

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 10 MARCH
2011, AT 4.30 PM

PRESENT: Councillor M P A McMullen (Chairman)
Councillors W Ashley, P R Ballam,
A L Burlton, K A Barnes, R Beeching,
Mrs R F Cheswright, J Demonti, N C Poulton,
P A Ruffles, J J Taylor, R I Taylor and
N Wilson

ALSO PRESENT:

Councillors

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Assistant
Paul Newman	- Interim Licensing Manager

609 APOLOGIES

An apology for absence was submitted on behalf of
Councillor B M Wrangles.

610 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said there was an update in relation to
Early Morning Restriction Orders. It was reported that in
respect of Early Morning Restriction Orders, which
Officers hoped to apply flexibly between midnight and 6
am.

The Authority now had much stronger powers to remove
licences from or refuse to grant licences to any premises
that had caused problems in the local area.

The Interim Licensing Manager stated that the aim was to extend the flexibility of Early Morning Restriction Orders to provide licensing authorities with an additional tool to shape and determine local licensing. Such an order could stipulate that a licensed premises must close at midnight and could not re-open until 6 am.

Members were advised that a local levy could be applied as an additional fee when an application was received for a premises licence. The funds could then be used to support taxi marshalling or more generally to address issues arising from the night time economy.

The Licensing Process Manager stated that the Authority must determine how to apply these additional powers, the police as a responsible authority may have some helpful views on this issue.

611 MINUTES

RESOLVED – that the minutes of the meeting held on 4 November 2010 be confirmed as a correct record and signed by the Chairman.

612 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the meetings held on 14 and 25 October, and 6 December 2010 be received.

613 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Internal Services submitted a report on details of Members' attendance at meetings of the Licensing Sub-Committee held since 12 May 2010.

The Committee received the report.

RESOLVED – that the report be received.

614 LICENSING UPDATE - QUARTER 4 2010

The Director of Neighbourhood Services submitted a report presenting licensing data for the last quarter of 2010. This included information on alcohol, entertainment and late night refreshment licences under the Licensing Act 2003; gaming licences under the Gambling Act 2005 and taxi drivers', vehicle proprietors' and operators' licences.

The Licensing Process Manager advised that the Statement of Licensing Policy had been approved by Council and would be published shortly.

The Committee was advised that the applicant for the Premises Licence at the former Chicago Rock Café in Bishop's Stortford was entitled to open the premises as No Where Bar, subject to the terms of the decision notice. Members were advised that the premises had not opened as the venue was being refurbished. The fact that the applicant had appealed to the magistrates court did not prevent the premises from opening as the appeal did not relate to a review.

The Committee was advised that, following the District and Parish Elections in May, Members would be offered Licensing Training in partnership with St Albans City and District Council. Key topics for this training would be the Licensing Act and Gambling Legislation.

The Interim Licensing Manager advised that funding from the County Council had been secured for head cams for Taxi Marshalls. CCTV was also available and appropriate signage was in place.

In response to a query from Councillor Mrs R F Cheswright, Members were advised that 50% of the funding had come from Hertfordshire County Council, so long as East Herts Council could match fund this support. Hertford Town Council had pledged £5,000. The Head of Community Safety and Licensing had applied for grant

funding for the year ahead.

The Committee was advised that the Licensing Enforcement Team had achieved a 95% collection rate in respect of renewal fees. Where fees had not been paid, this could justify a risk rating inspection by Officers.

The Enforcement Team had worked particularly hard to ensure taxi driver and vehicle information was up to date. A rolling 2 year penalty points system had been introduced for taxi drivers' licences.

In response to a query from Councillor R I Taylor, Members were advised that there would be a scale of penalty points for various offences. The Licensing Process Manager stressed that although this would mean less cases being reported to the Sub-Committee or the magistrates court, the more serious cases would appear before Members.

Members were advised that the numbers of applications for Temporary Event Notices (TENS) had increased in the run up to Christmas 2010. The number of applications for taxi driver/vehicle licences had also increased.

The Licensing Process Team had dealt with a steady flow of 431 applications for quarter 4 in 2010. There had been five Sub-Committee meetings, of which the review hearing for The Sugar Hut in Hertford had proved the most challenging.

The Committee received the report.

RESOLVED – that the report be received.

615 CERTIFICATION OF FILMS

The Director of Neighbourhood Services submitted a report informing Members of the Licensing Authority powers under the Licensing Act 2003 to authorise public screening of films.

It was reported that the Licensing Authority had responsibility for authorising public film exhibitions. Premises Licences and Club Premises Certificates that authorised film exhibition had to include a condition that admission of children to films be restricted in accordance with recommendations given by the British Board of Film Censors (BBFC) or Licensing Authority. The Licensing Authority had to take Statutory Guidelines into account when authorising films.

The Licensing Authority might consider a request to authorise a film which had been classified by the BBFC where a distributor was appealing against the decision of the BBFC or an independent party requested that the Licensing Authority reclassified or authorised the film for local screening.

