



MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 15 NOVEMBER 2017
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor D Andrews (Chairman)
Councillors P Ballam, R Brunton, Mrs R Cheswright, G Cutting (Vice-Chairman), B Deering, J Jones, M McMullen, T Page, R Standley, N Symonds and J Taylor.

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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. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

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

4. Minutes – 28 June 2017 (Pages 7 – 14)

To approve the Minutes of the meeting of the Committee held on Wednesday 28 June 2017

5. Licensing Sub-Committee – 26 June, 4 August, 25 August and 16 October 2017 (Pages 15 – 40)

To receive the Minutes of meetings of the Licensing Sub-Committee held on:

26 June, 4 August, 25 August and 16 October 2017

6. Presentation – The impact of Alcohol Misuse on the NHS

A Presentation on the impact of Alcohol Misuse on the NHS

7. Presentation – The impact of Alcohol Misuse on Police Resources

A Presentation on the impact of Alcohol Misuse on Police Resources

8. Licensing Activity Quarter 1 and Quarter 2 of 2017 (Pages 41 – 56)

9. 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

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MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 28 JUNE
2017, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors P Ballam, R Brunton,
Mrs R Cheswright, G Cutting, B Deering,
J Jones, M McMullen, T Page and
N Symonds.

ALSO PRESENT:

Councillors M Allen and P Ruffles.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

78 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor T Page and seconded by Councillor B Deering that Councillor G Cutting be appointed Vice–Chairman of Licensing Committee for the 2017/18 civic year.

After being put to the meeting, Councillor G Cutting was appointed Vice–Chairman of the Licensing Committee for the 2017/18 civic year.

RESOLVED – that Councillor G Cutting be appointed Vice–Chairman of Licensing Committee for the 2017/18 civic year.

79 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Standley and J Taylor.

80 CHAIRMAN'S ANNOUNCEMENTS

The Committee Chairman welcomed Members to the meeting. He thanked the Sub-Committee Members for determining a challenging application during a well handled hearing held on 26 June 2017. He stated that he had attended a seminar on the use of CCTV in taxis and he referred to resistance from the Taxi trade over the installation of CCTV inside taxis due to concerns linked to the Information Commissioners Office (ICO).

The Committee Chairman referred to some statistics from Brighton and Hove Council regarding the interrogation of a number of CCTV systems in Taxis and the types of issues this data was used to address. He commented on his initial opinions regarding whether East Taxi drivers needed CCTV. At this point, the Committee viewed footage recorded by a taxi driver who had had the presence of mind to record the abuse he had suffered during a recent incident inside his taxi between Hertford and Hoddesdon.

The Chairman stated that the ICO were more concerned with the audio elements of CCTV recording rather than the actual video. Councillor G Cutting detailed some more information regarding the incident viewed by the Committee. Members had a general debate regarding the use of CCTV in East Herts licensed vehicles.

The Service Manager (Licensing and Enforcement) referred to a trial of systems being carried out with Watford Borough Council. Councillor B Deering commented that many systems were in use ranging from single dash cams to complex multi camera systems.

Councillor J Jones stated that the Committee could look

at the issue again following analysis by Officers of the results of the Watford trial. Members agreed that a report be submitted by the Service Manager to the Committee once the results of the trial were known.

81 MINUTES – 16 MARCH 2017

RESOLVED – that the Minutes of the meeting held on 16 March 2017 be confirmed as a correct record and signed by the Chairman.

82 LICENSING SUB-COMMITTEE – 13 APRIL, 9 JUNE AND 12 JUNE 2017

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 13 April, 9 June and 12 June 2017, be received.

83 EAST HERTS COUNCIL SAFEGUARDING 2016/17 – SHARED INTERNAL AUDIT SERVICE REPORT

The Head of Housing and Health submitted a report updating the Licensing Committee on the results and recommendations of the Safeguarding Audit carried out by the Shared Internal Audit Service (SIAS).

The Service Manager (Licensing and Enforcement) referred to well publicised national incidents of child sexual exploitation involving taxis and the subsequent review of East Herts safeguarding carried out by SIAS. He explained that overall there was substantial assurance that the Council had effective controls for those elements of the risk management processes covered by this review.

Members were advised that, in respect of safeguarding responsibilities in relation to taxi licensing the report concluded that there were comprehensive licensing and driver conviction policies in existence and the Council had a strong process for application checks, including the requirement to provide details of convictions from outside

the UK. Other factors such as demeanour, general character and non-criminal behaviour were considered alongside convictions when determinations were made as to whether an individual was a fit and proper person to hold a licence.

The Service Manager advised that the audit had identified that the quarterly report had been withdrawn as Members had found the information included in it of limited use. It had been suggested that a revised report be put to the Licensing Committee on a quarterly basis with the content reflecting the needs of Members. A report would now be made to the Licensing Committee on a quarterly basis commencing in June 2017.

The SIAS had indicated that as regards Safeguarding, the audit had indicated that the direction of travel was moving towards full assurance. The work of the Committee had been reflected in the revocations of taxi drivers' licences and in training that had been arranged. A number of appeals had been dealt with by the Head of Housing and Health and some of these decisions had been taken with immediate effect.

The Service Manager referred to a recent judicial review application following the legal opinion that Stevenage Magistrates Court had made an unlawful decision. The court appeared to have elected to not make a decision regarding fitness and propriety. Members were reminded of the circumstances of this matter regarding the inappropriate behaviour of a taxi driver towards a 16 year old female passenger and the subsequent revocation of his Taxi Drivers licence by the Licensing Sub-Committee on 4 November 2016.

Councillor N Symonds referred to a campaign by the Royal National Institute of Blind People (RNIB) to prevent taxi drivers from refusing to take passengers with assistance dogs. The Service Manager explained that this could leave some blind people largely housebound if taxi drivers refused to take them. The Service Manager

updated the Committee regarding the prosecution of an East Herts Licensed Driver for refusing to take an assistance dog.

