the Cinema rather than have the opportunity to join the queue at Letchworth.

I urge you to find a way that will result in a fairer system for us more experienced drivers who do not have a radio.

Thanks in advance for the time you have taken to read this and I hope to hear from you with some positive news.

Best wishes,
Jalil ATOUFI
Plate number 58
Letchworth station taxi

Encourage Taxi companies to speed up the take up of Electric vehicles; the same for Electric buses....They already have electric buses in China !
Yours G.W.Howe

Policy Consultation

Let North Herts Hackney Carriage Taxis have the choice of adding to Taxi pick up apps like Uber Ola. It will give drivers another choice of work, picking up clients that otherwise clients will use & pay the mentioned app company taxis

Kind regards
Avtar Mander

In regards of proposition 2.10.1

It would not be acceptable to me to approve this regulation as it would amount to an invasion of privacy.

When I am not driving my taxi for work I do not want to be reminded of work by the plate on my car, the taxi light on my roof or any other signs of work. Likewise I would not wear my taxi badge round my neck in my free time.

I also don't want to be identified by members of the public as a taxi driver and have them know what I do for a living. It would take away my right to anonymity during my free time.

I also don't want customers to know where I spend my free time.

I don't want to be flagged down or asked for a lift by members of the public when I am not working. I don't want to explain to them why I'm not working when I clearly have an identifiable taxi.

I don't want to be stopped by police doing spot checks on taxis whilst I'm not working.

My free time and personal life should remain completely separate from work.

The vehicle is insured for personal use and should be exactly that - personal.

-- I hope this will suffice 😊

Kind Regards

Christina Boss and Ivars Boss

A few more points.

2.18.3 I agree with this. Although I wouldn't like the customer to see me as being unhelpful or unfriendly, but I'm sure I would like being sued for negligence or corporate manslaughter even less.

2.11.9 I can think of a certain private hire company with 'cab' in its name!

2.4.5 In winter this may have the opposite desired outcome if hackney carriage cars can't keep warm by idling on the rank, the drivers might have to drive around to keep warm due to the fact that there are now so many private hire cars, especially in Letchworth (including Uber) taking up work and causing longer waiting times for Hackney carriage cars. This scenario would cause more pollution not less, as does the ever increasing number of private hire cars at present. Where will all the private hire cars be idling during winter? Maybe we're looking at the wrong point where pollution is concerned.

Thanks once again for your attention - I don't get much!

Ivars

We believe operator technology has developed so fast and we should now have the option to use up to date computer Software technology for operators to run their business via a mobile operation instead of having to hire premises with utilities and staff costs.

Sonia price

Dear Sarah,

Thank you for the opportunity to comment on the above document. I have assumed that opinions are required predominantly on the various stated options, consequently my input is as follows:-

2.4.5 Option Two
2.4.10 Option Three
2.4.14 Option Three
2.7.4 Option Two
2.7.5 Option One
2.26.2 Option Two
2.36.1 Option Three

I trust the above will be of some assistance.

Sincerely
Keith Simpkins

I am encouraged that the Council is addressing the environmental impact of vehicles in the town centre. I would hope for the introduction of electric vehicles at the earliest opportunity, but I feel that drivers may need some appealing and accessible incentive to change asap.

My comments, as follows:

2.4.5 Option Two is probably more realistic for taxi queues and picking up in tightly parked roads.

2.4.10 Option One

2.4.14 Option Three. Some sort of incentive scheme would be appropriate.

2.4.16 Option Three date should read 2028 (says 2035).

2.7.4 Option Three. Very elderly people can be taken to appointments more easily with a wheelchair, so I feel more people would use taxis with wheelchair access.

2.7.5 Minibus option. Just wondering about the possibility/relevance of mentioning dial-a-ride schemes and sharing.

2.26.3 Option Three

2.36.1 Option Two or Three (more specific wording).

Hope this is helpful
Kathy O'Brien

I was asked if I had any comments on the proposed amendments to the NHDC taxi-licensing policy. It all looks fairly straightforward, and where I have any choice preferences these are given by section number below. There are also a couple of minor English corrections:

2.4.4 The spelling *dependant* normally, in English usage, is used for the noun, where e.g. a child is described as *a dependant*. Here, *dependent*, or relying upon, is better.

2.4.5 Option 1 seems unnecessarily draconian. I prefer option 2.

2.4.6 Yet another piece of signage which nobody will read. I think this is unnecessary.

2.4.10 – 2.4.12 I prefer option 3 for now, with the possibility of review in 5 – 10 years time.

2.4.14 – 2.4.16 Option 1 is good.

2.7.4 I have no idea what the proportion of the population is in wheelchairs, or the fraction of taxi users require a wheelchair, but I would guess that option 1 is more than adequate.

2.7.5 The private hire vehicles I have used have mainly been from companies consisting of one or two people, which would make anything except option 1 rather difficult to administer without hardship.

2.26.2 – 2.26.4 Option 3 gives the customer the option in all cases, so is preferred.

2.36.1 – 2.36.2 72 hours sounds reasonable, so option 1 preferred.

3.5.5 Item (ix): i.e. (which means *that is*) should be replaced by e.g. (meaning *for example*).

Yours sincerely

R F Carswell

As a member of the public living in Hitchin and frequent taxi user, I am responding to your invitation to comment on the revised Taxi Licencing proposals as follows:

Para 2.4.5 my preference is for option 2

Para 2.4.10 my preference is for option 3

Para 2.4.14 my preference is for option 1

Para 2.7.4 my preference is for option 2

Para 2.9.2 I would very much like to see the introduction of a distinctive livery for taxis. This aids identification of authorised vehicles that can safely be used by the public. Searching for the taxi licence plate on the back bumper is unhelpful particularly at night or when the vehicle is approaching a potential client.

Para 2.26.2 my preference is for option 3. In addition to the facility to accept credit/debit cards the facility to use a card touch screen for payment I have found very convenient and avoids the need to

enter PIN numbers in full view of other occupants of the taxi. This feature is currently in operation now by Gold Star Taxis in Stevenage.

Appendix C. Driver code of conduct

Suggested changes in red below.

C2 Driver Dress Code **and Personal Appearance**

C.2.1 The Council believes that licenced drivers have a responsibility to **present themselves professionally and appropriately in both dress and personal appearance** whilst undertaking hackney carriage or private hire work to promote confidence amongst members of the public, especially visitors to the District.

C.2.2 The following are deemed to be unacceptable standards of dress **or personal appearance** for a licenced driver and are not **allowed**:

(i) OK

(ii) OK

(iii) OK

(iv) OK

(v) OK

(vi) headgear such as baseball caps, or any headgear that partially or completely conceals the face or identity of the driver **excepting face covering as required for virus protection.**

(vii) **unkempt hair, untrimmed beards or stubble.**

Regards,

Peter Ball

Hi Sarah/Taxi Licensing team

In response to your invitation regarding Taxi Licensing consultation. Here are my comments. Please note, if the comments are published within a public report, do not include my contact details.

<https://www.north-herts.gov.uk/sites/northherts-cms/files/Policy%20for%20consultation.pdf>

2.4.5 Option TWO seems more reasonable for the present technology mix.

It could add a requirement that where start/stop technology is fitted to a vehicle, it should be enabled.

2.4.10

Option ONE or Option THREE

Charging points should be limited to electric or plugin hybrid vehicles only if sufficient provision cannot be made of charging points.

2.4.11

should include "or drop off" pre-booked customers

2.4.13 Option ONE

Especially considering the provisions in Section 2.5 it seems unreasonable for the council to ban new non-electric vehicles before the government ban in 2035

2.7.4 Option ONE

2.7.5 Option ONE

If another option is chosen at 2.7.5. There is no explanation of what type of vehicle will be acceptable once the wheelchair provision is met. The requirement for four doors must be retained for passenger comfort and safety. Many available electric and uLEV vehicles are small vehicles (3 door or fewer).

It can be resolved by adding the text (to any of the options TWO to FIVE):

Once wheelchair provision is met, all vehicles for new private hire licence applications must be either:

- (i) a saloon, estate, MPV or hatchback vehicle with a least four (4) side doors, or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

2.26 Option THREE

2.36 Option ONE

Note Options TWO and THREE are contain contradictory instructions in 2.36.1 and 2.36.2. Should the required time be 72 or 48/24 hours?

Regards
Sara Coles

I've read the proposals and agree that a regulation imposing no idling is long overdue. Some taxi drivers (and lots of other delivery drivers etc.) leave vehicles idling for quite a while, polluting the air.

The suggestion about introducing a requirement for vehicles to have sufficient boot space to carry passenger luggage and/or a foldable wheelchair seems sensible but would have to be introduced gradually, for new vehicles as older ones are replaced. It would seem very unfair if taxi drivers could not use their existing vehicles if they failed to meet this requirement.

Regards
Fiona Allison

Hi Sarah

Reviewing the policy I would oppose the following

Electric vehicle only ranks

As a rural district Electric vehicles do not yet offer the range to run all day and charging is not environmentally sustainable with current technology

Banning of Petrol Diesel or Hybrid vehicle from 2035

Whilst these classes of vehicles may well disappear by 2035 I also think Electric battery type vehicles will join them in obsolescence and as such the council has no need to set a policy now for 2035 and instead should set an age limit on vehicles in use as Taxis eg max age 20 years old etc which would mean the vehicles in use would continually upgrade over time

rgds

Ivan Geddis

Dear Sir or Madam,

I am a member of the North Herts community panel and was asked my email to comment on the consultation regarding Hackney Carriages.

I would like to comment on this point:

2.37 Security/CCTV 2.37.1 The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance and CCTV cameras can be a valuable deterrent. That said, mandatory CCTV is not a requirement as the Council considers this a matter best left to the judgement of the owners and drivers themselves. If CCTV is installed in a vehicle, it will be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner.

I personally believe that the provision of CCTV should be mandatory and on by default, with the option of switching it off should the customer prefer it. This is to safeguard certain passengers, in particular women, who are I believe sometimes the subject of inappropriate conduct on the part of the driver.

Kind Regards

Phil Calver

Can I please suggest a requirement for bike awareness certification. Have had too many close passes and near misses - and one or two near death experiences - with taxis on North Herts roads for this not to be addressed.

General level of consideration when passing cyclists or pulling out from main roads is appalling.

Thanks

Matthew Peirce

All the proposed amendments listed seem sensible, but I think you should keep the requirement to carry a suitable fire extinguisher readily accessible to the driver.

Sue Kennedy

Dear Sarah

Having read the attached everything looks covered.

However why are those with any record of sexual convictions allowed to be a taxi driver ever again even after seven or 12 years? Thinking of the case of John Warboys.

I think it is sensible to keep a fire extinguisher of the correct variety in the vehicle too as it may make the difference between life and death.

Regards

Heather O'Dell

Thanks for this. I have looked at the proposed revised policy and I have no strong views on any of the proposed amendments to the regulations. I do, however, think that the use of the term "hackney carriage" throughout the document (rather than "taxi", or some other term that most people will understand) should be changed; it's now an historical anachronism, not a way of describing a taxi that anyone uses, and gives the impression that the Council prefers legalistic gobbledegook to plain English. I imagine that's not the image that the Council wishes to project. If "Hackney carriage" is legally necessary, you could get round that by having a statement at the beginning defining the terminology ("In this document, the word "taxi" is used to mean ...", or something like that?).

Thanks, David Pearson

Dear Steven

Thank you for the email dated 1st June 2020, I appreciate that there is much for you to do regarding the policy objectives you have outlined but I have to write and say that these are not welcome whilst we are struggling to navigate through the Covid 19 situation.

We have had no assistance from Government not falling into the leisure category for the grant. Whilst many of our drivers will be able to claim as they are self employed we are not able to claim anything at all. This has put a huge strain on our finances as you are still expecting us to pay for Licences, plating etc whilst earning no income what so ever for several months. The details enclosed in the email will simply add to the huge strain that we are under ensuring that our well run business survives this crisis which we have every intention of doing out of funds needed for other areas of the business.

We do not expect to be out of the woods for several months yet and the additional burden of policy objectives at this time is quite unwelcome. I'm sure you appreciate the difficulties we are facing. Some help from you either financially or by delaying some of the objectives would alleviate some of the burden and would be very much appreciated.

I look forward to hearing from you at the earliest opportunity.

Kind regards

Bill Stewart

Proposed amendments to The Hackney Carriage and Private Hire Licensing Policy

In response to your email advising us of proposed amendments we would like to reply as follows:-

Firstly and most importantly Buttermilk has so far managed to survive the Covid 19 crisis with little or no work at all, there is very little public money around at present and a lot of the proposals have a financial factor involved which is questionable as to whether we can even afford them at this present time or in the next year if things do not pick up quickly as we still have our business overheads to pay for in the meantime.. We cannot see any improvement financially over the coming months.

Requirement of all staff in a private hire operator business to have a basic DBS

We are very concerned that the above proposal could be expensive and time consuming i.e. if you have a Private Hire one man operator he will not have hired staff but if his phone rings and one of his family answer for him do they have to have a DBS as well? From a company point of view we have regular operators but if one was to leave they would need replacing asap but they may not be suitable or they do not like the job so leave a month later meaning the DBS payment would have been wasted funds for the company. Anyone that joins the company is asked to sign an agreement on their first day to say that they understand that GDPR and Data Protection is detrimental for personal or private data during the course of their employment and extensive training is giving on the importance of the safety of data. There would also be a significant cost and time factor involved with this for the company.

Private Hire Operator Management to attend a safeguarding training:-

Safeguarding training has already been taken by one of the Directors with another council and the information is fed down to all members of the team and the business. Asking many members of the same company to attend the course is unnecessary and causes a great deal of strain financially and does not allow for time management especially when companies are fighting to keep in existence at this current time.

Introduction of a no idling requirement for Licensed vehicles:-

From our point of view this would be acceptable, especially as this is the law anyway.

Consideration of prime location ranks with usage limited to the most environmentally friendly vehicle:-

In Royston I cannot say we have any prime locations and very few Hackney drivers to cover any rank. But if we did have any we would not be able to afford to change our vehicles at present as these vehicles are extremely expensive and we would not be able to afford them until the price comes down considerably as the environmentally friendly vehicles become more common place and more companies offering cheaper vehicles enter the market place. We would need to ensure that the amazing fleet of vehicles that we have and well look after as you know are used to their full potential

and allowed to utilise their shelf life. In time as cars need replacing we would if we survive this crisis look at the cost factor and whether we would be able to afford them, in time as these vehicles will reduce in price this would then be something that we would be able to look at but certainly not at present.

Setting a date by which the licensed fleet will be restricted to uLEVs or electric vehicles /:-

This could be the date a lot of taxis come off the road and go out of business!!

We believe that the Government have set a limit for any new cars to be uLEV or electric by 2035 why do we need to set one any different.

Consider whether the current 10% wheelchair accessible requirement for hackney carriages is still appropriate: -

We think this should be left as it is.

Consider whether the wheelchair accessible requirement should be introduced for private hire vehicles: -

No. This would be another nail in the coffin.

Introduction of a requirement for a vehicle to have enough boot space to carry passenger luggage and/or a foldable wheelchair

I would of thought that would be one of the considerations when you purchase your vehicle, all vehicles should have a big enough boot to cover passenger requirements.

Clarification that if a wheelchair accessible vehicle is unable to carry passengers in wheelchairs due to a mechanical fault or driver incapacity then the vehicle is automatically suspended until such time as the problem is resolved: -

There are also other reasons why a vehicle would not be able to cover this – it could be on a school run each day or booked for account work; how would you be able to control this?

Clarification of the procedure to be followed by the council when the wheelchair accessible percentage is met: -

Leave it as it is.

Clarification of the acceptable seating arrangements in multi-passenger vehicles: -

Surely a manufacturer sets a safety requirement when they produce cars, if a vehicle is not safe, they would not be able to manufacture them. We believe that your seating arrangements are wrong.

Removal of the requirement to carry a fire extinguisher:-

Yes

Clarifying the procedure for licence holders when a vehicle is involved in an accident and introducing a new procedure for temporary replacement vehicles:-

Yes

An option to replace the need for printers attached to taximeters with electronic receipts sent by email, text or similar digital smart technology:-

We gave our views on this in an email sent 25th February 2020, but we do feel that electronic receipts are how most companies work (including ourselves), Technology is moving on and we need to as well.

Clarification of the specification for protective screens due to security or medical reasons (such as a pandemic):-

This could work but how often would we expect a pandemic, you would also need to cost this maybe it could be entered as a choice not a compulsion. Insurance companies and council dictate certain specifications that would be impractical and costly it could also change the specification of the car.

Amendments to the process used by the licensing manager to determinations relating to applications, enforcement action or departures from policy:-

What will these amendments be? As long as each individual case is looked at as a separate case and judged fairly then this would be OK.

Simplification of the penalty point scheme:-

If things can be simplified to make it work then this is a good thing

I work for an operator in Royston and I have been doing some research into the pricing structures of North Herts, Cambridgeshire & Central Bedfordshire and believe that North Herts companies are losing out on business to those operators in the neighbouring counties due to the fact that North Herts is far more expensive.

The attached comparison charge excel I have created shows that a run from Royston to Cambridge of 13.5 miles costs **£34.70** in NH, however the same journey only costs **£27.73** in Cambridgeshire, which is **25%** more expensive! As a result of this the operator I work for in Royston is losing out on a lot of business to operators in Cambridgeshire.

My proposal is that the price per distance be changed as follows:-

“After the first 1,166 yards, for every **71.5 yards** or part thereof” be changed to “After the first 1,166 yards, for every **90 yards** or part thereof”.

As you can see from my calculations this would change the cost of the run to Cambridge from £34.70 to £28.20 which is in line with the Cambridgeshire & Central Bedfordshire rates and would greatly improve the competitiveness of the operators in North Herts and Royston in particular.

Please feel free to contact me to clarify anything that isn't clear.

Many thanks, Best regards, Daniel Locke

No idling, very important.

Anna Redmond

Sir / Madam,

I would like to respond to the above consultation as a local resident and a sometime taxi user, and also with a professional perspective as a sustainable built environment expert who regularly urban design and placemaking advice to local authorities and developers. I have only responded to questions where I have experience or expertise.

In terms of your options:

I prefer option ONE at 2.4.5 on the grounds of limiting air pollution as much as possible.

I support option THREE at 2.4.11 as incentivising electric, hybrid, and as yet unknown ULEV technologies both improves carbon performance and encourages the development of markets for alternative less polluting vehicles.

The timetabling options at 2.4.12 do not seem particularly rigorous or stretching, and I would strongly suggest the timetable is brought forward to 2025. I support permitting electric and ULEV technologies from that time. In futureproofing this licensing policy, I would suggest that a section be added to set out how new modes of people carrying transport might be enabled, particularly where they may be proposed by a community interest company or social enterprise; my thinking here is around cycle rickshaws or “shopper and goods delivery” given the resurgence of interest in cycling. It may also be worth referring to some of the automated goods delivery systems and how they might be tackled (eg Milton Keynes’ “Star” robot deliveries – see <https://www.smartcitiesworld.net/news/news/robot-deliveries-roll-out-in-milton-keynes-centre-5117>)

In terms of meters and receipts, I fully support the principle of enabling electronic receipts, however could I suggest that guidance or requirements are set out for the non retention of email addresses given for this purpose ie they must be erased, preferably as soon as an automated email is sent. I would be deeply concerned to have personal data and journey details in an unsecure or driver accessible location.

In 3.3 and 3.4, it would be useful to expect competency in fuel efficient driving (with the added benefit that this brings in terms of smooth and comfortable journeys). It seems essential that as well as local knowledge, drivers should have access to in-cab fitted sat nav and other smart navigation technologies. This has the added advantage that, if visible to the passenger, reassurance is given that the quickest or most traffic-appropriate route is being taken (which will fit will with the new smart roads technologies being trialled and expected to be introduced by Highways England).

I am not sure in which section of the consultation this fits, but I have recently had a communication problem with a private hire driver who did not know the location I was travelling to, and could not understand the directions I was trying to give him (I had to hand him my phone in the end to show him the route). Could I suggest that a reasonable level of spoken English is a requirement of a license.

I have not been able to find a section dealing with the locations that should be covered by a taxi service, other than town centres. Could I request that attention is given to railway stations, and that NHDC should work with Govia to find a solution to the lack of taxis at stations outside of peak

time. Given that workers are now asked to commute at staggered times to “broaden the peak”, more passengers will need taxis outside the traditional 7-8am / 5-7pm bracket. There are often times when hackney cab ranks are unoccupied, and private hire often do not have cars available at these times, resulting in substantial waits (more than 15 minutes sometimes). Could a minimum level of cover be required from hackney or private hire operators for stations? This would facilitate better mode shift away from private cars, as well as alleviating some of the parking issues caused by those travelling outside the traditional rush hour peak who do not feel able to rely on taxis being available, especially at night or in poor weather.

I hope this response is helpful to you, please do not hesitate to contact me if anything is unclear or requires expansion.

Regards

Lynne Ceeney

At this present time when taxis are not being hardly required by the public I’m sure I speak for many of us drivers who have had no business since March that we are worried we still have all our council requirements to pay all our insurance for the taxi our station permits to renew and with no revenue coming we cannot at this time be thinking of spending money on new metres for our taxis new electric vehicles when some of us are still paying finance which we have had to pay coronavirus or no coronavirus we have a card receipt policy and if someone wants an e mail they are sent one from our phone the government suspended our mortgage would it not be a good thing for the council to look at extending our hackney caridge licences for another 6 months free of charge The company’s maybe have had some business but us indecent taxis haven’t we was always struggling before coronavirus with Uber many thanks Tarek Elnemr

Comments redacted as not suitable for publication due to inflammatory tone

Teimour Bakhtiar

Hi steve.

I am not happy with the

Introduction of a no idling requirement for licensed vehicles because what happens in the winter when it is cold and we need the engine running so that we are not sitting in a freezing cold car. Also, when it is too hot we need the engine running so we can have the air con in the car, so we are not sitting in a too hot taxi. Also, how are we going to charge our mobile phones because without the engine running the car battery will go flat. Another reason is when it is not busy and most taxi drivers are on their mobile phones to keep them occupied while waiting for customers to arrive.

Regards

Shamriz Khan

Introduction of a requirement for all staff in a private hire operator business that have access to sensitive information, for example office managers and call handlers, to provide a basic DBS disclosure

I feel this is appropriate and should be rolled out to all office staff [RSB]

Introduction of a requirement for private hire operator management to attend safeguarding training
Safeguarding is important and should be rolled out to all office staff [RSB]

Introducing a no idling requirement for licensed vehicles
Only if it is appropriate to do so, most new vehicle are fitted with stop / start functionality [RSB]

Consideration of prime location ranks with usage limited to the most environmentally friendly vehicles
Ultra low emission diesel car (Adblue additives versions) should also be allowed to stand on this new rank as the emission are negligible in mot tests [RSB]

Setting a date by which the licensed fleet will be restricted to uLEVs or electric vehicles
Suggested date 2035, same as motor industry [RSB]

Consideration of whether the current 10% wheelchair accessible requirement for hackney carriages is still appropriate
Should be increased to 15% to reduce the amount of Hackney vehicle on the road, due to work limitations. [RSB]

Consideration of whether the wheelchair accessible requirement should be introduced for private hire vehicles
This maybe an advantageous possibility to increase the WCA vehicles fleet without affecting Hackney vehicles. [RSB]

Introduction of a requirement for a vehicle to have sufficient boot space to carry passenger luggage and/or a foldable wheelchair.
This is overkill if the above action is going ahead. [RSB]

Clarification that if a wheelchair accessible vehicle is unable to carry passengers in wheelchairs due to mechanical fault or driver incapacity then the vehicle is automatically suspended until such time as the problem is resolved.
Agreed [RSB]

Clarification of the procedure to be followed by the Council when the wheelchair accessible percentage is met.
New plates should only be released if there is work demand not just because the WCA threshold has been met. [RSB]

Clarification of the acceptable seating arrangements in multi-passenger vehicles
No comment [RSB]

Removal of the requirement to carry a fire extinguisher
Agreed - as it dangerous to revisit a vehicle in a fire situation to use a extinguisher [RSB]

Clarifying the procedure for licence holders when a vehicle is involved in an accident and introducing a new procedure for temporary replacement vehicles
Agreed, this process need to be fast, responsive and effective communication with all parties. [RSB]

An option to replace the need for printers attached to taximeters with electronic receipts sent by email, text or similar digital smart technology

New technology (smart phones) have replaced the need for an expensive printer solution. [RSB]

Clarification of the specification for protective screens due to security or medical reasons (such as a pandemic)

This should remain optional to install but need to be compliant with safety standards, NHDC / insurance companies requirements and Installation by the manufacturer. [RSB]

Amendments to the process used by the licensing manager to make determinations relating to applications, enforcement action or departures from policy

No comment [RSB]

Simplification of the penalty point scheme

Agreed [RSB]

Randhir Singh Bachra

Dear Steve,

I have issues with the following amendments in the policy (my concerns/ comments listed in Black):

Idling

OPTION ONE

2.4.5 All hackney carriage and private hire vehicles MUST switch off engines when stationary; NO vehicle is to be idling at any time particularly at hackney carriage ranks, when parked and whilst awaiting passengers. This will have a significant positive environmental impact considering the number of licensed vehicles within North Hertfordshire.

OR

OPTION TWO

2.4.5 All hackney carriage and private hire vehicles MUST switch off engines when stationary for more than one (1) minute. Vehicles are not to idle for any longer than one (1) minute, particularly at hackney carriage ranks, when parked and whilst awaiting passengers. This will have a significant positive environmental impact considering the number of licensed vehicles within North Hertfordshire.

Option 1 just is not practical.

Hackney Carriage Ranks

OPTION ONE

2.4.10 The Council will seek to establish new hackney carriage ranks in town centres that will be limited to use by electric vehicles only; these ranks will have electric charging facilities. All other hackney carriages will have to use the existing hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.

2.4.11 Private hire vehicles will only be permitted in the town centres to collect pre-booked customers.

2.4.12 An Appendix will be added to this Policy outlining the areas considered as a 'town centre' for the purposes of this section of the Policy at the appropriate time.

OR

OPTION TWO

2.4.10 The Council will seek to establish new hackney carriage ranks in town centres that will be limited

to use by electric or hybrid vehicles only; these ranks will have electric charging facilities. All other hackney carriages will have to use the existing hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.

2.4.11 Private hire vehicles will only be permitted in the town centres to collect pre-booked customers.

2.4.12 An Appendix will be added to this Policy outlining the areas considered as a 'town centre' for the purposes of this section of the Policy at the appropriate time.

OR

OPTION THREE

2.4.10 The Council will seek to establish new hackney carriage ranks in town centres that will be limited

to use by electric, hybrid or ultra-low emission (uLEV) vehicles only; these ranks will have electric charging facilities. All other hackney carriages will have to use the existing hackney carriage ranks or park away from the town centre other than collecting pre-booked customers.

2.4.11 Private hire vehicles will only be permitted in the town centres to collect pre-booked customers.

2.4.12 An Appendix will be added to this Policy outlining the areas considered as a 'town centre' for the purposes of this section of the Policy at the appropriate time.

Vehicles are substantial investments for taxi drivers, you will be putting a significant numbers of owner drivers at a disadvantage by introducing these restrictions. Also the technology and infrastructure is not in place to enable this. this needs to be phased in.

Environmentally Friendly Fleet

2.4.13 The Council is aware of the Government's intention to introduce a ban on the sale of new petrol, diesel and hybrid cars in the UK by 2035 at the latest.

OPTION ONE

2.4.14 From 1 January 2028 all new vehicles must be ultra-low emission vehicles (uLEVs).

2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below,

until such time as they are replaced at which point they will be considered to be a new vehicle and must comply with section 2.4.14 above.

2.4.16 From 1 January 2035 no petrol, diesel or hybrid vehicle will be licensed by the Council.

OR

OPTION TWO

2.4.14 From 1 January 2028 all new vehicles must be ultra-low emission vehicles (uLEVs).

2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below,

until such time as they are replaced at which point they will be considered to be a new vehicle and must comply with section 2.4.14 above

2.4.16 From 1 January 2028 no petrol, diesel or hybrid vehicle will be licensed by the Council.

OR

OPTION THREE

2.4.14 From 1 January 2028 all new vehicles must be electric vehicles.

2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below,

until such time as they are replaced at which point they will be considered to be a new vehicle and must comply with section 2.4.14 above

2.4.16 From 1 January 2035 no petrol, diesel, uLEV or hybrid vehicle will be licensed by the Council.

OR

OPTION FOUR

2.4.14 From 1 January 2035 all new vehicles must be electric vehicles.

2.4.15 Existing licensed vehicles will be able to continue to be licensed, subject to section 2.4.16 below,

until such time as they are replaced at which point they must be replaced with either an electric or uLEV.

2.4.16 From 1 January 2035 no petrol, diesel, uLEV or hybrid vehicle will be licensed by the Council.

Options 1 – 3 are not practical and will subject all businesses to significant cost of replacement. Especially when everyone has been hit hard by the current pandemic. Option 4 seems to fit with the Governments timeline and gives flexibility to businesses enabling to plan.

2.10 Licence plates

2.10.1 For the avoidance of doubt a licenced vehicle is always a licenced vehicle including when being

used for private purposes. At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, unless an exception has been granted under subsection 2.10.4, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle. Plates attached by magnets must not be removed when the licenced driver is not working at any time, save for when parked overnight outside the driver's home.

2.10.2 At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, the vehicle must display the internal vehicle licence plate provided by the Council, securely fixed to the upper left of the windscreen (passenger side).

Taxi's are often the target for crime (Theft or vandalism) due to perceived cash stored within it or just general grievances. I see no benefit of identifying it as a taxi at all times, as this just increases the risk. Crime does happen during the day also !

C.4.3 Any property found that is not identifiable to a passenger and not subsequently claimed within seven (7) days should be reported to the police and/or left in the custody of a police officer after obtaining a receipt. If advised to do so by the police, the licence holder can retain the property for the period advised by the police or taken to the Council offices.

Just for information, the Police will not take any lost property that is not identifiable.

Regards

Nafees Khan

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Taxi and Private Hire Licensing Policy

Effective from: **2 November 2020**

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All references to “taxi” should be read as the legal term “hackney carriage”
as defined by section 38 of the Town Police Clauses Act 1847

PART 1 - INTRODUCTION

1.1 Powers and duties

- 1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on North Hertfordshire District Council ("the Council") the duty to carry out its licensing functions in respect of taxis and private hire vehicles.

1.2 Policy objectives

- 1.2.1 Taxis and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available or for those with mobility difficulties.
- 1.2.2 In setting out its policy, the Council seeks to promote the following objectives:
- (i) **Public safety;**
 - (ii) **The protection of the environment;**
 - (iii) **Ensuring an efficient and effective taxi and private hire provision;**
 - (iv) **To provide and maintain a professional and respected taxi and private hire trade by continued monitoring and improvement of standards of service.**
- 1.2.3 The aim of the licensing process, in this context, is to regulate the taxi and private hire trade in order to promote the above objectives. It is the Council's wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public, whilst maintaining the current high standard of service provision.
- 1.2.4 When considering this policy, the Council have tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

1.3 Departure from the policy

- 1.3.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out therein.
- 1.3.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.
- 1.3.3 Substantial departure from policy
Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so must be given. The licensing manager may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors of such decisions via the Members Information Service (MIS).
- 1.3.4 Minor departure from policy
Where an applicant is able to demonstrate that a minor departure from this policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the licensing manager may authorise a licence to be issued.

1.4 Policy duration

- 1.4.1 This policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice.
- 1.4.2 Administrative amendments to this policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made by the licensing manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.
- 1.4.3 The policy will be periodically reviewed to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation by the relevant Executive Member.
- 1.4.4 Minor amendments to the policy may be authorised by the licensing manager in consultation with the relevant Executive Member and the Chair of the Licensing and Appeals Committee.

For the purposes of this section, a minor amendment is any amendment that does not fall within section 1.4.2 above or section 1.4.5 below.

- 1.4.5 In the event of any significant amendment to the policy, a full public consultation will be undertaken prior to consideration by the Licensing and Appeals Committee who may amend the policy as it deems appropriate.

For the purpose of this section, a significant amendment is defined as one that:

- will have significant financial impact on applicants, licence holders or the public
- will have a significant procedural impact on applicants, licence holders or the public
- may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

PART 2 - VEHICLES

2.1 Limitation of numbers

- 2.2.1 The Council currently has no limit on the number of taxis which may be licensed within the District and has no intention of introducing one unless evidence of 'no significant unmet demand' can be provided. The cost of any 'unmet demand' survey would need to be borne by the existing licence holders.
- 2.2.2 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

2.2 Specifications and conditions

- 2.2.1 Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as taxis or private hire vehicles and The Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.
- 2.2.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a taxi or private hire vehicle licence. Taxi and private hire vehicles provide a necessary service to the public; however it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

- 2.2.3 Part 2 of this policy sets out the Council's minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. This specification will need to be met prior to licensing and maintained throughout the duration of the licence. This will be achieved by attaching the following licence condition to all taxi and private hire vehicle licences:

"This licence is granted subject to compliance with the Council's Taxi and Private Hire Licensing Policy vehicle specification requirements (Part 2 of the policy) throughout the duration of the licence period."

2.3 Accessibility

- 2.3.1 The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

"Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible."

- 2.3.2 It is arguable that different accessibility considerations should apply between taxis and private hire vehicles in that taxis can be hired in the street or at a rank, by the customer dealing directly with a driver whereas private hire vehicles can only be booked through an operator.
- 2.3.3 The Council considers it particularly important that a person with a disability should be able to hire a suitable accessible vehicle with the minimum delay or inconvenience. Having an acceptable proportion of accessible taxis and private hire vehicles available helps ensure that this is possible; therefore the Council will actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and any subsequent equalities legislation.
- 2.3.4 Section 167 of the Equality Act 2010 allows the Council to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of the Council's desire to provide accessible transport for those with disabilities, all wheelchair accessible taxis and private hire vehicles will be designated for this purpose.
- 2.3.5 Drivers who, for medical reasons, are unable to accept wheelchair passengers or assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of appropriate medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times whilst licensed as a taxi or private hire vehicle. In the absence of a medical exemption certificate from the Council, it would be a criminal offence for any taxi or private hire driver to refuse to carry an assistance dog or a passenger with a wheelchair, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog or wheelchair.

2.4 Environmental considerations

- 2.4.1 The Council have given careful consideration to the recommendation in the Guidance that, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and considers its responsibility in protecting the environment to be a predominate factor within licensing policy, **particularly given the Council's declaration of a climate emergency.**

- 2.4.2 That said, the Council believes that its requirement for all new vehicles to be less than five (5) years old when first licensed, therefore meeting Euro 5 emission standards, coupled with its six-monthly testing requirements for all vehicles over seven (7) years old is sufficient not to require tougher emission standards for licensed vehicles.
- 2.4.3 Clearly emissions from taxis and private hire vehicles could be further reduced through education and raised awareness of environmental issues. Simple measures such as:
- (i) better and more frequent vehicle maintenance and servicing; or
 - (ii) switching off engines when stationary or idling, particularly at taxi ranks,
- can make a significant environmental impact considering the number of licensed vehicles. The Taxi and Private Hire Consultative Forum have an important role to play in raising awareness of environmental issues.
- 2.4.4 The Council will seek to strike an appropriate balance between protecting the environment and ensuring sufficient transport provision in the District. The Council is particularly aware that many elderly and/or vulnerable residents are dependent on taxis and private hire vehicles to undertake essential journeys i.e. shopping, social interaction and medical appointments. Additionally, taxis and private hire vehicles are an essential part of the transport infrastructure for many other persons, particularly school children and those without their own means of transport.

Idling

- 2.4.5 All taxi and private hire vehicles MUST switch off engines when stationary; NO vehicle is to be idling at any time particularly at taxi ranks, when parked and whilst awaiting / dropping-off passengers. This will have a significant positive environmental impact considering the number of licensed vehicles within North Hertfordshire.
- 2.4.6 All licensed taxis and private hire vehicles will be required to display an anti-idling sticker provided by the Council inside the front windscreen or on the front dashboard reminding drivers of the need to switch off the engine when stationary.

Reduced licence fees

- 2.4.7 The Council encourages the use of cleaner, low emission vehicles as taxis or private hire vehicles and will offer a subsidised licence fee for electric or hybrid vehicles to encourage vehicle owners to consider changing to cleaner fuels.

Taxi ranks

- 2.4.8 The Council is aware of the limited taxi rank provision in the District and the potential for taxis to congregate in areas such as town centres, particularly as part of the late-night economy. This often causes increased emissions in high density residential areas having an adverse impact on public health and the environment
- 2.4.9 There is a balance to strike between placing taxi ranks away from town centres and the need to provide a method of quickly dispersing the public as part of the night-time economy.
- 2.4.10 The Council will seek to establish new taxi ranks in town centres that will be limited to use by electric, hybrid or ultra-low emission (uLEV) vehicles only; these ranks will have electric charging facilities. All other taxis will have to use the existing taxi ranks or park away from the town centre other than collecting or dropping-off pre-booked customers.
- 2.4.11 Private hire vehicles will only be permitted in the town centres to collect or drop-off pre-booked customers.

- 2.4.12 An Appendix will be added to this policy outlining the areas considered as a 'town centre' for the purposes of this section of the policy at the appropriate time.

Environmentally friendly fleet

- 2.4.13 The Council is aware of the Government's intention to introduce a ban on the sale of new petrol, diesel and hybrid cars in the UK by 2035 at the latest.
- 2.4.14 From 1 January 2028 all new or replaced vehicles must be ultra-low emission vehicles (uLEVs).
- 2.4.15 Existing vehicles licensed prior to 1 January 2028 will be able to continue to be licensed until such time as they are replaced at which point, they will be considered a new vehicle and must comply with section 2.4.14 above
- 2.4.16 The definition of uLEV for the purposes of section 2.4.14 will be the Government's published list of uLEVs.

Other assistance

- 2.4.17 The Council will continue to encourage applicants and licence holders to change to cleaner, low emission vehicles by researching and promoting Government schemes offering subsidies and/or other help-to-buy alternatives for more environmentally friendly vehicles.

2.5 Maximum age of vehicles

- 2.5.1 The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. The limits set by the Council are considered necessary and proportionate to promote public safety and the other objectives of this policy however it is accepted that a greater frequency of testing may be appropriate for older vehicles.
- 2.5.2 When first licensed by the Council, all vehicles must be less than five (5) years old from the date of first registration.
- 2.5.3 Taxis and private hire vehicles may be licensed until such time that the vehicle cannot comply with the Council's testing requirements (see section 2.6).
- 2.5.4 A licensed taxi may be transferred to a private hire vehicle at any time provided it complies with the Council's vehicle testing requirements (see section 2.6).
- 2.5.5 A licensed private hire vehicle may be transferred to a taxi provided the private hire vehicle matches the vehicle it is replacing. For clarity, if a taxi is a wheelchair accessible vehicle the private hire vehicle replacing it must be a wheelchair accessible vehicle. The vehicle must comply with the Council's vehicle testing requirements (see section 2.6).

2.6 Vehicle testing

- 2.6.1 In order to comply with the Council's vehicle testing requirements a vehicle must obtain a current MOT pass certificate and a current Certificate of Compliance pass certificate from the Council's nominated testing facility, both of which must be dated no earlier than two calendar (2) months prior to the licence commencement date.
- 2.6.2 Vehicles that are less than one (1) year old will be exempt from producing a current MOT pass certificate but will be required to obtain a Certificate of Compliance pass certificate.

- 2.6.3 All vehicles will be subject to annual testing requirements (MOT and Compliance Test) until they reach seven (7) years old. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of testing requirement (section 2.6.1) compliance.
- 2.6.4 Once a vehicle reaches seven (7) years old it will be subject to six-monthly testing requirements (MOT and Compliance Test) . Each application for a grant or renewal of a vehicle licence must be accompanied with proof of testing requirement (section 2.6.1) compliance.
- 2.6.5 For the avoidance of doubt, any vehicle renewal application that would take the licence beyond the age of seven (7) years and six (6) months from date of first registration will only be renewed for the period up to and including seven (7) years and six (6) months from date of first registration. This will facilitate the vehicle being tested at six-monthly intervals as required by section 2.6.4 above.
- 2.6.6 The licence of any vehicle which fails its testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained. The Council may retain the vehicle licence plate until such time as the inspection requirements are met.

MOT advisories

- 2.6.7 With public safety being a significant objective of this policy, the Council expects licensed vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres or brakes must be rectified before a licence is granted. The Council also reserve the right to extend this requirement to other MOT advisories where they deem it necessary for the protection of the public.

Accident damage

- 2.6.8 With the safety of the public being a predominate factor of this policy all vehicles involved in an accident, however minor, will be required to obtain a licensing officer's approval to continue operating. Upon inspection following an accident, any vehicle that would fail to meet the vehicle testing requirements (section 2.6.1) will be automatically suspended until such time as the vehicle has been re-examined and the necessary approval given
- 2.6.9 In the case of only cosmetic damage following inspection by a licensing officer, a timescale for repair will be set by the Council at the end of which the vehicle must be re-presented to a licensing officer for a compliance test. If the vehicle is not presented for re-inspection by the prescribed date, or the vehicle fails the inspection, it will be automatically suspended until such time as the vehicle meets the Council's compliance test requirements.
- 2.6.10 In addition to the above testing requirements, the Council will undertake its own unannounced program of inspections between formal testing dates. Sections 2.6.8 and 2.6.9 will apply during an unannounced inspection.
- 2.6.11 The Council's nominated testing facility is:
- (i) MOT
Any testing facility currently registered with the Department for Transport to undertake MOT testing.
 - (ii) Certificate of compliance
Undertaken by **Council licensing officers** in Letchworth Garden City

2.7 Vehicle type

2.7.1 Left-hand drive vehicles will not be considered suitable for licensing, save for stretched limousines which will be subject to the specification requirements detailed in **Appendix E**. This is to ensure that passengers travelling in the front passenger seat are able to exit the vehicle directly onto the footway rather than directly into the carriageway.

2.7.2 The Council is aware of its duty under the Equality Act 2010 to ensure that there is sufficient provision of wheelchair accessible taxis and private hire vehicles. It is equally aware that many persons that travel in wheelchairs prefer to travel in a salon vehicle as opposed to a purpose-built wheelchair accessible vehicle (WAV).

2.7.3 To ensure adequate provision, the Council will endeavour to ensure that a suitable percentage of the licensed vehicles are purpose-built wheelchair accessible vehicles and that all other vehicles have sufficient space to carry a folding wheelchair.

2.7.4 New taxis

All vehicles for new taxi licence applications must be either:

- (i) a 'London' type taxi, or
- (ii) a suitable wheelchair accessible vehicle, approved by the Council, until a minimum of 10% of the total number of licensed taxis meet these criteria, at which time this restriction will no longer apply. This restriction will apply at any time when the criteria is not met.

2.7.5 New private hire vehicles

All vehicles for new private hire licence applications must be either:

- (i) be a suitable wheelchair accessible vehicle, approved by the Council until a minimum of 10% of the total number of licensed private hire vehicles meet these criteria; or
- (ii) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.

When the minimum of 10% of the total number of private hire vehicles being wheelchair accessible is met, the criteria will no longer apply.

Procedure for when the wheelchair accessible criteria is met

2.7.6 When the relevant percentage criteria is met and the requirements for wheelchair accessible vehicles no longer applies, the following process will be followed:

- a notice will be placed on the Council website on the [Information for Taxi and Private Hire Drivers](#) page
- all existing drivers and operators will be sent an email with a link to the notice
- applicants must complete an application form provided by the Council specifying the new vehicle details with proof they are the registered keeper (applications will not be accepted for vehicles not owned by the applicant)
- applications must be accompanied by full payment of the appropriate fees

2.7.7 Plates will be granted on a first come first served basis for fully completed applications; there will be no waiting list available for pre-registering an interest.

2.7.8 It is the responsibility of the drivers and operators to ensure that the Council holds a current contact email address. The Council will accept no claims of being disadvantaged from drivers or operators not receiving an email.

Renewal applications

- 2.7.9 Any taxi or private hire vehicle with a valid licence as at 2 November 2020 may be renewed, or transferred to a new vehicle, without having to meet the new vehicle requirements of sections 2.7.4 or 2.7.5 above.
- 2.7.10 Once licensed as a wheelchair accessible vehicle, a taxi or private hire vehicle can only be replaced with a wheelchair accessible vehicle.

Vehicle type approvals

- 2.7.11 Licensed vehicles shall ordinarily have European Community Whole Vehicle Type Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>) and be compliant with the relevant Road Vehicles (Construction and Use) Regulations in effect at the time of application.
- 2.7.12 In the absence of European Community Whole Vehicle Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles can be considered for licensing that have:
- (i) National Small Series Type Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>), or
 - (ii) Individual Vehicle Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>)

However, Individual Type Approval will not be accepted:

- (a) where the seatbelts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval, or
- (b) where the vehicle has been fitted with seating/wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle except where suitable evidence is provided by the applicant(s) that this is not the case.

All vehicles

- 2.7.13 All taxi and private hire vehicles must:
- (i) be capable of carrying not less than four (4) nor more than eight (8) passengers,
 - (ii) have no damage affecting the structural safety of the vehicle,
 - (iii) not have been written off for insurance purposes at any time,
 - (iv) have sufficient means by which any passenger in the vehicle may communicate directly with the driver,
 - (v) be maintained in sound and roadworthy condition at all times,
 - (vi) serviced in accordance with manufacturers' recommendations.

2.8 Signage

Taxis

- 2.8.1 Taxis must be fitted with an illuminated external sign mounted on or above the roof of the vehicle or have a built-in illuminated roof sign. The sign may display either:
- (i) the word "TAXI",
 - (ii) the name and/or telephone number of the taxi company,
 - (iii) the words "FOR HIRE", or
 - (iv) any combination of the above.
- The roof sign and lettering shall be of an appropriate size to enable it to be clearly identifiable to the public.
- 2.8.2 The mounted roof sign or built-in roof sign must be switched off when the vehicle has been hired and illuminated when available for hire.

- 2.8.3 An internal “FOR HIRE” sign may be fitted in licensed taxis but must comply with the requirements of 2.8.2 with respect to illumination.

Private hire vehicles

- 2.8.4 A private hire vehicle must not carry a roof sign of any description, mounted or built-in, or any markings that may give the impression that it is a taxi.

2.8.5 Internal “FOR HIRE” signs are not permitted in any private hire vehicles.

- 2.8.6 A private hire vehicle must display Council-approved signage on both front doors of the vehicle stating that the vehicle is only able to undertake pre-booked journeys. **Any private hire vehicle not meeting the requirements of this section will be automatically suspended until such time as the requirements are met and the suspension has been removed by a licensing officer.**

2.9 Livery

- 2.9.1 The Council believes that the requirements of this policy ensure that taxis and private hire vehicles are easily distinguishable and that there is no current requirement for specific vehicle livery

- 2.9.2 However, the Council will keep the issue of livery under review and if it believes that livery would be of benefit to the public, either in terms of specific vehicle colours and/or a Council logo, then a public consultation will be undertaken prior to any livery being introduced.

2.10 Licence plates

- 2.10.1 For the avoidance of doubt a licenced vehicle is always a licenced vehicle including when being used for private purposes. At all times when a vehicle is licensed as a taxi or private hire vehicle, unless an exception has been granted under subsection 2.10.4, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle. Plates attached by magnets must not be removed when the licenced driver is not working at any time, save for when parked overnight outside the driver’s home.**

- 2.10.2 At all times when a vehicle is licensed as a taxi or private hire vehicle, the vehicle must display the internal vehicle licence plate provided by the Council, securely fixed to the upper left of the windscreen (passenger side).**

- 2.10.3 The licence plates must be clearly identifiable and legible to the public at all times.

- 2.10.4 Exemption to the requirements of subsection 2.10.1 may be given to private hire vehicles used for executive hire, corporate contracts, school contracts or work of a similar nature. In order to qualify for exemption:
- (i) a written letter of exemption issued by the Council must be carried in the vehicle at all times,
 - (ii) the licence plate must be carried in the vehicle at all times,
 - (iii) a ‘tax disc’ style exemption disc issued by the Council must be displayed on the front windscreen of the vehicle, and
 - (iv) the vehicle must be undertaking the nature of work for which the exemption was granted.
- If any of these four criteria are not met, subsection 2.10.1 will apply.

For the avoidance of doubt, vehicles that are used for a combination of ‘exempt’ work and normal private hire work will be required to display external licence plates at all times when the exemption does not apply.

2.11 Advertising

- 2.11.1 No more than five (5) external advertisements shall be permitted on taxis or private hire vehicles. External advertisements shall be confined to the door panels or the rear of the vehicle.
- 2.11.2 Any advertisement on the front door panels or rear of the vehicle must be restricted to the name, logo or insignia, telephone number, **social media** or other contact details of the owner or operator of the vehicle. No other advertisement is permitted on the front door panels or rear of the vehicle.
- 2.11.3 **Advertising of any other business is permitted on the exterior of the vehicle, subject to section 2.11.2, provided that it complies with section 2.11.7.**
- 2.11.4 No advertisement shall obliterate, obscure or be confused with the vehicle's Licence Plate.
- 2.11.5 Internal advertisements are permitted on the windscreen or rear window but must be:
- (i) no more than ten (10) centimetres in height,
 - (ii) positioned so that they do not obstruct the driver's view in any way, and
 - (iii) be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle.
- 2.11.6 For the purpose of this section, the display of 'no smoking' signage as required by legislation or signage indicating that the vehicle is able to convey passengers in wheelchairs (provided that the vehicle has been manufactured or properly adapted for that purpose) is not considered to be advertising.
- 2.11.7 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community.
- 2.11.8 The owner of any vehicle displaying an advertisement that does not conform to this section of the policy will be required to remove the offending advertisement. Until such time as the offending advertisement has been removed, the vehicle licence will be suspended.
- 2.11.9 Any advertising or signage on a private hire vehicle must not include the words "taxi", "cab", "taxi" or "for hire", **save for the word "taxi" being part of the company name.**

2.12 Seating in multi-passenger vehicles

- 2.12.1 The Council will licence vehicles for seating arrangements of up to eight (8) passengers where all licensing requirements are satisfied.
- 2.12.2 **All vehicles licensed to carry in excess of four (4) passengers will only be licensed in accordance with the Original Manufacturer's Specification; however, if the Council's licensing officer deems the layout unsuitable for the conveyance of passengers a decision will be made by the licensing manager in accordance with the process in Appendix G. It should not be assumed that permission will automatically be granted.**

2.13 Doors

- 2.13.1 All licensed taxis or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.

- 2.13.2 All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

2.14 Tyres

- 2.14.1 The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 2.14.2 Run-flat tyres and 'space-saver' tyres are acceptable on licensed vehicles provided they conform to the Original Manufacturers' Specification.
- 2.14.3 If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.
- 2.14.4 Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

2.15 Drivers' vehicle mirrors

- 2.15.1 External rear view mirrors must be fitted to both sides of all licensed vehicles.
- 2.15.2 All licensed vehicles must have an internal rear-view mirror appropriately fitted in accordance with appropriate legislation and/or manufacturers' specification.

2.16 Passenger comfort

- 2.16.1 There must be sufficient space between the seat cushions and the lowest part of the roof, and the front and back seats, to safely accommodate the driver and passengers in reasonable comfort.

2.17 Seats

- 2.17.1 Passenger seats must allow a reasonable width per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle.
- 2.17.2 Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one (1) passenger only.
- 2.17.3 Smaller seats in the rear of multi-passenger vehicles will ordinarily be deemed not suitable for carrying passengers.

2.18 Seat belts

- 2.18.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

- 2.18.2 In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.
- 2.18.3 No operator or drivers are to supply children's car seats for the use of any passengers. Should the parent/guardian of the child wish for a child to be seated in a car seat, the parent/guardian must:
- supply the seat
 - secure the seat
 - remove the seat at the end of the journey.
- Under no circumstance is the driver to assist in the fitting of the seat or securing of the child.

2.19 National Flags

- 2.19.1 On the occasion of major sporting or non-sporting events (for example, a world cup, coronation, royal wedding, etc.) a maximum of two (2) national flags may be flown on a licensed vehicle. The flags must be of a size and manufacture that will not obstruct the driver's view in anyway, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor's own risk.

2.20 Ventilation

- 2.20.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing not less than one (1) window on either side of the vehicle in both the front and rear passenger compartments.
- 2.20.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.
- 2.20.3 In adverse weather conditions, for example rain, the driver is entitled to refuse to open windows in order to protect the interior of the vehicle provided suitable air conditioning is in operation.

2.21 Luggage

- 2.21.1 Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.
- 2.21.2 In order for a vehicle to be licensed, there must be sufficient boot space to:
- (i) carry luggage for the numbers of persons the vehicle is licensed to carry; and
 - (ii) carry a foldable wheelchair
- 2.21.3 If the vehicle is a wheelchair accessible vehicle, section 2.21.2 (ii) above will not apply.
- 2.21.4 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover to prevent luggage from entering the rear passenger compartments.

2.22 Maintenance and condition of the vehicle

- 2.22.1 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
- (i) be free of large and/or sharp-edged dents,
 - (ii) be free of visible rust,
 - (iii) be free of unrepaired accident damage,
 - (iv) have uniform paintwork equivalent to that applied by the manufacturer, and

(v) be maintained in an acceptable state of cleanliness.

- 2.22.2 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:
- (i) be free of all stains to the upholstery,
 - (ii) be free of all splits and tears to the seats,
 - (iii) be maintained in an acceptable state of cleanliness, and
 - (iv) provide seats functioning in accordance with the Original Manufacturers' Specification.

- 2.22.3 For the avoidance of doubt, any vehicle that would not pass a Certificate of Compliance inspection or a MOT must not be used until such time as the requirements of the Certificate of Compliance and MOT testing can be met.

2.23 Modifications

- 2.23.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without compliance with road traffic legislation, section 2.7 of this policy, insurance requirements, and written approval for the change(s) from the Council.

2.24 Dual plating

- 2.24.1 The Council will not grant a taxi or private hire vehicle licence for any vehicle already licensed by another licensing authority.

2.25 Communications devices

- 2.25.1 All two-way radio equipment must be of a type currently approved by, and fitted securely in accordance with guidelines published by, the Radio Communications Agency.
- 2.25.2 The use of radio scanning devices is prohibited, and such devices must not be fitted or carried in the vehicle.

Personal digital assistants (PDA), or similar

- 2.25.3 The use of a PDA or smart phone communication/mapping devices is permitted however they must be fitted where all passengers have an unobstructed view but must not be in a position to distract the driver.
- 2.25.4 Should the PDA/or smart phone display a fare this must be calibrated in accordance with the approved Council fare tariff and match the display on the fitted meter at all times.
- 2.25.5 For private hire vehicles the pre-agreed fare should be displayed on the PDA/smart phone device. Should the private hire vehicle be fitted with a meter, and the customer requests that the journey is made using the meter, the driver must remove the previously agreed fare displayed on the PDA/smart phone and comply with section 2.25.4 above.

2.26 Meters

Taxis

- 2.26.1 An approved taximeter must be fitted in all taxis and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

2.26.2 By 1 April 2021, all licensed taxi must comply with the following requirements:

*An approved **calendar** taximeter must be fitted in all taxis and:*

- (i) must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure,*
- (ii) must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation,*
- (iii) must not be capable of being manually overridden to ensure that the correct tariff is charged based on the actual date and time of the journey, and*
- (iv) must be set at the correct date and time at all times throughout the period of the vehicle licence.*

2.26.3 The Council recognises the impact of creating unnecessary paper waste and recognises that digital smart technology is widely available offering a receipt facility. The Council also acknowledges the use of such technology is beneficial to passengers, drivers and operators alike.

2.26.4 The taximeter shall be positioned so that the display on the face of the meter may clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.

2.26.5 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

2.26.6 An official copy of the Council's fare tariff must be securely attached and displayed on the dash board in front of the passenger seat at all times. The fare tariff document will be emailed to individual taxi drivers when a grant or renewal of a plate is completed. It is the driver's responsibility to ensure the tariff is printed and to ensure that it is visible to passengers.

2.26.7 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of taxis. **For the avoidance of doubt, the taximeter should not be started until the passenger is in the vehicle ready to commence the journey.**

2.26.8 In the event of such a journey commencing in but ending outside the District, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of taxis.

2.26.9 On occasions, a journey will commence during one tariff period and end within another tariff period. **For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.**

Private hire

2.26.10 Private hire vehicles are not required to be fitted with a taximeter however where a taximeter or other device for recording fares is fitted, it must be of a type approved by the Council.

2.26.11 Private hire operators must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed. If the operator intends to use the taximeter to calculate the fare, they must seek agreement from the passenger(s) at the time of accepting the booking, including the agreed point at which the meter would be engaged.

Taxis and private hire

- 2.26.12 By 1 April 2022 all licensed taxis and private hire vehicles must be fitted with a credit or debit card reader to enable passengers the option to pay by credit or debit card. The card reader/device must be capable of providing the option to the passenger to supply an email address or alternative communication for a receipt or capable of printing a receipt. All passengers should be provided with a receipt unless they advise the driver that they do not require one.
- 2.26.13 Should a passenger wish to pay by cash the driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date, driver number, journey detail and fare. All receipts must be produced on carbon paper. The driver is to retain all receipts given and produce to a licencing officer upon request. Failure to produce a receipt upon request could see the driver liable to enforcement action being taken.
- 2.26.14 Licence holders are reminded that they are data handlers when dealing with personal information such as names, addresses, emails addresses and telephone numbers and must comply with the requirements of data protection regulations and GDPR. Breaches of data protection regulations may impact on the ability to hold a licence with the Council.

2.27 Trailers

- 2.27.1 Trailers may only be used with the prior approval of the Council and then subject to the following requirements:
- (i) the driver's DVLA driving licence must cover the categories that allow the towing of trailers,
 - (ii) the trailer must at all times comply with all requirements of road traffic legislation and the current Road Vehicles (Construction and Use) Regulations,
 - (iii) the vehicle insurance must include cover for towing a trailer,
 - (iv) trailers must not be left unattended anywhere on the highway,
 - (v) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
 - (vi) trailers must display an identical licence plate to the licensed vehicle,
 - (vii) trailers cannot be used on a taxi rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

2.28 Disability access

- 2.28.1 In the case of all licensed vehicles which are built or adapted for disabled passengers, the design of the vehicle should ordinarily ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side it is aware that rear-loading vehicles better suit certain types of motorised wheelchair, therefore each vehicle will be assessed on its own merits.
- 2.28.2 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- (i) access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,
 - (ii) internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
 - (iii) a suitable restraint must be available for the occupant of a wheelchair.
 - (iv) access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
 - (v) ramps and lifts must be securely stored in the vehicle before it may move off,

- (vi) access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.
- 2.28.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307).
- 2.28.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to safely load and convey wheelchair bound passengers.
- 2.28.5 At any time when a wheelchair accessible vehicle is unable to carry passengers in a wheelchair or with other disabilities, either due to a mechanical fault or driver incapacity, the vehicle will automatically be suspended and should not be used to carry passengers until full wheelchair and other disability access is available.

2.29 Vehicles powered by liquid petroleum gas (LPG)

- 2.29.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice.
- 2.29.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that a reasonable amount of space shall remain free for the stowage of passenger luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

2.30 Tinted windows

- 2.30.1 The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.
- 2.30.2 The rear windscreen of any vehicle shall not have been treated so that less than 75% of light is transmitted through it, nor the rear passenger compartment side windows of any vehicle so that less than 70% of light is transmitted through them, unless the following criteria can be met:
 - (i) the vehicle is licensed as private hire vehicle only,
 - (ii) the vehicle is a stretched limousine vehicle,
 - (iii) the vehicle will not be engaged at any time for the carriage of school children,
 - (iv) the private hire operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

2.31 Insurance

- 2.31.1 There shall be a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1972, throughout the duration of the vehicle licence including appropriate cover for taxi or private hire (as applicable).

- 2.31.2 Certificates of Insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by the Council. Failure to comply with this requirement will preclude a licence from being issued.
- 2.31.3 Where a cover note is provided as part of a licence application, a full Certificate of Insurance must be provided prior to the expiry of the cover note.
- 2.31.4 The registered owner of the licensed vehicle shall ensure that it is adequately insured to the satisfaction of the Council and all relevant legislation at all times that it is available for the carrying of passengers. In the absence of appropriate insurance, the licensed vehicle cannot be used for the carrying of passengers.
- 2.31.5 As case law has established that a vehicle licensed as a taxi or private hire vehicle remains a licensed vehicle at all times until the licence expires or is surrendered, only appropriately licensed taxi or private hire drivers may drive the vehicle. The Council will not, therefore, accept any Certificate of Insurance that includes persons that do not hold a valid taxi or private hire driver licence (as appropriate) for the vehicle.

2.32 Change of ownership

- 2.32.1 Any change to the person(s) or company named on a vehicle licence must be notified to the Council within fourteen (14) days of such change.
- 2.32.2 When the holder of a vehicle licence wishes to transfer the licence to another person, they must notify the Council, in writing, using the prescribed application form and paying the appropriate fee before such change takes place. Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

2.33 Inspection

- 2.33.1 All taxi and private hire vehicles must be available for inspection, at any location within the District, at all times when requested by an Authorised Officer of the Council or a Police Officer.
- 2.33.2 All vehicle documentation must be produced within twenty-four (24) hours, or such other time as specified, when requested by an Authorised Officer of the Council or a Police Officer.

2.34 Unauthorised use

- 2.34.1 The proprietor of a taxi or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current taxi or private hire driver licence issued by the Council.
- 2.34.2 For the avoidance of doubt, case law has established that once licensed as a taxi or private hire vehicle, the vehicle remains a licensed vehicle at all times until the licence expires, is surrendered, is suspended or is revoked. Even if a licensed vehicle is being used for private purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a licence plate, complying with all requirements of this policy and being driven by a licensed driver.

2.35 Intended use (taxis only)

- 2.35.1 One of the Council's licensing policy objectives is public safety and licensing authorities' enforcement powers are generally restricted to their own districts/boroughs. It therefore follows that it would not ordinarily be in the public interest to grant a licence for a taxi that intended to operate predominately or wholly outside of North Hertfordshire. Whilst a North Hertfordshire

licensed taxi would not be able to ply for hire or park on ranks in other districts/boroughs, it could operate by means of pre-bookings or by accepting work from a private hire operator.

- 2.35.2 In order to ensure that the Council retains local control over the taxis it licenses, applicants will be asked as part of the application process which town they intend to predominately operate from, without prejudice to their ability to operate anywhere within North Hertfordshire. It will be incumbent on the applicant to demonstrate to the Council's satisfaction that they intend to ply for hire to a material extent within North Hertfordshire.
- 2.35.3 Ordinarily, applicants who do not intend that the taxi will be used to a material extent to ply for hire within North Hertfordshire will not be granted a vehicle licence.
- 2.35.4 In circumstances where the applicant intends to ply for hire to a material extent within North Hertfordshire but intends to undertake significant work outside of the district, the application will be ordinarily refused.
- 2.35.5 This section of the policy is not intended to be a restraint of trade, indeed applicants may make applications to any local authority in whose district/borough they intend to ply for hire, its intention is to retain local control and protect the public. That said, each application will be determined on its own merits however the Council would only expect licences to be granted for vehicles operating significantly or predominately outside of North Hertfordshire under exceptional circumstances.

2.36 Accident reporting

- 2.36.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a taxi or private hire vehicle causing damage materially affecting:
- i) the safety, performance or appearance of the vehicle, or
 - ii) the comfort or convenience of the passengers,
- must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.
- 2.36.2 To ensure public safety, the Council requires all accidents to be reported to them as soon as reasonably practicable, and in any case, within twenty-four (24) hours of the accident. An extension to this time period may be granted if the driver is under arrest or hospitalised.
- 2.36.3 In the case of an accident occurring on a Council non- working day an email is to be sent to licensing@north-herts.gov.uk which will be considered as reporting the accident within the required time period.
- 2.36.4 Following an accident or damage to a licensed vehicle, if it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected immediately by a Council licensing officer to determine its fitness for continued use. If the Council's licensing officer determines that the vehicle is fit for continued use, a timescale for any cosmetic repairs will be determined by the inspecting officer.
- 2.36.5 The Council may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the Council's testing requirements.

Temporary vehicles

- 2.36.6 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:

- (i) the damage to, or defect in, the vehicle has been reported to the Council within **the required time frame**.
- (ii) an application is made in the prescribed manner for a temporary vehicle licence,
- (iii) the replacement vehicle meets the requirements of this policy and is suitable to be used for hire purposes,
- (iv) **the vehicle licence plate is returned to the Council Offices**

2.36.7 A temporary replacement vehicle will not be permitted for a licensed vehicle off the road for non-mechanical reasons i.e. cosmetic damage.

2.36.8 A temporary replacement vehicle will be licensed for a maximum period of one (1) month or the time needed for the repair of the vehicle, whichever is shorter.

2.36.9 In exceptional circumstances, a further maximum one (1) month temporary replacement vehicle will be licensed when repairs have not been completed in accordance with section 2.36.8. Upon the expiry of any additional temporary replacement vehicle under this section, no further extension will be permitted.

2.36.10 Once the original vehicle has been repaired it must be inspected by a Council licensing officer prior to it being used as a licensed vehicle to ensure it meets the Council's testing requirements. The original licence plate will only be returned once a Council licensing officer has approved the use of the vehicle and the temporary replacement vehicle licence plate has been returned to the Council.

2.37 Security/CCTV

2.37.1 The taxi and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance and CCTV cameras can be a valuable deterrent. That said, mandatory CCTV is not a requirement as the Council considers this a matter best left to the judgement of the owners and drivers themselves. If CCTV is installed in a vehicle, it will be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner.

2.38 Protective screens

2.38.1 For reasons of driver personal safety, or during national emergency circumstances such as a public health pandemic, the use of protective screens between the driver and passengers may be permissible subject to Council approval.

2.38.2 The principles of the specification for a protective screen are:

- **Screen fixings**

It is important that the screens are professionally installed by specialist fitters to ensure passenger safety. The best type of fitting is mounting the screen onto a frame attached to the vehicle 'B post'. Each screen needs to be assessed against suitability for the specific vehicle type so as not to prevent the successful operation of any side air bags. A certificate of fitting would be required from the fitting company.

- **Air-conditioning**

The fitting of a protective screen is no reason for the air conditioning system not to be used. This doesn't preclude the ability for passengers to be able to open the vehicle windows to ensure adequate ventilation and fresh air circulation.

- **Insurer approval**
Proof would be needed from the car insurance provider that the screen is acceptable under the current certificate of insurance.
- **Number of passengers**
The number of passengers that the vehicle is licensed for is a maximum number based on the seating availability. If a screen is fitted and no passengers are allowed to travel in the front seat, the maximum number of passengers would automatically be reduced by the unavailable seating without the need to issue a new plate. For example, a normal saloon vehicle licensed for 4 passengers would automatically be reduced to 3 passengers if the front seat was not available, 4 passengers would not be permitted to travel in the rear.
- **Payment facility**
The screen should allow provision for payments to be made either by card or cash.
- **Regular cleaning**
Drivers should clean the protective screen regularly to maintain the high standards of vehicle cleanliness required by this policy.

Additional requirements for national pandemics such as coronavirus

If the virus is not an airborne virus and is transmitted via droplets projected by a cough or sneeze onto a hard surface or a person then:

- (i) the screen does not need to be airtight; and
 - (ii) there appears to be no reason why the air conditioning system shouldn't be used.
- During a pandemic it is more important than normal that passengers should be able to open the vehicle windows to ensure adequate ventilation and fresh air circulation.

Ideally cash transactions should be avoided during a pandemic and contactless card payments are the preferred payment method.

In order to ensure effectiveness of a protective screen, drivers should clean the passenger compartment, screen and door handles after every journey.

- 2.38.3 Each application will be considered on its own merits against the criteria in section 2.38.2 above.
- 2.38.4 Until written approval has been received from the Council, a protective screen must not be used in a licensed vehicle.
- 2.38.5 Once written approval has been given, no modification can be made to the protective screen without further written approval by the Council.

2.39 Stretched limousines

- 2.39.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.

- 2.39.2 For the purposes of this policy, a stretch limousine is defined as follows:
"A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;
 - (i) is capable of carrying up to but not exceeding 8 passengers;*
 - (ii) save for this policy could not currently be licensed by the Council as a private hire vehicle;*
and
 - (iii) is not a decommissioned military or emergency service vehicle."*

- 2.39.3 Any stretched limousines capable of carrying eight (8) passengers or less which are offered for private hire do require a licence from the Council. In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits. Any stretched limousine capable of carrying more than eight (8) passengers requires licensing by the Traffic Commissioners as a public service vehicle.
- 2.39.4 Any stretched limousine approved for licensing as a private hire vehicle will be subject to specification set out in **Appendix E**, which will be attached as conditions to all limousines licensed as a private hire vehicle.
- 2.39.5 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

2.40 Funeral and wedding vehicles

- 2.40.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.
- 2.40.2 A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered to be licensable activity.

2.41 Courtesy cars

- 2.41.1 The Council takes the view that vehicles, which are used as “courtesy cars”, i.e. for transporting customers to and from garages, airports, hotels and night-clubs, without charge but with an obvious business benefit, are likely to need to be licensed under the private hire licensing scheme. Whilst there may not be a separate charge for using the vehicles, they are being supplied with a driver for a specific purpose which is likely to result in a ‘business benefit’, for example a customer using that particular business as opposed to one that doesn’t offer the same transport service.

2.42 Ambulances and other patient transport

- 2.42.1 All ambulances meeting the following requirements will be exempt from private hire vehicle licensing:

“vehicles constructed to original manufacturer’s specification and equipped and used for the carriage of sick, injured or disabled people with a permanent rear compartment and means of conveying passengers in a recumbent position together with an attendant seat for use by accompanying medical professionals, readily identifiable as a vehicle used for the carriage of such people by being marked “Ambulance” on both sides.”

- 2.42.2 Other patient transport services provided by either Primary Care Trusts or voluntary organisations are likely to require licensing as private hire vehicles.

2.43 Voluntary sector transport

- 2.43.1 The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.
- 2.43.2 The Council is of the view that licensing requirements apply where it can be proven that the business obtains a benefit or are using drivers whose services go beyond that of mere social kindness. In all such circumstances, the business and/or driver will be contacted by the Council to consider the specific circumstances of the service provided.

2.44 Miscellaneous

- 2.44.1 The proprietor of a taxi or private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.
- 2.44.2 Nothing in this policy shall be interpreted as overriding the provisions of:
- (i) the Town Police Clauses Act 1847, as amended,
 - (ii) the Local Government (Miscellaneous Provisions) Act 1976, as amended,
 - (iii) or any other relevant legislation.

PART 3 - DRIVERS

3.1 Licences

- 3.1.1 The statutory and practical criteria and qualifications for a private hire driver are broadly identical to those for a taxi driver. The sections below, therefore, apply equally to private hire and taxi drivers unless otherwise stated.
- 3.1.2 The Council requires that separate driver licences be ordinarily held in respect of taxi and private hire vehicles. The Council will offer drivers of either discipline the other type of driver licence (known as a 'dual licence') for an administrative cost only, providing all licensing requirements are satisfied.

3.2 Age and experience

- 3.2.1 A licence will not be granted to anyone who has not held a full driving licence, issued in accordance with the Road Traffic Act 1972 (as amended), for a period of at least twelve (12) months immediately prior to the application.
- 3.2.2 An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a full UK driving licence within twelve (12) months of the issue of the taxi or private hire driver licence. Where this requirement is not satisfied, the taxi or private hire driver licence will be automatically suspended pending compliance. This policy requirement is to ensure appropriate regulation of any penalty points issued by the courts in relation to road traffic offences. The Council consider this to be an integral part of the 'fit and proper person' test.

3.3 Driver knowledge tests

- 3.3.1 Taxi drivers clearly need a good working knowledge of the District for which they are licensed, because taxis can be hired immediately, directly with the driver at ranks or on the street. In order to determine fitness to hold a licence, applicants for a taxi driver's licence are required to

undertake a computerised knowledge test based on local geography, in addition to any other requirements the Council may prescribe from time to time. In addition, applicants are required to take a short verbal test of their knowledge in relation to customer care, the Council's Licensing Policy and basic numeracy.

- 3.3.2 The Council recognises that private hire drivers also require a working knowledge of the district as a whole; however as private hire vehicles must be pre-booked, the Council acknowledges that the same instant knowledge is not required as there would be an opportunity to research the required route. Accordingly, there is no requirement for an applicant for a private hire driver licence to undertake a computerised knowledge test. The applicant will, however, be required to undertake a short verbal test in relation to customer care, the Council's Licensing Policy and basic numeracy.
- 3.3.3 A knowledge test pass is only valid for a period of six (6) months. If a driver licence has not been granted within a period of six (6) months following the successful knowledge test, a further knowledge test pass will be required prior to a licence being granted.
- 3.3.4 Further details of the respective tests are set out in Part 5 of this policy.

3.4 Driving proficiency and qualifications

- 3.4.1 The Council believes that as a profession, taxi and private hire drivers have a special responsibility for the safe transportation of fare paying passengers. Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire, the Council would encourage drivers to do so.
- 3.4.3 If the licensing manager, when considering enforcement action related to driving standards, decides that a licence holder's driving standard calls into question their ability to remain a licensed driver, they may require the driver to pass a suitable driving assessment.

3.5 Medical examination

- 3.5.1 In order to promote the Council's public safety licensing objective, it will be a requirement to produce a medical assessment from a registered medical practitioner confirming the applicant/licence holder's fitness to drive if:
 - (i) The applicant is a new driver; or
 - (ii) The licence holder is over seventy years of age; or
 - (iii) The applicant/licence holder has a health condition that may impact upon their ability to drive a taxi or private hire vehicleApplicants may still apply for a three-year licence, however, must produce further medical certification annually or at a shorter period where recommended by the medical practitioner.
- 3.5.2 The medical assessment required by this section must:
 - (i) be completed on the Council's prescribed medical form (available on the Council website),
 - (ii) be completed by the applicant's GP, a member of the applicant's GP's surgery, or a GP having access to the applicant's full medical history,
 - (iii) less than six (6) month's old at the licence start date,
 - (iv) contain an assessment of fitness to drive based on the DVLA Group 2 Medical Standards for Vocational Drivers.
- 3.5.3 If required to obtain a medical certificate, the applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the confidential

assessment must be submitted to the Council accompanied by any relevant supporting documentation.

- 3.5.4 Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of a current medical assessment, will not be required to undergo a further medical examination provided the requirements of subsection 3.5.2 are met.
- 3.5.5 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonably practicable however this list is not exhaustive:
- (i) any heart-related condition
 - (ii) any eyesight related condition
 - (iii) diabetes (Type 1 or Type 2)
 - (iv) epilepsy
 - (v) sudden attacks of giddiness or fainting
 - (vi) conditions causing excessive daytime sleepiness such as sleep apnoea
 - (vii) alcohol or drug dependency
 - (viii) mental or psychological disorders
 - (ix) any national or worldwide virus that impacts on public safety e.g. coronavirus
 - (x) any other condition that may affect the ability to drive

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical assessment by a Doctor appointed by the Council, at the applicant's own expense.

3.6 Medical exemption certificates

3.6.1 Carriage of wheelchairs: medical exemption certificates

Given that the main reasons for a taxi or private hire vehicle driver to request a medical exemption are likely to be back or muscle-related injuries, which are not likely to be conducive to driving for long periods, the Council expect the number of drivers likely to be eligible for an exemption to be low.

Drivers will need to provide medical evidence to support their application. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

3.6.2 Carriage of assistance dogs: medical exemption certificates

The main reasons a taxi or private hire vehicle driver may wish to apply for a medical exemption are:

- i) if they have a condition such as severe asthma, that is aggravated by contact with dogs;
- ii) if they are allergic to dogs; or
- iii) if they have an acute phobia to dogs.

The Council therefore expect the number of drivers likely to be eligible for an exemption to be very low.

Drivers will need to provide medical evidence to support their application. If a driver has severe asthma or a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. If a driver has a chronic phobia to dogs, the Council would expect this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

3.6.3 Suitable medical professionals: medical exemption certificates

Examples of suitable medical professionals include, but are not limited to:

- i) medical specialist / consultant;
- ii) specialist nurse (for example, an asthma nurse); or
- iii) the Council's nominated independent doctor.

In exceptional circumstances, where no other alternatives are available, the Council may consider evidence from the applicant's General Practitioner. The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.

3.7 Disclosure & Barring Service (DBS) disclosures

- 3.7.1 A DBS check on a driver is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence, therefore an Enhanced Disclosure provided by the Disclosure & Barring Service is required by all applicants, whether new or renewal applications.
- 3.7.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences; therefore applicants are required to disclose all convictions, including those that would normally be regarded as spent.
- 3.7.3 Before an application for a driver licence will be considered, the applicant must provide a current (less than three months old) Enhanced DBS Disclosure; the only exception would be where an applicant has registered with the DBS for the online checking service and the Council has seen the latest DBS to which the online check refers.
- 3.7.4 The Council uses Experian Ltd an accredited Disclosure & Barring Service body who process the Disclosure & Barring Service checks on behalf of the Council. The applicant will be responsible for the payment of the appropriate fee.
- 3.7.5 It is a requirement that all drivers register their DBS with the DBS' online checking service and maintain registration throughout the period of their licence by paying the annual registration fee. This allows the Council to undertake periodic checks throughout the licence period, and on renewal, to ensure that the applicant/licence holder continues to meet the 'fit and proper' person test.
- 3.7.6 When performing an online check, if the Council establish that there has been a change to the DBS that has not been notified to the Council, the driver will be automatically suspended until such time as a new DBS has been obtained and registered with the online checking service.
- 3.7.7 When performing an online check, if the Council establish that the online registration has not been maintained, the driver will be automatically suspended until such time as a new DBS has been obtained and registered with the online checking service.
- 3.7.8 In the case of applicants with less than five (5) years residence in the UK, a Certificate of Good Conduct will be required from the relevant Embassy in addition to an Enhanced DBS Disclosure covering their time in the UK. All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.
- 3.7.9 The Council is bound by rules of confidentiality and will not divulge information obtained to any third party. The applicant for a DBS certificate will be sent a certificate to their home address and will need to provide the certificate to the Council who do not receive a copy. Once the Council have obtained the necessary information from a DBS certificate, no information from the DBS will

be retained by the Council however periodic online checks may be made during the licence period.

