

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 20
NOVEMBER 2014, AT 4.30 PM

PRESENT: Councillor R Beeching (Chairman).
Councillors P Ballam, E Bedford,
E Buckmaster, Mrs R Cheswright, K Crofton,
G Cutting, J Jones, M McMullen, P Ruffles,
J Taylor, A Warman and B Wrangles.

ALSO PRESENT:

Councillors D Andrews.

OFFICERS IN ATTENDANCE:

Robin Clark	- Enforcement Manager
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer

360 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors W Ashley and Mrs D Hone.

361 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Licensing Officers for their efforts
in preparing the reports and recommendations in respect
of the matters referred to in Minutes 364 – 366.

362 MINUTES – 17 JULY 2014

RESOLVED – that the Minutes of the meeting held
on 17 July 2014 be approved as a correct record
and signed by the Chairman.

363 LICENSING SUB-COMMITTEE – 30 JULY 2014, 12
SEPTEMBER 2014, 3 OCTOBER 2014 AND 14 OCTOBER
2014

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 30 July, 12 September, 3 October and 14 October 2014, be received.

364 CONSIDERATION OF A PROPOSAL TO TAKE OVER THE
RESPONSIBILITY OF LICENSING TABLES AND CHAIRS
ON THE HIGHWAY (PAVEMENT LICENCE) FROM
HERTFORDSHIRE COUNTY COUNCIL'S HIGHWAYS

The Director of Neighbourhood Services submitted a report to update the Licensing Committee in respect of details of discussions that had been undertaken with Hertfordshire County Council in relation to pavement licensing.

Councillor D Andrews commented that careful consideration should be given to the issue of pavement advertising boards, as they were an important part of the street scene. In response to a number of comments from Members, the Senior Specialist Licensing Officer stated that a pavement licence would be necessary for tables and chairs on the highway for the purpose of people taking refreshment and that planning permission may also be necessary.

Members were reminded that an applicant would have to comply with both permissions. For example, if an applicant had planning permission for 10 sets of tables and chairs and a pavement licence for 8, only 8 were permitted to be located on the pavement.

Councillor J Taylor emphasised that tables and chairs enhanced the street scene in Ware and she would not want to see high fees harming the business of small cafes in Ware. Councillor K Crofton expressed concerns that

the fees referred to in paragraph 2.8 of the report were quite large. He believed that any fee should be approved on a cost recovery basis only.

Councillor Taylor suggested that any fee should be approved by the Licensing Committee. The Committee received the report and approved the recommendations as now detailed.

RESOLVED – that (A) East Herts Council Officers work with Hertfordshire County Council in respect of implementing an Agency Agreement in relation to pavement licensing; and

(B) an informal Task and Finish Group, as detailed in the report submitted, be set up to investigate and make recommendations in respect of a fee structure and draft policy for standard conditions for pavement licensing.

365 **CONSIDERATION OF A SITE MANAGEMENT AGREEMENT (SMA) WITH THE PUBLIC FUNDRAISING ASSOCIATION (PFRA) IN RELATION TO DIRECT DEBIT STREET COLLECTIONS**

The Director of Neighbourhood Services submitted a report informing Members of the Licensing Committee about the details of discussion undertaken with the Public Fundraising Association (PFRA) regarding a Site Management Agreement (SMA) for East Herts.

Members were advised that the lack of regulation of Direct Debit street collections caused a number of issues for the Authority and had resulted in complaints from businesses, the public and also from charities holding legitimate cash collections.

Councillor D Andrews expressed concern regarding the persistence of collectors who knocked on doors of residential dwellings. The Senior Specialist Licensing Officer advised that direct debit collectors visiting private

dwellings were beyond the Council's control as the SMA agreement would only cover town centres.

Councillor P Ruffles stated that potential customers had no opportunity to avoid on–street collectors in Maidenhead Street, Hertford and this road should be removed from the SMA. Members expressed concern that it was expensive for businesses when shoppers detoured from high streets to avoid on–street collectors.