Following a comment from Councillor R Brunton regarding purple flag status for licensed premises in East Herts, the Service Manager explained the significant amount of work involved. The Service Manager detailed the range of activities that would have to occur if an application was made for purple flag status. Following a comment from Councillor J Jones, the Service Manager confirmed that a dedicated Officer or a consultant on a fixed term contract could prepare and co-ordinate an application for purple flag status.

Councillor G Cutting referred to the Overview and Scrutiny Committee and a possible piece of work around allowing a greater insight into licensing policies and alcohol licences and the effect these had on the emergency services.

The Service Manager confirmed to Councillors P Ballam and J Jones that he had been in conversations with Officers from Broxbourne Council regarding drivers from other areas occupying spaces on taxi ranks in East Herts. Members received the report.

RESOLVED – that (A) the information detailed in the report be noted; and

(B) Members' comments now detailed, be forwarded to the Head of Housing and Health.

84 LICENSING ACTIVITY – QUARTER 4 OF 2016/17
FINANCIAL YEAR

The Head of Housing and Health submitted a report updating Members in relation to statistics on processing licences, enforcement activity and implementation of the Service Plan for Quarter 4 of the 2016/17 financial year. The Senior Specialist Licensing Officer provided a

summary of the report and referred to Essential Reference Paper 'B' regarding licensing data for the relevant period.

The Committee Chairman referred to the possibility of more multi-agency campaigns on a number of issues detailed in the SIAS report. He referred in particular to complaints and test purchasing activity. Questions were asked regarding where Environmental Health report to regarding the licences they issue such as street trading and acupuncture. The Service Manager said that he would respond to Members with this information.

Councillor Mrs R Cheswright referred to the percentage of taxi drivers who had been issued with licensing record points. The Service Manager confirmed that this figure currently stood at 20%. Councillor Cheswright detailed a number of incidents she had witnessed involving Taxi Drivers.

Following a general debate regarding the conduct of taxi drivers, Members commented on a hardening of the policy approach towards taxi drivers and their conduct. Members referred in particular, to the issue of licensing record points, the expiry of documents and the reminders issued by the Authority. The Service Manager undertook to report back on this at the next meeting of the Committee.

Members debated the matters they would like to see reported to them within the reintroduced quarterly performance and update report. This report would be revised to reflect the needs of the Committee and Members' responses should be submitted to the Chairman. The Committee received the report.

RESOLVED – that the report be received.

The meeting closed at 8.16 pm

Chairman

Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 26 JUNE 2017,
AT 2.00 PM

PRESENT: Councillor George Cutting (Chairman)
Councillors R Brunton and J Jones.

ALSO PRESENT:

Councillors D Andrews, L Haysey, P Ruffles
and N Symonds.

OFFICERS IN ATTENDANCE:

Alimat Adenekan	- Senior Environmental Health Officer (Commercial)
Peter Agbley	- Licensing Officer
Jimmy Demetriou	- Assistant Environmental Health Officer
Mayrem Flint	- Solicitor
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Jeanette Thompson	- Senior Lawyer and Deputy Monitoring Officer

8 APPLICATION BY SWIM PRODUCTIONS LIMITED FOR A NEW PREMISES LICENCE FOR THE "CAMPO SANCHO" FESTIVAL

The Chairman outlined the procedure to be followed. All those present were introduced. The Chairman reminded those present that this was a reconvened hearing from

the Sub-Committee that had been adjourned on 12 June 2017.

The Licensing Officer summarised the application for a premises licence for the 'Campo Sancho' festival to be held over 3 days from 28 to 30 July 2017 and for 3 days in July each year going forward. The application had been received on 6 April 2017 and the revised consultation process had concluded on 10 May 2017. There had been no agreement with the Responsible Authorities and the applicant regarding any conditions for the premises licence.

Members were advised that 4 representations had been received, 3 of which had been from Hertfordshire Fire and Rescue, Hertfordshire Constabulary and Environmental Health as Responsible Authorities. The Licensing Officer referred to the same event held in 2016 under a Temporary Event Notice (TEN). Members were advised that it was for the Sub-Committee to attach weight to concerns regarding the application and whether the grant of a premises licence would undermine the 4 licensing objectives.

The Council's Legal Adviser referred to version 8 of the EMP as being the most recent Event Management Plan, to seek confirmation that all had received that version. All parties confirmed that they had. The Applicant referred to 'Campo Sancho' as a small event that had been run previously in 2016 under a Temporary Event Notice (TEN) for up to 499 people. The event was intended to be up to 1,500 people and would continue to be a small event when compared to Glastonbury.

Members were advised that 2017 ticket sales would be limited to 800 with the limit raised to 1,100 tickets in 2018 and 1,300 in 2019. The intention was that this would be a family orientated event and those attending 'Campo Sancho' would be friends of the applicant plus friends of the applicant's friends and their friends. The applicant's solicitor referred to the CVs and expertise of the

specialists assisting with the event.

The Sub-Committee was advised that most attendees would arrive by car and there were car parking facilities for up to 300 cars. An online ticketing agent was being used and arrival at the festival between 11 pm and 6 am was being discouraged. An event management plan had been in place for the event covered by the TEN in 2016. Members were advised on the layout of the site, the location of the camping area as well as the areas within the site for regulated entertainment, a bar and a circus plus craft, music and nature workshops. The hours applied for were integral to the type and style of the event and were later than for a more permanent premises licence.

Members were advised of an operating schedule and a raft of conditions following the representations of Responsible Authorities. The challenge 25 policy would be used and any drinks would be in polycarbonate containers. The Sub-Committee was advised that version 8 of the event management plan did what was required for an event of this size.

Stephen Manuel, Hertfordshire Fire and Rescue Officer, stated that the fire service objections had not been withdrawn as 3 inspectors and operation fire crews agreed that the access remained unsuitable for fire appliances. The test referred to had only shown a fire engine descending the hill and the appliance had skidded. It was important to consider that fire crews often attended emergencies other than fires including life threatening medical conditions.