3.8 Relevance of convictions and cautions

3.8.1 In relation to the consideration of convictions and cautions recorded against applicants, the Council will adopt the guidelines set out in **Appendix B** of this policy.

3.8.2 Appendix B does not standalone and is part of the overall consideration of 'fit and proper' defined in Appendix A.

3.9 Convictions during period of licence

3.9.1 Where offences resulting in conviction are committed by licensed drivers in the course of their business or otherwise, it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their taxi or private hire driver's licence.

3.9.2 **Driver's licence holders, who are convicted or cautioned for any criminal or motoring offence during the period covered by their existing licence, must disclose the conviction or caution and the penalty involved to the Council within seven (7) days of the conviction.** In the case of a deferred sentence, the penalty must be disclosed to the Council within seven (7) days of sentencing. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction. Any breach of this subsection will become the subject of disciplinary action by the licensing manager in accordance with Appendix G.

3.9.3 The Council will conduct periodic checks of individual DBS records at any time during the licence period using the online checking service. Should any new information be discovered that has not been notified to the Council, the individual driver may face disciplinary action by the licensing manager in accordance with Appendix G.

3.10 Safeguarding training

3.10.1 The Council acknowledges the importance of safeguarding training for all licensed drivers regarding vulnerable adults and children as they are in a position to witness potential victims of abuse or exploitation.

3.10.2 As from 1 August 2019, it is mandatory requirement for every licenced taxi/private hire/dual driver to attend the safeguarding awareness training delivered by Council licensing officers.

3.10.3 Safeguarding training dates will be published on the Council website.

3.10.4 All drivers are required to attend the mandatory training as part of every licence grant or renewal.

3.10.5 Failure to attend safeguarding training will preclude a licence being granted or renewed until such time as the training requirement has been fulfilled.

3.10.6 All drivers, new or existing, are permitted to attend the mandatory safeguarding training up to three (3) months prior to the grant or renewal of a licence.

3.11 Right to work

- 3.11.1 All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

3.12 Conditions of licence

- 3.12.1 The Council is not permitted to attach conditions to a taxi driver's licence however it is empowered to attach such conditions to a private hire driver's licence as are considered necessary.
- 3.12.2 For consistency, conditions will not be attached to driver licences however the Council consider continued compliance with this policy as an essential requirement of the 'fit and proper' person test defined in Appendix A. Failure to comply with all policy requirements is likely to result in enforcement action in accordance with Part 6 of this policy.

3.13 Driver code of conduct

- 3.13.1 Adopting a Driver Code of Conduct for taxi and private hire licence holders serves to promote the Council's licensing objectives in respect of the taxi and private hire trades; the standards expected of licence holders are detailed in **Appendix C**. This Code of Conduct is an integral part of the 'fit and proper' assessment.

3.14 DVLA licence checking

- 3.14.1 In order to ensure that the Council have a driver's complete driving history, thus enabling a fully informed decision to be made in respect of an application, the Council may check the DVLA database for all new and renewal driver applications. The application form includes a section where the applicant signs to give their consent for this check, the cost of which is borne by the applicant.
- 3.14.2 Any anomalies between the DVLA record and the applicant's driving licence will be brought to the attention of the DVLA and the Police.

3.15 Taxis accepting work from private hire operators

- 3.14.1 A private hire operator is able to pass work to a taxi irrespective of where the taxi is licensed. On that basis, taxis are able to accept work from national private hire operators such as Uber, Ola, etc.

PART 4 - PRIVATE HIRE OPERATORS

4.1 Requirements and obligations

- 4.1.1 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator Licence. A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.1.2 A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver licence. All three licences, private hire operator, private hire vehicle and private hire driver, must be issued by the same licensing authority.

- 4.1.3 It is for the Council to decide whether the applicant is a 'fit and proper person' to hold a private hire operator licence.

4.2 Disclosure & Barring Service (DBS) disclosures

- 4.2.1 Private hire operators cannot be required to produce an Enhanced DBS disclosure therefore a Basic Disclosure from the Disclosure & Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the policy objectives. A reference covering the applicant's financial record and/or business history may also be considered appropriate in addition to these requirements in some instances.
- 4.2.2 Before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current taxi or private hire driver licence with the Council will be exempt from this requirement.

Private hire management and staff

- 4.2.3 The Council is aware that all persons involved in the management and staffing of private hire operator businesses have access to sensitive information that may impact on public safety. Unless the business is able to demonstrate to the Council that they have already undertaken appropriate DBS checks on their management and staff, the following sections will apply upon grant and renewal of private hire operator licences.
- 4.2.4 All private hire operators will be subject to a basic DBS disclosure unless they are already registered with the DBS online checking service as a driver. In the case of a company being the licence holder, all directors of the company will be required to provide a basic DBS disclosure.
- 4.2.5 Any person involved in the operation of a private hire business with access to sensitive information, for example office managers and call handlers, will be required to provide the private hire operator with a basic DBS disclosure. The cost of the DBS will be the responsibility of the private hire operator.
- 4.2.6 The private hire operator must keep a register of staff and their DBS details which must be made available to the Council upon request and as part of the application (grant and renewal) process.

4.3 Conditions

- 4.3.1 The Council has power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The following condition will be attached to all private hire operator licences issued by the Council:

"This licence is granted subject to compliance with the requirements of Part 4 of the Council's Taxi and Private Hire Licensing Policy throughout the duration of the licence period."

4.4 Public liability insurance

- 4.4.1 It is considered appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public. Before an application for a private hire operator licence is granted, the applicant must either produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed or sign a declaration that their premises is not open to the public.

4.5 Licence duration

- 4.5.1 The Council will ordinarily issue a successful applicant for a private hire operator licence with a five-year licence from the date of grant, subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances.
- 4.5.2 Where a licence is granted part way through a month, that month will be included within the five-year period as though it had been a full month.

4.6 Address from which an operator may operate

- 4.6.1 Upon the grant of a private hire operator licence, the Council will specify on the licence the address from which the operator may accept bookings and despatch vehicles. This address will ordinarily be the address stated on the application form.
- 4.6.2 The operator must notify the Council in writing of any proposed change of address during the period of the licence in order that the Council can consider its suitability. The operator may not change operating address until such time as the change has been approved in writing by the Council. The operator must also provide proof of public liability insurance for the new premises or sign a declaration that their new premises is not open to the public prior to the change being approved.

4.7 Operating bases outside the district of North Hertfordshire

- 4.7.1 The Council will not grant a private hire operator licence for an operating base that is outside the District of North Hertfordshire District Council. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade as the operator may apply to the local authority responsible for the location of the proposed operating base.

4.8 Operating bases inside the district of North Hertfordshire

- 4.8.1 A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the District of North Hertfordshire District Council. Accordingly, all vehicles and drivers operating from that base will require appropriate licences issued by the Council. This is to ensure that proper regulation and enforcement measures may be taken by the Council and that all vehicles operating with North Hertfordshire meet the Council's policy objectives.

4.9 Right to work

- 4.9.1 All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix F**.

4.10 Gaming machines

- 4.10.1 Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005 and may give rise to doubts regarding the operator's suitability to hold a licence.

4.11 Sub-contracting of private hire bookings

- 4.11.1 Legislation now allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, whether in the same district or not. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.
- 4.11.2 All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licensed in district B. They can however sub-contract the booking to the operating base in district B using a vehicle and driver licensed in district B.
- 4.11.3 The initial booking must be taken within the area in which the operator is based and the sub-contracted booking must be taken within the area in which the sub-contracted operator is based.

4.12 Standards of service

- 4.12.1 The operator shall:
- (i) provide a prompt, efficient and reliable service to members of the public,
 - (ii) ensure that their office staff act in a civil and courteous manner at all times,
 - (iii) ensure that booked vehicles arrive punctually at the appointed place,
 - (iv) ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated with adequate seating facilities,
 - (v) ensure compliance with legislation regarding the length of employee working hours.

4.13 Records

- 4.13.1 Booking records shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively, or in an appropriate electronic format.
- 4.13.2 Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle accepted:
- (i) date of the booking ,
 - (ii) name and address of the hirer,
 - (iii) time of pick-up
 - (iv) address of the point of pick-up,
 - (v) destination,
 - (vi) licence number (or other identification) of the driver allocated to the booking,
 - (vii) plate number (or other identification) of the vehicle allocated to the booking,
 - (viii) fare agreed between the operator and hirer at the time of booking.
- 4.13.3 The operator shall keep the following records of the particulars of all private hire vehicles operated by them:
- (i) type, make, model, colour and engine size of vehicles,
 - (ii) year when the vehicle was first licensed for private hire,
 - (iii) vehicle registration numbers,
 - (iv) number of seats for passengers,
 - (v) owners of the vehicles,
 - (vi) insurance details of vehicles,
 - (vii) method of charging, i.e. whether or not a meter is fitted,
 - (viii) private hire vehicle plate number.

- 4.13.4 The operator shall keep the following records of the particulars of all drivers of private hire vehicles operated by them:
- (i) driver's name, address and call sign,
 - (ii) date employment commenced,
 - (iii) date employment ceased,
 - (iv) any change of address, including the date the address changed
 - (v) any illness, disability or condition which may affect the driver's ability to safely carry out his duties,
 - (vi) expiry date of driver licence

- 4.13.5 All records maintained by the operator shall be kept for at least twelve (12) months after entry and shall be produced for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

4.14 Complaints

- 4.14.1 The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from their business that they feel prudent to do so, for example for their own protection against frivolous or vexatious complaints or allegations of misconduct against a driver. Such notification must include the action taken, or proposed, as a result of the complaint.

4.15 Disclosure of convictions

- 4.15.1 The operator shall, within seven (7) days of conviction, notify the Council in writing of any conviction or fixed penalty imposed on them during the period of duration of his operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty.

4.16 Private hire insurance

- 4.16.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by them under the operator licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

4.17 Private hire driver licences

- 4.17.1 The operator shall ensure that every driver engaged by them has obtained a private hire driver licence from the same licensing authority which issued the private hire operator licence. The operator shall use their best endeavours to ensure that all drivers have a badge issued by the Council and that the drivers wear the badge at all times whilst available for hire.

4.18 Planning consent

- 4.18.1 To operate a private hire business from home, planning permission may be required. A private hire operator licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the limited use proposed.

4.19 Safeguarding training

- 4.19.1 The Council acknowledges the importance of safeguarding training for all private hire operators regarding vulnerable adults and children as they are in a position to witness potential victims of abuse or exploitation.

- 4.19.2 As from 2 November 2020, it is a mandatory requirement for all private hire operators to attend the safeguarding awareness training delivered by Council licensing officers.
- 4.19.3 If the private hire operator is an individual that has attended safeguarding training as a current licensed driver, there will be no requirement to attend as a private hire operator.
- 4.19.4 If the private hire operator is a company, any person involved in the day-to-day management of the business will be required to attend safeguarding training as part of all grants and renewals.
- 4.19.5 Safeguarding training dates will be published on the Council website.
- 4.19.6 All private hire operators are required to attend the mandatory training as part of every licence grant or renewal.
- 4.19.7 Failure to attend safeguarding training will preclude a licence being granted or renewed until such time as the training requirement has been fulfilled.
- 4.19.8 All private hire operators, new or existing, are permitted to attend the mandatory safeguarding training up to three (3) months prior to the grant or renewal of a licence.
- 4.19.9 Private hire operators will be expected to demonstrate to the Council, upon request, safeguarding training that they have arranged for all staff that may have contact, in person or orally, with the public.

PART 5 – APPLICATION PROCEDURE

5.1 General

- 5.1.1 This Part of the policy is intended to give an indication of the application process relating to all application types. In line with its commitment to smarter ways of working, the Council reserve the right to make changes to the administrative process provided that the focus of the policy objectives is maintained.
- 5.1.2 Where the administrative process is amended, the licensing manager may amend this Part of the policy in accordance with the delegation set out in subsection 12.2.1

5.2 Vehicles

- 5.2.1 An application for a vehicle licence will only be considered complete when all of the following components have been received:
 - (i) prescribed application form, fully completed
 - (ii) appropriate fee
 - (iii) V5 registration document
 - (a) which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s);
 - (b) once the V5 has been provided for the grant of a new vehicle licence, it need not be re-submitted with subsequent renewal applications unless the details of the vehicle or registered keeper change.
 - (iv) current valid insurance certificate or cover note
 - (a) the certificate must include the appropriate usage as a taxi or private hire vehicle;
 - (b) the certificate must cover a minimum of one (1) calendar month from the start date of the licence;

- (c) the certificate must not contain the name(s) of any driver not licensed with the Council;
- (d) if a cover note is provided, a full certificate of insurance must be provided before the expiry date of the cover note.
- (v) MOT certificate (not more than two calendar months old at the start date of the licence)
- (vi) Certificate of Compliance (not more than two calendar months old at the start date of the licence)

5.3 Drivers

5.3.1 An application for a driver licence will only be considered complete when all of the following components have been received:

- (i) prescribed application form, fully completed
- (ii) appropriate fee
- (iii) a current valid full driving licence
- (iv) enhanced Disclosure & Barring Service (DBS) disclosure, **in accordance with section 3.7 above**
- (v) knowledge test passes (new applicants only)
- (vi) medical certificate (new applicants or renewals where the applicant is 70yrs of age or more)
- (vii) proof of right to work in the UK (new applicants and where applicable)
- (viii) a passport-sized, clear and easily identifiable photograph of the applicant
- (ix) **safeguarding training attendance in accordance with section 3.10 above**

5.3.2 All new applicants must obtain the appropriate knowledge test passes, **safeguarding training** and DBS disclosure prior to submitting an application and accompanying fee and documentation.

5.4 Operators

5.4.1 An application for an operator licence will only be considered complete when all of the following components have been received:

- (i) prescribed application form, fully completed
- (ii) appropriate fee
- (iii) inspection of the operating premises by a licensing officer
- (iv) basic Disclosure & Barring Service (DBS) disclosure(s) **in accordance with section 4.2 above**
- (v) **safeguarding training attendance in accordance with section 4.19 above**

5.5 Submitting and collecting documentation

5.5.1 Application forms, appropriate fees and all supporting documentation should be submitted at least twenty-eight (28) days prior to the expiry of the previous licence. Incomplete applications may be returned to the applicant for resubmission when complete. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this policy. It is the licence holder's sole responsibility for ensuring they make their application in accordance with this policy.

5.5.2 When submitting renewal applications, applicants should be aware that it may take up to five (5) working days to process and issue a licence once all relevant information and the fee have been received. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received.

5.5.3 Documentation, with the exception of DBS disclosures, should ordinarily be posted to the Council at the address shown on the Council's website; original documentation will be returned to the applicant. Documentation may be left at the Customer Service Centre however it will be

forwarded to the address on the Council's website and may delay the processing of the application. DBS disclosures should be delivered in person to the Council Offices.

5.5.4 Licence plates and licence badges can be collected from the Customer Service Centre by prior arrangement upon production of the existing plate or badge. No plate or badge will be released until such time as the original plate or badge is returned. The new plate or badge can be displayed immediately.

5.5.5 Paper licences and documentation to be returned to the applicant will ordinarily be included with the plate or badge for collection from the Customer Service Centre.

5.6 New driver knowledge tests

5.6.1 Taxi drivers

In order to maintain the high standards that the Council expects of its taxi drivers operating within the District, all new drivers are required to pass a knowledge test consisting of two parts, one computerised and one verbal; both parts must be passed to be considered for a taxi driver licence.

5.6.2 Private hire drivers

In order to maintain the high standards that the Council expects of its private hire drivers operating within the District, all new drivers are required to pass a verbal knowledge test.

Computerised test composition

5.6.3 Applicants will be tested on their knowledge of North Hertfordshire and significant locations in the surrounding areas where they are likely to be required to travel to. Questions for the computerised test may include:

- i) the shortest route between locations based on the town where the applicant will predominately ply for hire;
- ii) the shortest route between prominent locations based on the District as a whole and neighbouring Districts;
- iii) the locations of prominent points of interest across the District such as hotels, surgeries, schools, etc;
- iv) the highway code;
- v) the Council's Taxi and Private Hire Licensing Policy and relevant legislation;
- vi) customer care; and
- vii) basic numeracy, including the calculation of change for a given fare.

5.6.4 Sixty (60) minutes is allowed for the forty (40) question computerised test and a pass must be achieved in each section as follows:

(i) Shortest routes (town)	8 out of 10
(ii) Shortest routes (district)	3 out of 4
(iii) Points of interest	4 out of 5
(iv) Highway code	4 out of 5
(v) Policy/law	4 out of 5
(vi) Customer care	5 out of 6
(vii) Numeracy	4 out of 5

5.6.5 Three (3) attempts are permitted at passing the computerised knowledge test ; each section of the computerised test need only be passed once, therefore, any re-test following a failed attempt will only consist of the sections previously failed. After three failed attempts to pass the computerised test, passes obtained in the individual sections of those three tests will not be carried forward to any subsequent re-test.

Verbal test composition

- 5.6.6 Fifteen (15) minutes is allowed for the fifteen (15) question verbal test and the pass mark is twelve (12) correct answers. In addition, all three (3) safeguarding questions contained within the test must be answered correctly.
- 5.6.7 In addition to scoring twelve (12) correct answers, a licensing officer must be satisfied that the applicant has sufficient communication skills for a licensed driver therefore the test may be recorded.
- 5.6.8 Driver test failure
Three (3) attempts to pass a knowledge test are permitted in any one twelve (12) month period commencing from the date of the first test. Additionally, after a third failure no further tests will be permitted until a period of six (6) months from the date of the third test has elapsed. A fee will be charged for each test attempt.
- 5.6.9 Booking tests
Both computerised and verbal knowledge test are available every Wednesday, save for exceptional circumstances. All bookings must be accompanied by the appropriate test fee paid at the time of booking; a cancellation fee will be charged for non-attendance without twenty-four (24) hours prior notice.

5.7 Disclosure & Barring Service (DBS) disclosures

- 5.7.1 No application for a taxi or private hire driver licence will be considered without an enhanced DBS disclosure satisfying the requirements of this policy.
- 5.7.2 Appointments are available every Wednesday, save for exceptional circumstances. All bookings must be accompanied by the appropriate fee paid at the time of booking; a cancellation fee will be charged for non-attendance without twenty-four (24) hours' notice. In the event that not all relevant paperwork is brought to the appointment and the DBS cannot be processed, a new appointment will need to be made and a further administrative fee will be charged.
- 5.7.3 The Council requires applicants to register with the online DBS checking service. This will enable the Council to check an existing DBS annually during the term of the licence (and at any other time as appropriate) and upon each renewal, only requiring a new DBS disclosure if the existing DBS has changed.

5.8 The consideration of applications

- 5.8.1 Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied.
- 5.8.2 In order for an application to be considered as a renewal application, the fully completed application form and correct fee must be received prior to the expiry date of the previous licence. Accompanying documentation can then follow as it becomes available. Failure to comply with this requirement will ordinarily result in the applicant having to re-apply as a new applicant and meet all the requirements of this policy in respect of new applications.
- 5.8.3 Unsuccessful applicants will be informed of the Council's reasons for the refusal and their right of appeal against the Council's decision to the Courts.

5.9 Return of licence plates and licence badges

- 5.9.1 All licence plates and licence badges remain the property of the Council and must be returned:
- (i) at the point of collection of any renewed plate or badge,
 - (ii) upon written request within seven (7) days of such a request,
 - (iii) within seven (7) days of expiry (when not renewed) or surrender,
 - (iv) immediately upon suspension or revocation,
 - (v) when a vehicle is off the road as it does not meet the Council's testing requirements, or
 - (vi) when a temporary replacement vehicle plate is issued
- 5.9.2 A licence plate and a licence badge signify the existence of a current valid licence but are not licences in their own right therefore there is no reason why a renewed licence plate or licence badge cannot be displayed from the point of receipt.
- 5.9.3 Renewed licence plates and licence badges will only be issued therefore upon the return of the existing plate or badge at the point of collection. In exceptional circumstances, where licence plates or licence badges are posted to the licence holder, the existing plate or badge must be returned within seven (7) days of receipt.

PART 6 – DISCIPLINARY AND ENFORCEMENT MEASURES

6.1 Enforcement

- 6.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the taxi and private hire vehicle trade. In pursuing its objective to encourage responsible taxi and private hire businesses, the Council will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.
- 6.1.2 Primarily, all enforcement action will be based upon the seriousness of the breach and the possible consequences arising from it. Enforcement action will not normally, therefore, constitute a punitive response to minor technical contraventions of legislation. Repeated minor technical contraventions, however, will be subject to appropriate action.
- 6.1.3 Enforcement action must always be consistent, proportionate and reasonable whilst ensuring that the public receive adequate protection. Determination of enforcement action may consider, but will not be limited to, the following:
- (i) seriousness of any offence(s);
 - (ii) driver's or operator's past history;
 - (iii) consequence of non-compliance;
 - (iv) likely effectiveness of the various enforcement options;
 - (v) risk to the public.
- 6.1.4 The Council will ensure that its enforcement is reasonable, transparent and proportionate and, notwithstanding this policy, the Council will also consider the Housing and Public Protection Enforcement Policy.
- 6.1.5 The Council will consider reports of offences or breaches of this policy from any other licensing authority or enforcement body such as the police or civil enforcement officers. Evidence from these authorities or bodies will be given appropriate weight as though the evidence was provided by a Council licensing officer.

6.2 Penalty points scheme

- 6.2.1 In order to ensure compliance with the Council's Taxi and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test, a penalty points system will be utilised as described in Appendix D. This will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement,
- 6.2.2 The adoption of the Penalty Points System will not, however, compromise the Council's ability to enforce breaches of statute or the Council's Licensing Policy in the Courts should an offence necessitate such action.

6.3 Referrals to the licensing manager

- 6.3.1 Whilst the day to day enforcement of taxi and private hire licensing, including the issuing of penalty points, is a function carried out by licensing officers under the supervision of the licensing manager, serious disciplinary matters will be referred to the licensing manager. Serious disciplinary matters will include, but are not limited to:
- (i) an accumulation of twelve (12) or more penalty points as detailed in **Appendix D**;
 - (ii) refusal to carry a passenger without good reason;
 - (iii) unlawful plying for hire;
 - (iv) more than one offence of touting for business;
 - (v) insurance offences;
 - (v) overcharging; and
 - (vi) any conviction relevant to **Appendix B**.
- 6.3.2 The licensing manager will consider the impact of transgressions of the law, or an accumulation of penalty points, on the fitness of an individual to hold a taxi or private hire licence and take appropriate action.

6.4 Appearances before the licensing manager

- 6.4.1 Where the licensing manager is considering disciplinary and/or enforcement action against an individual or company, the individual or company, **the process detailed in Appendix G will apply.**
- 6.4.2 The licensing manager may decide to take one or more of the following actions:
- (i) no action;
 - (ii) informal action (verbal or written warnings or penalty points);
 - (iii) require the production of driving licences or other specified documentation at the Council Offices;
 - (iv) use statutory notices (s68 stop notices, etc.);
 - (v) suspend a licence;
 - (vi) revoke a licence;
 - (vii) authorise a fixed penalty notice (where appropriate);
 - (viii) authorise a Simple Caution;
 - (ix) authorise prosecution action;
 - (x) other appropriate action as deemed necessary, including any combination of the above.
- 6.4.3 Alternative to enforcement action for first time smoking offences
To support the initiatives of NHS Hertfordshire, in addition to offering health benefits to offenders, first time smoking offenders may be offered a fixed period of time, at the Council's discretion, to attend an official 'stop smoking' course.

6.4.4 Alternative to enforcement action when there are driving standards concerns

Where concerns are raised in respect of a driver's standard of driving, the driver may be required to pass an appropriate driving standard assessment at the discretion of the Council. Failure to achieve a pass within a specified period of time will result in the suspension of the driver until such time as a pass is achieved. Where necessary for public safety, a driver may be suspended immediately until such time as a pass is achieved.

6.5 **Informal action**

6.5.1 Informal action to secure compliance includes offering advice, verbal or written warnings, and the issuing of penalty points.

6.5.2 Informal enforcement action may be appropriate in, but not limited to, the following scenarios:

- (i) the act or omission is not serious enough to warrant formal action;
- (ii) it can reasonably be expected that informal action will achieve future compliance;
- (iii) confidence in the driver or operator is ordinarily high; or
- (iv) the consequences of non-compliance will not pose a significant risk to public safety.

6.6 **Suspension**

6.6.1 Vehicles

Taxi and private hire vehicles must be kept in an efficient, safe, tidy and clean condition at all times. Compliance with the vehicle specification and conditions of this policy is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the licence holder setting out the defect(s) and the required action.

Where there is a risk to public safety the further use of the vehicle will be suspended until the defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test at the Council's nominated testing facility, at the licence holder's expense, and meets the testing requirements of this policy.

6.6.2 Drivers

The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period at the discretion of the licensing manager. Where a licence holder has been referred to the licensing manager because they have been convicted of a serious criminal offence, or have accumulated twelve (12) or more penalty points under the Council's penalty points system, the licensing manager may order the suspension of the licence for a specified period at the discretion of the licensing manager.

Ordinarily, such action will only be taken where informal action is deemed inappropriate and formal legal action is not proportionate.

Ordinarily, any suspension is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the licensing manager may determine that a suspension takes immediate effect and is not held pending an appeal.

6.7 **Section 68 (stop) notices**

6.7.1 An Authorised Officer of the Council or a Police Officer may serve notice in writing for a taxi or private hire vehicle, or the taximeter affixed to such a vehicle, to be examined at the Council's nominated testing facility at a time specified in the notice. This notice may only be served if there are concerns as to the condition of the vehicle or the accuracy of the taximeter.

6.7.2 In addition to subsection 6.6.1, the vehicle licence may be suspended until such time as the Council's testing requirements have been complied with if it is deemed necessary for public safety. The suspension notice will remain in force until the issuing officer has issued written confirmation that the Council's testing requirements have been met.

6.7.3 If the issuing officer is not satisfied that appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two (2) months from date of issue, the vehicle licence will be deemed automatically revoked.

6.8 Revocation

6.8.1 Where a licence holder has been referred to the licensing manager because they have:

- (i) committed a criminal offence;
 - (ii) have accumulated twelve (12) or more penalty points issued under **Appendix D**;
 - (iii) no longer meet the 'fit and proper' test set out in **Appendix A**; or
 - (iii) for any other reason whereby the policy objectives would not be met,
- the licensing manager may revoke the licence. Ordinarily, any revocation is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the licensing manager may determine that a revocation takes immediate effect and is not held pending an appeal.

6.9 Refusal to renew

6.9.1 As an alternative to revocation, the licensing manager may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The licensing manager may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

6.9.2 Ordinarily, any refusal to renew a licence is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the licensing manager may determine that the refusal to renew a driver licence takes immediate effect and is not held pending an appeal.

6.9 Simple cautions

6.9.1 The purpose of a Simple Caution as an alternative to prosecution is to:

- (i) deal quickly and efficiently with less serious offences;
- (ii) divert less serious offences away from the Courts; and
- (iii) reduce the likelihood of repeat offences.

6.9.2 In the interests of natural justice, the following criteria must be met before a Simple Caution is administered:

- (i) there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
- (ii) the offender must admit the offence; and
- (iii) the offender must understand the significance of the caution and give informed consent to be cautioned.

6.9.3 Where a person declines the offer of a Simple Caution, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

6.10 Fixed penalty notices

- 6.10.1 Where the option is available to administer a Fixed Penalty Notice (FPN), the Licensing Manager may determine that an FPN is an appropriate alternative to prosecution for the same reasons as detailed in subsection 6.9.1
- 6.10.2 In the interests of natural justice, the following criteria must be met before a FPN is administered:
- (i) there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
 - (ii) the offender must admit the offence; and
 - (iii) the offender must understand the significance of the FPN and give informed consent that they accept the FPN.
- 6.10.3 Where a person declines the offer of an FPN, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

6.11 Prosecution

- 6.11.1 The decision to prosecute is significant as it may impact on the licence holder's future employability. Generally, the circumstances that may warrant a prosecution include, but are not limited to:
- (i) blatant disregard for legislation and/or this policy, particularly where the economic benefits are substantial and provide advantage of those licence holders who are law-abiding and compliant with this policy;
 - (ii) when there has been blatant and/or reckless disregard for the safety of passengers or other road users;
 - (iii) where there has been repeated breaches of legislation or the requirements of this policy;
 - (iv) where a particular type of offence is prevalent and a clear message needs to be sent; or
 - (v) where a particular contravention has caused serious public concern.
- 6.11.2 A decision on whether to prosecute may consider, but is not limited to, the following:
- (i) the seriousness of the offence or contravention;
 - (ii) the risk or harm to the public;
 - (iii) identifiable victims (including the impact on the victims);
 - (iv) failure to comply with statutory notices, warnings, or other enforcement sanctions;
 - (v) disregard of public safety for financial reward;
 - (vi) the offender's previous history, in particular repeated offences or contraventions;
 - (vii) the ability and willingness of witnesses to co-operate;
 - (viii) the likelihood of future compliance;
 - (ix) the probable public benefit of a prosecution and the importance of the case in establishing precedent or addressing public concern;
 - (x) whether other action, such as a Simple Caution or FPN, would be more appropriate or effective.

6.12 Complaints against drivers

- 6.12.1 Complaints against taxi and private hire drivers are relatively low in North Hertfordshire, however, when received usually relate to overcharging or unprofessional behaviour. All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.
- 6.12.2 The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to a senior officer who will reach a decision in accordance with the **Corporate Enforcement Policy** and this policy. For the purposes of this paragraph, a senior officer is the investigating officer's immediate supervisor or line manager.

- 6.12.3 The outcome of any complaint will be advised to the complainant in the form of a written response.

PART 7 – FARES

7.1 Taxis

- 7.1.1 Taxi fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. The Council considers it good practice to review the fare scales at regular intervals, and will, therefore, consider the fare scales on an annual basis.
- 7.1.2 When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.
- 7.1.3 The fare for any journey that starts and ends within the District of North Hertfordshire cannot exceed the metered fare based on the Council's maximum fare tariff. The meter should only be started when the passenger(s) is/are in the vehicle and the journey commences.
- 7.1.4 The fare for any journey that starts or ends outside of the District of North Hertfordshire can be negotiated prior to the commencement of the journey without using the meter. Unless such an agreement is reached prior to the journey commencing, the fare should comply with the requirements of subsection 7.1.3
- 7.1.5 The maximum fares currently prescribed by the Council are set out on the Council's website. A table of authorised fares will be provided to each taxi licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.
- 7.1.6 The Council will review the fares tariff on an annual basis, ordinarily with a view to setting a tariff from 1 November each year. The Council will consult with the trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.
- 7.1.7 A taxi driver must, if requested by the passenger, provide a written receipt for the fare paid.

7.2 Private hire vehicles

- 7.2.1 The fare for a journey in a private hire vehicle must be agreed with the private hire operator at the time of booking. The driver should charge no more than the fare agreed with the operator at the time of booking.
- 7.2.2 The agreement between the hirer and the operator can either be for a fixed monetary sum, or an agreement that the fare will be calculated using the meter within the vehicle. In the case of a metered fare, the starting point for engaging the meter must be agreed at the time of booking.
- 7.2.3 A private hire driver must, if requested by the passenger, provide a written receipt for the fare paid.

PART 8 – LICENCE FEES

8.1 Fee structure

- 8.1.1 The legislation and established case law provides that licence fees should be sufficient to cover the costs of inspecting the vehicles, providing taxi stands, and administering the control and supervision of taxis and private hire vehicles. In simple terms, the Council can only set fees on a 'reasonable cost recovery' basis and cannot make a profit from licence fees when analysed over a typical three-year cycle.
- 8.1.2 Discretionary services that do not fall within the remit of subsection 8.1.1, such as pre-application advice, knowledge testing, DBS appointments, etc. will be charged for separately utilising the same 'reasonable cost recovery' basis. This is to ensure that the cost of these applicant-specific services is not incorporated into the licence fees paid by existing licence holders.
- 8.1.3 The fees currently payable for the grant and renewal of taxi and private hire licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.

8.2 Payments

- 8.2.1 The Council is able to accept payment by debit or credit card, cheques, postal orders or BACS payments. Cheques or postal orders must be made payable to North Hertfordshire District Council.
- 8.2.2 The Council is unable to accept cash payments, save for exceptional circumstances.

8.3 Refunds and duplicate copies

- 8.3.1 In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, the Council may make a refund in respect of the whole months of the unexpired portion of the licence fee.
- 8.3.2 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.
- 8.3.3 In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made by the Council.

PART 9 – TAXI STANDS

9.1 Appointed stands (commonly known as ranks)

- 9.1.1 The Council will periodically review the provision of taxi stands within the District. In the event that there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments. Comments are welcomed from either the trade or the public in regards to the suitability of existing provision.

9.2 Waiting on stands

- 9.2.1 It is an offence for any person to cause or permit any vehicle other than a taxi to wait on any stand for taxis. Drivers of taxis may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

- 9.2.2 Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example 'comfort breaks'. Leaving a taxi unattended on a stand for any other circumstances, for example shopping, will be dealt with as an offence in accordance with this policy.

9.3 Plying for hire

- 9.3.1 For the avoidance of doubt, the Council does not have a by-law requiring taxis to return to a taxi stand between fares. Taxis can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Taxis are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

9.4 Restricted use ranks

- 9.4.1 If the Council introduce restricted use ranks in accordance with section 2.4.10 of this policy, any taxi not meeting the restrictions on use will have to use the existing unrestricted use taxi ranks or park away from the town centre other than collecting pre-booked customers.
- 9.4.2 An Appendix H will be added to this policy outlining the areas considered as a 'town centre' for the purposes of this section of the policy at the appropriate time and any taxi driver and/or proprietor failing to observe the town centre restrictions will be subject to enforcement action.

PART 10 – TRADE CONSULTATIVE FORUM

- 10.1 The Council wishes to encourage discussions between the trade and the licensing authority in order to promote a successful working relationship. To facilitate this aim the Council will host the Taxi and Private Hire Consultative Forum that will be open to applications for membership from any licence holder within North Hertfordshire.
- 10.2 Membership, terms of reference and work plan will be determined in accordance with prevailing circumstances and further details will be contained within a Forum Page on the Council's website.

PART 11 – RIGHT OF APPEAL

- 11.1 The Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 52 and 77 detail an applicant's right of appeal.
- 11.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence, or impose conditions on a licence the applicant has a right of appeal to the local Magistrates' Court. The only two exceptions are:
- (i) in the case of a refusal to grant or renew a taxi vehicle licence where the appeal lies directly to the Crown Court, and
 - (ii) the decision to suspend a taxi or private hire vehicle licence under s68 of the 1976 Act against which there is no right of appeal
- 11.3 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.
- 11.4 A further right of appeal against the decision of the Magistrates' Court lies with the Crown Court.

PART 12 – DELEGATED POWERS

12.1 Authorised officers

- 12.1.1 All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, are responsible for the day to day operation of the Council's Taxi and Private Hire Licensing Policy, save for any issues reserved for the licensing manager, Service Director – Legal & Community or relevant Executive Member.
- 12.1.2 All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations may issue penalty points in accordance with **Appendix D**.

12.2 Licensing manager

- 12.2.1 The following powers are specifically reserved to the licensing manager (or in their absence, any officer delegated to act in the licensing manager's absence) :
- (i) the management of the Council's authorised officers as detailed in subsection 12.1.1,
 - (ii) the authorisation of applications that are compliant with this policy,
 - (iii) minor departures from policy in accordance with subsection 1.3.4,
 - (iv) changes to the administrative process set out in Part 5 of this policy,
 - (v) substantial departures from policy in accordance with subsection 1.3.3,
 - (vi) the issuing of Stop Notices under s68 of the 1976 Act,
 - (vii) temporary suspension of licensed drivers pending a disciplinary hearing before the licensing manager,
 - (viii) suspension or revocation of existing licences
 - (ix) refusal to renew existing licences,
 - (x) refusal of new applications,
 - (xi) any amendments to this policy in accordance with subsection 1.4.2 or 1.4.4

12.3 Service Director - Legal & Community

- 12.3.2 The following powers are specifically reserved to the Service Director – Legal & Community (or in their absence, any officer delegated to act on the Service Director – Legal & Community's absence):
- (i) setting of taxi and private hire licensing fees and charges,
 - (ii) setting of taxi fare tariffs

12.4 Executive Member

- 12.4.1 The ongoing review and amendment of the Council's Taxi and Private Hire Licensing Policy in accordance with subsection 1.4.3

PART 13 – DEFINITIONS

- 13.1 All references in this policy document to the following terms imply the definition below:

Term	Definition
taxi	The word taxi refers to the legal term of hackney carriage as defined within the Town Police Clauses Act 1847
the 1976 Act	the Local Government (Miscellaneous Provisions) Act 1976

authorised Council officer	Any officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
Best Practice Guidance	Best Practice Guidance on Taxi and Private Hire Vehicle Licensing issued by the Department for Transport (dated March 2010)
the Council or the Licensing Authority	North Hertfordshire District Council
the trade	any holder of a current driver, vehicle or operator licence issued by North Hertfordshire District Council
the District	The geographical region contained within the boundaries of North Hertfordshire District Council
the relevant Executive Member	The Elected Member responsible for Licensing (or the appropriate service area following any subsequent restructure) who is a member of the Cabinet
the Service Director - Legal & Community	The current post-holder (or the Service Director of the appropriate service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
the licensing manager	The current post-holder (or the manager of the service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
the licence plate or the plate	The vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles
this policy	North Hertfordshire District Council's Taxi and Private Hire Licensing Policy
proprietor licence	either a taxi or private hire vehicle licence
Registered medical practitioner	Any person with suitable qualifications in medicine and currently registered with the General Medical Council that is suitably qualified to perform the function of a General Practitioner (Doctor) or higher
driver licence	Any reference to the term driver licence, unless prefixed by DVLA, refers to a taxi or private hire driver's licence (within the context of the specific paragraph) issued by the Council
vehicle licence	Any reference to the term vehicle licence refers to a taxi or private hire proprietor licence (within the context of the specific paragraph) issued by the Council

Hackney carriage (as defined by s 38 of the Town Police Clauses Act 1847)

Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe such carriage: Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

Private hire vehicle (as defined by s 80 of the Local Government (Miscellaneous Provisions) Act 1976)

A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a taxi or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

APPENDIX A

THE DEFINITION OF ‘FIT AND PROPER’

- A.1 The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a ‘fit and proper’ person. **This Appendix details the definition of fit and proper used by the Council (section A.4 below) and other factors the Council will consider as part of this determination. Compliance with this policy is an integral part of the fit and proper person test.**
- A.2 At the time of an application, **the onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not.**
- A.3 When considering disciplinary or enforcement action, **the onus is on the Council to demonstrate that the licence holder no longer meets this requirement.**
- A.4 Definition of ‘fit and proper’
In the absence of a judicially approved definition of “fit and proper”, the Council use the test of:
“Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?”
- The wording of this test originates from Mr J T H Button BA, Solicitor, MIL, MCI Arb, a well-known and respected solicitor widely acknowledged as an authority in licensing legislation, particularly that of taxis and private hire, and has generally been accepted by the Courts.
- A.5 **In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving records, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.**
- A.6 It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:
- (i) Honesty and trustworthiness
Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign persons; or they have opportunities to abuse their position of trust. For example, all passengers would expect to be charged the correct fare for the journey and be given the correct change; they would expect any lost property to be handed over to the police; and they would expect confidentiality to be maintained between themselves and the driver.
 - (ii) Professionalism
Drivers are often subject to unpleasant, abusive or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour, the Council expects drivers to remain professional at all times and unacceptable behaviour by passengers does not excuse in any way aggressive or abusive conduct by drivers.

- Confrontation should be avoided and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.
- (iii) Good and safe driving ability
Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this policy and drive in a professional, lawful and safe manner at all times.

APPENDIX B

THE RELEVANCE OF CAUTIONS AND CONVICTIONS

B.1 General principles

- B.1.1 The over-riding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within subsection 1.2.2 of this policy, in particular public safety.
- B.1.2 **Notwithstanding the existence of this policy, each application will be determined on its own merits against the definition of 'fit and proper' contained within Appendix A.**
- B.1.3 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this Appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for taxi and private hire vehicle, driver and operator licences.
- B.1.4 **If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.**
- B.1.5 For the purpose of this policy, the acceptance of a Fixed Penalty Notice will be treated as a conviction. A caution may be treated as a conviction depending on the individual merits and mitigating circumstances of each case.
- B.1.6 **Period free from conviction**
Any reference to a period free from conviction relates to the period commencing from either:
(i) where a custodial sentence has been imposed, from the end of the custodial period; or
(ii) in any other case, from the date of conviction.

B.2 History

- B.2.1 The Council may take into account an applicant's history as a licence holder with this, or any other, Council. In considering whether or not a person is 'fit and proper' the Council may consider such matters as the applicant's complaint history, their compliance with this policy, their co-operation with licensing officers' requests, and any other reasonable matters.

B.3 DVLA penalty points

- B.3.1 Taxi and private hire drivers should provide a professional service to the public and must be aware of the safety of passengers and other road users at all times. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.

- B.3.2 Convictions or cautions for traffic offences will not automatically preclude an applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. In some circumstances it may be appropriate to issue a licence together with a written warning as to future driving standards detailing the likely effect of further offences. Where there is a significant history of driving offences, an application is likely to be refused.
- B.3.3 Five unspent penalty points or less on a current DVLA driving licence
In cases of five (5) unspent penalty points or less on an applicant's DVLA driving licence, an application will usually be granted. A licence granted under these circumstances is likely to be issued together with a verbal warning as to future driving standards detailing the likely effect of further offences.
- B.3.4 Six to nine unspent penalty points on a current DVLA driving licence
In cases of six (6) to nine (9) unspent penalty points on an applicant's DVLA driving licence, an application may be granted depending on the nature of the offences and the frequency. A licence granted under these circumstances is likely to be issued together with a written warning as to future driving standards detailing the likely effect of further offences.
- B.3.5 Ten or more unspent penalty points on a current DVLA driving licence
In cases of ten (10) or more unspent penalty points on an applicant's DVLA driving licence, an application will be refused.

B.4 Major traffic offences

- B.4.1 For the purposes of this section, major traffic offences includes, but is not limited to:
- (i) dangerous driving,
 - (ii) driving whilst disqualified,
 - (iii) failure to stop after an accident,
 - (iv) driving without valid insurance,
 - (v) careless driving, and
 - (vi) driving a vehicle with mechanical defectives (such as brakes, steering, tyres, etc.)
- B.4.2 If the applicant has been convicted of one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least three (3) years free from conviction.
- B.4.3 If the applicant has been convicted of more than one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least seven (7) years free from conviction. Where the combination of offences are considered to be of increased risk to the public, a period longer than seven (7) years may be substituted by the Council dependant on the extent of the risk to the public.
- B.4.4 If the applicant has been convicted of a combination of three (3) or more offences of no valid insurance and/or driving whilst disqualified then the Council believes that person causes an unacceptable risk to public safety and a licence will ordinarily be refused.
- B.4.5 "Totting up" under section 35 of the Road Traffic Offenders Act 1988
Where an applicant/licence holder has been disqualified from driving by the courts under the "totting up" procedure, the Council will normally refuse an application until there has been a period of twelve (12) months free of relevant convictions. If the applicant has demonstrated to the court "exceptional hardship" and avoided a driving disqualification, applications will still normally be refused until there has been a period of twelve (12) months free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.

B.4.6 Failure to declare motoring offences

Where an applicant/licence holder fails to disclose motoring offences on their application form, even if they have been declared on previous applications or are spent, the Council will normally deal with this by way of the issuing of penalty points. If, however, the Council determines that there was a premeditated intention to deceive, the matter will be considered as an offence of dishonesty and dealt with in accordance with that section of this policy.

B.5 Major traffic offences resulting in death

B.5.1 The driving offences of causing death by:

- (i) dangerous driving,
 - (ii) careless driving,
 - (iii) driving under the influence of alcohol or drugs, or
 - (iv) driving unlicensed, disqualified or uninsured,
- due to their nature, will be considered by the Council to be an unacceptable risk to public safety and an application will be refused.

B.6 Drunkenness

B.6.1 Separate consideration will be given to convictions for drunkenness whilst in charge of a vehicle as opposed to drunkenness whilst not in charge of a vehicle due to the differing risk to the public.

B.6.2 In charge of a motor vehicle

The Council considers driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence causing a high element of risk to the public; however an isolated incident will not automatically preclude an application from being granted.

- (i) A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five (5) years from the restoration of the DVLA driving licence.
- (ii) More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will be refused.

D4.3 Not in charge of a motor vehicle

An isolated conviction for drunkenness not associated with driving or being in charge of a motor vehicle will not automatically preclude an application.

- (i) Where there is an isolated conviction for disorder and/or drunkenness, a licence will normally be granted together with a verbal warning as to future driving standards detailing the likely effect of further offences.
- (ii) More than two (2) convictions for disorder and/or drunkenness will normally lead to refusal of an application until such time as a period of three (3) years free of convictions has elapsed.

B.7 Drug offences

B.7.1 The Council considers all offences related to controlled substances as a serious risk to the public.

B.7.2 An applicant with one conviction for any Class A drug related offence, including supplying or trafficking, will be required to show a period of ten (10) years free of convictions before an application is considered.

B.7.3 An applicant with more than one conviction for any Class A drug related offence, including supplying or trafficking, will be considered an unacceptable risk to public safety and an application will be refused.

- B.7.4 An applicant with a conviction for any Class B drug related offence, including supplying or trafficking, will be required to show a minimum period of five (5) years free of convictions before an application is considered. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.
- B.7.5 An applicant with a conviction for any Class C drug related offence will be required to show a period of at least three (3) years free of convictions before an application will be considered.
- B.7.6 In all cases, where an applicant has been medically classed as an addict, an application will be precluded until such time as a period of five (5) years has elapsed since the completion of a recognised detoxification programme.

B.8 Sexual or indecency offences

- B.8.1 As taxi and private hire drivers often carry unaccompanied and/or vulnerable people, any applicant with a conviction or caution for any sexual or indecency offence (other than a major offence – see subsection B.8.2 below) will normally be refused a licence until such time as they have been free of convictions for a period of seven (7) to twelve (12) years. The length of period over and above the minimum seven (7) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

B.8.2 Major sexual or indecency offences

For the purpose of this policy, the following offences will be considered as major sexual or indecency offences with the highest element of risk to the public:

- (i) rape;
- (ii) indecent or sexual assault;
- (iii) assault by penetration;
- (iv) making, distributing or possession of child pornography;
- (v) trafficking and/or preparatory offences (defined by the Sexual Offences Act 2003); or
- (vi) sexual offences involving children or vulnerable adults

Any applicant with a conviction for a major sexual or indecency offence will be considered an unacceptable risk to the public and any application will be refused.

B.9 Violent offences

- B.9.1 The Council considers all violence related offences as a serious risk to the public; offences of criminal damage and public order will be treated as violent offences for the purposes of this policy.
- B.9.2 An application will be refused where the applicant has been convicted of:
- (i) murder or attempted murder,
 - (ii) manslaughter,
 - (iii) any offence involving the possession of a firearm,
 - (iv) any terrorism-related offence, or
 - (v) racially aggravated grievous bodily harm or malicious wounding.
- B.9.3 An application will be refused where the applicant has been convicted of:
- (i) arson,
 - (ii) possession of a weapon (other than a firearm),
 - (iii) any racially aggravated offence (other than those in B.9.2 above),
 - (iv) any offence that may be categorised as domestic violence,

(v) violent disorder or riot.
unless there has been a period of ten (10) years free of conviction.

B.9.4 An application will normally be refused where the applicant has a conviction for a violent offence, other than those listed in B.9.2 or B.9.3 above, unless there has been a period of five (5) to ten (10) years free of convictions. The length of period over and above the minimum five (5) years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

B.9.5 Multiple offences

Whilst an isolated conviction for a violent offence, other than those listed in B.9.2 above, will not normally permanently preclude an application, the Council will have grave concern for public safety if an applicant has committed multiple violent offences.

An application will be refused in cases where an applicant has:

- (a) two (2) or more separate convictions for violent offences listed within subsection B.9.3, or
- (b) three (3) or more separate convictions for violent offences.

B.10 Dishonesty

B.10.1 Taxi and private hire drivers are expected to be persons of trust; it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the difference in currency and become vulnerable to an unscrupulous driver. Equally, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle. As members of the public entrust themselves to the care of licensed drivers, the Council considers offences involving dishonesty as a serious risk to public safety.

B.10.2 An applicant that has been convicted of an offence related to dishonesty will normally be refused a licence until such time as they have been free of convictions for a period of five to ten years. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

B.11 Other offences and special circumstances

B.11.1 If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, or the specific circumstances of the application justify it, the application may be referred to the licensing manager for determination in line with the principles of this policy.

B.11.2 In particular, if an applicant/licence holder is not precluded by any one section of this policy but has a series of convictions that in their totality cause concern as to their ability to meet the 'fit and proper' test, the licensing manager may refer the applicant/licence holder to the licensing manager for determination in line with the principles of this policy.

B.12 Summary

B.12.1 Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently precluded from obtaining a taxi or private hire driver's licence.

B.12.2 The Council believe that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

- B.12.3 The Council consider that there are, however, certain offences that are so serious in nature or frequency that an applicant should be precluded from obtaining or retaining a licence. The Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.
- B.12.4 By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of taxi and private hire drivers, proprietors and operators within North Hertfordshire.

B.13 Existing licence holders

- B.13.1 Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions as though they were a new applicant. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.
- B.13.2 Existing licence holders should be aware that if the Council receives notification from the police that a driver is being investigated for an offence that would preclude the grant of a licence or is likely to result in the revocation of an existing licence, their licence will normally be revoked with immediate effect pending the outcome of the investigation.
- (i) In the event that no charges are laid against the licence holder, the licence will ordinarily be reinstated for its original duration.
 - (ii) In the event that the licence holder is found not guilty, the licence will ordinarily be reinstated for its original duration, save for any previous or ongoing concerns relating to the licence holder's ability to meet the 'fit and proper' test.

B.14 Principles of the Rehabilitation of Offenders Act 1974 ("the 1974 Act")

- B.14.1 Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation, and the length of time before rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the conviction can never be spent.
- B.14.2 Despite the above general principles, the Act does not apply to applicants for taxi and private hire drivers' licences. This is because the driving of these vehicles is listed as a "regulated occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- B.14.3 Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a 'fit and proper person' to hold a licence. The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.

B.15 Referrals to the licensing manager

- B.15.1 Where the licensing manager is considering whether an applicant meets the 'fit and proper' person test, the process outlined in Appendix G will be followed.

APPENDIX C

DRIVER CODE OF CONDUCT

C.1 General responsibilities of a licensed driver

- C.1.1 Licensed drivers shall use their best endeavours to promote the image of the trade by:
- (i) complying with all aspects of this policy,
 - (ii) maintaining their vehicles in a safe and satisfactory condition at all times,
 - (iii) attending punctually when undertaking pre-booked hirings,
 - (iv) assisting passengers entering into and alighting from the vehicle,
 - (v) offering passengers reasonable assistance with luggage, and
 - (vi) behaving in a civil, orderly and responsible manner at all times.
- C.1.2 To avoid nuisance to residents when picking up or waiting for a fare, a licensed driver shall:
- (i) not sound the vehicle's horn illegally to attract the passenger's attention,
 - (ii) keep the volume of all audio equipment to a reasonable level, and
 - (iii) switch off the engine when required to wait.
- C.1.3 Whilst waiting on taxi ranks, in addition to the requirements of subsection C.1.2, a licensed driver shall:
- (i) rank in an orderly manner and proceed promptly along the rank in accordance with rank protocol,
 - (ii) remain in the vehicle, save for alighting to smoke or for comfort breaks, and
 - (iii) **ensure that the vehicle is not left idling at any time whilst parked.**
- C.1.4 Whilst waiting at private hire operator premises, in addition to the requirements of subsection C.1.2, a licensed driver shall:
- (i) not undertake servicing or repair of vehicles on the highway,
 - (ii) not undertake servicing or repair of vehicles on the premises unless appropriate planning permission has been obtained,
 - (iii) take whatever action is necessary to ensure that the business operation does not cause unnecessary disturbance to residents, and
 - (iv) **ensure that the vehicle is not left idling at any time whilst parked.**

C.2 Driver dress code

- C.2.1 The Council believes that licensed drivers have a responsibility to dress professionally and appropriately whilst undertaking taxi or private hire work to promote confidence amongst members of the public, especially visitors to the District.
- C.2.2 The following are deemed to be unacceptable standards of dress for a licensed driver **and are not to be worn:**
- (i) bare chests,
 - (ii) clothing or footwear which is unclean or damaged,
 - (iii) clothing printed with wording, logos or graphics which may offend,
 - (iv) sports shirts e.g. football, rugby or cricket tops, or track suits,
 - (v) footwear that prevents the safe operation of the vehicle,
 - (vi) headgear **such as baseball caps, or any headgear** that partially or completely conceals the face or the identity of the driver
 - (vii) any shorts, other than smart tailored shorts.
- This list is not exhaustive and Authorised Officers will assess whether standards of dress are acceptable. If an Authorised Officer deems a driver's standard of dress to be unacceptable, the decision will have effect as though it were included in the above list.

C.3 Driver conduct

- C.3.1 The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.
- C.3.2 The driver shall at all times, when acting in accordance with the drivers licence granted to them, wear or display such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
- C.3.3 The driver shall not lend the badge to any other person or cause or permit any other person to wear it.
- C.3.4 On termination or surrender of a driver's licence, the driver shall return the badge to the Council immediately.
- C.3.5 The driver shall behave in a civil, polite and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.
- C.3.6 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any information illegible.
- C.3.7 The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- C.3.8 The driver, when hired to drive to a particular destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as roadworks, delays, etc.
- C.3.9 The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.
- C.3.10 The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
- C.3.11 The driver must not solicit, by calling out or otherwise importune any person to hire or be carried for hire.
- C.3.12 The vehicle shall be presented in a clean and tidy condition for each journey **and free from any unpleasant odours.**
- C.3.13 The driver shall not smoke or 'vape' in a licensed vehicle at any time.
- C.3.14 The driver shall not drink or eat in the vehicle whilst conveying passengers.
- C.3.15 The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
- C.3.16 The driver shall not operate the horn as a means of signalling that the vehicle has arrived.
- C.3.17 Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.

- C.3.18 The driver must notify the Council within a period of seven (7) days of:
- (i) any criminal conviction, caution, or fixed penalty notice,
 - (ii) any driving endorsement,
 - (iii) any change of medical condition that may impact on the ability to drive, or
 - (iv) any change of name or address
- whilst the licence is in force.

C.4 Lost property

- C.4.1 A licensed driver shall diligently search the vehicle periodically for any property which may have been accidentally left therein.
- C.4.2 In the event of lost property being found that is identifiable to a known passenger the driver shall either return the property to the passenger forthwith or contact the passenger to arrange its return.
- C.4.3 Any property found that is not identifiable to a passenger and not subsequently claimed within seven (7) days should be reported to the police and/or left in the custody of a police officer after obtaining a receipt. If advised to do so by the police, the licence holder can retain the property for the period advised by the police or taken to the Council offices.

C.5 Carriage of animals

- C.5.1 A driver may not carry any animal not belonging to a passenger in a licensed vehicle whilst available for hire or carrying passengers.
- C.5.2 Animals, other than assistance dogs, in the custody of passengers may be carried at the driver's discretion, provided they are restrained in a safe manner.
- C.5.3 Assistance dogs
A driver must carry assistance dogs when requested to do so by a passenger unless they have been issued with a medical exemption certificate. Assistance dogs include guide dogs for blind or partially sighted persons, hearing dogs for the hard of hearing or deaf persons, and any other assistance dog which assist a disabled person with a physical or mental impairment.

C.6 Carriages of passengers with wheelchairs

- C.6.1 Passengers with wheelchairs often prefer to travel in normal saloon, estate or multi-passenger vehicles rather than a specially adapted wheelchair accessible vehicle. In these circumstances, a driver **must** carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.
- C.6.2 Drivers of wheelchair accessible vehicles must:
- (i) not refuse to carry any passenger with a wheelchair,
 - (ii) not charge any additional fare for passengers with wheelchairs,
 - (iii) be fully conversant with the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
 - (iv) ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
 - (v) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are available in full working order at all times the vehicle is available for hire.

APPENDIX D

PENALTY POINTS SCHEME

The penalty points scheme will operate as follows:

- D.1 The Council's Corporate Enforcement Policy will be fully considered by the enforcing officer when determining the manner in which any breach of legislation or the requirements of this policy are dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this Appendix
- D.2 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominately an internal management tool for ensuring that drivers who repeatedly contravene regulations and/or this policy are referred to the licensing manager to consider whether or not they continue to meet the fit and proper person requirements of Appendix A. As part of that referral, the driver's penalty offences will be re-considered in light of any mitigating circumstances the driver wishes to be considered.
- D.3 Points issued to either a proprietor or driver will be confirmed in writing within ten (10) working days from the discovery of the contravention or the conclusion of an investigation into a complaint, whichever is the later.
- D.4 When issued, the penalty points will remain "live" for a period of two (2) years from the date they are imposed so that only points accumulated in a rolling twenty four (24) months period will be taken into account.
- D.5 If a driver, proprietor or operator accumulates twelve (12) or more points within a period of two (2) years from the date they are imposed, they will be required to attend a disciplinary meeting with the licensing manager, where the appropriate action to be taken in accordance with this policy.
- D.6 More than one accumulation of penalty points in excess of the twelve (12) point threshold in any four (4) year period will result in the licensing manager revoking a licence due to the person failing to satisfy the 'fit and proper person' test as defined in **Appendix A**.
- D.7 Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for the normal two-year period.
- D.8 Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with penalty points, or has been formally cautioned, for similar offences, the Council reserve the right to cancel the penalty points and deal with the matter in accordance with the **Corporate** Enforcement Policy and the provisions of Part 6 of this policy. The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this policy.
- D.9 In assessing whether penalty points are appropriate to address the concerns raised, the enforcing officer will have regard to matters such as, but not limited to:
- (i) previous warnings
 - (ii) previous penalty point offences
 - (iii) mitigating circumstances
 - (iv) seriousness of the misconduct

- (v) effect of the misconduct on the passengers, public or other drivers
- (vi) the likelihood of the misconduct being repeated
- (vii) acceptance of the misconduct/remorse for their actions
- (viii) co-operation with any investigation

D.10 There is no right of appeal against the award of penalty points by an Authorised Officer of the Council as this is not a formal sanction in its own right.

SCHEDULE OF PENALTY POINTS

Misconduct	Points
Displaying an unpleasant manner towards a passenger or member of the public	4
Verbal abuse towards a passenger or member of the public	8
Physical abuse of any person	12
Rudeness towards, failure to co-operate with or obstruction of a council officer	10
Failing to ensure the safety of a passenger entering, alighting or whilst conveyed in a licensed vehicle	10
Failing to provide reasonable assistance with a passenger's luggage	4
Refusal to carry an assistance dog	12
Charging an additional amount for the carrying of an assistance dog	12
Failing to allow an assistance dog to travel in the passenger compartment with the passenger	10
Failing to assist a passenger with an assistance dog to enter or alight the vehicle	10
Refusal to carry a passenger in a wheelchair	12
Charging an additional amount for the carrying of the wheelchair	12
Failing to assist a passenger in a wheelchair to enter or alight the vehicle	10
Eating whilst conveying passengers	3
Consuming alcohol whilst available for hire	12
Smoking or vaping in a licensed vehicle at any time	6
Failure to correctly use the taximeter when hired for journeys starting and ending within North-Hertfordshire (hackney only)	12
Failing to agree a fare with the passenger for any out-of-district journey where the taximeter is not being used	12
Charging a taxi passenger more than the metered or agreed fare	12
Failing to advise a private hire passenger of the fare prior to the start of the journey	12
Failing to display the current fare tariff card prominently within a taxi	4
Private hire driver soliciting for hire in a private hire vehicle	12
Private hire driver accepting a fare that is not pre-booked directly with the private hire operator	12
Failing to display the specified door sign on a private hire vehicle	4
Displaying a sign or advertisement on a licensed vehicle contrary to this policy or without Council consent (where required)	5
Failing to advise of a relevant medical condition as required by this policy	10
Failing to provide a receipt when requested or when required by this policy	4
Failing to notify the Council of a change of name and/or address	3
Failing to advise the Council of an accident as required by this policy	4
Failing to advise the Council in writing of convictions during the period of a licence in accordance with this policy	12
Failing to disclose previous convictions on an application form	12
Failing to ensure the exterior and/or interior of the licensed vehicle is maintained in a clean, sound and roadworthy condition	8

SCHEDULE OF PENALTY POINTS

Failing to display the external licence plate in accordance with the requirements of this policy	10
Failing to display the internal licence plate	6
Using a hand-held mobile telephone or entertainment device whilst driving	12
Knowingly giving false information to passengers	6
Failing to collect pre-booked passengers or failing to arrive at a pre-booked location at the agreed time without reasonable excuse	6
Failure to comply with the no idling requirements of this policy	4
Failure to WEAR a driver badge	6
Refusal to take a fare without reasonable excuse	12
Unnecessarily prolonging a journey	10
Travelling less than the lawful distance for an agreed fare	6
Waiting/parking in parking bays without a valid parking ticket	4
Waiting/parking on a loading bay, disable bay or bus stop	4
Waiting/parking on yellow lines or a footway	4
Carrying persons other than the hirer without the hirer's consent	6
Carrying more passengers than permitted	12
Using a licensed vehicle to ply for hire or to be made available for hire when in an unsafe and/or un-roadworthy condition	12
Driver leaving a taxi unattended on a rank	3
Any other behaviour or misconduct not specified above (investigating officer to determine the number of points based on the nearest comparable offence above)	3 - 12

APPENDIX E

ADDITIONAL CONDITIONS FOR LICENSING STRETCHED LIMOUSINES

- E1 Left-hand drive limousines will be permitted as private hire vehicles
- E2 Sideways facing seating will be permitted in limousines providing that it conforms to all relevant road traffic vehicle legislation.
- E3 All limousines licensed as private hire vehicles must hold a valid Individual Vehicle Approval Certificate and be fitted with tyres of appropriate size and grade for that Approval.
- E4 All limousines licensed as private hire vehicles must obtain six-monthly test certificates showing that the vehicle has satisfied the standards of the appropriate MOT Class. The vehicle licence holder is responsible for sourcing a garage approved to carry out such tests and providing documentation attesting to the garage's compliance with the Council's vehicle testing requirements.
- E5 All limousines licensed as private hire vehicles must:
 - (i) reduce their seating capacity to a maximum of eight (8) passengers,
 - (ii) not carry more than eight (8) passengers, including children, at any time,
 - (iii) not carry passengers in any seats in the driver's compartment,
 - (iv) ensure that any advertising of the limousine states the maximum seating capacity.

- E6 Seatbelts complying to all relevant legislation must be fitted to all forward and rear facing seats and must be worn by passengers at all times the vehicle is in motion. There is no legal requirement for seatbelts to be fitted on sideways facing seats, however if they are fitted they must be worn by passengers at all times the vehicle is in motion.
- E7 If alcohol drinks are to be provided in the vehicle:
- (i) an appropriate licence under the Licensing Act 2003 must be in effect,
 - (ii) alcohol may only be sold whilst the vehicle is stationary,
 - (iii) whilst the vehicle is in motion, all receptacles containing alcohol shall be securely stored,
 - (iv) if any occupants of the vehicle are below the age of eighteen (18) years old, the vehicle must not contain any alcohol,
 - (v) all drinking receptacles used in the vehicle must be made of shatterproof glass, plastic or polycarbonate.
- E8 The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the youngest passenger in the vehicle.
- E9 Limousines licensed as private hire vehicles are not permitted to carry luggage within the passenger compartment of the vehicle.
- E10 Limousines licensed as private hire vehicles must carry a safety hammer capable of being used to break the window glass of the vehicle. The hammer must be securely located within the driver's compartment.
- E11 Limousines that are licensed private hire vehicles may only be booked from and despatched by a licensed private hire operator and driven by a licensed private hire driver; all three licences must be issued by the same licensing authority.

APPENDIX F RIGHT TO WORK

- F.1 From 1 December 2016, the Council is under a new legal duty to ensure that driver and operator licences are only issued to applicants who have lawful immigration status and the right to work in the UK. By law, the Council cannot issue a licence to any applicant that does not satisfy this requirement. This change of law applies to all applicants regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.
- F.2 All applicants will need to attend the Council Offices where a council officer will check your original valid documentation evidencing your right to work in the UK (this can be arranged at the same time as attending for a knowledge test or a DBS appointment). You must attend in person and bring evidence of your right to work in the UK. Only certain types of documentation are acceptable.
- (i) For applicants who are British citizens
All you need to provide is a British passport confirming you are a British Citizen
If you do not have a British passport you can produce any of the other documents contained within List A.
 - (ii) For applicants who are not British citizens but have no restrictions on their right to work in the UK
All you need to provide is any of the other documents contained within List A.
 - (iii) For applicants who have restrictions on their right to work in the UK
You will need to produce any of the documents contained within List B. If your documentation proves a right to work that expires prior to the normal licence expiry date, your licence will only be granted for the period we have proof of a right to work.

If you have a VISA that confirms your right to reside in the UK but it is attached to an expired passport we cannot accept this as proof. You will need to apply to the Home Office to obtain acceptable proof, such as a biometric residence permit. Once a valid application to the Home Office has been confirmed, a six-month licence can be granted to allow time for the Home office to process the application.

You must bring original documentation (not a photocopy) and it is your responsibility to make sure you can provide acceptable forms of documentation.

The council officer will check that your documentation is acceptable based on either List A or List B (depending on your circumstances), check that the document is an original and relates to the person providing it, and take a photocopy for Council records.

- F.3 If the documentation you provide demonstrates that you have a permanent right to work in the UK (from List A) you will not be required to produce documentation for future applications. In other cases, you will be required to provide your documentation when you next apply to renew your licence so that your right to work can be verified again at that point in time.

F.4 List A

- (i) A passport showing the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- (ii) A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- (iii) A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- (iv) A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- (v) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- (vi) A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- (vii) A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (viii) A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (ix) A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (x) A certificate of registration or naturalisation as a British Citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

F.5 List B

- (i) A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.

- (ii) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- (iii) A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- (iv) A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (v) A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. *This licence may be granted for six months from the date of the Certificate of Application.*
- (vi) A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. *This licence may be issued for six months from the date of the licence decision.*

APPENDIX G REFERRALS TO THE LICENSING MANAGER

G.1 Extent of this appendix

G.1.1 This Appendix will apply to all referrals to the licensing manager for:

- (i) determination of an applications
- (ii) departures from policy
- (iii) consideration of fit and proper person test
- (iv) suspensions and revocations
- (v) any enforcement sanction

G.1.2 Ordinarily, there is a right of appeal to the Courts in relation to decision made under section G.1.1 (i) to (iv).

G.1.3 Additionally, the Council has its own internal complaints process if an applicant/licence holder feels aggrieved at the administration of the licensing team. Further information is available on the Council's website.

G.2 General principles

G.2.1 The general principles of this Appendix are to ensure that all applicants and licence holders have a fair hearing balanced against the need to ensure the promotion of the licensing objectives, in particularly public safety.

G.2.2 Each referral will be considered on its own merits against the principles detailed in G.2.1 however the Council reserve the right to amend the processes detailed below should the merits of the particular referral warrant an alternative process.

G.3 Consideration of applications (grants and renewals)

Vehicles

- G.3.1 The licensing manager will consider all available information provided with the application against the requirements of this policy.
- G.3.2 The applicant will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.3.3 If the licensing manager wishes to inspect the vehicle the applicant may be requested to attend an appointment at the Council Offices for that purpose only.
- G.3.4 Failure to attend any appointment at the request of the licensing manager can be considered as part of the determination process.

Drivers

- G.3.5 Where the licensing manager is considering whether an applicant meets the 'fit and proper' person test, the applicant will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.3.6 Prior to attending the meeting, the applicant will be provided with a case summary containing all the information necessary for the licensing manager to make his determination. The case summary will be provided to the applicant at least five (5) working days prior to the meeting.

Private hire operators

- G.3.7 Where the licensing manager is considering whether an applicant meets the requirements of this policy, the applicant will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.3.8 Prior to attending the meeting, the applicant will be provided with a case summary containing all the information necessary for the licensing manager to make his determination. The case summary will be provided to the applicant at least five (5) working days prior to the meeting.

G.4 Enforcement sanctions, including revocation and suspension

Vehicles

- G.4.1 Where the licensing manager is considering disciplinary and/or enforcement action against an individual or company, the individual or company will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.4.2 If the licensing manager wishes to inspect the vehicle the licence holder may be requested to attend an appointment at the Council Offices for that purpose only.

- G.4.3 Failure to attend any appointment at the request of the licensing manager can be considered as part of the determination process.
- G.4.4 In cases where the vehicle presents a risk to public safety or the taximeter is not correctly configured, a licensing officer may serve a s68 suspension notice until such time as the licensing manager can consider the case.

Drivers

- G.4.5 Where the licensing manager is considering disciplinary and/or enforcement action against an individual, the individual will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the individual may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.4.6 If the licensing manager is considering suspension or revocation as an option, the individual will ordinarily be offered the opportunity to attend a meeting with the licensing manager. The opportunity of a meeting may be waived in cases including, but not limited to:
- risk to the public by delaying a decision
 - all evidence being considered has been provided by the individual
 - the individual has received a caution/conviction/motoring offence that would ordinarily preclude them from holding a licence by virtue of Appendix B
- G.4.7 Prior to attending a meeting with the licensing manager, the individual will be provided with a case summary containing all the information necessary for the licensing manager to make his determination. The case summary will ordinarily be provided to the individual at least five (5) working days prior to the meeting. The period of five (5) days may be reduced in cases where the licensing manager believes that there would be a risk to the public of an unnecessary delay.

Private hire operators

- G.4.8 Where the licensing manager is considering disciplinary and/or enforcement action against an individual or company, the individual or company will be entitled to provide the licensing manager with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the licensing manager if the licensing manager believes it would assist with the determination.
- G.4.9 If the licensing manager is considering suspension or revocation as an option, the individual or company will ordinarily be offered the opportunity to attend a meeting with the licensing manager. The opportunity of a meeting may be waived in cases including, but not limited to:
- risk to the public by delaying a decision
 - all evidence being considered has been provided by the individual or company
- G.4.10 Prior to attending a meeting with the licensing manager, the individual or company will be provided with a case summary containing all the information necessary for the licensing manager to make the determination. The case summary will ordinarily be provided to the individual or company at least five (5) working days prior to the meeting. The period of five (5) days may be reduced in cases where the licensing manager believes that there would be a risk to the public of an unnecessary delay.

LICENSING AND APPEALS COMMITTEE
26 October 2020

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: **ADOPTION OF A STATEMENT OF LICENSING POLICY
REQUIRED BY VIRTUE OF SECTION 5 OF THE LICENSING
ACT 2003**

REPORT OF: THE LICENSING MANAGER

EXECUTIVE MEMBER: HOUSING AND ENVIRONMENTAL HEALTH

COUNCIL PRIORITIES: BUILD THRIVING AND RESILIENT COMMUNITIES / RESPOND
TO CHALLENGES TO THE ENVIRONMENT

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for the Licensing and Appeals Committee to consider the draft policy prepared by officers and any public consultation responses in order to recommend the adoption of a Statement of Licensing Policy to Full Council.

2. RECOMMENDATIONS

- 2.1. That the Committee be recommended to:
- (a) Consider the responses to the public consultation
 - (b) Support the proposed Statement of Licensing Policy attached as Appendix D, subject to any amendments
 - (c) Recommend the adoption of the Statement of Licensing Policy to Full Council

3. REASONS FOR RECOMMENDATIONS

- 3.1 Licensing authorities are required to publish a policy every five years by virtue of section 5 of the Licensing Act 2003 ("the Act").
- 3.2 A new policy must be published by 7 January 2021 to comply with this statutory requirement.
- 3.3 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.
- 3.4 Responses to the public consultation were limited and raised no significant opposition to any of the proposals.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The only alternative option would be a policy that differs in content and/or extent.
- 4.2 An alternative policy has not been considered as the proposed policy strikes a balance between the protection of the public and not being so burdensome that it inhibits a vibrant and diverse night-time economy.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Housing and Environmental Health has been kept informed throughout the drafting of the policy and the public consultation process.
- 5.2 An information note was published in the Members Information Service on 24 July 2020 inviting all Councillors to participate in the consultation process.
- 5.3 The Act requires the licensing authority to consult with the following persons in relation to the proposed policy:
- the chief officer of police for the licensing authority's area
 - the fire and rescue authority for that area
 - each Local Health Board for an area any part of which is in the licensing authority's area
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority
 - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority
 - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority
 - such other persons as the licensing authority considers to be representative of businesses and residents in its area
- 5.4 To comply with these requirements, the licensing authority published its proposed policy on a dedicated webpage on the council's website with details of the consultation period and an explanation of how to make a representation. All proposals were highlighted in red for ease of reading.
- 5.5 The public consultation ran from 20 July 2020 to 9 October 2020.
- 5.6 An email was sent to all premises licence holders and statutory consultees outlining the consultation with a link to the relevant page of the website.
- 5.7 The Council's Communications Team regularly posted reminders of the consultation on social media.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 The responsibility for the licensing of the retail sale of alcohol, the supply of alcohol to members and guest in members clubs, the provision of regulated entertainment and the provision of late-night refreshment was transferred to local authorities on 24 November 2005. For the purpose of undertaking its responsibilities under the Act, the Council are acting as the licensing authority for North Hertfordshire.
- 7.2 In preparation for this new responsibility, licensing authorities had to publish a policy by 7 January 2005 in accordance with section 5 of the Act.
- 7.3 The Act requires the policy to be kept under regular review and formally reviewed by way of public consultation, including adoption by Full Council, initially every three years but now every five years due to a recent change to the Act.
- 7.4 The policy was last adopted with effect from 7 January 2016 therefore the statutory five-year period expires on 6 January 2021.
- 7.5 The policy seeks to strike a balance between the interests of licence holders, applicants and residents in the promotion of the four licensing objectives defined by the Act. Additionally, it outlines the licensing authority's expectations of licence holders in promoting the licensing objectives, whilst outlining the licensing authority's vision for licensing in North Hertfordshire.
- 7.6 It is the licensing authority's intention that the policy offers appropriate protection for residents and a streamlined approach to regulation that eases unnecessary burdens on businesses, thus maintaining the diverse and vibrant night-time economy in the district's town centres. It should also offer the same protection for residents in the district's villages whilst encouraging licensed premises to remain at the heart of the community.

8. RELEVANT CONSIDERATIONS

Current policy

- 8.1. The current policy has worked well enabling consistent decision-making by the licensing sub-committees so no significant amendments are proposed.
- 8.2 No significant issues have arisen relating to the policy and there have been very few decisions challenged in Court, all of which have been upheld.

Local area profile

- 8.3 In order for an applicant to be able to assess the impact of an application on the four licensing objectives, a local area profile has been added to the policy. This should assist applicants to understand any specific issues they should be aware of and reflect in their operating schedule.

Council's vision for licensing

- 8.4 The vision has worked well however it has been fine-tuned to reference licensed venues and clarify if applies to the daytime and night-time economy
- 8.5 Section B9 already dealt with the vision for town centres however little reference was made to the district's many rural communities. A new paragraph B10 has been added to explain the vision in relation to rural communities, particularly in relation to events.

Applications

- 8.6 A new section D2.11 has been added to clarify that applicants do not need to request more than they need to allow some negotiation room. This is often the case and proves frustrating for responsible authorities and can attract additional representations from the public unnecessarily.

Temporary event notices

- 8.7 A new section D13.9 has been added to emphasise that representations against temporary event notices should contain the same detail as a representation against a licence application. Representations against temporary event notices should not be seen as an easy way to stop events at well managed premises or when other reactive legislation exists.

Pre-application advice

- 8.8 It is the Council's intention to offer a pre-application advice service at a competitive rate as it is aware that the use of licensing solicitors or licensing agents can prove expensive.
- 8.9 Section D16 explains the service that the Council will provide and explains that the service is not compulsory, nor does it guarantee a successful application.

Closed-circuit television

- 8.10 Section E1.4 has been amended to confirm when CCTV is appropriate and that it should not be used to address matters outside the remit of the licensing objectives or issues specifically related to the premises in question.

Safeguarding

- 8.11 The policy already contained a section on child sexual exploitation in relation to the licensing objective of the protection of children from harm.

- 8.12 A new section E1.8 has been added explaining the responsibilities of applicants and licence holders to address all safeguarding matters and the need to outline the management controls to be used in the operating schedule.

