



*Alison Stuart
Head of Legal and
Democratic Services*

MEETING : LICENSING COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 26 JUNE 2019
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor D Andrews (Chairman)
Councillors S Bell, R Bolton, B Crystall, A Hall, J Jones, M McMullen,
T Page, S Reed, M Stevenson, N Symonds and C Wilson

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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 Members' declarations of interest.

4. Minutes - 19 March 2019 (Pages 7 - 12)

To approve the Minutes of the meeting of the Committee held on Tuesday 19 March 2019.

5. Licensing Sub-Committee - 3 April and 20 May 2019 (Pages 13 - 28)

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

3 April 2019

20 May 2019

6. Report on Licensing Activity 2018-19 (Pages 29 - 48)

7. 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 TUESDAY 19 MARCH 2019,
AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman)
Councillors P Ballam, Mrs R Cheswright,
K Crofton, B Deering, J Jones, M Stevenson
and N Symonds

OFFICERS IN ATTENDANCE:

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

458 APOLOGIES

Apologies for absence were submitted on behalf of Councillors G Cutting, R Brunton, M McMullen and T Page.

459 MINUTES - 6 FEBRUARY 2019

Councillor J Jones proposed and Councillor B Deering seconded, a motion that the Minutes of the meeting held on 6 February 2019 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 6 February 2019, be confirmed as a correct record and signed by the Chairman.

460 CONSIDERATION OF DRAFT SUITABILITY POLICY IN RELATION TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Head of Housing and Health submitted a report advising that in August 2016, East Herts Council had implemented a convictions policy to be applied to applicants and existing licence holders in the Hackney Carriage and private hire trade. This policy had now been reviewed and amended in light of lessons learned, case law, best practice and updated guidance.

Members were being asked to endorse the wording of the new 'Suitability Policy' for an 8 week public consultation. The Service Manager (Licensing and Enforcement) referred to the institute of licensing guidance on suitability policies. Members were advised that the policy closely mirrored or was stronger than the Department for Transport (DfT) draft guidance which was currently out for consultation.

The Service Manager referred to the register of refused licenses that was run by the anti-fraud network. Every driver whose licence had been refused or revoked in the last 7 years would appear on the system.

Councillor P Ballam commented on the complicated nature of the process in respect of data security. The Service Manager confirmed that the system would flag to Officers if a driver had had an application refused or

revoked and only a limited number of Officers could search or input data into the system.

Councillor M Stevenson asked a number of questions which the Chairman requested that the Service Manager address outside of the meeting.

The Service Manager confirmed to Councillor N Symonds that taxi drivers could continue to work during the 21 day right of appeal period and could also continue to work if they appealed a decision to revoke or refuse their licence. Members were advised that the law would need to be changed to ensure every revocation would apply with immediate effect.

Councillor Mrs R Cheswright commented on the wording in the policy in respect of whether, regardless of their condition, people would allow a person about whom they cared to travel alone in a vehicle at any time of day or night. The Service Manager confirmed that 'fit and proper' was not defined in the policy and if Members had even the slightest of doubts then a licence should not be approved.

The Service Manager explained that vehicle licence holders would be subjected to Criminal Records checks if the policy was ultimately approved. The holders of proprietor's licences were not currently checked however and this matter needed to be looked at.

Councillor J Jones commented on driving offences and the circumstances whereby an existing licence would be revoked. The Service Manager advised that no applicants would be accepted with 7 or more DVLA

record points. Drivers who had accumulated 9 DVLA points had a set time period to pass a driving course or they would have to surrender their badges.

Members were advised that public safety takes precedence over a driver's livelihood. The Service Manager emphasised that a driver with 9 DVLA record points should not be considered fit to driver a taxi in East Herts. The Service Manager confirmed to Councillor M Stevenson the approach that was being taken in respect of Taxi Drivers who had taken controlled drugs.

The Committee had a general discussion in respect of CCTV in taxis. In response to comments from Councillor Mrs R Cheswright and the Service Manager in respect of the process whereby taxi drivers continued to drive until appeals were heard, the Chairman commented on work that had to take place with the Ministry of Justice to help judges understand how local authority licensing worked.

The Services Manager responded to a number of other queries from Members in respect of public safety and Officer delegated decisions and the issue of Taxi Drivers refusing to take passengers with assistance dogs.

