

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY
23 NOVEMBER 2005 AT 7.30PM

PRESENT: Councillor M P A McMullen (Chairman)
Councillors, W Ashley, D R Atkins, P R Ballam,
A L Burlton, J Demonti, Mrs D M Hone,
L R Pinnell, B W J Sapsford.

ALSO IN ATTENDANCE:

Councillor N Burdett.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
George Robertson	- Head of Legal Services
Jan Spong	- Head of Community Protection

456 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors N Poulton and J J Taylor.

457 DECLARATIONS OF INTEREST

Councillor W Ashley declared a personal interest in the
application submitted to vary the licence at the Kick and
Dicky, (Wellpond Green, Standon) by virtue of the fact that
Applicant was his sister. It was noted that he was not a
Member of the Licensing Sub Committee which considered
the application on 7 September, 2005.

ACTION458 VOTE OF THANKS

The Chairman on behalf of Members, expressed his thanks to the Community Protection Team, Democratic Services and Legal Staff for their help and support in organising and administering the number of licensing applications.

RESOLVED ITEMSACTION459 MINUTES

The minutes of the following Licensing Sub-Committees were submitted:

3 August, 5 August, 12 August, 19 August, 22 August, 24 August, 25 August, 26 August, 2 September (10am), 7 September (10am), 8 September (10am), 8 September (2pm), 9 September (10am), 9 September (2pm), 13 September (10am), 13 September (2pm), 15 September (10am), 16 September (10am), 21 September (10 am), 21 September (2pm), 23 September (10am), 23 September (2pm), 30 September (10am), 30 September (2pm), 7 October (10am), 14 October (10am) – all in 2005.

It was noted that in relation to the Licensing Sub-Committee minutes for 7 October 2005 (10am) "Appointment of Chairman", that that the resolution be amended by the deletion of "Councillor Taylor" and the insertion of "Councillor Ashley".

As no Members were in attendance to confirm the accuracy of the minutes of the Licensing-Sub Committee on 14 October 2005 (10am), it was agreed that these minutes be submitted to the next Licensing Committee for confirmation.

ACTIONRESOLVED – that:-

(A) the Licensing-Sub Committee minutes for 7 October 2005 (10am) be amended by the deletion of “Councillor Taylor” and the insertion of “Councillor Ashley” as Chairman for the meeting,

(B) the Licensing Sub-Committee minutes for 14 October 2005 (10am) be submitted to the next Licensing Committee for confirmation, and

(C) that subject to the comments in (A) and (B) the minutes of the Licensing Sub-Committee meetings as listed above be confirmed as a correct record and signed by the Chairman.

460 MINUTES

The minutes of the following Licensing Sub-Committees were tabled at the meeting:

16 September, (2pm), 19 September (10am),
19 September (2pm), 22 September (10am) and
22 September (2pm) – all in 2005.

It was noted that:

In relation to the Minute no 148 of the Minutes of the Licensing Sub-Committee dated 22 September, 2005 (10am), (Application for the Cowper Arms, 57 Cole Green Lane, Letty Green, Herts) that the word “Cower” be deleted and replaced with “Cowper” where mentioned in the application.

It was noted that:

In relation to the Minute no 119 of the Minutes of the Licensing Sub-Committee dated 16 September 2005 (2pm) (Application for Shekos, 75B South Street, Bishop’s

ACTION

Stortford, Herts), Members felt that the minutes read as though a Police Officer had been in attendance and sought clarification on this. They further requested that the Minutes be amended to reflect such attendance.

RESOLVED – that:

(A) Minute 148 of the Licensing Sub-Committee minutes for 22 September 2005 (10pm) be amended by the deletion of the word “Cower” and the insertion of the word “Cowper”,

(B) Minute 119 of the Licensing Sub-Committee minutes for 16 September 2005 (2pm) be amended to reflect the fact that respective Police Officers were in attendance, and

(C) that subject to the above mentioned amendments, the minutes above mentioned meetings be confirmed as a correct record and signed by the Chairman.

461 UPDATE ON IMPLEMENTATION OF THE LICENSING ACT 2003 WITH ADDENDUM ON NUMBERS OF APPLICATIONS FOR PREMISES AND PERSONAL LICENCES

Jan Spong, Head of Community Protection, provided Members with an update in relation to the number of premises licenses and personal licences processed, those currently under consideration, arrangements for the future enforcement of Premises Licences and the Taxi Marshalling scheme.

It was noted that 550 personal licences had been issued to the licensed trade. With the exception of Tesco's and some hotels, none had 24 hour permissions.

In terms of enforcement it was noted that enforcement action would consist of response to complaints about unlicensed premises and breaches of conditions at

ACTION

licensed premises. Pro-active visits by Community Protection Officers would also be undertaken on a risk assessment basis eg size of premises, type of licensable activity etc.

It was noted that the Council was receiving a number of applications for Temporary Events Notices.

Following an assessment by the Night Time Economy Group and dispersals from premises in Hertford, the Group had recommended the establishment of a Taxi Marshalling Scheme. Taxi Marshalls would assist in the control of public queues, prevent public nuisance control levels of noise / damage, confiscate bottles and glasses and prevent fights and aggressive behaviour. They would also “meet and greet” the public and allocate the next available taxi.

It was stressed that the Taxi Marshalling Scheme was a Pilot Scheme and that money had been provided from the Crime and Disorder Reduction Partnership (CDRP) which would be monitoring the success of the scheme.

To address indiscriminate parking, it was noted that cones would be set out from 6pm onwards with designated signage.