Duplication of existing public nuisance legislative requirements

- 8.13 Clarification has been added at section F4 to the Council's wide definition of public nuisance to confirm that matters covered in other legislation, for example the Wildlife and Countryside Act 1981, will not be considered relevant to the public nuisance licensing objective.
- 8.14 That said, convictions obtained under other legislation would become relevant in a review process as part of the prevention of crime and disorder objective.

Matters within the licence holder's control

- 8.15 The Council is aware of the problems that may be caused by people queuing to enter licensed premises. A new section F8.3 has been added to clarify that entry queues are considered matters within the control of the applicant/licence holder and can be subject to licence conditions. Additionally, where a queue is having an adverse impact on the licensing objectives and licence conditions will not address those concerns, a sub-committee could consider refusal or revocation.

Environmental considerations

- 8.16 Whilst the policy clarifies that environmental considerations do not naturally fit in any of the four licensing objectives and cannot ordinarily be mandated, encouragement is given to applicants to consider the environment.
- 8.17 Where the environment can be linked to a licensing objective, ordinarily the prevention of public nuisance, measures have been included such as:
- Glassware is ordinarily prohibited at festivals and events so the policy encourages compostable and/or biodegradable drinking vessels, food trays and cutlery
 - Requirements for waste management plans to clearly demonstrate an appropriate recycling scheme
 - Encouraging less use of vehicles to attend festivals/events by providing shuttle buses from railway stations or discounted schemes for car sharing of environmentally friendly vehicles

9. LEGAL IMPLICATIONS

- 9.1 Section 4 of the Act states that in carrying out its licensing functions, a licensing authority must have regard to its Statement of Licensing Policy and any Guidance issued by the Secretary of State under section 182 of the Act.
- 9.2 The Guidance issues by the Secretary of State under section 182 of the Act states that in determining applications a licensing authority may depart from its own policy if the individual circumstances of the case merit such a decision however, they should give full reasons in their decision notice for such a departure.

9.3 The policy should make it clear that each application will:

- be determined on its own merits
- only have appropriate, reasonable, proportionate and enforceable conditions imposed if relevant representations are received in relation to the licensing objectives
- be granted as applied for, save for conditions volunteered in the operating schedule by the applicant, if no relevant representations are received.

9.4 It is important to be aware that there is case law in respect of a successful judicial review of the Statement of Licensing Policy for Canterbury City Council by the British Beer & Pub Association and others¹. Mr Justice Richards made it clear that local policies should not:

“prescribe or dictate the contents of an application, or give the impression that the Council will assess, and exercise substantive discretionary powers in relation to, all applications and not just to those that come through for a decision under section 18(3)...

The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or to exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision making function under section 18(3) is engaged.

If a policy creates a different impression, and in particular if it misleads an applicant into believing that he lacks the freedom accorded to him by the Act and Regulations, the policy is contrary to the legislative scheme and is unlawful ...”

The proposed policy contains some specific guidance for applicants in relation to certain types of applications (i.e. large-scale outdoor events, garages, etc.) however, the policy makes it clear that applications will be granted as applied for in the absence of relevant representations and so these specific sections are not precluded by this judgement.

9.5 Under the Constitution, the terms of reference of the Licensing and Appeals Committee states at section 8.2.3 (a) that the committee is able:

“to consider all licensing matters with the exception of the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005 and those matters delegated to the Licensing Sub-Committee and the Service Director: Legal and Community.”

9.6 Section 8.2.3 (b) of the Constitution states that the committee is able:

“to make recommendations to Council on the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005.”

9.7 Schedule 1 Part B Regulation 14A of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that any function of a licensing authority under the Licensing Act 2003 cannot be the responsibility of the Executive.

¹ *R (on the application of the British Beer and Pub Association) v Canterbury City Council [2005] EWHC 1318 (Admin)*

9.8 By virtue of section 7 (2) of the Licensing Act 2003, the Statement of Licensing Policy is a matter reserved for Full Council.

9.9 Section 4.2.1 (e) of the Constitution states that Full Council can adopt:

“Licensing Policy statements under Licensing Act 2003 and Gambling Act 2005.”

10. FINANCIAL IMPLICATIONS

10.1 The Government has previously indicated that it expects the centrally-set licensing fees, based on the non-domestic rateable value of premises, to fully cover the cost to licensing authorities of administering the licensing regime. It is clear however that the cost of the licensing function, despite recently reviewed and streamlined working practices, is in excess of the licensing fee income. Government has undertaken a consultation on locally-set licensing fees however no indication of a likely implementation date has been given; indeed, the Local Government Association had been tasked with undertaking further analysis of the licensing regime to assist the Government in its deliberations. Further updates from the Government are still awaited.

10.2 This policy will not place any new financial resource implications on the Council.

11. RISK IMPLICATIONS

11.1 If a policy is not published by 7 January 2021 in accordance with section 5 of the Act, the Council would be at risk of a judicial review.

11.2 The risk to the Council of not periodically reviewing and amending policy is that the Policy may become outdated and no longer fit for purpose. Given that the Policy is a fundamental element of consistent decision making, a policy that was not fit for purpose would increase the risk of legal challenge.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 The proposed policy does not place any barriers or unique requirements on any person on the grounds of ethnicity, gender, religion or any other protected characteristic. Officers work with all applicants and licence holders, where appropriate, to ensure that the Council's duty under the Equality Act 2010 is met.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. One of the key considerations of the new proposals is to support the Council's declaration of a Climate Emergency and Climate Change Strategy.

14.2 Policy and decision-making under the Licensing Act 2003 is restricted to the four licensing objectives and should not seek to duplicate other existing legislative requirements however there are environmental considerations that can be highlighted, particularly in relation to large-scale events.

14.3 Proposals include measures such as:

- Requiring appropriate recycling provision
- Reusable non-glass drinking vessels rather than single-use plastics
- Compostable non-glass drinking vessels
- Compostable and/or biodegradable cutlery and food trays
- Encouraging car sharing
- Provision of shuttle buses from train stations
- Discounted parking for environmentally friendly vehicles

15. HUMAN RESOURCE IMPLICATIONS

15.1 The policy will not place any new human resource implications on the Council.

16. APPENDICES

16.1 Appendix A - Draft policy published for public consultation

16.2 Appendix B - Summary of consultation responses with officer comments

16.3 Appendix C - Full consultation responses

16.4 Appendix D - Proposed policy

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18. BACKGROUND PAPERS

18.1 [The Licensing Act 2003](#)

18.2 [Statutory Guidance issued by the Home Office](#)

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**NORTH HERTFORDSHIRE
DISTRICT COUNCIL**



STATEMENT OF LICENSING POLICY

as required by

THE LICENSING ACT 2003

2021 - 2026

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It is the Council's clear intention that this Policy is read as one complete document rather than a series of individual sections. Reading individual sections in isolation may not fully explain the consistent threads running throughout the policy or the relationship of an individual section with other aspects of the policy. The Council strongly recommends that applicants read the entire policy as part of any application process.

SECTION A: DISTRICT OF NORTH HERTFORDSHIRE

- A1 Located less than 40 miles north from central London, North Hertfordshire is a predominantly rural district and contains interesting market towns and numerous picturesque villages and hamlets. It is an attractive area in which to live and work and has a wide variety of attractions including museums and galleries, historic markets, parks and areas of natural beauty.
- A2 The district was formed in 1974 combining the former Urban Districts of Hitchin, Letchworth, Baldock and Royston with Hitchin Rural District. It occupies the low chalk hills of the north-eastern Chilterns, extending north into the Bedfordshire and Cambridgeshire plain around Ashwell and Hinxworth, and south to the valley of the River Lea around Codicote. The area south and west of Hitchin is dominated by small hamlets linked by a network of winding lanes with high hedgerows, while to the east of Baldock, the landscape is open, with few hedges and larger, more nucleated villages.
- A3 Each of the towns has a distinctive character: Hitchin, Baldock and Royston are medieval market towns, each retaining numerous historic buildings, while Letchworth Garden City is world famous as the first Garden City.
- A4 The towns offer a wide range of shopping facilities, combining high street names with traditional markets, interesting antique and craft centres and small speciality shops. Farmers' Markets are held regularly at Hitchin, Letchworth Garden City and Royston, selling a range of local produce.
- A5 The villages of North Hertfordshire are very much community based, with cultural and community activities a key part of village life. Licensed premises such as community halls and village pubs are often central to village life.
- A6 Cultural and community activities are equally important in the four main towns, each also having a diverse and active night-time economy. Historically, music has played an important role in promoting the night-time economy and the district benefits from Knebworth Park, a historic concert venue playing host to artists such as Oasis, The Rolling Stones, Metallica, Robbie Williams and many more.
- A7 Local area profile**
- A7.1 Location**
- A7.1.1 North Hertfordshire is 1 of 10 districts within the county of Hertfordshire in the East of England, bordering Greater London to the south and Bedfordshire and Cambridgeshire to the north.
- A7.1.2 North Hertfordshire covers 37,538 hectares and represents 22.85% of the total area of the county of Hertfordshire.
- A7.1.3 North Hertfordshire is made up of 24 wards, the largest of which geographically is Hitchwood, Offa and Hoo, making up 27.36% of the North Hertfordshire area.
- A7.1.4 Found in the South East of England, officially under the area of East of England, North Hertfordshire itself has direct borders with the neighbouring districts of Central Bedfordshire, South Cambridgeshire, East Hertfordshire, Stevenage, Welwyn Hatfield and St Albans.

A7.1.5 94% of residents (Sept 2012) in North Hertfordshire are satisfied with the area as a place to live.

A7.2 Population

A7.2.1 The latest (mid-2015) estimate from the Office for National Statistics (ONS) puts the population of North Hertfordshire at 131,700 (64,600 males and 67,100 females).

A7.2.2 Hitchin Bearton is the ward with the largest population at 6.68% of the total population of North Hertfordshire; Baldock East being the ward most densely populated with 40.6 persons per hectare. The least densely populated ward is Weston and Sandon at 0.3 persons per hectare.

A7.2.3 The number of households in North Hertfordshire was 53,426 in 2011 with 65.6% of residents owning their own home compared to an average of 63.4% for England.

A7.3 Age

A7.3.1 The mean age on North Hertfordshire is 40 years old (39 years in England) based on figures from the 2011 census. The predominant age band for North Hertfordshire is 45-49 years old which represents 7.59% of the local population based on ONS Mid-Year Population estimates.

A7.3.2 In North Hertfordshire, latest (mid-2015) estimates states that 20.95% of the population is aged 65 years and over; 2.58% of the population is aged 85 years or over.

A7.4 Ethnicity

A7.4.1 In the 2011 Census, 15.1% of the North Hertfordshire population were from an ethnic minority background (defined as non-white British).

A7.4.2 95.88% of North Hertfordshire residents had English as their main language, 0.6% of residents did not have English as a main language and could not speak English well, and 0.11% of residents could not speak English at all.

A7.4.3 Hitchin Bearton ward has the highest number and the highest percentage per ward of ethnic minorities in North Hertfordshire as well as the largest number of households that speak little or no English.

A7.4.4 In 1970, the first Gurdwara Sikh temple in the Anglia Region was purchased and renovated in the Hitchin Bearton ward. This could possibly explain why Hitchin Bearton has been more popular within ethnic communities, particularly as to why Sikhism is the prominent belief after Christianity and no religion.

A7.5 Deprivation

A7.5.1 According to the North Hertfordshire Health Profile 2015, Hertfordshire as a whole ranks among the 10% least deprived counties in England however Hertfordshire still contains pockets of deprivation and some of those pockets found within North Hertfordshire are amongst the 10% most deprived areas in the country.

A7.5.2 North Hertfordshire's most deprived Middle Super Output Areas (average population of 7,200) are Letchworth Wilbury and Letchworth Grange and its most deprived Lower Super Output Area (sub-wards averaging 1,600 people) is Hitchin Oughton.

A7.5.3 Letchworth Wilbury was rated the 13th most deprived Middle Super Output Area in the whole of Hertfordshire (February 2014) when considering the indices of multiple deprivation 2010 score and the proportion of children living in low income families. Common problems in Letchworth Wilbury include childhood obesity, unemployment, economic inactivity, working age benefit claimants, child poverty, household income, transport availability and domestic violence.

A7.5.4 Letchworth Wilbury also scores the highest in North Hertfordshire for income deprivation, with 4 other wards also scoring above the national average for deprivation: Hitchin Oughton, Letchworth Grange, Letchworth East and Letchworth South East. The ward with the lowest income deprivation score in North Hertfordshire is Hitchin Priory.

A7.6 Young People

A7.6.1 The Chesfield ward has the highest number of 17-year-old and under, representing 6.86% of all North Hertfordshire's children.

A7.6.2 North Hertfordshire has the highest number of NEETS (young people not in education, employment or training) in Hertfordshire with 43% of all NEETS living in Letchworth. A possible explanation could be due to child poverty present in Letchworth and the huge difference in good level of development figures between the 69.9% average within North Hertfordshire and the 34.8% in Letchworth Wilbury.

A7.7 Unemployment

A7.7.1 The percentage of the working population within North Hertfordshire that are unemployed is 3.4% compared to 4.4% for England. The highest rate of unemployment can be found in the Hitchin Oughton ward at 6.46%.

A7.7.2 The percentage of all people of working age claiming a key benefit is 10% compared to 15% for England.

A7.7.3 The rate of the long-term unemployed claiming Jobseeker's Allowance within North Hertfordshire is 5.6 per 1000 of the working age population compared to 10.1 per 1000 across England, with only Letchworth East and Letchworth Grange wards above the country average.

A7.7.4 3.1% of the population in North Hertfordshire have either never worked or are long-term unemployed compared to the country average of 5.6%

A7.7.5 Hitchin Oughton ward has the highest percentage of residents in North Hertfordshire who are long-term unemployed or who have never worked.

A7.7.6 Letchworth in particular has an issue with employment deprivation with 12 of its Lower Super Output Areas in the bottom 20% for Hertfordshire. A Lower Super Output Area on the Jackmans estate ranked 5th in the county of Hertfordshire and one on the Grange estate ranked 6th.

A7.8 Updating the profile

A7.8.1 This local area profile is based on the latest available factual information and may be updated from time-to-time by the licensing manager to reflect the current position.

SECTION B: THE COUNCIL'S VISION FOR LICENSING

- B1 North Hertfordshire District Council ("the Council") acts as the licensing authority for the purposes of the Licensing Act 2003 ("the Act") by virtue of section 3 of the Act. As the licensing authority, the Council must undertake its statutory function in respect of the licensing regime in accordance with the current legislation, with regard to the Statutory Guidance and with regard to its Statement of Licensing Policy.
- B2 In its role as the local authority, North Hertfordshire District Council performs its other statutory functions including the provision of responsible authorities for the purposes of the Licensing Act 2003.
- B3 These dual roles are two entirely separate functions and must not be confused.
- B4 Whilst the licensing authority must act in accordance with its statutory duties in terms of decision making under the Act, the Council may have strategic priorities which it seeks to achieve in its role as the local authority.
- B5 This section of the Policy highlights the strategic aims of the local authority which the Council is seeking to achieve for North Hertfordshire. This section in no way fetters the decision-making of the licensing authority but it seeks to outline the Council's vision for licensing in North Hertfordshire.
- B6 Our vision is:
- "To ensure that North Hertfordshire continues to offer a diverse range of well managed licensed venues and community and cultural activities within a safe and enjoyable environment, in both the day-time and night-time economy."***
- B7 The Council recognises that national and worldwide events may impact on its ability to promote this vision, particularly during pandemics and the impact of exiting the EU. The vision detailed in paragraph B6 will always underpin Licensing Policy however the Council may need to adapt to measures introduced by Government to stimulate the economy or protect public safety. Under these circumstances, temporary measures may not always be within the control of the licensing authority however the Council will always seek to strike a reasonable balance between achieving its vision and promoting the licensing objectives.
- B8 The Council is committed to the continued promotion of the diverse cultural and community activities within the district and providing a safe and sustainable night-time economy for residents and visitors alike. Licensing Policy will be approached with a view to encouraging new and innovative forms of entertainment that promote this vision and are consistent with the four licensing objectives.
- B8 The Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community. Where activities require a licence, the Council will seek to balance the potential for disturbance of local residents and businesses against the wider community and cultural benefits.
- B9 In making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy, but this must be managed in such a way to limit its impact beyond that which is reasonable. The Council will at all times consider the wider benefits to, and impacts on, the community as a whole and will take a proportionate view on the weight to apply to representations.

- B10 The Council is aware that those living in the rural communities of the district often do so to enjoy the quiet of a rural location. In making a balanced decision, the Council accepts that the level of disturbance that is reasonable in a rural location will be less than in a town centre location. This could be addressed by reduced licensable activity timings, particularly in the evenings and early mornings, and the frequency of activities. Whilst a 1-off event may cause some reasonable disturbance, it would be more tolerable than an event lasting multiple days or occurring numerous times throughout the year. That said, rural public houses and community buildings are often a key part of village life and should not be precluded from being able to offer appropriate activities for the benefit of the rural location.
- B11 The Council will seek to encourage cultural and community events in the district by allowing the appropriate use of its own public spaces and encouraging Town Centre Management to obtain premises licences for town centres to remove the burden of community groups having to obtain their own permissions.
- B12 The Council will seek to promote the option for community premises to extend their licence to include the sale of alcohol without the need for a designated premises supervisor (a personal licence holder). Whilst the management committee members would assume joint and equal liability for the sale of alcohol, effective management would negate unnecessary risk and would allow community facilities to extend their letting capabilities currently restricted to twelve alcohol events (temporary event notices) per calendar year.
- B13 The Council recognises that conditions cannot be imposed on existing licences in relation to cultural or community events taking place in the district, however, all relevant licence holders may be encouraged to assist with the promotion of the licensing objectives in such circumstances. For example, if a large scale community event was taking place in a town, other licensed premises could be encouraged to assist wherever practicable, i.e. off licences could employ door supervisors to control underage access to alcohol and pubs could supply alcohol in plastic containers to patrons drinking outside. At a review hearing, if it was deemed appropriate based on the available evidence, the Council may consider imposing similar conditions on premises in locations where cultural and community events occur.
- B14 Wherever possible, the Council will monitor the impact of the licensing regime on the provision of regulated entertainment for community and cultural events, in particular live music and dancing. The Council will endeavour to assist with resolving these issues through advice and education, and by providing feedback through any national consultation process.
- B15 The Council wishes to encourage the use of temporary event notices as a light touch approach to the licensing of community and cultural events, particularly where the option of a premises licence is impractical or cost prohibitive.
- B16 The Council recognises that the cultural diversity of North Hertfordshire and its large geographical area, encompassing numerous villages and hamlets, gives rise to many cultural and community events. The organisers of these events, however, may be new to the licensing regime or have limited experience of licensing requirements. The Council will promote temporary event notices as the most effective method of licensing small scale events (under 500 persons at any one time) with cultural or community benefit. Organisers of such events are encouraged to contact the Council to discuss their events with licensing officers who can guide them through the process and offer the most practical and appropriate solutions.

SECTION C: INTRODUCTION

C1. Background

- C1.1 This Statement of Licensing Policy ("the Policy") has been produced in accordance with section 5 of the Licensing Act 2003 ("the Act") and has been drafted with regard to the Statutory Guidance ("the Guidance") issued periodically by the Home Office pursuant to section 182 of the Act. Its purpose is to give guidance to North Hertfordshire District Council ("the Council") when carrying out its functions and responsibilities acting as the licensing authority for North Hertfordshire under the Act for North Hertfordshire.
- C1.2 The Act has provided more flexibility for local businesses and North Hertfordshire has seen a significant increase in the number of venues offering regulated entertainment, in particular live music.
- C1.3 Where premises have caused problems to local residents, the police, trading standards and NHDC environmental health have successfully addressed issues relating to anti-social behaviour, noise and underage alcohol sales through the review process.

C2. Consultation

- C2.1 In preparing and reviewing this Policy the Council has consulted with:
- (i) The Police;
 - (ii) The Fire Authority;
 - (iii) Other Responsible Authorities under the Licensing Act 2003;
 - (iv) NHDC Community Protection;
 - (v) NHDC Community Development;
 - (vi) NHDC Legal Services;
 - (vii) Neighbouring Councils in Hertfordshire and Bedfordshire;
 - (viii) Town Centre Management;
 - (ix) NH CSP Responsible Authorities Group;
 - (x) Organisations representing business interest;
 - (xi) Existing premises licence/club premises certificate holders;
 - (xii) NHDC Councillors; and
 - (xiii) Residents of North Hertfordshire via internet consultation.
- C2.2 Appropriate weight has been given to the views of all those consulted prior to the adoption of this Policy.
- C2.3 The Council will keep this Policy under review and continue to work in partnership with neighbouring local authorities (through the Herts & Beds Licensing Group), local Police, responsible authorities, local businesses and local people, towards the promotion of the Licensing Objectives.
- C2.4 The Council will publish its Policy every five years in accordance with the Act (or other such period in the light of a legislative change) and it will be kept under review in the intervening period.

C3. Review

- C3.1 In the intervening period between statutory reviews the Council will periodically review the Policy to ensure it remains relevant to emerging and local issues.

C3.2 Significant Policy Amendments

C3.2.1 Any amendment to this Policy, other than those made under section 3.3 below, will be subject to formal consultation and adoption.

C3.3 Administrative Policy Amendments

C3.3.1 Administrative amendments to this Policy, required by virtue of legislative changes, new Statutory Guidance **or changes to the local area profile**, will be made by the Licensing Manager acting on behalf of the Council under the Scheme of Delegation contained within the Council's Constitution.

C3.3.2 Amendments under this section are restricted to those required to accurately reflect the current legislative position rather than amendments that change the focus of local policy.

C3.3.3 Amendments to the Model Licence Conditions in Appendix A fall within the remit of an administrative amendment as they do not form part of the Council's Policy. Each case must be determined on its own merits therefore standard conditions required by policy would be unlawful; they are simply an administrative tool, based on developing best practice, to assist applicants, responsible authorities and licensing sub-committees to formulate conditions appropriate to the particular premises.

C3.3.4 Amendments made under this section will not necessitate the adoption of a new Policy nor amend the stated five-year period of the existing Policy so amended.

C3.3.5 All amendments to this Policy under this section will be publicised on the Council's website.

C4. The Purpose of the Licensing Policy

C4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. This Policy applies to all those licensable activities identified as falling within the provisions of the Act, namely the:

- (i) retail sale of alcohol (including via the internet or mail order);
- (ii) supply of alcohol by or on behalf of a club member, or the order of a club member;
- (iii) provision of late-night refreshment, which includes the supply of hot food and/or drink on or from any premises between 11pm and 5am to members of the public; and
- (iv) provision of 'regulated entertainment', whether indoors or outdoors, as defined by the Act which may include:
 - a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - boxing or wrestling entertainment;
 - a performance of live and/or recorded music;
 - a performance of dance.

C4.2 The Council has a duty under the Act to carry out its functions and responsibilities with a view to promoting the prescribed 'licensing objectives'. Each objective has equal importance and they are of paramount importance at all times. The objectives are:

- (i) the prevention of crime and disorder;
- (ii) public safety;
- (iii) the prevention of public nuisance; and

- (iv) the protection of children from harm.

C4.3 This Policy is designed to assist:

- (i) individuals and organisations making licence applications;
- (ii) responsible authorities and residents when responding to licensing applications; and
- (iii) persons adversely affected by licensed activities.

SECTION D: LOCAL LICENSING POLICY (GENERAL)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

D1. The Licensing Process

- D1.1 The powers of the Council under the Act will be carried out by the Licensing Committee, by a Sub-Committee of the Licensing Committee, or by one or more officers acting under delegated authority. Further details of the delegation of powers are contained within the Council’s Constitution, available at www.north-herts.gov.uk
- D1.2 It is considered that many of the functions will be largely administrative with no perceived areas of contention. In the interests of efficiency most functions will be carried out by officers with delegated authority. The principles contained within this paragraph of the Policy are consistent with general good decision making principles.
- D1.3 The Licensing Committee must consist of at least ten and a maximum of fifteen members of the Council. The committee may delegate its powers to a Sub-Committee of the Licensing Committee consisting of three members. The Licensing Committee, or its Sub-Committee, will deal with all applications where relevant representations are received from a responsible authority or other persons.
- D1.4 When determining applications the Council will have regard to this Statement of Licensing Policy, relevant legislation and any Guidance issued by the Home Office pursuant to section 182 of the Act. If relevant representations are made, the Licensing and Appeals Committee or its Sub-Committee, will balance its decision against all other factors for and against the application.
- D1.5 The Council expects applicants to address the licensing objectives in their operating schedule and have due regard to this Policy. To achieve this, the Council supports the principles set out in sections 8.41 – 8.44 of the Statutory Guidance which state:

8.41

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to local residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

8.43

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

- D1.6 Applicants should be aware that if they fail to have due regard to this Policy it is more likely that the licensing authority or responsible authorities may deem it appropriate to make a representation. If representations are made as a result of the applicants' failure to address this Policy in its operating schedule, the Licensing and Appeals Sub-Committee may take this into consideration when determining the application.
- D1.7 **The Council recognises, however, that in the absence of relevant representations, the application must be granted as applied for subject only to mandatory conditions and conditions consistent with the operating schedule supplied with the application.**
- D1.8 Whilst there is no requirement for applicants to consult with the responsible authorities prior to submitting an application the Council encourages pre-application dialogue to take place.
- D1.9 The Council will not solicit representations by distributing notification of applications to nearby residents; all applications are listed on the Council's website and subject to the prescribed advertising requirements which the Council believes to be sufficient.

D2. Determining Applications

- D2.1 Each licence application will be decided by reference to this Policy, the National Guidance issued by the Secretary of State, relevant legislation and to the individual circumstances of the particular application. The Council may depart from the Policy where the individual circumstances of any application merit such a decision in the interests of the promotion of the Licensing Objectives. Full reasons will be given for decisions taken by the Council when undertaking its licensing functions.
- D2.2 The Act makes it clear that unless relevant representations are received, the application must be granted subject only to the mandatory conditions and conditions consistent with those offered in the operating schedule accompanying the application.
- D2.3 The Council acknowledges that operating schedules should not just be reproduced on a licence; it has a duty to convert the operating schedule into proportionate and appropriate conditions. In doing so, the Council will not depart from the spirit or intention of the

operating schedule, however, reserves the right to amend wording accordingly providing it does not place added burden on the applicant.

- D2.4 In determining applications, the Council will focus primarily on the direct impact of the proposed activities on persons that may be adversely affected in relation to the licensing objectives. The scope of those persons that may be affected will be determined on a case by case basis taking into account all relevant factors.
- D2.5 The Council acknowledges that the licensing process can only seek to impose conditions that are within the direct control of the licence holder. The Council does not consider that the term 'direct control' can be generically defined and will consider its definition relative to the specific circumstances of each application. For example, licensed premises at the end of road leading to a car park may be able to control its patrons leaving the premises and using the car park. In general terms, to be considered to be under the 'direct control' of a licence holder, there will need to be a direct causal link between the problems or likely problems and the specific premises.
- D2.6 Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a licensing sub-committee will seriously consider refusal of the application. For example, patrons from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.
- D2.7 Where a consultation period has closed and relevant representations have been received, the Council encourages dialogue between the applicant and those making representations to attempt to resolve any issues to all parties' satisfaction. Where a resolution is reached by way of amendments to the application and/or operating schedule conditions and all parties, including the Council acting as a responsible authority, agree a hearing is not necessary the Council will accept the applicant's amendments and grant the application as amended.
- D2.8 The Council recognises that the exercise of its licensing function is only one of a number of means of securing the promotion of the licensing objectives. The exercise, by the Council, of its licensing function should not be seen as a panacea for all problems within the community. The Council will encourage co-operation between its licensing function, planning function and environmental health functions to ensure that any problems are addressed using the most appropriate means and that its licensing function does not duplicate any other statutory responsibilities.
- D2.9 The Council will carry out its licensing functions in the promotion of the licensing objectives and, in addition, will support the stated aims of the Act which are as follows:
- (i) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - (ii) giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - (iii) recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
 - (iv) providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

- (v) encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

D2.10 In seeking to promote the above stated aims, the Council will support local and national schemes designed at raising and/or maintaining high standards in licensed premises such as, but not limited to, 'Challenge 21', 'Challenge 25', Pubwatch and 'Safer Pubs and Clubs'. The Council will work with the licence holders to achieve these goals offering advice and support either through trade forums, trade newsletters or regular trade updates on the Council's website.

D3. Flexible Licensing Hours

- D3.1 The Council recognises that fixed and artificially early closing times previously established under the Licensing Act 1964 were one of the main causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large numbers of customers were required to leave premises simultaneously. These concentrations of people leaving can result in friction at places such as late-night food outlets, taxi ranks and other sources of transport. The aim through the promotion of the licensing objectives will be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times where appropriate.
- D3.2 The Council recognises that arbitrary restrictions would undermine the principle of flexibility and should be avoided; the licensing objectives will be the paramount consideration at all times. That said, if there is a proliferation of disorder and/or disturbance related to licensed premises in a specific location, for example a town centre, the Council may determine that a fixed terminal hour to mitigate the problems may be appropriate if no other control method has resolved the problem..
- D3.3 Generally, when the Council's discretion is engaged, the presumption will be to grant the hours requested unless there are representations raised by responsible authorities and/or other persons that demonstrate an adverse effect or likely effect on the licensing objectives.
- D3.4 The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night-time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the licensing objectives.
- D3.5 The Council has no intention to introduce the zoning of licensing hours. Experience in other areas has shown that this can lead to significant movement of people across boundaries in search of premises opening later and places greater pressure on town centres than is necessary. In addition, the Council recognises that zoning of licensing hours would undermine the principle of determining each application on its own merits.
- D3.6 With regards to shops, stores and supermarkets that provide sales of alcohol for consumption off the premises, the Council would normally expect to grant the sale of alcohol at any time the premises is open to the public, unless representations give good reason to restrict the hours in relation to the licensing objectives.
- D3.7 The Council is aware of the *R v Guildford Borough Council [2006] EWHC 815 (Admin)* case that held that it was possible for a policy to presume against longer licensing hours where there was evidence that it was necessary in terms of the licensing objectives to do so. The Council has no evidence that suggests such an approach would be appropriate, however,

the situation will be kept under review and the Council would consider amending the Policy accordingly if necessary.

D4. Cumulative Impact

- D4.1 'Cumulative Impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. An example of this impact would be the increase in crime and disorder or public nuisance in a town centre resulting from a large concentration of licensed premises in one area over and above the impact of the individual premises themselves.
- D4.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can properly consider in developing its Licensing Policy Statement.
- D4.3 The Council recognises that there is a difference between the commercial need and the cumulative impact of premises in an area. Commercial need is the commercial demand for other licensed premises and is a matter for planning consideration and market forces. It does not form part of this Licensing Policy Statement.
- D4.4 The Council will not operate a quota of any kind, nor will it ordinarily seek to impose general limitations on trading hours in particular areas.
- D4.5 In considering issues of cumulative impact the Council will be mindful that, in addition to the licensing functions, there are a number of other mechanisms, both within and outside the licensing regime, for addressing nuisance and disorder. These include, but are not limited to:
- (i) planning controls;
 - (ii) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - (iii) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 - (iv) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - (v) police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices and the use of existing powers under the Anti-social Behaviour, Crime and Policing Act 2014;
 - (vi) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - (vii) the confiscation of alcohol from children;
 - (ix) police and local authority powers to close down instantly for up to twenty-four hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
 - (x) the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- D4.6 The Council will also address the issue of crime and disorder through the North Herts Community Safety Partnership in line with strategic objectives for crime and disorder reduction within the district. The success of these measures in reducing nuisance and disorder will be subject to ongoing review.

D5. 'Special Policies' relating to cumulative impact

- D5.1 Where, after considering the available evidence and consulting relevant people and organisations, the Council is satisfied that it is appropriate to introduce a targeted approach to cumulative impact, it may introduce a special policy to combat the cumulative impact of licensed premises in a particular area.
- D5.2 Where such a policy is implemented in respect of any particular area, it would create a presumption that new licence applications should be refused, where relevant representations are received, unless it could be shown that the new premises would not increase the cumulative impact already being experienced in that area.
- D5.3 In determining whether to introduce a special policy the Council will take the following steps:
- (i) identify evidence of concerns about the crime and disorder or public nuisance;
 - (ii) consider whether it can be demonstrated that crime and disorder and/or public nuisance is occurring and is being caused by customers of licensed premises and, if so:
 - identify the area from which the problems are arising and the boundaries of that area; and
 - that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - (iii) undertake a public consultation as required; and
 - (iv) where a special policy is adopted by the Council, publish the special policy as part of this Licensing Policy Statement.
- D5.4 As with any other application under the Act, the Council will take account of all relevant circumstances surrounding any application and may depart from the Special Policy where the individual circumstances merit such a decision in the interests of the promotion of the licensing objectives. No Special Policy for a specific area will be absolute, each application will be considered on its own merits.
- D5.5 In considering the effect of an application on any Special Policy relating to cumulative impact, or on cumulative impact as a general issue, a person making a representation will still need to demonstrate how the premises would have an adverse affect on them in terms of the licensing objectives. A person making a representation would not be considered to be relevant if they failed to meet this requirement but submitted a representation concerning their general concerns with an area as a whole rather than the impact, or potential impact, of new premises.

D6. Licence Conditions

- D6.1 The Council acknowledges that it can only seek to impose conditions on a licence when a relevant representation has been made. In the absence of any relevant representations, the Council will grant the application subject only to the mandatory conditions and conditions consistent with the operating schedule (see paragraph D2.3).
- D6.2 The Council recognises that each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and activities concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. A standardised approach to imposing conditions must be avoided and conditions will only be lawful where they are deemed appropriate to promote the licensing objectives in response to relevant representations.

- D6.3 Conditions will only be imposed when they are appropriate for the promotion of the licensing objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities or the surrounding areas of the premises, places or events. Conditions are likely to be focused towards the direct impact of those activities on persons living in, working in or visiting areas affected by, or likely to be affected by, those activities.
- D6.4 Where appropriate the Council will draw upon the pool of model conditions attached at Appendix A. The pool of model conditions relates specifically to the four licensing objectives (see section F7) **and are indicative of condition wording that may address identifiable issues. Licensing sub-committees are reminded that they should ensure that the wording of any condition is appropriate and proportionate to address any concerns raised in respect of the specific issues at the premises.**
- D6.5 The pool of model conditions, by its nature, is a live document that will evolve as best practice develops and professional bodies, such as the Institute of Licensing, publish similar documents. As the pool of model conditions is provided to assist all parties and promote consistency and transparency of decision-making, **the Licensing Manager will periodically review Appendix A and amend where appropriate.**
- D6.6 The Council interprets Section L of the application form, "Hours premises are open to the public", as an integral part of the operating schedule. In assessing an application, responsible authorities and other persons are likely to read those hours as though they were part of the operating schedule and tailor their representations based on that interpretation. These hours, therefore, form conditions of the licence operating schedule and restrict the hours during which members of the public can be on the licensed premises at the conclusion of trading irrespective of whether licensable activities are taking place. Applicants are advised to consider any necessary 'drinking-up time' or wind-down period at the end of normal licensable activities when completing this section of the application.
- D6.7 The Council strongly believes that a carefully considered operating schedule that fully considers the impact of the proposed activities in relation to the promotion of the licensing objectives, having regard to this Policy and the Guidance, is less likely to result in the imposition of conditions by a licensing sub-committee following representations.
- D6.8 It is the Council's view that the imposition of conditions should be restricted to those that are proportionate in addressing any concerns in relation to the promotion of the licensing objectives. Conditions should not be used as a tool to attempt to mitigate every possible scenario; this will serve only to place undue burden on applicants and is not consistent with the general principles of the Guidance.
- D6.9 Operating schedules and licence conditions should be drafted in such a way that it is clear to licence holders exactly what is required of them and these requirements should be concise and well-worded to assist the licence holder in managing their premises. The Council is strongly of the view that the imposition of a substantial list of conditions in order to grant an application calls into question the suitability of the applicant to hold a licence. Where a licensing sub-committee determines that it is appropriate to impose a substantial list of conditions to the extent that they are effectively determining the day-to-day management of the premises, they will give serious consideration to refusing the application.

D7. Mandatory Conditions

- D7.1 The Council is aware that there are mandatory conditions that apply to all premises licences and separate mandatory conditions that apply to all club premises certificates.
- D7.2 Section 19 of the Act contains a mandatory condition for premises licences whereby there can be no sale of alcohol without a designated premises supervisor named on the licence or where the designated premises supervisor does not hold a valid personal licence, and where every sale of alcohol must be made or authorised by a personal licence holder.
- D7.3 The Council does not expect the designated premises supervisor to be available at the premises at all times, however they are expected to exercise control over day-to-day management of the premises. In the absence of the designated premises supervisor, a senior member of staff should be authorised, preferably in writing, to deputise for the designated premises supervisor and the deputy's role should be made known to all staff.
- D7.4 At a review of a premises where relevant representations are received in relation to ineffective management of the premises when alcohol is available to the public, the Council will consider imposing a condition requiring a personal licence holder to be present at all times whilst alcohol is being supplied.
- D7.5 Section 20 of the Act contains a mandatory condition for premises licences restricting access for children to all exhibitions of films in accordance with a film classification body. The Council recognises the British Board of Film Classification as the appropriate film classification body and the classifications awarded by this body will ordinarily apply in respect of this condition.
- D7.6 Where a British Board of Film Classification certification does not exist, or the Council has advised that it wishes to exercise its discretion, the film will be classified by the Council, in its role as the licensing authority, and the subsequent classification awarded by the Council will apply in respect of this condition. The Council will base any classification it awards on the guidelines issued by the British Board of Film Classification and the classification will only apply to viewings at specified premises in North Hertfordshire.
- D7.7 When the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 SI 2010/860 introduced new mandatory conditions as part of section 19 of the Act with effect from 6th April 2010 and 1st October 2010, the Council chose not to re-issue all existing licences to include these conditions. When the Council processes an application to vary an existing licence the full range of mandatory conditions will be included on the licence. The absence of mandatory conditions on a licence does not invalidate those conditions; it is the licence / certificate holders' responsibility to be aware of, and comply with, all mandatory conditions.
- D7.8 The Council strongly believes that irresponsible drinks promotions, specifically those that encourage patrons to drink more than they otherwise would or within a shorter time period, should be discouraged and fully support the respective paragraphs in the Guidance.
- D7.9 In the case of a review of an existing licence or certificate where there is evidence that an irresponsible alcohol promotion is contributing to an adverse effect on the licensing objectives, the Council will consider this as evidence of the ineffectiveness of the management of the premises

D8. Live Music, Dancing and Theatre

- D8.1 The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.

- D8.2 Only appropriate, proportionate and reasonable licensing conditions will be imposed on licences so as not to discourage the promotion of entertainment. Conditions will relate to the minimum needed to ensure the promotion of the licensing objectives.
- D8.3 The Council will ordinarily avoid any measure which deters live music, dancing and theatre by imposing indirect costs of a substantial nature (for example, noise limiting devices for smaller or community premises). The Council acknowledges, however, that on occasions the imposition of appropriate conditions with cost implications may be the only alternative to refusing an application where there is sufficient evidence in relation to the effect, or likely effect on the licensing objectives.

D9. Minor Variations

- D9.1 The Council is aware of the administrative burden and cost of making an application to vary a licence or certificate for changes that are unlikely to have an impact on the licensing objectives or attract representations, for example amending the layout plan of a premises or to remove/amend a condition that is no longer effective or necessary.
- D9.2 The Council will determine whether an application meets the criteria of a minor variation application on a case by case basis by having due regard to the Guidance which specifically excludes certain circumstances. Applicants are encouraged to seek pre-application advice on what constitutes a minor variation in order to prevent unnecessary variation applications.
- D9.3 Evidentially, the Council will require representations to be of the same standard and substance as those required for a full variation. Having initially determined that the application is unlikely to have an impact on the licensing objectives, and so meets the minor variation process criteria, the Council will not refuse an application based purely on an opinion from a responsible authority or other person that is not supported by appropriate evidence.
- D9.4 Whilst the Council acknowledges that conditions cannot be imposed as a result of a minor variation application, it is aware that the applicants can include operating schedule conditions as part of their proposed variation. The Council encourages discussions between the applicant and the responsible authorities or other persons in order that the application can include measures that would address any potential concerns and avoid representations.
- D9.5 The Council acknowledges that the Guidance is cautious in relation to minor variation applications to remove licence conditions imposed by a licensing sub-committee, however, accepts that there may be occasions when the minor variation process would be appropriate. If a condition is no longer appropriate, for example a change in the nature of the business or the issues that the condition addressed no longer apply, then the use of the minor variation process will be encouraged. Pre-application discussions between licence holders and responsible authorities will assist the applicant in identifying whether or not an application is likely to attract a representation.
- D9.6 The Council will encourage the use of a minor variation application as an alternative to a request for a review where an agreed solution to a problem has been reached between licence holder and responsible authority. For example, rather than reviewing a licence to add a door supervisor condition that the licence holder accepts, the Council will encourage a minor variation application to add the agreed condition.

D10. Full Variations

D10.1 Where a licence/certificate holder wishes to amend an existing licence/certificate but the amendments fall outside the scope of a minor variation, a full variation will be required.

D10.2 Full variations will be required in all instances to:

- (i) extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23:00hrs and 07:00hrs the following morning;
- (ii) increase the total amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises; or
- (iii) remove any conditions that the responsible authorities consider to still be appropriate.

D10.3 A full variation cannot be applied for if a licence/certificate holder wishes to add the sale or supply of alcohol to the licence/certificate. In this instance, as this is a substantial change to the business operation which presents a higher risk, a new application will be required.

D10.4 The process of applying for, and the determination of, full variations is almost identical to that of a new application. There is no requirement, however, to submit a plan unless one would be necessary in order to understand the application, for example a change to the plan or the addition of licensable activities in certain areas.

D10.5 As with all applications, it is for the applicant to ensure that their operating schedule fully reflects the need to promote the licensing objectives and has regard to this Policy. Pre-application discussions with responsible authorities are encouraged to minimise the likelihood of representations.

D11. Reviews

D11.1 Any responsible authority or other person has the right to ask the Council for a review of a premises licence or club premises certificate, using a Government prescribed application form, if they believe that one or more of the four licensing objectives are not being met. At a review hearing, the options available to the licensing sub-committee are:

- (i) to take no action;
- (ii) to modify the conditions of the licence;
- (iii) to exclude one or more licensable activities from the scope of the licence;
- (iv) to remove the designated premises supervisor;
- (v) to suspend the licence for a period not exceeding three months; or
- (vi) to revoke the licence.

D11.2 In determining whether or not an application for a review is relevant, the Council will have due regard to the Guidance in relation to whether an application is frivolous, vexatious or repetitious. The Council acknowledges that the Act precludes a representation by a responsible authority from being deemed frivolous, vexatious or repetitious.

D11.3 The Council recognises that the licensing authority itself can initiate the review process in its role as a responsible authority. This is entirely separate from the licensing authority's role of administering the process and determining the application at a hearing where evidence supporting any allegations will need to be submitted. The Council will ensure that these two separate functions are undertaken by different officers to ensure impartiality on the part of the licensing authority.

- D11.4 The Council is strongly of the view that the primary responsibility for initiating a review lies with the responsible authorities or affected persons. The licensing authority acting as a responsible authority will ordinarily only seek to initiate a review in circumstances such as:
- (i) genuine concerns of repercussions from affected persons preventing them from requesting a review in their own right;
 - (ii) inconsistencies with this Policy; or
 - (iii) as an alternative to formal enforcement action in cases of licence breaches.
- D11.5 The Council recognises the importance of partnership working between the licensing authority, licence holders, responsible authorities and other persons in achieving the promotion of the licensing objectives. The Council will endeavour to give licence holders an early warning of any potential problems at premises in order to resolve them informally where possible.
- D11.6 When a review is requested in circumstances where the crime prevention objective is not being met, revocation of the licence may be considered as the first step if the seriousness of the evidence adduced at a review hearing is such that other options may prove inappropriate.
- D11.7 The Council is aware that a request for a review is not intended to be a tool for further challenging the grant of an application following unsuccessful representations on an earlier occasion. Each review application will be considered on its own merits, however, the Council would ordinarily expect there to be an interval of at least six months from initial grant to fully assess the operation of a premises in relation to the licensing objectives before a review application is accepted from a person other than a responsible authority.
- D11.8 Additionally, the Council would ordinarily expect only one application for a review from a person other than a responsible authority within a twelve-month period save for exceptional circumstances supported by compelling evidence.
- D11.9 NHDC's Environmental Protection & Housing Team, the designated responsible authority leading on public nuisance, may request a review in order to address the licensing objective of prevention of public nuisance when other control measures are unsuccessful or inappropriate, or in situations where a premises is continually causing issues, for example following the serving of a noise abatement notice.

D12. Enforcement

- D12.1 The Council has established a number of enforcement protocols focussing upon agreed problem and high risk premises that fall short in promoting the licensing objectives or complying with an authorisation, while providing a lighter touch to low risk premises that are shown to be well managed and maintained.
- D12.2 Enforcement action will be taken with regard to the Council's Housing and Public Protection Enforcement Policy. Enforcement action will follow the five guiding principles of consistency, transparency, proportionality, fairness and objectivity. A copy of the Housing and Public Protection Enforcement Policy can be found on the Council's website at www.north-herts.gov.uk.
- D12.3 Programmed inspections of all licensed premises will be undertaken by the licensing authority in accordance with a risk-rating system. This will ensure that enforcement is proportionate and targeted at higher risk premises which require greater attention, thus allowing a lighter touch in relation to lower risk premises.

- D12.4 Multi-agency licensing compliance operations will be targeted predominately at higher risk premises and will be unannounced.
- D12.5 The Council expects responsible authorities to lead on enforcement action that falls within their normal working remit. In respect of non-compliance with an authorisation, the licensing authority would ordinarily take the lead assisted, where applicable, by witness statements from responsible authorities.
- D12.6 The Council will consider the use of Closure Notices under section 19 of the Criminal Justice and Police Act 2001 as a method of enforcing licence conditions. This procedure clearly identifies the actions a licence holder needs to take to rectify the situation within a set period of time and the consequences of not doing so. In the event of non-compliance with a Closure Notice, the Council will apply to the courts for a Closure Order.
- D12.7 Reviews of existing premises licences/club premises certificates may be used by the licensing authority or a responsible authority as a means of enforcement where a review is likely to secure future compliance. Repeated or serious non-compliance is likely to result in formal enforcement action.

D13. Temporary Event Notices

- D13.1 The Council encourages the use of temporary event notices for small community or infrequent events as a light touch approach to licensing. Full details of how to apply are available on the Council's website www.north-herts.gov.uk
- D13.2 When calculating the notice period for the giving of a temporary event notice the term 'working days' does not include Saturdays, Sundays, Public Holidays, the day of the event, or the first working day that the Council receives the notice. If the required 'working days' notice is not given to both the Council and any required consultees, the legislation precludes the temporary event notice from being authorised; for the avoidance of any doubt, the Council has no discretion in the matter.
- D13.3 The vast majority of these events will not present any problems, for example special occasions in a pub or community hall or charitable fundraising events. A temporary event notice is a light-touch approach to these events and the Council expects that representations will only be made in exceptional circumstances where compelling evidence exists of the effect or likely effect on the licensing objectives.
- D13.4 That said, the Council does not expect licence holders to utilise temporary event notifications as a method of avoiding restrictions imposed on an authorisation by way of conditions. The Council is aware that existing licence conditions can be transposed onto a temporary event notice where a licensing sub-committee deem it appropriate based on any relevant representations.
- D13.5 The Council acknowledges that licensed premises can, and often do, enter into informal arrangements with the police in order to ensure that the crime and disorder objective is met. Whilst a temporary event notice giver may offer conditions and/or commitments to mitigate any concerns arising from a notification, the Council is aware that they cannot be imposed on the temporary event notice and are not enforceable.
- D13.6 For anything other than low-risk events (less than one hundred attendees), the Council recommends at least two months' notice to ensure that the event can be properly planned. This is only a recommendation, as the legislation only requires compliance with the statutory notice period. The Council has established a Safety Advisory Group consisting of relevant Council Officials, the emergency services and other strategic partner agencies to

give advice to organisers of public events. Event organisers are encouraged to use this team as part of their event planning process and the Council strongly advises that initial contact is made at the earliest opportunity.

D13.7 For events of national significance, for example a sporting world cup, the Council encourages co-operation between licence holders and the police in order to ensure the licensing objectives are met. Voluntary agreements to employ additional door staff or to use plastic drinking vessels are two such examples. Where a police objection to a temporary event notice has been received in such circumstances, the Council is likely to issue a Counter Notice preventing the event from taking place where voluntary agreements have been sought by the police but not entered into by the applicant.

D13.8 NHDC's Environmental Protection & Housing Team will consider an application for a temporary event notice in relation to the prevention of public nuisance licensing objective. A representation may be submitted to the licensing authority in certain circumstances, for example, where the premises that is the subject of the application has a current noise abatement notice served upon it, if there are known noise issues at the premises or if the proposed activities and timings are not appropriate for the location. Where the temporary event notice is at a premises with a current premises licence or club premises certificate, it may be appropriate to request that existing licence conditions are imposed on the temporary event notice in order to promote the prevention of public nuisance licensing objective.

D13.9 The Council is aware that a representation against a temporary event notice is subject to the same degree of evidence and/or detail as a representation against an application for a licence/certificate. If a premises is operating under good management and has not caused any problems relating to the licensing objectives, a sub-committee would need suitable evidence to demonstrate that a refusal of a temporary event notice is appropriate and proportionate, particularly when other legislative powers exist such as the serving of abatement notices.

D14. Environmental considerations

D14.1 Whilst the Council acknowledges that protection of the environment is not a licensing objective therefore not a relevant consideration in the decision-making process, it has declared a climate emergency and expects applicants to make every effort to protect the environment.

D14.2 Appendix G contains some specific measures the Council encourages in relation to large-scale outdoor events.

D15. Annual Licence Fees

D15.1 The Council is aware that the payment of an annual fee for a premises licence/club premises certificate is a statutory requirement by virtue of the Act. The responsibility for ensuring prompt payment rests entirely with the licence/certificate holder.

D15.2 The Council will not accept the absence of a reminder letter or an invoice as a reason for non-payment as there is no statutory requirement for the Council to issue such documents.

D15.3 In accordance with section 55A of the Act, the Council will ordinarily issue suspension notices for any outstanding fee which prevent licensable activities from being provided during the period of suspension. The suspension will remain until such time as full payment of any outstanding fee has been received by the Council and the licence/certificate holder has received a payment receipt.

D16. Pre-Application Advice

D16.1 The Council is aware that applicants often require specialist advice in preparing and submitting an application, and that licensing agents or licensing solicitors can be a considerable expense to a new business.

D16.2 The Council will offer a pre-application advice service based on an hourly rate that may include, but is not limited to:

- assisting with ensuring that an application covers the timings and activities required by the applicant
- assisting with the drafting of an operating schedule that complies with Policy requirements and reflects the activities proposed in the application
- liaising with responsible authorities in advance of the application
- providing a 'check and send' service to ensure that there are no administrative errors with the submission of the application, including the provision of draft public and newspaper notices

It is for the applicant to advise what level of service they require.

D16.3 For transparency, the Council licensing officer that provides any pre-application advice will not be involved in processing the application when it is subsequently made or as the licensing authority acting as a responsible authority assessing the application.

D16.4 Applicants should be aware that it is not mandatory to utilise the pre-application advice service, it is a discretionary service available for those applicants that chose to use it. A licensing sub-committee will not attach any weight to whether this discretionary service is used during its determination of the application.

D16.5 Equally, applicants should be aware that using the pre-application advice service does not guarantee the success of an application. All applications will be determined in accordance with this Policy based on the ability to promote the four licensing objectives.

SECTION E: THE LICENSING OBJECTIVES

In this section all references to "the Council" refer to North Hertfordshire District Council acting in its role as the licensing authority.

E1. Prevention of Crime and Disorder

E1.1 Door Supervisors

E1.1.1 All persons employed at licensed premises to carry out any security activity must be licensed with the Security Industry Authority.

E1.1.2 Conditions may be imposed on licensed premises requiring supervision by door supervisors in order to reduce crime and disorder and/or public nuisance in order to address the licensing objectives. The conditions may provide that door supervisors must be employed at the premises at all times, at specific times, or at such times when certain licensable activities are being carried out.

E1.1.3 Ordinarily, door supervisors are more likely to be required at premises licensed for the sale of alcohol, however where evidence of disorder or likely disorder exists it may be appropriate for door supervisors at late night refreshment premises such as takeaways.

E1.1.4 Where premises have a policy of searching patrons prior to entry, the Council recommend that at least one male and one female door supervisor is employed.

E1.2 Controlled Substances

E1.2.1 The Council recognises the risk of controlled substance use in licensed premises, particularly dance and nightclub environments. Conditions may be imposed to prevent the use and consumption of controlled substances, including alcohol, and to create a safer environment for patrons that may have taken them. When imposing conditions, the Council will have regard to any national guidance relating to controlled substances and may seek advice from the local Drugs Action Team and the Police.

E1.2.2 Where evidence of controlled substances issues exist, door supervisors may be required to operate a targeted search policy of patrons using the premises. Additionally, regular patrols of the premises both internally and externally (including the toilet areas) may be appropriate to monitor such issues.

E1.2.3 The Council expects responsible licence holders at premises where problems with controlled substances exist, or where there is a high risk of such issues, to have a written controlled substance policy with appropriate training given to all employees.

E1.2.4 New Psychoactive Substances (NPS) mimic the effects of illegal substances such as cocaine, ecstasy and cannabis and are designed specifically to evade any controls. Whilst NPS are not specifically regulated under the Act, the Council is acutely aware of their potential to impact on the licensing objectives, particularly when NPS are combined with alcohol consumption.

E1.2.5 The Council expects applicants to consider the risks of NPS as part of their operating schedule and demonstrate what control measures they will use to ensure the promotion of the licensing objectives.

E1.2.6 Where there is evidence of the sale/use or potential sale/use of NPS at premises, the Council may consider imposing conditions preventing the sale of NPS at premises or requiring control measures, such as door searches, to prevent NPS from being brought onto licensed premises.

E1.2.7 Some NPS products may contain controlled substances which would make them illegal. Where the Council is aware of illegal substances associated with a premises they will inform the police and consider whether a review of the licence/certificate is appropriate to ensure the promotion of the licensing objectives.

E1.3 Capacity

E1.3.1 The Council understands that the setting of capacity limits for the purposes of fire safety is not permitted, however, it may be appropriate to restrict capacity in premises in order to help control overcrowding and disorder.

E1.3.2 Where a condition is imposed restricting capacity to promote the prevention of crime and disorder objective, it is likely that a condition requiring door supervisors will also be appropriate to manage capacity.

E1.3.3 If it is deemed appropriate to restrict or manage capacity to promote the prevention of crime and disorder objective, it may be appropriate to impose a condition specifying the ratio of tables and chairs to patrons and for areas to be allocated as permanent seating areas in order to prevent overcrowding which in turn could lead to violence and disorder.

E1.4 Closed-Circuit Television (CCTV)

E1.4.1 The Council encourages the use of CCTV recordings, with appropriate warning signage, where they would assist with the promotion of the licensing objectives.

E1.4.2 Equally, the Council is mindful that a blanket CCTV requirement without assessing its appropriateness and proportionality to the individual premises would be an unnecessary financial burden on the premises.

E1.4.3 Where there is insufficient evidence to demonstrate that CCTV is an appropriate and proportionate requirement at a premises, or where CCTV is sought for problems not related specifically to the licensable activities at the premises, CCTV conditions will not be imposed by a licensing sub-committee.

E1.4.4 Where there is evidence of disorder or likely disorder, the Council may deem it appropriate to impose conditions relating to CCTV in order to promote the licensing objectives. Each case will be determined on its own specific circumstances, however, considerations may include, but are not limited to:

- the type of camera and number of cameras
- the locations of the cameras
- the recording capability of the cameras in terms of providing evidence quality images
- the times during which the cameras should be operational
- procedures for repairing the cameras should they become inoperable
- staffing requirements in respect of a working knowledge of the equipment
- storage requirements for recordings
- date/time stamping of recordings
- provision of recordings to the police on request

Consideration will be given to the minimum requirements for CCTV to limit the financial burden on a business whilst ensuring the system remains fit-for-purpose.

E1.4.5 The Council acknowledges that licence holders using CCTV recording equipment have responsibilities for handling the data appropriately and must be satisfied that any request for recordings meet any Data Protection responsibilities.

E1.4.6 Ordinarily, the provision of CCTV should be restricted to the minimum requirements to cover entrances, exits and till areas to a standard enabling facial recognition. Higher levels of coverage, based on factors such as the type and location of the premises, premises history and risk of serious crime and/or disorder may be appropriate at specific premises. In such circumstances, before imposing conditions requiring a higher level of coverage, the Council would expect the police to indicate why the higher CCTV requirements were appropriate to the individual premises and details of the suggested CCTV solution.

E1.4.7 Conditions requiring the provision of CCTV should be specific and easily-understandable to allow the licence holder to ensure compliance. A condition requiring the provision of CCTV "to the satisfaction of the police", or similar, will be avoided as it is non-specific and allows for varying opinions from different police officers.

E1.5 Drinking Vessels

- E1.5.1 The Council encourages the use of drinking vessels made of toughened glass, plastic or other materials to ensure that no sharp edges occur when broken.
- E1.5.2 Additionally, the Council encourages licence holders to ensure that bottles are not passed to patrons (with the exception of bottles of wine served with a table meal); if bottles are passed to patrons the Council encourages the use of bottles made from plastic or other materials.
- E1.5.3 The Council expects the police to encourage the use of shatter-proof or crumpleable drinking vessels at specific premises at times when there is a risk, or perceived risk, of disorder.
- E1.5.4 The Council encourages the use of drinking vessels made of toughened glass, multi-use plastic or other materials for outdoor consumption, particularly where patrons may leave the premises to participate in town or village events.
- E1.5.5 Where plastic vessels are used at a premises, the Council encourages the use of compostable and/or biodegradable plastics to minimise the impact on the environment and would expect suitable recycling provisions to be in place.
- E1.5.6 If evidence exists of disorder or threats to public safety at, or in the proximity of, a licensed premise, appropriate conditions of this nature may be imposed at licensing hearings where the Sub-Committee's discretion has been engaged.

E1.6 Fly-Posting

- E1.6.1 Due to its diverse cultural and community entertainment, North Hertfordshire often faces localised instances of illegal fly-posting. This activity impacts on the prevention of crime and disorder objective, as well as the prevention of public nuisance objective, as it proves unsightly and causes widespread annoyance.
- E1.6.2 Whilst legislation exists to tackle fly-posting, and duplication of other regulatory regimes should be avoided, it is often ineffective in preventing this type of advertising. The Council is particularly concerned that this type of advertising is often left to event promoters hired by licence holders that claim they have no control over promoters' activities.
- E1.6.3 The Council believes that responsible licence holders should take responsibility for promoters' actions relating to their premises to ensure the promotion of the licensing objectives. Applicants should address this concern in their operating schedule as part of the application and explain what control measures they intend to utilise to control this illegal activity.
- E1.6.4 Licence holders using event promoters are encouraged to have specific written contract arrangements with named individuals or companies to address potential fly-posting issues and to maintain a record of these arrangements for inspection should problems occur. Where appropriate based on evidence or where consistent with the applicant's operating schedules, the Council may impose conditions to this effect.
- E1.6.5 If other legislative provisions prove ineffective in controlling fly-posting from a specific premises or in relation to reoccurring events, a review of the premises licence may be appropriate on the grounds of public nuisance given that the Council follow the Guidance and gives public nuisance its wider meaning.

E1.7 Pub Watch

E1.7.1 The Council recognises that a condition requiring attendance at Pub Watch meetings is too vague to be enforceable and will not impose such a condition on licences.

E1.7.2 That said, the Council recognises the invaluable contribution of an effective local Pub Watch scheme and encourage licensed premises to be part of any local scheme that exists in order to share information and best practice. If available, premises are encouraged to participate in any local Pub Watch radio scheme that provides links with local police and CCTV controllers.

E1.8 Protecting Children, Young People and Adults at Risk (Safeguarding)

E1.8.1 The Council strongly believes that all licensed premises have a responsibility to ensure that safeguarding is a key priority for all businesses in respect of staff, customers and any person in the vicinity of the premises.

E1.8.2 All business owners and management should sufficiently understand safeguarding matters including, but not limited to:

- Gangs and knife crime
- County lines
- Modern day slavery
- Child Sexual Exploitation
- Supply, distribution or taking of illegal substances

to enable them to spot warning signs of any safeguarding matter and know who to report it to. Information and training materials can be found on the websites of Hertfordshire County Council and Hertfordshire Police.

E1.8.3 Applicants and licence holders are encouraged to ensure that suitable management controls are in place to address potential safeguarding concerns. Measures could include, but would not be limited to:

- awareness training for staff, including indicators to look out for;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable persons;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police;
- implementing policies such as 'Ask Angela' and 'Ask Clive'.

E1.8.4 Section E4.6 of this policy deals specifically with protection of children from Child Sexual Exploitation

E1.9 Entitlement to Work/Immigration Status for Individual Applicants and Applications from Partnerships which are Not Limited Liability Partnerships

E1.9.1 A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

E1.9.2 Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

E1.9.3 Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

E2. Public Safety

E2.1 The Council recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

E2.2 The Council is aware that applicants are legally responsible for complying with a range of public safety legislation, for example the Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005, and for conducting suitable risk assessments in relation to their premises. Failure to comply with these requirements may lead to representations from responsible authorities when public safety is put at risk.

E2.3 The Council takes its responsibility for public safety seriously and is aware of a growing trend nationally to encourage alcohol consumption by adding substances to alcohol to make them more attractive to customers either in appearance or by increasing the speed of alcohol ingestion, for example liquid nitrogen in cocktails. This practice is strongly discouraged due to the inherent risks to public safety and the Council will actively use its regulatory powers where premises licence/club premises certificate holders ignore this advice.

E2.4 Capacity

E2.4.1 "Safe capacities" should only be imposed on licences where necessary for the promotion of public safety or the prevention of disorder. If a capacity has been imposed through other legislation it would be unnecessary to reproduce it as a licence condition. It would also be wrong to impose conditions that conflict with other legislation. If no safe capacity has been imposed by other legislation, however, a responsible authority may consider it necessary for a new capacity to be attached. For example, a capacity limit may be necessary to prevent disorder as overcrowded premises can increase the risk of crowds becoming frustrated and hostile.

E2.4.2 In the case of premises that converted an existing public entertainment licence during the transitional period, all conditions were transferred to the new licence as embedded restrictions unless a subsequent application was made to remove them. The public entertainment condition restricting capacity was not specifically imposed for fire safety reasons and therefore remains on the licence as a current enforceable condition.

E2.5 Entertainment Venues

E2.5.1 Where venues providing entertainment use equipment or special effects that may affect public safety, such as strobe lighting, smoke machines, etc., the Council will expect the premises licence holder to have carried out risk assessments and taken the necessary actions to safeguard patrons at the premises.

E2.5.2 Venues that provide facilities for music and dancing, in particular nightclubs, should consider additional measures that may be appropriate such as, but not limited to:

- air conditioning and ventilation
- cloakroom facilities (any charges kept to a reasonable amount)
- quiet areas away from the music and dancing
- prevention of overcrowding, particularly on the dance floor
- regular collection of used drinking vessels

E2.6 Fire Safety

E2.6.1 From 1st October 2006, the Regulatory Reform (Fire Safety) Order 2005 (“the Order”) replaced previous fire safety legislation. By virtue of Article 43 of the Order, any licence conditions that fall within the Order’s remit automatically cease to have effect. The Council will not seek to impose fire safety conditions where the Order applies however the Council will impose public safety conditions where appropriate.

E2.6.2 Whilst the Council is aware that they should not be duplicating other statutory responsibilities in relation to fire safety, conditions may be appropriate for the protection of public safety for matters outside the remit of the Order.

E2.7 Public Safety Assessment

E2.7.1 The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- safe capacities in identifiable areas of the premises that can be evacuated quickly in the case of an emergency
- policies in relation to persons wishing to smoke at the premises, including provision of identified areas and separation from admission queues
- policies in relation to admission and readmission particularly control of capacity and queuing
- policies in relation to the safe dispersal of patrons from the premises and locality
- sufficient basic first aid provision and responsibilities for contacting the emergency services.

E2.7.2 In order to assist applicants with promoting the public safety licensing objective, NHDC’s Commercial Team has compiled the following table of considerations. This table is not exhaustive and does not supersede or replace any other statutory obligations. The level of detail required will be proportionate to the size of the premises and the requested activities.

Planning and Management

The applicant should have a written explanation of the management arrangements of the premises, including cover during periods of absence.

The maximum capacity of the premises, including individual room capacities, based on available space excluding fixtures, fittings and furniture, number of available exits and exit widths and stairs and other hazards.

The applicant should have a means of accurately counting the total number of customers and staff on the premises.

The applicant should have arrangements for supervising contractors on the premises, including the ability to act on poor performance.

Venue Design

The premises should be designed so any change in level is clearly indicated by contrasting colour nosings (or similar) to reduce the risk of tripping.

People Management

Where a premises employs door supervisors there needs to be an effective means of communication between staff.

Transport Access Pedestrian and vehicle access routes need to be clearly separated wherever possible
Barriers Any barriers must be of an appropriate type and installed by a competent person in accordance with an appropriate risk assessment.
Temporary Demountable Structures Any temporary structure (for example marquees, stages, etc.) should be installed and signed-off as 'fit for purpose' by a competent person. The structure should be monitored throughout its use by a competent person to ensure the safety of staff, performers and customers at the premises.
Electrical Installations and Lighting Needs to be checked and maintained by a competent person in accordance with national standards. Temporary electrical installations needs to be suitable for the intended use and checked in accordance with national standards.
Water Supply If extending the water supply network outside of fixed premises, please seek advice from Environmental Health.
Special Effects Any special effects (for example, lasers, smoke machines, pyrotechnics, etc.) should be installed and operated by a competent person in accordance with manufacturers' instructions.
LPG Any LPG containers should be stored, used and disposed of in accordance with manufacturers' instructions.

E2.8 Sanitary Facilities

E2.8.1 The following table details the minimum customer sanitary facilities expected by the Council. Sanitary facilities for staff are dealt with under separate healthy & safety legislation. The table is based on a 50:50 split between male and female customers and should be adjusted where necessary dependant on the specific premises.

Capacity	Female	Male
Less than 20	1 x WC 1 x Wash Hand Basin	Shared with female customers
20 to 50	1 x WC 1 x Wash Hand Basin	1 x WC 1 x Wash Hand Basin
51 to 100	2 x WC 2 x Wash Hand Basin	1 x WC 1 x Urinal 2 x Wash Hand Basin
100 plus	2 x WC per 50 persons up to 200 then add 1 x WC per 100 persons thereafter 1 x Wash Hand Basin per WC	1 x WC per 100 persons up to 400 then add 1 x WC per 250 persons thereafter 1 x Urinal per 50 persons 1 x Wash Hand Basin per WC plus 1 x Wash Hand Basin per 5 urinals

E3. **Prevention of Public Nuisance**

E3.1 Overview

E3.1.1 Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise from their operation. The Council interprets 'public nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social behaviour, where matters arising at licensed premises impact on those living, working or otherwise engaged in activities in the locality. Ordinarily, the Council's Environmental Protection & Housing Team, in their role as a responsible authority, would take the lead in respect of nuisance issues.

E3.1.2 Despite the wide interpretation of public nuisance, the Council does not consider this objective to apply to matters where there is other suitable legislative provision for example, but not limited to:

- welfare of animals
- conservation areas
- flora and fauna

E3.1.3 The Council encourages applicants to seek early engagement with the Environmental Protection & Housing Team when preparing an operating schedule, ideally before submitting an application. The following examples of control measures is not an exhaustive or exclusive list but is given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or licensable activities:

- (i) appropriate instruction, training and supervision of those employed or engaged in the business (such as external DJs, performers, etc.) to prevent incidences of public nuisance; and
- (ii) adoption of best practice guidance such as, but not limited to:
 - the Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics;
 - Safer Clubbing: The National Alcohol Harm Reduction Strategy Toolkit;
 - the British Beer and Pub Association's Guide on Effective Management of Noise from Licensed Premises; and
 - the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council.

E3.1.4 The Council recognises that conditions relating to noise nuisance may not be appropriate in certain circumstances where the provisions of other legislation (for example, the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005) adequately protect those living in the areas surrounding the premises. That said, the approach of the Council will be one of prevention and it will consider each application on its own merits, having due regard to the avoidance of duplication balanced against the effectiveness or otherwise of the other legislative provisions.

E3.1.5 Where there is the potential for public nuisance and the applicant's operating schedule does not fully address the concerns, NHDC's Environmental Protection & Housing Team may request the applicant to volunteer additional conditions to avoid the need for a representation. Example conditions are included in the attached appendix of Model Conditions to assist applicants with the wording of suitable conditions. The applicant is under no obligation to agree to the suggested conditions if they believe they are not appropriate or proportionate. If the applicant does not wish to volunteer the suggested conditions then a representation may be made which will result in the matter being referred to a licensing sub-committee for determination.

E3.2 Noise from Entertainment

E3.2.1 This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. indoor sporting events). Measures to prevent a public nuisance may include, but are not limited to:

- installation of soundproofing;
- installation of noise-limiting devices;

- provision of acoustic lobbies;
- no externally played music;
- restrictions on the times and types of entertainment;
- keeping windows and doors closed (i.e. with self-closing devices).

E3.2.2 Soundproofing and other structural modifications may be identified as a requirement following an acoustic survey of the premises. Such a survey may be requested if the building is old and/or insufficiently insulated, very close or adjacent to neighbouring properties and/or the type of entertainment could be considered unsuitable for the premises without additional noise mitigation measures being implemented.

E3.2.3 Noise-limiting devices may be requested, in particular, where the entertainment takes place with sound systems not provided in-house (i.e. brought in by a hired DJ), where the premises is in a residential area or where the premises has a history of noise issues. Before imposing conditions requiring a noise-limiting device, the Council will give consideration to paragraph 2.16 of the Guidance which states:

2.17

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

E3.2.4 The Council is aware that entertainment has been deregulated between the hours of 08:00hrs and 23:00hrs on licensed premises under certain circumstances (see section 16 of the National Guidance). There is a safeguard that, at a review hearing, the deregulation can be removed by a licensing sub-committee if they deem it appropriate in order that entertainment can then be controlled through restrictions of hours or addition of licence conditions.

E3.2.5 A licensing sub-committee will not impose restrictions or licence conditions on a licence/certificate that relate to deregulated entertainment in order that they can automatically apply if deregulation is subsequently removed. At a review hearing where it is decided to remove deregulation, the licensing sub-committee should tailor any restrictions and/or conditions based on the evidence submitted to them at that time.

E3.3 Noise and Disturbance from Customers

E3.3.1 This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of premises smoking and/or drinking and customers arriving at, leaving or queuing outside premises. Measures to prevent a public nuisance may include, but are not limited to:

- use of time restrictions on specified areas of the premises (different times can apply to different areas);
- cessation of the use of certain areas of the premises;

- supervision of outdoor areas, entrances and exits;
- suitably worded, clear and prominent signage;
- restriction of seating in outdoor areas of the premises;
- restriction of times that drinks can be taken in specified outdoor areas of the premises;
- restriction of the number of customers permitted in specified outdoor areas of the premises, including time-specific restrictions (different numbers and times can apply to different areas).

E3.4 Noise from Plant and Equipment

E3.4.1 This includes noise and vibration from ventilation, air conditioning and refrigeration equipment. Measures to prevent a public nuisance may include:

- installation of acoustic enclosures or barriers;
- installation of soundproofing;
- relocation of equipment;
- replacement of equipment with new and/or quieter models;
- timing devices to limit the use of equipment at certain times.

E3.4.2 Please be aware that such measures may require planning consent from the local planning authority; it is advisable to discuss any intended changes with them prior to undertaking any works.

E3.5 Noise from Servicing

E3.5.1 This may include noise from deliveries, collections and on-site disposal of bottles and other waste or recyclable materials. Measures to prevent a public nuisance may include:

- restrictions on times that deliveries, collections and disposal of bottles and other waste or recyclable materials can take place;
- prevention of such activities in specific areas of the premises.

E3.6 Odour

E3.6.1 This can include the generation of odour from refuse storage, smoking areas and kitchen extraction/ventilation systems. Measures to prevent a public nuisance may include:

- suitably located refuse storage, smoking areas and kitchen extraction/ventilation systems;
- incorporation of an appropriate filtration system into the kitchen extraction/ventilation system (i.e. carbon or UV filters).

E3.7 Lighting

E3.7.1 This can include external lighting, security lighting and lighting displays. Measures to prevent a public nuisance may include:

- suitably selected lighting installations (i.e. luminaires without excessive power output and with appropriate shielding);
- suitably located and directed lighting installations.

E3.7.2 The Council is aware that security lighting plays an important part in securing the premises and promoting the prevention of crime and disorder objective. Before imposing conditions

restricting security lighting, the Council will give consideration to paragraph 2.20 of the Guidance which states:

Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

E3.8 Litter

E3.8.1 Measures to prevent a public nuisance may include:

- entering into a waste contract agreement (including appropriate recycling provision);
- provision of external litter bins for customers;
- regular litter picks in the immediate surrounding area of the premises.

E3.8.2 The Council is aware that it would be unreasonable and disproportionate to require licence holders to be responsible for littering associated with their products when patrons have gone beyond their control. The Council will, however, expect licence holders to take responsibility for ensuring that the immediate surrounding area is regularly cleared of litter associated with their business operation.

E3.8.3 Whilst accepting that littering beyond the control of a licence holder cannot be controlled by licence conditions, litter constituting a public nuisance under the Licensing Act 2003 may still require the licensing authority to restrict opening times or ultimately suspend or revoke a licence where the nuisance directly attributable to that premises cannot be appropriately mitigated.

E3.9 Balancing the Council's Vision with the Prevention of Public Nuisance

E3.9.1 The Council is fully aware of the nuisance that can be caused by poorly managed or inappropriately located premises, however, will seek to strike an appropriate balance with its vision of promoting a diverse and vibrant day-time and night-time economy.

E3.9.2 The provision of well-managed and controlled entertainment will be encouraged to promote the vision, however the potential disturbance to residents and businesses will need to have been adequately considered by applicants as part of their operating schedule

E3.9.3 Should disturbance from licensed premises become unreasonable, any review proceedings will seek to impose suitable control measures in the first instance. Should control measures prove ineffective or are deemed inappropriate then the restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.

E4. **Protection of Children from Harm**

E4.1 The Council recognises that the protection of children from harm objective relates primarily to children accessing or using licensed premises, or being exposed to activities taking place without having to access the premises (for example, underage alcohol sales, exposure to performances or advertising of an adult nature whether within or outside a premises).

E4.2 The Council welcomes the diversity of premises that will be licensed under the Act. The premises may include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-away shops, community halls and schools. The Council will not ordinarily seek to limit the access

by children to any premises unless it is considered appropriate for the prevention of physical, moral or psychological harm to them.

- E4.3 When deciding whether to limit access by children to premises, the Council will judge each application on its individual merits.
- E4.4 The Council believes that it is totally unacceptable to sell alcohol to children or expose them to entertainment of an adult or inappropriate nature. Premises where concern for the protection of children may arise include, but are not limited to, premises where:
- entertainment of an adult or sexual nature is provided;
 - there is a strong element of gambling on the premises;
 - there is a known association with drug taking or dealing;
 - a member or members of the current management have been convicted for serving alcohol to children;
 - it is known that unaccompanied children have been permitted access to the premises;
 - there is evidence of heavy, binge or underage drinking at the premises; or
 - the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- E4.5 There are a range of alternatives which the Council may consider for limiting the access of children which include, but are not limited to:
- a limit on the hours when children may be present;
 - a limitation or exclusion when certain activities are taking place;
 - the requirement to be accompanied by an adult;
 - limited access to parts of the premises; and
 - full exclusion of those people under 18 from the premises when any licensable activities are taking place.
- E4.6 Safeguarding against Child Sexual Exploitation (CSE)
- E4.6.1 Whilst the Council encourages a diverse and vibrant night-time economy and will not seek to limit access by children without appropriate reasons, it is acutely aware that licensed premises have the potential to expose children to the risk of child sexual exploitation.
- E4.6.2 The Council acknowledges that CSE awareness does not just apply to children on licensed premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.
- E4.6.3 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:
- awareness training for staff;
 - regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
 - close monitoring of patrons as they leave the premises;
 - recording and reporting concerns to the police.
- E4.6.4 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:
- developing relationships between a child and an older person;

- children in the company of a group of older persons;
- children regularly attending premises and meeting with a number of different older persons, particularly where older persons are buying alcohol for children;
- children outside of licensed premises developing relationships with older persons, particularly older persons buying alcohol for children;
- children leaving the premises with older persons, particularly with a group of older persons;
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons

E4.6.5 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate and should be precluded from the night-time economy, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

E4.6.6 The Hertfordshire Safeguarding Children Board (HSCB) has a dual role in respect of preventing CSE within licensed premises. The HSCB is a responsible authority under the Act having been nominated by the Council to undertake this function in relation to the protection of children from harm objective. The HSCB also monitors compliance with the statutory requirements under section 11 of the Children Act 2004 to safeguard and promote the welfare of children. Applicants are encouraged to visit the HSCB website for advice www.hertssafeguarding.org.uk

E4.6.7 Of particular relevance to applicants is the Information Handbook for Licensed Premises available from the HSCB website. The Council expects applicants to read this handbook and ensure that the operating schedule identifies all management controls, particularly preventing CSE, appropriate for the promotion of the prevention of children from harm objective.