The Licensing Authority should be primarily concerned with the protection of children from harm. It should refer to the BBFC guidelines which were nationally accepted and understood. Film exhibition authorisations would only apply to the area covered by the Licensing Authority.

Details of certification (including age restrictions) could be included on the Council's website. It was the applicant's responsibility to ensure the film did not contravene the law.

The Licensing Committee was asked to decide whether film certification should be delegated to Officers and the Licensing Sub-Committee in accordance with the procedure set out in Essential Reference Paper 'B' of the report now submitted.

Councillor R I Taylor stated that Local Authorities in London often issued certificates where general certification by the BBFC had not resulted in a film being rated as 18. In response to a query from Councillor N C Poulton in relation to holiday videos, Members were advised that a certification by the Authority would be

required for a public viewing or where the public had been invited to regulated entertainment where there was a charge for attending.

The Interim Licensing Manager stated that a sensitive local issue in East Herts could result in a request for a film to be reclassified. The Committee was advised that there was a risk of the Authority receiving frivolous applications.

Members were advised of the circumstances whereby the Authority could receive a request to authorise the re-classification of a film. Members might also have to authorise the rating of a movie that was unclassified by the BBFC.

In addition, the Licensing Authority might be requested to authorise a small scale unclassified film e.g. for a film festival or a one-off showing or a trailer, which may not have a BBFC Classification. In most cases however the issue of a film certification would not be necessary as most films already have a BBFC rating.

The Interim Licensing Manager stated that decisions could be delegated to Officers in certain circumstances. Officers could make a decision on a film that was clearly worthy of a U or 18 rating. In response to a comment from Councillor Poulton on what constituted a film, Members were advised that a film was any exhibition of moving pictures.

Applicants were required to apply not less than 28 days prior to an event. Officers would be reactive in relation to such requests.

In relation to a query from Councillor R I Taylor regarding R18 rated movies being shown in sex shops, Members were advised that there were no R18 rated cinemas in East Herts and similarly there were no sex shops authorised to sell such movies. R18 rated films could not be sold by mail order. On that basis, the Authority would not consider applications for R18 style movies where

there was no BBFC classification.

Councillor Poulton asked how the Authority would publicise the new arrangements. The Interim Licensing Manager stated that it was for applicants to be aware of the new regulations. It was not the role of Officers to publicise the new guidance around BBFC classifications.

RESOLVED – that the power to issue certificates authorising film exhibitions be delegated to Officers and the Licensing Sub-Committee.

616 LICENSING IMPLICATIONS OF ROYAL WEDDING

The Director of Neighbourhood Services submitted a report on the relaxation of licensing laws for the Royal Wedding on 29 -30 April 2011 and some ancillary information about road closures for street parties.

The Government had decided that an additional 2 hours for alcohol sales would be allowed on alcohol licensed premises from 1 am. Some Temporary Event Notices (TENs) were anticipated for street parties where no alcohol would be served, although the number of applications should be low. Hertfordshire County Council had agreed to administer road closures for street parties to celebrate the event.

The Committee received the report.

RESOLVED – that the report be received.

617 TAXI PARKING ENFORCEMENT

The Director of Neighbourhood Services reported on taxi parking in Hertford. This had been investigated following concern expressed by Members at the previous meeting.

Taxis had been queuing outside the designated taxi rank in Railway Street. These were partially parked on the footway posing a safety hazard to pedestrians. The Parking Manager had been asked to ensure that parking

restrictions were enforced in the area particularly through the issue of Penalty Charge Notices (PCNs). He had been asked to liaise with the Police to enlist their support.

The Parking Manager had suspended the five minute observation period in Railway Street. He reported that parking enforcement had been carried out at hourly intervals, despite some hostility and threats to Civil Enforcement Officers (CEOs) from taxi drivers. 3 PCNs had been issued but none of these went to taxi drivers as they moved away when approached.

Parking Services proposed to advertise a Traffic Regulation Order designating the Fore Street rank the main rank for the town and converting some bays to free parking for a short period. This might help the problem.

In response to a number of concerns from Members, the Interim Licensing Manager advised that Officers had not encountered any resistance from Hertford's taxi drivers, which would tend to indicate that they were not worried about losing trade.

Councillor J Demonti said that taxi drivers should be issued penalty points for abusive behaviour towards CEOs.

The Committee received the report.

RESOLVED – that the report be received.

618 TAXI LICENSING FEES

The Director of Neighbourhood Services submitted an update in respect of changes to fees and charges in relation to Taxi Licensing, which had been subject to consultation and would come into effect on 1 May 2011.

The increases equated to an 11% rise. A new driver would now pay £200, half of which was a deposit with the remainder paid on approval of the licence. The fee for

renewing a licence would be £100.

The Committee noted the report.

RESOLVED – that the report be noted.

The meeting closed at 5.53 pm

Chairman

Date