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Jeff Hughes

*Head of Democratic and Legal
Support Services*

MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 9 JULY 2015
TIME : 4.30 PM

MEMBERS OF THE COMMITTEE:

Councillor Mrs R Cheswright (Chairman).

Councillors A Alder, P Ballam, R Brunton, K Crofton, G Cutting, B Deering, J Jones, P Kenealy, M McMullen, T Page, P Ruffles, N Symonds, J Taylor and C Woodward.

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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AGENDA:

1. Appointment of Vice–Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Member(s)' declaration(s) of interest.

5. Minutes – 26 March 2015

To confirm the Minutes of the meeting of the Committee held on Thursday 26 March 2015 (Previously circulated as part of the Annual Council Minute book for 20 May 2015).

6. Licensing Now and Next (Pages 5 – 16).

7. Licensing Activity – Quarter 1 of 2015 (Pages 17 – 26).

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

EAST HERTS COUNCIL

LICENSING COMMITTEE–9 JULY 2015

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

NOW AND NEXT IN LICENSING

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- To present to members details of recent, forthcoming and proposed changes to the various regimes under the remit of the Licensing section.

<u>RECOMMENDATION FOR LICENSING COMMITTEE: that</u>
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(A)	The report be received.
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1.0 Background

1.1 The Licensing section administers a number of different regimes and issues a wide variety of licences and authorisations.

1.2 This report details recent changes to those regimes, the work that the Licensing section will need to carry out in response and further changes proposed by central government.

2.0 Report

2.1 The draft revised Statement of Licensing Policy discussed at the last meeting of the Full Licensing Committee is currently with one of top Licensing Experts in the country for legal opinion before the 12 week public consultation is started. Members will be kept informed regarding the progress of the policy but the previous timeline has been moved back significantly.

2.2 Since 2012 central government have gone through a process of the deregulation of the licensable activities, including the provision of entertainment facilities, performance of plays, performance of dance, indoor sporting events, live music, recorded music, exhibition of films and boxing and wrestling (Olympic style Greco-

Roman and freestyle wrestling only). The last changes came into force on 06 April 2015.

- 2.3 There are a number of new exemptions which came into force on the above date. The details of the deregulation and exemptions can be found at **Essential Reference Paper 'B'**.
- 2.4 Personal licences were originally granted for a period of 10 years meaning that those issued in 2005 were due to expire this year. Just after Licensing Authorities started receiving applications for renewal, for which no renewal fee was prescribed, central government removed the requirement to renew. At this point all the personal licences we had received were returned to the holders and they were informed that renewal was no longer necessary.
- 2.5 Had this decision not been made the licensing authority would have had to issue approximately 600 renewed personal licences in 2015 with the association material and officer costs, none of which would have been recoverable.
- 2.6 There are a number of issues which will need to be dealt with in the future as a result of the decision to abolish the renewal being taken. These include personal licences that may contain a photograph that is in excess of 10 years old, licences that show an expiry date when they do not expire etc. However this is still a preferable option to the previous proposal which was to abolish personal licences completely which was strongly resisted by the trade and licensing professionals alike.
- 2.7 In 2012 changes were made to the legislation regarding Temporary Event Notices (TEN's) so that applicants could have a certain number of 'late' TEN's. This allowed premises users to submit TEN's with between 5-9 working days' notice as opposed to a normal TEN which requires a minimum of 10 working days' notice. With the Deregulation Act 2015 receiving Royal Assent in March 2015 the maximum number of TEN's that can be given for particular premises will increase from 12 to 15 per year from 01 January 2015.
- 2.8 This change is unlikely to cause any particular issues for residents. Well run venues will continue to have events without incident and those that undermine the licensing objectives can still be objected to by either the Police or Environmental Health. It is

likely to cause a small increase in the volume of TEN's received by the Licensing Authority.