E4.6.8 The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the operating schedule.

E4.7 Conditions requiring the admission of children to premises cannot be attached to licences or certificates. Where no restriction or limitation is imposed, the issue of access will remain a matter of discretion of the individual licensee or club or holder of a temporary event notice.

E4.8 The Council recognises the HSCB as being competent to advise on matters relating to the protection of children from harm.

E4.9 The Council supports voluntary Codes of Practice such as "Challenge 21", "Challenge 25" or "PASS" (or other similar) accredited systems as relevant at any given time. Alcohol should be packaged and promoted in a socially responsible manner so as not to encourage drinking amongst those who are under eighteen years old.

E4.10 The Council expects applicants to be clear in their operating schedules about the activities and times of intended adult entertainment in order to determine when it would be appropriate to enter the premises.

E4.11 The Council expects applicants to fully set out the steps they propose to take to protect children from harm when preparing an operating schedule. Dependant on the nature of the proposed business model, there may be times when the presence of children in the premises would be inappropriate. The Council encourages applicants to undertake a self-

assessment of their proposed business model in relation to the welfare of children and propose any appropriate restrictions as part of their operating schedule.

SECTION F: GENERAL CONSIDERATIONS

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

F1. Context

- F1.1 For ease of understanding, this Policy has been written from the perspective of advising applicants and the public and includes many references to ‘applicant’ or ‘applicants’.
- F1.2 The Policy applies equally to existing licence holders for the duration of a licence and during review proceedings. The term ‘applicant(s)’ should be read equally as ‘licence holder(s)’ in this context.
- F1.3 It is the Council’s clear intention that this Policy is read as one complete document rather than a series of individual sections. Reading individual sections in isolation may not fully explain the consistent threads running throughout the policy or the relationship of an individual section with other aspects of the policy. The Council strongly recommends that applicants read the entire policy as part of any application process.

F2. Meaning of ‘appropriate’

- F2.1 There are many references throughout this Policy to the term ‘appropriate’. The Act states at section 18(3)(b) that when relevant representations are received the licensing sub-committee has to consider what steps “*it considers appropriate for the promotion of the licensing objectives*”.
- F2.2 There is no current legal definition of the term appropriate, however the Guidance states:

9.43

The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

- F2.3 The Council anticipates that, in due course, case law will provide clarity on the meaning of ‘appropriate’. Until such time that the courts make a judgement the Council will give ‘appropriate’ its ordinary meaning as expanded on by paragraphs 9.39 and 9.40 of the

Guidance, subject to the over-arching requirement that determinations should be reasonable and proportionate.

F2.4 **Case law** has defined 'proportionate' as generally requiring a four-step test, namely:

- there must be a legitimate aim for a measure;
- the measure must be suitable to achieve the aim;
- the measure must be necessary to achieve the aim (that there cannot be any less onerous way of achieving it); and
- the measure must be reasonable, considering competing interests.

The Council is aware that their determinations must be proportionate to the evidence received in respect of an application and will have regard to this definition.

F2.5 The Council acknowledges that proportionality is a key factor in assisting with the definition of 'appropriate'.

F3. Integrating Strategies

F3.1 Through consultation, the Council will endeavour to secure integration with local crime prevention, planning, transport, tourism, cultural and community strategies.

F3.2 The Council may give due consideration to wider strategic issues when dealing with applications. The Licensing Committee may receive reports, when appropriate, on the:

- (i) needs of the local tourist economy;
- (ii) cultural strategies for the area;
- (iii) employment situation and the need for local investment; and
- (iv) planning considerations that may affect licensed premises.

F3.3 The Council recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation between the planning and licensing regimes to avoid duplication and inefficiency. That said, it will not be of benefit to the applicant or community to have a clear conflict between planning and licensing decisions.

F3.4 The Council acknowledges that a minority of customers will behave badly and unlawfully once away from well-managed licensed premises. Whilst the Council cannot use its licensing function to directly control the behaviour of customers once they are away from licensed premises, it can place control measures on customers in the immediate surrounding areas of the premises where they remain within the licence holder's control. Where customers move beyond the control of the licence holder, other control measures outside the licensing function include:

- planning policy and controls;
- the power to ban alcohol consumption in designated areas and police powers to confiscate alcohol within these areas;
- police enforcement of the law relating to anti-social behaviour and disorder, including the use of dispersal powers, fixed penalty notices and the new powers introduced under the Anti-social Behaviour, Crime and Policing Act 2014 (such as Community Protection Notices, Public Space Protection Orders and Criminal Behaviour Orders); and

- positive measures to create and maintain a safe night-time economy in partnership with local businesses, transport providers and trade bodies (such as Business Improvement District Companies).

F3.5 The Council will work with partner agencies to integrate its licensing function with other local strategies by establishing best working practices and utilising some of the controls available to the Council under the licensing function such as:

- powers to close down licensed premises immediately for up to twenty-four hours on the grounds of disorder, the likelihood of disorder or excessive noise associated with the premises;
- powers for responsible authorities or residents to request a review of an existing authorisation under the Act;
- targeted joint agency enforcement against premises failing to promote the licensing objectives or contravening legislation;
- promoting Challenge 25 (or equivalent) proof of age schemes; and
- supporting an information sharing agreement between responsible authorities to ensure timely targeted action against problem premises.

F4. The Avoidance of Duplication

F4.1 In order to avoid duplication with other regulatory regimes the Council will not, as far as reasonably possible, attach conditions to licences unless they are appropriate for the promotion of the licensing objectives and inadequately covered by other legislation. Ordinarily, conditions will be considered unnecessary if they are already adequately covered by other legislation.

F4.2 For transparency, the Council will not ordinarily consider matters raised in representations where there is other suitable legislative provision for example, but not limited to:

- welfare of animals
- conservation areas
- flora and fauna

That said, any convictions obtained under other legislation is something that could be considered as part of a review.

F4.3 Notwithstanding the above, it is the responsibility of the applicants to ensure that they have all necessary consents, whether statutory or otherwise, and it should not be assumed that an authorisation under the Licensing Act 2003 removes this responsibility.

F4.4 The decision of one statutory authority (for example, the licensing authority or the planning authority) is no indication of the likely decision of the other. Indeed, statutory authorities may make representations to each other under each authority's legislation.

F5. Planning

F5.1 Planning and licensing are two entirely separate processes and neither authority is bound by a decision of the other. Planning is predominately a decision about what the premises can be used for in relation to local amenity, whilst licensing is predominately a decision about what activities can be provided and how that premises is managed.

F5.2 The Council must ensure that any licensing decision is restricted to addressing the four licensing objectives and is not simply a re-run of the planning process.

- F5.3 Whilst there may be occasions when licensing hours differ from those granted by the planning authority, or vice versa, the two authorities should seek to ensure that there are not significant differences which may cause confusion for the applicant and residents alike. Paragraph 9.45 of the Guidance states:

“Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.”

In situations where conflicting permitted hours do apply, the licence holder must observe the earlier closing time.

- F5.4 The Council will ensure that there is proper integration with the planning authority by providing licensing updates, when appropriate, in respect of the general impact of licensed premises on the respective localities.
- F5.5 The planning authority is a responsible authority under the Act and can make representations on applications, however it can only make representations in respect of the licensing objectives. Nuisance and crime and disorder are shared concerns of both regimes and may attract representations under both processes. Concerns that relate to the character of an area and local amenity but fall short of being a public nuisance are outside the scope of the licensing objectives and are matters solely for the planning authority.
- F5.6 The absence of lawful planning use is not a matter for the licensing function. Although the planning status may be brought to the attention of officers and the licensing sub-committee, the absence of lawful planning use is a matter for the planning authority.
- F5.7 Conversely, the existence of lawful planning permission does not preclude the Council from considering an application in relation to the licensing objectives and making an appropriate determination, which may include refusal.

F6. Street Trading

F6.1 Tables and Chairs

- F6.1.1 The Council is aware that businesses often wish to encourage a ‘café culture’ within towns and villages and provide tables and chairs outside of their premises for the consumption of food and drink. If these areas are within the control of the applicant they should be clearly marked on the plan accompanying an application and the management of these areas should be fully considered within the operating schedule.
- F6.1.2 If the area used for the provision of tables and chairs is not part of the curtilage of the premises and falls within the definition of the ‘highway’, permission must be sought from Hertfordshire County Council pursuant to Part VIIA of the Highways Act 1980. The Council recommends that applicants seek advice from Hertfordshire County Council as to what constitutes the highway.
- F6.1.3 During national and worldwide emergencies, such as pandemics, Government may introduce temporary measures to stimulate the economy and/or protect the public. For example, during the 2020 Coronavirus pandemic the Government gave district councils temporary powers to licence tables and chairs on the highway. In such instances, the Council will work closely with the County Council to ensure an appropriate balance between facilitating street licensing for businesses and the promotion of the licensing objectives.

F6.1.4 For the avoidance of doubt, for the purposes of the licensing function the Council will consider any area where tables and chairs are provided by the premises for the consumption of food and/or drink as within the control of the licence holder and subject to any appropriate licence conditions.

F6.2 'A' Boards and Other Advertising Structures

F6.2.1 Similarly, the provision of A boards or other advertising structures on the highway requires the consent of Hertfordshire County Council pursuant to Part VIIA of the Highways Act 1980. The Council recommends that applicants seek advice from Hertfordshire County Council as to what constitutes the highway.

F6.2.2 The Council recognises that a proliferation of such advertising structures on the highway can cause considerable nuisance to pedestrians, particularly persons with disabilities or adults with young children. Given that the Council considers public nuisance under the Act in its widest sense and this is a matter within the control of the licence holder, the Council may consider licence conditions restricting, prohibiting or controlling the use of such structures as appropriate in order to promote the prevention of public nuisance licensing objective.

F6.3 Stalls and the Sale of Goods

F6.3.1 Community and cultural events involving licensable activities, for examples village fetes, fundraising events, music festivals, etc., often involve the provision of market-type stalls where goods can be purchased.

F6.3.2 The provision of stalls on the highway (with the term highway encompassing the carriageway, footways and adjoining public spaces) requires a consent from North Hertfordshire District Council if it takes place within the four main conurbations and/or the respective arterial roads.

F6.3.3 The Council recommends that applicants considering applications that involve the provision of stalls consult the North Hertfordshire District Council's Street Trading Policy available on the Council's website <http://www.north-herts.gov.uk/home/licensing/street-trading>

F6.3.4 In order to use Council-owned land for such events, applicants are required to obtain a land licence from North Hertfordshire District Council. Further information is available by clicking on the following link <http://www.north-herts.gov.uk/home/leisure/events/organising-event> In order to assist in minimising administration for applicants, the granting of a land licence includes the necessary street trading consent to provide stalls.

F7. Model Licence Conditions

F7.1 The Council accepts that the wording of licence conditions, either by applicants or a licensing sub-committee, is challenging to achieve the requirements of being clear, reasonable, proportionate and enforceable.

F7.2 Additionally, the duty of the Council to convert an operating schedule into licence conditions should be consistent and transparent.

F7.3 To assist applicants and licensing sub-committees with this process the Council has included an appendix to this Policy detailing model licence conditions. The conditions included in Appendix A have been developed since the introduction of the Act and represent best practice and effective existing conditions.

F7.4 Appendix A is not intended as a 'wish list' for licensing sub-committees to select conditions or as a list of requirements for applicants to replicate in order to obtain a licence. The pool of model conditions is provided in order to assist with the drafting of conditions that are proportionate, reasonable and enforceable where it has been deemed appropriate to impose a condition. Any conditions drawn from the pool of model conditions will be tailored to the individual premises and activities specific to each application and will still be subject to the need to promote the licensing objectives and be appropriate **and proportionate** to address concerns raised through representations.

F7.5 The Council acknowledges that this pool of model conditions must not fetter the discretion of the decision maker but must instead be used solely to ensure consistency of approach where the particular circumstances of an application merit the imposition of a condition.

F8. Matters within the Licence Holder's Control

F8.1 The Council acknowledges that conditions cannot be imposed on an authorisation where it would be either impracticable or impossible for the licence holder to comply with such conditions when customers have left the premises and are beyond the control of the licence holder.

F8.2 That said, if behaviour of customers beyond the control of the licence holder can be causally linked to a specific premises and it is causing crime and disorder or a nuisance it is wrong to assume that the Act cannot address this; section 4 of the Act gives the Council a positive duty to deal with it proportionately. Whilst conditions would be inappropriate in these scenarios, the Council is strongly of the view that activities and/or operating times of an authorisation should be restricted, or an authorisation refused or revoked, where appropriate for the promotion of the licensing objectives.

Examples of behaviour falling within this paragraph include, but are not limited to:

- noise associated with customers once they have left the premises
- anti-social behaviour of customers such as unlawful parking, criminal damage, intimidatory behaviour, or any alcohol-related criminality

F8.3 Customers queuing to enter a premises are considered by the Council to be within the control of the licence holder therefore conditions relating to controlling a queue could be imposed where it is appropriate to promote the licensing objectives. If a licensing sub-committee believes that there are no suitable conditions to control customers waiting to enter a premises, serious consideration should be given to refusing the application (or revoking the licence if the licensing sub-committee is considering a licence review).

F8.4 The Council recognises that initiatives are available that assist with calming or reducing the incidences of disorder or nuisance as customers leave a premises and expects these to be fully considered in the operating schedule.

F9. Late Night Refreshment

F9.1 The Council is of the view that late night refreshment premises, in particular takeaways, play an important part of a vibrant late-night economy. That said, badly managed premises contribute to late night disorder and applicants should consider the potential impact of their premises in the operating schedule of an application.

F9.2 Where appropriate, for example in areas with known late-night economy disorder, the Council may impose conditions in relation to door supervision and evening litter collections.

Such conditions will only be imposed, however, where appropriate for promoting the prevention of crime and disorder and/or prevention of public nuisance objectives.

- F9.3 The Council is aware that section 71 of the Deregulation Act 2015 amends the Licensing Act 2003 to allow councils to designate areas within their boundaries where late night refreshment is exempt from licensing. Given the potential impact these premises can have on the licensing objectives, the Council has no current plans to designate any exempt areas.

SECTION G: LOCAL LICENSING POLICY (LARGE SCALE OUTDOOR EVENTS)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

G1. General

- G1.1 This section of the Policy deals with events with an intended capacity of five hundred and above. Capacities below that figure can be dealt with ordinarily by way of a temporary event notice which applies a ‘light touch’ approach to licensing, however, this does not preclude an application for a premises licence/club premises certificate.
- G1.2 **This section is to be read in conjunction with and supplementary to all other sections of the Policy.**
- G1.3 This section of the Policy is designed to assist applicants, responsible authorities, the public and licensing sub-committees with applications in relation to large-scale events provided outdoors. Events such as music festivals, community fun days, etc. which take place on land open to the air but with the use of temporary demountable structures are considered to be outdoor events for the purposes of this Policy.
- G1.4 For clarity, this section of the Policy does not apply where licensable activities are proposed to take place solely within permanent structures that are used solely or regularly for such licensable purposes.
- G1.5 The Council acknowledges that unless its discretion is engaged by means of relevant representations, the application must be granted as applied for subject only to mandatory conditions or conditions consistent with the operating schedule supplied as part of the application. This section details the method of determination used by the Council once its discretion has been engaged and a hearing takes place.
- G1.6 The Council will take this general approach to the determination of all applications for the grant of a premises licence or club premises certificate, that are made for events that are occasional in nature and/or are large in scale as defined in this section of the Policy.
- G1.7 The Council will also have regard to this section for all applications made to vary or review licences or certificates. As variation or review applications can often be less complex than the initial application for the grant of a licence/certificate, the Council will determine whether the timescales included in this section apply based on the individual merits of the variation being sought. Applicants are advised to contact the licensing team so that early discussions on this matter can commence.
- G1.8 Due to the specialist nature of large scale events, particularly in respect of temporary demountable structures, the appropriate responsible authority may consult with other authorities such as Hertfordshire Building Control on all large scale event applications to

ensure the licensing authority has all relevant information when considering the licensing objective of public safety. **It is likely that the appropriate responsible authority will require the applicant/licence holder to obtain design advice and sign-off for bespoke temporary demountable structures from a specialist structural engineer.** This paragraph does not preclude the appropriate responsible authority obtaining advice on non-large scale applications, particularly when the use of bespoke temporary demountable structures is proposed.

G2. Authorisation under a premises licence / club premises certificate

- G2.1 Occasional and/or large scale events can be authorised by a one-off, a time-specific, or a permanent licence/certificate. Applicants are encouraged to seek advice on the most appropriate type of application from the Council's licensing team.
- G2.2 These events have significant potential to considerably undermine the promotion of the licensing objectives, due to their sheer size, complexity and the potential implications for the planning of a safe event. The Council strongly believes that this risk can only be adequately mitigated by the early submission of an up to date and detailed operating schedule that is specific to the proposed event on each separate occasion.
- G2.3 The Council acknowledges that it is inherent in the Act that responsible authorities and other persons should be given the opportunity to make representations related to the nature of the individual event which is planned. The potential for adverse effects on the promotion of the licensing objectives can vary significantly between events, even when similar events are held on a regular basis. In order to support the promotion of the licensing objectives, the Council believes that responsible authorities have a role in ensuring the safety of every large-scale event, in particular when annual or multiple events are held under a single permanent premises licence.
- G2.4 Additionally, the Council's Enforcement Policy may be less effective because of the short duration and occasional nature of these events. The Council's incremental and proportionate response to problems arising may not be as effective in resolving issues on an occasional and irregular basis, particularly with changing event personnel. This paragraph should not be construed as meaning that the Enforcement Policy does not apply, or will not be applied, to large scale events.
- G2.5 Whilst the Council acknowledges the applicant's right to submit a one-off or time specific licence/certificate application, it encourages applicants to submit an application for a permanent licence/certificate. This provides the applicant with the flexibility of a licence that would allow the submission of an up to date and detailed operating schedule on each occasion the event is to be held, but safeguards the rights of responsible authorities and other persons to hold the licence/certificate holder to account by way of an application for a review.
- G2.6 Sites for large occasional events are not usually purpose built for the variety of licensable activities that can take place, therefore there is considerable work involved before, during and after such events in planning and organising the event as well as co-ordinating and ensuring the full involvement of all the emergency services to ensure a safe and well managed event. The Council believes that this can only be adequately achieved by the full and ongoing involvement of the licensing authority and responsible authorities in liaising with the applicant, whilst they are compiling the operating schedule for each individual event.
- G2.7 For these reasons, the Council considers that where an applicant attempts to submit an operating schedule that may refer to a series of events, potentially over a period of years,

the detail and relevance of this important document is likely to be critically diluted unless it includes time-specific conditions relative to each event to allow the responsible authorities to consider the potential impact on the licensing objectives of each event.

- G2.8 The Council acknowledges that it is under a statutory obligation to administer and enforce the licensing regime to promote the licensing objectives. The organiser of an event, however, has additional and fundamentally different considerations in planning, organising and managing their event including financial concerns (the amount of profit made for either charitable or private gain) and satisfying the demands of those attending the event (for example, music sound levels to meet the expectations of the audience). These considerations and other matters can conflict with the priorities of the Council in terms of the promotion of the licensing objectives.
- G2.9 Whilst the Council can only consider the application before them based on the individual merits of the case, the Act allows an application for the transfer of any such licence / certificate. In these circumstances, only the police may object and then only in respect of the prevention of crime and disorder objective. This clearly does not permit consideration of the potential impact of the new management structure upon the other equally important licensing objectives. This is of particular concern to the Council given the high level of organisational and management skills required in connection with providing such events. Additionally, the Council is aware that a review application is not necessarily suitable to mitigate such a high risk due to the length of time required to hold a review and the burden of proof required in making the case.
- G2.10 Whilst the ability to request a review has the potential to deal with problems arising with a licence/certificate, the Council recognises that the aim of the Act is to prevent problems arising at the outset rather than merely reacting to actual or anticipated problems at a later date.
- G2.11 The Council has therefore adopted the following policy that will apply to large scale events when relevant representations have been made and the application is referred to a licensing sub-committee for determination:
- (i) In respect of an application for a one-off, time-specific or permanent licence/certificate for the holding of occasional and/or large-scale events the Council will consider, amongst other matters, whether the operating schedule:
 - (a) defines the events proposed with sufficient certainty to enable responsible authorities and the Council to adequately consider the risks to the licensing objectives arising from the event; and
 - (b) defines the measures proposed to avert those risks with sufficient certainty to enable responsible authorities and the Council to make a balanced judgment as to whether the measures will be sufficient to mitigate those risks.
 - (ii) The Council will generally require a high degree of certainty before deciding that the operating schedule fulfils this requirement, but will decide that matter on the individual merits of each case.
 - (iii) In cases where the Council determines that the operating schedule is not drafted with sufficient certainty, the application will normally be refused, save in exceptional circumstances. It is unlikely that the circumstances will be considered exceptional unless the applicant gives assurances and safeguards that the licensing objectives

will be met despite the lack of certainty in the operating schedule and suitable conditions can be imposed on the licence to mitigate this risk.

- (iv) In cases where the Council determines that the operating schedule is drafted with sufficient certainty then, in determining the application, the Council will consider any relevant risks arising from the temporary nature of the events proposed in the application in relation to the promotion of the licensing objectives.

G3. Minimum periods of notice that should be provided by an applicant prior to the intended use of such a licence

- G3.1 The Council requires the following minimum periods in order to process applications for large scale events, however, the Council encourages the submission of applications as early as possible:

Maximum capacity at any one time (inc. staff and performers)	Minimum Notice Period for Application
500 - 900	2 months
1000 – 4999	3 months
5000 – 14999	4 months
15000 – 19999	5 months
20000 +	6 months

Note: the starting point of two months is based on the minimum amount of time needed for an application to be considered allowing for the prescribed consultation period and a Hearing if necessary.

Where relevant representations have been made and the application is referred to a licensing sub-committee for determination, the Council will generally refuse all such applications that are not submitted, and duly made, in accordance with the minimum notice periods prior to the event, except in exceptional circumstances.

- G3.2 The Council's reasons for this policy principle are the following:

- (i) These events have significant potential to considerably undermine the promotion of the licensing objectives due to the numbers of people attending, the sometimes temporary nature of facilities and, most importantly, the variety and complexity of matters that may be relevant to the planning and organising of such events. The Council believes these potentially adverse impacts can only be mitigated in a full and proper manner by an applicant engaging with the licensing process at an appropriate time before the event.
- (ii) Furthermore, where less notice is provided there may be insufficient time for the licensing process to run its full course, namely there may insufficient time prior to a proposed event for any party to appeal the Council's decision if they are not satisfied. It is clear that such cases can be complex and controversial, potentially involving considerable court time on appeal; this may create a situation where for any aggrieved party to an application to engage in the appeal process becomes effectively impossible due to time constraints before a proposed event.
- (iii) Alternatively, an appeal decision may be made that due to its proximity to an event either does not:
 - (a) deter some of those hoping to attend from still doing so (where the application has been refused) which could potentially adversely impact upon the licensing objectives; or

- (b) where an application has been granted, the resources spent on such an appeal may have adversely affected the promotion of an event or undermined the planning and management of it.
- (iv) If less notice is given by an applicant, they may have insufficient time to respond fully to representations that may have been submitted. This is particularly relevant where responsible authorities and/or other persons take the view that an application is lacking in detail and substance, and where the licensing process becomes drawn out in the lead up to the proposed event. This can lead to pressures on an organiser in the crucial lead up time to an event itself.

G4. Issues that an applicant should address in the operating schedule for such applications

G4.1 The Council is aware that responsible authorities, and sometimes other persons, often engage with applicants prior to submission of an application until sometimes after an event has taken place. This concept is referred to in the Guidance, as it would assist in promoting the licensing objectives by fostering a partnership approach. The Council supports this concept, but with an additional caveat. Prior to such engagement, applicants are expected to consider, and to make reference in their operating schedule to:

- (i) relevant technical advice from any professionals they employ/involve in the planning of the event (such as Health & Safety Consultants, Event Management Companies, etc.);
- (ii) relevant National Guidance (such as The Event Safety Guide, MUTA's Best Practice Guide, etc.); and
- (iii) relevant professional advice from agencies that are not responsible authorities under the Act (such as the Highways Authority, local transport providers, medical service providers, etc.)

G4.2 The Council's reasons for this policy principle are the following:

- (i) The demands on the responsible authorities can be disproportionate to their resources, particularly in light of the Council's policy of encouraging cultural activities such as music, dancing and theatre. This may place undue pressure on such bodies, undermining the level of scrutiny of such applications.
- (ii) It must be considered that the legal responsibilities connected to holding such events rests primarily with the organiser and land owner. Where an application does not contain reference to such guidance and expertise, statutory bodies may be placed in an untenable position where they may be open to litigation due to the level of input/advice they may have to provide, and by implication may have taken an inappropriate degree of legal responsibility/liability in connection with the event. The Council believes it is pertinent, therefore, to attempt to avoid such a problem arising.
- (iii) Where an applicant does not consider such advice and guidance before making an application, this can place responsible authorities and/or other persons in a difficult position due to the fact that many aspects of an application may be lacking and it may not allow full and proper consideration of the proposals during the consultation period. This may undermine their full and proper consideration of an application.

G5. Incorporating flexibility into an operating schedule to allow occasional events to develop under a permanent premises licence

- G5.1 In addition to encouraging applicants for occasional/annual events to apply for a permanent premises licence, the Council actively encourages applicants to build flexibility into their operating schedules. This allows for the event to evolve and incorporate best practice without undo restrictions on the management of the event and the site layout.
- G5.2 The Council recommends an operating schedule that contains basic management control conditions that would apply from event to event but with the majority of event management details to be incorporated into an Event Management Plan (EMP). One of the basic management control conditions can then link the final EMP to the operating schedule making it an enforceable operating schedule condition.
- G5.3 The content of the EMP can be defined by an operating schedule condition, ordinarily under generic headings, with any specific requirement of a responsible authority included as sub-headings. Varying timescales for each responsible authority and the provision of specified information can be incorporated within the EMP ensuring flexibility for the licence holder to develop the event and react to evolving issues such as ground/weather conditions or the availability of products/service providers.
- G5.4 The Council encourages an applicant to include an operating schedule condition stating required timescales for the issue of a draft EMP and the final EMP, ideally a specified number of days prior to the commencement of event build-up on site or the opening of the event to the public. This condition should also include any consequence of the failure to meet this requirement, for example, certain licensable activities are not permitted until compliance has been achieved or the event will not be permitted without the express approval of the licensing authority.
- G5.5 This type of EMP operating schedule condition (in effect a 'promise to provide' licence) allows the applicant flexibility to amend the details and layout for each event without the need to vary the premises licence whilst maintaining suitable control measures for the responsible authorities and the Council to ensure the promotion of the licensing objectives. As the EMP would be attached as a licence condition, failure to comply with its content would render the licence holder liable for operating otherwise than under an authorisation (section 136 of the Act).
- G5.6 The Council has encouraged this type of event premises licence for a number of years leading to successful annual events at venues such as Knebworth Park and recommends applicants to enter into pre-application discussions at the earliest opportunity to explore the suitability of this option.

G6. The prevention of crime and disorder

G6.1 General

- G6.1.1 Large scale events, in particular music festivals, have the potential to significantly impact on the prevention of crime and disorder objective for reasons such as, but not limited to:
- a significant number of event attendees being attracted to North Hertfordshire and the creation of 'an event community', often the size of small town;
 - disorder associated with travel to and from the venue;
 - potential criminal elements being attracted to the event, particularly multi-day events; and

- the additional pressures on police resources associated with the event.

G6.1.2 In preparing an application, applicants are encouraged to have early discussions with the police about the potential for crime and disorder associated with or at the event in order that any concerns can be addressed in the operating schedule.

G6.1.3 Given the potential impact on the licensing objectives of a large scale event, the Council will place significant weight on any representation received from the police and will give serious consideration to refusing the application unless the concerns raised in the representation are fully addressed.

G6.2 Dispersal Orders

G6.2.1 Where evidence exists that an event is likely to, or has the potential to, attract crime and/or disorder into North Hertfordshire, the police may consider the implementation of dispersal powers available by virtue of the Anti-social Behaviour, Crime and Policing Act 2014. This would allow the removal of any problem persons from a specified area to address these concerns (for example, rogue traders, known criminal gangs, disorderly persons, etc.)

G6.2.2 A decision relating to the implementation of dispersal powers is not a decision for the Council as part of the licensing function and dispersal powers cannot be imposed as a licence condition. That said a decision on whether or not to implement dispersal powers may be considered as part of the Sub-Committee's allocation of weight to a police representation.

G6.2.3 Additionally, an applicant's willingness or otherwise to support and assist with dispersal powers can be considered by a licensing sub-committee as part of its determination.

G6.3 Police Resourcing

G6.3.1 The Council is strongly of the view that it is not the responsibility of the police to provide a free security service for event organisers. The responsibility for security at events rests solely with the event organiser.

G6.3.2 Whilst it can be reasonably expected that the police will undertake their normal duties in support of an event, this service would be in addition to on-site security deployed by the event organiser.

G6.3.3 The Council is aware of existing case law in regard to the payment for policing resources at events and recognise the financial impact for event organisers. That said, if a police presence at an event is appropriate for the promotion of the licensing objectives, the Council accept that, save for exceptional circumstances, the need to secure the promotion of the licensing objectives outweighs the financial burden on the applicant.

G6.3.4 Where appropriate based on the evidence and/or any perceived risk, the Council may consider the imposition of conditions requiring a formal resourcing agreement with the police, including the advanced payment for such resourcing, to be entered into and complied with in order for the event to proceed.

G6.3.5 For events where the capacity, audience profile or perceived risk leads the Council to believe that a police presence on site is appropriate to promote the licensing objectives, the Council may consider the imposition of conditions requiring the applicant to make on site provision for any infrastructure required for the police to reasonably carry out their duties. These requirements may include, but are not limited to:

- a temporary custody area;
- a visible and accessible area for event patrons to attend;
- suitable accommodation on site for Police Commanders;
- suitable on site welfare provision for police personnel; and
- suitable IT equipment (telephony, internet, etc.) in order to facilitate any reasonable police request.

G6.4 Event Security

G6.4.1 As part of an operating schedule or an EMP, the Council expects an applicant to fully apprise the police of the event security plan (including any requested details of security companies and operatives) and comply with any reasonable requests from the police in finalising the event security arrangements.

G6.4.2 For events that will have the potential to pose a significant risk to the licensing objectives, applicants should give serious consideration to including a Security and Stewarding Plan (SSP) as part of their operating schedule or EMP. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring a SSP to be agreed with the police in advance of the event.

G6.4.3 Where appropriate based on the evidence and/or any perceived risk, the Council expects the security companies and operatives employed by the applicant to work closely with the police in regard to:

- information sharing;
- best practice;
- attendance at police briefings; and
- co-operation and assistance during the event.

G6.4.4 Where appropriate based on the evidence and/or any perceived risk, the Council may consider imposing conditions in relation to closed-circuit television (CCTV) at events for monitoring of audiences, camping, parking and ingress/egress.

G6.4.5 Where appropriate based on the evidence and/or any perceived risk, the Council may consider imposing conditions relating to a security search requirement on entry to an event site.

G6.5 Camping Provision

G6.5.1 The Council is aware that the provision of on-site camping for multi-day events increases the risk of crime and disorder, predominately through organised criminal elements that target festivals and festival campsites.

G6.5.2 Applicants are expected to liaise with local police to establish any perceived risk or intelligence associated with an event and address these concerns in the operating schedule or EMP. Control measures may include:

- 24hr campsite security patrols and car park stewarding;
- security fencing around the campsite;
- controlled entry points to campsites including identification wristbands (or similar);
- secure storage for campers (campsites and arenas); and
- raised security observation points.

G6.6 Traffic Management

- G6.6.1 Large numbers of event attendees give rise to pressures on local transport networks, particularly main and local roads, railway stations and taxi provision. The Council expects applicants to liaise with local transport providers, having assessed their target audience profile, and address any transport concerns within the operating schedule or EMP.
- G6.6.2 For events that will have a significant impact on the local road/railway network, applicants should give serious consideration to including a Transport Management Plan (TMP) as part of their operating schedule or EMP. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring a TMP to be agreed with the police in advance of the event.
- G6.6.3 Where large numbers are expected to use local transport venues, such as railway stations, the Council considers these venues as areas that are causally linked to the event and within the licence holder's control. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing conditions in relation to the provision of security at local transport venues to control event patrons.
- G6.6.4 If the event venue is a considerable distance from key transport providers, such as railway stations, the Council expects the applicant to consider the implications of a significant number of pedestrians attending the event. This is particularly relevant for venues adjacent to main arterial routes such as Knebworth Park.
- G6.6.5 Where appropriate to promote the licensing objectives the Council may consider imposing conditions requiring the provision of an additional transport provision between the venue and the main transport provider (such as railway stations), for example shuttle buses or organised taxi provision within the venue.
- G6.6.6 Additionally, due to the causal link between the venue and the large number of pedestrians attending, the Council may consider imposing conditions relating to the stewarding of pedestrian routes where appropriate for the promotion of the licensing objectives.

G6.7 Emergency Liaison Team

- G6.7.1 For events that due to their size, nature and/or duration effectively create a temporary community at the event venue pose additional risks and the Council expects operating schedules to address how this temporary community will be managed to promote the licensing objectives.
- G6.7.2 In circumstances where one or more of the emergency services deem it necessary to have a permanent on-site presence, or where an event is deemed high risk by the Council, it may be appropriate for the applicant to provide a control centre permanently staffed by the key agencies and event management in order to monitor the event and provide a combined response to any problem or emergency that may arise. This control centre is often referred to as an ELT (Emergency Liaison Team).
- G6.7.3 The Council considers it good practice for an applicant to provide an ELT as part of an operating schedule or EMP. In circumstances where an applicant doesn't intend to provide an ELT, the Council would expect the operating schedule to demonstrate other suitable management arrangements to ensure the promotion of the licensing objectives.
- G6.7.4 Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring the provision of a fully-staffed ELT throughout the event (or at specified times dependant on the individual circumstances of the application).

G6.7.5 Applicants should be aware that if the Council deems it appropriate to impose a condition requiring the provision of an ELT it is likely to impose a condition requiring the applicant to provide and maintain suitable telephony and IT to allow the effective operation of the ELT.

G7. Public safety

G7.1 General

G7.1.1 The Council recognises that the public safety objective is concerned with the physical safety of the people attending the event and not with public health, which is dealt with in other legislation.

G7.1.2 Given the nature of large scale events, particularly those that involve camping, the Council recognises that the applicant's responsibility in promoting the public safety objective is much wider than that of permanent premises with much shorter customer visiting periods.

G7.1.3 Where appropriate for the promotion of the licensing objectives, depending on the size, nature and duration of the event, the Council will expect applicants to address these wider responsibilities in the operating schedule or EMP. Examples of these wider issues include, but are not limited to:

- washing and showering facilities;
- medical provision (first aid, on-site hospital, hospital transfer capability, etc.);
- suitable food and beverage provision;
- quiet areas away from entertainment; and
- emergency planning

G7.1.4 The Council is aware that the responsibility for enforcing health & safety at outdoor events is shared between the local authority and the Health & Safety Executive (HSE). In general terms, the HSE enforce throughout the build-up and strike phases, whilst the local authority enforce throughout the event. As the HSE is not a responsible authority in its own right under the Act, applicants are encouraged to include the HSE in any pre-application discussions and address their concerns in the operating schedule or EMP.

G7.1.5 Applicants should be aware that if a licensing sub-committee is not satisfied that an operating schedule adequately promotes the public safety objective it is likely to impose conditions from the model conditions attached to this Policy. In cases where there are insufficient conditions to fully address the public safety objective or the risk to the public is so significant a licensing sub-committee is likely to refuse the application.

G7.2 Hertfordshire Fire & Rescue Service

G7.2.1 The Fire & Rescue Service play a crucial role in securing public safety at large scale events with the role much wider than just the consideration of fire safety. Applicants are encouraged to seek early advice from the Fire & Rescue Service in relation to all aspects of public safety, including but not limited to:

- safe capacities;
- exit widths and routes;
- crowd densities;
- temporary demountable structures;
- pyrotechnics and special effects; and
- ignition sources

G7.2.2 Whilst the Regulatory Reform (Fire Safety) Order 2005 gives the Fire & Rescue Service powers to deal with fire safety that should not ordinarily be duplicated under the licensing regime, the prohibition of structures and venues on the day of the event under the Order would cause undue risk to the promotion of the licensing objectives. Any form of prohibition that prevented or limited public access for large numbers of people is likely to lead to disorder or a risk to public safety. For that reason, the Council expects applicants to address all aspects of public safety with the Fire & Rescue Service through the operating schedule or EMP to ensure prohibitions on the day of the event are only necessary in exceptional circumstances.

G7.2.3 In order to assist applicants in fully considering the public safety requirements of the Fire & Rescue Service, model conditions are included in Appendix A. The model conditions are provided to assist applicants but should not be interpreted as requirements in order to obtain a licence. Applicants have the opportunity to address public safety through their own licence conditions which should be tailored to the specific nature of an event.

G7.2.4 The Council is strongly of the view that public safety at large scale events is of paramount consideration and a licensing sub-committee, where appropriate for the promotion of the licensing objectives, is likely to consider imposing the Fire & Rescue Service model conditions where the operating schedule does not fully address public safety concerns.

G7.3 Catering Concessions and Crew Catering

G7.3.1 Large scale events usually require the provision of on-site catering concessions for the public and crew catering for production and site personnel. Whilst catering concessions are often provided in purpose-built mobile units, they can also be provided by way of temporary demountable structures.

G7.3.2 Given the temporary nature of event catering, the risk to the public from poor conditions of hygiene and/or the quality and fitness to consume of the products is increased. The effect of a food poisoning incident within crew catering puts the public at significant risk if event safety staff are unable to undertake their duties effectively.

G7.3.3 The Council expects applicants to fully demonstrate in the operating schedule or EMP how they will mitigate this increased risk and ensure the promotion of the public safety objective.

G7.3.4 NHDC supports the Food Standard Agency's national Food Hygiene Rating Scheme (FHRS) used to display the hygiene standards of businesses. The Council encourages applicants to use catering concessions and crew catering providers that have a FHRS rating of three (3) or above.

G7.3.5 Where an operating schedule does not adequately promote the public safety objective in relation to catering concessions, a licensing sub-committee may consider imposing a condition, where appropriate, requiring a FHRS rating of three (3) or above.

G7.4 Water Supply

G7.4.1 Large scale outdoor events, particularly greenfield sites, often involve a temporary or extended water supply network which has the potential to adversely affect the public safety objective.

G7.4.2 The water supply and distribution network must meet the standards required by BS 8551 and applicants should have due regard to the guidance provided by the document 'Guidelines for the Provision of Temporary Drinking Water Supplies at Events'.

G7.4.3 The Council expects applicants to provide a Water Management Plan (WMP), including an appropriate risk assessment, which should include provision of an alternative water supply in the event of loss of the original supply.

G7.4.4 If an operating schedule does not fully address public safety concerns in respect of the water supply a licensing sub-committee may consider imposing a condition, where appropriate for the promotion of the licensing objectives, requiring the applicant to produce a WMP as part of the operating schedule or EMP.

G7.4.5 The Council encourages applicants to have early discussions with NHDC's Commercial Team to enable them to address any issues associated with temporary water supplies in the operating schedule or EMP.

G7.4.6 The Council expects applicants/licence holders to liaise with the appropriate water company to ensure the safety of any water supply.

G7.4.7 The Council will expect to see suitable evidence as to the competency of any contractor installing or amending a water supply at a large-scale event and suitable evidence that the supply has been professionally installed/amended to meet appropriate standards.

G7.5 Body piercers and tattooists

G7.5.1 Large scale events often attract tattooists and body piercers that provide their services to event attendees. All such businesses are required to be registered with their local authority who undertakes regular inspections to ensure they are operating professionally and hygienically.

G7.5.2 Providing this service from mobile units or temporary demountable structures increases the potential risk to hygiene requirements. For that reason, the Council expects applicants to notify NHDC's Commercial Team of all tattooists and/or body piercers that are to be available as part of the event.

G7.6 Public Safety Risk Assessment

G7.6.1 The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- (i) safe capacities in identifiable areas of the event site, including camping and car parking, that can be evacuated quickly in the case of emergency;
- (ii) policies in relation to ingress, re-admission and egress, particularly control of capacities, queuing and safe dispersal from the locality;
- (iii) policies in relation to securing the safety of patrons whilst at the event, including camping and car parking; and
- (iv) sufficient on-site medical provision, including procedures for contacting the emergency services.

G7.6.2 In order to assist applicants with promoting the public safety licensing objective, NHDC's Commercial Team has compiled the following table of considerations. This table is not exhaustive and does not supersede or replace any other statutory obligations. The level of detail required will be proportionate to the size, nature and location of the event.

<u>Planning and Management</u> The applicant should have a written explanation of the management arrangements of the premises, including cover during periods of absence. The maximum capacity of the site, including individual arenas and structures based on the available space excluding any obstacles and the number of available exits and exit widths. The applicant should have a means of accurately counting the total number of customers and staff on site and in each individual arena and structure. The applicant should have a reliable means of communication between staff independent of the mobile telephone network. The applicant should have arrangements for supervising contractors (including security staff) on the premises, including the ability to act on poor performance.
<u>Venue Design</u> A detailed scale plan of the event site should be included as part of the operating schedule or EMP.
<u>Crowd Management</u> The applicant should have a detailed Crowd Management Plan including methods of assessing crowd density and movement.
<u>Transport Access</u> Pedestrian and vehicle access routes need to be clearly separated, particularly between event site and car parking, at shuttle bus/taxi provision and where pedestrian access crosses main roads.
<u>Barriers</u> Any barriers must be of an appropriate type and installed by a competent person in accordance with an appropriate risk assessment.
<u>Electrical Installations and Lighting</u> Needs to be checked and maintained by a competent person in accordance with national standards. Temporary electrical installations needs to be suitable for the intended use, checked in accordance with national standards, protected against the elements, protected from damage and routed through a suitable residual current device (RCD).
<u>Special Effects</u> Any special effects (for example, lasers, smoke machines, pyrotechnics, etc.) should be installed and operated by a competent person in accordance with manufacturers' instructions.
<u>LPG</u> Any LPG containers should be stored, used and disposed of in accordance with manufacturers' instructions.

G7.7 Sanitary Facilities

G7.7.1 The following table details the minimum customer sanitary facilities expected by the Council. Sanitary facilities for staff are dealt with under separate healthy & safety legislation. The table is based on a 50:50 split between male and female customers and should be adjusted where necessary dependant on the specific premises.

Public Gate Opening Time	Female (minimum requirements)	Male (minimum requirements)
Less than six (6) hours after the gate opens to the public	1 x WC per 120 persons	1 x WC per 600 persons Plus 1 x Urinal per 175 persons
Six (6) hours or more after the gate opens to the public	1 x WC per 100 persons	1 x WC per 500 persons Plus 1 x Urinal per 150 persons

G7.7.2 The Council expects the applicant to undertake an analysis of the expected audience demographic and keep it under review in light of actual and forecast ticket sales when calculating the appropriate sanitary facility provision. The applicant should demonstrate in the operating schedule or EMP how the final sanitary facility provision will be calculated.

G7.7.3 If children are expected to attend the event, applicants are expected to make suitable additional sanitary facility provision, for example baby changing facilities (if appropriate) or suitable height urinals.

G7.7.4 Applicants are reminded of their responsibilities under the Equality Act 2010 and the Council will expect applicants to demonstrate that they have provided appropriate sanitary facility provision to cater for the needs of disabled persons. Considerations for the provision of disabled sanitary facilities include, but are not limited to:

- level access, including wheelchair access;
- suitable cubicle door widths;
- suitable level hand-washing facilities;
- suitable locations relative to stages, camping and other amenities.

G7.7.5 Applicants for events that provide camping facilities will need to consider separate sanitary facility provision within the campsite. Adequate sanitary facilities should be provided in all camping areas and publicly accessible areas of the event site independent of other areas; it is not acceptable to the Council to have one centrally located sanitary facility provision serving all areas of the event site including camping.

G7.8 Temporary Demountable Structures (TDS)

G7.8.1 Outdoor events rely heavily on TDS to transform greenfield sites and other open spaces. The Council is aware of the risk associated with the construction and use of TDS and will expect applicants to take every possible measure to ensure the promotion of the public safety objective.

G7.8.2 Whilst the Council wish to make clear that the responsibility for TDS rests with the applicant, NHDC's Commercial Team acts as the lead responsible authority for public safety in terms of TDS. The Team will liaise with applicants and offer advice where appropriate about suitable operating schedule conditions to promote the public safety objective. Ordinarily, the Council will expect applicants to include in their operating schedule or EMP a condition that any TDS will be:

- installed and signed-off as fit for purpose by a competent person; and
- monitored throughout its use by a competent person to ensure the safety of staff, performers and event attendees.

G7.8.3 Whilst the Council accepts that standard TDS provided by specialist companies can be installed and signed-off by a competent person associated with the event, it will expect the applicant to demonstrate the competency of the named person(s) to the satisfaction of the responsible authorities. Where bespoke TDS are utilised, the Council will expect the applicant to engage the services of an independent structural engineer to over see the installation and use of the TDS, including responsibility for signing-off.

G7.8.4 For the avoidance of any doubt, whilst the Council and responsible authorities may be provided with structural calculations and details of TDS, they accept no responsibility for the suitability of the structures and give no consent or approval of their usage.

G7.8.5 To assist applicants in the preparation of an operating schedule and/or EMP, model conditions are included as part of the attached Appendix A. These model conditions are not to be interpreted as a requirement of obtaining a licence, they are intended as a guide to the measures likely to be needed to promote the public safety licensing objective.

Applicants are free to word their own conditions based on the specific nature of their event having regard to this Policy.

- G7.8.6 If the applicant's operating schedule and/or EMP does not fully satisfy the public safety licensing objective and representations are received, a licensing sub-committee is likely to consider imposing, where appropriate, conditions similar to the model standard conditions.
- G7.8.7 Applicants should be aware that the Fire & Rescue Service has an important role to play in the promotion of the public safety licensing objective and Appendix A contains some model conditions suitable for that purpose (see section G7.2 above).
- G7.8.8 The Council is aware that weather and ground conditions can often play a vital part in decisions relating to TDS, even as late as during site build. By adopting the approach recommended in this section of the Policy of having a permanent premises licence with an EMP as a licence condition, applicants have maximum flexibility in adjusting the site layout and/or TDS used to adapt to prevailing weather and ground conditions.

G8. The prevention of public nuisance

G8.1 Supplementary to section E3 of this Policy

- G8.1.1 Applicants are reminded that for brevity, paragraphs of policy relating to the prevention of public nuisance that appear in section E3 of this Policy are not repeated here. It is important, therefore, that applicants read this section in conjunction with and supplementary to section E3 of this Policy.

G8.2 Overview

- G8.2.1 Large scale outdoor events have significant potential to impact adversely on communities through public nuisance that may arise from their operation, in particular in relation to noise from live or recorded music. The Council expects applicants to seek early engagement with NHDC's Environmental Protection & Housing Team when preparing an operating schedule.
- G8.2.2 Where the applicant's operating schedule does not fully address concerns in relation to the prevention of public nuisance objective, NHDC's Environmental Protection & Housing Team will initially request the applicant to volunteer additional conditions to avoid the need for a representation. Example conditions specific to large scale outdoor events are included in the attached appendix of model conditions to assist applicants with the wording of suitable conditions. The applicant is under no obligation to agree to the suggested conditions if they believe they are not appropriate or proportionate to the application. If the applicant does not wish to volunteer the suggested conditions then a representation is likely and the matter will be referred to a licensing sub-committee for determination.
- G8.2.3 Applicants should be aware that if a licensing sub-committee is not satisfied that an operating schedule adequately promotes the prevention of public nuisance objective it is likely to impose conditions from the model conditions attached to this Policy. In cases where there are insufficient conditions to fully address the prevention of public nuisance objective or the risk of nuisance is so significant a licensing sub-committee is likely to refuse the application.

G8.3 Noise from Entertainment

- G8.3.1 This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. playing of films). Measures to prevent a public nuisance may include:

- restrictions on the number of days that entertainment is held during an event;
- restrictions on the timings and types of entertainment, including sound propagation testing and pre-event sound checks;
- limiting the overall front of house sound levels including, where appropriate, limiting specific frequencies;
- suitably located and orientated stages to minimise the potential for noise nuisance;
- limiting the number of stages and/or sound sources that can be used for the provision of entertainment at any one time;
- use of noise control measures, for example directional sound systems, noise limiting devices and acoustic barriers or enclosures;
- employing a competent noise consultant to plan and implement noise control measures before and during the event.

G8.3.2 The Council is aware that the potential for noise nuisance must be proportionately balanced against the benefits to the community and each application must be determined on its individual merits. That said, the Council will give additional weight to concerns where an event has the potential to affect a large number of the public (for example, multiple communities such as neighbouring towns and/or villages).

G8.4 Noise from Plant and Equipment

G8.4.1 This includes noise from generators or other mobile plant or equipment. Measures to prevent a public nuisance may include:

- use of silenced generators;
- installation of acoustic enclosures or barriers;
- appropriate location and orientation of equipment;
- timing devices to limit the use of equipment at certain times (where practicable).

G8.5 Noise from Servicing

G8.5.1 This may include noise from deliveries, collections and site build-up and break-down before, during and after an event. Measures to prevent a public nuisance may include:

- restrictions on timings for deliveries to and collections from site before, during and after the event;
- limiting the locations for deliveries and collections, including limitations on local routes used before, during and after the event;
- restrictions on timings for site build-up and break-down.

G8.6 Lighting

G8.6.1 This may include external lighting, security lighting and light displays (for example, laser shows and other special stage effects). Measures to prevent a public nuisance may include:

- suitably selected lighting installations (i.e. luminaires without excessive power output and/or with appropriate shielding);
- suitably located and directed lighting installations.

G8.7 Litter

G8.7.1 The Council believes that an applicant's responsibility for litter directly associated with an event is not confined to the event site itself. Where an event has a clearly identifiable pedestrian access (for example, a direct route between the event site and a railway station) or utilises an identifiable transport venue (for example, a railway station or car parking site), the Council expects the applicant to identify in the operating schedule or EMP what measures they will use to ensure the prevention of public nuisance for those routes and/or venues.

G8.7.2 Measures to prevent a public nuisance may include:

- entering into waste contract agreements **with appropriate recycling provision**;
- provision of litter bins adequate for the size and nature of the event;
- provision of rubbish bags for non-day ticket holders (i.e. campers);
- regular litter picks in the identified vicinity, on access routes and on associated transport venues.

G8.8 Noise Management Plan (NMP)

G8.8.1 Section G5 of this Policy details the Council's recommendation that an applicant utilises an Event Management Plan as a condition of a premises licence to allow maximum flexibility for multiples events. For the same reasons, the Council also recommends that applicants utilise a Noise Management Plan (NMP) as a condition of a premises licence.

G8.8.2 A NMP gives maximum flexibility for an applicant to adapt the measures required for managing any potential noise nuisance from an event by reacting to amended site plans, differing artist profiles, weather conditions, etc.. It removes the need for inflexible fixed noise levels on a premises licence and allows the applicant to work with environmental protection officers to ensure the most appropriate controls are applied proportionately for each event.

G8.8.3 The Council acknowledges that a NMP cannot be a requirement to enable an applicant to obtain a licence, however it is the Council's preferred option to balance appropriate control and flexibility for the applicant.

G8.8.4 In order to assist applicants with the preparation of appropriate operating schedule conditions in relation to a NMP the attached appendix of model conditions includes some examples of NMP licence conditions that work effectively for various existing licence holders.

G8.8.5 Where a licensing sub-committee determines that an operating schedule does not adequately promote the prevention of public nuisance objective it is likely to consider imposing, where appropriate, conditions similar to the model conditions in respect of a NMP.

G8.8.6 Applicants should be aware that if they volunteer, or a licensing sub-committee imposes, a licence condition requiring a NMP to be approved by NHDC's Environmental Protection & Housing Team, they should submit the NMP with sufficient time for the NMP to be considered and amended where necessary.

G9. The protection of children from harm

- G9.1 The Council is aware of the added risk to the protection of children from harm objective arising from large scale outdoor events, particularly those with camping facilities that create a temporary community within the event site.
- G9.2 In addition to identifying in an operating schedule or EMP the measures to be taken to address section E4 of this Policy, the Council expects applicants to consider what other control measures are appropriate based on the specific nature of the event.
- G9.3 Measures to protect children from harm at large scale outdoor events may include, but are not limited to:
- restricting access to unaccompanied children below a specified age;
 - additional supervision of and/or restricted access to concessions selling age-restricted products;
 - an identifiable wristband scheme to distinguish children from adults (including additional entry and sales policies to ensure children cannot access adult tickets);
 - policies in relation to lost children (specifically, lost children points, welfare arrangements, contact with the police, secure or coded communication between agencies)
 - additional security clearance for staff that may come into contact with children;
 - mitigating additional risk factors in terms of the prevention of CSE;
 - restricting access to children from events where the entertainment or nature of the event is not suitable for children.
- G9.4 In order to assist applicants with the preparation of an operating schedule, the attached appendix contains some model conditions that have worked successfully at similar events within North Hertfordshire. These conditions are not to be interpreted as a requirement to obtain a licence.
- G9.5 Where a licensing sub-committee determines that an operating schedule does not fully address the protection of children from harm objective it is likely to consider imposing, where appropriate, conditions similar to the model conditions.

G10. Environmental considerations

- G10.1 Having declared a climate emergency, the Council is acutely aware of the need to ensure the impact on the environment of outdoor events is minimised. The Council will expect an applicant to address the measures they are taking to protect the environment in their application and operating schedule. This applies equally to licence holders that produce an event-specific Event Management Plan who should ensure that the EMP addresses these concerns.
- G10.2 Glassware for drinking vessels is not practicable for outdoor events which risks a huge amount of plastic drinking vessels being used on an event site. The Council encourages the use of reusable drinking vessels rather than single use vessels. Additionally, the Council encourages the use of compostable and/or biodegradable drinking vessels to minimise the impact on the environment.
- G10.3 Food vendors have historically relied on the use of plastic cutlery and food trays at outdoor events which can produce a significant amount of plastic waste. The Council encourages the use of compostable and/or biodegradable cutlery and trays to minimise the impact on the environment.

- G10.4 With many large-scale events taking place in remote locations, transport to and from the site by car can produce significant carbon emissions from exhaust fumes. The Council will expect an applicant/licence holder to encourage environmentally friendly transport for example, discounted parking for ultra-low emission vehicles, and/or reduce vehicle numbers by encouraging car sharing or use of the railway network with shuttle buses.
- G10.5 Outdoor event sites often rely on plastic water bottles to provide drinking water to event goers. The Council encourages the use of reusable water bottles that can be refilled from taps located around the site or at designated areas.
- G10.6 As part of an application, or an event-specific Event Management Plan, the Council expects the applicant/licence holder to include a full environmental assessment of the event with measures to address any concerns raised for example waste management arrangements to ensure maximum recycling and measures to minimise the impact of emissions from site infrastructure.
- G10.7 Whilst the Council can only refuse an application or revoke a licence for concerns relating to one or more of the licensing objectives, the Council will expect applicants/licence holders to address their impact on the environment and will consider any failure to do so as an indication of the likelihood of the applicant/licence holder to comply with licence conditions and provide a safe event that will be of benefit to the wider community.

G11. Flora and fauna

- G11.1 North Hertfordshire contains many conservation areas and has diverse flora and fauna, particularly in its rural areas. Whilst the Council wishes to protect flora and fauna, it is not a matter to be considered as part of the licensing process.
- G11.2 The Wildlife and Countryside Act 1981 ("the 1981 Act") is the primary legislation that protects flora, fauna and habitats and the Licensing Act 2003 should not seek to replicate existing legislative provisions.
- G11.3 The applicant/licence holder has a duty to comply with the requirements of the 1981 Act in addition to any licence granted under the Licensing Act 2003.
- G11.4 Likely, or perceived, non-compliance with the 1981 Act is not a reason to refuse an application as there is legislation that can deal with those issues. Any subsequent prosecution under the 1981 Act could be used under the licensing objective of the prevention of crime and disorder at any licence review.

G12. Animal welfare

- G12.1 The Animal Welfare Act 2006 ("the 2006 Act") places a duty on all persons to ensure the welfare of animals is met based on the five freedoms listed therein. Whilst the Council wishes to protect animal welfare, it is not a matter to be considered as part of the licensing process.
- G12.2 The applicant/licence holder has a duty to comply with the requirements of the 2006 Act in addition to any licence granted under the Licensing Act 2003.
- G12.3 The impact of an event on animals living in the vicinity or the likely, or perceived, non-compliance with the 2006 Act is not a reason to refuse an application as there is legislation that can deal with those issues. Any subsequent prosecution under the 2006 Act could be

used under the licensing objective of the prevention of crime and disorder at any licence review.

G13. The role of the Council acting as the licensing authority

- G13.1 The Council in its role as the licensing authority is responsible for the administration of the application process and ensuring compliance with the terms of the licence including licence conditions.
- G13.2 The Council has no responsibility for approving the design, construction or use of any TDS or any other infrastructure or management controls provided by the applicant; responsibility rests solely with the applicant. Whilst information may be provided to the Council acting as the licensing authority or council officers acting as responsible authorities, this information is provided solely on the basis of ensuring compliance with a licence. No consent or approval, implied or otherwise, is to be taken from the provision of this information.
- G13.3 The Council (including council officers acting as responsible authorities) is likely to attend the event, including during the site build-up and break-down, to monitor compliance and undertake other statutory functions. The Council (including any council officers acting as responsible authorities) will not accept any responsibility for the management of the event or offer solutions to any issues found; responsibility rests solely with the applicant. No consent or approval, implied or otherwise, is to be taken from officer attendance at an event.
- G13.4 Where an operating schedule requires the applicant to provide a fully staffed ELT throughout the event, the Council (including council officers acting as responsible authorities) will not provide a staffing resource for this purpose. The responsibility for responding to any situation during an event rests solely with the ELT and council officers will not participate in this process.
- G13.5 The Council may attend scheduled ELT briefings to provide any feedback from council officers that may be appropriate to bring to the attention of the ELT but will otherwise be attending as observers for the purposes of monitoring licence compliance. No consent or approval of proposed actions, implied or otherwise, is to be taken from officer attendance at an ELT briefing.

SECTION H: LOCAL LICENSING POLICY (THE ROLE OF THE SAFETY ADVISORY GROUP)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

H1. North Hertfordshire District Council Safety Advisory Group (NH SAG)

- H1.1 NH SAG consists of officers from within NHDC, responsible authorities under the Licensing Act 2003, ‘blue light services’, highways officers and any other relevant organisation with responsibilities for ensuring public safety at events. Its role is to offer support and advice to organisers of events within North Hertfordshire.

H2. The Role of NH SAG

- H2.1 Whilst the Council accepts that NH SAG has no statutory role within the licensing regime and the responsibility for organising and managing a safe event lies with the event organiser, it strongly believes that NH SAG can provide invaluable experience and advice to applicants.

H2.2 This Policy encourages early discussions between applicants and the responsible authorities prior to the submission of an application and the NH SAG offers applicants access to a wide range of experience and knowledge. This facility is of particular assistance to applicants where an EMP is required as a licence condition. NH SAG can meet regularly with the applicant to review an EMP throughout its development, offering further advice and support where appropriate.

H2.3 No consent or approval of any proposals concerning event management or infrastructure, implied or otherwise, is to be taken from applicant attendance at NH SAG.

H3. General

H3.1 The Council will not impose any licence conditions requiring applicants to obtain the consent of NH SAG for any aspect of event management or infrastructure.

H3.2 When considering representations, a licensing sub-committee may consider an applicant's willingness or otherwise to liaise with NH SAG as an indication of their commitment to the promotion of the licensing objectives and ability to deliver a safe event.

SECTION I: LOCAL LICENSING POLICY (GARAGES)

In this section all references to "the Council" refer to North Hertfordshire District Council acting in its role as the licensing authority.

I1. Definition of Garage

I1.1 Section 176 of the Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used as a garage if they are used for one or more of the following:

- (i) the retailing of petrol;
- (ii) the retailing of derv;
- (iii) the sale of motor vehicles; and
- (iv) the maintenance of motor vehicles.

I2. Primary Use

I2.1 The Council will judge 'primary use' on the basis endorsed by the courts in R (on the application of) Murco Petroleum Limited v Bristol City Council [2010] EWHC 1992 (Admin), and any subsequent cases, which is the intensity of customer usage. For example, if a rural garage shop is used more intensely by customers purchasing other products (non-garage) than by customers either purchasing the products or services listed in paragraph I1.1 above (garage) or by customers purchasing a combination of the two (non-garage and garage), then the premises may be eligible to apply for a premises licence to authorise the sale or supply of alcohol.

I2.2 Paragraph 5.24 of the Guidance states:

'If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises. If a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.'

The Council is of the opinion that to grant a licence that would not have effect would be irresponsible and may create a legitimate expectation on behalf of the applicant that the sale or supply of alcohol was permitted. The Council will not ordinarily grant a licence until such time as the primary use issue has been resolved.

I3 Establishing Primary Use

- I3.1 The Council encourages applicants to submit all available evidence to resolve this issue with the application so that a decision can be made at the end of the consultation period. The Council encourages applicants to submit both footfall and turnover figures (net of all taxes) under the three separate headings of 'fuel', 'shop' and 'mixed'. The figures for footfall and turnover should ideally be for the same trading period and the Council encourages figures covering a period of at least twelve months.
- I3.2 An application will not be accepted by the Council as a duly made, valid application unless it is accompanied by sufficient evidence to satisfy the Council that the premises are capable of not being excluded premises. On such occasions, the application will be returned as invalid with guidance as to the information required to allow the application to be duly made.
- I3.3 If representations are received and a hearing is held, the Council will determine the application in the normal way and if minded to grant, will grant with effect from such time as the primary use issue is resolved to the Council's satisfaction. If there is insufficient information for the Council to be able to determine the issue of primary use, the Council will adjourn the hearing to a prescribed date with directions to the applicant as to the additional information requested.
- I3.4 The Council acknowledges that there will occasions when the data necessary to resolve the primary use question will be unavailable, for example in the case of a brand new premises. In order to reassure responsible authorities and interested parties who may have raised concerns, the sub-committee may wish to grant the licence with the following condition:
- The data that the premises licence holder produces to satisfy themselves that they are not an excluded premises shall be submitted to the licensing authority via the licensing officer on a quarterly basis for a period of two years or such lesser period where the licensing authority are satisfied that primary use has been established.*
- I3.5 In order to assist applicants in avoiding unlawful sales when the premises is an excluded premises, and to assist the Council with its enforcement function, a sub-committee may consider imposing the condition listed in paragraph I3.4 above on any application where the particular circumstances of the application deem such a condition to be appropriate.
- I3.6 In accordance with section 176 of the Act, a licence will cease to have effect at any time when the primary use of the premises is such that it became an excluded premises. A letter advising the applicant of the implications of section 176 of the Act will be issued with all granted licences reminding the licence holder that it is their responsibility to continually monitor the issue of primary use at their premises.

SECTION J: LOCAL LICENSING POLICY (ADULT ENTERTAINMENT)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

This section is to be read in conjunction with and supplementary to Section E: Licensing Objectives.

J1. Adult Entertainment

J1.1 Due to the nature of adult entertainment and its potential to impact on the licensing objectives, the Council will expect applicants to suitably address in the operating schedule issues such as, but not limited to:

- external displays of indecent material or performances
- changing facilities for performers
- restrictions on performer/audience contact
- restrictions on recordings of performances
- age, welfare and security of performers
- age of audience members

J1.2 Applicants will be expected to ensure suitable control measures are in place to ensure that the premises are conducted in a decent and orderly manner at all times. In particular, the applicant will be expected to take whatever steps are appropriate to ensure that none of the following take place:

- indecent behaviour, including sexual intercourse, in public
- the offer of any sexual or other indecent service for reward
- any acts of violence against persons or property and/or the attempt or threat of such acts likely to cause a breach of the peace

J1.3 The Council has adopted the requirements of the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 that requires a premises to obtain a Sexual Entertainment Venue (SEV) licence if it provides adult entertainment that includes:

any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)

providing that:

- *there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;*
- *no such occasion has lasted for more than 24 hours; and*
- *no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period).*

J1.4 Where a SEV licence is required, the Council will not seek to duplicate its requirements or impose any licence conditions adequately dealt with under the SEV licensing legislation. (see the Council’s Sex Establishment Policy available at www.north-herts.gov.uk)

- J1.5 Where an application for a licence under the Licensing Act 2003 is received and there are no details within section K adult entertainment, or a comment such as 'none' is entered, a licensing condition consistent with this part of the operating schedule would be imposed on the licence as follows:

No adult entertainment will be permitted on this premises unless under the authorisation of a Sexual Entertainment Venue licence.

SECTION K: LOCAL LICENSING POLICY (PUBLIC HEALTH)

In this section all references to "the Council" refer to North Hertfordshire District Council acting in its role as the licensing authority.

K1. Public Health as a Responsible Authority

- K1.1 The Council welcomes the addition of the Director of Public Health for Hertfordshire as a responsible authority as it believes health bodies may hold relevant information which other responsible authorities do not. This information may assist the Council in its decision-making under the Act.
- K1.2 Whilst health bodies may make representations in their own right or support representations by other responsible authorities, all representations must relate to one or more of the licensing objectives. Representations relating purely to issues of public health are not relevant under the Act.
- K1.3 The Council encourages the Director of Public Health to create and maintain regular contact with the licensing authority to develop a good working relationship to ensure best use of public health data within the licensing process. Wider discussions with the North Hertfordshire Community Safety Partnership are also encouraged.

K2. The Role of Health Bodies

- K2.1 Health bodies can make representations on any of the four licensing objectives however the Council believes that the most relevant representations will focus on accidents and injuries from violence resulting in attendance at emergency departments and/or the use of the ambulance service where alcohol is a contributory factor. The police may not always be aware of these incidents from a crime and disorder perspective and any data collected in relation to these incidents may assist the licensing authority in their assessment of applications.
- K2.2 The Council acknowledges that health bodies may also have relevant representations to make in relation to the protection of children from harm objective as this objective encompasses the moral and psychological well-being of children as well as their physical safety.
- K2.3 Whilst health bodies may have representations in respect of new premises, the Council believes that health data can be invaluable in assessing the impact of premises on the licensing objectives when determining a licence review. Data provided by health bodies will specifically assist with considering the impact of alcohol sales at premises in relation to the prevention of crime and disorder and the protection of children from harm objectives.
- K2.4 The Council considers health body data in relation to alcohol-related incidents involving persons under the age of eighteen as particularly relevant in the determination of applications.

- K2.5 Less obvious is the role health bodies may have in the assessment of public nuisance representations. They may have data relating to the physical and/or psychological effects of late night noise and light pollution from licensed premises or persons congregating outside licensed premises.

K3. Data Collecting and Sharing

- K3.1 The Council is aware that one of the major barriers to health bodies becoming more actively involved in the licensing function is that the specific data referred to in this section of the policy is not routinely collected.
- K3.2 The Director of Public Health for Hertfordshire is encouraged to work closely with the Council and other responsible authorities to understand their requirements in relation to data required to assist with the licensing function.
- K3.3 The Council further encourages the Director of Public Health for Hertfordshire to work closely with responsible authorities to enable any representation to be supplemented by available health data or for a representation to be submitted from the health body in its own right.

SECTION L: LOCAL LICENSING POLICY (EARLY MORNING ALCOHOL RESTRICTION ORDERS)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

L1. Early Morning Alcohol Restriction Order (EMRO)

- L1.1 The ability to implement an EMRO is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011. An EMRO would enable the Council to restrict the sale of alcohol in the whole, or in part, of the district between midnight and 06:00hrs on all or some days.
- L1.2 The Council would consider making an EMRO in relation to problem areas if it had evidence that the order is appropriate for the promotion of the licensing objectives.
- L1.3 It is important to be aware that the restriction would only relate to the sale or supply of alcohol and would have no effect on regulated entertainment.

L2. Current Position in relation to EMROs

- L2.1 The Council is strongly of the view that an EMRO is a power that should be used sparingly due to the potential impact on the night-time economy. There are many other powers available under the Act to address specific problem premises and the police have a number of powers for dealing with disorder under other legislation.
- L2.2 An EMRO is most appropriate for situations where the use of other powers has been unsuccessful or where the problem is so significant that only an EMRO would offer a viable solution.
- L2.3 The Council has no plans to implement any EMROs at the time of writing this policy.

SECTION M: LOCAL LICENSING POLICY (LATE NIGHT LEVY)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

M1. Late Night Levy (“levy”)

- M1.1 The ability to implement a levy is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011. This would enable the Council to charge a levy to all persons who are licensed to sell alcohol within a specified time period between midnight and 06:00hrs as a means of raising a contribution towards the costs of policing the late-night economy.
- M1.2 The levy would apply to all premises where the licence allowed alcohol sales within the specified period irrespective of whether or not they were trading during those hours. Additionally, the levy would apply to the district as a whole, including premises such as village pubs that are often the centre of a community with little or no impact on the licensing objectives.
- M1.3 A minimum of seventy percent of the levy must be given to the police however there is no statutory requirement for it to be spent on policing the late-night economy or even on the district in which it was levied.
- M1.4 The Council would consider making a levy if it had evidence that the order is appropriate for the promotion of the licensing objectives.

M2. Current Position in relation to a Late Night Levy

- M2.1 The Council is strongly of the view that a levy is a power that should be used sparingly due to the potential impact on the night-time economy. There are many other powers available under the Act to address specific problem premises and the police have a number of powers for dealing with disorder under other legislation.
- M2.2 As a levy would impact on all businesses within the specified timings it would be an unreasonable charge for well-managed premises that were not impacting on the licensing objectives.
- M2.3 A levy is most appropriate for situations where the use of other powers has been unsuccessful or where the problem is so widespread within the district that only a levy would offer a viable solution.
- M2.4 Any decision to implement a levy would require a public consultation.
- M2.5 The Council has no plans to implement a levy at the time of writing this policy.

SECTION N: DELEGATION

N1. Licensing Sub-Committee Membership

- N1.1 Ordinarily, Councillors will not be invited to sit on sub-committees considering applications within their Ward **unless the Council believes their specialist local knowledge would particularly assist with the decision-making process.**
- N1.2 If it is established during a hearing that a member of the sub-committee has a **Disclosable Pecuniary Interest or Declarable Interest** that Councillor will not participate any further in the hearing or take part in the determination of the application. This does not apply to applications made by North Hertfordshire District Council itself. In those circumstances it is unlikely that councillors would have a **Disclosable Pecuniary Interest or Declarable Interest** in the matter before them.
- N1.3 All sub-committees must consist of three members. Wherever practicable, a fourth stand-by member will be appointed to a sub-committee to act as a non-participating and non-voting member. Provided that the stand-by member has been present throughout the hearing, they may replace one of the sub-committee members and assume participatory and voting rights in the case of incapacity or other unscheduled absence such as a failed connection to a remote hearing.**
- N1.4 A licensing sub-committee will adjourn a hearing and refer the matter to another licensing sub-committee where it is unable to deal with an application because one or more of its members are unable to take part in the determination due to a **Disclosable Pecuniary Interest or Declarable Interest and a quorum of three members cannot be maintained.**
- N1.5 If a member of a sub-committee becomes unwell or otherwise unable to continue during the course of a hearing or determination, the sub-committee will:
- (i) **in the first instance utilise the stand-by member provided that they have been present throughout the hearing; or**
 - (ii) **if that is not possible, adjourn the hearing until a specified date when all three sub-committee members can continue the hearing.**
- N1.6 If a member of a sub-committee has to leave the hearing temporarily, the hearing will be adjourned until such time as the absent member returns.
- N1.7 If a member of a sub-committee has been present throughout the hearing and determination but has to leave prior to the formal giving of the decision the sub-committee chair will advise all parties of this fact. All members of a sub-committee must sign the formal decision notice to signify their full participation in the hearing and determination and confirm that the decision notice is an accurate reflection of the sub-committee's decision.
- N1.8 In order to assist applicants, responsible authorities and other persons, the Council may produce a Procedural Guidance Document to accompany hearing paperwork based on the principles contained within this section and the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).**

N2. Delegation of Function

- N2.1 The Act provides that the functions of the licensing authority are to be taken or carried out by its licensing committee. The licensing committee may delegate these functions to sub-

committees and/or officers of the licensing authority with the exception of the adoption of the statement of licensing policy which is reserved for the full council.

N2.2 The licensing committee has further delegated licensing functions as follows:

Matter to be dealt with	Licensing Sub-Committee (3 Councillors)	Officers
Application for personal licence	If a police objection made	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection made	All other cases
Application for interim authority	If a police objection made	All other cases
Application to review premises licence/club premises certificate, including interim steps	All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases
Decision to object when local authority acting as a responsible authority		All cases
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases
Decision to delay a hearing beyond the 20 working day time limit		All cases

Withdrawal of club premises certificate under section 90 of the Act		All cases
Administrative policy amendments required by changes to legislation, Guidance, Appendix A or local area profile		All cases

- N2.3 The above scheme of delegation does not preclude officers from referring matters up to a licensing sub-committee, or a licensing sub-committee referring matters up to the full licensing committee where appropriate.

SECTION O: MISCELLANEOUS

O1. Relationship to other Statutory Duties

- O1.1 The Council accepts that it can only consider matters in relation to the four licensing objectives when determining licensing applications, however as a public body it also has a statutory duty to consider the following legislative requirements:
- (i) Crime and Disorder Act 1998
Local authorities are required to have due regard to the crime and disorder implications of any decision it makes.
 - (ii) Human Rights Act 1998
Local authorities are required to implement the Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the European Convention on Human Rights and Fundamental Freedoms.
 - (iii) Equality Act 2010
Local authorities are required to implement the Act in a manner consistent with its responsibilities to consider the equality implications of any decision it makes.

O2. Without Prejudice

- O2.1 Any premises licence or club premises certificate granted by the Council relates solely to the provisions of the Licensing Act 2003 and considerations related thereto.
- O2.2 Any licence/certificate is issued without prejudice to any other consent, licence, approval or other authorisation required by other functions or responsibilities of the Council or any other statutory body. The possession of a licence/certificate under the Act does not supersede or replace any other statutory provision.

O3. Role of Councillors

- O3.1 The Council believes that local councillors play a vital role in representing and supporting their local communities and may act on behalf of people affected by licence applications. **To assist councillors in representing their communities, local ward councillors will be advised of applications in their wards that are open to public consultation.**
- O3.2 Affected persons may choose to be represented at a licensing hearing by their local councillor who can speak on their behalf, providing the affected person has made a representation. Equally, a local councillor can make a representation on behalf of the community that they represent.

- O3.3 Local councillors with a **Disclosable Pecuniary Interest or Declarable Interest** in an application may attend sub-committee or committee meetings to make representations, answer questions or give evidence but must withdraw from the meeting immediately afterwards.
- O3.4 Any representation from a local councillor, whether in his/her own right or on behalf of the community, will be considered and apportioned weight in exactly the same way as any other representation. Additional weight will not be given for the sole reason of being a local councillor or a member of the licensing committee,

O4. Representations

O4.1 General

O4.1.1 Any responsible authority and/or any other person are entitled to make representations to the Council, irrespective of their geographic proximity to the premises, in relation to:

- (i) applications for the grant, variation, minor variation or review of a premises licence or club premises certificate; or
- (ii) applications for the grant of a provisional statement.

Additionally, responsible authorities and/or other persons are entitled to make applications for the review of a premises licence or club premises certificate.

O4.1.2 Representations may be made either for or against an application provided they are relevant.

O4.1.3 Responsible authorities are the statutory consultees listed in paragraph O5.1 below.

O4.1.4 Other persons are defined as any individual, body, business or member of the licensing authority.

O4.1.5 Whilst any other person may act in their own right, they may also request that a representative (for example, a friend, a Member of Parliament, or a local councillor) makes the representation to the Council on their behalf.

O4.2 Relevant Representations

O4.2.1 In order for a representation to be relevant it must be:

- (i) made during the prescribed consultation period;
- (ii) relate to the effect or likely effect on the licensing objectives;
- (iii) not be frivolous or vexatious [other persons only]; and
- (iv) in the case of reviews, not be repetitious [other persons only]

O4.2.2 The Council gives the term 'frivolous' its ordinary meaning and may consider a representation frivolous for reasons such as, but not limited to:

- (i) a lack of seriousness;
- (ii) concerns raised are minor, at most; or
- (iii) no remedial steps would be appropriate or proportionate.

O4.2.3 The Council gives the term 'vexatious' its ordinary meaning and may consider a representation vexatious for reasons such as, but not limited to:

- (i) disputes between local businesses;
- (ii) attempts to protect business by making representations against competitors;
- (iii) intention to cause aggravation or annoyance without reasonable cause or justification; or
- (iv) making the same or similar representation repeatedly without reasonable cause or justification (in effect, re-visiting the consideration of a previous representation where the person making the representation was not satisfied with the previous decision).