The Fire Officer explained that he was concerned whether the temporary road service would be maintained during the event as there was no evidence of this in the event management plan. He also expressed concerns regarding the demountable structures with particular reference to the numbers of people that could safely be accommodated. He also commented on confusion with

regard to the extent of external lighting and referred to concerns regarding the contingency plans for the evacuation of the festival site.

The Fire Officer concluded that a lack of communication had led to a disproportionate amount of costly work for the Fire Service. He responded to queries from Councillor J Jones regarding the lack of work undertaken to accommodate the disabled and he confirmed to Councillor R Brunton that Hertfordshire Fire and Rescue maintained their objection on the basis that 'Campo Sancho' would be an unsafe event.

The applicant's solicitor then addressed the issue of the police objection and conditions. Police Sergeant Ramirez, the police representative, explained that these had not been circulated to the Sub-Committee, as the Police were not prepared to recommend that the premise licence be granted. However, to aid the Sub-Committee, copies of the possible conditions were circulated should the Sub-Committee resolve to grant the licence. The applicant's solicitor stated that most were agreed. He commented that the requirements set out were covered by version 8 of the event management plan.

The police representative referred to the significant police time she had dedicated to ensuring the event management plan covered all 4 licensing objectives and was usable for the delivery of a safe event. She stated that the police had been in dialogue with the applicant since January 2017 with advice and explanations of what should be included. She explained that despite the plan being at version 8, there were still numerous issues with it. It was still very confusing and was contradictory.

The police representative was particularly concerned that there appeared to be a 5000 square metre discrepancy in the area of the site, as well as who was responsible for many key crucial safety aspects of the festival. She had concerns over the management structure. It appeared to be missing key people on safety with some having cross

over roles and it was unclear who the manager was. She said it was also confusing as to who was responsible for the event, having corresponded with various parties. She explained that it was not the role of the police to write the event management plan.

The police representative expressed concerns that there did not appear to be any fencing on site and the SIA Officers were underqualified to safely manage many aspects of the festival and the event management plan contained inconsistencies regarding how they would be deployed in various essential duties. The police had also been unable to determine with certainty that anyone had overall responsibility for the event. Sergeant Ramirez confirmed that it was the applicant's event and he must make it safe and the police maintained their position that the premises licence should not be granted.

The applicant's solicitor drew Members' attention to the areas of legislation that covered when conditions could be applied to a premises licence. He referred to a test conducted with a fire engine on sodden ground that the applicant felt proved that access for a fire engine was possible in the event of an emergency. The solicitor referred in detail to many sections of version 8 of the event management plan. The applicant's Fire Safety expert (Mr Allen) made submissions with the permission of the Sub-Committee. He had 18 years of experience in Fire Safety and 10 years in event safety management including advising larger scale events, such as the Brighton and Hove Pride event. He confirmed that he was content with the arrangements in place.

The applicant's solicitor commented that the applicant could not manage every conceivable risk and promise that people would not descend unannounced onto the site. He also detailed the elements of the police concerns that had been addressed and covered by conditions proposed by Hertfordshire Constabulary.

The Environmental Health Officer (EHO) confirmed that

the Noise Management Plan had satisfied Officers and Environmental Health had withdrawn the representation as Officers were satisfied regarding noise attenuation. He confirmed to Councillor J Jones that the noise levels were acceptable in relation to the camping area and wider area provided that the suggested levels were complied with. The EHO referred to the levels at which noise might become a statutory nuisance as opposed to a mild irritation.

Councillor R Brunton referred to the lake within the site and expressed concerns that Environmental Health had made no recommendations regarding this application. He referred in particular, to the danger posed by the lake and licensing objective for the protection of children from harm. He said that once at full capacity there could be a ratio of 4 children to one adult, running around, a fair amount of alcohol and a pond. The applicant's solicitor said that this was not a risk that had been raised, although it had been referred to in the risk assessment.

The Council's legal adviser sought and was given clarification from Hertfordshire Fire and Rescue that the bales for sound attenuation complied with fire hazard conditions. The applicant's solicitor confirmed to Members that out of date insurance documentation would be corrected should the premises licence be granted. Members were advised that the DJs to be used had been agreed with the police via the event management plan some time ago.

A query was also raised by Councillor R Brunton regarding the event management medical plan that had been produced and wondered who had been consulted on that. The Police representative said that they had seen it and that her concern related to there being only one paramedic between a 12 hour 7-7 shift pattern.

The applicant's solicitor confirmed that the medical plan was sufficient for this event. At the last TENs event they had only had one incident involving a sprained ankle.

The applicant and other parties were given the opportunity to make closing comments.

The applicant's solicitor said that every reasonable risk had been addressed. It was fair to say that there were criticisms for the way that the event management plan had been drafted but it was a proportionate response for the event.

The fire service confirmed their concerns and said that they were not convinced that the applicant believed in what they were doing and the application was just a tick in the box. The police representative reiterated her concerns and said that the event management plan had to be appropriate and usable to ensure that the event was run safely.

At the conclusion of the closing representations, the Sub-Committee withdrew with the Legal Adviser and Democratic Services Officer to consider the evidence. Following this they returned. The Chairman announced that the Sub-Committee had carefully considered all the evidence detailed in the report and those made by Responsible Authorities. After considering the evidence put forward, the Sub-Committee had read the material presented to it and had listened to all the evidence and submissions. The Sub-Committee had considered the Statutory Guidance and the Statement of Licensing Policy and had come to the conclusion that the application for a premises licence should be refused for the reasons now detailed.

RESOLVED – that the application to for a new premises licence be refused.

Reasons:

1. The Sub-Committee found that the licensing objectives of Public Safety, Prevention of Crime and Disorder, Protection of children from harm and Prevention of Public Nuisance

have not been met by the application and was not satisfied that any conditions attached to the licence could ensure the licence meets these objectives.

