

LICENSING COMMITTEE
Tuesday 7 July 2020 at 7.30 pm
Zoom - Online

This meeting is a virtual meeting which is being hosted on Zoom. Councillors and registered public participants will be sent access details nearer the date of the meeting.

Members of the public who wish to watch the meeting can do so via a livestream which will appear on the Council's YouTube page
<https://www.youtube.com/user/HarlowCouncil>

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any matters on the agenda.

3. Minutes (Pages 2 - 4)

4. Matters Arising

5. Written Questions and Petitions

6. Committee Work Plan (Page 5)

7. Licensing Sub Committee Decisions 2019/20 (Pages 6 - 11)

8. Licensing Team Enforcement Activity 2019/20 (Pages 12 - 15)

9. References from Other Committees

Any references arising from meetings held after the publication of this agenda will be circulated separately.

10. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE LICENSING COMMITTEE
HELD ON**

10 March 2020

7.30 - 8.10 pm

PRESENT

Committee Members

Councillor Frances Mason (Chair)
Councillor Shannon Jezzard (Vice-Chair)
Councillor Nick Churchill
Councillor Michael Garnett
Councillor Lanie Shears
Councillor Nancy Watson

Officers

Chris Bennett, Principal Environmental Health Officer
Hannah Criddle, Governance Support Officer
Michael Pitt, Environment and Licensing Manager
Dimple Roopchand, Principal Solicitor

39. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Tony Hall, Maggie Hulcoop and Andrew Johnson.

40. **DECLARATIONS OF INTEREST**

None.

41. **MINUTES**

- a) Minute 36 - Considerations regarding CCTV in Hackney Carriage and Private Hire Vehicles

The Committee noted that Michael Pitt, Environment and Licensing Manager, circulated a note to provide an explanation on the prices quoted in the report.

42. **MATTERS ARISING**

None.

43. **WRITTEN QUESTIONS AND PETITIONS**

None.

44. **COMMITTEE WORK PLAN**

Michael Pitt advised that reports on Licensing Sub Committee Decisions in 2019-20 and Enforcement Action completed by the Licensing Team in 2019-20 would be presented to the Committee at the first meeting of the next municipal year.

45. **PRIVATE HIRE OPERATOR CONDITIONS AND THE PROVISIONS OF ADAPTED VEHICLES (SUBJECT TO NATIONAL GUIDANCE)**

The Committee received a report on wheelchair accessibility in the licensed fleet.

RESOLVED that:

A The Licensing Team would work with the trade, as set out under proposals at paragraph 14 of the report, to support good practice in the operation of designated Wheelchair Accessible Vehicles (WAVs) and better promote information about their availability.

B A further report would be brought to Licensing Committee examining the merits of a formal survey of unmet need for WAVs in Harlow at a time when revised central government guidance on licensing of the Hackney carriage and private hire trades is available.

46. **ELECTRONIC PAYMENT OF FARES IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - OUTCOME OF CONSULTATION**

The Committee received a report on the outcome of consultation on electronic payment of fares in licensed vehicles.

RESOLVED that:

A The Licensing Committee recommend to Full Council that a condition be attached to Hackney Carriage Vehicle Licences to require that Hackney Carriage Vehicles be equipped with electronic payment facilities as set out in Proposals at paragraphs 54 to 61.

B Subject to A, authority to approve the details of the condition is delegated to the Environment and Licensing Manager, in consultation with the Chair of the Licensing Committee.

47. **UPDATED LICENSING COMMITTEE TERMS OF REFERENCE**

The Committee received a report on amendments to the Licensing Committee's Terms of Reference.

RESOLVED that:

- A** The Licensing Committee recommend to Full Council that the revised Licensing Committee, Licensing Sub Committee and Regulatory Sub Committee Terms of Reference (attached as Appendix A to the report) are adopted.

48. **REFERENCES FROM OTHER COMMITTEES**

None.

49. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

Licensing Committee Work Plan 2020/21

Tuesday 7 July 2020	Tuesday 8 September 2020	Tuesday 17 November 2020	Tuesday 19 January 2021	Tuesday 9 March 2021
Licensing Sub Committee Decisions 2019/20	Harlow Council Health & Safety Service Plan 2020/2022	Harlow Council Food Safety Enforcement Plan 2020/2021	Adoption of a Street Trading policy	Updating Hackney Carriage and Private Hire vehicle conditions
Licensing Team Enforcement Activity 2019/20	Fees and Charges Review (as required)	Review of Licensing General Enforcement Policy	Review Hackney Carriage byelaws (TBC with Legal)	Review of General Enforcement Policy for Environmental Health

REPORT TO: LICENSING COMMITTEE

DATE: 7 JULY 2020

TITLE: LICENSING SUB COMMITTEE DECISIONS

LEAD OFFICERS: MICHAEL PITT, ENVIRONMENT AND LICENSING
MANAGER (env.health@harlow.gov.uk)

CHRIS BENNETT, PRINCIPAL ENVIRONMENTAL
HEALTH OFFICER (licensing@harlow.gov.uk)

CONTRIBUTING OFFICERS: RACHEL CROUCH, SENIOR LICENSING
OFFICER (licensing@harlow.gov.uk)

ADAM SHERWOOD, SENIOR LICENSING
OFFICER (licensing@harlow.gov.uk)

RECOMMENDED that the Licensing Committee:

A Notes the content of the report.

BACKGROUND

1. The Licensing Act 2003 requires local authorities to form a Licensing Committee to oversee the Licensing Act remit.
2. The Council's Constitution delegates other licensing functions to its Licensing Committee. These include licensing regimes for Hackney Carriages and Private Hire vehicles, tables and chairs on Council land in the town centre, street trading, scrap metal dealing, sex establishments and charity and house-to-house collections.
3. Where individual regulatory decisions that are not delegated to officers are required, subject to the Constitution a Licensing or Regulatory sub-committee as appropriate, made up of three members of the Licensing Committee, is constituted to make them.
4. It is therefore possible that the Sub Committee, from time to time, will hear cases relating to any of the matters mentioned above.
5. It is customary for members of the wider Licensing Committee to be kept informed of the Sub Committees held and decisions made. The last report of this kind was presented to the Licensing Committee in July 2019.
6. The information, as seen at Appendix 1 to the report, covers all Licensing Sub Committees held from the period from 1 April 2019 to 31 March 2020.

IMPLICATIONS

Place (Includes Sustainability)

None specific.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT)

None specific.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

None specific.

Author: Simon Hill, Head of Governance

Appendices

Appendix 1 – Licensing Sub Committee Decisions

Licensing Sub Committee Hearings	Members	Hearing Type	Further Information	Reason for referral	Decision	Appeal to Magistrates' Court Submitted?
1 April 2019 – 31 March 2020 Date						
09/04/2019 – 7.30pm	Cllr Mike Garnett Cllr Lanie Shears Cllr Edna Stevens	LGMPA 1976 / TPCA 1847: New or Licensed Applicant Private Hire / Hackney Carriage Driver	Closed session	Fit & Proper Person Status	Application refused	Appeal heard on 24 October 2019. Magistrates Court overturned the decision and deemed applicant to be fit and proper.
23/04/2019 – 7:30pm	Cllr John Strachan Cllr Frances Mason Cllr Lanie Shears	LGMPA 1976: New or Licensed Applicant Private Hire Driver	Closed session	Fit & Proper Person Status	Application refused	No appeal
12/08/2019 – 7.30pm	Cllr Andrew Johnson Cllr Mike Garnett Cllr John Strachan	LA 2003: New Premises Licence Application- retail shop selling alcohol	Application for new Premises Licence following resident representations received during the 28 day public consultation.	Licensing Objective: Crime & Disorder	Licence granted	No appeal
20/08/2019 - 7.30pm	Cllr Frances Mason Cllr Nick Churchill Cllr Nancy Watson	LGMPA 1976: New or Licensed Applicant Private Hire Driver	Closed session	Fit & Proper Person Status	Granted to continue with remainder of licence	No appeal

