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MINUTES OF A MEETING OF THE
LICENSING COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 22 JULY 2010,
AT 4.30 PM

PRESENT: Councillor M P A McMullen (Chairman)
Councillors W Ashley, P R Ballam,
K A Barnes, R Beeching,
Mrs R F Cheswright, J Demonti, N C Poulton
and P A Ruffles.

OFFICERS IN ATTENDANCE:

Martin Ibrahim	- Senior Democratic Services Officer
Paul Newman	- Interim Licensing Manager

142 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors A L Burlton, N Wilson and B Wrangles.

143 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that additional information relating to
enforcement activity had been tabled and would be
considered as part of the Licensing Statistics item (Minute 150
below refers).

He also advised that information relating to Member
attendance at Licensing Sub-Committee meetings and the
number of appeals submitted would be considered at the next
meeting.

RECOMMENDED ITEM

144 NEW POWERS TO CONTROL LAP DANCING CLUBS

The Director of Neighbourhood Services submitted a report on the implications of the Policing and Crime Act 2009 (the Act) for the way lap dancing establishments were licensed.

The Committee noted that Section 27 of the Act reclassified lap dancing clubs as sexual entertainment venues and gave local authorities the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. In order to exercise this power, the Authority was required to pass a resolution to adopt these powers, if it so wished. If adopted, the provisions would allow applications to be refused on wider grounds than is permitted under the Licensing Act 2003.

The Interim Licensing Manager advised that there were no such premises within East Herts at present.

The Committee agreed to recommend that the new powers under Section 27 of the Act be adopted.

RECOMMENDED – that the new powers under Section 27 of the Policing and Crime Act 2009, be adopted.

RESOLVED ITEMS

145 MINUTES

RESOLVED – that the Minutes of the Licensing Committee meeting held on 11 March 2010, were approved and signed by the Chairman as a correct record.

146 STATEMENT OF LICENSING POLICY

The Director of Neighbourhood Services submitted a report advising the Committee on the review of the Statement of Licensing Policy.

The Interim Licensing Manager advised that the Authority was required to review its Statement every three years in accordance with the Licensing Act 2003. He detailed the changes made to the Statement and advised that a number of typographical errors would be corrected.

The Committee noted that the draft revised Statement would be issued for public consultation before being submitted to Council for adoption.

In response to Members' questions and comments, the Interim Licensing Manager undertook to include County Councillors in the East Herts area within the consultation.

The Committee approved the draft revised Statement, as now amended, for the purposes of statutory consultation.

RESOLVED – that the draft revised Statement of Licensing Policy, as now amended, be approved for the purposes of statutory consultation. DNS

147 TAXI LICENSING CONDITIONS AND POLICY

The Director of Neighbourhood Services submitted a report on the outcome of consultation with the taxi trade on the review of taxi licensing conditions and the proposed Taxi Licensing Policy.

The Interim Licensing Manager detailed the consultation responses and his comments on them. Where necessary, the proposed Policy had been amended to take account of the consultation responses received.

The Committee approved the recommendations as now detailed.

RESOLVED – that (A) the draft licensing policy be approved; DNS

(B) the draft revised vehicle conditions be approved; and DNS

(C) the draft code of conduct and penalty points schemes be approved. DNS

148 DELEGATED POWERS TO SUSPEND A TAXI DRIVER'S LICENCE OR TAXI VEHICLE PROPRIETOR'S LICENCE

The Director of Neighbourhood Services submitted a report requesting a delegation to him on the power to suspend a taxi driver's licence or taxi vehicle proprietor's licence, pending reference to a Licensing Sub-Committee.

The Committee noted the details of a recent incident leading to a revocation of a taxi driver's licence and the inability of the Director to suspend the licence pending the Sub-Committee hearing, as such powers were not in place.

The Committee agreed with the request, but asked that the proposed delegation be in consultation with the Chairman or Vice-Chairman of the Licensing Committee.

RESOLVED – that the Director of Neighbourhood Services be given delegated authority, in consultation with the Chairman or Vice-Chairman of the Licensing Committee, to suspend a taxi driver's licence or taxi vehicle proprietor's licence, and to require return of the licences, badges, roof light and taxi licence plate, pending reference to Licensing Sub-Committee of a report on that (those) licence(s), that includes a recommendation from Officers for revocation of the licence. DNS

149 NEW ANNEXE 1 MANDATORY CONDITIONS TO PREMISES LICENCES

The Director of Neighbourhood Services submitted a report advising the Committee of recent changes to the Licensing Act, which introduced new Annexe 1 mandatory conditions to premises licences that permit the sale of alcohol for consumption on the premises.

The Committee noted that reference to the new conditions would be included in the revised Statement of Licensing Policy.

In response to Members' questions and comments, the Interim Licensing Manager agreed that the condition relating to "irresponsible promotions" was vague and would be clarified by case law, as and when made.

The Committee agreed to receive the report.

RESOLVED – that the report be received.

150 LICENSING STATISTICS

The Director of Neighbourhood Services submitted a report on SD quarterly licensing activity.

The Interim Licensing Manager provided a verbal update on Members' activity and detailed enforcement action in the tabled document.

The Committee received the report.

RESOLVED – that the report be received.

151 LICENSING SUB-COMMITTEE

The Committee received Minutes of Licensing Sub-Committee meetings held on 23 March, 20 April 3 and 14 June 2010.

RESOLVED – that the Minutes of Licensing Sub-

Committee meetings held on 23 March, 20 April 3 and 14 June 2010 be received.

The meeting closed at 5.43 pm

Chairman
Date