2. In respect of Fire and Rescue Services, the Sub-Committee was conscious that the service had attempted to resolve their public safety concerns and were not satisfied that the premises licence should be granted.
3. The Sub-Committee took on board the Hertfordshire Constabulary concerns regarding public safety, the prevention of crime and disorder and the protection of children from harm. It was conscious that in respect of the statutory guidance at Paragraph 2.1, the Licensing Authority should look to the Police as the main source of advice on crime and disorder, as well as other relevant representations with regard to other Licensing Objectives.
4. In particular the Police had highlighted that they had spent a significant amount of time providing advice on potential conditions and an event management plan that they would expect the applicant to produce and despite the Event Management Plan being at version 8, the Police maintained that it was contradictory and had some significant errors and that their concerns could not be addressed through Licensing conditions.

An appeal may be made against this decision within 21 days by the applicant, or those making a relevant representation. The 21 days begins with the day on which the parties were notified by the Licensing Authority of the decision.

The meeting closed at 5.28 pm

Chairman

Date

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MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 4 AUGUST 2017,
AT 2.00 PM

PRESENT: Councillor R Brunton (Chairman)
Councillors G Cutting and T Page.

ALSO PRESENT:

Councillors D Andrews and P Ruffles.

OFFICERS IN ATTENDANCE:

Peter Agbley	- Licensing Officer
James Ellis	- Solicitor
Meyrem Flint	- Solicitor
Peter Mannings	- Democratic Services Officer

9 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor T Page and seconded by Councillor G Cutting that Councillor R Brunton be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor R Brunton be appointed Chairman for the meeting.

10 MINUTES – 9 JUNE, 12 JUNE AND 26 JUNE 2017

RESOLVED – that the Minutes of the meetings held on 9, 12 and 26 June 2017 be confirmed as correct records and signed by the Chairman.

11 APPLICATION BY MR ERDAL DURMUS FOR A NEW PREMISES LICENCE FOR RUMBLES FISH BAR, 78 LONDON ROAD, SAWBRIDGEWORTH HERTFORDSHIRE, CM21 9JN

The Chairman outlined the procedure to be followed. All those present were introduced. The Licensing Officer advised that the application was for a new premises licence for the sale of alcohol for consumption on and off the premises. Members were advised that Rumbles Fish bar currently operated as a traditional fish and chips restaurant and take-away.

The Licensing Officer advised that Hertfordshire Constabulary and the Applicant had agreed that the requested hours for licensable activity would be amended in respect of the supply of alcohol for consumption on and off the premises as follows:

Monday to Sunday: 11 am – 8 pm (on sales)
Monday to Sunday: 11 am – 9 pm (off sales)

The times that the premises would be open to the public would not be amended from those detailed in paragraph 2.5 of the report submitted. Members were advised that a representation against the application had been received from 2 local residents and this related to the Public Safety and Prevention of Public Nuisance licensing objectives.

The Licensing Officer advised that the objectors had stated that car parking issues and disruption to residents would invariably lead to increased public nuisance should the licence be granted. This was not a relevant consideration with regards to the licensing regime given that the issue existed now and was not linked to licensable activity.

Members were further advised that the objectors had detailed issues that were already happening. They believed that the premises licence was unnecessary and would lead to increased noise, anti-social behaviour and litter within the vicinity of the premises. Members were reminded that necessity was specifically excluded from being a consideration as this was purely a business consideration so this part of the representation should be

given no weight.

Members should decide how much weight to attach to the assertion that nuisance would increase if the premises licence was granted. Members should only consider nuisance related to the licensable activity so unless issues occurring after 9 pm were directly attributable to alcohol sales from the premises then such matters could not be addressed by the licensing regime.

The Licensing Officer concluded that the objectors had been notified by the Licensing Authority of the reduction of alcohol hours and the additional conditions which had been agreed by the applicant. At the time of writing the report the objectors had not responded to confirm whether these amendments mitigated their concerns.

The applicant's agent presented the application on behalf of the applicant. She read out a statement from the applicant's business partner after being advised that this could not be circulated to Members as the objectors were not present to consent to this.

The agent referred to a good relationship with neighbours aside from a number of incidents of builders' vans being parked in front of the premises and across the entrance to the rear car park. Members were advised that this car park was clearly signposted.

Councillor G Cutting was assured by the agent that if any customer requested to solely purchase alcohol without food the sale would be rejected and all such cases would be logged in a refusal book. The agent also confirmed that all alcohol sales would be based on customer demand and would initially be limited to beer and wine. Other types of alcohol might be made available in future based on what customers were requesting when purchasing food.

Councillor G Cutting sought and was given clarification that 15 to 20 car parking spaces were available in the rear

car park if customers parked responsibly. The applicant confirmed that there was therefore no need for customers to park on the pavement and he had asked customers to move their cars to the rear car park.

The applicant confirmed to Councillor G Cutting that there were two sets of tables and chairs on the pavement either side of the front door to the premises and these were located on his land. He also confirmed to Councillor T Page that the premises could seat 8 customers inside and there would be no underage staff working on the premises.

The applicant gave assurances to the Sub-Committee that all waste oil would be secured in closed storage in the car park and he had a large 1200 litre bin which was always closed. He emphasised that whilst he could not follow all customers to check they were not being irresponsible with food containers he did pick up waste himself if he saw anything. The premises only used the bins linked to the business and were not using residents' bins.

The applicant assured Councillor R Brunton that the premises operated as a takeaway with seating as opposed to a restaurant. No deliveries would be made to customers and there was no intention to commence such a service. The applicant confirmed his 22 years of experience in the industry in both restaurants and takeaways. He confirmed that he had experience of alcohol sales.

The applicant confirmed that he had 10 CCTV cameras on site and he had a good relationship with the youngsters who regularly used the premises and their parents. He assured the Sub-Committee that although he did not know everyone in the community he knew his regular customers very well.

The applicant confirmed to the Council's legal advisor that he was agreeable to all of the conditions detailed in

paragraphs 5.6 and 5.7 on pages 33 and 34 of the report submitted. Councillor R Brunton referred to the police condition that required a premises licence holder to be on site at all times when licensable activities were taking place.