- 2.9 Gambling Act 2005 Policy Statements are set for their biggest change to date. For the first time we are going to have to develop local area profiles, identifying, quantifying and mapping vulnerabilities and other relevant features in East Herts.
- 2.10 This radical new approach represents a major opportunity for local authorities to contain the number and distribution of gambling premises where there are issues and to enforce high standards of operation in areas where issues have been identified. However, policies will be under close scrutiny from the trade and open to potential challenge.
- 2.11 East Herts, as an authority, have to publish our policy following consultation and member approval by 31st January 2016. The consultation on the 5th edition of the Gambling Commissions 'Guidance to licensing authorities' closed on the 22nd June 2015 and we are awaiting the final version before embarking on the review of the policy statement.
- 2.12 Members will have seen on the news that there have been huge issues around child sexual exploitation in Rotherham. This resulted in the taxi licensing policy being significantly tightened so that the issues relating to the taxi trade are less likely to occur in the future.
- 2.13 Whilst there is no suggestion that similar issues are occurring in East Herts it seems best practice to take note of the lessons learned and review our own policy to ensure that similar issues are less likely to occur in the future.
- 2.14 Part of this review will include looking at the fees charged to the trade to ensure cost recovery is being achieved.
- 2.15 Changes to the policy will require careful drafting and a full 12 week consultation; this will be a significant piece of work for officers.
- 2.16 The revised knowledge test for Dual Driver applicants has now been in place for since April 2014. Comments from applicants have been taken on board by officers and this has resulted in a number of minor changes to the format.

- 2.17 The test is still held every two months and is in a two part written format. Part one is now the multiple choice section with five questions based on the handbook, taxi legislation and basic arithmetic (pass mark 4 out of 5). Part two now contains 25 questions about routes within the applicants chosen area, Hertford and Ware or Bishops Stortford and Sawbridgeworth (pass mark 20 out of 25).
- 2.18 Applicants that failed the knowledge test thought it was unfair that if they past one part of the test but failed the other that they would have to sit and pay for both parts again. This was changed so that if an applicant passed a section they only had to resit the part that they had failed, lowering the cost to the applicant and freeing up officer time.
- 2.19 Applicants requested that they receive specific feedback on how they had done rather than just a pass and fail mark. Officers agreed to this and now failure letters give some information about areas that need improvement. This has increased the officer time needed to mark the papers but has not had a significant impact as the group format does save some officer time.
- 2.20 The Licensing section is still working on signing a site management agreement (SMA) with the Professional Fundraising Regulatory Association (PFRA) to control direct debit collections throughout East Herts. Members requested that the SMA for Ware be amended to exclude narrow parts of the pavement. These areas have been identified and the details sent to the PFRA for the final version of the SMA to be produced which will subsequently be signed on behalf of East Herts Council.
- 2.21 The Licensing Section is still working on signing an agency agreement with Hertfordshire County Council Highway's to take over the licensing of pavement licences. This has been delayed due to Highways having to look at the resourcing implications of giving up responsibility for this work within East Herts. A meeting is scheduled to take place in between the drafting of this report and the Full Licensing Committee so I hope to be able to give a verbal update on the situation.
- 2.22 In the intervening time a number of complaints regarding tables and chairs on the highway have been received by East Herts planning. It is hoped that if the agency agreement can be reached that a coordinated approach by licensing and planning will prove

effective in addressing the issues whilst ensuring the minimum economic impact on businesses.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MId=2530>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/267737/Deregulating_entertainment_licensingQA_final.docx.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/328492/Entertainment_Licensing_Legislative_Reform_Order_Explanatory_Document.pdf

<https://www.gov.uk/government/publications/new-arrangements-for-personal-licences-due-for-renewal-in-2015>

<http://www.gamblingcommission.gov.uk/Publications-consultations/Consultations/Open-consultations/Consultation-on-Guidance-to-licensing-authorities-5th-edition.aspx>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401119/46966_Rotherham_Report_PRINT.pdf

<http://www.eastherts.gov.uk/index.jsp?articleid=30991>

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MId=2530>

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MId=2292>

Contact Member: Councillor G McAndrew, Executive Member for Environment and the Public Space.
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Contact Officer: Brian Simmonds—Head of Community Safety and Health Services, Extn: 1498.
brian.simmonds@eastherts.gov.uk

Report Author: Oliver Rawlings – Senior Specialist Licensing

Officer, Extn: 1629.
oliver.rawlings@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	No consultation has taken place, report for information only
Legal:	No issues identified by report author or contact officer
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer
Health and wellbeing – issues and impacts:	No issues identified by report author or contact officer

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Live Music

- Live **unamplified** music deregulated between 08:00-23:00 on any premises.
- Live **amplified** music deregulated between 08:00-23:00 provided the audience does not exceed 500.

