

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 12 JULY 2012,
AT 4.30 PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors W Ashley, P Ballam, E Bedford,
R Beeching, E Buckmaster, K Crofton,
J Demonti, Mrs D Hone, M McMullen,
P Moore, N Poulton, P Ruffles and J Taylor.

OFFICERS IN ATTENDANCE:

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

180 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor P Ruffles and seconded by Councillor M McMullen that Councillor N Poulton be appointed Vice–Chairman of the Licensing Committee for the 2012/13 civic year.

After being put to the meeting and a vote taken, Councillor N Poulton was appointed Vice–Chairman of the Licensing Committee for the 2012/13 civic year.

RESOLVED – that Councillor N Poulton be appointed Vice–Chairman of the Licensing Committee for the 2012/13 civic year.

181 APOLOGY

An apology for absence was submitted on behalf of Councillor P Phillips. It was noted that Councillor P Ruffles was in attendance as substitute for Councillor P Phillips.

182 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Councillor M McMullen for his hard work as Chairman of the Licensing Committee since October 2001 and also for Chairing meetings of the Licensing Sub-Committee since May 2001. The Interim Licensing Manager also thanked Councillor M McMullen on behalf of Licensing Officers.

The Chairman welcomed the new Members of the Committee to the first meeting of the civic year, including Councillor Mrs D Hone, who had previously been a Member of the Licensing Committee.

183 MINUTES - 8 MARCH 2012

RESOLVED – that the Minutes of the meeting held on 8 March 2012 be approved as a correct record and signed by the Chairman.

184 LICENSING SUB-COMMITTEE

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 22 February, 11 April and 14 May 2012 be received.

185 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Internal Services submitted a report on details of Members' attendance at meetings of the Licensing Sub-Committee since 16 May 2012.

The Committee received the report.

RESOLVED – that the report be received.

186 AMENDMENTS TO LICENSING ACT 2003; UPDATE ON EARLY MORNING RESTRICTION ORDERS

The Director of Neighbourhood Services submitted a report in respect of the consideration of a draft response

to Home Office consultation on Early Morning Restriction Orders (EMROs) and the Late Night Levy.

The Interim Licensing Manager advised that, following debate and amendment by Members, Officers had responded to Home Office consultation in respect of EMROs and the Late Night Levy, which should come into force on 1 October 2012.

Members were advised that secondary legislation might now exempt certain types of premises from EMROs. Venues that generally operated responsibly and did not contribute to alcohol related problems would be exempt, e.g. theatres, hotels or bingo halls.

The Interim Licensing Manager detailed the likely amounts that could be paid by premises in respect of a late night levy. He stressed that the amount paid would vary depending on how long a premises remained open after midnight. 70% of the levied funds would go to the police whilst the remaining 30% would go to the Local Authority.

Members were advised that the police were in favour of EMROs, whereby a venue was not permitted to be open during certain times, for example between midnight and 3 am. EMROs could be in force as early as March 2013. The Interim Licensing Manager stated however, that EMROs and the Late Night Levy were mutually exclusive so it was likely that only one of these options would be implemented.

Councillor R Beeching commented on whether the costs associated with collecting the Late Night Levy might prove to be more than the amount that could be retrieved. In response to queries from Councillors E Buckmaster and P Moore, Members were advised that the Late Night Levy would apply to retailers and would ultimately apply to anyone selling alcohol.

The Committee received the report.

RESOLVED – that the report be received.

187 GAMBLING ACT 2005: STATEMENT OF LICENSING PRINCIPLES

The Director of Neighbourhood Services submitted a report in respect of the 12 week consultation process during July to October 2012 relating to draft changes to the Statement of Licensing Principles under the Gambling Act 2005.

Members were advised that East Herts Council was responsible for issuing premises licences, permits and registrations across the District. As the Licensing Authority, East Herts Council was also required to prepare, consult and then publish a Statement of Principles that it proposed to apply in exercising its functions under The Gambling Act 2005. The Statement must be reviewed every three years and was now due for republication by 31 January 2013.

The Interim Licensing Manager reminded Members that the Authority had passed a 'no casino' policy under Section 166 of the Gambling Act on 24 February 2010. This resolution would remain in effect for three years unless revoked by Full Council.

Members were advised that the Authority would consider renewal of the 'no casino' resolution at the appropriate time. The Interim Licensing Manager referred Members to the Statement of Licensing Principles detailed in the report for the reasons why a 'no casino' policy had been approved in 2010.

In response to a query from Councillor N Poulton, the Interim Licensing Manager confirmed that references in the Statement of Licensing Principles to 'tracks' meant any venue where football, rugby or athletics and motor racing took place, such as the activities available at Rye House near Hoddesdon.

Councillor J Taylor proposed and Councillor E Buckmaster seconded, a motion that the wording in respect of Casinos on page 74 of the report now submitted be deleted from the Statement of Licensing Principles.

After being put to the meeting and a vote taken, this motion was declared LOST.

The Committee received the report.

RESOLVED – that the draft statement as detailed in Essential Reference Paper ‘B’ of the report submitted be supported for the purposes of consultation.

188 REPORT ON LICENSING ACTIVITY QUARTER 1 OF 2012

The Director of Neighbourhood Services submitted a report updating Members on activity in the Licensing Section, including the processing of licences, enforcement activity and the implementation of the Service Plan.