The applicant and the Licensing Officer were given the opportunity to make closing comments. At the conclusion of the closing representations, the Sub-Committee withdrew with the Legal Adviser and Democratic Services Officer to consider the evidence. The Legal Adviser returned to the Council Chamber to seek clarification regarding the names of the designated premises supervisor (DPS) and the premises licence holder.

Following this the Sub-Committee returned and the Chairman stated that having listened to the comments of the applicant, his agent and Officers, the Sub-Committee had decided that the licence be granted for the agreed lesser hours:

11 am – 8 pm (on sales)
11 am – 9 pm (off sales)

subject to the amended conditions as discussed and specified at paragraphs 5.6 and 5.7 of the report with condition 1 of the police conditions amended as follows:

1. The primary purpose of the premises was food led so alcohol can only be served to patrons purchasing hot food prepared on the premises and excluding packeted snacks.

RESOLVED – that the application for a premises licence be granted for the following reason:

- 1) Notwithstanding the concerns raised by the objectors, the Sub-Committee were mindful that granting the licence was in line with the policy of East Herts Council as the Licensing Authority.

The applicant and objectors would be informed of this decision in writing within 21 days and there was a right of appeal to the magistrates' court within 21 days from receipt of this decision notice.

The meeting closed at 3.42 pm

Chairman
Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 25 AUGUST 2017,
AT 10.00 AM

PRESENT: Councillor M McMullen (Chairman)
Councillors P Ballam and N Symonds.

ALSO PRESENT:

Councillors J Jones.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
James Ellis	- Solicitor
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

12 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor N Symonds and seconded by Councillor P Ballam 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.

13 MINUTES – 4 AUGUST 2017

RESOLVED – that the Minutes of the meeting held on 4 August 2017 be confirmed as a correct record and signed by the Chairman.

14 APPLICATION BY AFONSO AND PASSSOS LIMITED FOR AFONSOS COFFEE HOUSE , 32 HOCKERILL STREET, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 2DW

The Chairman outlined the procedure to be followed. All those present were introduced. The Service Manager (Licensing and Enforcement) advised that the application was for a new premises licence for the sale of alcohol consumption on the premises.

The Service Manager explained what additional conditions had been requested by the Police and the additional changes Officers felt were necessary. These were detailed in paragraph 5.9 of the report submitted. It was noted that two objections and a letter of support had been received.

The applicant's agent presented the application on behalf of the applicant. He referred to the applicant's previous experience and assured Members that alcohol, such as beer and wine, would only be sold with food. The agent referred to the actions and conditions proposed which the applicant had agreed to, which would address issues of concern. He stated that the applicant wanted to promote the licensing objectives and would work with neighbours to ensure the success of the business.

In response to a query from the Chairman, the applicant's agent confirmed that only three people at a time would be allowed to smoke at the front of the building and this would be monitored. He assured Members that appropriate signage would be displayed at all times.

The agent confirmed that, as requested by the Police, the applicant was happy to amend the licensing hours for the supply of alcohol consumption on the premises as follows:

Monday to Sunday
12:00 to 22:30

Premises open to the public

Monday to Sunday 08:00 – 23:00

The applicant's agent also confirmed acceptance of the amendments to the conditions as set out in paragraph 5.9 of the report. The applicant, his agent and the Licensing Officer were given the opportunity to make closing comments but had nothing further to add.

At the conclusion of the closing representations, the Sub-Committee withdrew with the Legal Adviser and Democratic Services Officer to consider the evidence. Following this, the Sub-Committee returned and the Chairman stated that, having carefully listened to the comments of the applicant, his agent, and Officers and notwithstanding the objections and concerns raised, the Sub-Committee was satisfied that with the additional conditions, (as amended at paragraph 5.9 of the report) and the reduced hours agreed with the Police, the licensing objectives would be met.

The Sub-Committee therefore granted the premises licence.

RESOLVED – that the application for a premises licence be granted for the following reasons:

Reasons:

- 1) Notwithstanding the concerns raised by the objectors, the Sub-Committee was satisfied that the additional conditions, as amended at paragraph 5.9 of the report submitted, mean that operations at the premises were unlikely to undermine the licensing objectives of public safety or prevention of public nuisance.
- 2) The application is consistent with East Herts Licensing Policy.

The meeting closed at 10.40 am

Chairman

Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE MEETING ROOMS A AND B,
CHARRINGTONS HOUSE, BISHOP'S
STORTFORD ON MONDAY 16 OCTOBER
2017, AT 2.00 PM

PRESENT: Councillor G Cutting (Chairman)
Councillors Mrs R Cheswright and J Jones.

ALSO PRESENT:

Councillors D Andrews, P Moore and
P Ruffles.

OFFICERS IN ATTENDANCE:

Peter Agbley	- Licensing Officer
James Ellis	- Solicitor
Meyrem Flint	- Solicitor
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

15 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Mrs R Cheswright and seconded by Councillor J Jones that Councillor G Cutting be appointed Chairman of the Licensing Sub-Committee for the meeting.

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

16 APPLICATION FOR A FULL VARIATION APPLICATION FOR CLUB 7, 7 STATION ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 3BJ

The Chairman referred to the 4 licensing objectives and outlined the procedure to be followed. All those present were introduced. The Licensing Officer advised that the application was for the full variation of the Premises Licence at Club 7, 7 Station Road, Bishop's Stortford, a venue known previously as The Fountain.

Members were advised that the application to vary the premises licence was received on 24 August 2017, but the application had been invalidated due to incorrect advertising. The applicant had corrected the error and the application was subsequently revalidated with the last date for objections re-calculated as 21 September 2017.

The Licensing Officer stated that the application sought to vary the current licence to extend licensable activities and operating hours and to amend some of the licence conditions. 2 objections had been received from a local resident and a nearby business.

The resident had referred to noise nuisance and how this would affect their quality of life. The resident had also referred to the prevention of crime and disorder and public safety. The business had referred to the non-promotion of the licensing objectives and, in particular, the prevention of crime and disorder and public nuisance.