However, live music can become licensable in on-licensable premises if the licensing authority removes the effect of the deregulation following a licence review.

Recorded Music

- Recorded music deregulated between 08:00 and 23:00 in on-licensed premises provided the audience does not exceed 500.

However, recorded live music can become licensable if the licensing authority removes the effect of the deregulation following a licence review.

Unlike live music – deregulation of recorded music does not apply to workplaces.

New exemptions

- Local Authorities
- Schools
- Hospitals
- Community Premises
- Circuses
- Greco-Roman or freestyle wrestling
- Incidental film

Local authority exemptions

Live music or recorded music between 08.00 and 23.00 at the non-residential premises of a local authority provided that

- (a) the audience does not exceed 500, and
- (b) the organiser gets consent for the performance on the relevant premises from the local authority concerned.

Any entertainment provided by or on behalf of a local authority on their own premises between 08:00 and 23:00.

Health exemptions

Live music or recorded music between 08.00 and 23.00 on hospital premises provided that:

- (a) the audience does not exceed 500, and
- (b) the organiser gets consent for the performance on the hospital premises from the healthcare provider concerned.

Any entertainment provided by or on behalf of a health care provider on their own hospital premises between 08:00 and 23:00.

Schools exemptions

Live music or recorded music between 08.00 and 23.00 on school premises provided that:

- (a) the audience does not exceed 500, and
- (b) the organiser gets consent for the performance on the premises from the school proprietor concerned.

Any entertainment provided by or on behalf of a school proprietor on their own school premises between 08:00 and 23:00.

Community premises

Live music or recorded music between 08.00 and 23.00 in a:

- church hall,
- village hall;
- community hall or other similar community premises.

that is not licensed to sell alcohol provided that:

- (a) the audience does not exceed 500, and
- (b) the organiser gets consent for the performance from a person who is responsible for the premises.

Travelling circuses

Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided:

- (a) it takes place within a moveable structure that accommodates the audience, and
- (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Olympic wrestling disciplines

A contest, exhibition or display of **Greco-Roman wrestling, or freestyle wrestling** deregulated between 08:00 and 23:00, provided that the audience does not exceed 1000.

Incidental Film

- Incidental film – an exhibition of moving pictures if it is incidental to some other entertainment activity.

Depends on the facts in each case.

Exhibition of films in community premises

No licence required for '**not-for-profit**' film exhibition held in **community premises** between 08.00 and 23:00 provided that the audience does not exceed 500 and the organiser:

- (a) gets consent to the screening from a person who is responsible for the premises; and
- (b) ensures that each such screening abides by **age classification ratings**.

Summary: What entertainment is still licensable?

- Any entertainment activity taking place between 11pm and 8am.
- Most forms of entertainment activity in the presence of an audience of more than 500 people (with a few exceptions).
- Any sexual entertainment

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EAST HERTS COUNCIL

LICENSING COMMITTEE–9 JULY 2015

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

LICENSING ACTIVITY – QUARTER 1 OF 2015

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

To update Members on activity in the licensing department re:

- Processing licences,
- Enforcement activity, and
- Other implementation of the Service Plan.

<u>RECOMMENDATION FOR LICENSING COMMITTEE: that</u>
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(A)	The report be received.
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1.0 Background

1.1 This report presents data by full quarters on processing and enforcement data, and Licensing Sub-Committee involvement, on licences, notices, and permits, and applications including:

- Alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003,
- Gaming under the Gambling Act 2005,
- Taxi drivers, vehicle proprietors and operators.