Members received the report and endorsed the recommendation now detailed.

RESOLVED – that the draft 'Suitability Policy' be endorsed for an 8 week public consultation.

The meeting closed at 7.46 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 20 MAY 2019, AT
10.00 AM

PRESENT: Councillor T Page (Chairman)
Councillors B Crystall and J Jones

ALSO PRESENT:

Councillors S Reed and P Ruffles

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)
Claire Spendley	- Senior Environmental Health Officer
Paul Thomas-Jones	- Environmental Health Manager - Commercial
Holly Wilson	- Community Safety Support Officer

1 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Jones and seconded by Councillor B Crystall that Councillor T Page be appointed Chairman for the meeting. After being put

to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Councillor T Page be appointed Chairman for the meeting.

2 MINUTES - 3 APRIL 2019

It was proposed by Councillor T Page and seconded by Councillor J Jones that the Minutes of the meeting held on 3 April 2019 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 3 April 2019 be confirmed as a correct record and signed by the Chairman.

3 APPLICATION FOR NEW PREMISES LICENCE FOR STONE VALLEY SOUTH, HILLSIDE FARM, HILLSIDE LANE, GREAT AMWELL, WARE, HERTFORDSHIRE, SG12 9SH

The Chairman outlined the procedure to be followed. All those present were introduced. The Service Manager (Licensing and Enforcement) summarised the application made under the Licensing Act 2003 for a festival called 'Stone Valley South' to take place at the venue in fields adjacent to Hillside Farm, Hillside Lane, Great Amwell.

He detailed the licensable activities being sought by the applicant as part of a request for a new premises licence from Friday 24th to Sunday 26th May 2019.

The Sub-Committee was advised that representations had been received from the Police and from Environmental Health as Responsible Authorities and 35 representations had also been received from interested parties. The representations included concerns that this application would undermine all 4 of the licensing objectives.

The Service Manager stated that 10 comments had been received in support of the application. Following an amendment to the application, including changing the event to a time limited licence for one year, Environmental Health had withdrawn their representations. Members were advised that negotiations had been ongoing right up until the day of this Sub-Committee hearing.

The Sub-Committee was advised that the traffic management plan was evolving and it was for Hertfordshire County Council to judge whether the plan was adequate and appropriate. The event would not go ahead if the traffic management plan was not agreed. The traffic management plan would serve to prevent unreasonable traffic impact and keep people safe.

At this point, the Chairman commented on the prevention of public nuisance and public safety. The Applicant's legal representative stated that the applicant had 9 years' experience and was a very experienced licensing operator. The applicant was content to sign up to the police conditions endorsing the event management plan. This event was for this

year only and the applicant wished to run the event in a way that did not result in crime and disorder or undermine public safety.

In respect of the Parish Council objections, the Applicant's legal representative confirmed that very strict measures would be in effect and no alcohol would be allowed to be taken off site and only limited amounts were permitted in the campsite area. Members were advised that a zero tolerance policy towards drugs and psychoactive substances, also known as 'legal highs', would be in effect and all of this would be managed by Security Industry Authority (SIA) licensed security staff.

The Sub-Committee was assured that children at the nearby school would be safe from harm as it was unlikely that there would be any interaction between the children and those arriving to attend the festival.

The Applicant's legal representative advised that litter would not affect the wider community as litter management would be in effect on the site and the site would be restored to its original condition after the festival. The issue of noise nuisance had been resolved with Environmental Health and this objection had been withdrawn.

The Applicant's legal representative explained that maximum sound levels had been agreed with Environmental Health and a very experienced sound consultant had been working with the applicant. The Sub-Committee was advised that a noise complaints hotline would be in place for the Stone Valley South

festival weekend.

The Sub-Committee was also advised that very strict sound curfews would be in effect after 11 pm for the campsite area and after 12 midnight for the interior of the festival site. The Solicitor concluded that sales of alcohol would cease at 11 pm and all other licensable activity would cease at 12 midnight.

Mr Robson, a former Durham Police Licensing Officer, detailed his career and experience. He stated that the application should be judged on its own merits and advised that similar Stone Valley Festivals had been managed in an exemplary manner. Mr Robson further advised that the operation of this festival would not in any way, undermine the 4 licensing objectives and total consideration had been given to preventing the objectives from being undermined.