The Licensing Officer concluded that Members must have regard to the application, relevant representations and the East Herts Licensing Policy and The Revised Guidance issued under Section 182 of the Licensing Act 2003. Members could take steps as they believed appropriate for the promotion of the relevant Licensing Objectives, having considered the individual merits of the case. Regarding this application, the Sub-Committee had the following options:

- grant the application in full;
- grant the application amended as appropriate (for example with modified conditions, timings or activities);
or
- refuse the application.

The Designated Premises Supervisor (DPS) stated that he believed that one of the objectors was a serial complainer. Members were advised that no one had confirmed that the noise from Club 7 was excessive. The application was to put this premises on a level playing field with Bacchus as the nearest commercial rival. The DPS pointed out that Club 7 could meet the 4 licensing objectives as effectively as Bacchus. He reminded the Sub-Committee that it was difficult for licensed premises to satisfy all residents all of the time.

Councillor Mrs R Cheswright commented on 2 incidents involving the police. The DPS confirmed that the police had been involved regarding one incident but the victim had been unwilling to work with the police in identifying the culprit. The other incident had resulted in people being asked to leave the premises.

The DPS advised that the clientele of Club 7 were a nice crowd that included airline workers, particularly on Monday evenings. Following a further query from Councillor Mrs R Cheswright, the DPS confirmed that no weapons had been involved in the incident and thorough searches were made of customers and ID scanning was in place. The premises had also subscribed to the Behave or Be Banned (BOBB) initiative.

The DPS confirmed to Councillor J Jones that as Club 7 was currently shutting at 2 am, people were leaving around 1:30 am to get to Bacchus as this was open later until 3 am. The applicant was seeking to ensure the viability of Club 7 by opening until 3 am. He explained that 2 doormen were in attendance until well after the venue had closed. Members were advised that Club 7 could be relatively empty by 2 am and customers dispersed quickly after leaving the premises.

Councillor G Cutting made a number of points regarding the 2 incidents, CCTV and the musical entertainment in Club 7. The DPS stated that the firewall had been

corrupted preventing access to the existing CCTV system. He confirmed that the same resident DJs had been active from Club 7 for some time and were typically playing for locals as there was no cult following from further afield. A new CCTV system had been installed that was fully accessible if necessary for the police.

The DPS confirmed to Councillor G Cutting that he had walked the immediate area around Club 7 and did not consider the premises to be unreasonably loud. An Environmental Health Officer from the Authority had visited the premises and had confirmed that she could not hear Club 7 from a nearby car park.

The DPS confirmed to Councillor Mrs R Cheswright that the premises had no members as such and the door team had worked in the area for 15 years. Any customers who were identified as banned under the BOBB scheme or anyone who was intoxicated were denied entry to Club 7.

The DPS confirmed that a new CCTV system had been installed that had met with the satisfaction of Officers from Hertfordshire Constabulary. The DPS and the Licensing Officer were given the opportunity to make a closing statement but they both confirmed that they had nothing further to add.

At the conclusion of the closing representations, all parties except the Legal Adviser and the Democratic Services Officer withdrew to allow the Sub-Committee to consider the evidence. Following this, all parties returned and the Chairman stated that the Sub-Committee had listened to the comments of the Licensing Officer and the Designated Premises Supervisor (DPS) and had considered the 2 written representations Members had received.

The Sub-Committee had decided to grant the application amended as appropriate, namely the supply of alcohol for consumption off the premises shall remain unchanged:

Monday to Sunday (10 am to 2 am)

The applicant and objectors would be informed of this decision in writing within 21 days and there was a right of appeal to the magistrates' court within 21 days from receipt of the decision notice.

RESOLVED – that the application for a full variation of the premises licence at Club 7, 7 Station Road, Bishop's Stortford, Herts, CM23 3BJ, be granted as amended for the following reasons:

1. The Sub-Committee were satisfied that on the evidence provided by the DPS, the variation would not compromise the 4 Licensing Objectives, in particular:
 - the Prevention of Crime and Disorder; and
 - the Prevention of Public Nuisance.
2. In the opinion of the Sub-Committee, off sales of alcohol until 3 am could potentially undermine the Licensing Objectives.

The meeting closed at 3.03 pm

Chairman
Date

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EAST HERTS COUNCIL

LICENSING COMMITTEE – 15 NOVEMBER 2017

REPORT BY HEAD OF HOUSING AND HEALTH

REPORT ON LICENSING ACTIVITY QUARTER 1 AND QUARTER 2 OF 2017

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To update Members on activity in the licensing department regarding:

- processing licences,
- enforcement activity, and
- other implementation of the Service Plan.

<u>RECOMMENDATION FOR DECISION:</u>	
(A)	That the report be received.

1.0 Background

1.1 The council's Licensing and Enforcement Team covers the licensing of taxi drivers and operators, licensed premises and temporary events notices, along with more infrequent applications relating to, among other things, scrap metal dealing and gambling.

1.2 This report presents data by full quarters on processing and enforcement, delegated decisions 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.

1.3 The report also contains details of projects being undertaken and service development.

2.0 Report

2.1 See **Essential Reference Paper ‘B’** for performance data for quarter 1 01 January – 30 June and quarter 2 of 2017: 1 July – 30 September 2017. This contains the numbers of applications or notices received, and totals of current licences.

2.2 During the first 2 quarters of 2017/18 the enforcement team have undertaken 155 actions which are divided between visits, inspections and investigations. These have been analysed further and are recorded as:

Type	2017/18 Quarter 1	2017/18 Quarter 2
Taxi inspections and investigations	5	0
Taxi complaints	12	11
Taxi camera investigations	3	0
Licensing Act 2003 complaints	4	9
Licensing Act 2003 premises visits	4	3
Checks of statutory notices	17	18
Gambling visits/complaints	0	0
Invoice visits/chase ups	31	35
Charity collection complaints	0	3
Total actions	76	79

All complaints have been fully investigated and have resulted in the appropriate action being taken in line with policy.

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 24 outstanding invoices. There have been 13 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 the last two quarters 141 documents have not been produced before the expiry date on record.

