

EAST HERTS COUNCIL

LICENSING COMMITTEE–9 JULY 2015

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

NOW AND NEXT IN LICENSING

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- To present to members details of recent, forthcoming and proposed changes to the various regimes under the remit of the Licensing section.

RECOMMENDATION FOR LICENSING COMMITTEE: that

(A)	The report be received.
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1.0 Background

1.1 The Licensing section administers a number of different regimes and issues a wide variety of licences and authorisations.

1.2 This report details recent changes to those regimes, the work that the Licensing section will need to carry out in response and further changes proposed by central government.

2.0 Report

2.1 The draft revised Statement of Licensing Policy discussed at the last meeting of the Full Licensing Committee is currently with one of top Licensing Experts in the country for legal opinion before the 12 week public consultation is started. Members will be kept informed regarding the progress of the policy but the previous timeline has been moved back significantly.

2.2 Since 2012 central government have gone through a process of the deregulation of the licensable activities, including the provision of entertainment facilities, performance of plays, performance of dance, indoor sporting events, live music, recorded music, exhibition of films and boxing and wrestling (Olympic style Greco-

Roman and freestyle wrestling only). The last changes came into force on 06 April 2015.

- 2.3 There are a number of new exemptions which came into force on the above date. The details of the deregulation and exemptions can be found at **Essential Reference Paper 'B'**.
- 2.4 Personal licences were originally granted for a period of 10 years meaning that those issued in 2005 were due to expire this year. Just after Licensing Authorities started receiving applications for renewal, for which no renewal fee was prescribed, central government removed the requirement to renew. At this point all the personal licences we had received were returned to the holders and they were informed that renewal was no longer necessary.
- 2.5 Had this decision not been made the licensing authority would have had to issue approximately 600 renewed personal licences in 2015 with the association material and officer costs, none of which would have been recoverable.
- 2.6 There are a number of issues which will need to be dealt with in the future as a result of the decision to abolish the renewal being taken. These include personal licences that may contain a photograph that is in excess of 10 years old, licences that show an expiry date when they do not expire etc. However this is still a preferable option to the previous proposal which was to abolish personal licences completely which was strongly resisted by the trade and licensing professionals alike.
- 2.7 In 2012 changes were made to the legislation regarding Temporary Event Notices (TEN's) so that applicants could have a certain number of 'late' TEN's. This allowed premises users to submit TEN's with between 5-9 working days' notice as opposed to a normal TEN which requires a minimum of 10 working days' notice. With the Deregulation Act 2015 receiving Royal Assent in March 2015 the maximum number of TEN's that can be given for particular premises will increase from 12 to 15 per year from 01 January 2015.
- 2.8 This change is unlikely to cause any particular issues for residents. Well run venues will continue to have events without incident and those that undermine the licensing objectives can still be objected to by either the Police or Environmental Health. It is

likely to cause a small increase in the volume of TEN's received by the Licensing Authority.

- 2.9 Gambling Act 2005 Policy Statements are set for their biggest change to date. For the first time we are going to have to develop local area profiles, identifying, quantifying and mapping vulnerabilities and other relevant features in East Herts.
- 2.10 This radical new approach represents a major opportunity for local authorities to contain the number and distribution of gambling premises where there are issues and to enforce high standards of operation in areas where issues have been identified. However, policies will be under close scrutiny from the trade and open to potential challenge.
- 2.11 East Herts, as an authority, have to publish our policy following consultation and member approval by 31st January 2016. The consultation on the 5th edition of the Gambling Commissions 'Guidance to licensing authorities' closed on the 22nd June 2015 and we are awaiting the final version before embarking on the review of the policy statement.
- 2.12 Members will have seen on the news that there have been huge issues around child sexual exploitation in Rotherham. This resulted in the taxi licensing policy being significantly tightened so that the issues relating to the taxi trade are less likely to occur in the future.
- 2.13 Whilst there is no suggestion that similar issues are occurring in East Herts it seems best practice to take note of the lessons learned and review our own policy to ensure that similar issues are less likely to occur in the future.
- 2.14 Part of this review will include looking at the fees charged to the trade to ensure cost recovery is being achieved.
- 2.15 Changes to the policy will require careful drafting and a full 12 week consultation; this will be a significant piece of work for officers.
- 2.16 The revised knowledge test for Dual Driver applicants has now been in place for since April 2014. Comments from applicants have been taken on board by officers and this has resulted in a number of minor changes to the format.

- 2.17 The test is still held every two months and is in a two part written format. Part one is now the multiple choice section with five questions based on the handbook, taxi legislation and basic arithmetic (pass mark 4 out of 5). Part two now contains 25 questions about routes within the applicants chosen area, Hertford and Ware or Bishops Stortford and Sawbridgeworth (pass mark 20 out of 25).
- 2.18 Applicants that failed the knowledge test thought it was unfair that if they pass one part of the test but failed the other that they would have to sit and pay for both parts again. This was changed so that if an applicant passed a section they only had to resit the part that they had failed, lowering the cost to the applicant and freeing up officer time.
- 2.19 Applicants requested that they receive specific feedback on how they had done rather than just a pass and fail mark. Officers agreed to this and now failure letters give some information about areas that need improvement. This has increased the officer time needed to mark the papers but has not had a significant impact as the group format does save some officer time.
- 2.20 The Licensing section is still working on signing a site management agreement (SMA) with the Professional Fundraising Regulatory Association (PFRA) to control direct debit collections throughout East Herts. Members requested that the SMA for Ware be amended to exclude narrow parts of the pavement. These areas have been identified and the details sent to the PFRA for the final version of the SMA to be produced which will subsequently be signed on behalf of East Herts Council.
- 2.21 The Licensing Section is still working on signing an agency agreement with Hertfordshire County Council Highway's to take over the licensing of pavement licences. This has been delayed due to Highways having to look at the resourcing implications of giving up responsibility for this work within East Herts. A meeting is scheduled to take place in between the drafting of this report and the Full Licensing Committee so I hope to be able to give a verbal update on the situation.
- 2.22 In the intervening time a number of complaints regarding tables and chairs on the highway have been received by East Herts planning. It is hoped that if the agency agreement can be reached that a coordinated approach by licensing and planning will prove

effective in addressing the issues whilst ensuring the minimum economic impact on businesses.

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

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MId=2530>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/267737/Deregulating_entertainment_licensingQA_final.docx.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/328492/Entertainment_Licensing_Legislative_Reform_Order_Explanatory_Document.pdf

<https://www.gov.uk/government/publications/new-arrangements-for-personal-licences-due-for-renewal-in-2015>

<http://www.gamblingcommission.gov.uk/Publications-consultations/Consultations/Open-consultations/Consultation-on-Guidance-to-licensing-authorities-5th-edition.aspx>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401119/46966_Rotherham_Report_PRINT.pdf

<http://www.eastherts.gov.uk/index.jsp?articleid=30991>

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MId=2530>

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MId=2292>

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