O4.2.4 In order to assist other persons in making representations, the Council recommends that representations should:

- (i) be made in writing (a legal requirement); email is an acceptable form of writing;
- (ii) state the name and full address of the person, body or business making the representation;
- (iii) indicate the premises to which the representation relates;
- (iv) indicate the proximity of the premises to the person making the representation, particularly where the person is making reference to the direct effect on them of issues such as noise or disorder;
- (v) indicate any specific evidence relating to the impact on the licensing objectives or evidence of an existing problem that may be effected by the application; and
- (vi) clearly state the grounds for making the representation including how the grounds relate to the licensing objectives

O4.2.5 Representations that do not contain a genuine name and postal address will not be considered as relevant representations by the Council.

O4.2.6 Officers will make professional judgements on the relevancy of representations and give reasons in writing when a representation is deemed not relevant. If there is an element of doubt over relevancy, the benefit of the doubt will be given to the writer of the representation and the Sub-Committee can consider the weight (if any) to apportion to the representation as part of their determination.

O4.3 Responsible Authority Representations

O4.3.1 In the same way that the Council expects applicants to undertake early discussions with the responsible authorities, the Council also expects responsible authorities to undertake early engagement with applicants.

O4.3.2 Ordinarily, the Council expects responsible authorities to undertake initial engagement with applicants, particularly where concerns exist, within seven (7) days of the start of the consultation period. This allows sufficient time for meaningful and fair discussions between the parties.

O4.3.3 Not engaging until close to the end of the consultation period places unfair pressure on the applicant to try to address responsible authority concerns and may force applicants to accept conditions and/or amendments that could have been avoided had the process started earlier.

O4.3.4 Where a responsible authority makes a representation not having engaged in accordance with this section of the Policy, the licensing sub-committee is entitled to consider that as part of its determination.

O4.4 Petitions

O4.4.1 Petitions will only be accepted by the Council if:

- (i) the full explanation of the reasons for the petition is printed at the top of each page;
- (ii) the explanation relates to the licensing objectives;
- (iii) the petition is received within the prescribed consultation period; and
- (iv) each person signing the petition includes their name, address and a signature.

Each entry on a petition will be considered against this criteria and any entry not meeting the criteria will be excluded.

O4.4.2 The Council will only correspond with the person submitting the original petition not with each individual signatory.

O4.4.3 The Council will advise a licensing sub-committee in respect of the weight to apportion to a petition based on the individual merits of each case.

O4.5 Representations in the Public Domain

O4.5.1 The Council acknowledges that it is a statutory requirement to provide copies of representations to applicants in order that they have the opportunity to consider their response. The name and address of the person making the representation will not be withheld from the applicant however email addresses and telephone numbers will be deleted.

O4.5.2 Representations, including names and addresses, are included in the reports considered by licensing sub-committees which are publicly available documents.

O4.5.3 In exceptional cases, the Council may consider that a person making a representation has a genuine fear of intimidation if their name and/or address were made available to the applicant or in the public domain. Ordinarily, the Council would only make such a judgement on advice from the police. In these circumstances the Council will consider an alternative approach to safeguard the person(s) making the representations.

O4.6 The Council acting as a Responsible Authority

O4.6.1 Ordinarily the Council will not make representations where other responsible authorities have done so. The Council will ordinarily only make representations where:

- (i) it has evidence that other responsible authorities do not possess;
- (ii) an application conflicts with this Policy;
- (iii) it can assist the licensing sub-committee's determination such as, but not limited to, improving the wording of operating schedule conditions; or
- (iv) it acts on behalf of persons who are not in a position to act for themselves.

O4.7 Mediation

O4.7.1 Where practicable, the Council will try to mediate between any person or authority making a representation and the applicant to see if the concerns can be addressed prior to the hearing (this mediation could start as soon as the first representation is received during the consultation period).

O4.7.2 Any attempts at mediation will be brought to the attention of the licensing sub-committee who is entitled to consider that as part of its determination.

O5. Responsible Authorities

O5.1 The specific contact details for the responsible authorities In North Hertfordshire are:

The Licensing Officer

Licensing Department, Hitchin Police Station, College Road, Hitchin, SG5 1JX

LicensingEasternArea@herts.pnn.police.uk

Fire Protection Manager

Hertfordshire Fire & Rescue, Fire Protection, Mundells-MU103, Welwyn Garden City, AL7 1FT

administration.cfs@hertfordshire.gov.uk

Chief Trading Standards Officer

Hertfordshire Trading Standards, Mundells, Welwyn Garden City, AL7 1FT

hcc.tradstad@hertfordshire.gov.uk

Commercial Manager (Environmental Health)

North Hertfordshire District Council, Council Offices, P O Box 10613, Nottingham, NG6 6DW

env.health@north-herts.gov.uk

Environmental Protection & Housing Manager,

North Hertfordshire District Council, Council Offices, P O Box 10613, Nottingham, NG6 6DW

env.health@north-herts.gov.uk

Development and Conservation Manager

North Hertfordshire District Council, Council Offices, P O Box 10613, Nottingham, NG6 6DW

planning.control@north-herts.gov.uk

Licensing Manager,

North Hertfordshire District Council, Council Offices, P O Box 10613, Nottingham, NG6 6DW

licensing@north-herts.gov.uk

Health Improvement Manager

Public Health, Postal Point SFAR232, Farnham House, Six Hills Way, Stevenage, SG1 2FQ

publichealth@hertfordshire.gov.uk

Safeguarding Children Manager,

Hertfordshire Safeguarding Children Board, Room 127, County Hall, Pegs Lane, Hertford, SG13 8DF

admin.lscb@hertfordshire.gov.uk

O5.2 Whilst the responsible authorities listed above are the only statutory bodies permitted to submit representations under the Act, this does not preclude the responsible authorities from seeking professional and/or specialist advice from other persons where it is appropriate to ensure the promotion of the licensing objectives.

O6. Application Forms

O6.1 Application forms, details of application fees and further guidance on the application process can be obtained from the Council's website www.north-herts.gov.uk or the Government website www.gov.uk/alcohol-licensing

O7. Assistance and Advice

O7.1 For further assistance, please contact:

Licensing, North Hertfordshire District Council, P O Box 10613, Nottingham, NG6 6DW

01462 474000 or licensing@north-herts.gov.uk

SECTION P: GLOSSARY

the Act	the Licensing Act 2003
the Council	North Hertfordshire District Council acting as the licensing authority
the Guidance	Statutory Guidance issued by the Home Office pursuant to section 182 of the Licensing Act 2003
the Order	the Regulatory Reform (Fire Safety) Order 2005
the Policy	North Hertfordshire District Council's Statement of Licensing Policy
BBFC	the British Board of Film Classification
CCTV	closed-circuit television
CSE	child sexual exploitation
ELT	emergency liaison team
EMRO	early morning alcohol restriction order
EMP	event management plan
FHRS	food hygiene rating scheme
HSCB	Hertfordshire Safeguarding Children Board
HSE	Health & Safety Executive
levy	late night levy
NHDC	North Hertfordshire District Council
NH SAG	North Hertfordshire Safety Advisory Group
NMP	noise management plan
NPS	new psychoactive substances
SEV	sexual entertainment venue
TDS	temporary demountable structures
TMP	traffic management plan
WMP	water management plan

APPENDIX A: MODEL LICENCE CONDITIONS

A1. The prevention of crime and disorder

- The premises licence holder shall install and maintain a comprehensive closed-circuit television (CCTV) system that will record all entry and exit points to the premises; the recordings will enable frontal identification of every person entering the premise in all lighting conditions.
- The premises licence holder will ensure that the closed-circuit television (CCTV) system shall continually record whilst the premises are open for licensable activities and at all times whilst customers are present on the premises.
- All recordings from the closed-circuit television (CCTV) system shall be stored for a minimum period of twenty-eight (28) days and will be date and time stamped.
- The premises licence holder shall ensure that closed-circuit television (CCTV) system recordings will be made available upon request of a police or other authorised officer throughout the retention period specified in the premises licence.
- The premises licence holder will ensure that staff employed at the premises are conversant with the operation of the closed-circuit television (CCTV) system whilst the premises are open to the public. Staff should be able to operate the system fully and be able to show footage as captured to both the police and other authorised officers on request.
- The premises licence holder will ensure that a minimum of *(as determined by the applicant)* Security Industry Authority licensed door supervisors shall be on duty at the premises during the hours of *(as determined by the applicant)* on the following days *(as determined by the applicant)*.
- The premises licence holder will ensure that all sales of alcohol for consumption off the premises shall be in sealed containers only and that they shall not be consumed on the premises.
- The premises licence holder will ensure that an incident log shall be kept at the premises for a period no less than six (6) months, and made available on request to an authorised officer of the licensing authority or the police, which will note the following:
 - all crimes reported to the venue, or by the venue to the Police
 - names and/or descriptions of all ejected patrons
 - any complaints received
 - any incidents of disorder
 - seizures of drugs, offences weapons, fraudulent ID or other items
 - any faults in the CCTV system or searching equipment or scanning equipment
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service
 - the times on duty, and the licence number of all licensed door supervisors employed by the premises.
- The premises licence holder will ensure that there shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the licensing authority for the premises on the handling of fraudulent identification used to obtain the sale of alcohol.
- The premises licence holder will ensure that there shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the licensing authority for the premises relating to illegal drugs found on persons or on the premises.
- The premises licence holder will ensure that there shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised office of the licensing authority for the premises relating to unlawful weapons being found on persons present on licensed premises.

- The premises licence holder will provide twenty-eight (28) days notice to Hertfordshire Constabulary of any events to be held at a licensed premise which are organised by an outside promoter, including full details as to the nature of the event and the promoter.
- The designated premises supervisor (DPS) must ensure that a working radio-link radio is in use/operation at all times the premises are open for licensable activities and that this is carried by the designated premises supervisor or nominated deputy whilst they are on duty.
- The premises licence holder will ensure that there is a personal licence holder on duty at all times the premises are authorised to sell alcohol.
- The premises licence holder will ensure that there is no admittance/re-admittance of patrons to the premises after (to be determined by the applicant) hrs.
- The premises licence holder will ensure that there is prominent signage on display at the premises that displays the permitted hours for the sale of alcohol.
- The premises licence holder will ensure that a log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the licensing authority at all times whilst the premises are open.
- The premises licence holder will ensure that the rules of admission to the premises shall be clearly and prominently displayed at each entrance to the premise.
- The premises licence holder shall make available a contact telephone number for the use of notifying of a complaint. This number is to be made available to local residents, businesses, Hertfordshire Constabulary and the licensing department.
- The premises licence holder will ensure that alcohol shall be served to customers by waiter/waitress service only.
- The premises licence holder will ensure that there shall be no sale of alcohol for consumption off the premises.
- The premises licence holder will ensure that there will be no admission to customers after (to be determined by the applicant) other than to:
 - Residents of the hotel and their bona fide guests
 - Persons who have pre-booked to attend a function at the premises.
- The premises licence holder will ensure that no entertainment, performance, service or exhibition involving nudity or sexual stimulation shall be permitted to take place on the premise.
- The premises licence holder will ensure that no miniature bottles of spirits of 20cl or below will be sold from the premises.

A2. Public safety

- The designated premises supervisor (DPS) or a nominated deputy will ensure that no drinks shall be served in glass containers at any time for alcohol to be consumed on the premises.
- The premises licence holder will ensure that the designated queuing area outside of the premises shall be enclosed within appropriate barriers to ensure that the footway is kept clear at all times that this is in operation.
- The premises licence holder shall ensure that no single cans or bottles of beer or cider shall be sold from the premises.
- The premises licence holder will ensure that no super-strength beer, lager or cider of 5.5% ABV (alcohol by volume) or above will be sold from the premises.
- The premises licence holder will ensure that the sale of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.
- The premises licence holder will ensure that no unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) are inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street

- furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
- The premises licence holder will ensure that any special effects or mechanical installations to be used on the premises shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on ten (10) working days prior notice being given to the licensing authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics, including fire works
 - firearms, including imitation or toy firearms
 - lasers
 - explosives and highly flammable stances
 - real flame
 - strobe lighting
 - The premises licence holder will ensure that no person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
 - NOTE: this condition does not apply to exhibitions given under the provisions of s2(1A) and 5 of the Hypnotism Act 1952 for which written permission has been given by the licensing authority.
 - The premises licence holder will ensure that there shall be in place a dispersal policy for the premises agreed with the relevant responsible authorities and approved by an authorised officer of the licensing authority.
 - The premises licence holder will ensure that alcohol is to be served in polycarbonate, plastic or shatter-proof glasses on agreed dates/events as specified on the licence, or when notified by Hertfordshire Constabulary a minimum of twenty-eight (28) days in advance of a specific event taking place.
 - The premises licence holder will ensure that any customer who behaves violently (verbally or physically) will be put forward to their local Pub Watch for consideration of a ban from all premises within a specified area.
 - The premises licence holder will ensure that at all times that the premises are open to the public that there is a minimum of one (1) competent person able to administer first aid, and that there is an adequate supply of first aid equipment and materials as necessary.
 - The premises licence holder will ensure that clear, legible notices shall be placed at each entry point to the premises advising those attending that it is a condition of entry that customers agree to being searched, and that the police will be notified of any person found to be in possession of a controlled substance, or an offensive weapon.
 - The designated premises supervisor or a nominated deputy will ensure that all Security Industry Authority (SIA) licensed door supervisors shall wear high-visibility clothing and shall wear their SIA issued badge in accordance with their regulations.
 - The designated premises supervisor or a nominated deputy shall maintain a register/log of the licensed door supervisors indicating the number of licensed door supervisors on duty, their identity, contact details, and the times that they were on duty.
 - The designated premises supervisor or a nominated deputy will ensure that the licensed door supervisors remain on duty at the premises for thirty (30) minutes after the premises have closed to assist with the safe dispersal of patrons from the premises and the vicinity of the premises.
 - In premises where existing legislation does not adequately provide for the safety of the public, the premises licence holder will ensure that consideration be given as follows:
 - whilst disabled persons are present, that adequate arrangements exist that will enable their safe evacuation from the premises in the event of an emergency;

- disabled patrons are aware of the evacuation procedures through the adequate display of public notices.
- For premises providing indoor sporting events, the following conditions are to be employed by the premises licence holder:
 - an appropriately qualified medical practitioner is to be present throughout sporting events such as boxing, wrestling, Greco-Roman wrestling, judo, karate or other sports entertainment of a similar nature.
 - where the use of a ring is involved, that this be constructed and supported to the satisfaction of the licensing authority; any materials used in its structure are to be flame retardant in nature.
 - at any event where wrestling or other entertainment of a similar nature is being displayed, that the public do not occupy any seat within two and a half (2.5) metres of the ring.
 - at water sport events, staffs adequately trained in rescue and life safety procedures are on duty, and that they remain in the vicinity of the water sports area at all times.
- The premises licence holder will enter into an agreement with either a hackney carriage and/or private hire company to provide transportation for their customers, with contact telephone numbers readily made available to customers who will be encouraged to use such services.
- The premises licence holder will ensure that all external emergency exit doors are fitted with sensor alarms to alert staff when the emergency doors have been opened.
- The club premises certificate holder will ensure that a list of the names and addresses of the club members shall be kept on the premises at all times, together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
- The club premises certificate holder will ensure that alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by the police or an authorised officer of the Council.
- The premises licence holder will have the means in place to accurately count the total number of customers and staff on the premises.
- During times the premises are providing licensable activities, the premises licence holder will have arrangements in place for the supervision of contractors whilst they are on the premises. These arrangements are to include provisions to act on poor performance.
- The premises licence holder will ensure that any changes to floor level, including the use of steps, are marked by a contrasting colour to aid with the reduction of possible trips and falls.

A3. The prevention of public nuisance

- The premises licence holder will ensure that a suitable sound limiting device is installed in the premises and set to the satisfaction of the Council's Noise Control Officer. The device must be set at an appropriate time in the presence of the aforementioned officer. No amplified live or recorded music constituting regulated entertainment shall take place at the premises until the device has been installed and set in accordance with this condition.
- Once the noise control device has been installed on the premises and set to the satisfaction of North Hertfordshire District Council, the device must not be removed, adjusted or replaced without:
 - (a) twenty-eight (28) days prior notification to the Council's Noise Control Officer; and
 - (b) the written consent that the removal, adjustment or replacement of the device is permitted, and that documentation stating that this is received from the Council's Noise Control Officer.

Following receipt of the documentation stated in (b) above, all the requirements of the Council's Noise Control Officer must be carried out. Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place at the premises is not permitted until such time that the premises licence holder has received written confirmation from the Council's Noise Control Officer that it is permitted.

- In the event of a malfunction of the noise control device, the premises licence holder will ensure that the Council's Noise Control Officer is notified within two (2) working days of the problem, and the remedial action they propose. No amplified live or recorded music constituting regulated entertainment shall take place at the premises until the noise control device is properly functioning and, if appropriate, has been reset to the satisfaction of the Council's Noise Control Officer and/or the Council's Noise Control Officer has received and approved in writing the necessary documentation confirming this.
- The premises licence holder will ensure that the noise controlling device shall be secured in a manner approved by the Noise Control Officer so as to prevent unauthorised access to, and tampering with, the controls as set.
- The premises licence holder will ensure that equipment used for the amplification of music and regulated entertainment is routed through the noise control limiter and that this device is operational at all times that regulated entertainment is provided.
- The premises licence holder will ensure that loudspeakers shall not be located at entrance lobbies or outside areas.
- The premises licence holder will ensure that all windows and external doors will be kept closed between *(to be determined by the applicant)* hrs, save for access to and egress from the premises.
- The premises licence holder will ensure that there are notices prominently displayed at all exit points requesting patrons to respect the needs of local residents and to leave the area quietly.
- The premises licence holder will ensure that glass bottles will not be placed in external refuse receptacles between the hours of 21:00hrs to 08:00hrs the following morning.
- The premises licence holder will ensure that at least *(to be determined by the applicant)* door supervisors will be employed to monitor the smoking area when the premises are open between the hours of *(to be determined by the applicant)* on *(to be determined by the applicant)*.
- The premises licence holder will ensure that the playing of live or recorded music in the external areas of the premises will not be permitted to take place between the hours of *(to be determined by the applicant)*.
- The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in the surrounding area, are restricted to between the hours of *(to be determined by the applicant)* Monday to Saturday and *(to be determined by the applicant)* on a Sunday.
- The premises licence holder will ensure that flashing and/or particularly bright lights, on or outside the premises shall not cause a nuisance to nearby properties.
- The premises licence holder will ensure that no person on behalf of the premises, or on behalf of a person carrying on, or attempting to carry on a licensable activity shall cause, permit, or employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the district boundary, for the purposes of bringing customers to the premises.
- The premises licence holder will ensure that no deliveries to the premises shall take place between *(to be determined by the applicant)* the following day.
- The premises licence holder will ensure that patrons drinking and/or smoking outside the premises will do so in an orderly manner and that they are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- The premises licence holder shall ensure that a process is in place, where necessary, to control any entry queue, external area of the premises and the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented, thereby minimising disturbance to those near to the premises.

- The designated smoking area shall be located at *(to be determined by the applicant)*. A maximum of *(to be determined by the applicant)* persons will be permitted to smoke in this area at any one time.
- The premises licence holder will ensure that no drinks are taken into the smoking area at all times the premises are open to the public.
- The premises licence holder will ensure that no drinks are permitted to be taken into the external areas of the premises after *(to be determined by the applicant)* until closing Sunday to Thursday, and after *(to be determined by the applicant)* until closing Friday and Saturday.
- The premises licence holder will ensure that live and/or recorded music constituting regulated entertainment shall only take place on *(to be determined by the applicant)* days per week, and on no more than *(to be determined by the applicant)* consecutive days.
- A noise assessment shall be carried out by a suitably qualified and experienced noise consultant who is a member of the Institute of Acoustics and/or the Association of Noise Consultants. A noise mitigation scheme designed to minimise the impact of the noise shall be submitted to the Council's Noise Control Officer. Following receipt of the noise mitigation scheme the Council's Noise Control Officer will consider the measures proposed by the consultant and will advise which measures shall be carried out, including any additional measures identified.
- Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place in *(to be determined by the applicant)* is not permitted until such a time that the premises licence holder has received confirmation from the Council's Noise Control Officer that it is permitted. This will not be granted until all the measures required by the Council's Noise Control Officer have been undertaken and are fully implemented.
- The noise mitigation measures required by the Council's Noise Officer shall be maintained in accordance with the approved details thereafter.
- The premises licence holder shall make available a contact telephone number for the use of notifying of a complaint. This number is to be made available to local residents, businesses, Hertfordshire Constabulary and the licensing department.

A4. The protection of children from harm

- The designated premises supervisor or a nominated deputy will ensure that entry by children under the age of 18 to the premises will be prohibited between the hours of *(to be determined by the applicant)*.
- The premises licence holder will ensure that no events for persons under eighteen (18) years of age will be permitted to take place on the premises at any time.
- The designated premises supervisor or a nominated deputy will ensure that entry by persons under eighteen (18) years of age to the premises will be prohibited, unless the person(s) are accompanied by an adult over eighteen (18) years of age.
- The designated premises supervisor will attend a training course on avoiding underage sales such as the National Certificate for Designated Premises Supervisors, or the BIIAB Award in Responsible Retailing, and provide the licensing authority with awarded certificate post completion.
- In addition to any company specific training, the premises licence holder will ensure all staff are trained to prevent under age sales, and to maintain the refusals book for any attempted sales where the individual is not able to satisfy the seller of their age, and that this training is recorded on the individual employees file.
- The premises licence holder will ensure that clearly visible signage will be displayed at the entrances to the premises, and at the point of sale terminals indicating that it is illegal to sell alcohol to persons less than eighteen (18) years of age.
- The premises licence holder will ensure that a Challenge 25 scheme will be in operation to ensure that any person attempting to purchase alcohol who appears to be under eighteen (18) years of age shall provide documented proof that they are eighteen (18) years of age

or over. The proof of age can either be a passport, a photo card driving licence, an EU/EEA national ID card, or an industry approved proof of age identification card (PASS).

- The premises licence holder will ensure that, during the times that adult entertainment is provided to patrons, those persons under eighteen (18) years of age will not be able to see this from outside of the premises at any time.
- For events that are open to persons under eighteen (18) years of age, the premises licence holder will employ an age verification scheme by way of coloured wrist bands that easily identify that the individual is under eighteen (18) years of age.
- The premises licence holder will ensure that the premises implements a “challenge 25” policy, whereby all customers who appear to be under 25 will be required to produce photographic identification in the form of a passport, a photo card driving licence, an EU/EEA national ID card, or an industry approved proof of age card (PASS) before being allowed to enter the premises whilst licensable activities are taking place.

A5. LARGE SCALE OUTDOOR EVENTS

A5.1 The prevention of crime and disorder [large scale outdoor events]

1. The premises licence holder will ensure that he or his representative meets with Hertfordshire Constabulary representatives (at times nominated by Hertfordshire Constabulary) to discuss existing and historical crime trends at similar events, and in the local area. The premises licence holder will act upon the advice given and implement any necessary crime prevention requested by Hertfordshire Constabulary.
2. The premises licence holder will provide all closed circuit television (CCTV) as mutually agreed with Hertfordshire Constabulary and the event planning team (including any associated ancillary equipment such as, but not limited to, lighting) around the venue and will ensure that this is monitored in Event Control under the supervision of a suitably experienced Emergency Liaison Team Manager at all times agreed with Hertfordshire Constabulary on an event specific basis. All CCTV required by virtue of this condition will be maintained in working order at all times whilst the premises is open to the public. The premises licence holder will provide a draft CCTV plan no later than two (2) months prior to the commencement of each event and provide the final agreed CCTV plan no later than one (1) month prior to the commencement of each event.
3. The premises licence holder will ensure that Hertfordshire Constabulary are consulted on the 'conditions of entry' and will impose any additional 'conditions of entry' deemed necessary by Hertfordshire Constabulary in pursuant of the 'prevention of crime and disorder' licensing objective. The premises licence holder will ensure that these 'conditions of entry' are clearly displayed on tickets, where time scales allow, in advance booking information and displayed in a prominent position at entry points. These 'conditions of entry' will include, but are not limited to:
 - a) that patrons will agree to allow themselves and any bags etc. to be searched by security/police officers;
 - b) details of prohibited articles; and
 - c) ejection policies
4. The premises licence holder will ensure that a draft Security Plan is submitted by the Head of Security to Hertfordshire Constabulary no later than three (3) months prior to the commencement of each event. The Security Plan will be updated as necessary and must be agreed by Hertfordshire Constabulary no later than two (2) weeks prior to the commencement of each event. The Security Plan will include details of security deployment

numbers and locations, known threats and risks, and other relevant information as requested by Hertfordshire Constabulary.

5. The premises licence holder will take all appropriate steps to ensure that glassware is not brought onto site or is utilised on the premises. All drinks must be served in plastic / polycarbonate bottles or must be decanted into plastic / polycarbonate drinking vessels.
6. The premises licence holder will notify Hertfordshire Constabulary of the dates of each year's event at least five (5) calendar months prior to the commencement of the event.
7. The premises licence holder will allow for police officers to be deployed on the premises to support the 'prevention of crime and disorder' licensing objective and to ensure a prompt response to any major incident on site. The numbers of police officers deployed will be determined by The Chief Constable of Hertfordshire Constabulary and will be based on threat, current intelligence and risk. These numbers can be subject to change depending on changes in information and / or intelligence. All resources required under this condition will be paid for in full by the premises licence holder. Hertfordshire Constabulary will provide the event management team with a full deployment plan of police resources prior to the commencement of the event.
8. The premises licence holder will ensure that the promoter will sign a Statement of Intent and request for special police services for each event in order to ensure that Hertfordshire Constabulary can effectively plan and resource the events. The premises licence holder will pay *(to be determined on an event by event basis)* per event to Hertfordshire Constabulary no later than three (3) months prior to the commencement of the event. Fifty percent (50%) of the remaining costs of each event will be paid no later than four (4) weeks prior to the commencement of the event and the balance must be paid in full seven (7) days prior to the commencement of the event. Should an event be cancelled, any monies paid to Hertfordshire Constabulary will be refunded, save for any costs incurred prior to the cancellation.
9. The premises licence holder will provide all necessary structures, IT and equipment required by Hertfordshire Constabulary on site to fulfil their statutory responsibility to prevent and detect crime at each event. This will include, but will not be limited to, a public enquiry post, police command suite, report writing area and refreshment area.
10. The premises licence holder will provide Hertfordshire Constabulary with details of planned event dates not less than five (5) months prior to the commencement of each event, with the artiste(s) notified not less than three (3) months prior to the commencement of the event. The policing charges will initially be based at full cost of high risk so that Hertfordshire Constabulary have the necessary resources in place. Once the acts are known and the risk and threat is understood, the policing charges will be reviewed.
11. The premises licence holder will provide incremental updates for each event, initially monthly, and then weekly to Hertfordshire Constabulary on ticket sales including, where possible, anticipated method and direction of travel.
12. The premises licence holder will provide a draft Event Safety Plan for each event to Hertfordshire Constabulary not later than three (3) months prior to the commencement of the event. This will be regularly updated and a final, agreed version for each event will be submitted no later than two (2) weeks prior to the commencement of the event. It will include, but will not be limited to:
 - a) evacuation plans;
 - b) stewarding plans, including skills and deployment details;
 - c) first aid provision;

- d) insurance details for temporary structures;
 - e) certification of any temporary structures;
 - f) nominated safety officer and deputy;
 - g) event control management and meeting plan;
 - h) capacity calculations, including car parking areas;
 - i) internal traffic management plan up to the entry point at A1 Junction 7;
 - j) an external traffic management plan covering major routes, agreements with British Transport Police and the relevant rail companies pertaining to Stevenage Train Station;
 - k) plans regarding any off site parking;
 - l) lost and found property / people plans; and
 - m) welfare services
13. The premises licence holder will ensure that he or his representatives engage with local residents for each event. This engagement will be documented and address any concerns that local residents may have.
14. The premises licence holder will ensure that the main arena is cleared of general public no later than one (1) hour after the regulated entertainment ends.
15. The premises licence holder will ensure that no regulated entertainment will be permitted to continue beyond the licensed hours.
16. The premises licence holder will ensure that all children under the age of fourteen (14) years must be accompanied on the premises by an adult.
17. The premises licence holder will ensure that a 'Challenge 21' or 'Challenge 25' scheme will be operated at all bars, shops or structures where alcohol can be obtained.
18. The premises licence holder will ensure that persons that are able to prove that they are eighteen (18) years of age or above will be issued with a wristband identifying their ability to obtain alcohol. Any person without such a wristband will not be served with alcohol.
19. The premises licence holder will agree a final Security Plan with Hertfordshire Constabulary each year, no later than two (2) weeks prior to the commencement of each event. The agreed Security Plan will not be amended after this date without written agreement from Hertfordshire Constabulary and will contain details of:
- a) site security (including during site build);
 - b) site search policy on entry;
 - c) staff deployment;
 - d) staff accreditation;
 - e) protocols for handing information or persons to the Constabulary
20. In the event of any of the above conditions 1 to 19 inclusive not being met, the event will not be permitted to take place without the written permission of Hertfordshire Constabulary.
21. The premises licence holder will provide a permanent Event Control Room, with a representative of the event management team and a representative of the site security team present throughout its operation. It will operate for each event from one (1) hour before the public are first admitted to the licensed area until one (1) hour after the licensed area has closed to the public on the final day. The Event Control Room will run 24 hours/day but have a reduced capacity during non-event times; or

The premises licence holder will provide a permanent Event Control Room, with a representative of the event management team and a representative of the site security

team present throughout its operation. It will operate from one hour before the public are first admitted to the licensed area until one hour after the licensed area has closed to the public on the final day, however, it may operate on a reduced basis from Campsite Control between the hours of midnight and 11:00hrs each day.

22. The premises licence holder will ensure that a schedule of multi-agency meetings are held on site during each event and that a full multi-agency debrief is held as soon as possible, but no later than three (3) months after the event taking place each year.
23. The premises licence holder will provide forecast attendances based on ticket sales to Hertfordshire Constabulary at the beginning of each calendar month from *<to be determined>* until *<to be determined>*, then on a weekly basis from the beginning of *<to be determined>* until the commencement of the event.

A5.2 Public safety [large scale outdoor events]

- The premises licence holder should have a written explanation of the management arrangements for the event.
- The maximum capacity shall be calculated by the premises licence holder following a risk assessment.
- The premises licence holder shall have a means of accurately counting the total number of customers and staff on the premises.
- The premises licence holder needs to have arrangements in place for the supervision of contractors on their premises, including the ability to act on poor performance.
- The premises licence holder should submit an Event Safety Manual no less than three (3) months before the event date. This manual should be agreed with the relevant responsible authorities no less than twenty-eight (28) days prior to the commencement of the event. The manual should contain as a minimum the following:
 - a scale plan of the proposed event and its layout should be included with the events safety manual. This plan should also include details of pedestrian routes and vehicular access, including that of emergency services.
 - details of the emergency plan as devised from the events risk assessment.
 - management of people, in particular crowds. This should include details of evacuation processes in the event of an emergency arising.
 - communication methods for all staff outside of the use of mobile phones.
 - the use of temporary electrical installations (to conform to the required British Standard and be protected by means of a residual current device (RCD)).
 - details of the water supply and network available at the event (BS 8551).
- The premises licence holder is to provide a water management plan for their event to Environmental Health no later than twenty-eight (28) days prior to the commencement of the event. This plan is to be accompanied by a risk assessment which should detail alternative water supplies should the main supplies fail.
- The use of pyrotechnics is to be notified to Environmental Health no later than twenty-eight (28) days prior to the commencement of the event. This is to be accompanied by a risk assessment and management plan for their use.
- Should an outdoor/large scale event include the art of tattooing or body piercing, the premises licence holder is to ensure that all persons engaging in the art of tattooing/body piercing are registered with North Hertfordshire District Council no later than twenty-eight (28) days prior to the commencement of the event.
- All persons involved in the art of tattooing/body piercing are to have regard to the current tattooing and body piercing guidance.
- Should the event include the use of LPG, the premises licence holder will ensure that a suitable risk assessment has been undertaken for its use. This risk assessment is to

include assessment as to storage, usage and the replacement of canisters throughout the duration of the event.

- A scaled plan showing the location of all proposed temporary structures within the licensable area is to be provided to responsible authorities as part of the Event Management Plan (EMP) for the event and is to be finalised no later than twenty-eight (28) days prior to the commencement of the event. As a minimum, the plans are to show the following information:
 - description and type of each structure.
 - the person(s) responsible for each structure, with their competency proven for the:
 - (i) construction of each structure;
 - (ii) sign-off for each structure, including the format for the certificate;
 - (iii) for non-standard structures or designs, those responsible for third party accreditation with regards to design and sign-off;
 - (iv) for monitoring the structure during the licensed period.
 - location and availability of the 'fit for use' completion certificates;
 - monitoring of structures in line with the risk assessment;
 - details of the limitations placed upon the structure other than wind speed;
 - details of the limiting wind speeds for each structure, the method of assessing the wind speed during the event and what action is to be taken at relevant speeds
 - any barriers to be used as part of the event are to be of the appropriate type and design suitable for the location it is to be used within. The barriers are to be installed by a competent person, following an assessment of the risks for which they are there to mitigate.

A5.3 Public safety (Hertfordshire Fire & Rescue) [large scale outdoor events]

1. The premises licence holder will notify the Fire Authority of the dates of each year's event no later than <to be determined> calendar months prior to the commencement of the event.
2. The premises licence holder will provide draft copies of the Event Management Plan and Risk Assessments to the Fire Authority no later than <to be determined> calendar months prior to the commencement of each year's event.
3. The premises licence holder will provide a final copy of the Event Management Plan to the Fire Authority no later than forty-two (42) days prior to the commencement of the event build-up on site of each year's event. The final Event Management Plan will form part of the premises licence operating schedule conditions for each year's event.
4. The premises licence holder will ensure that the Event Management Plan covers the following areas to the complete satisfaction of the Fire Authority:
 - i) a scaled electronic site plan showing how each part of the area will be used, identification of all structures, access routes and ingress/egress points;
 - ii) capacities and evacuation plans for all areas of the event;
 - iii) roles and responsibilities of all key personnel responsible for managing the event, including names, contact telephone numbers and back-up contact details in the event of non-availability;
 - iv) risk assessments for all activities relating to public safety, including fire;
 - v) full details of security and stewarding arrangements including the use of any barriers;
 - vi) details of any proposed special effects and the proposed safety arrangements associated with their use;
 - vii) details for managing all traffic and vehicle movements on site, including within

- parking areas, during the event build-up phase, during the event and during the site breakdown phase;
- viii) management arrangements for site access and egress, including specific arrangements for emergency services;
 - ix) details of any camping and provided sleeping accommodation, in respect of event attendees, staff and volunteers;
 - x) details of power supplies, including all generators;
 - xi) provision of artificial lighting, including emergency escape lighting;
 - xii) provision of adequate fire-fighting cover, including facilities, personnel and water supplies;
 - xiii) technical details for all proposed temporary demountable structures;
 - xiv) details of all proposed safety barriers and fencing to be erected on site, including the positioning;
 - xv) relevant independent certification or manufacturers' details to demonstrate that any fabric, or other material, used in the construction of, or in conjunction with, tents, marquees and similar structures, roof coverings, weather protection covers, curtains, drapes, backdrops, scrims and other materials used in, or upon, structures shall be rendered flame resistant to the current applicable British Standard;
 - xvi) identification of competent persons, including proof of competence, in relation to the construction of structures and the continual monitoring of them during the event;
 - xvii) details of the proposed maximum occupancy of each area, the method of controlling numbers therein and evacuation policies to be adopted in the event of an emergency;
 - xviii) details of a suitable communication network;
 - xix) means for giving warning of an emergency, including the initiating and effecting of any evacuation, including from structures;
 - xx) provision of adequate emergency exit routes and emergency exits, both within structures and externally, and suitable provision of emergency signage;
 - xxi) the profiles of the performers and the anticipated attendees;
 - xxii) contingencies in respect of degraded systems;
 - xxiii) contingencies in respect of points i) to xxi) inclusive above regarding the effects of adverse weather conditions including, but not limited to, wind, rain and heat.
5. In the event that the premises licence holder requires the attendance of a representative from the Fire Authority within the Emergency Liaison Team, other than in the event of an emergency response, the cost of the attendee will be paid by the premises licence holder.
6. If the premises licence holder, due to exceptional or unforeseen circumstances, wishes to make any amendment to the final Event Management Plan (that being the version that forms part of the premises licence operating schedule conditions) that would impact upon any public safety issue covered by conditions 1 to 4 inclusive above, he may only do so with written consent from the Fire Authority.

A5.4 The prevention of public nuisance [large scale outdoor events]

- The premises licence holder shall appoint a suitably qualified and experienced noise consultant who is a member of the Institute of Acoustics and/or the Association of Noise Consultants. The licensing authority and the Council's Noise Control Officer shall be advised of the name and contact details of this individual/company, no later than three (3) months prior to the commencement of any event. This timescale shall remain in place unless otherwise agreed in writing by the Council's Noise Control Officer.
- The premises licence holder shall liaise with the Council's Noise Control officer, the noise consultant, the sound system suppliers and the sound engineers, prior to, during, and after the event.

- The Council's Noise Control Officer will advise, in writing, if a noise survey to determine the background levels will be required in any particular year, within one (1) calendar month of being notified of details of the proposed events for that year.
- The premises licence holder will ensure that the background noise level monitoring shall take place at locations agreed in writing with the Council's Noise Control Officer. If required in a particular year, the premises licence holder shall ensure that the information obtained from this survey is made available to the licensing authority and the Council's Noise Control Officer no later than two (2) months prior to the commencement of the event.
- The premises licence holder shall ensure that a noise management plan is submitted to, and approved in writing by the Council's Noise Control Officer no later than six (6) weeks prior to the commencement of any event. The plan shall include, but not be limited to the following:
 - details of all music sources and other significant noise sources within the licensed area including a site plan of their location and orientation;
 - comprehensive sound level predictions at agreed noise sensitive locations based on the type of event proposed within the licensable area;
 - a scheme designed to minimise the impact of noise from the event to noise sensitive premises;
 - specifications of appropriate noise criteria that shall be achieved during the event;
 - details of proposed noise propagation tests;
 - details of on-site noise monitoring proposed specifically designed to control off-site noise levels.
- Only in exceptional circumstances will the premises licence holder request a reduction in the timescales for compliance with the condition for noise management timelines, and it shall only be granted if the Council's Noise Control Officer confirms the revised timescales in writing.
- Where conditions relating to a noise management plan have been met, if there are any subsequent proposed changes to the event which may impact on noise following the approval of the noise management plan, the premises licence holder shall ensure their noise consultant liaises with the Council's Noise Control Officer to ascertain if any additional measures, noise predictions or noise criteria are required. If the Council's Noise Control Officer or the premises licence holder's noise consultant determine that additional measures are required, they will form part of the revised noise management plan.
- No changes to the noise management plan will be permitted in the period commencing seven (7) days prior to the commencement of the event.
- If the noise management plan is not approved in writing by the Council's Noise Control Officer, their requirements will form part of the final noise management plan.
- The premises licence holder shall ensure the approved noise management plan is fully implemented and the agreed noise criteria are met during the event.
- The music noise level must not exceed 45dB(A) LAeq over a five (5) minute period at a distance of one (1) metre from the façade of noise sensitive premises and/or suitable proxy locations agreed by the Council's Noise Control Officer between 23:00hrs – 09:00hrs on any given day during the event.
- The premises licence holder shall ensure that noise measurements are routinely taken outside the licensed area to ensure that the noise criteria specified in the premises licence conditions and the noise management plan are not exceeded.
- The premises licence holder shall ensure that the licensing authority and the Council's Noise Control Officer shall have access to the results of any noise monitoring at all times.
- If there is a breach of the noise criteria specified in the premises licence conditions or agreed in the noise management plan, the premises licence holder shall ensure that remedial action is taken forthwith to prevent further breaches of the noise criteria.

- If noise complaints are received in respect of the event, the premises licence holder will ensure they are investigated promptly. This may include visiting the complainant or the vicinity of the complainant's property. If the noise complaint is substantiated, additional remedial measures must be implemented forthwith to reduce the disturbance to residents.
- The premises licence holder shall ensure that a post event report is provided to the licensing authority and the Council's Noise Control Officer no later than thirty-one (31) days after the event. This timescale shall remain in place unless otherwise agreed in writing by the Council's Noise Control Officer. The report shall include the results of all noise monitoring carried out during the event, indicating whether or not compliance to all the noise criteria was achieved, details of all noise complaints received and any remedial action taken to minimise noise disturbance off-site.
- The premises licence holder will ensure that sound tests and rehearsals must be undertaken, where possible, using monitors only.
- The premises licence holder will ensure that sound tests and rehearsals audible outside of the licensable area shall only be permitted during the following hours;
 - mid-day to 20:00hrs, except on 'event days' when it is permitted for a two (2) hours period, but also not before 09:00hrs Monday to Saturday, or 10:00hrs on a Sunday. The term 'event days' for the purpose of this condition only, refers to any day during the event when the main arena is used for the performance of music on outdoor stages. If the premises licence holder wishes to undertake any sound tests or rehearsals outside of these hours, they must consult with the council's Noise Control Officer to ascertain whether such tests can be permitted outside the above hours. Such instances will only be considered in exceptional circumstances and must be agreed in writing by the Council's Noise Control Officer in advance of the testing/rehearsals.
- The premises licence holder shall ensure that the sound engineers are fully aware of the noise criteria for the event and that any requests from them or the noise consultant to reduce on-site noise levels are implemented forthwith.
- The premises licence holder shall ensure that they, the noise consultants and sound engineers are provided with suitable communication networks, i.e. mobile telephones, radios, in order that they may communicate effectively throughout the event.
- The premises licence holder will ensure that a list of contact names and telephone numbers for the noise consultants, premises licence holder and other relevant persons, shall be provided to the licensing authority no later than seven (7) days prior to the commencement of the event.
- The premises licence holder, or their nominated representative is to have control of the electrical provisions to the sound systems at all times during the provisions of licensable activities being provided.
- The premises licence holder shall provide a dedicated telephone complaints line which shall be attended to, and answered, for the duration of the event, including during sound checks.
- The premises licence holder shall ensure that a log of all noise complaints are recorded and kept for inspection by the licensing authority and the Council's Noise Control Officer upon request, both during and after the event. The details of any complaints received must be passed to the noise consultant forthwith.
- The premises licence holder shall ensure that the nature, date and timings of the event (including sound-testing), and the telephone complaint line number is advertised in one or more newspapers circulating in the areas likely to be affected by the event, on at least one (1) occasion prior to the commencement of the event. This advertising should take place no earlier than six (6) weeks prior and no later than seven (7) days prior to the event commencing.

- The premises licence holder will ensure that the advert shall be sent to the Council's Noise Control Officer for approval at least ten (10) days prior to it being submitted to the newspapers.
- The premises licence holder will ensure that a copy of the advertisement shall be provided to the licensing authority and the Council's Noise Control Officer no later than seven (7) days prior to the commencement of the event.
- The premises licence holder shall notify the occupiers of nearby noise sensitive premises, in writing, of the nature, dates and timings of the event (including sound testing activities), and provide them with the details of the dedicated telephone complaints line. This communication shall be carried out no later than fourteen (14) days prior to the commencement of the event. This notification, along with a list of the intended recipients shall be sent to the Council's Noise Control Officer for approval no later than seven (7) days prior to its distribution.
- The premises licence holder shall ensure that no music emanates from any fairground rides or amusements between the hours of 23:00hrs – 09:00hrs Monday to Saturday, and 23:00hrs – 10:00hrs on a Sunday.
- The premises licence holder shall ensure that between the hours of 23:00hrs – 09:00hrs Sunday to Saturday, and 23:00hrs – 10:00hrs Saturday through to a Sunday that all vehicles delivering infrastructure to, or removing this from site, must only enter and exit the site via the location as agreed by the Council's Noise Control Officer.
- If helicopters are to be used in relation to the event (save helicopters used by emergency services), the premises licence holder will submit, and have approved, the details of the flights, including the frequency and timings of the landings and take-offs within the site area, to the Council's Noise Control Officer no later than fourteen (14) days prior to the commencement of the event. If the details are not approved, the premises licence holder has to ensure that no helicopters are used (save for emergency services) for the duration that the licensable event is taking place.
- A waste management plan designed to minimise the impact of litter associated with the event must be submitted, and approved by the Council's Environmental Health/Waste Officer no later than six (6) weeks prior to the event commencing.
- The premises licence holder shall ensure that the measures agreed in the waste management plan are fully implemented.
- The use of fireworks, pyrotechnics or special effects is not permitted without the prior consent of the Council's Noise Control Officer. The Council's Noise Control Officer shall be advised in writing of the details of the proposed use of the above, including the noise levels, duration and timing of them. This must be submitted to and approved in writing by the Council's Noise Control Officer no later than six (6) weeks prior to the commencement of the event. A copy of the details of any approved fireworks, pyrotechnics or special effects shall be submitted to the Licensing Authority no later than six (6) weeks prior to the commencement of the event. If this condition is not complied with, no fireworks, pyrotechnics, or special effects will be permitted during the event. Only in exceptional circumstances will the premises licence holder request a reduction in the timescale for compliance with this condition and it should only be effective if the Council's Noise Control Officer confirms the agreed timescale in writing. In any case, no fireworks, pyrotechnics, or special effects will be permitted at the event unless given written approval by the Council's Noise Control Officer at least four (4) weeks prior to the commencement of the event.

A5.5 The protection of children from harm [large scale outdoor events]

- All children under the age of fourteen years must be accompanied by an adult.
- A 'Challenge 21' scheme will be operated at all bars, shops or structures where alcohol can be obtained.

- Persons that are able to prove, when challenged, that they are eighteen (18) years of age or above will be issued with a wristband identifying their ability to obtain alcohol. Any person without such a wristband will not be served with alcohol, unless they can prove their age.
- Any unaccompanied children under the age of fourteen (14) years will be kept in a safe environment until their parent/guardian/responsible adult can be contacted and arrangements for the child's collection are made. Where contact cannot be made, the child would be passed to Hertfordshire Constabulary.

For Public Consultation

Summary of Responses to Statement of Licensing Principles

Consultee	Observations	Comment / Action Taken	Amendments to Licensing Policy
Sgt Simon Mullan on behalf of Hertfordshire Constabulary	Section A7.6.2 clarification needed on whether the number of NEETs refers to North Hertfordshire or the whole County	Agreed	Clarification that it is North Hertfordshire added
	Section E1.2.1 clarification needed on the Drugs Action Team	Agreed	Amended from Drugs Action Team to County Community Safety Unit
	Section G1.1 change 'intended' to 'intended or likely'	Agreed	Policy amended
	Section G6.2.2 wording amended for clarity	Agreed	Policy amended
	Section G6.3.5 wording amended to reflect consultation with police rather than determining police duties	Agreed	Policy amended
	Section G7.1.1 clarification that public health matters are applicable if impacting on public safety	Agreed	Policy amended
	Section G7.1.1 clarification about duplication of other legislation in conditions	Already covered in section F4.1	None
	Section H3.1 should also preclude reliance on SAG as a voluntary licence condition	Agreed	Policy amended
	Section O4.3.2 not supported	Disagree, too many applicants are put under pressure when responsible authorities do not contact them until late in the consultation period	Wording amended to include 'where operationally practicable' but principle remains
	Would the council support a “ask for what you want, not more for haggling purposes” policy on an applicants submission on an operating schedule and therefore consistent with the applicants business plans. Most often it is the speculative conditions (broader hours, larger capacities etc) which require us to engage and negotiate with applicants, only because they are often of the opinion that have asked for more with the intention of eventually getting what they want.	Whilst not supporting the precise wording, as every applicant is entitled to apply for whatever they chose, clarification could be added that asking for more as a bargaining tool could be counter-productive and is unnecessary as each application is determined on its own merits	New section D2.11 added
John Morris	Would the council support the promotion of other technological tools when considering applications for premises which are likely to factor strongly in the NTE, and therefore have a higher likelihood to attract crime and disorder, and therefore novel measures to promote the C&D objective? Such as but not limited to ID entry scanners.	Current policy does not preclude this approach	None
	Spelling and grammatical errors identified (consultation response not published)	Agreed	Policy amended

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Hello,

Please after a careful read I have attached Hertfordshire Constabulary's response to the Statement of Licensing review.

If any clarification is required, please ask.

Regards
Simon

A7.6.2 *North Hertfordshire has the highest number of NEETS (young people not in education, employment or training) in Hertfordshire with 43% of all NEETS living in Letchworth. A possible explanation could be due to child poverty present in Letchworth and the huge difference in good level of development figures between the 69.9% average within North Hertfordshire and the 34.8% in Letchworth Wilbury*

The paragraph reads that 43% of all NEETS in Hertfordshire – is this a mistype or is this correct?

E1.2.1 *The Council recognises the risk of controlled substance use in licensed premises, particularly dance and nightclub environments. Conditions may be imposed to prevent the use and consumption of controlled substances, including alcohol, and to create a safer environment for patrons that may have taken them. When imposing conditions, the Council will have regard to any national guidance relating to controlled substances and may seek advice from the local Drugs Action Team and the Police.*

Do we have a Drugs Action Team? Is this something that have been swallowed up by the Community Safety Partnership?

G1.1 *This section of the Policy deals with events with an intended capacity of five hundred and above. Capacities below that figure can be dealt with ordinarily by way of a temporary event notice which applies a 'light touch' approach to licensing, however, this does not preclude an application for a premises licence/club premises certificate.*

What about events with an intended capacity of under 500 but happen to have more? (e.g. Balstock) perhaps *intended or likely* would be a better term?

G6.2.2 *A decision relating to the implementation of dispersal powers is not a decision for the Council as part of the licensing function and dispersal powers cannot be imposed as a licence condition. That said, **use or planned use of dispersal powers by the police** ~~a decision on whether or not to implement dispersal powers~~ may be considered as part of the Sub-Committee's allocation of weight to a police representation.*

Just some ambiguous wording, my suggestion in yellow.

G6.3.5 *For events where the capacity, audience profile or perceived risk leads the Council to believe that a police presence on site is appropriate to promote the licensing objectives, the Council in **consultation with the police or in response to representations by the police** may consider the imposition of conditions requiring the applicant to make on site provision for any infrastructure required for the police to reasonably carry out their duties. These requirements may include, but are not limited to:*

- *a temporary custody area;*
- *a visible and accessible area for event patrons to attend;*

- *suitable accommodation on site for Police Commanders;*
- *suitable on site welfare provision for police personnel; and*
- *suitable IT equipment (telephony, internet, etc.) in order to facilitate any reasonable police request.*

Just want to avoid the SoL suggesting that the council could or would determine police duties.

G7.1.1 *The Council recognises that the public safety objective is concerned with the physical safety of the people attending the event and not with public health, which is dealt with in other legislation.*

This is consistent with the Sec of State guidance, however I just want clarity (and therefore it might be worth including in the SoL for clarity) – although conditions relating to public health would not be considered within the Operating Schedule (as stated in F4.1), would public health matters be considered if they undermined Public Safety at the point of review or representations?

I would like to see the above point made more globally, i.e. the council will not impose conditions on a licence where a breach in itself would be a violation of another piece of legislation, notwithstanding a breach of other legislation can be sufficient evidence form the basis for a review if said breach were to also undermine a licensing objective.

H3.1 *The Council will not impose any licence conditions requiring applicants to obtain the consent of NH SAG for any aspect of event management or infrastructure.*

Is it also worth including that an operating schedule which includes a reliance on SAG will not be accepted as a voluntary condition on a licence?

O4.3.2 *Ordinarily, the Council expects responsible authorities to undertake initial engagement with applicants, particularly where concerns exist, within seven (7) days of the start of the consultation period. This allows sufficient time for meaningful and fair discussions between the parties.*

O4.3.3 *Not engaging until close to the end of the consultation period places unfair pressure on the applicant to try to address responsible authority concerns and may force applicants to accept conditions and/or amendments that could have been avoided had the process started earlier.*

I take particular issue with the above two paragraphs. It jumps from an expectation of opening dialogue within seven days to not engaging until close of consultation leaving no opinion on the in-between. Formally expecting authorities to reach out to applicants within seven days firstly diminishes the recommendation that applicants should first reach out to RA's prior to submission, but also puts undue pressure on the police where views might need to be sought from a number of departments beforehand (such as safer neighbourhoods, events and planning, senior management team) to ensure unfair assurances are not given and we do not move goalposts as feedback is sought. Personally I would like to see O4.3.2 removed completely, but am happy to acknowledge that last-minute engagement is not acceptable as stated in O4.3.3.

Additional points:

- 1) Would the council support a "ask for what you want, not more for haggling purposes" policy on an applicants submission on an operating schedule and therefore consistent with the applicants business plans. Most often it is the speculative conditions (broader hours, larger capacities etc) which require us to engage and negotiate with applicants, only because they

are often of the opinion that have asked for more with the intention of eventually getting what they want.

- 2) Would the council support the promotion of other technological tools when considering applications for premises which are likely to factor strongly in the NTE, and therefore have a higher likelihood to attract crime and disorder, and therefore novel measures to promote the C&D objective? Such as but not limited to ID entry scanners.

Sgt 2881 Simon Mullan
Community Safety Unit
Hitchin Police Station
Local Policing Command
Hertfordshire Constabulary

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**NORTH HERTFORDSHIRE
DISTRICT COUNCIL**



STATEMENT OF LICENSING POLICY

as required by

THE LICENSING ACT 2003

2021 - 2026

For further information please contact:

Licensing Manager
North Hertfordshire District Council
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It is the Council's clear intention that this policy is read as one complete document rather than a series of individual sections. Reading individual sections in isolation may not fully explain the consistent threads running throughout the policy or the relationship of an individual section with other aspects of the policy. The Council strongly recommends that applicants read the entire policy as part of any application process.

SECTION A: DISTRICT OF NORTH HERTFORDSHIRE

- A1 Located less than 40 miles north from central London, North Hertfordshire is a predominantly rural district and contains interesting market towns and numerous picturesque villages and hamlets. It is an attractive area in which to live and work and has a wide variety of attractions including museums and galleries, historic markets, parks and areas of natural beauty.
- A2 The district was formed in 1974 combining the former Urban Districts of Hitchin, Letchworth, Baldock and Royston with Hitchin Rural District. It occupies the low chalk hills of the north-eastern Chilterns, extending north into the Bedfordshire and Cambridgeshire plain around Ashwell and Hinxworth, and south to the valley of the River Lea around Codicote. The area south and west of Hitchin is dominated by small hamlets linked by a network of winding lanes with high hedgerows, while to the east of Baldock, the landscape is open, with few hedges and larger, more nucleated villages.
- A3 Each of the towns has a distinctive character: Hitchin, Baldock and Royston are medieval market towns, each retaining numerous historic buildings, while Letchworth Garden City is world famous as the first Garden City.
- A4 The towns offer a wide range of shopping facilities, combining high street names with traditional markets, interesting antique and craft centres and small speciality shops. Farmers' Markets are held regularly at Hitchin, Letchworth Garden City and Royston, selling a range of local produce.
- A5 The villages of North Hertfordshire are very much community based, with cultural and community activities a key part of village life. Licensed premises such as community halls and village pubs are often central to village life.
- A6 Cultural and community activities are equally important in the four main towns, each also having a diverse and active night-time economy. Historically, music has played an important role in promoting the night-time economy and the district benefits from Knebworth Park, a historic concert venue playing host to artists such as Oasis, The Rolling Stones, Metallica, Robbie Williams and many more.

A7 Local area profile

A7.1 Location

- A7.1.1 North Hertfordshire is 1 of 10 districts within the county of Hertfordshire in the East of England, bordering Greater London to the south and Bedfordshire and Cambridgeshire to the north.
- A7.1.2 North Hertfordshire covers 37,538 hectares and represents 22.85% of the total area of the county of Hertfordshire.
- A7.1.3 North Hertfordshire is made up of 24 wards, the largest of which geographically is Hitchwood, Offa and Hoo, making up 27.36% of the North Hertfordshire area.
- A7.1.4 Found in the South East of England, officially under the area of East of England, North Hertfordshire itself has direct borders with the neighbouring districts of Central Bedfordshire, South Cambridgeshire, East Hertfordshire, Stevenage, Welwyn Hatfield and St Albans.

A7.1.5 94% of residents (Sept 2012) in North Hertfordshire are satisfied with the area as a place to live.

A7.2 Population

A7.2.1 The latest (mid-2015) estimate from the Office for National Statistics (ONS) puts the population of North Hertfordshire at 131,700 (64,600 males and 67,100 females).

A7.2.2 Hitchin Bearton is the ward with the largest population at 6.68% of the total population of North Hertfordshire; Baldock East being the ward most densely populated with 40.6 persons per hectare. The least densely populated ward is Weston and Sandon at 0.3 persons per hectare.

A7.2.3 The number of households in North Hertfordshire was 53,426 in 2011 with 65.6% of residents owning their own home compared to an average of 63.4% for England.

A7.3 Age

A7.3.1 The mean age on North Hertfordshire is 40 years old (39 years in England) based on figures from the 2011 census. The predominant age band for North Hertfordshire is 45-49 years old which represents 7.59% of the local population based on ONS Mid-Year Population estimates.

A7.3.2 In North Hertfordshire, latest (mid-2015) estimates states that 20.95% of the population is aged 65 years and over; 2.58% of the population is aged 85 years or over.

A7.4 Ethnicity

A7.4.1 In the 2011 Census, 15.1% of the North Hertfordshire population were from an ethnic minority background (defined as non-white British).

A7.4.2 95.88% of North Hertfordshire residents had English as their main language, 0.6% of residents did not have English as a main language and could not speak English well, and 0.11% of residents could not speak English at all.

A7.4.3 Hitchin Bearton ward has the highest number and the highest percentage per ward of ethnic minorities in North Hertfordshire as well as the largest number of households that speak little or no English.

A7.4.4 In 1970, the first Gurdwara Sikh temple in the Anglia Region was purchased and renovated in the Hitchin Bearton ward. This could possibly explain why Hitchin Bearton has been more popular within ethnic communities, particularly as to why Sikhism is the prominent belief after Christianity and no religion.

A7.5 Deprivation

A7.5.1 According to the North Hertfordshire Health Profile 2015, Hertfordshire as a whole ranks among the 10% least deprived counties in England however Hertfordshire still contains pockets of deprivation and some of those pockets found within North Hertfordshire are amongst the 10% most deprived areas in the country.

A7.5.2 North Hertfordshire's most deprived Middle Super Output Areas (average population of 7,200) are Letchworth Wilbury and Letchworth Grange and its most deprived Lower Super Output Area (sub-wards averaging 1,600 people) is Hitchin Oughton.

A7.5.3 Letchworth Wilbury was rated the 13th most deprived Middle Super Output Area in the whole of Hertfordshire (February 2014) when considering the indices of multiple deprivation 2010 score and the proportion of children living in low income families. Common problems in Letchworth Wilbury include childhood obesity, unemployment, economic inactivity, working age benefit claimants, child poverty, household income, transport availability and domestic violence.

A7.5.4 Letchworth Wilbury also scores the highest in North Hertfordshire for income deprivation, with 4 other wards also scoring above the national average for deprivation: Hitchin Oughton, Letchworth Grange, Letchworth East and Letchworth South East. The ward with the lowest income deprivation score in North Hertfordshire is Hitchin Priory.

A7.6 Young people

A7.6.1 The Chesfield ward has the highest number of 17-year-old and under, representing 6.86% of all North Hertfordshire's children.

A7.6.2 North Hertfordshire has the highest number of NEETS (young people not in education, employment or training) in Hertfordshire with 43% of all North Hertfordshire NEETS living in Letchworth. A possible explanation could be due to child poverty present in Letchworth and the huge difference in good level of development figures between the 69.9% average within North Hertfordshire and the 34.8% in Letchworth Wilbury.

A7.7 Unemployment

A7.7.1 The percentage of the working population within North Hertfordshire that are unemployed is 3.4% compared to 4.4% for England. The highest rate of unemployment can be found in the Hitchin Oughton ward at 6.46%.

A7.7.2 The percentage of all people of working age claiming a key benefit is 10% compared to 15% for England.

A7.7.3 The rate of the long-term unemployed claiming Jobseeker's Allowance within North Hertfordshire is 5.6 per 1000 of the working age population compared to 10.1 per 1000 across England, with only Letchworth East and Letchworth Grange wards above the country average.

A7.7.4 3.1% of the population in North Hertfordshire have either never worked or are long-term unemployed compared to the country average of 5.6%

A7.7.5 Hitchin Oughton ward has the highest percentage of residents in North Hertfordshire who are long-term unemployed or who have never worked.

A7.7.6 Letchworth in particular has an issue with employment deprivation with 12 of its Lower Super Output Areas in the bottom 20% for Hertfordshire. A Lower Super Output Area on the Jackmans estate ranked 5th in the county of Hertfordshire and one on the Grange estate ranked 6th.

A7.8 Updating the profile

A7.8.1 This local area profile is based on the latest available factual information and may be updated from time-to-time by the licensing manager to reflect the current position.

SECTION B: THE COUNCIL'S VISION FOR LICENSING

- B1 North Hertfordshire District Council ("the Council") acts as the licensing authority for the purposes of the Licensing Act 2003 ("the Act") by virtue of section 3 of the Act. As the licensing authority, the Council must undertake its statutory function in respect of the licensing regime in accordance with the current legislation, with regard to the Statutory Guidance and with regard to its Statement of Licensing Policy.
- B2 In its role as the local authority, North Hertfordshire District Council performs its other statutory functions including the provision of responsible authorities for the purposes of the Licensing Act 2003.
- B3 These dual roles are two entirely separate functions and must not be confused.
- B4 Whilst the licensing authority must act in accordance with its statutory duties in terms of decision making under the Act, the Council may have strategic priorities which it seeks to achieve in its role as the local authority.
- B5 This section of the policy highlights the strategic aims of the local authority which the Council is seeking to achieve for North Hertfordshire. This section in no way fetters the decision-making of the licensing authority but it seeks to outline the Council's vision for licensing in North Hertfordshire.
- B6 Our vision is:
- "To ensure that North Hertfordshire continues to offer a diverse range of well managed **licensed** venues and community and cultural activities within a safe and enjoyable environment, **in both the daytime and night-time economy.**"***
- B7 The Council recognises that national and worldwide events may impact on its ability to promote this vision, particularly during pandemics and the impact of exiting the EU. The vision detailed in paragraph B6 will always underpin licensing policy however the Council may need to adapt to measures introduced by Government to stimulate the economy or protect public safety. Under these circumstances, temporary measures may not always be within the control of the licensing authority however the Council will always seek to strike a reasonable balance between achieving its vision and promoting the licensing objectives.
- B8 The Council is committed to the continued promotion of the diverse cultural and community activities within the district and providing a safe and sustainable night-time economy for residents and visitors alike. Licensing policy will be approached with a view to encouraging new and innovative forms of entertainment that promote this vision and are consistent with the four licensing objectives.
- B8 The Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community. Where activities require a licence, the Council will seek to balance the potential for disturbance of local residents and businesses against the wider community and cultural benefits.
- B9 In making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy, but this must be managed in such a way to limit its impact beyond that which is reasonable. The Council will at all times consider the wider benefits to, and impacts on, the community as a whole and will take a proportionate view on the weight to apply to representations.

- B10 The Council is aware that those living in the rural communities of the district often do so to enjoy the quiet of a rural location. In making a balanced decision, the Council accepts that the level of disturbance that is reasonable in a rural location will be less than in a town centre location. This could be addressed by reduced licensable activity timings, particularly in the evenings and early mornings, and the frequency of activities. Whilst a 1-off event may cause some reasonable disturbance, it would be more tolerable than an event lasting multiple days or occurring numerous times throughout the year. That said, rural public houses and community buildings are often a key part of village life and should not be precluded from being able to offer appropriate activities for the benefit of the rural location.
- B11 The Council will seek to encourage cultural and community events in the district by allowing the appropriate use of its own public spaces and encouraging Town Centre Management to obtain premises licences for town centres to remove the burden of community groups having to obtain their own permissions.
- B12 The Council will seek to promote the option for community premises to extend their licence to include the sale of alcohol without the need for a designated premises supervisor (a personal licence holder). Whilst the management committee members would assume joint and equal liability for the sale of alcohol, effective management would negate unnecessary risk and would allow community facilities to extend their letting capabilities currently restricted to twelve alcohol events (temporary event notices) per calendar year.
- B13 The Council recognises that conditions cannot be imposed on existing licences in relation to cultural or community events taking place in the district, however, all relevant licence holders may be encouraged to assist with the promotion of the licensing objectives in such circumstances. For example, if a large scale community event was taking place in a town, other licensed premises could be encouraged to assist wherever practicable, i.e. off licences could employ door supervisors to control underage access to alcohol and pubs could supply alcohol in plastic containers to patrons drinking outside. At a review hearing, if it was deemed appropriate based on the available evidence, the Council may consider imposing similar conditions on premises in locations where cultural and community events occur.
- B14 Wherever possible, the Council will monitor the impact of the licensing regime on the provision of regulated entertainment for community and cultural events, in particular live music and dancing. The Council will endeavour to assist with resolving these issues through advice and education, and by providing feedback through any national consultation process.
- B15 The Council wishes to encourage the use of temporary event notices as a light touch approach to the licensing of community and cultural events, particularly where the option of a premises licence is impractical or cost prohibitive.
- B16 The Council recognises that the cultural diversity of North Hertfordshire and its large geographical area, encompassing numerous villages and hamlets, gives rise to many cultural and community events. The organisers of these events, however, may be new to the licensing regime or have limited experience of licensing requirements. The Council will promote temporary event notices as the most effective method of licensing small scale events (under 500 persons at any one time) with cultural or community benefit. Organisers of such events are encouraged to contact the Council to discuss their events with licensing officers who can guide them through the process and offer the most practical and appropriate solutions.

SECTION C: INTRODUCTION

C1. Background

- C1.1 This Statement of Licensing Policy (“the policy”) has been produced in accordance with section 5 of the Licensing Act 2003 (“the Act”) and has been drafted with regard to the Statutory Guidance (“the Guidance”) issued periodically by the Home Office pursuant to section 182 of the Act. Its purpose is to give guidance to North Hertfordshire District Council (“the Council”) when carrying out its functions and responsibilities acting as the licensing authority for North Hertfordshire under the Act for North Hertfordshire.
- C1.2 The Act has provided more flexibility for local businesses and North Hertfordshire has seen a significant increase in the number of venues offering regulated entertainment, in particular live music.
- C1.3 Where premises have caused problems to local residents, the police, trading standards and NHDC environmental health have successfully addressed issues relating to anti-social behaviour, noise and underage alcohol sales through the review process.

C2. Consultation

- C2.1 In preparing and reviewing this policy the Council has consulted with:
- (i) The Police;
 - (ii) The Fire Authority;
 - (iii) Other Responsible Authorities under the Licensing Act 2003;
 - (iv) NHDC Community Protection;
 - (v) NHDC Community Development;
 - (vi) NHDC Legal Services;
 - (vii) Neighbouring Councils in Hertfordshire and Bedfordshire;
 - (viii) Town Centre Management;
 - (ix) NH CSP Responsible Authorities Group;
 - (x) Organisations representing business interest;
 - (xi) Existing premises licence/club premises certificate holders;
 - (xii) NHDC Councillors; and
 - (xiii) Residents of North Hertfordshire via internet consultation.
- C2.2 Appropriate weight has been given to the views of all those consulted prior to the adoption of this policy.
- C2.3 The Council will keep this policy under review and continue to work in partnership with neighbouring local authorities (through the Herts & Beds Licensing Group), local Police, responsible authorities, local businesses and local people, towards the promotion of the Licensing Objectives.
- C2.4 The Council will publish its policy every five years in accordance with the Act (or other such period in the light of a legislative change) and it will be kept under review in the intervening period.

C3. Review

- C3.1 In the intervening period between statutory reviews the Council will periodically review the policy to ensure it remains relevant to emerging and local issues.

C3.2 Significant policy amendments

C3.2.1 Any amendment to this policy, other than those made under section 3.3 below, will be subject to formal consultation and adoption.

C3.3 Administrative policy amendments

C3.3.1 Administrative amendments to this policy, required by virtue of legislative changes, new Statutory Guidance **or changes to the local area profile**, will be made by the licensing manager acting on behalf of the Council under the Scheme of Delegation contained within the Council's Constitution.

C3.3.2 Amendments under this section are restricted to those required to accurately reflect the current legislative position rather than amendments that change the focus of local policy.

C3.3.3 Amendments to the Model Licence Conditions in Appendix A fall within the remit of an administrative amendment as they do not form part of the Council's policy. Each case must be determined on its own merits therefore standard conditions required by policy would be unlawful; they are simply an administrative tool, based on developing best practice, to assist applicants, responsible authorities and licensing sub-committees to formulate conditions appropriate to the particular premises.

C3.3.4 Amendments made under this section will not necessitate the adoption of a new policy nor amend the stated five-year period of the existing policy so amended.

C3.3.5 All amendments to this policy under this section will be publicised on the Council's website.

C4. The purpose of the licensing policy

C4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. This policy applies to all those licensable activities identified as falling within the provisions of the Act, namely the:

- (i) retail sale of alcohol (including via the internet or mail order);
- (ii) supply of alcohol by or on behalf of a club member, or the order of a club member;
- (iii) provision of late-night refreshment, which includes the supply of hot food and/or drink on or from any premises between 11pm and 5am to members of the public; and
- (iv) provision of 'regulated entertainment', whether indoors or outdoors, as defined by the Act which may include:
 - a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - boxing or wrestling entertainment;
 - a performance of live and/or recorded music;
 - a performance of dance.

C4.2 The Council has a duty under the Act to carry out its functions and responsibilities with a view to promoting the prescribed 'licensing objectives'. Each objective has equal importance and they are of paramount importance at all times. The objectives are:

- (i) the prevention of crime and disorder;
- (ii) public safety;
- (iii) the prevention of public nuisance; and

- (iv) the protection of children from harm.

C4.3 This policy is designed to assist:

- (i) individuals and organisations making licence applications;
- (ii) responsible authorities and residents when responding to licensing applications; and
- (iii) persons adversely affected by licensed activities.

SECTION D: LOCAL LICENSING POLICY (GENERAL)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

D1. The licensing process

- D1.1 The powers of the Council under the Act will be carried out by the Licensing Committee, by a sub-committee of the Licensing Committee, or by one or more officers acting under delegated authority. Further details of the delegation of powers are contained within the Council’s Constitution, available at www.north-herts.gov.uk
- D1.2 It is considered that many of the functions will be largely administrative with no perceived areas of contention. In the interests of efficiency most functions will be carried out by officers with delegated authority. The principles contained within this paragraph of the policy are consistent with general good decision-making principles.
- D1.3 The Licensing Committee must consist of at least ten and a maximum of fifteen members of the Council. The committee may delegate its powers to a sub-committee of the Licensing Committee consisting of three members. The Licensing Committee, or its sub-committee, will deal with all applications where relevant representations are received from a responsible authority or other persons.
- D1.4 When determining applications, the Council will have regard to this Statement of Licensing policy, relevant legislation and any Guidance issued by the Home Office pursuant to section 182 of the Act. If relevant representations are made, the Licensing and Appeals Committee or its sub-committee, will balance its decision against all other factors for and against the application.
- D1.5 The Council expects applicants to address the licensing objectives in their operating schedule and have due regard to this policy. To achieve this, the Council supports the principles set out in sections 8.41 – 8.44 of the Statutory Guidance which state:

8.41

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to local residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

8.43

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

- D1.6 Applicants should be aware that if they fail to have due regard to this policy it is more likely that the licensing authority or responsible authorities may deem it appropriate to make a representation. If representations are made as a result of the applicants' failure to address this policy in its operating schedule, the sub-committee may take this into consideration when determining the application.
- D1.7 **The Council recognises, however, that in the absence of relevant representations, the application must be granted as applied for subject only to mandatory conditions and conditions consistent with the operating schedule supplied with the application.**
- D1.8 Whilst there is no requirement for applicants to consult with the responsible authorities prior to submitting an application the Council encourages pre-application dialogue to take place.
- D1.9 The Council will not solicit representations by distributing notification of applications to nearby residents; all applications are listed on the Council's website and subject to the prescribed advertising requirements which the Council believes to be sufficient.

D2. Determining applications

- D2.1 Each licence application will be decided by reference to this policy, the National Guidance issued by the Secretary of State, relevant legislation and to the individual circumstances of the particular application. The Council may depart from the policy where the individual circumstances of any application merit such a decision in the interests of the promotion of the Licensing Objectives. Full reasons will be given for decisions taken by the Council when undertaking its licensing functions.
- D2.2 The Act makes it clear that unless relevant representations are received, the application must be granted subject only to the mandatory conditions and conditions consistent with those offered in the operating schedule accompanying the application.
- D2.3 The Council acknowledges that operating schedules should not just be reproduced on a licence; it has a duty to convert the operating schedule into proportionate and appropriate conditions. In doing so, the Council will not depart from the spirit or intention of the

operating schedule, however, reserves the right to amend wording accordingly providing it does not place added burden on the applicant.

- D2.4 In determining applications, the Council will focus primarily on the direct impact of the proposed activities on persons that may be adversely affected in relation to the licensing objectives. The scope of those persons that may be affected will be determined on a case by case basis taking into account all relevant factors.
- D2.5 The Council acknowledges that the licensing process can only seek to impose conditions that are within the direct control of the licence holder. The Council does not consider that the term 'direct control' can be generically defined and will consider its definition relative to the specific circumstances of each application. For example, licensed premises at the end of road leading to a car park may be able to control its patrons leaving the premises and using the car park. In general terms, to be considered to be under the 'direct control' of a licence holder, there will need to be a direct causal link between the problems or likely problems and the specific premises.
- D2.6 Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a licensing sub-committee will seriously consider refusal of the application. For example, patrons from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.
- D2.7 Where a consultation period has closed and relevant representations have been received, the Council encourages dialogue between the applicant and those making representations to attempt to resolve any issues to all parties' satisfaction. Where a resolution is reached by way of amendments to the application and/or operating schedule conditions and all parties, including the Council acting as a responsible authority, agree a hearing is not necessary the Council will accept the applicant's amendments and grant the application as amended.
- D2.8 The Council recognises that the exercise of its licensing function is only one of a number of means of securing the promotion of the licensing objectives. The exercise, by the Council, of its licensing function should not be seen as a panacea for all problems within the community. The Council will encourage co-operation between its licensing function, planning function and environmental health functions to ensure that any problems are addressed using the most appropriate means and that its licensing function does not duplicate any other statutory responsibilities.
- D2.9 The Council will carry out its licensing functions in the promotion of the licensing objectives and, in addition, will support the stated aims of the Act which are as follows:
- (i) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - (ii) giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - (iii) recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
 - (iv) providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

- (v) encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

D2.10 In seeking to promote the above stated aims, the Council will support local and national schemes designed at raising and/or maintaining high standards in licensed premises such as, but not limited to, 'Challenge 21', 'Challenge 25', Pubwatch and 'Safer Pubs and Clubs'. The Council will work with the licence holders to achieve these goals offering advice and support either through trade forums, trade newsletters or regular trade updates on the Council's website.

D2.11 The Council is aware that applicants sometimes request longer hours or more licensable activities than they would ordinarily want in order to provide some room for negotiation to obtain their actual requirements. Whilst the Council cannot, nor would seek to, limit the content of an application, this approach is counter-productive in that it may attract more representations. Additionally, it is unnecessary as each application is assessed on its own merits with the option of appearing before a sub-committee if negotiations with a responsible authority are unsuccessful.

D3. Flexible licensing hours

D3.1 The Council recognises that fixed and artificially early closing times previously established under the Licensing Act 1964 were one of the main causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large numbers of customers were required to leave premises simultaneously. These concentrations of people leaving can result in friction at places such as late-night food outlets, taxi ranks and other sources of transport. The aim through the promotion of the licensing objectives will be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times where appropriate.

D3.2 The Council recognises that arbitrary restrictions would undermine the principle of flexibility and should be avoided; the licensing objectives will be the paramount consideration at all times. That said, if there is a proliferation of disorder and/or disturbance related to licensed premises in a specific location, for example a town centre, the Council may determine that a fixed terminal hour to mitigate the problems may be appropriate if no other control method has resolved the problem..

D3.3 Generally, when the Council's discretion is engaged, the presumption will be to grant the hours requested unless there are representations raised by responsible authorities and/or other persons that demonstrate an adverse effect or likely effect on the licensing objectives.

D3.4 The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night-time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the licensing objectives.

D3.5 The Council has no intention to introduce the zoning of licensing hours. Experience in other areas has shown that this can lead to significant movement of people across boundaries in search of premises opening later and places greater pressure on town centres than is necessary. In addition, the Council recognises that zoning of licensing hours would undermine the principle of determining each application on its own merits.

D3.6 With regards to shops, stores and supermarkets that provide sales of alcohol for consumption off the premises, the Council would normally expect to grant the sale of

alcohol at any time the premises is open to the public, unless representations give good reason to restrict the hours in relation to the licensing objectives.

- D3.7 The Council is aware of the *R v Guildford Borough Council [2006] EWHC 815 (Admin)* case that held that it was possible for a policy to presume against longer licensing hours where there was evidence that it was necessary in terms of the licensing objectives to do so. The Council has no evidence that suggests such an approach would be appropriate, however, the situation will be kept under review and the Council would consider amending the policy accordingly if necessary.