					process	
25/09/2019 – 7.30pm	Cllr Frances Mason Cllr Mike Garnett Cllr Maggie Hulcoop	LGMPA 1976 / TPCA 1847: New or Licensed Applicant Private Hire & Hackney Carriage driver	Closed session	Fit & Proper Person Status	Granted to continue with remainder of licence process	No appeal
05/12/2020 – 10am	Cllr Frances Mason Cllr Maggie Hulcoop Cllr Nick Churchill	LA 2003: Premises Licence Summary Review Interim Steps Hearing (within 48hrs Notice of Application) – public house	Hearing in respect of an application for Summary Review received from Essex Police following a serious crime incident. Harlow Councils first application for Summary of Review in respect of the LA 2003 Act, therefore this required a lot of careful planning with challenging timescales for the department whilst mindful of Christmas office closure.	Licensing Objective: Serious Crime/Disorder	Imposed interim steps to suspend the licence with immediate effect until the full review hearing (within 28 days of application)	Appeal to the Council of interim steps
11/12/2020 – 2pm	Cllr Frances Mason Cllr Maggie Hulcoop Cllr Nick Churchill	LA 2003: Premises Licence Summary Review	Application for appeal from the licence holder against the	Licensing Objective: Serious Crime/Disorder	To modify the interim steps imposed to lift the	No appeal

		of Interim Steps Imposed by Committee – public house	Interim steps imposed as result of the hearing on 05/12/20.		suspension of the licence subject to conditions being imposed	
02/01/2020 – 7.30pm	Cllr Frances Mason Cllr Maggie Hulcoop Cllr Nick Churchill	LA 2003: Premises Licence Full Review (within 28 days of application)- public house	Full Summary Review hearing to consider application following the public 28 day consultation.	Licensing Objective: Serious Crime/Disorder	To modify agreed interim steps imposed by previous hearing and replace with agreed conditions	No appeal
28/01/2020 – 7.30pm	Cllr Frances Mason Cllr Nick Churchill Cllr Maggie Hulcoop	TPCA 1847: New or Licensed Applicant Private Hire Driver	Closed session	Fit & Proper Person Status	Granted to continue with remainder of licence process	No appeal
05/03/2020 – 7.30pm	Cllr Frances Mason Cllr Shannon Jezzard Cllr Nancy Watson	LA 2003: New Premises Licence Application- new restaurant	Application for new Premises Licence following resident representations received during the 28 day public consultation.	Licensing Objective: Public Safety, Prevention of Crime and Disorder, and Prevention of Public Nuisance	Licence granted with conditions	No appeal

Legislation abbreviations:

LA 2003; Licensing Act 2003: Includes Alcohol, Regulated Entertainment and Late Night Refreshment Licensing

LGMPA 1982 Sch 4; Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Street Trading

LGMPA 1976; Local Government (Miscellaneous Provisions) Act 1976: Private Hire Licensing

TPCA 1847; Town Police Clauses Act 1847: Hackney Carriage Licensing

REPORT TO: LICENSING COMMITTEE

DATE: 7 JULY 2020

TITLE: LICENSING TEAM ENFORCEMENT ACTIVITY

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING MANAGER (env.health@harlow.gov.uk)

CHRIS BENNETT, PRINCIPAL ENVIRONMENTAL HEALTH OFFICER (licensing@harlow.gov.uk)

CONTRIBUTING OFFICERS: RACHEL CROUCH, SENIOR LICENSING OFFICER (licensing@harlow.gov.uk)

ADAM SHERWOOD, SENIOR LICENSING OFFICER (licensing@harlow.gov.uk)

RECOMMENDED that the Licensing Committee:

- A Notes the enforcement activity from 1 April 2019 to 31 March 2020 carried out by the Licensing Team.