PC Simon Mullen, Hertfordshire Constabulary, summarised the police concerns and referred to a number of agreed conditions following discussions with the applicant. He stated that the event should not go ahead if an agreed traffic management plan was not in place as part of the event management plan. He referred to the need for condition 12 to be amended to reinforce the importance of this plan being submitted prior to the event.

The Chairman of Great Amwell Parish Council referred to the prevention of public nuisance with the Stone Valley South site being in close proximity to a quiet village residential area. He expressed concerns in respect of noise disturbance from a large number of

people arriving at and camping in this location. He also expressed concerns regarding crime and disorder being controlled on site and outside of the festival location.

The Parish Council expressed reservations in respect of Public Safety in terms of the traffic impact on the already busy highway due to the traffic entering and leaving the Van Hage Garden Centre. The Chairman of the Parish Council expressed concerns regarding car parking problems and the parking of cars linked to this festival and an existing car boot sale being a significant issue as parking in residential streets was unenforceable as there were no double yellow lines.

The Parish Council Chairman referred to the influence of the time pressures with an application that had been submitted so late. He concluded that this venue was inappropriate for an event of this type and scale.

Other persons, namely Mr and Mrs Ratcliffe, Mr Goding, Mr Pearce and Mr Mason raised a number of concerns including traffic, community protection, access and egress for this site and concerns that preparations were underway for the event taking place regardless of the outcomes of this Licensing Sub-Committee hearing. Concern was also expressed that children at a nearby after school club would be affected by the start of the festival on Friday.

Councillor T Page questioned the applicant in respect of event security and the proportion of door management staff that would be SIA trained. The applicant advised that 40 of the 60 door management

staff would be SIA trained and this was in excess of a ratio of 1 member of staff per 85 festival goers.

The applicant confirmed to Councillor J Jones that 1400 people had previously attended the Stone Valley Festival, including days of camping and there had been no incidents, no reported crime or noise issues with the venue being adjacent to a 60 mph road.

Councillor J Jones commented on the numbers likely to be present at the event. The applicant confirmed that 2,500 tickets were available and the maximum numbers permitted under the terms of the premises licence was 3,000, inclusive of all festival staff. The Police representative confirmed to Councillor Jones that the Police were satisfied with the Event Management Plan.

At the conclusion of the closing submissions, the Sub-Committee, the Local Authority's Legal Advisor and the Democratic Services Officer withdrew to allow Members to consider the evidence.

Following this, Members, the Local Authority's Legal Advisor and the Democratic Services Officer returned and the Chairman announced that the Sub-Committee had listened to the comments of Officers, the applicant, the responsible authorities and residents.

Members recognised the community's perception for the potential disturbance that could be caused by this event. With the exception of the traffic management plan, Members were confident that sufficient mitigation was in place to ensure a successful event.

With regard to the Traffic Management Plan, the Sub-Committee was reassured by the inclusion of condition 12 of the agreed Hertfordshire Police conditions, which requires agreement with Hertfordshire Highways and Hertfordshire Police, before the event can take place.

The application was granted subject to the conditions agreed with the Police and Environmental Health with condition 12 of the Police conditions amended as follows:

12. An external Traffic Management Plan must be submitted by 17:00 on 21 May 2019 and to be completed to the satisfaction of Hertfordshire Highways and Hertfordshire Constabulary prior to implementation.

The Sub-Committee stated that the conditions as agreed were appropriate to satisfy the 4 licensing objectives.

RESOLVED – that the application for a premises licence at Stone Valley South, Hillside Farm, Hillside Lane, Great Amwell, Ware be approved subject to the conditions agreed with Hertfordshire Constabulary and subject to an amended condition 12:

12. An external Traffic Management Plan must be submitted by 17:00 on 21 May 2019 and to be completed to the satisfaction of Hertfordshire Highways and Hertfordshire Constabulary prior to implementation.

4 URGENT BUSINESS

The Chairman advised that there was a matter of urgent business in the form of 6 Temporary Event Notices for Stone Valley Festival South at Hillside Farm, Pepper Hill, Great Amwell.