D4. Cumulative impact

- D4.1 'Cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. An example of this impact would be the increase in crime and disorder or public nuisance in a town centre resulting from a large concentration of licensed premises in one area over and above the impact of the individual premises themselves.
- D4.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can properly consider in developing its Licensing Policy Statement.
- D4.3 The Council recognises that there is a difference between the commercial need and the cumulative impact of premises in an area. Commercial need is the commercial demand for other licensed premises and is a matter for planning consideration and market forces. It does not form part of this Licensing Policy Statement.
- D4.4 The Council will not operate a quota of any kind, nor will it ordinarily seek to impose general limitations on trading hours in particular areas.
- D4.5 In considering issues of cumulative impact the Council will be mindful that, in addition to the licensing functions, there are a number of other mechanisms, both within and outside the licensing regime, for addressing nuisance and disorder. These include, but are not limited to:
- (i) planning controls;
 - (ii) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - (iii) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 - (iv) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - (v) police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices and the use of existing powers under the Anti-social Behaviour, Crime and Policing Act 2014;
 - (vi) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - (vii) the confiscation of alcohol from children;
 - (viii) police and local authority powers to close down instantly for up to twenty-four hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
 - (ix) the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

D4.6 The Council will also address the issue of crime and disorder through the North Herts Community Safety Partnership in line with strategic objectives for crime and disorder reduction within the district. The success of these measures in reducing nuisance and disorder will be subject to ongoing review.

D5. 'Special policies' relating to cumulative impact

D5.1 Where, after considering the available evidence and consulting relevant people and organisations, the Council is satisfied that it is appropriate to introduce a targeted approach to cumulative impact, it may introduce a special policy to combat the cumulative impact of licensed premises in a particular area.

D5.2 Where such a policy is implemented in respect of any particular area, it would create a presumption that new licence applications should be refused, where relevant representations are received, unless it could be shown that the new premises would not increase the cumulative impact already being experienced in that area.

D5.3 In determining whether to introduce a special policy the Council will take the following steps:

- (i) identify evidence of concerns about the crime and disorder or public nuisance;
- (ii) consider whether it can be demonstrated that crime and disorder and/or public nuisance is occurring and is being caused by customers of licensed premises and, if so:
 - identify the area from which the problems are arising and the boundaries of that area; and
 - that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- (iii) undertake a public consultation as required; and
- (iv) where a special policy is adopted by the Council, publish the special policy as part of this Licensing Policy Statement.

D5.4 As with any other application under the Act, the Council will take account of all relevant circumstances surrounding any application and may depart from the special policy where the individual circumstances merit such a decision in the interests of the promotion of the licensing objectives. No special policy for a specific area will be absolute, each application will be considered on its own merits.

D5.5 In considering the effect of an application on any special policy relating to cumulative impact, or on cumulative impact as a general issue, a person making a representation will still need to demonstrate how the premises would have an adverse effect on them in terms of the licensing objectives. A person making a representation would not be considered to be relevant if they failed to meet this requirement but submitted a representation concerning their general concerns with an area as a whole rather than the impact, or potential impact, of new premises.

D6. Licence conditions

D6.1 The Council acknowledges that it can only seek to impose conditions on a licence when a relevant representation has been made. In the absence of any relevant representations, the Council will grant the application subject only to the mandatory conditions and conditions consistent with the operating schedule (see paragraph D2.3).

D6.2 The Council recognises that each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and

characteristics of the premises and activities concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. A standardised approach to imposing conditions must be avoided and conditions will only be lawful where they are deemed appropriate to promote the licensing objectives in response to relevant representations.

- D6.3 Conditions will only be imposed when they are appropriate for the promotion of the licensing objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities or the surrounding areas of the premises, places or events. Conditions are likely to be focused towards the direct impact of those activities on persons living in, working in or visiting areas affected by, or likely to be affected by, those activities.
- D6.4 Where appropriate the Council will draw upon the pool of model conditions attached at Appendix A. The pool of model conditions relates specifically to the four licensing objectives (see section F7) **and are indicative of condition wording that may address identifiable issues. Licensing sub-committees are reminded that they should ensure that the wording of any condition is appropriate and proportionate to address any concerns raised in respect of the specific issues at the premises.**
- D6.5 The pool of model conditions, by its nature, is a live document that will evolve as best practice develops and professional bodies, such as the Institute of Licensing, publish similar documents. As the pool of model conditions is provided to assist all parties and promote consistency and transparency of decision-making, **the licensing manager will periodically review Appendix A and amend where appropriate.**
- D6.6 The Council interprets Section L of the application form, "Hours premises are open to the public", as an integral part of the operating schedule. In assessing an application, responsible authorities and other persons are likely to read those hours as though they were part of the operating schedule and tailor their representations based on that interpretation. These hours, therefore, form conditions of the licence operating schedule and restrict the hours during which members of the public can be on the licensed premises at the conclusion of trading irrespective of whether licensable activities are taking place. Applicants are advised to consider any necessary 'drinking-up time' or wind-down period at the end of normal licensable activities when completing this section of the application.
- D6.7 The Council strongly believes that a carefully considered operating schedule that fully considers the impact of the proposed activities in relation to the promotion of the licensing objectives, having regard to this policy and the Guidance, is less likely to result in the imposition of conditions by a licensing sub-committee following representations.
- D6.8 It is the Council's view that the imposition of conditions should be restricted to those that are proportionate in addressing any concerns in relation to the promotion of the licensing objectives. Conditions should not be used as a tool to attempt to mitigate every possible scenario; this will serve only to place undue burden on applicants and is not consistent with the general principles of the Guidance.
- D6.9 Operating schedules and licence conditions should be drafted in such a way that it is clear to licence holders exactly what is required of them and these requirements should be concise and well-worded to assist the licence holder in managing their premises. The Council is strongly of the view that the imposition of a substantial list of conditions in order to grant an application calls into question the suitability of the applicant to hold a licence. Where a licensing sub-committee determines that it is appropriate to impose a substantial list of conditions to the extent that they are effectively determining the day-to-day

management of the premises, they will give serious consideration to refusing the application.

D7. Mandatory conditions

- D7.1 The Council is aware that there are mandatory conditions that apply to all premises licences and separate mandatory conditions that apply to all club premises certificates.
- D7.2 Section 19 of the Act contains a mandatory condition for premises licences whereby there can be no sale of alcohol without a designated premises supervisor named on the licence or where the designated premises supervisor does not hold a valid personal licence, and where every sale of alcohol must be made or authorised by a personal licence holder.
- D7.3 The Council does not expect the designated premises supervisor to be available at the premises at all times, however they are expected to exercise control over day-to-day management of the premises. In the absence of the designated premises supervisor, a senior member of staff should be authorised, preferably in writing, to deputise for the designated premises supervisor and the deputy's role should be made known to all staff.
- D7.4 At a review of a premises where relevant representations are received in relation to ineffective management of the premises when alcohol is available to the public, the Council will consider imposing a condition requiring a personal licence holder to be present at all times whilst alcohol is being supplied.
- D7.5 Section 20 of the Act contains a mandatory condition for premises licences restricting access for children to all exhibitions of films in accordance with a film classification body. The Council recognises the British Board of Film Classification as the appropriate film classification body and the classifications awarded by this body will ordinarily apply in respect of this condition.
- D7.6 Where a British Board of Film Classification certification does not exist, or the Council has advised that it wishes to exercise its discretion, the film will be classified by the Council, in its role as the licensing authority, and the subsequent classification awarded by the Council will apply in respect of this condition. The Council will base any classification it awards on the guidelines issued by the British Board of Film Classification **and the classification will only apply to viewings at specified premises in North Hertfordshire.**
- D7.7 When the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 SI 2010/860 introduced new mandatory conditions as part of section 19 of the Act with effect from 6th April 2010 and 1st October 2010, the Council chose not to re-issue all existing licences to include these conditions. When the Council processes an application to vary an existing licence the full range of mandatory conditions will be included on the licence. The absence of mandatory conditions on a licence does not invalidate those conditions; it is the licence / certificate holders' responsibility to be aware of, and comply with, all mandatory conditions.
- D7.8 The Council strongly believes that irresponsible drinks promotions, specifically those that encourage patrons to drink more than they otherwise would or within a shorter time period, should be discouraged and fully support the respective paragraphs in the Guidance.
- D7.9 In the case of a review of an existing licence or certificate where there is evidence that an irresponsible alcohol promotion is contributing to an adverse effect on the licensing objectives, the Council will consider this as evidence of the ineffectiveness of the management of the premises

D8. Live music, dancing and theatre

- D8.1 The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.
- D8.2 Only appropriate, proportionate and reasonable licensing conditions will be imposed on licences so as not to discourage the promotion of entertainment. Conditions will relate to the minimum needed to ensure the promotion of the licensing objectives.
- D8.3 The Council will ordinarily avoid any measure which deters live music, dancing and theatre by imposing indirect costs of a substantial nature (for example, noise limiting devices for smaller or community premises). The Council acknowledges, however, that on occasions the imposition of appropriate conditions with cost implications may be the only alternative to refusing an application where there is sufficient evidence in relation to the effect, or likely effect on the licensing objectives.

D9. Minor variations

- D9.1 The Council is aware of the administrative burden and cost of making an application to vary a licence or certificate for changes that are unlikely to have an impact on the licensing objectives or attract representations, for example amending the layout plan of a premises or to remove/amend a condition that is no longer effective or necessary.
- D9.2 The Council will determine whether an application meets the criteria of a minor variation application on a case by case basis by having due regard to the Guidance which specifically excludes certain circumstances. Applicants are encouraged to seek pre-application advice on what constitutes a minor variation in order to prevent unnecessary variation applications.
- D9.3 Evidentially, the Council will require representations to be of the same standard and substance as those required for a full variation. Having initially determined that the application is unlikely to have an impact on the licensing objectives, and so meets the minor variation process criteria, the Council will not refuse an application based purely on an opinion from a responsible authority or other person that is not supported by appropriate evidence.
- D9.4 Whilst the Council acknowledges that conditions cannot be imposed as a result of a minor variation application, it is aware that the applicants can include operating schedule conditions as part of their proposed variation. The Council encourages discussions between the applicant and the responsible authorities or other persons in order that the application can include measures that would address any potential concerns and avoid representations.
- D9.5 The Council acknowledges that the Guidance is cautious in relation to minor variation applications to remove licence conditions imposed by a licensing sub-committee, however, accepts that there may be occasions when the minor variation process would be appropriate. If a condition is no longer appropriate, for example a change in the nature of the business or the issues that the condition addressed no longer apply, then the use of the minor variation process will be encouraged. Pre-application discussions between licence holders and responsible authorities will assist the applicant in identifying whether or not an application is likely to attract a representation.
- D9.6 The Council will encourage the use of a minor variation application as an alternative to a request for a review where an agreed solution to a problem has been reached between licence holder and responsible authority. For example, rather than reviewing a licence to

add a door supervisor condition that the licence holder accepts, the Council will encourage a minor variation application to add the agreed condition.

D10. Full variations

D10.1 Where a licence/certificate holder wishes to amend an existing licence/certificate, but the amendments fall outside the scope of a minor variation, a full variation will be required.

D10.2 Full variations will be required in all instances to:

- (i) extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23:00hrs and 07:00hrs the following morning;
- (ii) increase the total amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises; or
- (iii) remove any conditions that the responsible authorities consider to still be appropriate.

D10.3 A full variation cannot be applied for if a licence/certificate holder wishes to add the sale or supply of alcohol to the licence/certificate. In this instance, as this is a substantial change to the business operation which presents a higher risk, a new application will be required.

D10.4 The process of applying for, and the determination of, full variations is almost identical to that of a new application. There is no requirement, however, to submit a plan unless one would be necessary in order to understand the application, for example a change to the plan or the addition of licensable activities in certain areas.

D10.5 As with all applications, it is for the applicant to ensure that their operating schedule fully reflects the need to promote the licensing objectives and has regard to this policy. Pre-application discussions with responsible authorities are encouraged to minimise the likelihood of representations.

D11. Reviews

D11.1 Any responsible authority or other person has the right to ask the Council for a review of a premises licence or club premises certificate, using a Government prescribed application form, if they believe that one or more of the four licensing objectives are not being met. At a review hearing, the options available to the licensing sub-committee are:

- (i) to take no action;
- (ii) to modify the conditions of the licence;
- (iii) to exclude one or more licensable activities from the scope of the licence;
- (iv) to remove the designated premises supervisor;
- (v) to suspend the licence for a period not exceeding three months; or
- (vi) to revoke the licence.

D11.2 In determining whether or not an application for a review is relevant, the Council will have due regard to the Guidance in relation to whether an application is frivolous, vexatious or repetitious. The Council acknowledges that the Act precludes a representation by a responsible authority from being deemed frivolous, vexatious or repetitious.

D11.3 The Council recognises that the licensing authority itself can initiate the review process in its role as a responsible authority. This is entirely separate from the licensing authority's role of administering the process and determining the application at a hearing where evidence supporting any allegations will need to be submitted. The Council will ensure that

these two separate functions are undertaken by different officers to ensure impartiality on the part of the licensing authority.

D11.4 The Council is strongly of the view that the primary responsibility for initiating a review lies with the responsible authorities or affected persons. The licensing authority acting as a responsible authority will ordinarily only seek to initiate a review in circumstances such as:

- (i) genuine concerns of repercussions from affected persons preventing them from requesting a review in their own right;
- (ii) inconsistencies with this policy; or
- (iii) as an alternative to formal enforcement action in cases of licence breaches.

D11.5 The Council recognises the importance of partnership working between the licensing authority, licence holders, responsible authorities and other persons in achieving the promotion of the licensing objectives. The Council will endeavour to give licence holders an early warning of any potential problems at premises in order to resolve them informally where possible.

D11.6 When a review is requested in circumstances where the crime prevention objective is not being met, revocation of the licence may be considered as the first step if the seriousness of the evidence adduced at a review hearing is such that other options may prove inappropriate.

D11.7 The Council is aware that a request for a review is not intended to be a tool for further challenging the grant of an application following unsuccessful representations on an earlier occasion. Each review application will be considered on its own merits, however, the Council would ordinarily expect there to be an interval of at least six months from initial grant to fully assess the operation of a premises in relation to the licensing objectives before a review application is accepted from a person other than a responsible authority.

D11.8 Additionally, the Council would ordinarily expect only one application for a review from a person other than a responsible authority within a twelve-month period save for exceptional circumstances supported by compelling evidence.

D11.9 NHDC's Environmental Protection & Housing Team, the designated responsible authority leading on public nuisance, may request a review in order to address the licensing objective of prevention of public nuisance when other control measures are unsuccessful or inappropriate, or in situations where a premises is continually causing issues, for example following the serving of a noise abatement notice.

D12. Enforcement

D12.1 The Council has established a number of enforcement protocols focussing upon agreed problem and high risk premises that fall short in promoting the licensing objectives or complying with an authorisation, while providing a lighter touch to low risk premises that are shown to be well managed and maintained.

D12.2 Enforcement action will be taken with regard to the Council's Housing and Public Protection Enforcement Policy. Enforcement action will follow the five guiding principles of consistency, transparency, proportionality, fairness and objectivity. A copy of the Housing and Public Protection Enforcement Policy can be found on the Council's website at www.north-herts.gov.uk.

D12.3 Programmed inspections of all licensed premises will be undertaken by the licensing authority in accordance with a risk-rating system. This will ensure that enforcement is

proportionate and targeted at higher risk premises which require greater attention, thus allowing a lighter touch in relation to lower risk premises.

- D12.4 Multi-agency licensing compliance operations will be targeted predominately at higher risk premises and will be unannounced.
- D12.5 The Council expects responsible authorities to lead on enforcement action that falls within their normal working remit. In respect of non-compliance with an authorisation, the licensing authority would ordinarily take the lead assisted, where applicable, by witness statements from responsible authorities.
- D12.6 The Council will consider the use of Closure Notices under section 19 of the Criminal Justice and Police Act 2001 as a method of enforcing licence conditions. This procedure clearly identifies the actions a licence holder needs to take to rectify the situation within a set period of time and the consequences of not doing so. In the event of non-compliance with a Closure Notice, the Council will apply to the courts for a Closure Order.
- D12.7 Reviews of existing premises licences/club premises certificates may be used by the licensing authority or a responsible authority as a means of enforcement where a review is likely to secure future compliance. Repeated or serious non-compliance is likely to result in formal enforcement action.

D13. Temporary event notices

- D13.1 The Council encourages the use of temporary event notices for small community or infrequent events as a light touch approach to licensing. Full details of how to apply are available on the Council's website www.north-herts.gov.uk
- D13.2 When calculating the notice period for the giving of a temporary event notice the term 'working days' does not include Saturdays, Sundays, Public Holidays, the day of the event, or the first working day that the Council receives the notice. If the required 'working days' notice is not given to both the Council and any required consultees, the legislation precludes the temporary event notice from being authorised; for the avoidance of any doubt, the Council has no discretion in the matter.
- D13.3 The vast majority of these events will not present any problems, for example special occasions in a pub or community hall or charitable fundraising events. A temporary event notice is a light-touch approach to these events and the Council expects that representations will only be made in exceptional circumstances where compelling evidence exists of the effect or likely effect on the licensing objectives.
- D13.4 That said, the Council does not expect licence holders to utilise temporary event notifications as a method of avoiding restrictions imposed on an authorisation by way of conditions. The Council is aware that existing licence conditions can be transposed onto a temporary event notice where a licensing sub-committee deem it appropriate based on any relevant representations.
- D13.5 The Council acknowledges that licensed premises can, and often do, enter into informal arrangements with the police in order to ensure that the crime and disorder objective is met. Whilst a temporary event notice giver may offer conditions and/or commitments to mitigate any concerns arising from a notification, the Council is aware that they cannot be imposed on the temporary event notice and are not enforceable.
- D13.6 For anything other than low-risk events (less than one hundred attendees), the Council recommends at least two months' notice to ensure that the event can be properly planned.

This is only a recommendation, as the legislation only requires compliance with the statutory notice period. The Council has established a Safety Advisory Group consisting of relevant Council Officials, the emergency services and other strategic partner agencies to give advice to organisers of public events. Event organisers are encouraged to use this team as part of their event planning process and the Council strongly advises that initial contact is made at the earliest opportunity.

- D13.7 For events of national significance, for example a sporting world cup, the Council encourages co-operation between licence holders and the police in order to ensure the licensing objectives are met. Voluntary agreements to employ additional door staff or to use plastic drinking vessels are two such examples. Where a police objection to a temporary event notice has been received in such circumstances, the Council is likely to issue a Counter Notice preventing the event from taking place where voluntary agreements have been sought by the police but not entered into by the applicant.
- D13.8 NHDC's Environmental Protection & Housing Team will consider an application for a temporary event notice in relation to the prevention of public nuisance licensing objective. A representation may be submitted to the licensing authority in certain circumstances, for example, where the premises that is the subject of the application has a current noise abatement notice served upon it, if there are known noise issues at the premises or if the proposed activities and timings are not appropriate for the location. Where the temporary event notice is at a premises with a current premises licence or club premises certificate, it may be appropriate to request that existing licence conditions are imposed on the temporary event notice in order to promote the prevention of public nuisance licensing objective.
- D13.9 The Council is aware that a representation against a temporary event notice is subject to the same degree of evidence and/or detail as a representation against an application for a licence/certificate. If a premises is operating under good management and has not caused any problems relating to the licensing objectives, a sub-committee would need suitable evidence to demonstrate that a refusal of a temporary event notice is appropriate and proportionate, particularly when other legislative powers exist such as the serving of abatement notices.

D14. Environmental considerations

- D14.1 Whilst the Council acknowledges that protection of the environment is not a licensing objective therefore not a relevant consideration in the decision-making process, it has declared a climate emergency and expects applicants to make every effort to protect the environment.
- D14.2 Appendix G contains some specific measures the Council encourages in relation to large-scale outdoor events.

D15. Annual licence fees

- D15.1 The Council is aware that the payment of an annual fee for a premises licence/club premises certificate is a statutory requirement by virtue of the Act. The responsibility for ensuring prompt payment rests entirely with the licence/certificate holder.
- D15.2 The Council will not accept the absence of a reminder letter or an invoice as a reason for non-payment as there is no statutory requirement for the Council to issue such documents.
- D15.3 In accordance with section 55A of the Act, the Council will ordinarily issue suspension notices for any outstanding fee which prevent licensable activities from being provided

during the period of suspension. The suspension will remain until such time as full payment of any outstanding fee has been received by the Council and the licence/certificate holder has received a payment receipt.

D16. Pre-application advice

D16.1 The Council is aware that applicants often require specialist advice in preparing and submitting an application, and that licensing agents or licensing solicitors can be a considerable expense to a new business.

D16.2 The Council will offer a pre-application advice service based on an hourly rate that may include, but is not limited to:

- assisting with ensuring that an application covers the timings and activities required by the applicant
- assisting with the drafting of an operating schedule that complies with policy requirements and reflects the activities proposed in the application
- liaising with responsible authorities in advance of the application
- providing a 'check and send' service to ensure that there are no administrative errors with the submission of the application, including the provision of draft public and newspaper notices

It is for the applicant to advise what level of service they require.

D16.3 For transparency, the Council licensing officer that provides any pre-application advice will not be involved in processing the application when it is subsequently made or as the licensing authority acting as a responsible authority assessing the application.

D16.4 Applicants should be aware that it is not mandatory to utilise the pre-application advice service, it is a discretionary service available for those applicants that chose to use it. A licensing sub-committee will not attach any weight to whether this discretionary service is used during its determination of the application.

D16.5 Equally, applicants should be aware that using the pre-application advice service does not guarantee the success of an application. All applications will be determined in accordance with this policy based on the ability to promote the four licensing objectives.

SECTION E: THE LICENSING OBJECTIVES

In this section all references to "the Council" refer to North Hertfordshire District Council acting in its role as the licensing authority.

E1. Prevention of crime and disorder

E1.1 Door supervisors

E1.1.1 All persons employed at licensed premises to carry out any security activity must be licensed with the Security Industry Authority.

E1.1.2 Conditions may be imposed on licensed premises requiring supervision by door supervisors in order to reduce crime and disorder and/or public nuisance in order to address the licensing objectives. The conditions may provide that door supervisors must be employed at the premises at all times, at specific times, or at such times when certain licensable activities are being carried out.

E1.1.3 Ordinarily, door supervisors are more likely to be required at premises licensed for the sale of alcohol, however where evidence of disorder or likely disorder exists it may be appropriate for door supervisors at late night refreshment premises such as takeaways.

E1.1.4 Where premises have a policy of searching patrons prior to entry, the Council recommend that at least one male and one female door supervisor is employed.

E1.2 Controlled substances

E1.2.1 The Council recognises the risk of controlled substance use in licensed premises, particularly dance and nightclub environments. Conditions may be imposed to prevent the use and consumption of controlled substances, including alcohol, and to create a safer environment for patrons that may have taken them. When imposing conditions, the Council will have regard to any national guidance relating to controlled substances and may seek advice from the **County Community Safety Unit** and the Police.

E1.2.2 Where evidence of controlled substances issues exist, door supervisors may be required to operate a targeted search policy of patrons using the premises. Additionally, regular patrols of the premises both internally and externally (including the toilet areas) may be appropriate to monitor such issues.

E1.2.3 The Council expects responsible licence holders at premises where problems with controlled substances exist, or where there is a high risk of such issues, to have a written controlled substance policy with appropriate training given to all employees.

E1.2.4 New Psychoactive Substances (NPS) mimic the effects of illegal substances such as cocaine, ecstasy and cannabis and are designed specifically to evade any controls. Whilst NPS are not specifically regulated under the Act, the Council is acutely aware of their potential to impact on the licensing objectives, particularly when NPS are combined with alcohol consumption.

E1.2.5 The Council expects applicants to consider the risks of NPS as part of their operating schedule and demonstrate what control measures they will use to ensure the promotion of the licensing objectives.

E1.2.6 Where there is evidence of the sale/use or potential sale/use of NPS at premises, the Council may consider imposing conditions preventing the sale of NPS at premises or requiring control measures, such as door searches, to prevent NPS from being brought onto licensed premises.

E1.2.7 Some NPS products may contain controlled substances which would make them illegal. Where the Council is aware of illegal substances associated with a premises they will inform the police and consider whether a review of the licence/certificate is appropriate to ensure the promotion of the licensing objectives.

E1.3 Capacity

E1.3.1 The Council understands that the setting of capacity limits for the purposes of fire safety is not permitted, however, it may be appropriate to restrict capacity in premises in order to help control overcrowding and disorder.

E1.3.2 Where a condition is imposed restricting capacity to promote the prevention of crime and disorder objective, it is likely that a condition requiring door supervisors will also be appropriate to manage capacity.

E1.3.3 If it is deemed appropriate to restrict or manage capacity to promote the prevention of crime and disorder objective, it may be appropriate to impose a condition specifying the ratio of tables and chairs to patrons and for areas to be allocated as permanent seating areas in order to prevent overcrowding which in turn could lead to violence and disorder.

E1.4 Closed-circuit television (CCTV)

E1.4.1 The Council encourages the use of CCTV recordings, with appropriate warning signage, where they would assist with the promotion of the licensing objectives.

E1.4.2 Equally, the Council is mindful that a blanket CCTV requirement without assessing its appropriateness and proportionality to the individual premises would be an unnecessary financial burden on the premises.

E1.4.3 Where there is insufficient evidence to demonstrate that CCTV is an appropriate and proportionate requirement at a premises, or where CCTV is sought for problems not related specifically to the licensable activities at the premises, CCTV conditions will not be imposed by a licensing sub-committee.

E1.4.4 Where there is evidence of disorder or likely disorder, the Council may deem it appropriate to impose conditions relating to CCTV in order to promote the licensing objectives. Each case will be determined on its own specific circumstances however, considerations may include, but are not limited to:

- the type of camera and number of cameras
- the locations of the cameras
- the recording capability of the cameras in terms of providing evidence quality images
- the times during which the cameras should be operational
- procedures for repairing the cameras should they become inoperable
- staffing requirements in respect of a working knowledge of the equipment
- storage requirements for recordings
- date/time stamping of recordings
- provision of recordings to the police on request

Consideration will be given to the minimum requirements for CCTV to limit the financial burden on a business whilst ensuring the system remains fit-for-purpose.

E1.4.5 The Council acknowledges that licence holders using CCTV recording equipment have responsibilities for handling the data appropriately and must be satisfied that any request for recordings meet any Data Protection responsibilities.

E1.4.6 Ordinarily, the provision of CCTV should be restricted to the minimum requirements to cover entrances, exits and till areas to a standard enabling facial recognition. Higher levels of coverage, based on factors such as the type and location of the premises, premises history and risk of serious crime and/or disorder may be appropriate at specific premises. In such circumstances, before imposing conditions requiring a higher level of coverage, the Council would expect the police to indicate why the higher CCTV requirements were appropriate to the individual premises and details of the suggested CCTV solution.

E1.4.7 Conditions requiring the provision of CCTV should be specific and easily understandable to allow the licence holder to ensure compliance. A condition requiring the provision of CCTV

“to the satisfaction of the police”, or similar, will be avoided as it is non-specific and allows for varying opinions from different police officers.

E1.5 Drinking vessels

E1.5.1 The Council encourages the use of drinking vessels made of toughened glass, plastic or other materials to ensure that no sharp edges occur when broken.

E1.5.2 Additionally, the Council encourages licence holders to ensure that bottles are not passed to patrons (with the exception of bottles of wine served with a table meal); if bottles are passed to patrons the Council encourages the use of bottles made from plastic or other materials.

E1.5.3 The Council expects the police to encourage the use of shatter-proof or crumpleable drinking vessels at specific premises at times when there is a risk, or perceived risk, of disorder.

E1.5.4 The Council encourages the use of drinking vessels made of toughened glass, **multi-use plastic** or other materials for outdoor consumption, particularly where patrons may leave the premises to participate in town or village events.

E1.5.5 Where plastic vessels are used at a premises, the Council encourages the use of compostable and/or biodegradable plastics to minimise the impact on the environment and would expect suitable recycling provisions to be in place.

E1.5.6 If evidence exists of disorder or threats to public safety at, or in the proximity of, a licensed premise, appropriate conditions of this nature may be imposed at licensing hearings where the sub-committee's discretion has been engaged.

E1.6 Flyposting

E1.6.1 Due to its diverse cultural and community entertainment, North Hertfordshire often faces localised instances of illegal flyposting. This activity impacts on the prevention of crime and disorder objective, as well as the prevention of public nuisance objective, as it proves unsightly and causes widespread annoyance.

E1.6.2 Whilst legislation exists to tackle flyposting, and duplication of other regulatory regimes should be avoided, it is often ineffective in preventing this type of advertising. The Council is particularly concerned that this type of advertising is often left to event promoters hired by licence holders that claim they have no control over promoters' activities.

E1.6.3 The Council believes that responsible licence holders should take responsibility for promoters' actions relating to their premises to ensure the promotion of the licensing objectives. Applicants should address this concern in their operating schedule as part of the application and explain what control measures they intend to utilise to control this illegal activity.

E1.6.4 Licence holders using event promoters are encouraged to have specific written contract arrangements with named individuals or companies to address potential fly-posting issues and to maintain a record of these arrangements for inspection should problems occur. Where appropriate based on evidence or where consistent with the applicant's operating schedules, the Council may impose conditions to this effect.

E1.6.5 If other legislative provisions prove ineffective in controlling fly-posting from a specific premises or in relation to reoccurring events, a review of the premises licence may be

appropriate on the grounds of public nuisance given that the Council follow the Guidance and gives public nuisance its wider meaning.

E1.7 Pub watch

E1.7.1 The Council recognises that a condition requiring attendance at pub watch meetings is too vague to be enforceable and will not impose such a condition on licences.

E1.7.2 That said, the Council recognises the invaluable contribution of an effective local pub watch scheme and encourage licensed premises to be part of any local scheme that exists in order to share information and best practice. If available, premises are encouraged to participate in any local pub watch radio scheme that provides links with local police and CCTV controllers.

E1.8 Protecting children, young people and adults at risk (Safeguarding)

E1.8.1 The Council strongly believes that all licensed premises have a responsibility to ensure that safeguarding is a key priority for all businesses in respect of staff, customers and any person in the vicinity of the premises.

E1.8.2 All business owners and management should sufficiently understand safeguarding matters including, but not limited to:

- Gangs and knife crime
- County lines
- Modern day slavery
- Child Sexual Exploitation
- Supply, distribution or taking of illegal substances

to enable them to spot warning signs of any safeguarding matter and know who to report it to. Information and training materials can be found on the websites of Hertfordshire County Council and Hertfordshire Police.

E1.8.3 Applicants and licence holders are encouraged to ensure that suitable management controls are in place to address potential safeguarding concerns. Measures could include, but would not be limited to:

- awareness training for staff, including indicators to look out for;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable persons;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police;
- implementing policies such as 'Ask Angela' and 'Ask Clive'.

E1.8.4 Section E4.6 of this policy deals specifically with protection of children from Child Sexual Exploitation

E1.9 Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships

E1.9.1 A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or

- is subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

E1.9.2 Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

E1.9.3 Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

E2. Public safety

E2.1 The Council recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

E2.2 The Council is aware that applicants are legally responsible for complying with a range of public safety legislation, for example the Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005, and for conducting suitable risk assessments in relation to their premises. Failure to comply with these requirements may lead to representations from responsible authorities when public safety is put at risk.

E2.3 The Council takes its responsibility for public safety seriously and is aware of a growing trend nationally to encourage alcohol consumption by adding substances to alcohol to make them more attractive to customers either in appearance or by increasing the speed of alcohol ingestion, for example liquid nitrogen in cocktails. This practice is strongly discouraged due to the inherent risks to public safety and the Council will actively use its regulatory powers where premises licence/club premises certificate holders ignore this advice.

E2.4 Capacity

E2.4.1 "Safe capacities" should only be imposed on licences where necessary for the promotion of public safety or the prevention of disorder. If a capacity has been imposed through other legislation it would be unnecessary to reproduce it as a licence condition. It would also be wrong to impose conditions that conflict with other legislation. If no safe capacity has been imposed by other legislation, however, a responsible authority may consider it necessary for a new capacity to be attached. For example, a capacity limit may be necessary to prevent disorder as overcrowded premises can increase the risk of crowds becoming frustrated and hostile.

E2.4.2 In the case of premises that converted an existing public entertainment licence during the transitional period, all conditions were transferred to the new licence as embedded restrictions unless a subsequent application was made to remove them. The public entertainment condition restricting capacity was not specifically imposed for fire safety reasons and therefore remains on the licence as a current enforceable condition.

E2.5 Entertainment venues

E2.5.1 Where venues providing entertainment use equipment or special effects that may affect public safety, such as strobe lighting, smoke machines, etc., the Council will expect the premises licence holder to have carried out risk assessments and taken the necessary

actions to safeguard patrons at the premises.

E2.5.2 Venues that provide facilities for music and dancing, in particular nightclubs, should consider additional measures that may be appropriate such as, but not limited to:

- air conditioning and ventilation
- cloakroom facilities (any charges kept to a reasonable amount)
- quiet areas away from the music and dancing
- prevention of overcrowding, particularly on the dance floor
- regular collection of used drinking vessels

E2.6 Fire safety

E2.6.1 From 1st October 2006, the Regulatory Reform (Fire Safety) Order 2005 (“the Order”) replaced previous fire safety legislation. By virtue of Article 43 of the Order, any licence conditions that fall within the Order’s remit automatically cease to have effect. The Council will not seek to impose fire safety conditions where the Order applies however the Council will impose public safety conditions where appropriate.

E2.6.2 Whilst the Council is aware that they should not be duplicating other statutory responsibilities in relation to fire safety, conditions may be appropriate for the protection of public safety for matters outside the remit of the Order.

E2.7 Public safety assessment

E2.7.1 The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- safe capacities in identifiable areas of the premises that can be evacuated quickly in the case of an emergency
- policies in relation to persons wishing to smoke at the premises, including provision of identified areas and separation from admission queues
- policies in relation to admission and readmission particularly control of capacity and queuing
- policies in relation to the safe dispersal of patrons from the premises and locality
- sufficient basic first aid provision and responsibilities for contacting the emergency services.

E2.7.2 In order to assist applicants with promoting the public safety licensing objective, NHDC’s Commercial Team has compiled the following table of considerations. This table is not exhaustive and does not supersede or replace any other statutory obligations. The level of detail required will be proportionate to the size of the premises and the requested activities.

Planning and management

The applicant should have a written explanation of the management arrangements of the premises, including cover during periods of absence.

The maximum capacity of the premises, including individual room capacities, based on available space excluding fixtures, fittings and furniture, number of available exits and exit widths and stairs and other hazards.

The applicant should have a means of accurately counting the total number of customers and staff on the premises.

The applicant should have arrangements for supervising contractors on the premises, including the ability to act on poor performance.

<u>Venue design</u>
The premises should be designed so any change in level is clearly indicated by contrasting colour nosings (or similar) to reduce the risk of tripping.
<u>People management</u>
Where a premises employs door supervisors there needs to be an effective means of communication between staff.
<u>Transport access</u>
Pedestrian and vehicle access routes need to be clearly separated wherever possible
<u>Barriers</u>
Any barriers must be of an appropriate type and installed by a competent person in accordance with an appropriate risk assessment.
<u>Temporary demountable structures</u>
Any temporary structure (for example marquees, stages, etc.) should be installed and signed-off as 'fit for purpose' by a competent person. The structure should be monitored throughout its use by a competent person to ensure the safety of staff, performers and customers at the premises.
<u>Electrical installations and lighting</u>
Needs to be checked and maintained by a competent person in accordance with national standards. Temporary electrical installations needs to be suitable for the intended use and checked in accordance with national standards.
<u>Water supply</u>
If extending the water supply network outside of fixed premises, please seek advice from Environmental Health.
<u>Special effects</u>
Any special effects (for example, lasers, smoke machines, pyrotechnics, etc.) should be installed and operated by a competent person in accordance with manufacturers' instructions.
<u>LPG</u>
Any LPG containers should be stored, used and disposed of in accordance with manufacturers' instructions.

E2.8 Sanitary facilities

E2.8.1 The following table details the minimum customer sanitary facilities expected by the Council. Sanitary facilities for staff are dealt with under separate healthy & safety legislation. The table is based on a 50:50 split between male and female customers and should be adjusted where necessary dependant on the specific premises.

Capacity	Female	Male
Less than 20	1 x WC 1 x Wash Hand Basin	Shared with female customers
20 to 50	1 x WC 1 x Wash Hand Basin	1 x WC 1 x Wash Hand Basin
51 to 100	2 x WC 2 x Wash Hand Basin	1 x WC 1 x Urinal 2 x Wash Hand Basin
100 plus	2 x WC per 50 persons up to 200 then add 1 x WC per 100 persons thereafter 1 x Wash Hand Basin per WC	1 x WC per 100 persons up to 400 then add 1 x WC per 250 persons thereafter 1 x Urinal per 50 persons 1 x Wash Hand Basin per WC plus 1 x Wash Hand Basin per 5 urinals

E3. **Prevention of public nuisance**

E3.1 Overview

E3.1.1 Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise from their operation. The Council interprets 'public nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter

and anti-social behaviour, where matters arising at licensed premises impact on those living, working or otherwise engaged in activities in the locality. Ordinarily, the Council's Environmental Protection & Housing Team, in their role as a responsible authority, would take the lead in respect of nuisance issues.

E3.1.2 Despite the wide interpretation of public nuisance, the Council does not consider this objective to apply to matters where there is other suitable legislative provision for example, but not limited to:

- welfare of animals
- conservation areas
- flora and fauna

E3.1.3 The Council encourages applicants to seek early engagement with the Environmental Protection & Housing Team when preparing an operating schedule, ideally before submitting an application. The following examples of control measures is not an exhaustive or exclusive list but is given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or licensable activities:

- (i) appropriate instruction, training and supervision of those employed or engaged in the business (such as external DJs, performers, etc.) to prevent incidences of public nuisance; and
- (ii) adoption of best practice guidance such as, but not limited to:
 - the Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics;
 - Safer Clubbing: The National Alcohol Harm Reduction Strategy Toolkit;
 - the British Beer and Pub Association's Guide on Effective Management of Noise from Licensed Premises; and
 - the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council.

E3.1.4 The Council recognises that conditions relating to noise nuisance may not be appropriate in certain circumstances where the provisions of other legislation (for example, the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005) adequately protect those living in the areas surrounding the premises. That said, the approach of the Council will be one of prevention and it will consider each application on its own merits, having due regard to the avoidance of duplication balanced against the effectiveness or otherwise of the other legislative provisions.

E3.1.5 Where there is the potential for public nuisance and the applicant's operating schedule does not fully address the concerns, NHDC's Environmental Protection & Housing Team may request the applicant to volunteer additional conditions to avoid the need for a representation. Example conditions are included in the attached appendix of Model Conditions to assist applicants with the wording of suitable conditions. The applicant is under no obligation to agree to the suggested conditions if they believe they are not appropriate or proportionate. If the applicant does not wish to volunteer the suggested conditions then a representation may be made which will result in the matter being referred to a licensing sub-committee for determination.

E3.2 Noise from entertainment

E3.2.1 This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. indoor sporting events). Measures to prevent a public nuisance may include, but are not limited to:

- installation of soundproofing;
- installation of noise-limiting devices;
- provision of acoustic lobbies;
- no externally played music;
- restrictions on the times and types of entertainment;
- keeping windows and doors closed (i.e. with self-closing devices).

E3.2.2 Soundproofing and other structural modifications may be identified as a requirement following an acoustic survey of the premises. Such a survey may be requested if the building is old and/or insufficiently insulated, very close or adjacent to neighbouring properties and/or the type of entertainment could be considered unsuitable for the premises without additional noise mitigation measures being implemented.

E3.2.3 Noise-limiting devices may be requested, in particular, where the entertainment takes place with sound systems not provided in-house (i.e. brought in by a hired DJ), where the premises is in a residential area or where the premises has a history of noise issues. Before imposing conditions requiring a noise-limiting device, the Council will give consideration to paragraph 2.16 of the Guidance which states:

2.17

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

E3.2.4 The Council is aware that entertainment has been deregulated between the hours of 08:00hrs and 23:00hrs on licensed premises under certain circumstances (see section 16 of the National Guidance). There is a safeguard that, at a review hearing, the deregulation can be removed by a licensing sub-committee if they deem it appropriate in order that entertainment can then be controlled through restrictions of hours or addition of licence conditions.

E3.2.5 A licensing sub-committee will not impose restrictions or licence conditions on a licence/certificate that relate to deregulated entertainment in order that they can automatically apply if deregulation is subsequently removed. At a review hearing where it is decided to remove deregulation, the licensing sub-committee should tailor any restrictions and/or conditions based on the evidence submitted to them at that time.

E3.3 Noise and disturbance from customers

E3.3.1 This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise,

disturbance and obstruction from customers in the vicinity of premises smoking and/or drinking and customers arriving at, leaving or queuing outside premises. Measures to prevent a public nuisance may include, but are not limited to:

- use of time restrictions on specified areas of the premises (different times can apply to different areas);
- cessation of the use of certain areas of the premises;
- supervision of outdoor areas, entrances and exits;
- suitably worded, clear and prominent signage;
- restriction of seating in outdoor areas of the premises;
- restriction of times that drinks can be taken in specified outdoor areas of the premises;
- restriction of the number of customers permitted in specified outdoor areas of the premises, including time-specific restrictions (different numbers and times can apply to different areas).

E3.4 Noise from plant and equipment

E3.4.1 This includes noise and vibration from ventilation, air conditioning and refrigeration equipment. Measures to prevent a public nuisance may include:

- installation of acoustic enclosures or barriers;
- installation of soundproofing;
- relocation of equipment;
- replacement of equipment with new and/or quieter models;
- timing devices to limit the use of equipment at certain times.

E3.4.2 Please be aware that such measures may require planning consent from the local planning authority; it is advisable to discuss any intended changes with them prior to undertaking any works.

E3.5 Noise from servicing

E3.5.1 This may include noise from deliveries, collections and on-site disposal of bottles and other waste or recyclable materials. Measures to prevent a public nuisance may include:

- restrictions on times that deliveries, collections and disposal of bottles and other waste or recyclable materials can take place;
- prevention of such activities in specific areas of the premises.

E3.6 Odour

E3.6.1 This can include the generation of odour from refuse storage, smoking areas and kitchen extraction/ventilation systems. Measures to prevent a public nuisance may include:

- suitably located refuse storage, smoking areas and kitchen extraction/ventilation systems;
- incorporation of an appropriate filtration system into the kitchen extraction/ventilation system (i.e. carbon or UV filters).

E3.7 Lighting

E3.7.1 This can include external lighting, security lighting and lighting displays. Measures to prevent a public nuisance may include:

- suitably selected lighting installations (i.e. luminaires without excessive power output and with appropriate shielding);
- suitably located and directed lighting installations.

E3.7.2 The Council is aware that security lighting plays an important part in securing the premises and promoting the prevention of crime and disorder objective. Before imposing conditions restricting security lighting, the Council will give consideration to paragraph 2.20 of the Guidance which states:

Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

E3.8 Litter

E3.8.1 Measures to prevent a public nuisance may include:

- entering into a waste contract agreement (**including appropriate recycling provision**);
- provision of external litter bins for customers;
- regular litter picks in the immediate surrounding area of the premises.

E3.8.2 The Council is aware that it would be unreasonable and disproportionate to require licence holders to be responsible for littering associated with their products when patrons have gone beyond their control. The Council will, however, expect licence holders to take responsibility for ensuring that the immediate surrounding area is regularly cleared of litter associated with their business operation.

E3.8.3 Whilst accepting that littering beyond the control of a licence holder cannot be controlled by licence conditions, litter constituting a public nuisance under the Licensing Act 2003 may still require the licensing authority to restrict opening times or ultimately suspend or revoke a licence where the nuisance **directly attributable to that premises** cannot be appropriately mitigated.

E3.9 Balancing the Council's vision with the prevention of public nuisance

E3.9.1 The Council is fully aware of the nuisance that can be caused by poorly managed or inappropriately located premises, however, will seek to strike an appropriate balance with its vision of promoting a diverse and vibrant **daytime and** night-time economy.

E3.9.2 The provision of well-managed and controlled entertainment will be encouraged to promote the vision, however the potential disturbance to residents and businesses will need to have been adequately considered by applicants as part of their operating schedule

E3.9.3 Should disturbance from licensed premises become unreasonable, any review proceedings will seek to impose suitable control measures in the first instance. Should control measures prove ineffective or are deemed inappropriate then the restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.

E4. **Protection of children from harm**

E4.1 The Council recognises that the protection of children from harm objective relates primarily to children accessing or using licensed premises, or being exposed to activities taking place

without having to access the premises (for example, underage alcohol sales, exposure to performances or advertising of an adult nature whether within or outside a premises).

- E4.2 The Council welcomes the diversity of premises that will be licensed under the Act. The premises may include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-away shops, community halls and schools. The Council will not ordinarily seek to limit the access by children to any premises unless it is considered appropriate for the prevention of physical, moral or psychological harm to them.
- E4.3 When deciding whether to limit access by children to premises, the Council will judge each application on its individual merits.
- E4.4 The Council believes that it is totally unacceptable to sell alcohol to children or expose them to entertainment of an adult or inappropriate nature. Premises where concern for the protection of children may arise include, but are not limited to, premises where:
- entertainment of an adult or sexual nature is provided;
 - there is a strong element of gambling on the premises;
 - there is a known association with drug taking or dealing;
 - a member or members of the current management have been convicted for serving alcohol to children;
 - it is known that unaccompanied children have been permitted access to the premises;
 - there is evidence of heavy, binge or underage drinking at the premises; or
 - the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- E4.5 There are a range of alternatives which the Council may consider for limiting the access of children which include, but are not limited to:
- a limit on the hours when children may be present;
 - a limitation or exclusion when certain activities are taking place;
 - the requirement to be accompanied by an adult;
 - limited access to parts of the premises; and
 - full exclusion of those people under 18 from the premises when any licensable activities are taking place.
- E4.6 Safeguarding against child sexual exploitation (CSE)
- E4.6.1 Whilst the Council encourages a diverse and vibrant night-time economy and will not seek to limit access by children without appropriate reasons, it is acutely aware that licensed premises have the potential to expose children to the risk of child sexual exploitation.
- E4.6.2 The Council acknowledges that CSE awareness does not just apply to children on licensed premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.
- E4.6.3 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:
- awareness training for staff;
 - regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
 - close monitoring of patrons as they leave the premises;

- recording and reporting concerns to the police.

E4.6.4 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:

- developing relationships between a child and an older person;
- children in the company of a group of older persons;
- children regularly attending premises and meeting with a number of different older persons, particularly where older persons are buying alcohol for children;
- children outside of licensed premises developing relationships with older persons, particularly older persons buying alcohol for children;
- children leaving the premises with older persons, particularly with a group of older persons;
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons

E4.6.5 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate and should be precluded from the night-time economy, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

E4.6.6 The Hertfordshire Safeguarding Children Board (HSCB) has a dual role in respect of preventing CSE within licensed premises. The HSCB is a responsible authority under the Act having been nominated by the Council to undertake this function in relation to the protection of children from harm objective. The HSCB also monitors compliance with the statutory requirements under section 11 of the Children Act 2004 to safeguard and promote the welfare of children. Applicants are encouraged to visit the HSCB website for advice www.hertssafeguarding.org.uk

E4.6.7 Of particular relevance to applicants is the Information Handbook for Licensed Premises available from the HSCB website. The Council expects applicants to read this handbook and ensure that the operating schedule identifies all management controls, particularly preventing CSE, appropriate for the promotion of the prevention of children from harm objective.

E4.6.8 The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the operating schedule.

E4.7 Conditions requiring the admission of children to premises cannot be attached to licences or certificates. Where no restriction or limitation is imposed, the issue of access will remain a matter of discretion of the individual licensee or club or holder of a temporary event notice.

E4.8 The Council recognises the HSCB as being competent to advise on matters relating to the protection of children from harm.

E4.9 The Council supports voluntary Codes of Practice such as "Challenge 21", "Challenge 25" or "PASS" (or other similar) accredited systems as relevant at any given time. Alcohol should be packaged and promoted in a socially responsible manner so as not to encourage drinking amongst those who are under eighteen years old.

E4.10 The Council expects applicants to be clear in their operating schedules about the activities and times of intended adult entertainment in order to determine when it would be appropriate to enter the premises.

- E4.11 The Council expects applicants to fully set out the steps they propose to take to protect children from harm when preparing an operating schedule. Dependant on the nature of the proposed business model, there may be times when the presence of children in the premises would be inappropriate. The Council encourages applicants to undertake a self-assessment of their proposed business model in relation to the welfare of children and propose any appropriate restrictions as part of their operating schedule.

SECTION F: GENERAL CONSIDERATIONS

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

F1. Context

- F1.1 For ease of understanding, this policy has been written from the perspective of advising applicants and the public and includes many references to ‘applicant’ or ‘applicants’.
- F1.2 The policy applies equally to existing licence holders for the duration of a licence and during review proceedings. The term ‘applicant(s)’ should be read equally as ‘licence holder(s)’ in this context.
- F1.3 It is the Council’s clear intention that this policy is read as one complete document rather than a series of individual sections. Reading individual sections in isolation may not fully explain the consistent threads running throughout the policy or the relationship of an individual section with other aspects of the policy. The Council strongly recommends that applicants read the entire policy as part of any application process.

F2. Meaning of ‘appropriate’

- F2.1 There are many references throughout this policy to the term ‘appropriate’. The Act states at section 18(3)(b) that when relevant representations are received the licensing sub-committee has to consider what steps “*it considers appropriate for the promotion of the licensing objectives*”.
- F2.2 There is no current legal definition of the term appropriate, however the Guidance states:

9.43

The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

F2.3 The Council anticipates that, in due course, case law will provide clarity on the meaning of 'appropriate'. Until such time that the courts make a judgement the Council will give 'appropriate' its ordinary meaning as expanded on by paragraphs 9.39 and 9.40 of the Guidance, subject to the over-arching requirement that determinations should be reasonable and proportionate.

F2.4 **Case law** has defined 'proportionate' as generally requiring a four-step test, namely:

- there must be a legitimate aim for a measure;
- the measure must be suitable to achieve the aim;
- the measure must be necessary to achieve the aim (that there cannot be any less onerous way of achieving it); and
- the measure must be reasonable, considering competing interests.

The Council is aware that their determinations must be proportionate to the evidence received in respect of an application and will have regard to this definition.

F2.5 The Council acknowledges that proportionality is a key factor in assisting with the definition of 'appropriate'.

F3. Integrating strategies

F3.1 Through consultation, the Council will endeavour to secure integration with local crime prevention, planning, transport, tourism, cultural and community strategies.

F3.2 The Council may give due consideration to wider strategic issues when dealing with applications. The Licensing Committee may receive reports, when appropriate, on the:

- (i) needs of the local tourist economy;
- (ii) cultural strategies for the area;
- (iii) employment situation and the need for local investment; and
- (iv) planning considerations that may affect licensed premises.

F3.3 The Council recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation between the planning and licensing regimes to avoid duplication and inefficiency. That said, it will not be of benefit to the applicant or community to have a clear conflict between planning and licensing decisions.

F3.4 The Council acknowledges that a minority of customers will behave badly and unlawfully once away from well-managed licensed premises. Whilst the Council cannot use its licensing function to directly control the behaviour of customers once they are away from licensed premises, it can place control measures on customers in the immediate surrounding areas of the premises where they remain within the licence holder's control. Where customers move beyond the control of the licence holder, other control measures outside the licensing function include:

- planning policy and controls;
- the power to ban alcohol consumption in designated areas and police powers to confiscate alcohol within these areas;
- police enforcement of the law relating to anti-social behaviour and disorder, including the use of dispersal powers, fixed penalty notices and the new powers introduced under the Anti-social Behaviour, Crime and Policing Act 2014 (such as

Community Protection Notices, Public Space Protection Orders and Criminal Behaviour Orders); and

- positive measures to create and maintain a safe night-time economy in partnership with local businesses, transport providers and trade bodies (such as Business Improvement District Companies).

F3.5 The Council will work with partner agencies to integrate its licensing function with other local strategies by establishing best working practices and utilising some of the controls available to the Council under the licensing function such as:

- powers to close down licensed premises immediately for up to twenty-four hours on the grounds of disorder, the likelihood of disorder or excessive noise associated with the premises;
- powers for responsible authorities or residents to request a review of an existing authorisation under the Act;
- targeted joint agency enforcement against premises failing to promote the licensing objectives or contravening legislation;
- promoting Challenge 25 (or equivalent) proof of age schemes; and
- supporting an information sharing agreement between responsible authorities to ensure timely targeted action against problem premises.

F4. The avoidance of duplication

F4.1 In order to avoid duplication with other regulatory regimes the Council will not, as far as reasonably possible, attach conditions to licences unless they are appropriate for the promotion of the licensing objectives and inadequately covered by other legislation. Ordinarily, conditions will be considered unnecessary if they are already adequately covered by other legislation.

F4.2 For transparency, the Council will not ordinarily consider matters raised in representations where there is other suitable legislative provision for example, but not limited to:

- welfare of animals
- conservation areas
- flora and fauna

That said, any convictions obtained under other legislation is something that could be considered as part of a review.

F4.3 Notwithstanding the above, it is the responsibility of the applicants to ensure that they have all necessary consents, whether statutory or otherwise, and it should not be assumed that an authorisation under the Licensing Act 2003 removes this responsibility.

F4.4 The decision of one statutory authority (for example, the licensing authority or the planning authority) is no indication of the likely decision of the other. Indeed, statutory authorities may make representations to each other under each authority's legislation.

F5. Planning

F5.1 Planning and licensing are two entirely separate processes and neither authority is bound by a decision of the other. Planning is predominately a decision about what the premises can be used for in relation to local amenity, whilst licensing is predominately a decision about what activities can be provided and how that premises is managed.

- F5.2 The Council must ensure that any licensing decision is restricted to addressing the four licensing objectives and is not simply a re-run of the planning process.
- F5.3 Whilst there may be occasions when licensing hours differ from those granted by the planning authority, or vice versa, the two authorities should seek to ensure that there are not significant differences which may cause confusion for the applicant and residents alike. Paragraph 9.45 of the Guidance states:
- “Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.”*
- In situations where conflicting permitted hours do apply, the licence holder must observe the earlier closing time.
- F5.4 The Council will ensure that there is proper integration with the planning authority by providing licensing updates, when appropriate, in respect of the general impact of licensed premises on the respective localities.
- F5.5 The planning authority is a responsible authority under the Act and can make representations on applications, however it can only make representations in respect of the licensing objectives. Nuisance and crime and disorder are shared concerns of both regimes and may attract representations under both processes. Concerns that relate to the character of an area and local amenity but fall short of being a public nuisance are outside the scope of the licensing objectives and are matters solely for the planning authority.
- F5.6 The absence of lawful planning use is not a matter for the licensing function. Although the planning status may be brought to the attention of officers and the licensing sub-committee, the absence of lawful planning use is a matter for the planning authority.
- F5.7 Conversely, the existence of lawful planning permission does not preclude the Council from considering an application in relation to the licensing objectives and making an appropriate determination, which may include refusal.

F6. Street trading

F6.1 Tables and chairs

- F6.1.1 The Council is aware that businesses often wish to encourage a ‘café culture’ within towns and villages and provide tables and chairs outside of their premises for the consumption of food and drink. If these areas are within the control of the applicant they should be clearly marked on the plan accompanying an application and the management of these areas should be fully considered within the operating schedule.
- F6.1.2 If the area used for the provision of tables and chairs is not part of the curtilage of the premises and falls within the definition of the ‘highway’, permission must be sought from Hertfordshire County Council pursuant to Part VIIA of the Highways Act 1980. The Council recommends that applicants seek advice from Hertfordshire County Council as to what constitutes the highway.
- F6.1.3 During national and worldwide emergencies, such as pandemics, Government may introduce temporary measures to stimulate the economy and/or protect the public. For example, during the 2020 Coronavirus pandemic the Government gave district councils temporary powers to licence tables and chairs on the highway. In such instances, the

Council will work closely with the County Council to ensure an appropriate balance between facilitating street licensing for businesses and the promotion of the licensing objectives.

F6.1.4 For the avoidance of doubt, for the purposes of the licensing function the Council will consider any area where tables and chairs are provided by the premises for the consumption of food and/or drink as within the control of the licence holder and subject to any appropriate licence conditions.

F6.2 'A' boards and other advertising structures

F6.2.1 Similarly, the provision of A boards or other advertising structures on the highway requires the consent of Hertfordshire County Council pursuant to Part VIIA of the Highways Act 1980. The Council recommends that applicants seek advice from Hertfordshire County Council as to what constitutes the highway.

F6.2.2 The Council recognises that a proliferation of such advertising structures on the highway can cause considerable nuisance to pedestrians, particularly persons with disabilities or adults with young children. Given that the Council considers public nuisance under the Act in its widest sense and this is a matter within the control of the licence holder, the Council may consider licence conditions restricting, prohibiting or controlling the use of such structures as appropriate in order to promote the prevention of public nuisance licensing objective.

F6.3 Stalls and the sale of goods

F6.3.1 Community and cultural events involving licensable activities, for examples village fetes, fundraising events, music festivals, etc., often involve the provision of market-type stalls where goods can be purchased.

F6.3.2 The provision of stalls on the highway (with the term highway encompassing the carriageway, footways and adjoining public spaces) requires a consent from North Hertfordshire District Council if it takes place within the four main conurbations and/or the respective arterial roads.

F6.3.3 The Council recommends that applicants considering applications that involve the provision of stalls consult the North Hertfordshire District Council's Street Trading Policy available on the Council's website <http://www.north-herts.gov.uk/home/licensing/street-trading>

F6.3.4 In order to use Council-owned land for such events, applicants are required to obtain a land licence from North Hertfordshire District Council. Further information is available by clicking on the following link <http://www.north-herts.gov.uk/home/leisure/events/organising-event> In order to assist in minimising administration for applicants, the granting of a land licence includes the necessary street trading consent to provide stalls.

F7. Model licence conditions

F7.1 The Council accepts that the wording of licence conditions, either by applicants or a licensing sub-committee, is challenging to achieve the requirements of being clear, reasonable, proportionate and enforceable.

F7.2 Additionally, the duty of the Council to convert an operating schedule into licence conditions should be consistent and transparent.

F7.3 To assist applicants and licensing sub-committees with this process the Council has included an appendix to this policy detailing model licence conditions. The conditions

included in Appendix A have been developed since the introduction of the Act and represent best practice and effective existing conditions.

F7.4 Appendix A is not intended as a 'wish list' for licensing sub-committees to select conditions or as a list of requirements for applicants to replicate in order to obtain a licence. The pool of model conditions is provided in order to assist with the drafting of conditions that are proportionate, reasonable and enforceable where it has been deemed appropriate to impose a condition. Any conditions drawn from the pool of model conditions will be tailored to the individual premises and activities specific to each application and will still be subject to the need to promote the licensing objectives and be appropriate **and proportionate** to address concerns raised through representations.

F7.5 The Council acknowledges that this pool of model conditions must not fetter the discretion of the decision maker but must instead be used solely to ensure consistency of approach where the particular circumstances of an application merit the imposition of a condition.

F8. Matters within the licence holder's control

F8.1 The Council acknowledges that conditions cannot be imposed on an authorisation where it would be either impracticable or impossible for the licence holder to comply with such conditions when customers have left the premises and are beyond the control of the licence holder.

F8.2 That said, if behaviour of customers beyond the control of the licence holder can be causally linked to a specific premises and it is causing crime and disorder or a nuisance it is wrong to assume that the Act cannot address this; section 4 of the Act gives the Council a positive duty to deal with it proportionately. Whilst conditions would be inappropriate in these scenarios, the Council is strongly of the view that activities and/or operating times of an authorisation should be restricted, or an authorisation refused or revoked, where appropriate for the promotion of the licensing objectives.

Examples of behaviour falling within this paragraph include, but are not limited to:

- noise associated with customers once they have left the premises
- anti-social behaviour of customers such as unlawful parking, criminal damage, intimidatory behaviour, or any alcohol-related criminality

F8.3 Customers queuing to enter a premises are considered by the Council to be within the control of the licence holder therefore conditions relating to controlling a queue could be imposed where it is appropriate to promote the licensing objectives. If a licensing sub-committee believes that there are no suitable conditions to control customers waiting to enter a premises, serious consideration should be given to refusing the application (or revoking the licence if the licensing sub-committee is considering a licence review).

F8.4 The Council recognises that initiatives are available that assist with calming or reducing the incidences of disorder or nuisance as customers leave a premises and expects these to be fully considered in the operating schedule.

F9. Late night refreshment

F9.1 The Council is of the view that late night refreshment premises, in particular takeaways, play an important part of a vibrant late-night economy. That said, badly managed premises contribute to late night disorder and applicants should consider the potential impact of their premises in the operating schedule of an application.

- F9.2 Where appropriate, for example in areas with known late-night economy disorder, the Council may impose conditions in relation to door supervision and evening litter collections. Such conditions will only be imposed, however, where appropriate for promoting the prevention of crime and disorder and/or prevention of public nuisance objectives.
- F9.3 The Council is aware that section 71 of the Deregulation Act 2015 amends the Licensing Act 2003 to allow councils to designate areas within their boundaries where late night refreshment is exempt from licensing. Given the potential impact these premises can have on the licensing objectives, the Council has no current plans to designate any exempt areas.

SECTION G: LOCAL LICENSING POLICY (LARGE SCALE OUTDOOR EVENTS)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

G1. General

- G1.1 This section of the policy deals with events with an intended **or likely** capacity of five hundred and above. Capacities below that figure can be dealt with ordinarily by way of a temporary event notice which applies a ‘light touch’ approach to licensing, however, this does not preclude an application for a premises licence/club premises certificate.
- G1.2 **This section is to be read in conjunction with and supplementary to all other sections of the policy.**
- G1.3 This section of the policy is designed to assist applicants, responsible authorities, the public and licensing sub-committees with applications in relation to large-scale events provided outdoors. Events such as music festivals, community fun days, etc. which take place on land open to the air but with the use of temporary demountable structures are considered to be outdoor events for the purposes of this policy.
- G1.4 For clarity, this section of the policy does not apply where licensable activities are proposed to take place solely within permanent structures that are used solely or regularly for such licensable purposes.
- G1.5 The Council acknowledges that unless its discretion is engaged by means of relevant representations, the application must be granted as applied for subject only to mandatory conditions or conditions consistent with the operating schedule supplied as part of the application. This section details the method of determination used by the Council once its discretion has been engaged and a hearing takes place.
- G1.6 The Council will take this general approach to the determination of all applications for the grant of a premises licence or club premises certificate, that are made for events that are occasional in nature and/or are large in scale as defined in this section of the policy.
- G1.7 The Council will also have regard to this section for all applications made to vary or review licences or certificates. As variation or review applications can often be less complex than the initial application for the grant of a licence/certificate, the Council will determine whether the timescales included in this section apply based on the individual merits of the variation being sought. Applicants are advised to contact the licensing team so that early discussions on this matter can commence.

G1.8 Due to the specialist nature of large scale events, particularly in respect of temporary demountable structures, the appropriate responsible authority may consult with other authorities such as Hertfordshire Building Control on all large scale event applications to ensure the licensing authority has all relevant information when considering the licensing objective of public safety. **It is likely that the appropriate responsible authority will require the applicant/licence holder to obtain design advice and sign-off for bespoke temporary demountable structures from a specialist structural engineer.** This paragraph does not preclude the appropriate responsible authority obtaining advice on non-large scale applications, particularly when the use of bespoke temporary demountable structures is proposed.

G2. Authorisation under a premises licence / club premises certificate

G2.1 Occasional and/or large scale events can be authorised by a one-off, a time-specific, or a permanent licence/certificate. Applicants are encouraged to seek advice on the most appropriate type of application from the Council's licensing team.

G2.2 These events have significant potential to considerably undermine the promotion of the licensing objectives, due to their sheer size, complexity and the potential implications for the planning of a safe event. The Council strongly believes that this risk can only be adequately mitigated by the early submission of an up to date and detailed operating schedule that is specific to the proposed event on each separate occasion.

G2.3 The Council acknowledges that it is inherent in the Act that responsible authorities and other persons should be given the opportunity to make representations related to the nature of the individual event which is planned. The potential for adverse effects on the promotion of the licensing objectives can vary significantly between events, even when similar events are held on a regular basis. In order to support the promotion of the licensing objectives, the Council believes that responsible authorities have a role in ensuring the safety of every large-scale event, in particular when annual or multiple events are held under a single permanent premises licence.

G2.4 Additionally, the Council's Enforcement Policy may be less effective because of the short duration and occasional nature of these events. The Council's incremental and proportionate response to problems arising may not be as effective in resolving issues on an occasional and irregular basis, particularly with changing event personnel. This paragraph should not be construed as meaning that the Enforcement Policy does not apply, or will not be applied, to large scale events.

G2.5 Whilst the Council acknowledges the applicant's right to submit a one-off or time specific licence/certificate application, it encourages applicants to submit an application for a permanent licence/certificate. This provides the applicant with the flexibility of a licence that would allow the submission of an up to date and detailed operating schedule on each occasion the event is to be held, but safeguards the rights of responsible authorities and other persons to hold the licence/certificate holder to account by way of an application for a review.

G2.6 Sites for large occasional events are not usually purpose built for the variety of licensable activities that can take place, therefore there is considerable work involved before, during and after such events in planning and organising the event as well as co-ordinating and ensuring the full involvement of all the emergency services to ensure a safe and well managed event. The Council believes that this can only be adequately achieved by the full and ongoing involvement of the licensing authority and responsible authorities in liaising with the applicant, whilst they are compiling the operating schedule for each individual event.

- G2.7 For these reasons, the Council considers that where an applicant attempts to submit an operating schedule that may refer to a series of events, potentially over a period of years, the detail and relevance of this important document is likely to be critically diluted unless it includes time-specific conditions relative to each event to allow the responsible authorities to consider the potential impact on the licensing objectives of each event.
- G2.8 The Council acknowledges that it is under a statutory obligation to administer and enforce the licensing regime to promote the licensing objectives. The organiser of an event, however, has additional and fundamentally different considerations in planning, organising and managing their event including financial concerns (the amount of profit made for either charitable or private gain) and satisfying the demands of those attending the event (for example, music sound levels to meet the expectations of the audience). These considerations and other matters can conflict with the priorities of the Council in terms of the promotion of the licensing objectives.
- G2.9 Whilst the Council can only consider the application before them based on the individual merits of the case, the Act allows an application for the transfer of any such licence / certificate. In these circumstances, only the police may object and then only in respect of the prevention of crime and disorder objective. This clearly does not permit consideration of the potential impact of the new management structure upon the other equally important licensing objectives. This is of particular concern to the Council given the high level of organisational and management skills required in connection with providing such events. Additionally, the Council is aware that a review application is not necessarily suitable to mitigate such a high risk due to the length of time required to hold a review and the burden of proof required in making the case.
- G2.10 Whilst the ability to request a review has the potential to deal with problems arising with a licence/certificate, the Council recognises that the aim of the Act is to prevent problems arising at the outset rather than merely reacting to actual or anticipated problems at a later date.
- G2.11 The Council has therefore adopted the following policy that will apply to large scale events when relevant representations have been made and the application is referred to a licensing sub-committee for determination:
- (i) In respect of an application for a one-off, time-specific or permanent licence/certificate for the holding of occasional and/or large-scale events the Council will consider, amongst other matters, whether the operating schedule:
 - (a) defines the events proposed with sufficient certainty to enable responsible authorities and the Council to adequately consider the risks to the licensing objectives arising from the event; and
 - (b) defines the measures proposed to avert those risks with sufficient certainty to enable responsible authorities and the Council to make a balanced judgment as to whether the measures will be sufficient to mitigate those risks.
 - (ii) The Council will generally require a high degree of certainty before deciding that the operating schedule fulfils this requirement, but will decide that matter on the individual merits of each case.
 - (iii) In cases where the Council determines that the operating schedule is not drafted with sufficient certainty, the application will normally be refused, save in exceptional

circumstances. It is unlikely that the circumstances will be considered exceptional unless the applicant gives assurances and safeguards that the licensing objectives will be met despite the lack of certainty in the operating schedule and suitable conditions can be imposed on the licence to mitigate this risk.

- (iv) In cases where the Council determines that the operating schedule is drafted with sufficient certainty then, in determining the application, the Council will consider any relevant risks arising from the temporary nature of the events proposed in the application in relation to the promotion of the licensing objectives.

G3. Minimum periods of notice that should be provided by an applicant prior to the intended use of such a licence

G3.1 The Council requires the following minimum periods in order to process applications for large scale events, however, the Council encourages the submission of applications as early as possible:

Maximum capacity at any one time (inc. staff and performers)	Minimum Notice Period for Application
500 - 900	2 months
1000 – 4999	3 months
5000 – 14999	4 months
15000 – 19999	5 months
20000 +	6 months

Note: the starting point of two months is based on the minimum amount of time needed for an application to be considered allowing for the prescribed consultation period and a Hearing if necessary.

Where relevant representations have been made and the application is referred to a licensing sub-committee for determination, the Council will generally refuse all such applications that are not submitted, and duly made, in accordance with the minimum notice periods prior to the event, except in exceptional circumstances.

G3.2 The Council's reasons for this policy principle are the following:

- (i) These events have significant potential to considerably undermine the promotion of the licensing objectives due to the numbers of people attending, the sometimes temporary nature of facilities and, most importantly, the variety and complexity of matters that may be relevant to the planning and organising of such events. The Council believes these potentially adverse impacts can only be mitigated in a full and proper manner by an applicant engaging with the licensing process at an appropriate time before the event.
- (ii) Furthermore, where less notice is provided there may be insufficient time for the licensing process to run its full course, namely there may insufficient time prior to a proposed event for any party to appeal the Council's decision if they are not satisfied. It is clear that such cases can be complex and controversial, potentially involving considerable court time on appeal; this may create a situation where for any aggrieved party to an application to engage in the appeal process becomes effectively impossible due to time constraints before a proposed event.
- (iii) Alternatively, an appeal decision may be made that due to its proximity to an event either does not:
 - (a) deter some of those hoping to attend from still doing so (where the

- application has been refused) which could potentially adversely impact upon the licensing objectives; or
- (b) where an application has been granted, the resources spent on such an appeal may have adversely affected the promotion of an event or undermined the planning and management of it.
- (iv) If less notice is given by an applicant, they may have insufficient time to respond fully to representations that may have been submitted. This is particularly relevant where responsible authorities and/or other persons take the view that an application is lacking in detail and substance, and where the licensing process becomes drawn out in the lead up to the proposed event. This can lead to pressures on an organiser in the crucial lead up time to an event itself.

G4. Issues that an applicant should address in the operating schedule for such applications

G4.1 The Council is aware that responsible authorities, and sometimes other persons, often engage with applicants prior to submission of an application until sometimes after an event has taken place. This concept is referred to in the Guidance, as it would assist in promoting the licensing objectives by fostering a partnership approach. The Council supports this concept, but with an additional caveat. Prior to such engagement, applicants are expected to consider, and to make reference in their operating schedule to:

- (i) relevant technical advice from any professionals they employ/involve in the planning of the event (such as Health & Safety Consultants, Event Management Companies, etc.);
- (ii) relevant National Guidance (such as The Event Safety Guide, MUTA's Best Practice Guide, etc.); and
- (iii) relevant professional advice from agencies that are not responsible authorities under the Act (such as the Highways Authority, local transport providers, medical service providers, etc.)

G4.2 The Council's reasons for this policy principle are the following:

- (i) The demands on the responsible authorities can be disproportionate to their resources, particularly in light of the Council's policy of encouraging cultural activities such as music, dancing and theatre. This may place undue pressure on such bodies, undermining the level of scrutiny of such applications.
- (ii) It must be considered that the legal responsibilities connected to holding such events rests primarily with the organiser and land owner. Where an application does not contain reference to such guidance and expertise, statutory bodies may be placed in an untenable position where they may be open to litigation due to the level of input/advice they may have to provide, and by implication may have taken an inappropriate degree of legal responsibility/liability in connection with the event. The Council believes it is pertinent, therefore, to attempt to avoid such a problem arising.
- (iii) Where an applicant does not consider such advice and guidance before making an application, this can place responsible authorities and/or other persons in a difficult position due to the fact that many aspects of an application may be lacking and it may not allow full and proper consideration of the proposals during the consultation period. This may undermine their full and proper consideration of an application.

G5. Incorporating flexibility into an operating schedule to allow occasional events to develop under a permanent premises licence

- G5.1 In addition to encouraging applicants for occasional/annual events to apply for a permanent premises licence, the Council actively encourages applicants to build flexibility into their operating schedules. This allows for the event to evolve and incorporate best practice without undo restrictions on the management of the event and the site layout.
- G5.2 The Council recommends an operating schedule that contains basic management control conditions that would apply from event to event but with the majority of event management details to be incorporated into an Event Management Plan (EMP). One of the basic management control conditions can then link the final EMP to the operating schedule making it an enforceable operating schedule condition.
- G5.3 The content of the EMP can be defined by an operating schedule condition, ordinarily under generic headings, with any specific requirement of a responsible authority included as sub-headings. Varying timescales for each responsible authority and the provision of specified information can be incorporated within the EMP ensuring flexibility for the licence holder to develop the event and react to evolving issues such as ground/weather conditions or the availability of products/service providers.
- G5.4 The Council encourages an applicant to include an operating schedule condition stating required timescales for the issue of a draft EMP and the final EMP, ideally a specified number of days prior to the commencement of event build-up on site or the opening of the event to the public. This condition should also include any consequence of the failure to meet this requirement, for example, certain licensable activities are not permitted until compliance has been achieved or the event will not be permitted without the express approval of the licensing authority.
- G5.5 This type of EMP operating schedule condition (in effect a 'promise to provide' licence) allows the applicant flexibility to amend the details and layout for each event without the need to vary the premises licence whilst maintaining suitable control measures for the responsible authorities and the Council to ensure the promotion of the licensing objectives. As the EMP would be attached as a licence condition, failure to comply with its content would render the licence holder liable for operating otherwise than under an authorisation (section 136 of the Act).
- G5.6 The Council has encouraged this type of event premises licence for a number of years leading to successful annual events at venues such as Knebworth Park and recommends applicants to enter into pre-application discussions at the earliest opportunity to explore the suitability of this option.

G6. The prevention of crime and disorder**G6.1 General**

- G6.1.1 Large scale events, in particular music festivals, have the potential to significantly impact on the prevention of crime and disorder objective for reasons such as, but not limited to:
- a significant number of event attendees being attracted to North Hertfordshire and the creation of 'an event community', often the size of small town;
 - disorder associated with travel to and from the venue;
 - potential criminal elements being attracted to the event, particularly multi-day events; and

- the additional pressures on police resources associated with the event.

G6.1.2 In preparing an application, applicants are encouraged to have early discussions with the police about the potential for crime and disorder associated with or at the event in order that any concerns can be addressed in the operating schedule.

G6.1.3 Given the potential impact on the licensing objectives of a large scale event, the Council will place significant weight on any representation received from the police and will give serious consideration to refusing the application unless the concerns raised in the representation are fully addressed.

G6.2 Dispersal orders

G6.2.1 Where evidence exists that an event is likely to, or has the potential to, attract crime and/or disorder into North Hertfordshire, the police may consider the implementation of dispersal powers available by virtue of the Anti-social Behaviour, Crime and Policing Act 2014. This would allow the removal of any problem persons from a specified area to address these concerns (for example, rogue traders, known criminal gangs, disorderly persons, etc.)

G6.2.2 A decision relating to the implementation of dispersal powers is not a decision for the Council as part of the licensing function and dispersal powers cannot be imposed as a licence condition. That said, **the use or planned use of dispersal powers by the police** may be considered as part of the sub-committee's allocation of weight to a police representation.

G6.2.3 Additionally, an applicant's willingness or otherwise to support and assist with dispersal powers can be considered by a licensing sub-committee as part of its determination.

G6.3 Police resourcing

G6.3.1 The Council is strongly of the view that it is not the responsibility of the police to provide a free security service for event organisers. The responsibility for security at events rests solely with the event organiser.

G6.3.2 Whilst it can be reasonably expected that the police will undertake their normal duties in support of an event, this service would be in addition to on-site security deployed by the event organiser.

G6.3.3 The Council is aware of existing case law in regard to the payment for policing resources at events and recognise the financial impact for event organisers. That said, if a police presence at an event is appropriate for the promotion of the licensing objectives, the Council accept that, save for exceptional circumstances, the need to secure the promotion of the licensing objectives outweighs the financial burden on the applicant.

G6.3.4 Where appropriate based on the evidence and/or any perceived risk, the Council may consider the imposition of conditions requiring a formal resourcing agreement with the police, including the advanced payment for such resourcing, to be entered into and complied with in order for the event to proceed.

G6.3.5 For events where the capacity, audience profile or perceived risk leads the Council to believe that a police presence on site is appropriate to promote the licensing objectives, the Council, **in consultation with the police or in response to representations by the police**, may consider the imposition of conditions requiring the applicant to make on site provision for any infrastructure required for the police to reasonably carry out their duties. These requirements may include, but are not limited to:

- a temporary custody area;
- a visible and accessible area for event patrons to attend;
- suitable accommodation on site for Police Commanders;
- suitable on-site welfare provision for police personnel; and
- suitable IT equipment (telephony, internet, etc.) in order to facilitate any reasonable police request.

G6.4 Event security

G6.4.1 As part of an operating schedule or an EMP, the Council expects an applicant to fully apprise the police of the event security plan (including any requested details of security companies and operatives) and comply with any reasonable requests from the police in finalising the event security arrangements.

