

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE THE OLD COURTHOUSE, WINDHILL,
BISHOP'S STORTFORD (ENTRANCE
OPPOSITE CHURCHYARD AT BACK OF
POLICE STATION) ON MONDAY 19
DECEMBER 2011, AT 10.00 AM

PRESENT: Councillors A Burlton, M McMullen and A Warman.

ALSO PRESENT: Councillors E Buckmaster.

OFFICERS IN ATTENDANCE:

George Robertson	- Legal Services Manager
Peter Mannings	- Democratic Services Assistant
Paul Newman	- Interim Licensing Manager

LICENSING ACT 2003 - LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION FOR AT PREMISES LICENCE, AT QUEENS HEAD, 26 KNIGHT STREET, SAWBRIDGEWORTH

Natalie Bavin	- Applicant
Mr Keith Bavin	- Applicant
John Ivens	- Hertfordshire Constabulary

CONSIDERATION OF AN APPLICATION TO RE-LICENCE A HACKNEY CARRIAGE LICENSED AS A PRIVATE HIRE VEHICLE IN THE AREA OF HUNTINGDONSHIRE DISTRICT COUNCIL

Mr Hasler	- Applicant
Mr Ian Jackson	- Solicitor

18 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor A Warman and seconded by Councillor A Burlton that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

19 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he would take the matters referred to at minute 24 prior to minute 25, to give the Applicant the opportunity to attend the hearing.

20 MINUTES

RESOLVED – that the Minutes of the meetings held on 19 September and 10 October 2011, be confirmed as correct records and signed by the Chairman.

21 LICENSING ACT 2003 - LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION FOR AT PREMISES LICENCE, AT QUEENS HEAD, 26 KNIGHT STREET, SAWBRIDGEWORTH

The Chairman outlined the procedure to be followed. All those present for the application were introduced.

The Interim Licensing Manager outlined the application made by Natalie Bavin to vary the premises license in relation to the times permitted for live and recorded music, and anything of a similar description, at the Queens Head, 26 Knight Street, Sawbridgeworth.

The Interim Licensing Manager circulated a Google map image detailing the location of the premises. The Sub-Committee was advised that Natalie Bavin already offered

live music under a number of temporary event notices and she had now applied to add live and recorded music to her premises license.

Members were advised that the Police and Environmental Health had responded to consultation with a number of concerns, which had been included with the Agenda papers. The Interim Licensing Manager stressed that Environmental Health Officers had not been able to provide any specific evidence to back up objectors' concerns in relation to this application.

The Sub-Committee was referred to pages 35 and 36 of the report now submitted for a number of suggested conditions from John Ivens of Hertfordshire Constabulary. Members were advised that a number of residents' complaints had related to the breach of temporary event notices in that karaoke had continued until 11:30 pm when this should have concluded at 11 pm.

The Interim Licensing Manager stated that there had been 9 letters of objection received during the consultation period with 2 more being received later. Residents' concerns were principally in relation to noisy customers shouting and general noise nuisance. Residents had also been concerned with the general conduct of the pub's patrons.

The Sub-Committee was advised that some residents had raised concerns relating to the conduct of the licensee and her husband when responding to complaints.

In response to a query from Councillor A Burlton, the Sub-Committee was reminded that this was an application to vary an existing alcohol and premises licence. The Applicant, Natalie Bavin, stressed that she did not agree with much of the content of the objection letters. She commented that she had never set out to upset her neighbours and apologised for the later than permitted conclusion to a karaoke event that should have concluded at 11 pm.

Natalie Bavin stated that the imposition of a noise limiter could not be justified in the absence of any evidence from Environmental Health in relation to noise complaints. She also stressed that she was not comfortable with turning customers away at 11 pm, although she had a policy of not allowing entry to groups in excess of 4 people beyond this time.

John Ivens agreed that not admitting large groups beyond 11 pm was a sensible approach. He commented however that a noise limiter would govern the volume limit for all forms of music, whether this was from a live band or a karaoke event. He stated that the approved level could be agreed with Police and Environmental Health.