5 PREMISES USER ALEX HUTCHINSON - 6 TEMPORARY EVENT NOTICES FOR STONE VALLEY FESTIVAL SOUTH, HILLSIDE FARM, PEPPER HILL, GREAT AMWELL, HERTFORDSHIRE, SG12 9RZ

The Head of Housing and Health submitted a report inviting the Sub-Committee to consider 6 contested Temporary Event Notices (TENs). Members were advised that as a premises license had now been approved by the Sub-Committee, Members could transpose the conditions onto the 6 TENs applications.

At the conclusion of the closing submissions, the Sub-Committee, the Local Authority's Legal Advisor and the Democratic Services Officer withdrew to allow Members to consider the evidence.

Following this, Members, the Local Authority's Legal Advisor and the Democratic Services Officer returned and the Chairman announced that the Sub-Committee were satisfied that by imposing all of the conditions currently in existence on the premises licence, would be consistent with the four licensing objectives to allow the 6 temporary event notices to proceed.

The Local Authority's Legal advisor advised that the

conditions imposed onto the 6 TENs were not capable of being amended post the granting of the TENs, meaning that any subsequent revocation of the premises licence at appeal would not result in the removal of those conditions from the TENs themselves.

RESOLVED - that the 6 Temporary Event Notices for Stone Valley South, Hillside Farm, Hillside Lane, Great Amwell, Ware be allowed to proceed.

The meeting closed at 2.30 pm

Chairman
Date

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 3 APRIL 2019,
AT 2.00 PM

PRESENT: Councillor P Ballam (Chairman)
Councillors Mrs R Cheswright and
B Deering

ALSO PRESENT:

Councillors D Andrews, P Ruffles and
N Symonds

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Brad Wheeler	- Senior Licensing and Enforcement Officer
Victoria Wilders	- Legal Services Manager

13 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor B Deering and seconded by Councillor R Cheswright that Councillor P Ballam be appointed Chairman for the meeting. After being put to the meeting and a vote taken, the motion was

declared CARRIED.

RESOLVED – that Councillor P Ballam be appointed Chairman for the meeting.

14 MINUTES - 8 OCTOBER 2018

It was proposed by Councillor B Deering and seconded by Councillor R Cheswright that the Minutes of the meeting held on 8 October 2018 be confirmed as a correct record and signed by the Chairman.

RESOLVED – that the Minutes of the meeting held on 8 October 2018 be confirmed as a correct record and signed by the Chairman.

15 APPLICATION FOR VARIATION OF THE PREMISES LICENCE FOR THE HORN AT THE HALF MOON, 31 NORTH STREET, BISHOP'S STORTFORD

The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Licensing and Enforcement Officer summarised the application made under the Licensing Act 2003. He detailed the licensable activities being sought by the applicant and the requested hours outlined in paragraph 2.2 of the report. The Sub Committee was advised that 1 objection to the variation had been received regarding the prevention of public nuisance and that any decision should be evidence based.

The Sub-Committee Chairman asked why 14 year olds would be allowed on the premises of the Half Moon.

Mr Bell, Licence Holder explained that their other pub in St Albans had been operating without problem for 20 years and that the Licence Holder had worked closely with the Police, Licensing Authority and local residents. He confirmed that plus 14 years olds would only be allowed for certain music events and that it gave them somewhere to go. Mr Bell summarised the security arrangements in place and advised that everyone would be required to wear a wrist band and would be challenged. He detailed what type of music would be play by tribute bands, other artists and background music and how this would impact on opening and closing times and what audiences this may attract. Mr Bell emphasised that in terms of the objection, extra sound proofing had been installed including the use of acoustic and deadening foam to address any noise nuisance. He assured Members that he would continue to work with local residents to address issues.

In response to a query from the Chairman regarding the different types of events and what age groups these might be aimed at, Mr Bell advised that at weekends, Tribute Bands would attract an older audience interested in music from the 60s, 70s and 80s whereas plus 14s would attend Monday, Tuesday and Wednesday for a different genre of music. He explained that the Half Moon had a capacity of 220 people and that 40-50, 14 year olds might attend at any one time but that they needed to be accompanied by an adult.

Councillor B Deering queried the inclusion of "indoor sport" within the application. Mr Bell confirmed that

he would be happy to remove this. Councillor Deering queried point 5 (Essential Reference Paper B) adding that he felt the wording "at all times" was very wide and without pre-empting any decision, suggested that this should be more restrictive. Mr Bell supported the suggestion adding that he was prepared to add the days Monday, Tuesday and Wednesday to point 5 (Essential Reference Paper B) of the application.