G6.4.2 For events that will have the potential to pose a significant risk to the licensing objectives, applicants should give serious consideration to including a Security and Stewarding Plan (SSP) as part of their operating schedule or EMP. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring a SSP to be agreed with the police in advance of the event.

G6.4.3 Where appropriate based on the evidence and/or any perceived risk, the Council expects the security companies and operatives employed by the applicant to work closely with the police in regard to:

- information sharing;
- best practice;
- attendance at police briefings; and
- co-operation and assistance during the event.

G6.4.4 Where appropriate based on the evidence and/or any perceived risk, the Council may consider imposing conditions in relation to closed-circuit television (CCTV) at events for monitoring of audiences, camping, parking and ingress/egress.

G6.4.5 Where appropriate based on the evidence and/or any perceived risk, the Council may consider imposing conditions relating to a security search requirement on entry to an event site.

G6.5 Camping provision

G6.5.1 The Council is aware that the provision of on-site camping for multi-day events increases the risk of crime and disorder, predominately through organised criminal elements that target festivals and festival campsites.

G6.5.2 Applicants are expected to liaise with local police to establish any perceived risk or intelligence associated with an event and address these concerns in the operating schedule or EMP. Control measures may include:

- 24hr campsite security patrols and car park stewarding;
- security fencing around the campsite;
- controlled entry points to campsites including identification wristbands (or similar);
- secure storage for campers (campsites and arenas); and
- raised security observation points.

G6.6 Traffic management

- G6.6.1 Large numbers of event attendees give rise to pressures on local transport networks, particularly main and local roads, railway stations and taxi provision. The Council expects applicants to liaise with local transport providers, having assessed their target audience profile, and address any transport concerns within the operating schedule or EMP.
- G6.6.2 For events that will have a significant impact on the local road/railway network, applicants should give serious consideration to including a Transport Management Plan (TMP) as part of their operating schedule or EMP. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring a TMP to be agreed with the police in advance of the event.
- G6.6.3 Where large numbers are expected to use local transport venues, such as railway stations, the Council considers these venues as areas that are causally linked to the event and within the licence holder's control. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing conditions in relation to the provision of security at local transport venues to control event patrons.
- G6.6.4 If the event venue is a considerable distance from key transport providers, such as railway stations, the Council expects the applicant to consider the implications of a significant number of pedestrians attending the event. This is particularly relevant for venues adjacent to main arterial routes such as Knebworth Park.
- G6.6.5 Where appropriate to promote the licensing objectives the Council may consider imposing conditions requiring the provision of an additional transport provision between the venue and the main transport provider (such as railway stations), for example shuttle buses or organised taxi provision within the venue.
- G6.6.6 Additionally, due to the causal link between the venue and the large number of pedestrians attending, the Council may consider imposing conditions relating to the stewarding of pedestrian routes where appropriate for the promotion of the licensing objectives.

G6.7 Emergency liaison team

- G6.7.1 For events that due to their size, nature and/or duration effectively create a temporary community at the event venue pose additional risks and the Council expects operating schedules to address how this temporary community will be managed to promote the licensing objectives.
- G6.7.2 In circumstances where one or more of the emergency services deem it necessary to have a permanent on-site presence, or where an event is deemed high risk by the Council, it may be appropriate for the applicant to provide a control centre permanently staffed by the key agencies and event management in order to monitor the event and provide a combined response to any problem or emergency that may arise. This control centre is often referred to as an ELT (Emergency Liaison Team).
- G6.7.3 The Council considers it good practice for an applicant to provide an ELT as part of an operating schedule or EMP. In circumstances where an applicant doesn't intend to provide an ELT, the Council would expect the operating schedule to demonstrate other suitable management arrangements to ensure the promotion of the licensing objectives.
- G6.7.4 Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring the provision of a fully-staffed ELT throughout the event (or at specified times dependant on the individual circumstances of the application).

G6.7.5 Applicants should be aware that if the Council deems it appropriate to impose a condition requiring the provision of an ELT it is likely to impose a condition requiring the applicant to provide and maintain suitable telephony and IT to allow the effective operation of the ELT.

G7. Public safety

G7.1 General

G7.1.1 The Council recognises that the public safety objective is concerned with the physical safety of the people attending the event and not with public health, which is dealt with in other legislation. **That said, public health issues that may impact on public safety may be a relevant consideration.**

G7.1.2 Given the nature of large scale events, particularly those that involve camping, the Council recognises that the applicant's responsibility in promoting the public safety objective is much wider than that of permanent premises with much shorter customer visiting periods.

G7.1.3 Where appropriate for the promotion of the licensing objectives, depending on the size, nature and duration of the event, the Council will expect applicants to address these wider responsibilities in the operating schedule or EMP. Examples of these wider issues include, but are not limited to:

- washing and showering facilities;
- medical provision (first aid, on-site hospital, hospital transfer capability, etc.);
- suitable food and beverage provision;
- quiet areas away from entertainment; and
- emergency planning

G7.1.4 The Council is aware that the responsibility for enforcing health & safety at outdoor events is shared between the local authority and the Health & Safety Executive (HSE). In general terms, the HSE enforce throughout the build-up and strike phases, whilst the local authority enforce throughout the event. As the HSE is not a responsible authority in its own right under the Act, applicants are encouraged to include the HSE in any pre-application discussions and address their concerns in the operating schedule or EMP.

G7.1.5 Applicants should be aware that if a licensing sub-committee is not satisfied that an operating schedule adequately promotes the public safety objective it is likely to impose conditions from the model conditions attached to this policy. In cases where there are insufficient conditions to fully address the public safety objective or the risk to the public is so significant a licensing sub-committee is likely to refuse the application.

G7.2 Hertfordshire Fire & Rescue Service

G7.2.1 The Fire & Rescue Service play a crucial role in securing public safety at large scale events with the role much wider than just the consideration of fire safety. Applicants are encouraged to seek early advice from the Fire & Rescue Service in relation to all aspects of public safety, including but not limited to:

- safe capacities;
- exit widths and routes;
- crowd densities;
- temporary demountable structures;
- pyrotechnics and special effects; and

- ignition sources

G7.2.2 Whilst the Regulatory Reform (Fire Safety) Order 2005 gives the Fire & Rescue Service powers to deal with fire safety that should not ordinarily be duplicated under the licensing regime, the prohibition of structures and venues on the day of the event under the Order would cause undue risk to the promotion of the licensing objectives. Any form of prohibition that prevented or limited public access for large numbers of people is likely to lead to disorder or a risk to public safety. For that reason, the Council expects applicants to address all aspects of public safety with the Fire & Rescue Service through the operating schedule or EMP to ensure prohibitions on the day of the event are only necessary in exceptional circumstances.

G7.2.3 In order to assist applicants in fully considering the public safety requirements of the Fire & Rescue Service, model conditions are included in Appendix A. The model conditions are provided to assist applicants but should not be interpreted as requirements in order to obtain a licence. Applicants have the opportunity to address public safety through their own licence conditions which should be tailored to the specific nature of an event.

G7.2.4 The Council is strongly of the view that public safety at large scale events is of paramount consideration and a licensing sub-committee, where appropriate for the promotion of the licensing objectives, is likely to consider imposing the Fire & Rescue Service model conditions where the operating schedule does not fully address public safety concerns.

G7.3 Catering concessions and crew catering

G7.3.1 Large scale events usually require the provision of on-site catering concessions for the public and crew catering for production and site personnel. Whilst catering concessions are often provided in purpose-built mobile units, they can also be provided by way of temporary demountable structures.

G7.3.2 Given the temporary nature of event catering, the risk to the public from poor conditions of hygiene and/or the quality and fitness to consume of the products is increased. The effect of a food poisoning incident within crew catering puts the public at significant risk if event safety staff are unable to undertake their duties effectively.

G7.3.3 The Council expects applicants to fully demonstrate in the operating schedule or EMP how they will mitigate this increased risk and ensure the promotion of the public safety objective.

G7.3.4 The Council supports the Food Standard Agency's national Food Hygiene Rating Scheme (FHRS) used to display the hygiene standards of businesses. The Council encourages applicants to use catering concessions and crew catering providers that have a FHRS rating of three (3) or above.

G7.3.5 Where an operating schedule does not adequately promote the public safety objective in relation to catering concessions, a licensing sub-committee may consider imposing a condition, where appropriate, requiring a FHRS rating of three (3) or above.

G7.4 Water supply

G7.4.1 Large scale outdoor events, particularly greenfield sites, often involve a temporary or extended water supply network which has the potential to adversely affect the public safety objective.

G7.4.2 The water supply and distribution network must meet the standards required by BS 8551 and applicants should have due regard to the guidance provided by the document 'Guidelines for the Provision of Temporary Drinking Water Supplies at Events'.

G7.4.3 The Council expects applicants to provide a Water Management Plan (WMP), including an appropriate risk assessment, which should include provision of an alternative water supply in the event of loss of the original supply.

G7.4.4 If an operating schedule does not fully address public safety concerns in respect of the water supply a licensing sub-committee may consider imposing a condition, where appropriate for the promotion of the licensing objectives, requiring the applicant to produce a WMP as part of the operating schedule or EMP.

G7.4.5 The Council encourages applicants to have early discussions with NHDC's Commercial Team to enable them to address any issues associated with temporary water supplies in the operating schedule or EMP.

G7.4.6 The Council expects applicants/licence holders to liaise with the appropriate water company to ensure the safety of any water supply.

G7.4.7 The Council will expect to see suitable evidence as to the competency of any contractor installing or amending a water supply at a large-scale event and suitable evidence that the supply has been professionally installed/amended to meet appropriate standards.

G7.5 Body piercers and tattooists

G7.5.1 Large scale events often attract tattooists and body piercers that provide their services to event attendees. All such businesses are required to be registered with their local authority who undertakes regular inspections to ensure they are operating professionally and hygienically.

G7.5.2 Providing this service from mobile units or temporary demountable structures increases the potential risk to hygiene requirements. For that reason, the Council expects applicants to notify NHDC's Commercial Team of all tattooists and/or body piercers that are to be available as part of the event.

G7.6 Public safety risk assessment

G7.6.1 The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- (i) safe capacities in identifiable areas of the event site, including camping and car parking, that can be evacuated quickly in the case of emergency;
- (ii) policies in relation to ingress, re-admission and egress, particularly control of capacities, queuing and safe dispersal from the locality;
- (iii) policies in relation to securing the safety of patrons whilst at the event, including camping and car parking; and
- (iv) sufficient on-site medical provision, including procedures for contacting the emergency services.

G7.6.2 In order to assist applicants with promoting the public safety licensing objective, NHDC's Commercial Team has compiled the following table of considerations. This table is not exhaustive and does not supersede or replace any other statutory obligations. The level of detail required will be proportionate to the size, nature and location of the event.

<u>Planning and management</u> The applicant should have a written explanation of the management arrangements of the premises, including cover during periods of absence. The maximum capacity of the site, including individual arenas and structures based on the available space excluding any obstacles and the number of available exits and exit widths. The applicant should have a means of accurately counting the total number of customers and staff on site and in each individual arena and structure. The applicant should have a reliable means of communication between staff independent of the mobile telephone network. The applicant should have arrangements for supervising contractors (including security staff) on the premises, including the ability to act on poor performance.
<u>Venue design</u> A detailed scale plan of the event site should be included as part of the operating schedule or EMP.
<u>Crowd management</u> The applicant should have a detailed Crowd Management Plan including methods of assessing crowd density and movement.
<u>Transport access</u> Pedestrian and vehicle access routes need to be clearly separated, particularly between event site and car parking, at shuttle bus/taxi provision and where pedestrian access crosses main roads.
<u>Barriers</u> Any barriers must be of an appropriate type and installed by a competent person in accordance with an appropriate risk assessment.
<u>Electrical installations and lighting</u> Needs to be checked and maintained by a competent person in accordance with national standards. Temporary electrical installations needs to be suitable for the intended use, checked in accordance with national standards, protected against the elements, protected from damage and routed through a suitable residual current device (RCD).
<u>Special effects</u> Any special effects (for example, lasers, smoke machines, pyrotechnics, etc.) should be installed and operated by a competent person in accordance with manufacturers' instructions.
<u>LPG</u> Any LPG containers should be stored, used and disposed of in accordance with manufacturers' instructions.

G7.7 Sanitary facilities

G7.7.1 The following table details the minimum customer sanitary facilities expected by the Council. Sanitary facilities for staff are dealt with under separate healthy & safety legislation. The table is based on a 50:50 split between male and female customers and should be adjusted where necessary dependant on the specific premises.

Public Gate Opening Time	Female (minimum requirements)	Male (minimum requirements)
Less than six (6) hours after the gate opens to the public	1 x WC per 120 persons	1 x WC per 600 persons Plus 1 x Urinal per 175 persons
Six (6) hours or more after the gate opens to the public	1 x WC per 100 persons	1 x WC per 500 persons Plus 1 x Urinal per 150 persons

G7.7.2 The Council expects the applicant to undertake an analysis of the expected audience demographic and keep it under review in light of actual and forecast ticket sales when calculating the appropriate sanitary facility provision. The applicant should demonstrate in the operating schedule or EMP how the final sanitary facility provision will be calculated.

- G7.7.3 If children are expected to attend the event, applicants are expected to make suitable additional sanitary facility provision, for example baby changing facilities (if appropriate) or suitable height urinals.
- G7.7.4 Applicants are reminded of their responsibilities under the Equality Act 2010 and the Council will expect applicants to demonstrate that they have provided appropriate sanitary facility provision to cater for the needs of disabled persons. Considerations for the provision of disabled sanitary facilities include, but are not limited to:
- level access, including wheelchair access;
 - suitable cubicle door widths;
 - suitable level hand-washing facilities;
 - suitable locations relative to stages, camping and other amenities.
- G7.7.5 Applicants for events that provide camping facilities will need to consider separate sanitary facility provision within the campsite. Adequate sanitary facilities should be provided in all camping areas and publicly accessible areas of the event site independent of other areas; it is not acceptable to the Council to have one centrally located sanitary facility provision serving all areas of the event site including camping.
- G7.8 Temporary demountable structures (TDS)
- G7.8.1 Outdoor events rely heavily on TDS to transform greenfield sites and other open spaces. The Council is aware of the risk associated with the construction and use of TDS and will expect applicants to take every possible measure to ensure the promotion of the public safety objective.
- G7.8.2 Whilst the Council wish to make clear that the responsibility for TDS rests with the applicant, NHDC's Commercial Team acts as the lead responsible authority for public safety in terms of TDS. The Team will liaise with applicants and offer advice where appropriate about suitable operating schedule conditions to promote the public safety objective. Ordinarily, the Council will expect applicants to include in their operating schedule or EMP a condition that any TDS will be:
- installed and signed-off as fit for purpose by a competent person; and
 - monitored throughout its use by a competent person to ensure the safety of staff, performers and event attendees.
- G7.8.3 Whilst the Council accepts that standard TDS provided by specialist companies can be installed and signed-off by a competent person associated with the event, it will expect the applicant to demonstrate the competency of the named person(s) to the satisfaction of the responsible authorities. Where bespoke TDS are utilised, the Council will expect the applicant to engage the services of an independent structural engineer to over see the installation and use of the TDS, including responsibility for signing-off.
- G7.8.4 For the avoidance of any doubt, whilst the Council and responsible authorities may be provided with structural calculations and details of TDS, they accept no responsibility for the suitability of the structures and give no consent or approval of their usage.
- G7.8.5 To assist applicants in the preparation of an operating schedule and/or EMP, model conditions are included as part of the attached Appendix A. These model conditions are not to be interpreted as a requirement of obtaining a licence, they are intended as a guide to the measures likely to be needed to promote the public safety licensing objective.

Applicants are free to word their own conditions based on the specific nature of their event having regard to this policy.

- G7.8.6 If the applicant's operating schedule and/or EMP does not fully satisfy the public safety licensing objective and representations are received, a licensing sub-committee is likely to consider imposing, where appropriate, conditions similar to the model standard conditions.
- G7.8.7 Applicants should be aware that the Fire & Rescue Service has an important role to play in the promotion of the public safety licensing objective and Appendix A contains some model conditions suitable for that purpose (see section G7.2 above).
- G7.8.8 The Council is aware that weather and ground conditions can often play a vital part in decisions relating to TDS, even as late as during site build. By adopting the approach recommended in this section of the policy of having a permanent premises licence with an EMP as a licence condition, applicants have maximum flexibility in adjusting the site layout and/or TDS used to adapt to prevailing weather and ground conditions.

G8. The prevention of public nuisance

G8.1 Supplementary to section E3 of this policy

- G8.1.1 Applicants are reminded that for brevity, paragraphs of policy relating to the prevention of public nuisance that appear in section E3 of this policy are not repeated here. It is important, therefore, that applicants read this section in conjunction with and supplementary to section E3 of this policy.

G8.2 Overview

- G8.2.1 Large scale outdoor events have significant potential to impact adversely on communities through public nuisance that may arise from their operation, in particular in relation to noise from live or recorded music. The Council expects applicants to seek early engagement with NHDC's Environmental Protection & Housing Team when preparing an operating schedule.
- G8.2.2 Where the applicant's operating schedule does not fully address concerns in relation to the prevention of public nuisance objective, NHDC's Environmental Protection & Housing Team will initially request the applicant to volunteer additional conditions to avoid the need for a representation. Example conditions specific to large scale outdoor events are included in the attached appendix of model conditions to assist applicants with the wording of suitable conditions. The applicant is under no obligation to agree to the suggested conditions if they believe they are not appropriate or proportionate to the application. If the applicant does not wish to volunteer the suggested conditions then a representation is likely and the matter will be referred to a licensing sub-committee for determination.
- G8.2.3 Applicants should be aware that if a licensing sub-committee is not satisfied that an operating schedule adequately promotes the prevention of public nuisance objective it is likely to impose conditions from the model conditions attached to this policy. In cases where there are insufficient conditions to fully address the prevention of public nuisance objective or the risk of nuisance is so significant a licensing sub-committee is likely to refuse the application.

G8.3 Noise from entertainment

- G8.3.1 This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. playing of films). Measures to prevent a public nuisance may include:

- restrictions on the number of days that entertainment is held during an event;
- restrictions on the timings and types of entertainment, including sound propagation testing and pre-event sound checks;
- limiting the overall front of house sound levels including, where appropriate, limiting specific frequencies;
- suitably located and orientated stages to minimise the potential for noise nuisance;
- limiting the number of stages and/or sound sources that can be used for the provision of entertainment at any one time;
- use of noise control measures, for example directional sound systems, noise limiting devices and acoustic barriers or enclosures;
- employing a competent noise consultant to plan and implement noise control measures before and during the event.

G8.3.2 The Council is aware that the potential for noise nuisance must be proportionately balanced against the benefits to the community and each application must be determined on its individual merits. That said, the Council will give additional weight to concerns where an event has the potential to affect a large number of the public (for example, multiple communities such as neighbouring towns and/or villages).

G8.4 Noise from plant and equipment

G8.4.1 This includes noise from generators or other mobile plant or equipment. Measures to prevent a public nuisance may include:

- use of silenced generators;
- installation of acoustic enclosures or barriers;
- appropriate location and orientation of equipment;
- timing devices to limit the use of equipment at certain times (where practicable).

G8.5 Noise from servicing

G8.5.1 This may include noise from deliveries, collections and site build-up and break-down before, during and after an event. Measures to prevent a public nuisance may include:

- restrictions on timings for deliveries to and collections from site before, during and after the event;
- limiting the locations for deliveries and collections, including limitations on local routes used before, during and after the event;
- restrictions on timings for site build-up and break-down.

G8.6 Lighting

G8.6.1 This may include external lighting, security lighting and light displays (for example, laser shows and other special stage effects). Measures to prevent a public nuisance may include:

- suitably selected lighting installations (i.e. luminaires without excessive power output and/or with appropriate shielding);
- suitably located and directed lighting installations.

G8.7 Litter

G8.7.1 The Council believes that an applicant's responsibility for litter directly associated with an event is not confined to the event site itself. Where an event has a clearly identifiable pedestrian access (for example, a direct route between the event site and a railway station) or utilises an identifiable transport venue (for example, a railway station or car parking site), the Council expects the applicant to identify in the operating schedule or EMP what measures they will use to ensure the prevention of public nuisance for those routes and/or venues.

G8.7.2 Measures to prevent a public nuisance may include:

- entering into waste contract agreements **with appropriate recycling provision**;
- provision of litter bins adequate for the size and nature of the event;
- provision of rubbish bags for non-day ticket holders (i.e. campers);
- regular litter picks in the identified vicinity, on access routes and on associated transport venues.

G8.8 Noise management plan (NMP)

G8.8.1 Section G5 of this policy details the Council's recommendation that an applicant utilises an Event Management Plan as a condition of a premises licence to allow maximum flexibility for multiples events. For the same reasons, the Council also recommends that applicants utilise a Noise Management Plan (NMP) as a condition of a premises licence.

G8.8.2 A NMP gives maximum flexibility for an applicant to adapt the measures required for managing any potential noise nuisance from an event by reacting to amended site plans, differing artist profiles, weather conditions, etc.. It removes the need for inflexible fixed noise levels on a premises licence and allows the applicant to work with environmental protection officers to ensure the most appropriate controls are applied proportionately for each event.

G8.8.3 The Council acknowledges that a NMP cannot be a requirement to enable an applicant to obtain a licence, however it is the Council's preferred option to balance appropriate control and flexibility for the applicant.

G8.8.4 In order to assist applicants with the preparation of appropriate operating schedule conditions in relation to a NMP the attached appendix of model conditions includes some examples of NMP licence conditions that work effectively for various existing licence holders.

G8.8.5 Where a licensing sub-committee determines that an operating schedule does not adequately promote the prevention of public nuisance objective it is likely to consider imposing, where appropriate, conditions similar to the model conditions in respect of a NMP.

G8.8.6 Applicants should be aware that if they volunteer, or a licensing sub-committee imposes, a licence condition requiring a NMP to be approved by NHDC's Environmental Protection & Housing Team, they should submit the NMP with sufficient time for the NMP to be considered and amended where necessary.

G9. The protection of children from harm

- G9.1 The Council is aware of the added risk to the protection of children from harm objective arising from large scale outdoor events, particularly those with camping facilities that create a temporary community within the event site.
- G9.2 In addition to identifying in an operating schedule or EMP the measures to be taken to address section E4 of this policy, the Council expects applicants to consider what other control measures are appropriate based on the specific nature of the event.
- G9.3 Measures to protect children from harm at large scale outdoor events may include, but are not limited to:
- restricting access to unaccompanied children below a specified age;
 - additional supervision of and/or restricted access to concessions selling age-restricted products;
 - an identifiable wristband scheme to distinguish children from adults (including additional entry and sales policies to ensure children cannot access adult tickets);
 - policies in relation to lost children (specifically, lost children points, welfare arrangements, contact with the police, secure or coded communication between agencies)
 - additional security clearance for staff that may come into contact with children;
 - mitigating additional risk factors in terms of the prevention of CSE;
 - restricting access to children from events where the entertainment or nature of the event is not suitable for children.
- G9.4 In order to assist applicants with the preparation of an operating schedule, the attached appendix contains some model conditions that have worked successfully at similar events within North Hertfordshire. These conditions are not to be interpreted as a requirement to obtain a licence.
- G9.5 Where a licensing sub-committee determines that an operating schedule does not fully address the protection of children from harm objective it is likely to consider imposing, where appropriate, conditions similar to the model conditions.

G10. Environmental considerations

- G10.1 Having declared a climate emergency the Council is acutely aware of the need to ensure the impact on the environment of outdoor events is minimised. The Council will expect an applicant to address the measures they are taking to protect the environment in their application and operating schedule. This applies equally to licence holders that produce an event-specific Event Management Plan who should ensure that the EMP addresses these concerns.
- G10.2 Glassware for drinking vessels is not practicable for outdoor events which risks a huge amount of plastic drinking vessels being used on an event site. The Council encourages the use of reusable drinking vessels rather than single use vessels. Additionally, the Council encourages the use of compostable and/or biodegradable drinking vessels to minimise the impact on the environment.
- G10.3 Food vendors have historically relied on the use of plastic cutlery and food trays at outdoor events which can produce a significant amount of plastic waste. The Council encourages the use of compostable and/or biodegradable cutlery and trays to minimise the impact on the environment.

- G10.4 With many large-scale events taking place in remote locations, transport to and from the site by car can produce significant carbon emissions from exhaust fumes. The Council will expect an applicant/licence holder to encourage environmentally friendly transport for example, discounted parking for ultra-low emission vehicles, and/or reduce vehicle numbers by encouraging car sharing or use of the railway network with shuttle buses.
- G10.5 Outdoor event sites often rely on plastic water bottles to provide drinking water to event goers. The Council encourages the use of reusable water bottles that can be refilled from taps located around the site or at designated areas.
- G10.6 As part of an application, or an event-specific Event Management Plan, the Council expects the applicant/licence holder to include a full environmental assessment of the event with measures to address any concerns raised for example waste management arrangements to ensure maximum recycling and measures to minimise the impact of emissions from site infrastructure.
- G10.7 Whilst the Council can only refuse an application or revoke a licence for concerns relating to one or more of the licensing objectives, the Council will expect applicants/licence holders to address their impact on the environment and will consider any failure to do so as an indication of the likelihood of the applicant/licence holder to comply with licence conditions and provide a safe event that will be of benefit to the wider community.

G11. Flora and fauna

- G11.1 North Hertfordshire contains many conservation areas and has diverse flora and fauna, particularly in its rural areas. Whilst the Council wishes to protect flora and fauna, it is not a matter to be considered as part of the licensing process.
- G11.2 The Wildlife and Countryside Act 1981 ("the 1981 Act") is the primary legislation that protects flora, fauna and habitats and the Licensing Act 2003 should not seek to replicate existing legislative provisions.
- G11.3 The applicant/licence holder has a duty to comply with the requirements of the 1981 Act in addition to any licence granted under the Licensing Act 2003.
- G11.4 Likely, or perceived, non-compliance with the 1981 Act is not a reason to refuse an application as there is legislation that can deal with those issues. Any subsequent prosecution under the 1981 Act could be used under the licensing objective of the prevention of crime and disorder at any licence review.

G12. Animal welfare

- G12.1 The Animal Welfare Act 2006 ("the 2006 Act") places a duty on all persons to ensure the welfare of animals is met based on the five freedoms listed therein. Whilst the Council wishes to protect animal welfare, it is not a matter to be considered as part of the licensing process.
- G12.2 The applicant/licence holder has a duty to comply with the requirements of the 2006 Act in addition to any licence granted under the Licensing Act 2003.
- G12.3 The impact of an event on animals living in the vicinity or the likely, or perceived, non-compliance with the 2006 Act is not a reason to refuse an application as there is legislation that can deal with those issues. Any subsequent prosecution under the 2006 Act could be

used under the licensing objective of the prevention of crime and disorder at any licence review.

G13. The role of the Council acting as the licensing authority

- G13.1 The Council in its role as the licensing authority is responsible for the administration of the application process and ensuring compliance with the terms of the licence including licence conditions.
- G13.2 The Council has no responsibility for approving the design, construction or use of any TDS or any other infrastructure or management controls provided by the applicant; responsibility rests solely with the applicant. Whilst information may be provided to the Council acting as the licensing authority or council officers acting as responsible authorities, this information is provided solely on the basis of ensuring compliance with a licence. No consent or approval, implied or otherwise, is to be taken from the provision of this information.
- G13.3 The Council (including council officers acting as responsible authorities) is likely to attend the event, including during the site build-up and break-down, to monitor compliance and undertake other statutory functions. The Council (including any council officers acting as responsible authorities) will not accept any responsibility for the management of the event or offer solutions to any issues found; responsibility rests solely with the applicant. No consent or approval, implied or otherwise, is to be taken from officer attendance at an event.
- G13.4 Where an operating schedule requires the applicant to provide a fully staffed ELT throughout the event, the Council (including council officers acting as responsible authorities) will not provide a staffing resource for this purpose. The responsibility for responding to any situation during an event rests solely with the ELT and council officers will not participate in this process.
- G13.5 The Council may attend scheduled ELT briefings to provide any feedback from council officers that may be appropriate to bring to the attention of the ELT but will otherwise be attending as observers for the purposes of monitoring licence compliance. No consent or approval of proposed actions, implied or otherwise, is to be taken from officer attendance at an ELT briefing.

SECTION H: LOCAL LICENSING POLICY (THE ROLE OF THE SAFETY ADVISORY GROUP)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

H1. North Hertfordshire District Council Safety Advisory Group (NH SAG)

- H1.1 NH SAG consists of officers from within NHDC, responsible authorities under the Licensing Act 2003, ‘blue light services’, highways officers and any other relevant organisation with responsibilities for ensuring public safety at events. Its role is to offer support and advice to organisers of events within North Hertfordshire.

H2. The role of NH SAG

- H2.1 Whilst the Council accepts that NH SAG has no statutory role within the licensing regime and the responsibility for organising and managing a safe event lies with the event organiser, it strongly believes that NH SAG can provide invaluable experience and advice to applicants.

H2.2 This policy encourages early discussions between applicants and the responsible authorities prior to the submission of an application and the NH SAG offers applicants access to a wide range of experience and knowledge. This facility is of particular assistance to applicants where an EMP is required as a licence condition. NH SAG can meet regularly with the applicant to review an EMP throughout its development, offering further advice and support where appropriate.

H2.3 No consent or approval of any proposals concerning event management or infrastructure, implied or otherwise, is to be taken from applicant attendance at NH SAG.

H3. General

H3.1 The Council will not impose any licence conditions requiring applicants to obtain the consent of NH SAG for any aspect of event management or infrastructure. **Additionally, the Council will not accept any voluntary condition where the applicant is relying on NH SAG to approve their event as opposed to providing a fully detailed operating schedule demonstrating how the event will be managed in relation to the licensing objectives.**

H3.2 When considering representations, a licensing sub-committee may consider an applicant's willingness or otherwise to liaise with NH SAG as an indication of their commitment to the promotion of the licensing objectives and ability to deliver a safe event.

SECTION I: LOCAL LICENSING POLICY (GARAGES)

In this section all references to "the Council" refer to North Hertfordshire District Council acting in its role as the licensing authority.

I1. Definition of garage

I1.1 Section 176 of the Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used as a garage if they are used for one or more of the following:

- (i) the retailing of petrol;
- (ii) the retailing of derv;
- (iii) the sale of motor vehicles; and
- (iv) the maintenance of motor vehicles.

I2. Primary use

I2.1 The Council will judge 'primary use' on the basis endorsed by the courts in *R* (on the application of) *Murco Petroleum Limited v Bristol City Council* [2010] EWHC 1992 (Admin), and any subsequent cases, which is the intensity of customer usage. For example, if a rural garage shop is used more intensely by customers purchasing other products (non-garage) than by customers either purchasing the products or services listed in paragraph I1.1 above (garage) or by customers purchasing a combination of the two (non-garage and garage), then the premises may be eligible to apply for a premises licence to authorise the sale or supply of alcohol.

I2.2 Paragraph 5.24 of the Guidance states:

'If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises. If a relevant representation is made, the licensing

authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.'

The Council is of the opinion that to grant a licence that would not have effect would be irresponsible and may create a legitimate expectation on behalf of the applicant that the sale or supply of alcohol was permitted. The Council will not ordinarily grant a licence until such time as the primary use issue has been resolved.

I3 Establishing primary use

- I3.1 The Council encourages applicants to submit all available evidence to resolve this issue with the application so that a decision can be made at the end of the consultation period. The Council encourages applicants to submit both footfall and turnover figures (net of all taxes) under the three separate headings of 'fuel', 'shop' and 'mixed'. The figures for footfall and turnover should ideally be for the same trading period and the Council encourages figures covering a period of at least twelve months.
- I3.2 An application will not be accepted by the Council as a duly made, valid application unless it is accompanied by sufficient evidence to satisfy the Council that the premises are capable of not being excluded premises. On such occasions, the application will be returned as invalid with guidance as to the information required to allow the application to be duly made.
- I3.3 If representations are received and a hearing is held, the Council will determine the application in the normal way and if minded to grant, will grant with effect from such time as the primary use issue is resolved to the Council's satisfaction. If there is insufficient information for the Council to be able to determine the issue of primary use, the Council will adjourn the hearing to a prescribed date with directions to the applicant as to the additional information requested.
- I3.4 The Council acknowledges that there will occasions when the data necessary to resolve the primary use question will be unavailable, for example in the case of a brand new premises. In order to reassure responsible authorities and interested parties who may have raised concerns, the sub-committee may wish to grant the licence with the following condition:
- The data that the premises licence holder produces to satisfy themselves that they are not an excluded premises shall be submitted to the licensing authority via the licensing officer on a quarterly basis for a period of two years or such lesser period where the licensing authority are satisfied that primary use has been established.*
- I3.5 In order to assist applicants in avoiding unlawful sales when the premises is an excluded premises, and to assist the Council with its enforcement function, a sub-committee may consider imposing the condition listed in paragraph I3.4 above on any application where the particular circumstances of the application deem such a condition to be appropriate.
- I3.6 In accordance with section 176 of the Act, a licence will cease to have effect at any time when the primary use of the premises is such that it became an excluded premises. A letter advising the applicant of the implications of section 176 of the Act will be issued with all granted licences reminding the licence holder that it is their responsibility to continually monitor the issue of primary use at their premises.

SECTION J: LOCAL LICENSING POLICY (ADULT ENTERTAINMENT)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

This section is to be read in conjunction with and supplementary to Section E: Licensing Objectives.

J1. Adult entertainment

J1.1 Due to the nature of adult entertainment and its potential to impact on the licensing objectives, the Council will expect applicants to suitably address in the operating schedule issues such as, but not limited to:

- external displays of indecent material or performances
- changing facilities for performers
- restrictions on performer/audience contact
- restrictions on recordings of performances
- age, welfare and security of performers
- age of audience members

J1.2 Applicants will be expected to ensure suitable control measures are in place to ensure that the premises are conducted in a decent and orderly manner at all times. In particular, the applicant will be expected to take whatever steps are appropriate to ensure that none of the following take place:

- indecent behaviour, including sexual intercourse, in public
- the offer of any sexual or other indecent service for reward
- any acts of violence against persons or property and/or the attempt or threat of such acts likely to cause a breach of the peace

J1.3 The Council has adopted the requirements of the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 that requires a premises to obtain a Sexual Entertainment Venue (SEV) licence if it provides adult entertainment that includes:

any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)

providing that:

- *there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;*
- *no such occasion has lasted for more than 24 hours; and*
- *no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period).*

J1.4 Where a SEV licence is required, the Council will not seek to duplicate its requirements or impose any licence conditions adequately dealt with under the SEV licensing legislation. (see the Council’s Sex Establishment Policy available at www.north-herts.gov.uk)

- J1.5 Where an application for a licence under the Licensing Act 2003 is received and there are no details within section K adult entertainment, or a comment such as 'none' is entered, a licensing condition consistent with this part of the operating schedule would be imposed on the licence as follows:

No adult entertainment will be permitted on this premises unless under the authorisation of a Sexual Entertainment Venue licence.

SECTION K: LOCAL LICENSING POLICY (PUBLIC HEALTH)

In this section all references to "the Council" refer to North Hertfordshire District Council acting in its role as the licensing authority.

K1. Public Health as a responsible authority

- K1.1 The Council welcomes the addition of the Director of Public Health for Hertfordshire as a responsible authority as it believes health bodies may hold relevant information which other responsible authorities do not. This information may assist the Council in its decision-making under the Act.
- K1.2 Whilst health bodies may make representations in their own right or support representations by other responsible authorities, all representations must relate to one or more of the licensing objectives. Representations relating purely to issues of public health are not relevant under the Act.
- K1.3 The Council encourages the Director of Public Health to create and maintain regular contact with the licensing authority to develop a good working relationship to ensure best use of public health data within the licensing process. Wider discussions with the North Hertfordshire Community Safety Partnership are also encouraged.

K2. The role of health bodies

- K2.1 Health bodies can make representations on any of the four licensing objectives however the Council believes that the most relevant representations will focus on accidents and injuries from violence resulting in attendance at emergency departments and/or the use of the ambulance service where alcohol is a contributory factor. The police may not always be aware of these incidents from a crime and disorder perspective and any data collected in relation to these incidents may assist the licensing authority in their assessment of applications.
- K2.2 The Council acknowledges that health bodies may also have relevant representations to make in relation to the protection of children from harm objective as this objective encompasses the moral and psychological well-being of children as well as their physical safety.
- K2.3 Whilst health bodies may have representations in respect of new premises, the Council believes that health data can be invaluable in assessing the impact of premises on the licensing objectives when determining a licence review. Data provided by health bodies will specifically assist with considering the impact of alcohol sales at premises in relation to the prevention of crime and disorder and the protection of children from harm objectives.
- K2.4 The Council considers health body data in relation to alcohol-related incidents involving persons under the age of eighteen as particularly relevant in the determination of applications.

- K2.5 Less obvious is the role health bodies may have in the assessment of public nuisance representations. They may have data relating to the physical and/or psychological effects of late night noise and light pollution from licensed premises or persons congregating outside licensed premises.

K3. Data collecting and sharing

- K3.1 The Council is aware that one of the major barriers to health bodies becoming more actively involved in the licensing function is that the specific data referred to in this section of the policy is not routinely collected.
- K3.2 The Director of Public Health for Hertfordshire is encouraged to work closely with the Council and other responsible authorities to understand their requirements in relation to data required to assist with the licensing function.
- K3.3 The Council further encourages the Director of Public Health for Hertfordshire to work closely with responsible authorities to enable any representation to be supplemented by available health data or for a representation to be submitted from the health body in its own right.

SECTION L: LOCAL LICENSING POLICY (EARLY MORNING ALCOHOL RESTRICTION ORDERS)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

L1. Early morning alcohol restriction order (EMRO)

- L1.1 The ability to implement an EMRO is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011. An EMRO would enable the Council to restrict the sale of alcohol in the whole, or in part, of the district between midnight and 06:00hrs on all or some days.
- L1.2 The Council would consider making an EMRO in relation to problem areas if it had evidence that the order is appropriate for the promotion of the licensing objectives.
- L1.3 It is important to be aware that the restriction would only relate to the sale or supply of alcohol and would have no effect on regulated entertainment.

L2. Current position in relation to EMROs

- L2.1 The Council is strongly of the view that an EMRO is a power that should be used sparingly due to the potential impact on the night-time economy. There are many other powers available under the Act to address specific problem premises and the police have a number of powers for dealing with disorder under other legislation.
- L2.2 An EMRO is most appropriate for situations where the use of other powers has been unsuccessful or where the problem is so significant that only an EMRO would offer a viable solution.
- L2.3 The Council has no plans to implement any EMROs at the time of writing this policy.

SECTION M: LOCAL LICENSING POLICY (LATE NIGHT LEVY)

In this section all references to “the Council” refer to North Hertfordshire District Council acting in its role as the licensing authority.

M1. Late night levy (“levy”)

- M1.1 The ability to implement a levy is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011. This would enable the Council to charge a levy to all persons who are licensed to sell alcohol within a specified time period between midnight and 06:00hrs as a means of raising a contribution towards the costs of policing the late-night economy.
- M1.2 The levy would apply to all premises where the licence allowed alcohol sales within the specified period irrespective of whether or not they were trading during those hours. Additionally, the levy would apply to the district as a whole, including premises such as village pubs that are often the centre of a community with little or no impact on the licensing objectives.
- M1.3 A minimum of seventy percent of the levy must be given to the police however there is no statutory requirement for it to be spent on policing the late-night economy or even on the district in which it was levied.
- M1.4 The Council would consider making a levy if it had evidence that the order is appropriate for the promotion of the licensing objectives.

M2. Current position in relation to a late night levy

- M2.1 The Council is strongly of the view that a levy is a power that should be used sparingly due to the potential impact on the night-time economy. There are many other powers available under the Act to address specific problem premises and the police have a number of powers for dealing with disorder under other legislation.
- M2.2 As a levy would impact on all businesses within the specified timings it would be an unreasonable charge for well-managed premises that were not impacting on the licensing objectives.
- M2.3 A levy is most appropriate for situations where the use of other powers has been unsuccessful or where the problem is so widespread within the district that only a levy would offer a viable solution.
- M2.4 Any decision to implement a levy would require a public consultation.
- M2.5 The Council has no plans to implement a levy at the time of writing this policy.

SECTION N: DELEGATION

N1. Licensing sub-committee membership

- N1.1 Ordinarily, Councillors will not be invited to sit on sub-committees considering applications within their Ward **unless the Council believes their specialist local knowledge would particularly assist with the decision-making process.**
- N1.2 If it is established during a hearing that a member of the sub-committee has a **Disclosable Pecuniary Interest or Declarable Interest** that Councillor will not participate any further in the hearing or take part in the determination of the application. This does not apply to applications made by North Hertfordshire District Council itself. In those circumstances it is unlikely that councillors would have a **Disclosable Pecuniary Interest or Declarable Interest** in the matter before them.
- N1.3 All sub-committees must consist of three members. Wherever practicable, a fourth stand-by member will be appointed to a sub-committee to act as a non-participating and non-voting member. Provided that the stand-by member has been present throughout the hearing, they may replace one of the sub-committee members and assume participatory and voting rights in the case of incapacity or other unscheduled absence such as a failed connection to a remote hearing.**
- N1.4 A licensing sub-committee will adjourn a hearing and refer the matter to another licensing sub-committee where it is unable to deal with an application because one or more of its members are unable to take part in the determination due to a **Disclosable Pecuniary Interest or Declarable Interest and a quorum of three members cannot be maintained.**
- N1.5 If a member of a sub-committee becomes unwell or otherwise unable to continue during the course of a hearing or determination, the sub-committee will:
- (i) **in the first instance utilise the stand-by member provided that they have been present throughout the hearing; or**
 - (ii) **if that is not possible, adjourn the hearing until a specified date when all three sub-committee members can continue the hearing.**
- N1.6 If a member of a sub-committee has to leave the hearing temporarily, the hearing will be adjourned until such time as the absent member returns.
- N1.7 If a member of a sub-committee has been present throughout the hearing and determination but has to leave prior to the formal giving of the decision the sub-committee chair will advise all parties of this fact. All members of a sub-committee must sign the formal decision notice to signify their full participation in the hearing and determination and confirm that the decision notice is an accurate reflection of the sub-committee's decision.
- N1.8 In order to assist applicants, responsible authorities and other persons, the Council may produce a Procedural Guidance Document to accompany hearing paperwork based on the principles contained within this section and the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).**

N2. Delegation of function

- N2.1 The Act provides that the functions of the licensing authority are to be taken or carried out by its licensing committee. The licensing committee may delegate these functions to sub-

committees and/or officers of the licensing authority with the exception of the adoption of the statement of licensing policy which is reserved for the full council.

N2.2 The licensing committee has further delegated licensing functions as follows:

Matter to be dealt with	Licensing sub-committee (3 Councillors)	Officers
Application for personal licence	If a police objection made	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection made	All other cases
Application for interim authority	If a police objection made	All other cases
Application to review premises licence/club premises certificate, including interim steps	All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases
Decision to object when local authority acting as a responsible authority		All cases
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases
Decision to delay a hearing beyond the 20 working day time limit		All cases

Withdrawal of club premises certificate under section 90 of the Act		All cases
Administrative policy amendments required by changes to legislation, Guidance, Appendix A or local area profile		All cases

- N2.3 The above scheme of delegation does not preclude officers from referring matters up to a licensing sub-committee, or a licensing sub-committee referring matters up to the full licensing committee where appropriate.

SECTION O: MISCELLANEOUS

O1. Relationship to other statutory duties

- O1.1 The Council accepts that it can only consider matters in relation to the four licensing objectives when determining licensing applications, however as a public body it also has a statutory duty to consider the following legislative requirements:
- (i) Crime and Disorder Act 1998
Local authorities are required to have due regard to the crime and disorder implications of any decision it makes.
 - (ii) Human Rights Act 1998
Local authorities are required to implement the Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the European Convention on Human Rights and Fundamental Freedoms.
 - (iii) Equality Act 2010
Local authorities are required to implement the Act in a manner consistent with its responsibilities to consider the equality implications of any decision it makes.

O2. Without prejudice

- O2.1 Any premises licence or club premises certificate granted by the Council relates solely to the provisions of the Licensing Act 2003 and considerations related thereto.
- O2.2 Any licence/certificate is issued without prejudice to any other consent, licence, approval or other authorisation required by other functions or responsibilities of the Council or any other statutory body. The possession of a licence/certificate under the Act does not supersede or replace any other statutory provision.

O3. Role of Councillors

- O3.1 The Council believes that local councillors play a vital role in representing and supporting their local communities and may act on behalf of people affected by licence applications. **To assist councillors in representing their communities, local ward councillors will be advised of applications in their wards that are open to public consultation.**
- O3.2 Affected persons may choose to be represented at a licensing hearing by their local councillor who can speak on their behalf, providing the affected person has made a representation. Equally, a local councillor can make a representation on behalf of the community that they represent.

O3.3 Local councillors with a **Disclosable Pecuniary Interest or Declarable Interest** in an application may attend sub-committee or committee meetings to make representations, answer questions or give evidence but must withdraw from the meeting immediately afterwards.

O3.4 Any representation from a local councillor, whether in his/her own right or on behalf of the community, will be considered and apportioned weight in exactly the same way as any other representation. Additional weight will not be given for the sole reason of being a local councillor or a member of the licensing committee,

O4. Representations

O4.1 General

O4.1.1 Any responsible authority and/or any other person are entitled to make representations to the Council, irrespective of their geographic proximity to the premises, in relation to:

- (i) applications for the grant, variation, minor variation or review of a premises licence or club premises certificate; or
- (ii) applications for the grant of a provisional statement.

Additionally, responsible authorities and/or other persons are entitled to make applications for the review of a premises licence or club premises certificate.

O4.1.2 Representations may be made either for or against an application provided they are relevant.

O4.1.3 Responsible authorities are the statutory consultees listed in paragraph O5.1 below.

O4.1.4 Other persons are defined as any individual, body, business or member of the licensing authority.

O4.1.5 Whilst any other person may act in their own right, they may also request that a representative (for example, a friend, a Member of Parliament, or a local councillor) makes the representation to the Council on their behalf.

O4.2 Relevant representations

O4.2.1 In order for a representation to be relevant it must be:

- (i) made during the prescribed consultation period;
- (ii) relate to the effect or likely effect on the licensing objectives;
- (iii) not be frivolous or vexatious [other persons only]; and
- (iv) in the case of reviews, not be repetitious [other persons only]

O4.2.2 The Council gives the term 'frivolous' its ordinary meaning and may consider a representation frivolous for reasons such as, but not limited to:

- (i) a lack of seriousness;
- (ii) concerns raised are minor, at most; or
- (iii) no remedial steps would be appropriate or proportionate.

O4.2.3 The Council gives the term 'vexatious' its ordinary meaning and may consider a representation vexatious for reasons such as, but not limited to:

- (i) disputes between local businesses;
- (ii) attempts to protect business by making representations against competitors;
- (iii) intention to cause aggravation or annoyance without reasonable cause or justification; or
- (iv) making the same or similar representation repeatedly without reasonable cause or justification (in effect, re-visiting the consideration of a previous representation where the person making the representation was not satisfied with the previous decision).

O4.2.4 In order to assist other persons in making representations, the Council recommends that representations should:

- (i) be made in writing (a legal requirement); email is an acceptable form of writing;
- (ii) state the name and full address of the person, body or business making the representation;
- (iii) indicate the premises to which the representation relates;
- (iv) indicate the proximity of the premises to the person making the representation, particularly where the person is making reference to the direct effect on them of issues such as noise or disorder;
- (v) indicate any specific evidence relating to the impact on the licensing objectives or evidence of an existing problem that may be effected by the application; and
- (vi) clearly state the grounds for making the representation including how the grounds relate to the licensing objectives

O4.2.5 Representations that do not contain a genuine name and postal address will not be considered as relevant representations by the Council.

O4.2.6 Officers will make professional judgements on the relevancy of representations and give reasons in writing when a representation is deemed not relevant. If there is an element of doubt over relevancy, the benefit of the doubt will be given to the writer of the representation and the sub-committee can consider the weight (if any) to apportion to the representation as part of their determination.

O4.3 Responsible authority representations

O4.3.1 In the same way that the Council expects applicants to undertake early discussions with the responsible authorities, the Council also expects responsible authorities to undertake early engagement with applicants.

O4.3.2 Ordinarily, the Council expects responsible authorities to undertake initial engagement with applicants, particularly where concerns exist, within seven (7) days of the start of the consultation period where operationally practicable. This allows sufficient time for meaningful and fair discussions between the parties.

O4.3.3 Not engaging until close to the end of the consultation period places unfair pressure on the applicant to try to address responsible authority concerns and may force applicants to accept conditions and/or amendments that could have been avoided had the process started earlier.

O4.3.4 Where a responsible authority makes a representation not having engaged in accordance with this section of the policy, the licensing sub-committee is entitled to consider that as part of its determination.

O4.4 Petitions

O4.4.1 Petitions will only be accepted by the Council if:

- (i) the full explanation of the reasons for the petition is printed at the top of each page;
- (ii) the explanation relates to the licensing objectives;
- (iii) the petition is received within the prescribed consultation period; and
- (iv) each person signing the petition includes their name, address and a signature.

Each entry on a petition will be considered against this criteria and any entry not meeting the criteria will be excluded.

O4.4.2 The Council will only correspond with the person submitting the original petition not with each individual signatory.

O4.4.3 The Council will advise a licensing sub-committee in respect of the weight to apportion to a petition based on the individual merits of each case.

O4.5 Representations in the public domain

O4.5.1 The Council acknowledges that it is a statutory requirement to provide copies of representations to applicants in order that they have the opportunity to consider their response. The name and address of the person making the representation will not be withheld from the applicant however email addresses and telephone numbers will be deleted.

O4.5.2 Representations, including names and addresses, are included in the reports considered by licensing sub-committees which are publicly available documents.

O4.5.3 In exceptional cases, the Council may consider that a person making a representation has a genuine fear of intimidation if their name and/or address were made available to the applicant or in the public domain. Ordinarily, the Council would only make such a judgement on advice from the police. In these circumstances the Council will consider an alternative approach to safeguard the person(s) making the representations.

O4.6 The Council acting as a responsible authority

O4.6.1 Ordinarily the Council will not make representations where other responsible authorities have done so. The Council will ordinarily only make representations where:

- (i) it has evidence that other responsible authorities do not possess;
- (ii) an application conflicts with this policy;
- (iii) it can assist the licensing sub-committee's determination such as, but not limited to, improving the wording of operating schedule conditions; or
- (iv) it acts on behalf of persons who are not in a position to act for themselves.

O4.7 Mediation

O4.7.1 Where practicable, the Council will try to mediate between any person or authority making a representation and the applicant to see if the concerns can be addressed prior to the hearing (this mediation could start as soon as the first representation is received during the consultation period).

O4.7.2 Any attempts at mediation will be brought to the attention of the licensing sub-committee who is entitled to consider that as part of its determination.

O5. Responsible authorities

O5.1 The specific contact details for the responsible authorities In North Hertfordshire are:

The Licensing Officer

Licensing Department, Hitchin Police Station, College Road, Hitchin, SG5 1JX

LicensingEasternArea@herts.pnn.police.uk

Fire Protection Manager

Hertfordshire Fire & Rescue, Fire Protection, Mundells-MU103, Welwyn Garden City, AL7 1FT

administration.cfs@hertfordshire.gov.uk

Chief Trading Standards Officer

Hertfordshire Trading Standards, Mundells, Welwyn Garden City, AL7 1FT

hcc.tradstad@hertfordshire.gov.uk

Commercial Manager (Environmental Health)

North Hertfordshire District Council, Council Offices, P O Box 10613, Nottingham, NG6 6DW

env.health@north-herts.gov.uk

Environmental Protection & Housing Manager,

North Hertfordshire District Council, Council Offices, P O Box 10613, Nottingham, NG6 6DW

env.health@north-herts.gov.uk

Development and Conservation Manager

North Hertfordshire District Council, Council Offices, P O Box 10613, Nottingham, NG6 6DW

planning.control@north-herts.gov.uk

Licensing Manager,

North Hertfordshire District Council, Council Offices, P O Box 10613, Nottingham, NG6 6DW

licensing@north-herts.gov.uk

Health Improvement Manager

Public Health, Postal Point SFAR232, Farnham House, Six Hills Way, Stevenage, SG1 2FQ

publichealth@hertfordshire.gov.uk

Safeguarding Children Manager,

Hertfordshire Safeguarding Children Board, Room 127, County Hall, Pegs Lane, Hertford, SG13 8DF

admin.lscb@hertfordshire.gov.uk

O5.2 Whilst the responsible authorities listed above are the only statutory bodies permitted to submit representations under the Act, this does not preclude the responsible authorities from seeking professional and/or specialist advice from other persons where it is appropriate to ensure the promotion of the licensing objectives.

O6. Application forms

O6.1 Application forms, details of application fees and further guidance on the application process can be obtained from the Council's website www.north-herts.gov.uk or the Government website www.gov.uk/alcohol-licensing

O7. Assistance and advice

O7.1 For further assistance, please contact:

Licensing, North Hertfordshire District Council, P O Box 10613, Nottingham, NG6 6DW

01462 474000 or licensing@north-herts.gov.uk

SECTION P: GLOSSARY

the Act	the Licensing Act 2003
the Council	North Hertfordshire District Council acting as the licensing authority
the Guidance	Statutory Guidance issued by the Home Office pursuant to section 182 of the Licensing Act 2003
the Order	the Regulatory Reform (Fire Safety) Order 2005
the policy	North Hertfordshire District Council's Statement of Licensing Policy
BBFC	the British Board of Film Classification
CCTV	closed-circuit television
CSE	child sexual exploitation
ELT	emergency liaison team
EMRO	early morning alcohol restriction order
EMP	event management plan
FHRS	food hygiene rating scheme
HSCB	Hertfordshire Safeguarding Children Board
HSE	Health & Safety Executive
levy	late night levy
NHDC	North Hertfordshire District Council
NH SAG	North Hertfordshire Safety Advisory Group
NMP	noise management plan
NPS	new psychoactive substances
SEV	sexual entertainment venue
TDS	temporary demountable structures
TMP	traffic management plan
WMP	water management plan

APPENDIX A: MODEL LICENCE CONDITIONS

A1. The prevention of crime and disorder

- The premises licence holder shall install and maintain a comprehensive closed-circuit television (CCTV) system that will record all entry and exit points to the premises; the recordings will enable frontal identification of every person entering the premise in all lighting conditions.
- The premises licence holder will ensure that the closed-circuit television (CCTV) system shall continually record whilst the premises are open for licensable activities and at all times whilst customers are present on the premises.
- All recordings from the closed-circuit television (CCTV) system shall be stored for a minimum period of twenty-eight (28) days and will be date and time stamped.
- The premises licence holder shall ensure that closed-circuit television (CCTV) system recordings will be made available upon request of a police or other authorised officer throughout the retention period specified in the premises licence.
- The premises licence holder will ensure that staff employed at the premises are conversant with the operation of the closed-circuit television (CCTV) system whilst the premises are open to the public. Staff should be able to operate the system fully and be able to show footage as captured to both the police and other authorised officers on request.
- The premises licence holder will ensure that a minimum of (*as determined by the applicant*) Security Industry Authority licensed door supervisors shall be on duty at the premises during the hours of (*as determined by the applicant*) on the following days (*as determined by the applicant*).
- The premises licence holder will ensure that all sales of alcohol for consumption off the premises shall be in sealed containers only and that they shall not be consumed on the premises.
- The premises licence holder will ensure that an incident log shall be kept at the premises for a period no less than six (6) months, and made available on request to an authorised officer of the licensing authority or the police, which will note the following:
 - all crimes reported to the venue, or by the venue to the Police
 - names and/or descriptions of all ejected patrons
 - any complaints received
 - any incidents of disorder
 - seizures of drugs, offences weapons, fraudulent ID or other items
 - any faults in the CCTV system or searching equipment or scanning equipment
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service
 - the times on duty, and the licence number of all licensed door supervisors employed by the premises.
- The premises licence holder will ensure that there shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the licensing authority for the premises on the handling of fraudulent identification used to obtain the sale of alcohol.
- The premises licence holder will ensure that there shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised officer of the licensing authority for the premises relating to illegal drugs found on persons or on the premises.
- The premises licence holder will ensure that there shall be a policy agreed with Hertfordshire Constabulary and approved by an authorised office of the licensing authority for the premises relating to unlawful weapons being found on persons present on licensed premises.

- The premises licence holder will provide twenty-eight (28) days notice to Hertfordshire Constabulary of any events to be held at a licensed premise which are organised by an outside promoter, including full details as to the nature of the event and the promoter.
- The designated premises supervisor (DPS) must ensure that a working radio-link radio is in use/operation at all times the premises are open for licensable activities and that this is carried by the designated premises supervisor or nominated deputy whilst they are on duty.
- The premises licence holder will ensure that there is a personal licence holder on duty at all times the premises are authorised to sell alcohol.
- The premises licence holder will ensure that there is no admittance/re-admittance of patrons to the premises after (to be determined by the applicant) hrs.
- The premises licence holder will ensure that there is prominent signage on display at the premises that displays the permitted hours for the sale of alcohol.
- The premises licence holder will ensure that a log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the licensing authority at all times whilst the premises are open.
- The premises licence holder will ensure that the rules of admission to the premises shall be clearly and prominently displayed at each entrance to the premise.
- The premises licence holder shall make available a contact telephone number for the use of notifying of a complaint. This number is to be made available to local residents, businesses, Hertfordshire Constabulary and the licensing department.
- The premises licence holder will ensure that alcohol shall be served to customers by waiter/waitress service only.
- The premises licence holder will ensure that there shall be no sale of alcohol for consumption off the premises.
- The premises licence holder will ensure that there will be no admission to customers after (to be determined by the applicant) other than to:
 - Residents of the hotel and their bona fide guests
 - Persons who have pre-booked to attend a function at the premises.
- The premises licence holder will ensure that no entertainment, performance, service or exhibition involving nudity or sexual stimulation shall be permitted to take place on the premise.
- The premises licence holder will ensure that no miniature bottles of spirits of 20cl or below will be sold from the premises.

A2. Public safety

- The designated premises supervisor (DPS) or a nominated deputy will ensure that no drinks shall be served in glass containers at any time for alcohol to be consumed on the premises.
- The premises licence holder will ensure that the designated queuing area outside of the premises shall be enclosed within appropriate barriers to ensure that the footway is kept clear at all times that this is in operation.
- The premises licence holder shall ensure that no single cans or bottles of beer or cider shall be sold from the premises.
- The premises licence holder will ensure that no super-strength beer, lager or cider of 5.5% ABV (alcohol by volume) or above will be sold from the premises.
- The premises licence holder will ensure that the sale of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.
- The premises licence holder will ensure that no unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) are inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street

- furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
- The premises licence holder will ensure that any special effects or mechanical installations to be used on the premises shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on ten (10) working days prior notice being given to the licensing authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics, including fire works
 - firearms, including imitation or toy firearms
 - lasers
 - explosives and highly flammable stances
 - real flame
 - strobe lighting
 - The premises licence holder will ensure that no person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
 - NOTE: this condition does not apply to exhibitions given under the provisions of s2(1A) and 5 of the Hypnotism Act 1952 for which written permission has been given by the licensing authority.
 - The premises licence holder will ensure that there shall be in place a dispersal policy for the premises agreed with the relevant responsible authorities and approved by an authorised officer of the licensing authority.
 - The premises licence holder will ensure that alcohol is to be served in polycarbonate, plastic or shatter-proof glasses on agreed dates/events as specified on the licence, or when notified by Hertfordshire Constabulary a minimum of twenty-eight (28) days in advance of a specific event taking place.
 - The premises licence holder will ensure that any customer who behaves violently (verbally or physically) will be put forward to their local Pub Watch for consideration of a ban from all premises within a specified area.
 - The premises licence holder will ensure that at all times that the premises are open to the public that there is a minimum of one (1) competent person able to administer first aid, and that there is an adequate supply of first aid equipment and materials as necessary.
 - The premises licence holder will ensure that clear, legible notices shall be placed at each entry point to the premises advising those attending that it is a condition of entry that customers agree to being searched, and that the police will be notified of any person found to be in possession of a controlled substance, or an offensive weapon.
 - The designated premises supervisor or a nominated deputy will ensure that all Security Industry Authority (SIA) licensed door supervisors shall wear high-visibility clothing and shall wear their SIA issued badge in accordance with their regulations.
 - The designated premises supervisor or a nominated deputy shall maintain a register/log of the licensed door supervisors indicating the number of licensed door supervisors on duty, their identity, contact details, and the times that they were on duty.
 - The designated premises supervisor or a nominated deputy will ensure that the licensed door supervisors remain on duty at the premises for thirty (30) minutes after the premises have closed to assist with the safe dispersal of patrons from the premises and the vicinity of the premises.
 - In premises where existing legislation does not adequately provide for the safety of the public, the premises licence holder will ensure that consideration be given as follows:
 - whilst disabled persons are present, that adequate arrangements exist that will enable their safe evacuation from the premises in the event of an emergency;

- disabled patrons are aware of the evacuation procedures through the adequate display of public notices.
- For premises providing indoor sporting events, the following conditions are to be employed by the premises licence holder:
 - an appropriately qualified medical practitioner is to be present throughout sporting events such as boxing, wrestling, Greco-Roman wrestling, judo, karate or other sports entertainment of a similar nature.
 - where the use of a ring is involved, that this be constructed and supported to the satisfaction of the licensing authority; any materials used in its structure are to be flame retardant in nature.
 - at any event where wrestling or other entertainment of a similar nature is being displayed, that the public do not occupy any seat within two and a half (2.5) metres of the ring.
 - at water sport events, staffs adequately trained in rescue and life safety procedures are on duty, and that they remain in the vicinity of the water sports area at all times.
- The premises licence holder will enter into an agreement with either a hackney carriage and/or private hire company to provide transportation for their customers, with contact telephone numbers readily made available to customers who will be encouraged to use such services.
- The premises licence holder will ensure that all external emergency exit doors are fitted with sensor alarms to alert staff when the emergency doors have been opened.
- The club premises certificate holder will ensure that a list of the names and addresses of the club members shall be kept on the premises at all times, together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
- The club premises certificate holder will ensure that alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by the police or an authorised officer of the Council.
- The premises licence holder will have the means in place to accurately count the total number of customers and staff on the premises.
- During times the premises are providing licensable activities, the premises licence holder will have arrangements in place for the supervision of contractors whilst they are on the premises. These arrangements are to include provisions to act on poor performance.
- The premises licence holder will ensure that any changes to floor level, including the use of steps, are marked by a contrasting colour to aid with the reduction of possible trips and falls.

A3. The prevention of public nuisance

- The premises licence holder will ensure that a suitable sound limiting device is installed in the premises and set to the satisfaction of the Council's Noise Control Officer. The device must be set at an appropriate time in the presence of the aforementioned officer. No amplified live or recorded music constituting regulated entertainment shall take place at the premises until the device has been installed and set in accordance with this condition.
- Once the noise control device has been installed on the premises and set to the satisfaction of North Hertfordshire District Council, the device must not be removed, adjusted or replaced without:
 - (a) twenty-eight (28) days prior notification to the Council's Noise Control Officer; and
 - (b) the written consent that the removal, adjustment or replacement of the device is permitted, and that documentation stating that this is received from the Council's Noise Control Officer.

Following receipt of the documentation stated in (b) above, all the requirements of the Council's Noise Control Officer must be carried out. Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place at the premises is not permitted until such time that the premises licence holder has received written confirmation from the Council's Noise Control Officer that it is permitted.

- In the event of a malfunction of the noise control device, the premises licence holder will ensure that the Council's Noise Control Officer is notified within two (2) working days of the problem, and the remedial action they propose. No amplified live or recorded music constituting regulated entertainment shall take place at the premises until the noise control device is properly functioning and, if appropriate, has been reset to the satisfaction of the Council's Noise Control Officer and/or the Council's Noise Control Officer has received and approved in writing the necessary documentation confirming this.
- The premises licence holder will ensure that the noise controlling device shall be secured in a manner approved by the Noise Control Officer so as to prevent unauthorised access to, and tampering with, the controls as set.
- The premises licence holder will ensure that equipment used for the amplification of music and regulated entertainment is routed through the noise control limiter and that this device is operational at all times that regulated entertainment is provided.
- The premises licence holder will ensure that loudspeakers shall not be located at entrance lobbies or outside areas.
- The premises licence holder will ensure that all windows and external doors will be kept closed between *(to be determined by the applicant)* hrs, save for access to and egress from the premises.
- The premises licence holder will ensure that there are notices prominently displayed at all exit points requesting patrons to respect the needs of local residents and to leave the area quietly.
- The premises licence holder will ensure that glass bottles will not be placed in external refuse receptacles between the hours of 21:00hrs to 08:00hrs the following morning.
- The premises licence holder will ensure that at least *(to be determined by the applicant)* door supervisors will be employed to monitor the smoking area when the premises are open between the hours of *(to be determined by the applicant)* on *(to be determined by the applicant)*.
- The premises licence holder will ensure that the playing of live or recorded music in the external areas of the premises will not be permitted to take place between the hours of *(to be determined by the applicant)*.
- The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in the surrounding area, are restricted to between the hours of *(to be determined by the applicant)* Monday to Saturday and *(to be determined by the applicant)* on a Sunday.
- The premises licence holder will ensure that flashing and/or particularly bright lights, on or outside the premises shall not cause a nuisance to nearby properties.
- The premises licence holder will ensure that no person on behalf of the premises, or on behalf of a person carrying on, or attempting to carry on a licensable activity shall cause, permit, or employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the district boundary, for the purposes of bringing customers to the premises.
- The premises licence holder will ensure that no deliveries to the premises shall take place between *(to be determined by the applicant)* the following day.
- The premises licence holder will ensure that patrons drinking and/or smoking outside the premises will do so in an orderly manner and that they are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- The premises licence holder shall ensure that a process is in place, where necessary, to control any entry queue, external area of the premises and the dispersal of patrons from the premises to ensure that noisy or rowdy behaviour is prevented, thereby minimising disturbance to those near to the premises.

- The designated smoking area shall be located at *(to be determined by the applicant)*. A maximum of *(to be determined by the applicant)* persons will be permitted to smoke in this area at any one time.
- The premises licence holder will ensure that no drinks are taken into the smoking area at all times the premises are open to the public.
- The premises licence holder will ensure that no drinks are permitted to be taken into the external areas of the premises after *(to be determined by the applicant)* until closing Sunday to Thursday, and after *(to be determined by the applicant)* until closing Friday and Saturday.
- The premises licence holder will ensure that live and/or recorded music constituting regulated entertainment shall only take place on *(to be determined by the applicant)* days per week, and on no more than *(to be determined by the applicant)* consecutive days.
- A noise assessment shall be carried out by a suitably qualified and experienced noise consultant who is a member of the Institute of Acoustics and/or the Association of Noise Consultants. A noise mitigation scheme designed to minimise the impact of the noise shall be submitted to the Council's Noise Control Officer. Following receipt of the noise mitigation scheme the Council's Noise Control Officer will consider the measures proposed by the consultant and will advise which measures shall be carried out, including any additional measures identified.
- Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place in *(to be determined by the applicant)* is not permitted until such a time that the premises licence holder has received confirmation from the Council's Noise Control Officer that it is permitted. This will not be granted until all the measures required by the Council's Noise Control Officer have been undertaken and are fully implemented.
- The noise mitigation measures required by the Council's Noise Officer shall be maintained in accordance with the approved details thereafter.
- The premises licence holder shall make available a contact telephone number for the use of notifying of a complaint. This number is to be made available to local residents, businesses, Hertfordshire Constabulary and the licensing department.

A4. The protection of children from harm

- The designated premises supervisor or a nominated deputy will ensure that entry by children under the age of 18 to the premises will be prohibited between the hours of *(to be determined by the applicant)*.
- The premises licence holder will ensure that no events for persons under eighteen (18) years of age will be permitted to take place on the premises at any time.
- The designated premises supervisor or a nominated deputy will ensure that entry by persons under eighteen (18) years of age to the premises will be prohibited, unless the person(s) are accompanied by an adult over eighteen (18) years of age.
- The designated premises supervisor will attend a training course on avoiding underage sales such as the National Certificate for Designated Premises Supervisors, or the BIIAB Award in Responsible Retailing, and provide the licensing authority with awarded certificate post completion.
- In addition to any company specific training, the premises licence holder will ensure all staff are trained to prevent under age sales, and to maintain the refusals book for any attempted sales where the individual is not able to satisfy the seller of their age, and that this training is recorded on the individual employees file.
- The premises licence holder will ensure that clearly visible signage will be displayed at the entrances to the premises, and at the point of sale terminals indicating that it is illegal to sell alcohol to persons less than eighteen (18) years of age.
- The premises licence holder will ensure that a Challenge 25 scheme will be in operation to ensure that any person attempting to purchase alcohol who appears to be under eighteen (18) years of age shall provide documented proof that they are eighteen (18) years of age

or over. The proof of age can either be a passport, a photo card driving licence, an EU/EEA national ID card, or an industry approved proof of age identification card (PASS).

- The premises licence holder will ensure that, during the times that adult entertainment is provided to patrons, those persons under eighteen (18) years of age will not be able to see this from outside of the premises at any time.
- For events that are open to persons under eighteen (18) years of age, the premises licence holder will employ an age verification scheme by way of coloured wrist bands that easily identify that the individual is under eighteen (18) years of age.
- The premises licence holder will ensure that the premises implements a “challenge 25” policy, whereby all customers who appear to be under 25 will be required to produce photographic identification in the form of a passport, a photo card driving licence, an EU/EEA national ID card, or an industry approved proof of age card (PASS) before being allowed to enter the premises whilst licensable activities are taking place.

A5. LARGE SCALE OUTDOOR EVENTS

A5.1 The prevention of crime and disorder [large scale outdoor events]

1. The premises licence holder will ensure that their representative meets with Hertfordshire Constabulary representatives (at times nominated by Hertfordshire Constabulary) to discuss existing and historical crime trends at similar events, and in the local area. The premises licence holder will act upon the advice given and implement any necessary crime prevention requested by Hertfordshire Constabulary.
2. The premises licence holder will provide all closed circuit television (CCTV) as mutually agreed with Hertfordshire Constabulary and the event planning team (including any associated ancillary equipment such as, but not limited to, lighting) around the venue and will ensure that this is monitored in Event Control under the supervision of a suitably experienced Emergency Liaison Team Manager at all times agreed with Hertfordshire Constabulary on an event specific basis. All CCTV required by virtue of this condition will be maintained in working order at all times whilst the premises is open to the public. The premises licence holder will provide a draft CCTV plan no later than two (2) months prior to the commencement of each event and provide the final agreed CCTV plan no later than one (1) month prior to the commencement of each event.
3. The premises licence holder will ensure that Hertfordshire Constabulary are consulted on the 'conditions of entry' and will impose any additional 'conditions of entry' deemed necessary by Hertfordshire Constabulary in pursuant of the 'prevention of crime and disorder' licensing objective. The premises licence holder will ensure that these 'conditions of entry' are clearly displayed on tickets, where time scales allow, in advance booking information and displayed in a prominent position at entry points. These 'conditions of entry' will include, but are not limited to:
 - a) that patrons will agree to allow themselves and any bags etc. to be searched by security/police officers;
 - b) details of prohibited articles; and
 - c) ejection policies
4. The premises licence holder will ensure that a draft Security Plan is submitted by the Head of Security to Hertfordshire Constabulary no later than three (3) months prior to the commencement of each event. The Security Plan will be updated as necessary and must be agreed by Hertfordshire Constabulary no later than two (2) weeks prior to the commencement of each event. The Security Plan will include details of security deployment numbers and locations, known threats and risks, and other relevant information as requested by Hertfordshire Constabulary.

5. The premises licence holder will take all appropriate steps to ensure that glassware is not brought onto site or is utilised on the premises. All drinks must be served in plastic / polycarbonate bottles or must be decanted into plastic / polycarbonate drinking vessels.
6. The premises licence holder will notify Hertfordshire Constabulary of the dates of each year's event at least five (5) calendar months prior to the commencement of the event.
7. The premises licence holder will allow for police officers to be deployed on the premises to support the 'prevention of crime and disorder' licensing objective and to ensure a prompt response to any major incident on site. The numbers of police officers deployed will be determined by The Chief Constable of Hertfordshire Constabulary and will be based on threat, current intelligence and risk. These numbers can be subject to change depending on changes in information and / or intelligence. All resources required under this condition will be paid for in full by the premises licence holder. Hertfordshire Constabulary will provide the event management team with a full deployment plan of police resources prior to the commencement of the event.
8. The premises licence holder will ensure that the promoter will sign a Statement of Intent and request for special police services for each event in order to ensure that Hertfordshire Constabulary can effectively plan and resource the events. The premises licence holder will pay (*to be determined on an event by event basis*) per event to Hertfordshire Constabulary no later than three (3) months prior to the commencement of the event. Fifty percent (50%) of the remaining costs of each event will be paid no later than four (4) weeks prior to the commencement of the event and the balance must be paid in full seven (7) days prior to the commencement of the event. Should an event be cancelled, any monies paid to Hertfordshire Constabulary will be refunded, save for any costs incurred prior to the cancellation.
9. The premises licence holder will provide all necessary structures, IT and equipment required by Hertfordshire Constabulary on site to fulfil their statutory responsibility to prevent and detect crime at each event. This will include, but will not be limited to, a public enquiry post, police command suite, report writing area and refreshment area.
10. The premises licence holder will provide Hertfordshire Constabulary with details of planned event dates not less than five (5) months prior to the commencement of each event, with the artiste(s) notified not less than three (3) months prior to the commencement of the event. The policing charges will initially be based at full cost of high risk so that Hertfordshire Constabulary have the necessary resources in place. Once the acts are known and the risk and threat is understood, the policing charges will be reviewed.
11. The premises licence holder will provide incremental updates for each event, initially monthly, and then weekly to Hertfordshire Constabulary on ticket sales including, where possible, anticipated method and direction of travel.
12. The premises licence holder will provide a draft Event Safety Plan for each event to Hertfordshire Constabulary not later than three (3) months prior to the commencement of the event. This will be regularly updated and a final, agreed version for each event will be submitted no later than two (2) weeks prior to the commencement of the event. It will include, but will not be limited to:
 - a) evacuation plans;
 - b) stewarding plans, including skills and deployment details;
 - c) first aid provision;
 - d) insurance details for temporary structures;
 - e) certification of any temporary structures;
 - f) nominated safety officer and deputy;

- g) event control management and meeting plan;
 - h) capacity calculations, including car parking areas;
 - l) internal traffic management plan up to the entry point at A1 Junction 7;
 - j) an external traffic management plan covering major routes, agreements with British Transport Police and the relevant rail companies pertaining to Stevenage Train Station;
 - k) plans regarding any off site parking;
 - l) lost and found property / people plans; and
 - m) welfare services
13. The premises licence holder will ensure that he or his representatives engage with local residents for each event. This engagement will be documented and address any concerns that local residents may have.
14. The premises licence holder will ensure that the main arena is cleared of general public no later than one (1) hour after the regulated entertainment ends.
15. The premises licence holder will ensure that no regulated entertainment will be permitted to continue beyond the licensed hours.
16. The premises licence holder will ensure that all children under the age of fourteen (14) years must be accompanied on the premises by an adult.
17. The premises licence holder will ensure that a 'Challenge 21' or 'Challenge 25' scheme will be operated at all bars, shops or structures where alcohol can be obtained.
18. The premises licence holder will ensure that persons that are able to prove that they are eighteen (18) years of age or above will be issued with a wristband identifying their ability to obtain alcohol. Any person without such a wristband will not be served with alcohol.
19. The premises licence holder will agree a final Security Plan with Hertfordshire Constabulary each year, no later than two (2) weeks prior to the commencement of each event. The agreed Security Plan will not be amended after this date without written agreement from Hertfordshire Constabulary and will contain details of:
- a) site security (including during site build);
 - b) site search policy on entry;
 - c) staff deployment;
 - d) staff accreditation;
 - e) protocols for handing information or persons to the Constabulary
20. In the event of any of the above conditions 1 to 19 inclusive not being met, the event will not be permitted to take place without the written permission of Hertfordshire Constabulary.
21. The premises licence holder will provide a permanent Event Control Room, with a representative of the event management team and a representative of the site security team present throughout its operation. It will operate for each event from one (1) hour before the public are first admitted to the licensed area until one (1) hour after the licensed area has closed to the public on the final day. The Event Control Room will run 24 hours/day but have a reduced capacity during non-event times; or

The premises licence holder will provide a permanent Event Control Room, with a representative of the event management team and a representative of the site security team present throughout its operation. It will operate from one hour before the public are first admitted to the licensed area until one hour after the licensed area has closed to the

public on the final day, however, it may operate on a reduced basis from Campsite Control between the hours of midnight and 11:00hrs each day.

22. The premises licence holder will ensure that a schedule of multi-agency meetings are held on site during each event and that a full multi-agency debrief is held as soon as possible, but no later than three (3) months after the event taking place each year.
23. The premises licence holder will provide forecast attendances based on ticket sales to Hertfordshire Constabulary at the beginning of each calendar month from *<to be determined>* until *<to be determined>*, then on a weekly basis from the beginning of *<to be determined>* until the commencement of the event.

