

MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 1 NOVEMBER
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, J Taylor and B Wrangles.

ALSO PRESENT:

Councillors G Jones and P Ruffles

OFFICERS IN ATTENDANCE:

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| Lorraine Blackburn | - Democratic Services Officer |
| Paul Newman | - Interim Licensing Manager |

371 APOLOGIES

Apologies for absence were received from Councillors P Philips and N Poulton.

372 CHAIRMAN'S ANNOUNCEMENTS

The Committee Chairman reminded Members that Councillor N Poulton was still ill, but that he was now in hospital in the UK. On behalf of Members, the Chairman wished him well.

The Chairman drew Members' attention to the email sent by Officers regarding the corrected Membership on the front page of the agenda.

373 **GAMBLING ACT 2005: STATEMENT OF LICENSING PRINCIPLES: RESPONSE TO PUBLIC CONSULTATION**

The Director of Neighbourhood Services submitted a report following the conclusion of an eight week consultation on the proposed changes to the Statement of Licensing Principles under the Gambling Act 2005, the detail of which was set out in Essential Reference Paper “B” of the report now submitted. Officers reported that no comments had been received during the consultation period.

Members noted that there had been no responses to the public consultation and requested that the draft Statement of Licensing Principles 2013 - 2016 be recommended to Council for approval.

RECOMMENDED – that (A) the report be received; and

(B) the Statement of Licensing Principles 2013 – 2016, as now submitted, be approved.

374 **MINUTES - 12 JULY 2012**

Councillor E Buckmaster stated that, in relation to Minute 187, Gambling Act 2005: Statement of Licensing Principles, it was Councillor N Poulton who had seconded the motion regarding the wording in respect of Casinos on page 74 of the report.

RESOLVED – that the Minutes of the meeting held on 12 July 2012, as now amended, be approved as a correct record and signed by the Chairman.

375 **LICENSING SUB-COMMITTEE**

RESOLVED – that the Minutes of the Licensing Sub-Committee meetings held on 26 June, 1 August, 20 August and 2 October 2012, be received.

376 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Neighbourhood Services submitted a report detailing Members' attendance at Licensing Sub-Committees including those attending as observers.

RESOLVED – that the report be received.

377 IMPLEMENTATION OF THE LIVE MUSIC ACT 2012

The Director of Neighbourhood Services submitted a report concerning the implementation of the Live Music Act 2012, the detail of which was set out in Essential Reference Paper "B" the report now submitted.

In response to a query from Councillor R Beeching concerning how this would affect the Performing Rights Organisation, the Licensing Manager advised that it would not make affect the Performing Rights situation. He advised how the new Act would impact on organisations with and without premises licences.

In response to a query from Councillor E Buckmaster, regarding a review of licences, the Licensing Manager advised that the Council, acting as a responsible authority, could seek a review of a licence following noise complaints.

In response to a query from Councillor K Crofton regarding busking, the Licensing Manager explained that busking could not be controlled because it was an activity which could not be licensed.

Members received the report.

RESOLVED – that the report be received.

378 PROPOSED INCREASE TO TAXI FEES AND CHARGES

The Director of Neighbourhood Services submitted a report regarding the need to increase all discretionary fees and charges by 2.5% and of the impact this would have on taxi

fees and charges, the detail of which was set out in Essential Reference "B" of the report now submitted. The Licensing Manager advised that Taxi drivers were already unhappy that the fees are considered to be too high. The Licensing Manager explained that the shortfall was £43,000 and that the Council was already subsidising fees and charges to approximately £32,000. The increase in fees and charges would recover approximately £11,000 of the shortfall.

Councillor R Beeching referred to the need to make savings in other ways, and suggested that there be more officer delegation.

Councillor K Crofton was unhappy about the proposed increase in fees and charges and suggested that not having legal representation at Licensing Sub-Committees might be a way of making savings. The Committee Chairman opposed this view stating that a legal presence at Sub-Committees was absolutely necessary given that some cases were very controversial and applicants frequently brought along legal support to argue their case. This view was supported by Councillors Mrs P Ballam and M McMullen.

The Licensing Manager explained the staffing levels within the licensing section and the demands on the team.

Councillor E Buckmaster explained that there was a need to continue to give good service and move towards reducing the level of subsidy that the Council now provided in terms of fees and charges.

The Committee agreed that the proposed increase of fees and charges be supported for progression through the budget process.

RESOLVED – that the proposed fees and charges as now submitted, be supported.

379 REVENUE FORECAST IF THE LATE NIGHT LEVY WERE TO BE INTRODUCED IN EAST HERTS

The Director of Neighbourhood Services submitted a report regarding the possibility of generating additional revenue by implementing a Late Night Levy. A breakdown of the potential revenue streams which might be generated, were set out in Essential Reference Paper "B" of the report now submitted.

The Licensing Manager explained that 70% of the revenue generated by the levy would be paid to the Police with the remaining paid to the Council to be spent on local matters. The Licensing Manager explained how the levy would work and that some of the 102 licensed premises might want to take advantage of the additional hour from opening their premises after midnight, after 1am and after 2am. There was the possibility of generating approximately £11,000 in revenue to the Council.

Councillor Mrs P Ballam commented that she was under the impression that all of the monies generated would be paid to the Police to help with policing the "night time economy". The Licensing Manager explained how the night time levy worked.

The Licensing Manager explained that Members did not have to agree to implement the levy, adding that the Police preferred early morning restrictions which would help with their shift patterns.

Members did not support the principle of implementing a late night levy.

RESOLVED – that the principle of implementing a late night levy not be supported.

380 REPORT ON LICENSING ACTIVITY QUARTER 2 OF 2012

The Director of Neighbourhood Services submitted a report providing an update on processing licences, enforcement activity and the implementation of the Service Plan for Quarter 2, the detail of which was set out in Essential Reference

Paper “B” of the report now submitted.

In response to a query from Councillor Mrs P Ballam regarding Taxi Driver monitoring, the Licensing Manager explained that with a full complement of staff, more enforcement action could be taken. He updated Members on current department staffing levels and their demands. The Licensing Manager urged Members to contact him where any possible breaches occurred.

Members received the report.

RESOLVED – that the report be received.

381 REPORT ON LICENSING ACTIVITY QUARTER 3 OF 2012

The Director of Neighbourhood Services submitted a report on licensing activity for Quarter 3 of 2012 in relation to processing licences, enforcement activity and the implementation of the Service Plan, the detail of which was set out in Essential Reference Paper “B” of the report now submitted.

Members received the report.

RESOLVED – that the report be received.

The meeting closed at 5.20 pm

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| Chairman |
| Date |