At the conclusion of the closing submissions, the Sub-Committee and the Democratic Services Officer withdrew to allow Members to consider the evidence.

Following this, Members and the Democratic Services Officer returned and the Chairman announced that the Sub Committee had listened to the Licensing Officer, the applicant and the objection received. The Sub Committee felt that having carefully considered all relevant representations, having regard to the Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State and the further amendments put forward by the applicant to vary their applications, the application for variation of a premises licence be granted, subject to the following amendments proposed by the applicant:

- (1) Deletion from the application in relation to indoor sport;
- (2) Revision of Point 5 (page 30) of the report such that, events for plus 14 year olds be limited to any given Monday, Tuesday and Wednesday only, no later than midnight.

RESOLVED – that the application for the

variation of the premises licence, be approved as amended for the following reasons:

Reason for decision

Having considered the application the Licensing Sub-Committee listened to the report of the Licensing Officer and the applicant and read the interest parties representation. The Members felt that the conditions proposed by the applicant would promote licensing objectives and would address the interest parties concerns.

The meeting closed at 2.45 pm

Chairman
Date

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EAST HERTS COUNCIL

LICENSING COMMITTEE – 26 JUNE 2019

REPORT BY HEAD OF HOUSING AND HEALTH

REPORT ON LICENSING ACTIVITY 2018-19

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To update members on activity in the licensing department:

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

<u>RECOMMENDATIONS FOR LICENSING COMMITTEE:</u>
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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 1st April 2018 to 31st March 2019. This contains the numbers of applications or notices received, and totals of current licences.

2.2 During the financial year 2018-19 the enforcement team have undertaken 255 actions which are divided between visits, inspections and investigations. These have been analysed further and are recorded as:

Type	2018/19 totals
Taxi inspections and investigations	17
Taxi complaints	43
Taxi camera investigations	0
Licensing Act 2003 complaints	28
Licensing Act 2003 premises visits	13
Checks of statutory notices	64
Gambling visits/complaints	16
Invoice visits/chase ups	74
Charity collection complaints	0
Total actions	255

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 licensed under the Licensing Act 2003, the alleged 6 breaches of the licences have been addressed in accordance with our Licensing Enforcement Policy. A number of complaints are in relation to the same premises and from the same complainants.
- 2.4 At the time of reporting there are 6 outstanding invoices for annual fees under either the Gambling Act 2005 or the Licensing Act 2003. There have been 6 premises suspended under the Licensing Act and no premises licence revoked due to non-payment of fees.
- 2.5 The enforcement team's work involves insuring that all documentation for taxi drivers and vehicles is up-to-date and therefore ensuring licences are valid. During the financial year 2018-19 87 documents have not been produced before the expiry date on record.
- 2.6 Under the licensing points system a total of 30 points have been issued to 11 licence holders. The majority of these points were issued as a result of drivers breaching traffic regulation orders (TRO's), for example parking on double yellow lines with the rest mainly relating to failure to produce documents on time.
- 2.7 The figures for the quarterly performance indicators for licensing in 2018/2019 are detailed in the table below:

Performance indicator – cumulative (reported quarterly) within the year unless otherwise stated	2018/19	Target
Percentage of valid personal licences processed within 2 weeks	100%	85%
Percentage of valid temporary event notices processed within 72 hours	87%	90%
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	87%	99%
Percentage of driver’s licences issued within 30 working days of validation	97%	95%

- 2.8 Work is ongoing in relation performance indicators throughout the authority. Currently a number of the PI's are skewed if an application receives a representation or there is a matter outside of current policy that needs to be considered.
- 2.9 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'**.
- 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 Peter Boylan – Executive Member for Neighbourhoods peter.boylan@eastherts.gov.uk

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594. jonathan.geall@eastherts.gov.uk

Report Author: Oliver Rawlings – Service Manager Licensing and Enforcement, Extn: 1629. oliver.rawlings@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'

Data – 1st April 2018 to 31st March 2019

Licensing Act 2003

Premises Licence Applications	18/19 cumulative total
New	32
Variation	18
Minor Variation	14
Transfer of premises licence	21
Change of designated premises supervisor	109
Interim Authority notice	0
Review	2
Cancelled/surrendered	0
Suspended	6