Natalie Bavin stated that she was not seeking to have live or recorded music all of the time. She commented that birthday parties were an example of where there may be some form of live musical entertainment. She expressed concerns in relation to the suggested later start time of 9 pm for live and recorded music.

The Sub-Committee was advised by Natalie Bavin that this application was principally to increase the revenue intake for the pub and she was happy with most of the suggested conditions, aside from not wishing to turn away groups of less than 4 people, the noise limiter and the later starting times.

Natalie Bavin stressed that the Queens Head was not a young persons' pub and she was not seeking to have live or recorded music or karaoke every week. She stated that she was not concerned about providing such entertainment on Fridays. She advised that she had been a member of pub watch and had often handed CCTV footage to the police to assist with enquiries.

In response to a query from Councillor A Burlton, Natalie Bavin stated that the evening where the Karaoke had overrun was an isolated breach of a temporary event

notice and she had spoken to the DJ on duty that night. Councillor Burlton stressed the importance of having someone on duty who knew the rules that had to be adhered to regarding the operation of the premises.

In conclusion, John Ivens stated that he felt that his suggested conditions were fair and reasonable when considering the location of the Queens Head in a town centre and in close proximity to residential properties.

Natalie Bavin concluded that she was running a family business whilst seeking to make a living in this location and she had taken into consideration all of the comments made in relation to her application.

At the conclusion of the representations the Applicant and her husband, the Interim Licensing Manager and the police representative withdrew to allow the Sub-Committee to consider the evidence.

Following this they returned and the Chairman announced the decision of the Sub-Committee, which was that the application be approved subject to the conditions now detailed.

RESOLVED – that the application to vary the Premises Licence at the Queens Head, Sawbridgeworth be approved subject to the following conditions:

1. Live and recorded music permitted only on Saturdays from 7 pm to 11 pm and on Sundays from 7 pm to 10 pm with karaoke events permitted once per month on Sundays between 7pm and 10pm.
2. All external doors and windows to be kept closed during live or recorded events, except for ingress and egress.
3. No live, recorded or background music shall

be played in or broadcast to external areas.

With regard to the noise limiter, the Sub-Committee agreed not to impose this as a condition at this time. However, if there were future problems with noise complaints, these would come before a Sub-Committee and it is likely that a noise limiter would need to be imposed. In relation to background music, this is not a licensable activity and therefore it may be played at anytime.

22 **CONSIDERATION OF AN APPLICATION TO RE-LICENCE A HACKNEY CARRIAGE LICENSED AS A PRIVATE HIRE VEHICLE IN THE AREA OF HUNTINGDONSHIRE DISTRICT COUNCIL**

The Chairman outlined the procedure to be followed. All those present for the application were introduced.

The Interim Licensing Manager advised that the East Herts Taxi Licensing Policy stipulated that taxi vehicles would not be dual plated as taxis for East Herts and any other taxi licensing authority. This policy was adopted by the East Herts Licensing Committee on 22 July 2010 following public and internal consultation.

The Sub-Committee was advised that the applicant applied on 28 November 2011 to renew his Hackney Carriage Vehicle Proprietors Licence, which was due to expire on 12 January 2012. The Interim Licensing Manager stressed that Officers must always know under which Licence a Taxi Driver was operating if a vehicle was dual plated. Members were advised that Huntingdonshire District Council operated a similar policy.

Ian Jackson, Solicitor for the Applicant, advised that the Applicant operated a silver Honda Accord Estate, which was used for private hire in Huntingdon during the week and at weekends in East Herts as a Hackney Carriage. The Sub-Committee was advised that the applicant had operated in this way for 4 years and the policy referred to

by the Interim Licensing Manager had been in place before a recent renewal of the Applicant's licence.

Ian Jackson stated that this application fully supported the policy objectives of the Authority in that the Applicant would be promoting prosperity and well-being and providing access and opportunities for residents of the District. The Applicant would also be enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who were vulnerable.

The Sub-Committee was advised that the Applicant hoped to provide a local taxi service in East Herts at weekends, typically a time when the public would struggle to get a taxi as demand often exceeded supply.