1.2 This report also records developments in the service that implement the Service Plan.

2.0 Report

2.1 See **Essential Reference Paper 'B'** for performance data for quarter 1 of 2015: 1 January – 31 March 2015. This contains the numbers of applications or notices received, and totals of current licences.

2.2 During this quarter the enforcement team have undertaken actions which are divided between visits, inspections and investigations. These have been analysed further and are recorded as:

All complaints regarding taxis and premises have been fully investigated.

2.3 In respect of premises, the breaches of the licences have been addressed in accordance with our Licensing Enforcement Policy. Currently at the time of reporting there are 7 outstanding invoices. There have been 2 premises suspended and no premises licence revoked due to non payment of fees.

2.4 A significant part of the enforcement team's work is to ensure that all documentation for taxi drivers and vehicles are current and licenses are valid. During this quarter 156 letters were produced.

2.5 Under the licensing points system a total of 18 points have been issued to 9 licence holders. This is continuing to contribute to improvements in drivers and proprietors behaviour.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Essential Reference Paper 'B' – Data.

Contact Member: Councillor G McAndrew, Executive Member for Environment and the Public Space.
graham.mcandrew@eastherts.gov.uk

Contact Officer: Brian Simmonds–Head of Community Safety and Health Services, Extn: 1498.
brian.simmonds@eastherts.gov.uk

Report Author: Robin Clark – Licensing Enforcement Manager, Extn: 1644.
robin.clark@eastherts.gov.uk

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	For information only, and no partner or external consultation has taken place.
Legal:	No issues identified by report author or contact officer
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer
Health and wellbeing – issues and impacts:	No issues identified by report author or contact officer

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ESSENTIAL REFERENCE PAPER 'B'

Q12015 – 01 January 2015 – 31 March 2015

Licensing Act 2003

Premises Licence	Totals
New	3
Variation	7
Minor Variation	6
Transfer of premises licence	14
Change of designated premises supervisor	26
Change of name and/or address	1
Cancelled/surrendered	0
Suspended	4
Other (Amendments, Renewal Fees)	55

Club Premises Certificates	Totals
New	1
Variation	0
Minor Variation	0
Transfer of premises licence	0
Change of designated premises supervisor	0
Change of name and/or address	7
Cancelled/surrendered	0
Suspended	0

Personal Alcohol Licences	Totals
New	29
Amendments (change of address etc)	12

Temporary Event Notices	Totals
TENs received	125
TENs withdrawn by premises user	7
Amended by premises user	2
Objections (Police or Environmental Health)	0

GAMBLING ACT 2005

Club Machine Permits	0
Small Society Lotteries – New and Renewal	24

Other (fast track, amendment to permit etc)	0
Betting Premises Licence	0
Licensed Premises Gaming Machine Permit	0
Notification of Gaming Machines	1

TAXIS

New Dual Drivers	6
Renewed Dual Drivers	88
Other (amendment to existing driver records etc)	7

New Private Hire Drivers	5
Renewed Private Hire Drivers	14
Cancelled/Surrendered/Lapsed	0
Other (amendment to existing driver records etc)	1

New Private Hire Operators	1
Renewed Private Hire Operators	3
Cancelled/Surrendered/Lapsed	0
Other (amendment, reissue of documents etc)	0

New Hackney Carriage Vehicles	4
Renewed Hackney Carriage Vehicles	62
Cancelled/Surrendered	1
Change of vehicle	28
Other (amendment, reissue of plate etc)	16

New Private Hire Vehicles	3
Renewed Private Hire Vehicles	5
Cancelled/Surrendered/Lapsed	1
Change of vehicle	1
Other (amendment, reissue of plate etc)	3

**TOTAL NUMBERS OF LICENSING SUB-COMMITTEE HEARINGS
BETWEEN 01 JANUARY 2015 AND 31 MARCH 2015**

Premises Licences	2
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TOTAL NUMBERS OF LICENCES AS AT 15June 2015

Premises Licences	509
Club Premises Certificates	39
Personal Licences	1581
Dual Driver	290
Hackney Carriage Vehicles	257
Private Hire Drivers	51
Private Hire Vehicles	57
Private Hire Operators	28

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