Club Premises Certificates Applications	18/19 cumulative total
New	0
Variation	0
Minor Variation	0
Transfer of premises licence	0
Interim Authority notice	0
Review	0
Cancelled/surrendered	0
Suspended	0

Personal Alcohol Licences Applications	18/19 cumulative total
New	100
Amendments (change of address etc)	42

Temporary Event Notices Received	18/19 cumulative total
TENs received	882
Objections (Police or Environmental Health)	2
Refused	0

GAMBLING ACT 2005

New Applications	18/19 cumulative total
Club Machine Permits	0
Small Society Lotteries	28
Betting Premises Licence (Betting shops)	3
Licensed Premises Gaming Machine Permit	2

Notification of Gaming Machines	3
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CHARITY COLLECTIONS

	18/19 cumulative total
House To House – New	19
Street Collections – New	72

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

	18/19 cumulative total
New Dual Drivers	34
Renewed Dual Drivers	62

	18/19 cumulative total
New Private Hire Drivers	34
Renewed Private Hire Drivers	4

	18/19 cumulative total
New Private Hire Operators	6
Renewed Private Hire Operators	0

	18/19 cumulative total
New Hackney Carriage Vehicles	25
Renewed Hackney Carriage Vehicles	236

	18/19 cumulative total
New Private Hire Vehicles	25
Renewed Private Hire Vehicles	51

	18/19 cumulative total
Courtesy vehicles	33

TOTALS NUMBERS OF LICENCES

	30/09/2017	31/12/2017	06/06/2019	Variance from 2017 to 2019
Premises Licence	484	485	497	+12
Club Premises Certificates	37	36	36	0
Personal Alcohol Licences	1830	1851	1983	+132
Betting Premises Licence	15	15	14	-1
Dual Drivers	311	315	305	-10
Hackney Carriage Vehicles	259	265	251	-14
Private Hire Drivers	61	68	70	+2
Private Hire Vehicles	57	62	66	+4
Private Hire Operators	38	39	43	+4

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
December 2017	265	62
June 2019	251	66

LICENSING RECORD POINTS ISSUED

	18/19
Points issued	30
Number of drivers issued points	11
Percentage of licence holders issued points*	3%

*Based on 375 drivers

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Licensing Activity report: 1st April 2019 to 31st March 2019

1. Context

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 handling and gambling. This report summarises activity in this area for quarter 3 of 2017/18.

Licensing of food premises and other commercial businesses subject to regulatory activity is carried out by the Environmental Health team. Detailed quarterly statistics will not be available on this activity until after the end of December

Licensing matters managed by the Licensing & Enforcement Team

2. Taxis

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

New applications	68
New applicants who have attended training	68
Resits of knowledge test	19
Existing drivers who have attended update training	54
Decisions taken by Head of Housing and Health under delegation in consultation with the Chairman on the Licensing Committee	10
Appeals against licensing points – decision by Head of Housing and Health	4
Upheld	n/a
Dismissed	4

Appeals of decision – decision by court	1 (this was in relation to a premises licence review and a consent order agreed so appeal did not reach the courts)
Upheld <i>council not successful in defending its decision</i>	0
Dismissed <i>council successful in defending its decision</i>	0
Prosecution sought	0
Successful	0
Unsuccessful	0
Judicial reviews	0

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 continuing to work under contract for Uttlesford District Council. As a result UDC have implemented: a new suitability policy, new driver, vehicle and operator conditions, new emissions policy for licensed vehicles, a requirement for drivers to pass a driving proficiency test and to have held a drivers licence for 3 years, driver training at first application and at renewal.
- The current contract with UDC ends in September 2019.

3. Premises

During the last financial year 5 applications were decided by Licensing Sub-Committees. These related to a music festival, an off licence variation, a new licence application for a bowling centre and one variation application relating to a bar. In addition Members

decided a review application of a premise in Hertford which had be triggered by local residents. The decision of the Licensing Sub-Committee was subsequently appealed to court but was settled via a consent order negotiated by the Council's legal team.

In addition to those matters that were brought before a Licensing Sub-Committee 11 others received representations. Officers of the Licensing Authority mediated between the respective parties and satisfactory solutions were found resulting in representations being withdrawn and applications being granted without the need for a Licensing Sub-Committee to be held.