BACKGROUND

1. It is important that the Licensing Team ensure that licence holders comply with licence conditions and take enforcement action in line with its enforcement policy, when non-compliance is noted. In order to support this, in addition to the routine work of the team, a number of specific compliance and enforcement activities take place throughout the year.
2. This report sets out the activity undertaken for Hackney Carriage and private hire licences, Licensing Act 2003 premises and other activity within the remit of the Licensing Team.

ENFORCEMENT ACTIVITIES

3. Hackney Carriage and Private Hire Vehicle Compliance

4. This undertaken either by asking drivers to attend unannounced vehicle inspections at the Council’s appointed test station, or by carrying out roadside vehicle checks.

	2018-2019	2019-2020
Vehicle compliance sessions at test station	4	3 (#1)
Vehicles checked	55	54
Vehicles suspended	34 (61.8% suspended)	27 (50% suspended)

5. #1 - The three sessions included a week day morning shift, an evening shift and a weekend morning. This enabled inspection of a cross section of vehicles operating on different shifts.
6. Of the 54 vehicles checked over the three enforcement sessions a total of 12 were Hackney Carriage (HC) and 42 were Private Hire (PH).
7. Thus, 22 per cent of the vehicles tested were Hackney Carriage (HC). This is proportional to the ratio of overall numbers of licensed vehicles. The Council currently has circa 60 HC and 230 PH i.e. (60 / 290). Twenty-one per cent of all licensed vehicles are HC.
8. In terms of vehicles suspended, this number is based on vehicles that failed to meet the MOT standard (excluding emissions checks) and not the compliance standard.
9. A total of 50 per cent of vehicles (27/54) were suspended. Of the 12 HC tested six were suspended (50 per cent) (6/12) and of the 42 PH tested 21 were suspended (50 per cent) (21/42).
10. The 50 per cent suspension rate is an improvement on the previous year when 61.8 per cent were suspended.

Table One – Hackney Carriage - Reasons for vehicle suspension

(N.B some vehicles had multiple failures - logical category selected)

Reason	Number
Lights (bulbs)	1
Tyres / brakes	0
Suspension / CV gaitors	2
Structural corrosion	3
Other mechanical	0
TOTAL	6

Table Two – Private Hire - Reasons for vehicle suspension

(N.B some vehicles had multiple failures - logical category selected)

Reason	Number
Lights (bulbs)	4
Tyres / brakes	5
Suspension / CV gaitors	8
Structural corrosion	0
Other mechanical	4
TOTAL	21

11. Licensing Act

12. Compliance checks take several forms including: programmed compliance inspections based on the risk assessment of a business's previous compliance with licence conditions; proactive town-wide evening patrols; and reactive investigations in response to complaints about premises.

Licensing Act	2019-2020
Pro-active inspection	32
Post inspection letter	4
Revisits	1
Out of Hours Surveillance – number of sessions	1
Out of Hours surveillance – premises observed in total	3
Notice of Suspension of licence for non-payment of fees	8
Licences suspended	4

13. Scrap Metal Dealers

	2019-2020
Routine inspections	1

14. Gambling Act Premises Licenses

	2019-2020
Betting premises inspections	2
Track betting premises inspections	0

IMPLICATIONS

Place (Includes Sustainability)

Progressive and proportionate enforcement of licensing requirements helps to create a level playing-field and protects compliant businesses from unfair competition from the less scrupulous.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, Properties and Facilities)

Enforcement activity is carried out within approved service budgets.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

Proactive enforcement and investigation of complaints ensures better compliance with licensing requirements and so helps to protect vulnerable residents from exploitation.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

None specific.

Author: Simon Hill, Head of Governance

Appendices

None.

Background Papers

None.

Glossary of terms/abbreviations used

HC – Hackney Carriage

PH – Private Hire