Members were advised that Officers had been noticeably busier in terms of the numbers of applications that had been received. Officers were processing these applications with the same or reduced resources.

The Interim Licensing Manager stated that, although there had only been 3 Sub-Committee hearings in the first quarter of 2012, Officers had processed significant volumes of paperwork. Members were advised that 53 licence holders had amassed a total of 122 East Herts Penalty Points, mainly due to missed appointments and a number of minor infractions.

The Committee was advised of case law that had found against a Local Authority in Cardiff whereby Taxi Driver licences had been automatically suspended or revoked

following the accumulation of penalty points. The Interim Licensing Manager advised that East Herts Council was acting lawfully in that any such cases would be brought before a Sub-Committee for a decision as to whether a Taxi Driver was a fit and proper person to hold a licence.

The Committee received the report.

RESOLVED – that the report be received.

189 AMENDMENT TO LICENSING ACT 2003;
IMPLEMENTATION OF THE LIVE MUSIC ACT 2012 AND
PROPOSALS FROM THE DCMS TO DE-REGULATE
SCHEDULE 1 LICENSING ACT 2003 (REGULATED
ENTERTAINMENT)

The Director of Neighbourhood Services submitted a report updating Members regarding the Live Music Act 2012 (a Private Members Bill with Government support), which had received Royal Assent on 23 March 2012, and was likely to be implemented on 1 October 2012, to allow time for the Section 182 Guidance to be amended.

Members were reminded that Officers had reported to Licensing Committee in March 2012 that the Department for Culture, Media and Sport (DCMS) was considering the responses received regarding the proposals to remove licensing requirements for the provision of entertainment facilities.

The Interim Licensing Manager stressed that this proposal would widen the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applied to live or recorded music instead of unamplified live music. The DCMS was still considering the consultation responses that had been received to date.

The Interim Licensing Manager summarised the licensing requirements that would be removed when the Live Music Act came into effect. Members would be able to reapply

conditions should there be an application for a review.

The Committee received the report.

RESOLVED – that the report be received.

190 EXPRESSION OF INTEREST FROM TAXI VEHICLE
CONDITION GARAGE

The Director of Neighbourhood Services submitted a report in respect of expressions of interest from an MOT testing station to provide taxi vehicle condition certificate testing facilities.

Members were advised that an expression of interest had been received from an MOT testing station that wished to provide vehicle condition certificate testing to drivers and operators in Bishop's Stortford.

The Interim Licensing Manager stressed that approving this application should be conditional on an existing garage surrendering its approved status, thereby keeping the number of approved testers at 10. Members were reminded that applications from operators outside of East Herts had previously only been approved where such facilities were not reasonably available elsewhere within the District.

In response to a query from Councillor N Poulton, the Interim Licensing Manager stated that Smithers Garages, 50 London Road, Bishop's Stortford would be prepared to surrender its approved status should this application be approved, on the grounds that there was not a significant taxi clientele in that area.

In response to a query from Councillor K Crofton, Members were advised that Officers regularly visited the approved garages to ensure standards were being maintained. In response to a comment from Councillor E Buckmaster, the Interim Licensing Manager confirmed that the existing garage in Bishop's Stortford and the new

garage had been in discussions regarding the current situation.

The Committee agreed that the inclusion of an additional taxi vehicle condition garage be refused on the basis that the number of approved testers in East Herts remained at 10.

RESOLVED – that the inclusion of an additional taxi vehicle condition garage be refused for the reason now detailed.

191 FEEDBACK ON CONSULTATION WITH TRADE – TAXI LICENSING POLICY – NEGATIVE RESPONSES RECEIVED TO PROPOSAL TO LIMIT TO 250,000 MILES

The Director of Neighbourhood Services submitted a report in respect of the consultation responses regarding proposals to apply an appropriate mileage restriction beyond which vehicles would not be re-licensed as taxis.

Members were advised that, in response to a consultation suggesting a limit of 250,000 miles for private hire vehicles, Officers had been contacted by a number of taxi drivers who were opposed to such a limit. The Interim Licensing Manager summarised the responses that had been received.

The Interim Licensing Manager explained that private hire vehicles tended to experience greater wear and tear from stop start driving whereas Hackney Carriages on similar mileages suffered less when used on longer journeys involving continuous movement.

Members were advised that a mileage limit of 250,000 miles would result in 16 vehicles no longer being available as private hire vehicles in East Herts. The Committee had a general discussion regarding the merits of a mileage limit for private hire vehicles.

Councillor E Bedford commented that a visual inspection

of a vehicle was more relevant than the mileage of that vehicle. Councillor K Crofton stated that there should no limit and Members should let the inspection regime maintain standards of the private hire vehicle fleet in East Herts.

The Interim Licensing Manager stated that the vehicle condition test was a visual inspection regime and provided an objective standard over which there could be no dispute. Members were advised that the key issue was the comfort and safety of the public being protected by high standards within the private hire vehicle fleet.

Councillor N Poulton proposed and Councillor J Taylor seconded, a motion that there should be no mileage limit for private hire vehicles in East Herts and the situation be reviewed in 1 year.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee agreed that there would be no mileage limit for private hire vehicles in East Herts and the situation be reviewed after 1 year.

RESOLVED – that there would be no mileage limit for private hire vehicles in East Herts and the situation be reviewed after 1 year.

The meeting closed at 5.45 pm

Chairman
Date