At times the Licensing Authority's ability to mediate has been hampered to some extent by responsible authorities making representations towards the end of the consultation period. This typically means that solutions cannot be negotiated with the applicant during the consultation period and thus disputed applications need to be heard by a Licensing Sub-Committee when this could possibly have been avoided. As allowed for under the legislation, negotiations can and do continue up until the start of the Licensing Sub-Committee meeting with, on occasion, a solution being agreed shortly before the meeting that leads to the responsible authority withdrawing their representation. This means the application is undisputed and the Licensing Sub-Committees either (a) needs to be cancelled, if the representations are withdrawn more than 24 hours ahead of the meeting or (b) the meeting goes ahead to, in effect, simply ratify the undisputed application in cases where the representations are withdrawn within less than 24 hours of the meeting.

It is hoped that the Night Time Economy Position statement will encourage all parties, including the responsible authorities, to engage at the earliest possible stage so that agreement is reached, where possible, within the consultation period.

4. Temporary Event Notices

Despite the authority receiving 882 TEN's none of these were referred to a Licensing Sub-Committee for decision. As Members are

aware only the Police and Environmental Health can object to TEN's. Often informal agreement is reached with premises users, TEN's are modified or even withdrawn meaning that a hearing is not required. On a number of occasions objection notices have been received but again negotiation between the parties has mean that a hearing can be dispensed with.

5. Future work and Policy development

Public Health in Licensing

The interplay between public health outcomes 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.

The Service Manager of Licensing & Enforcement was asked by the London School of Hygiene and Tropical Medicine for an interview as part of ExILEnS study which is Exploring the Impact of Alcohol Licensing In England and Wales. This followed on from earlier discussions held regarding the inception of the study. The study will run until March 2020 and is looking at one primary question:

Does intensive Public health engagement in alcohol licensing reduce alcohol harms, in local authorities where such activity exists, compared with authorities with low levels of activity, or none at all?

More information about the study can be found at:

<http://exilens.stir.ac.uk/>

Officers will report the outcomes to Members once the study findings are published.

Statement of Licensing Policy (Licensing Act 2003)

Steps have been taken to ensure that the authority is equipped with the policy and procedures to manage the changing night time economies in our towns. The first step was to introduce the Night Time Economy Position statement to lay out the authorities expectations of applicants and aid those that wish to comment on licence applications or are affected by late night licensable activities. The Licensing Team has undertaken to review the authorities Statement of Licensing policy in 2019 to keep this piece of work moving forward, despite the statutory review period meaning a review is not require until 2021.

Taxi Licensing

The authority is currently consulting on a revision of the Convictions Policy first introduced in 2016. The new Suitability Policy, as it now goes far beyond just considering convictions, will be applied to those in the Hackney Carriage and Private Hire trade. The original revision was approved by Licensing Committee for consultation and all responses will be bought back to the committee for consideration. We have worked closely with a number of neighbouring authorities whilst drafting this document and it is hoped that others will adopt the same document promoting consistency across the County. The consultation opened on 1st June 2019 and runs for 8 weeks closing at midnight on 27th July 2019. Details of the draft policy can be found here: <https://www.eastherts.gov.uk/suitabilitypolicy>

We have commissioned an unmet demand survey in relation to the provision of Hackney Carriages within the District. The report is in the final stages of being drafted and will include information such as whether there is any unmet demand for taxis in the District. The report from the survey will be bought before members at a later

date for consideration and as a result there may be matters that need to be addressed.

Following on from the introduction of the vehicle age and emissions policy other areas of taxi licensing will be reviewed including:

- New driver, vehicle and operator conditions; and
- Reviewing the Licensing Record Points scheme.

Licensing matters managed by the Environmental Health Team

7. Overview of licences

This section provides an overview of the number of active licences and those in the process of being reviewed/considered in the financial year 2018-19.

Licensable activity	Active licences	Applications being considered / licences being reviewed
Animal boarding	10	1
Animal boarding (at home)	10	0
Animal boarding (day care)	1	0
Camping	0	0
Caravan sites	0	0
Dangerous wild animals	0	0
Houses in multiple occupation (HMOs)	17	18
Pet shops	3	0
Riding establishments	4	0
Skin piercing (personal)	37	2
Skin piercing (premises)	15	2
Street trading consent (mobile)	4	0

Street trading consent (occasional)	0	0
Street trading consent (static)	3	1
Zoos	1	0

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