Members were advised that as part of the PFRA Codes of Practice, on–street fundraisers were not permitted to pursue anyone for more than 3 steps, if that person has indicated they are not interested, and any contravention of this regulation could be reported to the PFRA by East Herts Council or the public.

Members referred to there being little sanctuary for shoppers seeking to avoid on–street fundraisers in some parts of East Herts. Members suggested that Maidenhead Street in Hertford and the South side of Ware High Street be excluded from the SMA. The Senior Specialist Licensing Officer advised that Officers would raise these concerns with the PFRA.

The Committee received the report and agreed that a Site Management Agreement (SMA) be signed with the PFRA as detailed in Essential Reference Paper 'C' of the report submitted. Members also agreed that the changes to the SMA as detailed in Essential Reference Paper 'C' be referred back to the PFRA by Officers for implementation in East Herts.

RESOLVED – that (A) a Site Management Agreement (SMA) be signed with the PFRA as detailed in Essential Reference Paper 'C' of the report submitted; and

(B) the changes to the SMA detailed in Essential Reference Paper 'C' and proposed during the meeting be referred back to the PFRA by Officers

for implementation in East Herts.

366 THE KNOWLEDGE TEST, TAXI RANKS AND ADVERTISING ON LICENSED VEHICLES

The Director of Neighbourhood Services submitted a report advising the Licensing Committee of the progress in respect of the recommendations made at the meeting on 17 July 2014.

The Senior Specialist Licensing Officer advised that the format of the knowledge test had been changed in April 2014 and Taxi Drivers had to have knowledge of the District in order to pass. Members were advised that following the changes to the test, the pass rate was 1 in 8. The Officers recommendation was that the new style knowledge test be reviewed in April 2015 after it had been in operation for a year.

Members discussed the issue of advertising on licensed vehicles in East Herts. Members noted that no specific proposals had come from the trade and that it was unclear what changes were actually being requested. Members discussed the location of advertising on vehicles and were of the opinion that advertising on the windows of vehicles could obscure the view of the driver and distract other motorists.

Members were advised by the Community Safety and Licensing Enforcement Manager that Officers were working to ensure the accountability of the licensing record points system. This was important to ensure the licensed taxi trade respected the scheme and that offenders could be taken to a Licensing Sub-Committee in more serious cases.

The Senior Specialist Licensing Officer confirmed that talks were planned with Hertfordshire Highways regarding proposals for new rank space and that Officers would be seeking assurances that any development of Bircherley Green in Hertford would not impact on the provision of

taxi rank space in Railway Street. Members made the point that this rank space should not be used as parking for taxis when there were no customers.

Members received the report and agreed that there would be no change in East Herts Council's policy as regards the knowledge test or advertising on licensed vehicles.

RESOLVED – that (A) the report be received; and

(B) there be no change in East Herts Council's Licensing policy as regards the knowledge test or advertising on licensed vehicles.

367 REPORT ON LICENSING ACTIVITY – QUARTER 3 OF 2014

The Director of Neighbourhood Services submitted a report providing an update on processing licences, enforcement activity and the implementation of the Service Plan for Quarter 3 of 2014.

Councillor G Cutting commented that the 132 Temporary Event Notice (TENs) applications implied that TENs were being used to extend the opening hours of licensed premises without the applicant applying to extend the permitted hours covered by Premises Licences. The Senior Specialist Licensing Officer stated that this was not the intention of the original licensing legislation but that people could legally use TEN's in this way.

The Committee received the report.

RESOLVED – that the report be received.

368 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Executive Member for Community Safety and Environment submitted a report detailing Members' attendance at Licensing Sub-Committees including those attending as observers.

Councillor G Cutting stated that there had been more than one occasion where he had been unable to be on the Licensing Sub-Committee as the subject premises had been in his ward. Members praised the efforts of the Democratic Services Officer in appointing Members to Licensing Sub-Committee hearings.

The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 5.45 pm

Chairman
Date