Members noted that the Pilot Scheme could encourage taxi drivers back to areas where there were currently dispersal problems. The Taxi Marshalling scheme would operate in partnership with other security links such as CCTV and radio links with the Police. Enforcement pro-activity by East Herts Officers was stressed.

An update was provided in relation to number of appeals outstanding.

RESOLVED – that the report be received.

ACTION462 CONTROLLING BINGE DRINKING OF ALCOHOL

The Head of Community Protection and the Community Safety and Partnership Manager, submitted a report outlining issues associated with binge drinking in the light of several published government papers and responses in the form of initiatives to those published documents.

It was noted that 90% of adults drank alcohol and that the drinks industry was worth more than £39 billion. However the Government estimated that alcohol misuse cost the economy some £20 billion a year in crime and disorder, injuries and lost productivity.

New powers to the Council afforded by the Crime and Disorder Act 1998, the Licensing Act 2003, the Anti-social Behaviour Act 2003 and other legislation were detailed in the report. Initiatives to reduce alcohol related disorder and binge drinking were also outlined which covered national and local initiatives. These included:

The Hertfordshire County Local Alcohol Action Plan;

- Herts County Council's Crime and Drug Strategy Unit (including alcohol);
- East Herts Council / Crime and Disorder Reduction Partnership (CDRP);
- East Herts Licensing Policy and Forum.

There were increasing concerns in relation to crime and disorder and it was acknowledged that binge drinking was an issue which needed to be tackled. It was noted that there was a joint alcohol and drugs theme in the current Community Safety Strategy. East Herts Council was already following good practice in a wide number of areas already identified in the National Alcohol Harm Reduction Strategy including the work of the Night Time Economy Group and the Responsible Authorities Group (RAG).

Head of
Community
Protection

ACTION

Other initiatives were planned in terms of working closely with the trade. Members requested that they be included on the distribution list to receive the minutes of the Night Time Economy Working Group.

Concern was expressed in relation to the costs incurred as a result of alcohol misuse. Members felt that in response, publicans should be held to account for any crime and disorder. Members were advised that a new Bill was out to consultation on this issue.

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

(B) that Members of the Licensing Committee be included on the distribution list to receive copies of the Night Time Economy Working Group minutes.

463 APPLICATION FOR RENEWAL OF PERMIT FOR USE OF MACHINES FOR GAMING BY WAY OF AMUSEMENTS WITH PRIZES

The Head of Community Protection, submitted a report concerning the application for the renewal of the Amusement with Prizes permit issued to Mr D Manning at Paradise Wildlife Park, White Stubbs Lane, Broxbourne and the reasons for the decision to grant the renewal.

It was noted that there were currently 16 Amusement with Prize Machines alongside a lesser number of skills machines and several “kiddie” rides, all of which were operated by Mr. Manning. Following consultation with Legal Services, it was determined that as the operation of the amusement centre was solely undertaken by Mr Manning, the area operated by him was deemed “premises wholly or mainly for the provision of amusement” under the Gaming Act 1968. As such no blanket cover restrictions on the numbers of amusements with prize machines on site could be imposed.

ACTION

It was noted that there had been no complaints or objections in the past relation to the amusement centre which had been responsibly operated by Mr Manning over a number of years.

RESOLVED – that the report be received.

464 THE GAMBLING ACT 2005

The Head of Community Protection, submitted a report on the implications for East Herts of The Gambling Act 2005. It was noted that no regulations had yet been published. However draft regulations on the gambling policy were out for consultation. The East Herts' policy would need to be drafted by May 2006. More information would be available when the Council had received the regulations.

It was noted that the purpose of the Gambling Act 2005 was to strengthen consumer protection, to modernise and consolidate outdated legislation but not to deregulate.

The background to the Act and the implications for East Herts Council were explained.

Essentially the Gambling Act 2005 required that the functions of the licensing authority (including its determinations) should be taken or carried out by its licensing committee (except those in relation to the making of a statement of licensing policy or where another of its committees had referred the matter to it).

Premises licences would be required for:

- The operation of a casino
- Bingo facilities
- Category B machines (adult gaming centre licence)

ACTION

- Category C Machines (family entertainment Centre premises licence)
- Facilities for betting

“Grandfather rights” would be observed within the Gambling Act 2003.

It was noted that no new officers were being sought but there was a need to retain the temporary Licensing Officer now on a permanent basis in order to manage the current level of applications for licensing and the new statutory functions under the Gambling Act.

RESOLVED – that the report be received.

465 REVIEW OF CONDITIONS AND POLICIES FOR THE LICENSING OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS/VEHICLES AND OPERATORS

The Head of Community Protection, submitted a report on the current review of conditions and policies in respect of licensing Hackney Carriage/Private Hire Drivers, Vehicles and Operators following the issue of Department of Transport’s draft Best Practice Guidance on Taxi and Private Hire licensing.

The first stage would review drivers’ fitness and the second review would consider the suitability of vehicles. It was estimated that the review and the consultation process would take approximately six months to complete. Recommendations would be reported back to Members.

It was noted that the last review had been undertaken 10 years ago. Regular meetings were being held with the Taxi Trade and matters requiring consideration included access for people with disabilities and compliance with recent disability legislation.

ACTION

It was noted that in terms of compliance with the statute, a significant percentage of taxis would need to comply with the recent Disability Act, private hire vehicles were excluded but all Hackney Carriage needed to comply with specific access requirements by 2010.

RESOLVED – that the report be received.

The meeting closed at 8.30 pm