A5.2 Public safety [large scale outdoor events]

- The premises licence holder should have a written explanation of the management arrangements for the event.
- The maximum capacity shall be calculated by the premises licence holder following a risk assessment.
- The premises licence holder shall have a means of accurately counting the total number of customers and staff on the premises.
- The premises licence holder needs to have arrangements in place for the supervision of contractors on their premises, including the ability to act on poor performance.
- The premises licence holder should submit an Event Safety Manual no less than three (3) months before the event date. This manual should be agreed with the relevant responsible authorities no less than twenty-eight (28) days prior to the commencement of the event. The manual should contain as a minimum the following:
 - a scale plan of the proposed event and its layout should be included with the events safety manual. This plan should also include details of pedestrian routes and vehicular access, including that of emergency services.
 - details of the emergency plan as devised from the events risk assessment.
 - management of people, in particular crowds. This should include details of evacuation processes in the event of an emergency arising.
 - communication methods for all staff outside of the use of mobile phones.
 - the use of temporary electrical installations (to conform to the required British Standard and be protected by means of a residual current device (RCD)).
 - details of the water supply and network available at the event (BS 8551).
- The premises licence holder is to provide a water management plan for their event to Environmental Health no later than twenty-eight (28) days prior to the commencement of the event. This plan is to be accompanied by a risk assessment which should detail alternative water supplies should the main supplies fail.
- The use of pyrotechnics is to be notified to Environmental Health no later than twenty-eight (28) days prior to the commencement of the event. This is to be accompanied by a risk assessment and management plan for their use.
- Should an outdoor/large scale event include the art of tattooing or body piercing, the premises licence holder is to ensure that all persons engaging in the art of tattooing/body piercing are registered with North Hertfordshire District Council no later than twenty-eight (28) days prior to the commencement of the event.
- All persons involved in the art of tattooing/body piercing are to have regard to the current tattooing and body piercing guidance.
- Should the event include the use of LPG, the premises licence holder will ensure that a suitable risk assessment has been undertaken for its use. This risk assessment is to include assessment as to storage, usage and the replacement of canisters throughout the duration of the event.

- A scaled plan showing the location of all proposed temporary structures within the licensable area is to be provided to responsible authorities as part of the Event Management Plan (EMP) for the event and is to be finalised no later than twenty-eight (28) days prior to the commencement of the event. As a minimum, the plans are to show the following information:
 - description and type of each structure.
 - the person(s) responsible for each structure, with their competency proven for the:
 - (i) construction of each structure;
 - (ii) sign-off for each structure, including the format for the certificate;
 - (iii) for non-standard structures or designs, those responsible for third party accreditation with regards to design and sign-off;
 - (iv) for monitoring the structure during the licensed period.
 - location and availability of the 'fit for use' completion certificates;
 - monitoring of structures in line with the risk assessment;
 - details of the limitations placed upon the structure other than wind speed;
 - details of the limiting wind speeds for each structure, the method of assessing the wind speed during the event and what action is to be taken at relevant speeds
 - any barriers to be used as part of the event are to be of the appropriate type and design suitable for the location it is to be used within. The barriers are to be installed by a competent person, following an assessment of the risks for which they are there to mitigate.

A5.3 Public safety (Hertfordshire Fire & Rescue) [large scale outdoor events]

1. The premises licence holder will notify the Fire Authority of the dates of each year's event no later than *<to be determined>* calendar months prior to the commencement of the event.
2. The premises licence holder will provide draft copies of the Event Management Plan and Risk Assessments to the Fire Authority no later than *<to be determined>* calendar months prior to the commencement of each year's event.
3. The premises licence holder will provide a final copy of the Event Management Plan to the Fire Authority no later than forty-two (42) days prior to the commencement of the event build-up on site of each year's event. The final Event Management Plan will form part of the premises licence operating schedule conditions for each year's event.
4. The premises licence holder will ensure that the Event Management Plan covers the following areas to the complete satisfaction of the Fire Authority:
 - i) a scaled electronic site plan showing how each part of the area will be used, identification of all structures, access routes and ingress/egress points;
 - ii) capacities and evacuation plans for all areas of the event;
 - iii) roles and responsibilities of all key personnel responsible for managing the event, including names, contact telephone numbers and back-up contact details in the event of non-availability;
 - iv) risk assessments for all activities relating to public safety, including fire;
 - v) full details of security and stewarding arrangements including the use of any barriers;
 - vi) details of any proposed special effects and the proposed safety arrangements associated with their use;
 - vii) details for managing all traffic and vehicle movements on site, including within parking areas, during the event build-up phase, during the event and during the site breakdown phase;
 - viii) management arrangements for site access and egress, including specific arrangements for emergency services;

- ix) details of any camping and provided sleeping accommodation, in respect of event attendees, staff and volunteers;
 - x) details of power supplies, including all generators;
 - xi) provision of artificial lighting, including emergency escape lighting;
 - xii) provision of adequate fire-fighting cover, including facilities, personnel and water supplies;
 - xiii) technical details for all proposed temporary demountable structures;
 - xiv) details of all proposed safety barriers and fencing to be erected on site, including the positioning;
 - xv) relevant independent certification or manufacturers' details to demonstrate that any fabric, or other material, used in the construction of, or in conjunction with, tents, marquees and similar structures, roof coverings, weather protection covers, curtains, drapes, backdrops, scrims and other materials used in, or upon, structures shall be rendered flame resistant to the current applicable British Standard;
 - xvi) identification of competent persons, including proof of competence, in relation to the construction of structures and the continual monitoring of them during the event;
 - xvii) details of the proposed maximum occupancy of each area, the method of controlling numbers therein and evacuation policies to be adopted in the event of an emergency;
 - xviii) details of a suitable communication network;
 - xix) means for giving warning of an emergency, including the initiating and effecting of any evacuation, including from structures;
 - xx) provision of adequate emergency exit routes and emergency exits, both within structures and externally, and suitable provision of emergency signage;
 - xxi) the profiles of the performers and the anticipated attendees;
 - xxii) contingencies in respect of degraded systems;
 - xxiii) contingencies in respect of points i) to xxi) inclusive above regarding the effects of adverse weather conditions including, but not limited to, wind, rain and heat.
5. In the event that the premises licence holder requires the attendance of a representative from the Fire Authority within the Emergency Liaison Team, other than in the event of an emergency response, the cost of the attendee will be paid by the premises licence holder.
 6. If the premises licence holder, due to exceptional or unforeseen circumstances, wishes to make any amendment to the final Event Management Plan (that being the version that forms part of the premises licence operating schedule conditions) that would impact upon any public safety issue covered by conditions 1 to 4 inclusive above, he may only do so with written consent from the Fire Authority.

A5.4 The prevention of public nuisance [large scale outdoor events]

- The premises licence holder shall appoint a suitably qualified and experienced noise consultant who is a member of the Institute of Acoustics and/or the Association of Noise Consultants. The licensing authority and the Council's Noise Control Officer shall be advised of the name and contact details of this individual/company, no later than three (3) months prior to the commencement of any event. This timescale shall remain in place unless otherwise agreed in writing by the Council's Noise Control Officer.
- The premises licence holder shall liaise with the Council's Noise Control officer, the noise consultant, the sound system suppliers and the sound engineers, prior to, during, and after the event.
- The Council's Noise Control Officer will advise, in writing, if a noise survey to determine the background levels will be required in any particular year, within one (1) calendar month of being notified of details of the proposed events for that year.

- The premises licence holder will ensure that the background noise level monitoring shall take place at locations agreed in writing with the Council's Noise Control Officer. If required in a particular year, the premises licence holder shall ensure that the information obtained from this survey is made available to the licensing authority and the Council's Noise Control Officer no later than two (2) months prior to the commencement of the event.
- The premises licence holder shall ensure that a noise management plan is submitted to, and approved in writing by the Council's Noise Control Officer no later than six (6) weeks prior to the commencement of any event. The plan shall include, but not be limited to the following:
 - details of all music sources and other significant noise sources within the licensed area including a site plan of their location and orientation;
 - comprehensive sound level predictions at agreed noise sensitive locations based on the type of event proposed within the licensable area;
 - a scheme designed to minimise the impact of noise from the event to noise sensitive premises;
 - specifications of appropriate noise criteria that shall be achieved during the event;
 - details of proposed noise propagation tests;
 - details of on-site noise monitoring proposed specifically designed to control off-site noise levels.
- Only in exceptional circumstances will the premises licence holder request a reduction in the timescales for compliance with the condition for noise management timelines, and it shall only be granted if the Council's Noise Control Officer confirms the revised timescales in writing.
- Where conditions relating to a noise management plan have been met, if there are any subsequent proposed changes to the event which may impact on noise following the approval of the noise management plan, the premises licence holder shall ensure their noise consultant liaises with the Council's Noise Control Officer to ascertain if any additional measures, noise predictions or noise criteria are required. If the Council's Noise Control Officer or the premises licence holder's noise consultant determine that additional measures are required, they will form part of the revised noise management plan.
- No changes to the noise management plan will be permitted in the period commencing seven (7) days prior to the commencement of the event.
- If the noise management plan is not approved in writing by the Council's Noise Control Officer, their requirements will form part of the final noise management plan.
- The premises licence holder shall ensure the approved noise management plan is fully implemented and the agreed noise criteria are met during the event.
- The music noise level must not exceed 45dB(A) LAeq over a five (5) minute period at a distance of one (1) metre from the façade of noise sensitive premises and/or suitable proxy locations agreed by the Council's Noise Control Officer between 23:00hrs – 09:00hrs on any given day during the event.
- The premises licence holder shall ensure that noise measurements are routinely taken outside the licensed area to ensure that the noise criteria specified in the premises licence conditions and the noise management plan are not exceeded.
- The premises licence holder shall ensure that the licensing authority and the Council's Noise Control Officer shall have access to the results of any noise monitoring at all times.
- If there is a breach of the noise criteria specified in the premises licence conditions or agreed in the noise management plan, the premises licence holder shall ensure that remedial action is taken forthwith to prevent further breaches of the noise criteria.
- If noise complaints are received in respect of the event, the premises licence holder will ensure they are investigated promptly. This may include visiting the complainant or the

vicinity of the complainant's property. If the noise complaint is substantiated, additional remedial measures must be implemented forthwith to reduce the disturbance to residents.

- The premises licence holder shall ensure that a post event report is provided to the licensing authority and the Council's Noise Control Officer no later than thirty-one (31) days after the event. This timescale shall remain in place unless otherwise agreed in writing by the Council's Noise Control Officer. The report shall include the results of all noise monitoring carried out during the event, indicating whether or not compliance to all the noise criteria was achieved, details of all noise complaints received and any remedial action taken to minimise noise disturbance off-site.
- The premises licence holder will ensure that sound tests and rehearsals must be undertaken, where possible, using monitors only.
- The premises licence holder will ensure that sound tests and rehearsals audible outside of the licensable are shall only be permitted during the following hours;
 - mid-day to 20:00hrs, except on 'event days' when it is permitted for a two (2) hours period, but also not before 09:00hrs Monday to Saturday, or 10:00hrs on a Sunday. The term 'event days' for the purpose of this condition only, refers to any day during the event when the main arena is used for the performance of music on outdoor stages. If the premises licence holder wishes to undertake any sound tests or rehearsals outside of these hours, they must consult with the council's Noise Control Officer to ascertain whether such tests can be permitted outside the above hours. Such instances will only be considered in exceptional circumstances and must be agreed in writing by the Council's Noise Control Officer in advance of the testing/rehearsals.
- The premises licence holder shall ensure that the sound engineers are fully aware of the noise criteria for the event and that any requests from them or the noise consultant to reduce on-site noise levels are implemented forthwith.
- The premises licence holder shall ensure that they, the noise consultants and sound engineers are provided with suitable communication networks, i.e. mobile telephones, radios, in order that they may communicate effectively throughout the event.
- The premises licence holder will ensure that a list of contact names and telephone numbers for the noise consultants, premises licence holder and other relevant persons, shall be provided to the licensing authority no later than seven (7) days prior to the commencement of the event.
- The premises licence holder, or their nominated representative is to have control of the electrical provisions to the sound systems at all times during the provisions of licensable activities being provided.
- The premises licence holder shall provide a dedicated telephone complaints line which shall be attended to, and answered, for the duration of the event, including during sound checks.
- The premises licence holder shall ensure that a log of all noise complaints are recorded and kept for inspection by the licensing authority and the Council's Noise Control Officer upon request, both during and after the event. The details of any complaints received must be passed to the noise consultant forthwith.
- The premises licence holder shall ensure that the nature, date and timings of the event (including sound-testing), and the telephone complaint line number is advertised in one or more newspapers circulating in the areas likely to be affected by the event, on at least one (1) occasion prior to the commencement of the event. This advertising should take place no earlier than six (6) weeks prior and no later than seven (7) days prior to the event commencing.
- The premises licence holder will ensure that the advert shall be sent to the Council's Noise Control Officer for approval at least ten (10) days prior to it being submitted to the newspapers.

- The premises licence holder will ensure that a copy of the advertisement shall be provided to the licensing authority and the Council's Noise Control Officer no later than seven (7) days prior to the commencement of the event.
- The premises licence holder shall notify the occupiers of nearby noise sensitive premises, in writing, of the nature, dates and timings of the event (including sound testing activities), and provide them with the details of the dedicated telephone complaints line. This communication shall be carried out no later than fourteen (14) days prior to the commencement of the event. This notification, along with a list of the intended recipients shall be sent to the Council's Noise Control Officer for approval no later than seven (7) days prior to its distribution.
- The premises licence holder shall ensure that no music emanates from any fairground rides or amusements between the hours of 23:00hrs – 09:00hrs Monday to Saturday, and 23:00hrs – 10:00hrs on a Sunday.
- The premises licence holder shall ensure that between the hours of 23:00hrs – 09:00hrs Sunday to Saturday, and 23:00hrs – 10:00hrs Saturday through to a Sunday that all vehicles delivering infrastructure to, or removing this from site, must only enter and exit the site via the location as agreed by the Council's Noise Control Officer.
- If helicopters are to be used in relation to the event (save helicopters used by emergency services), the premises licence holder will submit, and have approved, the details of the flights, including the frequency and timings of the landings and take-offs within the site area, to the Council's Noise Control Officer no later than fourteen (14) days prior to the commencement of the event. If the details are not approved, the premises licence holder has to ensure that no helicopters are used (save for emergency services) for the duration that the licensable event is taking place.
- A waste management plan designed to minimise the impact of litter associated with the event must be submitted, and approved by the Council's Environmental Health/Waste Officer no later than six (6) weeks prior to the event commencing.
- The premises licence holder shall ensure that the measures agreed in the waste management plan are fully implemented.
- The use of fireworks, pyrotechnics or special effects is not permitted without the prior consent of the Council's Noise Control Officer. The Council's Noise Control Officer shall be advised in writing of the details of the proposed use of the above, including the noise levels, duration and timing of them. This must be submitted to and approved in writing by the Council's Noise Control Officer no later than six (6) weeks prior to the commencement of the event. A copy of the details of any approved fireworks, pyrotechnics or special effects shall be submitted to the Licensing Authority no later than six (6) weeks prior to the commencement of the event. If this condition is not complied with, no fireworks, pyrotechnics, or special effects will be permitted during the event. Only in exceptional circumstances will the premises licence holder request a reduction in the timescale for compliance with this condition and it should only be effective if the Council's Noise Control Officer confirms the agreed timescale in writing. In any case, no fireworks, pyrotechnics, or special effects will be permitted at the event unless given written approval by the Council's Noise Control Officer at least four (4) weeks prior to the commencement of the event.

A5.5 The protection of children from harm [large scale outdoor events]

- All children under the age of fourteen years must be accompanied by an adult.
- A 'Challenge 21' scheme will be operated at all bars, shops or structures where alcohol can be obtained.
- Persons that are able to prove, when challenged, that they are eighteen (18) years of age or above will be issued with a wristband identifying their ability to obtain alcohol. Any person without such a wristband will not be served with alcohol, unless they can prove their age.

- Any unaccompanied children under the age of fourteen (14) years will be kept in a safe environment until their parent/guardian/responsible adult can be contacted and arrangements for the child's collection are made. Where contact cannot be made, the child would be passed to Hertfordshire Constabulary.

LICENSING AND APPEALS COMMITTEE
26 OCTOBER 2020

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: LICENSING SERVICE ANNUAL REPORT

REPORT OF: THE LICENSING MANAGER

EXECUTIVE MEMBER: HOUSING AND ENVIRONMENTAL HEALTH

COUNCIL PRIORITIES: BUILD THRIVING AND RESILIENT COMMUNITIES / RESPOND TO CHALLENGES TO THE ENVIRONMENT

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for the Licensing and Appeals Committee a summary of the work undertaken by the licensing service over the previous twelve months, an update on existing projects and an overview of future proposals.

2. RECOMMENDATIONS

- 2.1. That the Committee be recommended to:
- (a) Review the Annual Report and comment on its content
 - (b) Note the Annual Report

3. REASONS FOR RECOMMENDATIONS

- 3.1. 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*'.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 No alternative options were considered as the annual report is required by the Constitution and is reporting past activity.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 No consultation was necessary as the Committee are not being asked to make a decision.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. At the meeting of the Committee on Tuesday 28 November 2017, the licensing manager presented an oral update on various licensing matters.

- 7.2 Following discussion, Members indicated that they found the oral update beneficial and would like to receive further updates. The licensing manager suggested that a formal annual report could be introduced to support this request.

- 7.3 The Committee resolved:

'That the concept of a Licensing Annual Report be supported'

which was subsequently added to the Council Constitution as part of a review presented to Full Council.

8. RELEVANT CONSIDERATIONS

- 8.1. The Annual Licensing Report covers the same reporting period as the previous years, 1 October to 30 September, in order that a direct comparison with the previous years' statistics can be made.

- 8.2 The Committee are requested to discuss the content of the report and highlight any areas of concern that they wish the licensing team to address.

- 8.3 The Committee can also provide officers with any suggestions for future proposals.

9. LEGAL IMPLICATIONS

- 9.1. As the Committee is not being asked to make a decision, there are no specific legal implications relating to this report other than the reference to the Council Constitution in paragraph 3.1 above.

10. FINANCIAL IMPLICATIONS

- 10.1 As the Committee is not being asked to make a decision, there are no financial implications arising from this report.

11. RISK IMPLICATIONS

- 11.1 As the Committee is not being asked to make a decision, there are no risk implications arising from this report.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. As the Committee is not being asked to make a decision, there are no equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. One of the key considerations of any future proposals and policies is to support the Council’s declaration of a Climate Emergency and Climate Change Strategy.
- 14.2. As the Committee is not being asked to make a decision, there are no environmental implications arising from this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. As the Committee is not being asked to make a decision, there are no human resource implications arising from this report.

16. APPENDICES

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

17. CONTACT OFFICERS

- 17.1. Steve Cobb, Licensing Manager
steven.cobb@north-herts.gov.uk; ext. 4833

18. BACKGROUND PAPERS

- 18.1. None

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Annual Licensing Report

1 October 2019 to 30 September 2020

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1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to give the Licensing and Appeals Committee:
- an overview of the work undertaken by the licensing service over the preceding twelve months
 - an update on existing projects and policies
 - an overview of future proposals
- 1.2 The period covered by the information note is 1 October 2019 to 30 September 2020.

2. OVERVIEW OF THE SERVICE

- 2.1 The service consists of a licensing manager, one licensing officer and two assistant licensing officers responsible for the administration and enforcement of licensing legislation.
- 2.2 The team is assisted by officers in the Management Support Unit (MSU) who undertake a range of administrative functions for the service ranging from basic enquiries to the processing of low risk applications.
- 2.2 A recruitment exercise was undertaken in October 2019 to replace the senior licensing officer with two assistant licensing officers to enable the service to undertake additional activities, predominately more engagement, enforcement and income generation. The licensing officer and assistant licensing officer posts are all career-graded to encourage staff development and assist with staff retention and service resilience.
- 2.3 All activities undertaken by the licensing service are in fulfilment of statutory duties placed on the Council.
- 2.4 The licensing of houses of multiple occupancy (HMOs), caravan and camping sites, and skin piercers is undertaken by the Environmental Health Service. The licensing of the use of Council land is undertaken by the Greenspace Service.
- 2.5 The licensing service's main activities are the determination, issue and enforcement of licences/consents/permits relating to the following activities:

Alcohol, entertainment and late-night refreshment

- 2.5.1 This includes:
- all sales of alcohol
 - performance of plays
 - exhibition of films
 - indoor sporting events
 - boxing and wrestling
 - performance of live music
 - playing of recorded music
 - performance of dance
 - sale of hot food/drink between the hours of 11pm and 5am)

- 2.5.2 Examples of premises that fall within this regime are pubs, members clubs, cinemas, community halls, late night takeaway shops, theatres, off licences, supermarkets, boxing/wrestling venues, music concerts and outdoor music festivals.
- 2.5.3 Temporary event notices (TENs) also fall within this regime; they are temporary permissions to carry out any combination of the above licensable activities. They are most frequently used by premises that do not have a permanent premises licence, for example a school fete or PTA fundraiser. Additionally, permanent premises licence holders use them for temporary extensions to existing licenced hours.
- 2.5.4 TENs are a 'light touch approach' to licensing and are less restrictive than a permanent premises licence as conditions cannot be attached. For that reason, prescribed limits apply to the number of TENs per person and per premises each year and the audience capacity is restricted to 499 persons at any one time.

Gambling

- 2.5.4 Examples of premises that fall within this regime are betting shops, bingo halls, casinos, racing track betting, amusement arcades and poker clubs.
- 2.5.5 It also includes small society lotteries, raffles and gaming machine permits.

Taxis and private hire

- 2.5.6 This includes taxi (hackney carriage) and private hire drivers, private hire operators, taxis and private hire vehicles.

Street trading

- 2.5.7 This covers the sale of goods in the street and any land open to the public without payment within the four main towns and adjacent to the main arterial routes.
- 2.5.8 It includes mobile vendors (such as burger vans, sandwich trucks or ice cream vans), markets (other than Charter or licensed local authority markets), car boot sales and temporary stalls.

Charitable collections

- 2.5.9 This covers collection of money in the street, or the collection of money or goods by going house to house, in the four main towns.
- 2.5.10 Examples of collections covered by this regime include charity collections, sale of goods for charitable purposes, clothing collection bags or flower sellers going from pub to pub on Valentine's Day.

Animal establishments

- 2.5.11 This regime is targeted at ensuring the welfare of animals and covers premises such as kennels, catteries, home boarders, dog breeders, zoos, horse riding schools, pet shops, dangerous wild animals and dog day crèches.
- 2.5.12 Additionally, since September 2018, this now includes the licensing of persons that keep and/or train animals for the purposes of performances and/or exhibitions, for example petting zoos.

Sex establishments

2.5.13 This covers sex shops, sex cinemas or sexual entertainment venues (for example, lap dancing or pole dancing clubs).

Scrap metal dealers

2.5.14 This covers any site that:

- buys or sells scrap metal
- recovers salvageable parts from motor vehicles for re-use or sale
- buys written-off vehicles, repairs and resells them

2.5.15 It also includes mobile collectors that travel door-to-door collecting scrap metal.

Hypnotism

2.5.16 This includes all performances of hypnotism for the purpose of entertaining an audience.

Pavement Licences

2.5.17 To assist the recovery of business after the national lockdown and during continued restrictions, Government introduced a new temporary permission for tables and chairs outside of premises offering food and/or drink called a pavement licence.

2.5.18 These are administered by district and borough councils as a fast-track, cost effective method to assist businesses until 30 September 2021 and are an alternative to the County Council issued street café licences. Street café licences are still available and pavement licences will need to be replaced by street café licences when these temporary measures expire.

3. INSPECTIONS

3.1 The licensing service undertakes a series of risk-based planned inspections which were previously reported by way of a local performance indicator (LPI). The number of programmed inspections undertaken within the reporting period was:

INSPECTIONS			
	2017/18	2018/19	2019/20
Animal Inspection	21	39	25
Gambling Insp - Betting (other)	11	2	1
Licensed Premises (alcohol/entertainment/LNR)	260	89	74
Private Hire Operator Insp	20	21	5
Scrap Metal Site	3	4	1
Sex Establishment	1	1	0
	316	156	106

3.2 As reported in last year's Annual Report, the licensing manager decided to suspend the existing inspection regime with a view to implementing a more appropriate risk-based scheme that incorporated all site visits from January 2020.

- 3.3 The new inspection regime was trialled from January 2020 and was proving successful however the national lockdown and continued restrictions has severely limited face-to-face inspections. The inspection regime will resume as soon as it is safe to do so.
- 3.4 Previously, all alcohol licensed premises were inspected at least annually irrespective of whether the premises had attracted any complaints or had caused concern. The inspection regime did not accurately reflect the risk to the public and often inconvenienced well-run premises. Officers' limited time was not being focussed on the most appropriate premises and all inspections were not being recorded.
- 3.5 Responding to suggestions raised at last year's annual Licensing and Appeals Committee meeting, the new inspection regime records all inspections including joint visits with the police or other Council services plus evening licensing inspections.
- 3.6 A new risk rated inspection scheme has been introduced whereby more focus is placed on management capability, complaint history and risk to the public so that officer time is more focussed on appropriate premises.
- 3.7 The additional resource in the team has also allowed the introduction of courtesy visits to premises whenever there is a change in ownership, management or a change of business model. This ensures that we develop a relationship with the business and ensure they fully understand their responsibilities and licence conditions at an early stage rather than intervention when problems arise.

4. APPLICATIONS

- 4.1 The number of applications processed during the reporting period was:

Number of applications received										
			2017/18			2018/19			2019/20	
Animal Licensing	Animal Activity Licence	New	13			11			3	
		Amend a schedule of animals (No visit)	1			1			0	
		Renewal	28	42	42	28	40	40	12	15
Scrap Metal	Site Licence	New	1			0			0	
		Renewal	0	1	1	0	0	0	2	2
Alcohol, Entertainment and Late Night Refreshment	Club Premises Certificate	Replacement	2			2			0	
		Minor Variation	1	3		0	2		0	0
	Film Classification	New	1	1		0	0		0	0
		Temporary Event Notice	Late TEN	126			132			86
	TEN		519	645		612	744		288	374
	Personal Licence	New	74			102			58	
		Replacement licence	0			6			2	
		Change of name or address	29	103		23	131		14	74
	Premises Licence	New	20			32			21	
		Change of name or address	8			8			5	
		Vary DPS	90			105			80	
		Transfer	32			28			26	
		Variation	11			9			6	
		Minor Variation	20			10			10	
		Review	0			2			0	
		Replacement	5			10			3	
		Notification of Interest	2	188	940	0	204	1081	0	151

			2017/18		2018/19		2019/20					
Gambling	Notification of 2 or less Gaming Machines	New	10	10		5	5		8	8		
	Licensed Premises Gaming Machine Permits	Variation	0			2			1			
		Replacement licence	0			1			0			
		New	0			0			1			
		Transfer	0	0		1	4		0	2		
	Betting Premises	Replacement licence	0			1			0			
		Transfer	0	0		1	2		0	0		
	Small Society Lottery	New	30			38			20			
Renewal		45	75	85	45	83	94	44	64	74		
Charitable Collections	House to House Collection	New	36			44			29			
	Street Collection	New	45	81	81	47	91	91	34	63	63	
Sex	Sex Shop	Renewal	1	1	1	1	1	1	0	0	0	
Street Trading	Street Trading (Fixed Pitch)	New	3			4			4			
		Renewal	5	8		3	7		0	4		
	Street Trading (Town Centre Consent)	New	2			1			0			
		Renewal	1	3		4	5		4	4		
	Street Trading (Transient Trader)	New	1	1		1	1			0		
	Street Trading (Special Event/Market)	New	0	0		0	0		1	1		
	Pavement Licences	New	0	0	12	0	0	13	6	6	15	
	Taxi and Private Hire	Dual Driver	Change of details	6			5			5		
Upgrade to dual			7			12			3			
Replacement licence			1			1			2			
Replacement badge			1			1			0			
New			2			3			2			
Renewal			17	34		45	67		24	36		
Taxi Driver		Change of details	6			4			4			
		Replacement licence	1			0			1			
		Replacement badge	1			0			0			
		Upgrade from PHD	0			3			0			
		Renewal	46			57			35			
		New	1	55		1	65		0	40		
Taxi Vehicle		Change of details	13			4			4			
		Transfer of ownership	11			9			14			
		New	36			35			61			
		Renewal	199			209			220			
		Internal holder / plate	0			1			4			
		Replacement licence	12			2			0			
		Replacement plate	6			2			3			
		Temporary Plate	15	292		9	271		6	312		
Private Hire Driver		Change of details	5			6			5			
		Replacement badge	1			0			1			
		Replacement licence	0			1			1			
		Renewal	20			26			18			
		New	39			22			9			
		Upgrade to HCD	2	67		1	56		0	34		
Private Hire Operator		Change of name or address	1			1			5			
		New	3			2			4			
		Renewal	6	10		2	5		6	15		
Private Hire Vehicle		Change of details	4			3			5			
		Transfer of ownership	1			2			2			
		New	29			29			24			
		Renewal	99			114			100			
		Internal holder / plate	0			1			0			
		Replacement licence	6			1			0			
		Replacement plate	4			2			2			
		Temporary Plate	2	145	603	1	153	617	4	137	574	
TOTAL			1765		TOTAL		1937		TOTAL		1342	

- 4.2 The impact of the lockdown and current restrictions has had a significant impact on the number of applications received.

5. CURRENT LICENCES

- 5.1 As at 30 September 2020, the number of current licences issued by the licensing service was:

TOTAL LICENCES				
		2017/18	2018/19	2019/20
Adult Gaming Centre Premises Licence		1	1	1
* Animal Boarding Establishment	12		n/a	n/a
* Dangerous Wild Animals	1		n/a	n/a
* Dog Breeding Establishment	1		n/a	n/a
* Dog Day Creche	1		n/a	n/a
* Home Boarding	18		n/a	n/a
* Pet Shop	4		n/a	n/a
* Riding Establishment	2		n/a	n/a
* Animal Activity Licence	0	39	39	35
Betting (Other) Premises Licence		19	18	12
Club Gaming Machine Permit		2	2	2
Club Gaming Permit		1	1	1
Club Premises Certificate		35	35	31
Dual Driver		102	97	92
Fast Track Club Gaming Machine Permit		9	9	9
Fast Track Club Gaming Permit		2	2	2
House to House Collection		39	31	28
Licensed Premises Gaming Machine Permit		14	14	15
Notification of 2 or less Gaming Machines		77	74	78
Pavement Licences #		0	0	6
Personal Licence		1521	1609	1654
Premises Licence		495	511	475
Private Hire Driver		147	133	110
Private Hire Operator		40	34	32
Private Hire Vehicle		109	98	86
Scrap Metal Dealer Site		4	4	4
Sex Shop		1	1	0
Small Society Lotteries		140	77	63
Street Collection		55	46	27
Street Trading (Fixed Pitch)		2	6	0
Street Trading (Special Event/Market Consent)		0	0	1
Street Trading (Town Centre Consent)		4	5	4
Taxi Driver		138	124	119
Taxi Vehicle		169	181	195
Unlicensed FEC Gaming Permit		1	1	1
		3166	3153	3083

* From September 2018, previous separate animal licensing legislation was repealed and replaced with a single licence under the Animal Welfare Act 2006

A new fast-track temporary measure to assist with Covid-19 recovery

- 5.2 In addition to these licences which, in most cases, are granted in perpetuity the licensing service also issued 374 temporary event notices which are specific to one off small-scale events during the period covered by this report.

- 5.3 The impact of the lockdown and current restrictions has had a significant impact on the number of temporary event notices as most community events have been cancelled this year.

6. MISCELLANEOUS SERVICE REQUESTS

- 6.1 The licensing service receives a high number of service requests in writing and by telephone, most notably requests for advice on the need for and the submission of an application.
- 6.2 The high volume of telephone requests is not currently quantifiable as many are not recorded on the database if they can be resolved either at the time of the call or by a return telephone call or email. Those that require a more detailed response, or an investigation are logged as service requests
- 6.3 In addition to service requests, the licensing service also undertakes a number of functions related to taxi and private hire licensing that are an integral part of assessing drivers' ability to meet the 'fit and proper' person test and that vehicles are roadworthy and compliant with policy. Due to lockdown and the ongoing restrictions, face-to-face services are not currently available that has reduced the number of taxi-related services provided.
- 6.4 The number of recorded service requests and ancillary functions within the reporting period was:

MISCELLANEOUS			
	2017/18	2018/19	2019/20
Service requests	205	273	269
Taxi complaints	40	56	28
Taxi compliance tests	363	377	387
Taxi Verbal knowledge tests	118	88	30
Taxi computerised topographical tests	40	52	10
Taxi DBS/Right to Work appointments	155	168	66
	921	1014	790

- 6.5 The licensing service receives a significant number of freedom of information (FOI) requests, mainly in relation to taxi and private hire licensing or animals. The requests often involve considerable officer time searching the database and extracting the specific information requested. The development of the public register has decreased the number of requests requiring a response however this still takes a disproportionate amount of officer time.
- 6.6 In last year's report the Committee was advised that a refused FOI was appealed to First Tier Tribunal and the decision was awaited. The Court have since upheld the Information Commissioner's decision that North Hertfordshire District Council was right to refuse to supply licensed vehicle registration numbers.

7. COVID-19

- 7.1 Whilst the lockdown and ongoing national restrictions reduced the number of applications and service requests, dealing with many trade enquiries and ensuring the

trade was regularly updated on new guidance and regulations was, and still is to a lesser extent, a substantial task.

- 7.2 Understandably, businesses were keen to ensure they complied with the multitude of different guidance notes and legislation, so officers dealt with many telephone enquiries that were not recorded as service requests.
- 7.3 Regular updates were sent the relevant premises including joint letters from the Licensing Service, the Police and the Director of Public Health.
- 7.4 Towards the end of March, officers had to implement a revised taxi and private hire administration service to ensure continuity of trade for those drivers that wished to continue to work. In the absence of face-to-face appointments for DBS and knowledge tests, and GPs not being able to offer medicals, this proved a challenge.
- 7.5 Temporary measures were implemented to ensure that all taxi and private hire renewals could be processed on time and officers undertook two days of continual compliance testing on all vehicles due to expire between April and June. A temporary change to the taxi and private hire policy was permitted that allowed the installation of protective screens for drivers.
- 7.6 Regular newsletters were sent to the taxi and private hire trade explaining the regulations and guidance in easy to understand language. Links were also supplied to the Council's Covid-19 webpages so that licence holders were aware of the various financial assistance available.
- 7.7 Unfortunately, accepting applications from new drivers that need to undertake a DBS for the first time, a medical and knowledge tests had to be suspended. One of the challenges currently faced is how can officers resume this service under the ongoing restrictions.
- 7.8 Given the impact of the lockdown and ongoing restrictions to the taxi and private hire trade, officers undertook a survey of taxi and private hire licence holders to assess the Council's response to Covid-19. The results of the survey are attached as an Appendix to this report.
- 7.9 When licensed premises were permitted to re-open after lockdown, officers worked with the police to visit all licensed premises in the four main towns on the first day of opening.

8. LICENSING HEARINGS

- 8.1 Applications under the Licensing Act 2003 for new, varied or reviewed premises licences/club premises certificates that receive representations are determined by a licensing and appeals sub-committee.
- 8.2 The number of sub-committee hearings held within the reporting period was five (5).
- 8.3 There is a right of appeal to the Magistrates Court against the decision of a licensing sub-committee however no decisions during the reporting period were subject to appeal.
- 8.4 A licensing and appeals sub-committee would also determine the following applications:
 - Contested premises licence applications under the Gambling Act 2005
 - All applications for new sex establishments

No such applications were received during the reporting period.

- 8.5 All other licensing decisions are delegated to the Licensing Manager.

9. LICENSING FEES

- 9.1 Established licensing fee case law, supported by the *Hemming* judgement prevents local authorities from making a profit from licensing fees. The *Hemming* judgement indicated that fees can only cover the reasonable costs of administration and enforcement of the specific licensing regime and should be cost neutral over a period of three years.

- 9.2 A report was provided to the Licensing and Appeals Committee on 12 December 2013 summarising the legal position regarding fees; the Committee passed the following resolution:

RESOLVED: *That, having considered the criteria suggested within the report, the following principles for the setting of future licensing fees and charges be supported:*

- (a) *licensing fees and charges should be set having regard to the need to promote local economic growth provided that they are consistent with the following objectives:*
 - (i) *That the local Council Tax payers does not, unless provided for by law or decision of the Council, subsidise the operating costs associated with businesses or other trading entities (i.e. the Council seeks to fully recover the lawful costs licensing activity);*
 - (ii) *the Council may not fully recover its lawful costs associated with licensing activity if a) this would result in significant hardship to third parties, or b) the effect of fees or charges associated with licensing may encourage unlicensed activity and where formal enforcement is unlikely to be an effective control, or c) where the Council specifically wishes to encourage the growth a specific licensable activity;*
 - (b) *an analysis of licensing costs, including detailed analysis of all recharges, should be undertaken every three years vis-à-vis licensing fees and charges;*
 - (c) *in the years between cost reviews, fees and charges should ordinarily be subject to the Council's published inflationary increase;*
 - (d) *any under/over recovery of full cost within existing licensing fees and charges should be rectified without undue delay, where legislation allows. However, where this may result in a significant increase in a licence fee/charge then consideration will be given to a phased introduction of the new levy;*
 - (e) *that enforcement activities in respect of unlicensed businesses/individuals should continue with the associated costs being financed from the General Fund; and*
 - (f) *that enforcement activities are periodically reviewed to ensure that they are delivered in the most cost-effective manner including, where appropriate, the use of other internal departments or external statutory bodies.*
- 9.3 This resolution has been fully implemented and a full costing exercise was undertaken before setting the fees in 2019.
- 9.4 With the agreement of the Executive Member for Housing and Environmental Health, in accordance with (a) (ii) of the resolution, the fees for 2020/21 were held at 2019/20 levels during the Covid-19 restrictions due to the financial impact on businesses.

10. POLICY WORK

10.1 To ensure transparency for applicants, licence holders and the public, and to ensure consistent decision-making, each aspect of licensing has its own policy clearly stating the Council's requirements and local interpretation where legislation allows.

10.2 The Licensing and Appeals Committee is involved in the development and ongoing review of licensing policies as follows:

(a) Statutory policies under the Licensing Act 2003 and Gambling Act 2005

These policies can only be adopted by Full Council however the Licensing and Appeals Committee are responsible for reviewing the results of the public consultations and recommending the policies to Full Council.

(b) Non- statutory policies

(i) Where policies are reserved for the Executive, Cabinet has the responsibility for the initial adoption of new policies

(ii) Where policies are not reserved for the Executive, initial adoption falls to the Licensing and Appeals Committee

(c) Review and amendment of existing policies

(i) Statutory policies are reserved for Full Council

(ii) Executive non-statutory policies can be amended by the Executive Member for Housing and Environmental Health

(iii) Non-statutory policies not reserved for the Executive can be amended by the Licensing and Appeal Committee, the Executive Member for Environmental Health or the Licensing Manager depending on the extent of the amendments. Each policy details the responsibilities of each of the potential decision makers.

10.3 In the reporting year, the following policies were considered:

(a) Animal Licensing

The Executive Member for Housing and Environmental Health amended the policy following a public consultation to reflect the new legislation and national standards.

(b) Taxi and Private Hire Licensing

The Licensing and Appeals Committee considered the results of a public consultation at its October 2020 meeting and adopted a new policy. The policy amendments cover a number of administrative changes, clarification of wording, consideration of appropriate wheelchair accessible vehicle provision, the Government's new national standards and environmental considerations.

(c) Statement of Licensing Policy under the Licensing Act 2003

Following a public consultation, a revised policy was considered by the Licensing and Appeals Committee at its October 2020 meeting to recommend the adoption of the policy to Full Council in November.

11. PROJECT UPDATES

- 11.1 The licensing service has several ongoing projects targeted at smarter ways of working, channel shift, public engagement and income generation.

Public licensing register

- 11.2 The public register is now live and enables the public to view the following licence types:

- Adult gaming centres
- Animal activity licences
- Betting premises licences
- Club premises certificates
- Gaming permits
- Pavement licences
- Personal licences
- Premises licences under the Licensing Act 2003
- Scrap metal dealers
- Street trading permits

It is hoped in due course to extend this list to include taxi and private hire drivers, operators and vehicles plus charitable collections and small society lotteries.

- 11.3 The register also lists all applications subject to consultation and the public are now able to submit representations directly through the register portal.
- 11.4 The final stage of the public register project is to accept electronic submission of applications. It is hoped to have the electronic submission of licences 'live' by the end of the current civic year; this is a key development as it is likely that the current online facility provided by Government will be decommissioned in the future.

Customer self-service

- 11.5 To facilitate the introduction of a pre-application advice service and to improve our service provision to the public a review of the licensing pages on the Council's website was been undertaken in 2019.
- 11.6 Animal licensing and licences under the Licensing Act 2003 were completed in 2019. Further work is ongoing to ensure our webpages for all aspects of licensing are more customer-focussed to ease the transition to online applications and self-service.
- 11.7 Officers have also asked the pages to be reviewed by non-licensing staff within the Council to ensure that they are customer-friendly and explain the processes in plain English without unnecessary jargon.

Safeguarding for licensed drivers

- 11.8 At a previous meeting of the Licensing and Appeals Committee during a discussion on the Taxi and Private Hire Licensing Policy, Members requested that safeguarding was given a higher profile in the licensing process.
- 11.9 In addition to all prospective drivers having to pass a verbal knowledge test that includes safeguarding scenario questions, all prospective drivers and drivers renewing their licence must undertake mandatory safeguarding training delivered in-house by licensing officers. This ensures that the course syllabus can remain 'live' and reflect relevant concerns and information and that drivers continually refresh their knowledge.

Safeguarding

- 11.10 Due to the importance of safeguarding and the ability for all licence holders across the full range of licensing to spot safeguarding concerns, as each licensing policy is reviewed new sections on safeguarding are being added.
- 11.11 It is the view of the Institute of Licensing that safeguarding should become a licensing objective for all licensing regimes and this is strongly supported by officers.

Licensing forums

- 11.12 The Animal Licensing Consultative Forum and the Taxi & Private Hire Consultative Forum remain key aspects of liaison between officers and licence holders. The Forums play a role in the ongoing review and development of policy.
- 11.13 The Responsible Authority Forum relating to the Licensing Act 2003 continues to be an effective way of sharing important intelligence and best practice, and benefits the trade and the public as the respective authorities can work together to resolve issues utilising appropriate specialisms and powers. This Forum has developed a much closer working relationship between officers and the responsible authorities resulting in more effective enforcement.

Channel shift

- 11.14 The licensing service have continued with the move away from paper correspondence with licence holders, most notably renewal reminders and information updates. The improved webpages now contain more information and each aspect of licensing will have a page where important updates are posted.
- 11.15 The preferred method of communication is now email and all licence holders are encouraged to supply an email address so they can receive important updates and other communication. The majority of licence holders have embraced this channel shift and find it more effective than hard copy mailshots.
- 11.16 The licensing service's move to a system whereby any caller to the Customer Service Centre (CSC) wishing to discuss licensing matters is either directed to the website or, where they have a more technical enquiry, they leave a brief explanation of their query for an officer to email a response has proved effective. With the full details of any enquiry received by email, officers can fully assess the question and provide a full response without a number of back and forth telephone calls clarifying matters.

- 11.17 Obviously, where necessary, telephone advice can still be given however this is ordinarily restricted to matters that cannot be resolved through the website or to ensure continuity of licence on renewal.

12. OTHER INFORMATION

- 12.1 During the reporting year, a taxi driver was involved in a road traffic accident and the licensing manager, having assessed all available information, revoked the driver's licence despite no prosecution by the police. Further details cannot be provided in a Part 1 report.
- 12.2 An appeal was heard by a District Judge in the magistrates' court and the Council's decision was upheld.

13. FUTURE PROPOSALS

- 13.1 The licensing service has several future developments planned that are targeted at increased channel shift, customer focus and income generation. It is important to be aware that some of these ideas are still at the developmental stage and that implementation will be dependent on available resourcing and practicalities.

Additional enforcement activity

- 13.2 Due to the increased number of complaints relating to taxi and private hire licensing, additional out-of-hours enforcement activity was planned however lockdown and the ongoing national restrictions prevented this. It is still intended to introduce this as soon as possible, possibly utilising officers from neighbouring authorities. The police are also keen to undertake joint enforcement operations using Special Constables. Any such activity would be intelligence led.

Income generation

- 13.3 Where permitted by licensing fee legislation and case law, the licensing service will be introducing charging for some discretionary services including, but not limited to:
- Pre-application advice for Licensing Act 2003 applications
 - Training for prospective taxi and private hire drivers
 - Training for new alcohol-licensed premises supervisors

Newsletters

- 13.4 To supplement the information page for licence holders on the hackney carriage and private hire web pages, all drivers were asked to opt-in to a licensing newsletter service. Feedback has been received that too many emails could result in important information being missed so this idea has been amended. Now licence holders receive emails for genuinely urgent information such as Covid-19 regulations updates with all other information being placed on a 'latest news' page on our website that licence holders can access at their leisure.
- 13.5 It is planned to extend this to other aspects of licensing such as Licensing Act 2003 and animal licensing.

Public engagement

- 13.6 As the public register now displays all licences and applications open to public consultation, social media will be utilised to inform the public of this new development.
- 13.7 Officers will also be considering other ways to engage with the public such as additional webpages for the public about how to make a representation, details of how to request a licence review, etc.
- 13.8 Officers are working on an information sheet for the public regarding the procedures at licensing hearings as feedback has been received that it is a confusing and daunting process when attending your first hearing.
- 13.9 Following the success of the taxi and private hire survey, officers are considering a survey to capture the public's thoughts on the licensing service and how it can be improved.

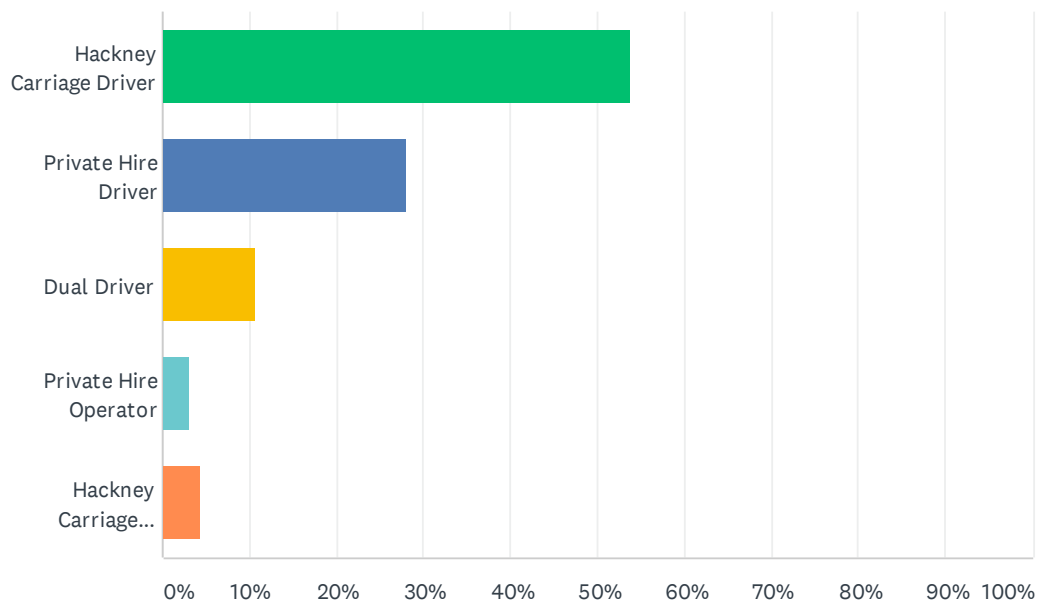
Channel shift

- 13.10 As part of the development of the website, officers are also reviewing where other improvements to the service can be made such as:
- An online booking system for booking DBS, compliance test, safeguarding course and knowledge test appointments
 - Further focus on online applications as applicants must already pay online
 - Online forms for reporting concerns that are designed to capture the information needed by officers rather than numerous telephone exchanges

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Q1 Which of the following best describes you?

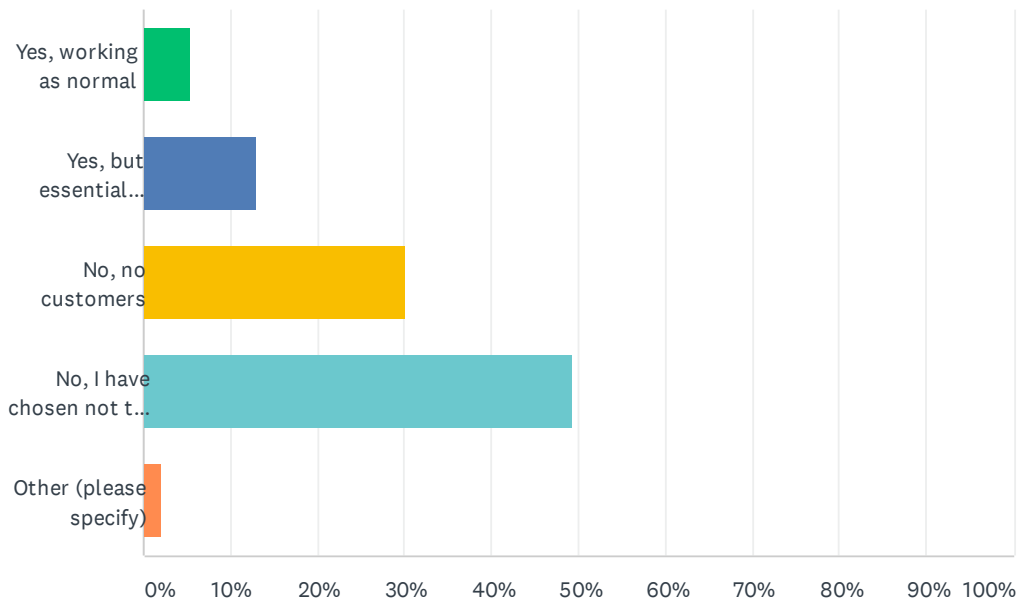
Answered: 93 Skipped: 0



ANSWER CHOICES	RESPONSES	
Hackney Carriage Driver	53.76%	50
Private Hire Driver	27.96%	26
Dual Driver	10.75%	10
Private Hire Operator	3.23%	3
Hackney Carriage Business Owner	4.30%	4
TOTAL		93

Q2 Have you been working during the Covid-19 restrictions?

Answered: 93 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes, working as normal		5.38%	5
Yes, but essential journeys only (key workers, vulnerable people, etc)		12.90%	12
No, no customers		30.11%	28
No, I have chosen not to work due to Government advice		49.46%	46
Other (please specify)		2.15%	2
TOTAL			93

#	OTHER (PLEASE SPECIFY)	DATE
1	Chose not to work and followed government guidelines but also a day later the taxi office shut	4/30/2020 10:31 AM
2	Due to government advice and no customers	4/30/2020 10:21 AM

Q3 Please describe the impact Covid-19 has had on your income

Answered: 93 Skipped: 0

NHDC Hackney Carriage and Private Hire Survey

#	RESPONSES	DATE
1	Very bed	5/15/2020 4:37 PM
2	N/a	5/11/2020 8:36 PM
3	No income at all	5/11/2020 1:17 PM
4	No income	5/10/2020 8:16 PM
5	No income	5/6/2020 4:47 PM
6	No income.	5/6/2020 1:00 PM
7	Extensive	5/3/2020 11:41 PM
8	No work, no income.	5/2/2020 1:24 PM
9	Zero income	5/2/2020 8:45 AM
10	I am not working so I currently have no income.	5/1/2020 9:11 PM
11	Had a big impact on my family. No income at all since March 2020	5/1/2020 8:51 PM
12	mostly account business ,all travel suspended so zero income	5/1/2020 6:56 PM
13	Zero income whatsoever for two months	5/1/2020 6:01 PM
14	I had no work from March. I run my family with tax credits. I also struggle with paying bill.	5/1/2020 2:03 PM
15	Only do part time all ok	5/1/2020 12:52 PM
16	I have been left out of work which in result means I have not been earning for the past 6 weeks	5/1/2020 12:05 PM
17	I am the only earner in the household and since taking government advice to cease trading there has been no wage coming in. In turn I am still having to ya out for Taxi plate charges, station badge charges and full insurance.	5/1/2020 11:25 AM
18	no income	5/1/2020 11:16 AM
19	My income has completed stopped	5/1/2020 10:19 AM
20	Totally changed our way of living but still feel lucky that we still have the opportunity to work	5/1/2020 7:57 AM
21	Destrói my business.	5/1/2020 12:21 AM
22	No income	4/30/2020 11:21 PM
23	Not worked at all. So no money coming in.	4/30/2020 9:57 PM
24	No income and fear of virus.	4/30/2020 9:25 PM
25	No income	4/30/2020 8:04 PM
26	I have completely stopped working therefore i have had no income during this time. This has affected my ability to pay my insurance, rent and ongoing bills.	4/30/2020 7:49 PM
27	I did not work since the lockdown started and borrow money from wife for daily use and direct debts.	4/30/2020 7:33 PM
28	I didn't work since lockdown started I borrow some money from my friends	4/30/2020 7:33 PM
29	Full impact as am now into my 7th week withoutworking	4/30/2020 6:50 PM
30	Impact on income is minimal as ongoing HCC school run has switched to key school run and taxi operator has waived rental fees due to lack or rank work etc	4/30/2020 6:01 PM
31	The income dropped about 80-90%	4/30/2020 5:44 PM
32	I earn hand to mouth as i have a mortgage and young children i have have had to borrow money from friends and family to pay for my taxi insurance and Direct debit's for the car and other living expenses really struggling. i am looking to change my career as their no money left in Taxi the fares have Come down from £3.40 to £3.10 no other job this would happen imagine working at McDonalds and getting paid £8.40 an hour then they drop it to £8.00 for over three	4/30/2020 5:20 PM

NHDC Hackney Carriage and Private Hire Survey

years anyway in the Taxi Trade there's far too many TAXI'S vehicle i struggle to take £50 a shift where i used to be able to take £100 a shift after fuel and we got Uber hanging around definitely a dieing trade. And Not Once in 10 years the council ever popped out to check the vehicle or even check if i have a badge to work as a taxi driver so much anger is going on as we as Labour take a hit and council employees don't do there bit.

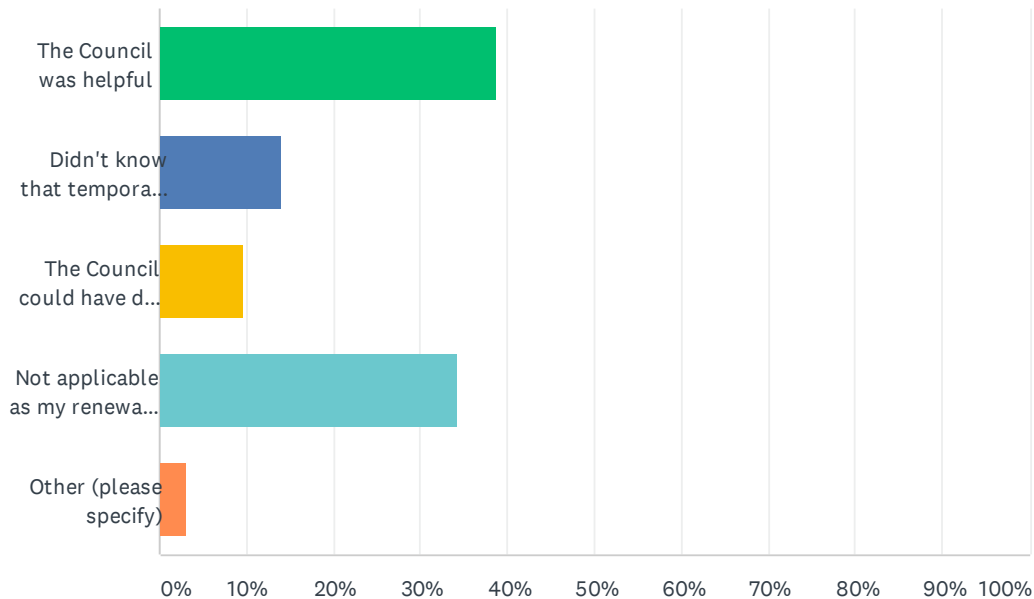
33	Very slow but of course that is to be expected with this Pandemic	4/30/2020 4:43 PM
34	Zero income	4/30/2020 4:35 PM
35	75percent loss	4/30/2020 4:27 PM
36	I have no incine during the covid 19	4/30/2020 4:08 PM
37	No work no income..but still have to pay for plate renewal cost. Plate time lost . exct: would very much help if there was some discount on all fees	4/30/2020 3:59 PM
38	Major impact	4/30/2020 2:24 PM
39	No income whatsoever	4/30/2020 2:12 PM
40	no income	4/30/2020 1:53 PM
41	No income very hard	4/30/2020 1:48 PM
42	Now have zero income!	4/30/2020 1:23 PM
43	I had no income at all, strugling to pay bills and rent,top of this car expenses.	4/30/2020 12:48 PM
44	My last day of work was 9th of March because I had cold and flue. Since then I am staying home without any work.	4/30/2020 12:42 PM
45	I have not been working so have no income and I am a new driver who only started working easter last year 2019.	4/30/2020 12:32 PM
46	Because of Covid-19 I don't work and this means i don't get any income.	4/30/2020 12:28 PM
47	No income whatsoever since end of March	4/30/2020 12:23 PM
48	No work means no salary	4/30/2020 12:20 PM
49	My income has been decimated, I tried to continue working during March but since the lockdown there has been no work.	4/30/2020 12:18 PM
50	Zero income since Government introduced Lockdown about 5 weeks ago.	4/30/2020 12:12 PM
51	Devastating! I have 2 small children and have been a Taxi driver for almost 20 years this was my only source of income, I now worry everyday how I will support my family, government assistance does not come until June !	4/30/2020 12:02 PM
52	I am not working since 16 th of March. So there for I am not earning any money.	4/30/2020 12:00 PM
53	I am not driving because there's no customer, so there's no income coming in. We are struggling and we are surviving on my wife's wages, which is not much.	4/30/2020 11:49 AM
54	On Universal Credit	4/30/2020 11:49 AM
55	Drastically reduced lost my car due to not having the money or help in time after being told to self isolate after developing symptoms	4/30/2020 11:42 AM
56	we have no income from the taxi business and are claiming universal credit.	4/30/2020 11:38 AM
57	I don't have any income at this time	4/30/2020 11:37 AM
58	90 % down	4/30/2020 11:32 AM
59	It's that bad that I'm thinking I mite have to sell up .	4/30/2020 11:31 AM
60	Down by 80 to 90%	4/30/2020 11:31 AM
61	No income at all	4/30/2020 11:28 AM
62	Devistating	4/30/2020 11:28 AM

NHDC Hackney Carriage and Private Hire Survey

63	No income. Wife still has she working food market. Managing with difficulty.	4/30/2020 11:25 AM
64	I have no income from March till now	4/30/2020 11:25 AM
65	No income	4/30/2020 11:19 AM
66	No income and because we are a limited company we are unable to get financial aid so relying on savings.	4/30/2020 11:18 AM
67	income is down to almost zero	4/30/2020 11:08 AM
68	Lost have of my income	4/30/2020 10:59 AM
69	Not good	4/30/2020 10:55 AM
70	I have not worked since 20th March, I have not received any money since then. Waiting to apply for the Government self employment support grant	4/30/2020 10:54 AM
71	Approx 98% drop. One customer on 3 x £7 fares per week.	4/30/2020 10:48 AM
72	It had a big impact my income dropped by over half.	4/30/2020 10:47 AM
73	Desperate	4/30/2020 10:40 AM
74	Has bought my earnings to zero and having to rely on savings	4/30/2020 10:38 AM
75	I have not been working due covid-19,	4/30/2020 10:38 AM
76	Total collapse - airport and event transfers all cancelled	4/30/2020 10:34 AM
77	I've had no income since the lockdown.	4/30/2020 10:32 AM
78	No income because of lack of work so decided to take government advice seeing as their is no screen between us and customers like the black cabs	4/30/2020 10:31 AM
79	Had a massive impact. Currently claiming universal credit. 2 weeks prior to lockdown my income greatly fell by about 50%.	4/30/2020 10:31 AM
80	Struggling massively	4/30/2020 10:31 AM
81	No customers No station customers Income down by 95%!!	4/30/2020 10:30 AM
82	I have no income at the moment as I'm not working	4/30/2020 10:29 AM
83	100% effected. Because I only do Business Executive Airport Transfers I have lost all work until airlines start flying again.	4/30/2020 10:29 AM
84	No income	4/30/2020 10:29 AM
85	No income what so ever I have had to pay £990 for insurance on a vehicle that is not earning any money Plus I have a car due for plating in June so I will not be able to pay for that so I will have to sell the car as I'm getting no money coming in	4/30/2020 10:27 AM
86	Has had a real impact as not many people getting in taxis so earnings are down alot	4/30/2020 10:24 AM
87	I have no income coming in at all I'm waiting for the selfie employed from the government scheme	4/30/2020 10:21 AM
88	Income is zero	4/30/2020 10:19 AM
89	I have zero income since the lockdown	4/30/2020 10:18 AM
90	Decimated.	4/30/2020 10:18 AM
91	Iv lost all my income during this Covid-19 situation	4/30/2020 10:18 AM
92	Devastated income. Earnings have been £0 since lockdown	4/30/2020 10:17 AM
93	Totally stopped all I come	4/30/2020 10:16 AM

Q4 What do you think about the temporary measures the Council introduced to ensure that badges and plates could still be renewed?

Answered: 93 Skipped: 0

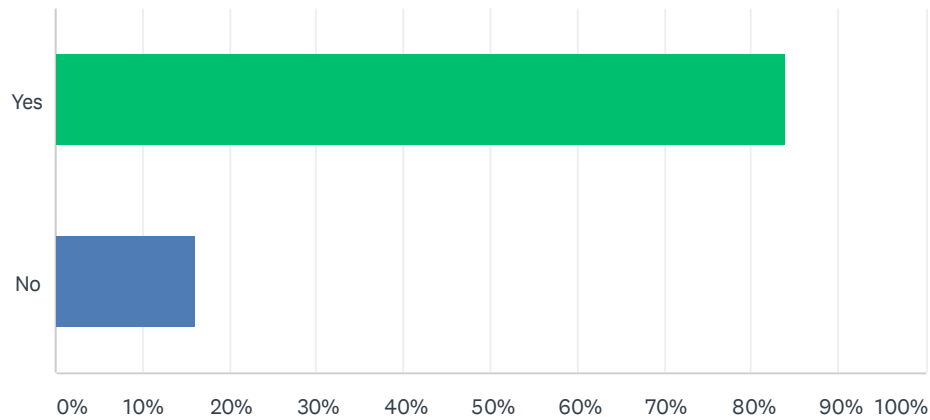


ANSWER CHOICES	RESPONSES	
The Council was helpful	38.71%	36
Didn't know that temporary measures were available	13.98%	13
The Council could have done more to help	9.68%	9
Not applicable as my renewals are not due yet	34.41%	32
Other (please specify)	3.23%	3
TOTAL		93

#	OTHER (PLEASE SPECIFY)	DATE
1	Should extend the length of badges and plates for at least 3 months	5/6/2020 1:00 PM
2	Mine was due so no idea	4/30/2020 11:19 AM
3	Absolutely brilliant. This has been the easiest it has ever been to renew my plate in over 20 years of driving a taxi in nhdc. I hope you keep everything the way it is now.	4/30/2020 10:32 AM

Q5 Are you aware of the financial help offered by the Government for small businesses and the self-employed?

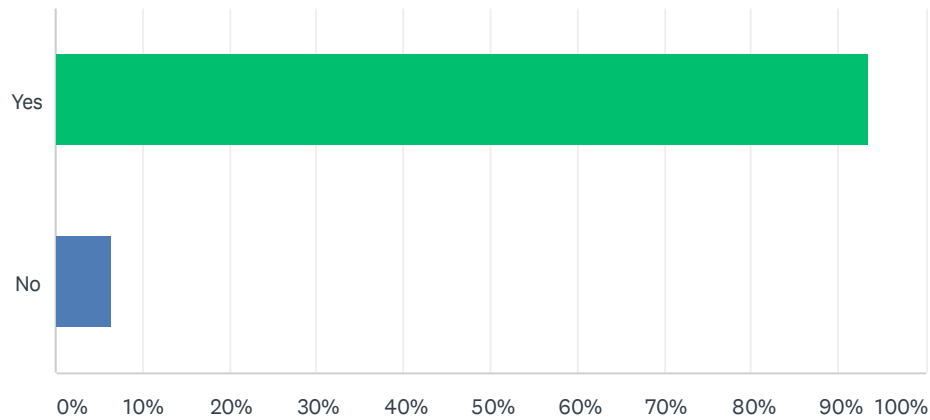
Answered: 93 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	83.87%	78
No	16.13%	15
TOTAL		93

Q6 Would you like the Council to have a dedicated web page for Covid-19 advice for taxi drivers and information about Government financial help?

Answered: 93 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	93.55%	87
No	6.45%	6
TOTAL		93

Q7 Is there anything else you think the Council should be doing to help taxi licence holders during the current lockdown ?

Answered: 93 Skipped: 0

NHDC Hackney Carriage and Private Hire Survey

#	RESPONSES	DATE
1	Nothing	5/15/2020 4:37 PM
2	N/a	5/11/2020 8:36 PM
3	Put plans in action to extend licences plates insurance and station badges for everyone that has not been able to work.	5/11/2020 1:17 PM
4	No	5/10/2020 8:16 PM
5	Make considerations on licensing fees due to reduced work. Provide cleaning and safety measures for working drivers, so can get back on the road.	5/6/2020 4:47 PM
6	Please extend our taxi plate and badges for at least three months.	5/6/2020 1:00 PM
7	Offer some financial support	5/3/2020 11:41 PM
8	Keep us up to date.	5/2/2020 1:24 PM
9	Advise on how to get back to work	5/2/2020 8:45 AM
10	Is there any financial help/grant available from council during the lockdown period for the taxi driver.	5/1/2020 9:11 PM
11	More support regarding expenditures like taxi insurance.	5/1/2020 8:51 PM
12	freezing licensing or extend current plates,vehicles are grounded	5/1/2020 6:56 PM
13	Introduce emergency benefits	5/1/2020 6:01 PM
14	Maybe	5/1/2020 2:03 PM
15	No doing OK thanks	5/1/2020 12:52 PM
16	Reduced fees on plate renewals in 2020	5/1/2020 12:05 PM
17	The plate charges should be either refunded or extended onto next years charge	5/1/2020 11:25 AM
18	extend all type of licenses for a year free of charge	5/1/2020 11:16 AM
19	Advise them as soon as possible what is the procedures for returning to work	5/1/2020 10:19 AM
20	Happy with the information you gave us but would like more guidelines how to keep customers save an as well as myself	5/1/2020 7:57 AM
21	Don't know.	5/1/2020 12:21 AM
22	No	4/30/2020 11:21 PM
23	Don't know.	4/30/2020 9:57 PM
24	Guidance on how to we can manage.	4/30/2020 9:25 PM
25	Council should reduce renew fees	4/30/2020 8:04 PM
26	They should offer some sort of support/grant to support us during this time	4/30/2020 7:49 PM
27	Yes I want that council should facilitate the drivers regarding government support.	4/30/2020 7:33 PM
28	Yes want that council should facilitate the driver gormint spot	4/30/2020 7:33 PM
29	No	4/30/2020 6:50 PM
30	PPE and sanitiser are very difficult to obtain.	4/30/2020 6:01 PM
31	Maybe having a web page where renewal documents can be uploaded instead of emailed	4/30/2020 5:44 PM
32	Yes refund three months of Taxis Licence fee and Badge fees as we keep getting out of pocket even when the council Decides to put the taxi fares down we pay for our meter calibration fee and out time to see John who make a killing one man Calibrating all of north herts taxi his definitely on commission from the council its nice to go for a drink with the Licensing council boses.	4/30/2020 5:20 PM

NHDC Hackney Carriage and Private Hire Survey

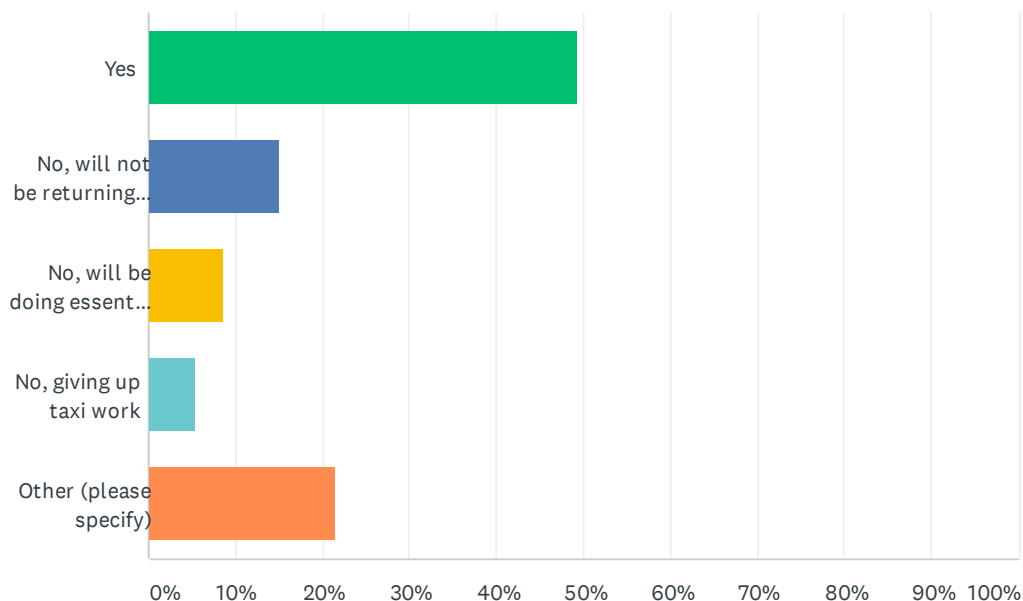
33	There is not a lot anyone can do at the moment	4/30/2020 4:43 PM
34	Give us opportunity of using Uber/Other Taxi app	4/30/2020 4:35 PM
35	No	4/30/2020 4:27 PM
36	No	4/30/2020 4:08 PM
37	A lot of time lost on the plate renewals because of no work...some discount on fees would help a lot	4/30/2020 3:59 PM
38	Provide financial support and hardship grants	4/30/2020 2:24 PM
39	Are we "KEY" workers? How on earth are we supposed to maintain "Social distancing" ?	4/30/2020 2:12 PM
40	people who are waiting for renewal of visas should get the temporary renewed licence	4/30/2020 1:53 PM
41	yes It would be better if council could allow only two passengers until we have vacine for cornovairus	4/30/2020 1:48 PM
42	Not sure	4/30/2020 1:23 PM
43	I think you should reduce badge and plate renewal price	4/30/2020 12:48 PM
44	Yes I think council might return us all some money as we are not working for the pandamec.	4/30/2020 12:42 PM
45	Help new drivers like me ,who do not have previous records on income relating to as a taxi driver. Also help in getting a rebate from Saba regarding our taxi permits if we have not been working at the taxi rank, train stations.	4/30/2020 12:32 PM
46	Council should give discount on plate fees ,licensing fees and station permit fees.	4/30/2020 12:28 PM
47	No	4/30/2020 12:23 PM
48	Just pleased with the current flexibility	4/30/2020 12:20 PM
49	It would be of help if the council considered a refund on the cost of plates and badges during the period of lockdown.	4/30/2020 12:18 PM
50	Reviewing NHDC renewal rates and reviewing insurance requirements.	4/30/2020 12:12 PM
51	I believe ALL Taxi/Plate/badges Licenses should all be extended by at least 3 months, similar to how the government have extended all MOTs automatically for 6 months. To the best of my Knowledge MOST drivers are no longer able to work due to the coronavirus crisis so are unable to even earn the licencing fees. I believe an automatic extension of all plates and badges should at least be considered as these are unprecedented times.	4/30/2020 12:02 PM
52	Would helpful extend our permits and licences please	4/30/2020 12:00 PM
53	Assist us with getting government help.	4/30/2020 11:49 AM
54	N/A	4/30/2020 11:49 AM
55	Offering free sanitizer masks and disinfectant car sprays	4/30/2020 11:42 AM
56	no	4/30/2020 11:38 AM
57	Don't know	4/30/2020 11:37 AM
58	N/A	4/30/2020 11:32 AM
59	I don't think any one can do more until lockdown is over thank u	4/30/2020 11:31 AM
60	Yes.. half price for the plates next year 2021.	4/30/2020 11:31 AM
61	No	4/30/2020 11:28 AM
62	No	4/30/2020 11:28 AM
63	More guidance for taxi drivers. Whether we should work or not work. Rather than leaving to the individual drivers	4/30/2020 11:25 AM
64	It will be good for everyone If the council reduced the price for the Plates	4/30/2020 11:25 AM

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65	Partial refund for licenses or extended licenses due to not being able to work I'm still paying for it	4/30/2020 11:19 AM
66	Look at each situation individually and assess the future of the individual	4/30/2020 11:18 AM
67	auto link to gov site for grants	4/30/2020 11:08 AM
68	Try to help taxi drivers financially themselves.	4/30/2020 10:59 AM
69	No	4/30/2020 10:55 AM
70	Nothing I can think of at this time	4/30/2020 10:54 AM
71	I think the Council has done as much as it can, given the almost impossible circumstances. It's been good to receive emails with support details, as it does show we haven't been forgotten!	4/30/2020 10:48 AM
72	Maybe adjust the rate on meter	4/30/2020 10:47 AM
73	Yes	4/30/2020 10:40 AM
74	Are the council able to bring in temporary measures to only allow passengers to sit in the back, also to have drivers fit temporary screens to separate the front of the car from the back.	4/30/2020 10:38 AM
75	I hope everything get back to normal	4/30/2020 10:38 AM
76	No charge for the months we cannot trade	4/30/2020 10:34 AM
77	No.	4/30/2020 10:32 AM
78	Just to keep us informed on current situation	4/30/2020 10:31 AM
79	Not sure what you can do to be honest	4/30/2020 10:31 AM
80	Help us financially	4/30/2020 10:31 AM
81	Your help is limited, unless there is a meter increase!	4/30/2020 10:30 AM
82	The council could have helped with the fees for renewal of plates	4/30/2020 10:29 AM
83	Financial grant would be good.	4/30/2020 10:29 AM
84	Yes extend the expiry dates of all Hackney/private hire plates for three months minimum to help drivers who are unable to work due to safe social distancing measures being enforced by the government.	4/30/2020 10:29 AM
85	Yes suspend licensing and badge renewals till this is over so we don't have to spend money we don't have	4/30/2020 10:27 AM
86	Offer some kind of refund on plates or a discount when renewal come up	4/30/2020 10:24 AM
87	Let us know what is available for us so we can provide for our families	4/30/2020 10:21 AM
88	Stop sending emails asking for money! Extend current badges as neither I nor my car will have worked for at least 3 months. Be more sympathetic. And answer emails.	4/30/2020 10:19 AM
89	don't know	4/30/2020 10:18 AM
90	Why are you still allowing uber to operate? It's like a double whammy. The council now need to support its drivers .not uber drivers out of town	4/30/2020 10:18 AM
91	Keeping us informed of all changes	4/30/2020 10:18 AM
92	No	4/30/2020 10:17 AM
93	No	4/30/2020 10:16 AM

Q8 When the lockdown restrictions are removed will you be returning to working as normal?

Answered: 93 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	49.46%	46
No, will not be returning to work until a vaccine is available	15.05%	14
No, will be doing essential journeys only	8.60%	8
No, giving up taxi work	5.38%	5
Other (please specify)	21.51%	20
TOTAL		93

NHDC Hackney Carriage and Private Hire Survey

#	OTHER (PLEASE SPECIFY)	DATE
1	But I would like to know what PPE will be expected	5/1/2020 10:19 AM
2	Depends on level of unlock	4/30/2020 6:01 PM
3	I will only return when there is enough work to earn a wage	4/30/2020 2:12 PM
4	only if I will get renewed taxi licence	4/30/2020 1:53 PM
5	Currently shielding due to being High Risk	4/30/2020 1:23 PM
6	Not sure yet	4/30/2020 12:23 PM
7	Considering my options	4/30/2020 12:18 PM
8	cannot say at present	4/30/2020 12:12 PM
9	I will have no choice but to work but will be concerned if there is no vaccine and may reconsider working.	4/30/2020 12:02 PM
10	Not until I can get enough money for a car again and recover financially	4/30/2020 11:42 AM
11	returning to work with a pvc screen between the passengers and myself.	4/30/2020 11:38 AM
12	Yes. But as we will be in a recession.It will be hard out there to make a living. So any help from the council would be great appreciated.	4/30/2020 11:31 AM
13	Will assess the future as and when the crisis subsides	4/30/2020 11:18 AM
14	Very difficult to say, as it depends on so many variables. If testing is good enough that I can be reasonably sure that there is minimal risk from regular customers, then I'll resume - otherwise will have to wait for vaccine.	4/30/2020 10:48 AM
15	Yes but maybe just my school contract and a few regulars until a vaccine or cure is found or unless a ppe screen is going to be allowed to be fitted to the vehicles	4/30/2020 10:38 AM
16	Subject to bookings returning and ability to cover overheads	4/30/2020 10:34 AM
17	If the restrictions continue for more than two months I wont have a business	4/30/2020 10:29 AM
18	Will await for news as to when it will be safe for drivers to resume driving	4/30/2020 10:29 AM
19	Only if I can find any work as getting no help from anyone as yet	4/30/2020 10:27 AM
20	I have no money to renew my badge nor licence so I have no choice but to give up.	4/30/2020 10:19 AM

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