Ian Jackson stressed that the Applicant had identified a way of working that was economically viable and was positive for the travelling public. The Sub-Committee was reminded that licensing legislation was a general policy as opposed to a rigid set of rules.

Members were advised that there would always be a clear distinction as to how the Applicant was operating. Ian Jackson emphasised that, when operating as a Hackney Carriage, the roof light and meter would be in operation. These could be disabled during periods when the vehicle was being used for private hire in Huntingdonshire.

The Sub-Committee was advised of the significant costs that would be incurred should the Applicant have to purchase, insure and operate a second vehicle. Ian Jackson stressed that Licensing Regulations were worded in such a way as to give Members the discretion to depart from policy in exceptional circumstances.

The Interim Licensing Manager commented that the Hackney Carriage Licence allowed the Applicant to operate in the Huntingdonshire area as the licence plate and roof light could be left in place but the meter would

only need to be in operation if the journey started and ended in East Herts.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Assistant to consider the evidence.

Following this, they returned and the Chairman announced the decision of the Sub-Committee, which was that the application be approved as these were special circumstances and the Sub-Committee would not normally depart from policy. However, Mr Hasler had operated in compliance with the requirements of the Council for the past 4 years and since his renewal in January 2011.

RESOLVED – that the application for the Hackney Carriage License be approved.

23

EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A)(4) of the Local Government Act 1972 as amended to exclude the press and public during consideration of the business referred to in Minutes 24 – 25 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

24

CONSIDERATION OF A REQUEST FROM A FORMER TAXI APPLICANT TO BE ALLOWED TO RESUBMIT A PREVIOUS APPLICATION - MR S

The Chairman invited the Interim Licensing Manager to summarise the nature of the application in the absence of the Applicant.

The Interim Licensing Manager advised that a revision to Taxi Licensing Policy from July 2010 stipulated that applicants for taxi licences should remain in contact with

Officers with gaps of no more than 6 months without any contact.

The Sub-Committee was advised that applications that had not been progressed may be refused under delegated powers. The applicant concerned would then be required to recommence a fresh application.

The Interim Licensing Manager stated that Officers had no record of any contact from the Applicant for 19 months. The Applicant had since contacted Officers and stated that he now wished to progress his application which was why this case was before the Sub-Committee.

The Sub-Committee heard a letter of mitigation from the Applicant stating why he had not progressed the application until now. The Interim Licensing Manager explained that the Sub-Committee could either require the Applicant to submit a fresh application or Members could permit the Applicant to proceed with an old application, thereby overturning the delegated powers available to Officers.

In response to a query from Councillor A Burlton, the Interim Licensing Manager advised that the applicant would have to re- take the knowledge tests and resubmit all documentation to Officers before he could start working as a taxi driver.

At the conclusion of the representations, the Chairman announced the decision of the Sub-Committee which was that the Applicant be invited to submit a fresh application and the deposit for the fresh application be waived.

RESOLVED – that the Applicant be required to submit a fresh application.

25 **CONSIDERATION OF A STAGE OF APPLICATION TO BE A TAXI DRIVER - APPLICANT WITH AN UNSPENT UNDISCLOSED CONVICTION AND AN UNDISCLOSED CAUTION IN 2009 - MR K**

The Chairman invited the Interim Licensing Manager to summarise the nature of the application in the absence of the applicant.

The Interim Licensing Manager advised that the applicant had applied on 29 March 2011 to be licensed as a taxi driver. The Sub-Committee was advised that the application form had not referred to any matters material to the suitability and fitness of the applicant to hold a taxi driver's licence.

Members were advised that Officers had subsequently received a Standard Disclosure of the Applicant's criminal record. The Interim Licensing Manager detailed the nature of the Applicant's offences and subsequent convictions. A copy of the Applicant's Criminal Records Bureau (CRB) disclosure was circulated to the Sub-Committee.

Members were advised that the Applicant had held private hire licences in the past in the London area prior to this application to East Herts Council.

At the conclusion of the representations, the Chairman announced the decision of the Sub-Committee which was that the application be refused.

RESOLVED – that the application for the Taxi Driver's License be refused.

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The meeting closed at 12.30 pm

Chairman

Date