2.5 Under the licensing points system a total of 14 points have been issued to 2 licence holders.

2.6 For the year 2017/2018 new performance indicators for licensing have been included in the Housing and Health Service Plan and these can be reported on quarterly. These are detailed in the table below.

Performance indicator – cumulative (reported quarterly) within the year unless otherwise stated	Q1 2017/18	Q2 2017/18	Target
Percentage of valid personal licences processed within 2 weeks	88% (23/26)	93% (28/30)	85%
Percentage of valid temporary event notices processed within 72 hours	No data	91% (159/174)	90%
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	No data	76% (13/17)	99%
Percentage of driver’s licences issued within 30 working days of validation	100% (20/20)	87% (13/15)	95%

2.7 Work is ongoing with the last two performance indicators as the figures are being skewed due to applications which either received representations or applicants that have a criminal record or other matter outside of policy which must be considered.

2.8 Further details regarding decision making, project and policy work and licensing matters dealt with by Environmental Health can be found at **Essential Reference Paper ‘C’**. The quarter 1 data can be found in **Essential Reference Paper ‘B’**.

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

None.

Contact Member: Councillor Graham McAndrew – Executive Member for Environment and the Public Space.
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Contact Officer: Oliver Rawlings – Service Manager Licensing and Enforcement, Extn: 1629.
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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:	It has been identified by a SIAS audit that without a quarterly report, the Council is unable to evidence that it is effectively carrying out its enforcement responsibilities, leading to potential damage to its reputation and failure to meet its safeguarding responsibilities.
Health and wellbeing – issues and impacts:	No issues identified by report author or contact Officer

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ESSENTIAL REFERENCE PAPER 'B'

Quarter 1 data – 1st April 2017 to 31st March 2017
 Quarter 2 data – 1st July 2017 to 30th September 2017

Licensing Act 2003

Premises Licence	Q1	Q2	17/18 cumulative
New	6	5	11
Variation	5	12	17
Minor Variation	5	5	10
Transfer of premises licence	2	2	4
Change of designated premises supervisor	21	17	38
Interim Authority notice	0	2	2
Review	0	0	0
Cancelled/surrendered	0	0	0
Suspended	0	0	0

Club Premises Certificates	Q1	Q2	17/18 cumulative
New	0	0	0
Variation	0	0	0
Minor Variation	0	0	0
Transfer of premises licence	0	0	0
Interim Authority notice	0	0	0
Review	0	0	0
Cancelled/surrendered	0	0	0
Suspended	0	0	0

Personal Alcohol Licences	Q1	Q2	17/18 cumulative
New	26	30	56
Amendments (change of address etc)	16	13	29

Temporary Event Notices	Q1	Q2	17/18 cumulative
TENs received	241	174	415
Objections (Police or Environmental Health)	0	0	0
Refused	0	0	0

GAMBLING ACT 2005

	Q1	Q2	17/18 cumulative
Club Machine Permits – New	0	0	0
Small Society Lotteries – New	0		
Betting Premises Licence – New	0	0	0
Licensed Premises Gaming Machine Permit – New	0	0	0
Notification of Gaming Machines – New	1	0	1

CHARITY COLLECTIONS

	Q1	Q2	17/18 cumulative
House To House – New	3	0	3
Street Collections – New	10	14	24

This figure does not include direct debit collections or those charities with a National dispensation to collect who simply notify us of their intention to collect in East Herts.

TAXIS

	Q1	Q2	Cumulative
New Dual Drivers	8	13	21
Renewed Dual Drivers	14	1	15

	Q1	Q2	Cumulative
New Private Hire Drivers	14	7	21
Renewed Private Hire Drivers	4	1	5

	Q1	Q2	Cumulative
New Private Hire Operators	1	2	3
Renewed Private Hire Operators	0	0	0

	Q1	Q2	Cumulative
New Hackney Carriage Vehicles	77	89	166
Renewed Hackney Carriage Vehicles	89	91	180

	Q1	Q2	Cumulative
New Private Hire Vehicles	22	23	45
Renewed Private Hire Vehicles	33	31	63

	Q1	Q2	Cumulative
Courtesy vehicles	9	9	18

TOTALS at 30/09/2017

	30/09/2014	30/06/2017	30/09/2017	Variance
Premises Licence	506	480	484	+4
Club Premises Certificates	39	37	37	0
Personal Alcohol Licences	1536	1793	1830	+37
Betting Premises Licence	15	15	15	0
Dual Drivers	293	312	311	-1
Hackney Carriage Vehicles	259	266	259	-7
Private Hire Drivers	55	58	61	+3
Private Hire Vehicles	49	58	57	-1
Private Hire Operators	27	37	38	+1

Due to a change in the back of house systems it has not been possible to generate comparison figures for 2015 or 2016 so the table above shows the last recorded figures.

Figures regarding licensed vehicle numbers are routinely recorded so figures are available from 2013.

Date	Number of HC vehicles	Number of PH vehicles
June 2013	250	46
June 2014	254	44
June 2015	257	57
June 2016	257	56
June 2017	266	58

LICENSING RECORD POINTS ISSUED

	Q1	Q2
Points issued	10	4
Number of drivers issued points	1	1
Percentage of licence holders issued points*	0.3%	0.3%

*Based on 370 drivers

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Licensing Activity: April to September 2017

Licensing matters managed by the Licensing and Enforcement Team

1. Taxis

The activity over the period in question has been as follows:

New applications	42
New applicants who have attended training	42
Resits of knowledge test	20
Existing drivers who have attended update training	14
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman on the Licensing Committee	2 + 1 deferred decision (a) revocation for disqualification from driving resulting from 12 DVLA points for two instances of driving without insurance (b) revocation for 12 DVLA points for three instances of speeding (within 11 months) (c) deferred decision pending interview as the Applicant is in the armed services currently serving abroad
Decisions taken by Licensing Sub-Committee	1 (a) revocation due to repeated illegal parking and abuse of East Herts Council enforcement officer
Appeals against licensing points – decision by Head of Housing and Health	0
Upheld	n/a
Dismissed	n/a
Appeals of decision – decision by court	4 (<i>including one case heard on 23 June</i>)
Upheld <i>council not successful in defending its decision</i>	2 (a) revocation due to illegal parking and abuse of police officer (b) revocation due to

	repeated illegal parking and abuse of East Herts Council enforcement officer
Dismissed <i>council successful in defending its decision</i>	2 (a) revocation due to alleged sexual misconduct (b) revocation due to alleged sexual misconduct
Pending appeals <i>yet to be heard</i>	2 (a) revocation for 12 DVLA points for three instances of speeding (within 11 months). Stevenage Magistrates 20/11/2017 (b) revocation due to alleged sexual misconduct. Magistrates dismissed appeal and driver has appealed to Luton Crown Court, 24/11/2017
Prosecutions sought	1
Successful	0
Unsuccessful	1 (a) failure to accept passenger with a guide dog. Note: case to be considered separately under the council's policies
Judicial reviews	1 – the Judge has decided that there is a case to answer and the JR has been allowed

There is a strong desire among both members and officers to build on the council's work to promote high quality taxi licensing. To this end:

- the Service Manager – Licensing and Enforcement is currently carrying out a peer review of Uttlesford DC's taxi licensing policies and procedures. This is taking around one day a week from October to December inclusive. This peer review gives the opportunity to promote best practice from East Herts and learn from Uttlesford's strengths. As Uttlesford drivers can operate in East Herts, any actions to implement similar standards across the

boundary will have beneficial results in East Herts. Furthermore, reviewing their approach may enable Uttlesford to more successfully rebut approaches from drivers' whose applications have already been rejected by East Herts. The council is being reimbursed by Uttlesford at a level commensurate with the cost of the consultant backfilling the Service Manager.

- the Executive Member for Environment and Public Space is seeking a meeting with the minister responsible to taxi policy to discuss, among other issues:
 - different interpretations of 'fit and proper' being applied by different districts which can undermine efforts to raise standards in the wider locality
 - the need for all elements of the process to have a shared understanding of the licensing legislation. Is there a role for government in sponsoring / brokering joint training/awareness raising among licensing authorities, the courts, the police and so on?
 - the need to revisit the sub-contracting arrangements allowed for private hire whereby operators can, and regularly do, sub-contract work to taxis licensed outside of a district
 - promotion of electric taxis.

2. Premises

Applications that received representations during the statutory consultation period:

Premises	Application	Objector(s)	Outcome
Sainsbury's, Thorley, Bishop's Stortford	Extended hours for alcohol sales	Police	Objection withdrawn following amendment to application – no hearing required
Stone House, Hertford	Extended hours	Environmental Health	Objection withdrawn following amendment to application – no hearing required
Club 7, Bishop's Stortford	Extended hours	Another licensed premises and a resident	Granted by Licensing Committee with amended conditions

3. Policy development

The interplay between public health outcome and licensing decisions, particularly in regard to alcohol sales, is an interesting area that the licensing profession has grappled with for some time on a national basis.

The Licensing Act 2003 does not include public health outcomes as a material consideration when deciding on an application, apart from in instances where an evidence-based case can be made to pin a detrimental public health outcome very specifically to the premises in question and/or that premise's application.

To assist members' understanding and decision-making in this area, the following actions are underway:

- Licensing Committee, 15 November 2017 – Police and Public Health colleagues are attending to discuss the impact of alcohol misuse in their areas. The Service Manager – Licensing and Enforcement will facilitate a discussion between members and these attendees to explore if there is more that we can do to assist.
- in recognition of the growing night time economy in both Hertford and Bishop's Stortford and the residential growth in the town centres, officers have been asked to draft a position statement regarding licensing decision-making related to the night time economy. It is anticipated that a first draft will have been produced by the end of January 2018. Much of this is already covered in the council's Statement of Licensing Policy – see <https://www.eastherts.gov.uk/article/35119/Licensing-Policy> however, officers will draft a position statement encompassing:
 - who the relevant 'stakeholders' are, going beyond responsible authorities alone, and what should their reasonable expectations be of the licensing process
 - an outline of the Licensing Team's expectations of how the responsibility authorities could make their representations so as to make decision-making as transparent and robust as possible
 - triggers for enforcement action
 - an articulation of the benefits of well-run licensed premises to the district – economic and cultural/entertainment

- how the council will proactively support best practice in the night time economy, for example, by promoting the use of Live ID and making best use of CCTV
- the Licensing Team is currently reviewing the remaining policies which have not be reviewed over the last 18 months, including, among others, gambling and distribution of free literature. This work will culminate in revised policies coming to Licensing Committee for consideration prior to seeking approval from Full Council. It is anticipated that this work will be completed by the end of March 2018.

4. Audit of taxi driver decision-making

In August 2017, the Shared Internal Audit Service (SIAS) audited the council's arrangements for making decisions under its Convictions Policy.

SIAS reported that:

“We reviewed a sample of taxi licences and applications that were either refused or revoked by the Head of Housing and Health under delegated powers for compliance with the Taxi Licensing Convictions Policy. Our sample, which covered new applications, renewals and existing licences were found to be appropriately assessed and determined, and documentation held supported the decision made and would be adequate should an appeal be lodged.”

*“Based on the work performed during this audit, we can provide overall **full assurance** that there are effective controls in operation for those elements of the risk management processes covered by this review.”*

Licensing matters managed by the Environmental Health Team

5. Overview of licences

This section provides an overview of the number of active licences and those in the process of being reviewed/considered as at 13 October 2017.

Licensable activity	Active licences	Applications being considered / licences being reviewed
Animal boarding	15	0
Animal boarding (at home)	10	0
Animal boarding (day care)	0	1
Camping	1	0
Caravan sites	8	1
Dangerous wild animals	1	0
Houses in multiple occupation (HMOs)	45	10
Pet shops	6	0
Riding establishments	6	1
Skin piercing (personal)	187	5
Skin piercing (premises)	101	0
Street trading consent (mobile)	4	1
Street trading consent (occasional)	0	2
Street trading consent (static)	6	8
Zoos	2	0